

Tripura Dowry Prohibition Ruels, 1991.

TRIPURA



GAZETTE

Published by Authority
EXTRAORDINARY ISSUE

Agartala, Tuesday, June 11, 2002 A. D. Jyaistha 21, 1924 S. E.

PART-IA—Orders and Notifications of the Government of India, Statutory notification of the Election Commission of India and Other Election Notification Published for general information. Orders and Notifications which have originally been published in the "Gazette of India" are only re-published.

Government of Tripura
Education (Social Welfare & Social Education) Department
No.F.87(5-1)DSWE/2001. Dated, Agartala, the 18th May,
2002.

NOTIFICATION

Notification No.F.28(19-1) SWE/86 dated 11.7.1991 issued from the Social Welfare & Social Education Deptt. Government of Tripura, Agartala is hereby re-published in Tripura Gazette for general information.

By order of the Governor,

B. C. Deb Barma

Under Secretary to the
Government of Tripura.

*Barcode
0021396*

Government of Tripura
Education Department
(Social Welfare & Social Education)

No.F. 28(19-1)SWE/86.

Agartala, the 11/7/1991,

NOTIFICATION

In exercise of the power conferred by Section 10 of the Dowry Prohibition Act, 1961 (28 of 1961), the Governor of Tripura is pleased to make the following rules namely :—

1. Short title and Commencement :—

- (i) These Rules may called the Tripura Dowry Prohibition Rules, 1991.
- (ii) They shall come into force from the date of their publication in the Official Gazette.

2. Definition :—

In these Rules unless the context otherwise required -

- (a) The “Act” means the Dowry Prohibition Act, 1961 as amended from time to time.
 - (b) “Government ” means the Government of Tripura ;
 - (c) “Selection” means a Section of the Act,
 - (d) “Dowry Prohibition Officer” means an officer appointed by the Government under the Act and authorised in this behalf to exercise the jurisdiction and powers under the provision of the Act.
 - (e) “Director” means the Director/Additional Director of Social Welfare & Social Education appointed by the State Govt.
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- (f) "District" "District Magistrate", "Police Station and Complainte" shall have the same meaning respectively assigned to them and defined under the Code of Criminal Procedure, 1973 (2 of 1974),
- (g) "Panchayet Samity" means a Local body as defined in the Tripura Block Panchayat Samities Act, 1978.
- (h) "Dowry" shall carry the same meaning as provided in the Act.

3. There shall be one Dowry Prohibition Officer in each District who shall exercise powers to implement the Dowry Prohibition Act, 1961 and other powers as included in these Rules.

4. Jurisdiction of the Dowry Prohibition Officer :—

The areas in respect of which the Dowry Prohibition Officer has to exercise jurisdiction and powers under the Act shall be the area specified for the purpose by a notification of the State Government in the official Gazettee.

5. Duty of the Dowry Prohibition Officer :—

Every Dowry Prohibition Officer shall exercise and perform the following powers and functions, namely :—

- (a) To see that the provision of this Act are complied with ;
- (b) To prevent as far as possible, the taking or abetting the taking of or demanding of dowry ;
- (c) To collect such evidence as may be necessary for the prosecution of persons committing offences under the Act , and

- (d) To perform such additional functions as may assigned to him by the State Government or as may be specified in the rules made under this Act.
6. Additional Functions to be performed by the Dowry Prohibition Officer, :—

The additional functions of every Dowry Prohibition Officer under the Act, should be as follows, :—

- (a) He shall make endeavour to create an awareness among the public publicity through the Department of information and Cultural Affairs, Panchayet Samity and other media against dowry and involve local people for prevention of dowry.
- (b) He shall receive complaint for any offence under the Act from party or person aggrieved or any other persons and make enquired into such complain without delay. If he is satisfied that the complaint is borne but by fact, he shall with the sanction order of the District Magistrate or the Sub-Divisional Officer or the Director of Social Welfare as the case may be or of any other Officer authorised in this behalf forthwith report the matter to the Chief Judicial Magistrate or the Sub-Divisional Magistrate, as the case may be, to bring the offender to justice.
- (c) He shall maintain a diary for the purpose of the Act to record all complaints, enquiries and results thereof and other relevant information connected therewith in form No. 1 appended to these Rules. He shall also maintain seperate files with relevant records for each individual case of complaints.

- (d) He shall act as the Gonvenor of the Advisory Board of Dowry Prohibition constituted for the area. He shall maintain regular contact with the members of the Advisory Board constituted for the purpose of the Act for necessary advice and assistance from them. He shall inform the District Magistrate or the Sub-Divisional Officer or the Director of Social Welfare as the case may be 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.
- (e) He shall submit to the District Magistrate or the Sub-Divisional Officer or the Director of Social Welfare, as the case may be, quarterly report or any other report in relation to the Act, as may be required by an order of the State Govt. in this behalf.
- (f) He shall keep in his custody all the list of persents submitted by the parties to any marriage under Rules 6 of these Rules and make entries relating to thereto into a register maintained for the purpose. He shall also examine these lists and ensure that observance of lists of provisions of the Dowry Prohibition.
(maintenance of lists of presents to the bride and bride-groom Rules, 1985, framed under this Act has been made in making the Rules.)
- (g) He shall also perform such other duties as may be required in this regard by a notification of the State Govt.

7. Limitations and conditions subject to which Dowry Prohibition Officer may exercise powers of Police Officer.
Save and except the provisions of Chapter V, VI, VII and XII of the Code of Criminal Procedure namely, the power of arrest of a person, power to compel appearance, power of search and power to investigate, the Dowry Prohibition Officer shall have the powers of a Police Officer under the Code for the purpose of and enquiry and report only of the fact of offence before a Court.

8. Submission of list of presents by parties to the marriage .:

The parties to any marriage or any of the parents of either of them shall furnish to the concerned Dowry Prohibition Officer within one month from the date of marriage, a copy of the list of presents prepared in accordance with the Dowry Prohibition (Maintenance of list of presents to the Bride and Bride-groom) Rules, 1985.

9. Constitution and Function of the Advisory Board. :-

(i) The State Government may by a notification in the official Gazette constitute an Advisory Board consisting of 5 Social Workers of whom two shall be women from the area of each Dowry Prohibition Officer.

(ii) The members of the said Board shall be appointed by the State Govt. from the area in respect of which such Board shall be formed, The tenure of such Board shall normally be five years and members thereof shall be eligible for re-appointment. The State Govt. shall however, have the right to supersede such Board without assigning any reason therefor or.

(iii) There shall be a Chairperson for each Advisory Board who shall be elected by the members of such Board and Dowry Prohibition Officer having jurisdiction over that shall act its Governor.

- (iv) The Governor shall, with the consent of the Chair Person call for meeting of the Board as frequently as necessary but at least once in every three months.
- (v) The membership of any member of the Advisory Board shall cease in case of such member remaining absent in three consecutive meetings of the Board without sufficient reason or for any other reason to be assigned by the Government to fill up the resultant vacancy a new member may be appointed by the State Government for the remaining period of the term.
- (vi) Three members including the Chairperson shall constitute the Board to transact the business of meeting of the Board.
- (vii) The Convenor shall send a copy of the proceedings of each meeting of the Advisory Board, within a fortnight from the date of the meeting to the District Magistrate or the Sub-Divisional Officer or the Director of Social Welfare, as the case may be, with a copy to the State Government for information and necessary action.

10. Declaration of Dowry Prohibition Officer as Public Servant. :—

Every Dowry Prohibition Officer shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

By order of the Governor,
P. R. Acharjee
Joint Secretary to the
Government of Tripura.

FORM-I

Vide Rule 6 (c)

1. Name of the complainant :
2. Address of the Complainant :
3. Nature and particulars of the complain. :
4. Date of the complain. :
5. Date of occurrence complain of :
6. Name(s) of the accused. :
7. Address of the accused. :
8. Relationship between the complainant and the accd, if any. :
9. Date (s) of enquiry by the Dowry Prohibition Officer. :
10. Findings of the Dowry Prohibition officer on enquiry. :
11. Views of the Dowry Prohibition Officer. :
12. Whether the case was placed before the Advisory Board on Dowry Prohibition. :
 - a) if yes, the date of such placement and
 - b) Views of the Board.

13. Date on which the sanction was obtained from District Magistrate, Sub-Divisional Officer. Director of Social Welfare : Government of Tripura, Agartala, as the case may be before filing complaints to the Court.
14. Date of report to the Court. :
15. A brief note on the judgement of the Court and the date of judgement thereof.

Signature of Dowry Prohibition
Officer. (Seal)