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GOVERNMENT OF KERALA

**Social Welfare (B) Department**

NOTIFICATION

G.O. (P) No. 47/2004/SWD.

*Dated, Thiruvananthapuram 7<sup>th</sup> July, 2004*

S.R.O. No. 713/2004.- In exercise of the powers conferred by Section 10 of the Dowry prohibition Act, 1961 (Central Act 28 of 1961) and in supersession of the previously existing Kerala Dowry prohibition Rules, 1992 the Government of Kerala hereby make the following Rules for carrying out of purpose of the said Act:-

1. *Short title and commencement.*- (1) These rules may be called.-

(1) Kerala Dowry Prohibition Rules, 2004

(2) They shall come into force on the date of their publication in the official Gazette.

2. *Definitions.*- In these rules, unless the context otherwise requires.-

(a) "Act" means the Dowry Prohibition Rules Act, 1961 (Central Act 28 of 1961);

(b) "Advisory Board" means a Board constituted in accordance with subsection (4) of section 8B of the Act to advise and assist Dowry Prohibition Officers;

(c) "Chief Dowry Prohibition Officer" means an officer of the State Government entrusted with the duties and responsibilities under these rules;

(d) "Regional Dowry Prohibition Officer" means an officer appointed as such by the State Government under Section 8B of the Act;

(e) "Probation Officer" means a District Probation Officer or Additional District Probation Officer or City Probation Officer appointed as such under the probation of Offenders Act, 1958 (Central Act 20 of 1958);

(f) "Police Officer" means an Officer in the State Police Department

(g) “Recognized Welfare Institutions or Organization” means an Institution or Organization recognized as such under sub-clause (ii) of clause (b) of sub-section (1) of Section 7 of the Act.

(h) “District Magistrate” and “Complaints” shall have the same meaning as respectively assigned to them and defined under the Code of Criminal procedure. 1973 (2 of 1974);

(i) The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. *Regional Dowry Prohibition Officers.*- (a) There shall be three posts of Dowry Prohibition Officers on a regional basis with independent charge, known as Regional Dowry prohibition Offices, one each at Kozhikode (North Zone), at Eranakulam (Central Zone) and a Thiruvananthapuram (South Zone) [in super session of the orders issued in G.O. (P) No. 3/90/SWD dated 2-2-1990 (S R O No. 145/90) assigning the additional charge of Dowry Prohibition Offices to the Revenue Divisional Officers].

(b) Three of the existing posts of U.S.N.P. Project Officer in the Social Welfare Department shall be re-designated as regional Dowry Prohibition Officer and shall be given independent charge of the post.

(c) The Regional Dowry Prohibition Officers shall function in the existing offices of the Regional Assistant Director of Social Welfare in Kozhikode, Eranakulam and Thiruvananthapuram, availing a of the existing facilities there and utilizing the services of the existing staff attached to those offices.

4. *Jurisdiction of regional Dowry Prohibition Officer.*- the area in respect of which the Regional dowry Prohibition Officer has to exercise jurisdiction and power under sub-section (1) of Section 8B of the Act shall be the area specified for the purpose in these Rules as given below, or as subsequently modified by a notification of the state Government in the official Gazette.-

(i) The Regional dowry Prohibition Officer (North Zone) shall have territorial jurisdiction over the districts of Kasaragode, Kannur, Kozhikode, Wayanad, Malappuram and Palakkad.

(ii) The Regional Dowry Prohibition Officer (Central Zone) shall have territorial jurisdiction over the districts of Thrissur, Eranakulam, Idukki and Kottayam.

(iii) The Regional Dowry Prohibition Officer (South Zone) shall have territorial jurisdiction over the districts of Alappuzha, Pathanamthitta, Kollam and Thiruvananthapuram.

5. *Procedure for filling complaints.*- A complaint may be filed by the party or a parent or other relative of such person or by any recognized Welfare Institution or Organization

in writing to the Regional Dowry Prohibition Officer either in person or through a messenger or by post.

6. *Additional functions to be performed by the regional Dowry Prohibition Officers.*- (i) he shall endeavour to create awareness among the public by organizing camps, publicity through Information & Broadcasting Department, Panchayat Samiti and other media against dowry and to involve local people for prevention of dowry.

(ii) He shall receive complaints for any offence under the Act from the party, parent or other relative of such person aggrieved or by any recognized welfare institution/organization [under Rule-2] in writing;

(iii) He shall maintain a register for the purpose of the Act to record all complaints, enquiries and results thereof and other relevant information connected therewith in the prescribed Form No. 1. He shall also maintain separate files with relevant records for each individual case;

(iv) he shall act as the member Secretary/Convener of the Advisory Board. He shall maintain regular contact with the members of the Advisory board for necessary advice and assistance from them. He shall inform the district Magistrate or any other person authorised by the State Government for the purpose, about all the affairs relating to operation of the Act, as and when necessary;

(v) He shall discharge his duties with due care, decorum, privacy and in a manner to uphold the dignity and harmony of family relationships:

(vi) The Regional Dowry Prohibition Officer's approach shall be primarily, preventive and remedial and prosecution shall be recommended or resorted to only if all other measures and directions are found ineffective or when parties fail to comply with the orders or direction within the stipulated time;

(vii) Every such complaint received by the Regional Dowry Prohibition Officer shall be serially numbered and duly registered in a register in Form No 1 annexed to these Rules;

(viii) The Regional Dowry Prohibition Officer shall scrutinize the complaint and if it is found that the nature and the contents of the complaints is such that it is apparently coming within the purview of Section 3 or 4 or 4A or 5 or 6 of the Act, he will immediately conduct an enquiry to collect such evidence from the parties and to the genuineness of the complaint;

(ix) The Regional Dowry prohibition Officers shall send quarterly reports to the Chief Dowry Prohibition Officer as to the number of complaints received under the Act and the action taken or the nature of settlement of the issue in Form No II annexed to these rules. The Regional Dowry prohibition Officer shall send such details or reports as may be required by Chief Dowry prohibition Officer or the Government from time to time.

(x) The regional Dowry prohibition Officer shall intimate or serve notices to the parties and witness of the date, time and place of hearing of the complaints in Form Bo. III annexed to these Rules.

(xi) Every petition shall be enquired into and heard and a finding recorded within a month from the date of its receipt.

(xii) Where on the date fixed for hearing of the complaint or petition or on any other date to which such hearing may be adjourned, the complaint or petitioner does not appear, the regional Dowry Prohibition Officer may in his discretion, either dismiss the complaints or petition for default or hear and come to a finding as to its merit which shall be recorded in the case file.

(xiii) The Regional Dowry prohibition Officers may utilize the services of District Prohibition Officers or Additional District Prohibition Officers or City Probation Officers of the area for collecting information or conducting enquiries or assisting in any stage of enquiries or proceedings relating to a complaint petition or application under the Dowry Prohibition Act.

(xiv) On receipt of requisition from the regional Dowry Prohibition Officer the Probation Officers shall conduct necessary enquiries collect information and furnish such detail or report promptly as requested by him.

(xv) Where any dowry is received by any persons other than the women and a complaints is received in respect of non-transfer of such dowry to the woman who is entitled to it in accordance with Section 6 of the Act, the Regional Dowry Prohibition Officer shall issue directions to the parties to transfer the same within the stipulated time.

(xvi) The Regional Dowry prohibition Officer shall make necessary enquiries regarding non observance of the provision of the Act in respect of the marriages held or proposed to be held within his jurisdiction.

(xvii) He shall ascertain and confirm by suitable means in respect of a many number of marriages as are held within his jurisdiction as to whether the provisions of the Act are being followed and are not being contravened.

(xviii) He shall render assistance to the police in investigating the complaint filed under the Act and the Court in the trial of the case.

(xix) He shall seek the guidance of Advisory Board in matters relating to their functioning under the Act;

(xx) The Regional Dowry prohibition Officer (Member Secretary/ Convenor of the Advisory Board) shall send a copy of the proceedings of each meeting of the Advisory Board, within a fortnight from the date of meeting to the District Magistrate with a copy to the State Government for information necessary action;

(xxi) He shall also perform such other duties as may be assigned in this regard by the State Government.

7. *Method of appointment duties and functions of Chief Dowry Prohibition Officer.*- (i) The State Government as per Notification G.O.(P) No.33/92 SWD dated, 20-8-1992 (S.R.O. No 68/93) have designated the Director of Social Welfare as the Chief Dowry Prohibition Officer, to administer and co-ordinate the work relating to dowry prohibition throughout the State;

(ii) The Chief Dowry Prohibition Officer shall co-ordinate the work of Regional Dowry Prohibition Officers and shall be responsible for creating consciousness and awareness to prevent dowry system among the public and to set out programmes with view to uproot the evil of dowry system:

(iii) The Chief Dowry Prohibition Officer shall be responsible for the preparation and submission of an Annual Report on the progress of implementation of Dowry Prohibition Act and related matters and of such statistics as may from time to time be required by Government.

(iv) The Chief Dowry prohibition Officer shall issue instructions to all the Department of the State Government to the following effect:-

(a) Every Government servant shall after his marriage furnish a declaration stating that he has not taken any dowry to the Head of Department. The declaration shall be signed by the wife, father and father-in-law;

(b) One specified day in a year is to be observed as Dowry Prohibition Day:

(c) Pledge is to be administered to the students in schools and colleges and other institutions not to give or take dowry.

8. *Procedure for prosecution of Officers.*- In all cases of complaints investigated by the regional Dowry Prohibition Officers when there is a prima facie finding as to the commission of an offence, the report shall be submitted to the competent Magistrate for prosecuting the offenders along with the statement recorded all other connected documents of the proceedings and a brief account of his findings. This report shall be deemed to be a report under section 173 of Code of Criminal Procedure, 1973 (Act 2 of 1974).

9. *Recognition of Welfare Institutions.*- A Welfare Institution or Organization primarily devoted to any of the following kinds of work and has rendered remarkable service in the field for a period of not less than 3 years will be eligible for seeking recognition under sub-clause (ii) of clause (b) of sub-section (i) of section 7 of the Act.

(a) Social Welfare, including care, protection and training of women.

(b) Organization of Women of a State –wide or All India Character Prominent Mahila Samajams or Women’s Organizations;

(c) Social Defence including care and protection of destitutes, Rescue of women and children.

(d) Any organization of lawyers interested in eradicating social evils.

(ii) Any Welfare institution or organization eligible under sub-rule (i) and desiring recognition shall make an application to the State Government in Form No. IV annexed to these rules together with a copy each of the Rules. Bye laws Article of Association lists of its members and office bearers and a report regarding its activities and past record of Social or Community Service.

(iii) The State Government may after making such enquiry by a Senior Officer of the Concerned department and after considering the report as to the nature and post record of service of the organization or institution which has presented the application in this regard, grant recognition for a period of five years which can be renewed after submitting a renewal application.

(iv) An application for renewal or recognition shall be submitted in Form No. V annexed to these rules in the manner prescribed in sub-rule (ii) of Rule 9 which shall be processed as per the procedure laid down in sub-rule (iii) and recognition shall be granted/renewed in cases where the working of the institution or organization is reported to be fairly satisfactory;

(v) The State Government may withdraw the recognition granted to an institution or organization if the working of the institution/organization is found or reported to be unsatisfactory by the Chief Dowry Prohibition Officer or other wise.

10. *Limitation and Conditions subject to which a Regional Dowry Prohibition Officer may exercise Powers of Police Officer.*- (a) Save and except the provisions of Chapters V of the Code of Criminal Procedure, namely the power of arrest of person without warrant, the Regional Dowry Prohibition Officer shall have the powers of a Police Officer under the said Code for the purpose of investigation and submission of report before the competent magistrate.

(b) Whenever the Regional Dowry prohibition Officer has reasonable grounds for believing that an offence punishable under this Act has been or is being or is about to be committed within his jurisdiction and that the search of any premises with warrant cannot be made without undue delay, he may, after sending the grounds of his belief to the District Magistrate search such premises without a warrant.

(c) Before making a search under sub-section (2), the regional Dowry Prohibition Officer shall call upon two or more residents of the locality in which the place to be searched is

situated to attend and witness the search and may issue an order in writing to them or any of them to do so.

(d) Any person, without reasonable cause, refuses or neglects to attend and witness a search under this rule, when called upon to do by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code (45 of 1860).

11. *Declaration of Regional dowry Prohibition Office as public servant.*- Every Regional Dowry Prohibition Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

12. *Protection of action taken in good faith.*- No suit or other legal proceedings shall lie against the Government. Chief Dowry Prohibition Officer, Regional dowry Prohibition Officer and any Police Officer or person assisting him or Probation Officer in respect of anything which is in good faith done or intended to be done in pursuance of the Act or the Rules.

13. *Interpretation.*- If any question arises relating to the interpretation of these rules, the same shall be referred to the Government for decision.

FORM NO. I  
[See Rule 6 Sub rule (iii)]

REGISTER OF COMPLAINTS PEITIONS

| <i>Sl No</i> | <i>List of Complaints</i> | <i>Name and address of petitioner</i> | <i>Relationship with the married couple</i> | <i>Date of marriage fixed or held</i> | <i>Date of receipt of petition complaint</i> | <i>Date of hearing</i> | <i>Nature of disposal</i> | <i>Initials of officer</i> | <i>Remarks</i> |
|--------------|---------------------------|---------------------------------------|---|---------------------------------------|--|------------------------|---------------------------|----------------------------|----------------|
| 1            | 2                         | 3                                     | 4   | 5                                     | 6  | 7                      | 8                         | 9                          | 10             |

FORM NO. II  
[See Rule 6 Sub rule (ix)]  
QUATERLY PROGRESS REPORT REGARDING THE IMPLEMENTATION OF  
DOWRY PROHIBITION ACT, 1961

| <i>Sl No</i> | <i>Details of petition/complaints received</i> | <i>From whom Name and address</i> | <i>Nature of complaints petition</i> | <i>Date of registration</i> | <i>Action taken</i> | <i>Nature of settlement of issue</i> | <i>Dated initials of the Officer</i> | <i>Remarks</i> |
|--------------|--|-----------------------------------|--------------------------------------|-----------------------------|---------------------|--------------------------------------|--------------------------------------|----------------|
| 1            | 2  | 3                                 | 4                                    | 5                           | 6                   | 7                                    | 8                                    | 9              |

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Regional Dowry Prohibition Officer

FORM NO. III  
[See Rule 6 Sub rule (x)]  
NOTICE TO APPEAR BEFORE REGIONAL DOWRY PROHIBITION  
OFFICER.....

To

(Name of person against  
whom complaint has been  
received and address)

Whereas your attendance is necessary to collect information and gather evidence to a complaint of ..... (State shortly the alleged offence) you are hereby required to appear in person before the Regional Dowry Prohibition Officer on the day of ..... at..... (time) in the Office of the ..... (place).

Regional Dowry Prohibition Officer

Dated the ..... day of 200.....

(Office Seal)

FORM NO. III  
[See Rule 9 Sub rule (ii)]  
FORM OF APPLICATION FOR RECOGNITION OF WELFARE  
INSTITUTION/ORGANIZATION

1. Name of the Welfare Institution/Organization

2. Full Address

3. Aims and Objectives

4. Name and address of the Head  
of the Institution/Organizations

5. Brief account of its activities

6. Justification for granting recognition

7. Has any such application been made  
previously, if so its results together  
with date, month and year

8. Any other particulars

Enclosures:

(1)

(2)

(3)

Place:

Date:

*Signature of the Head of the Welfare Institution/Organizations*

FORM NO. V  
[See Rule 9 Sub rule (v)]  
FORM OF APPLICATION FOR RENEWAL OF CERTIFICATION

1. Name of the Welfare Institution/Organization
2. Full Address
3. Brief account of the achievements  
during last five years
4. Name and address of head of the Institution / Organization
5. Certificate No., date and date of expiry
6. Any other particulars

Place:

Date:

*Signature of the Head of the Welfare Institution/Organizations*

By Order of the Governor,  
LIDA JACOB

**Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

Section 10 of the Dowry Prohibition Act, 1961 (Central Act 28 of 1961) empowers the State Government to make Rules for carrying out the purposes of the Act and the State Government had accordingly notified the Kerala Dowry Prohibition Rules, 1992 as per G.O.(P) No. 2/92/SWD dated, 30-1-1992 (S R O No. 100/92) for the purpose. But the Supreme Court in W.P (Civil) No. 499/1997 had directed the State Governments to adopt a common, model Dowry Prohibition Rules prepared and forwarded by the Union Government for the strict enforcement and implementation of the provision of the dowry Prohibition Act.

This Notification, issued in super session of the previously existing Kerala dowry Prohibition Rules, 1992 is intended to achieve the above object.

