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NOTIFICATION

No. C. 18015/6/97-SWD, the 26th November, 1999. In exercise of the powers conferred under Sub-Sections (1) and (2) of Section 10 of the Dowry Prohibition Act, 1961 (28 of 1961), the Governor of Mizoram is pleased to notify, "The Mizoram Dowry Prohibition Rules, 1999" with immediate effect.

C. Chuaukunga,
Deputy Secretary to the Govt. of Mizoram,
Social Welfare Department.

No. C. 18015/6/97-SWD, the 17th August, 1999. In exercise of the powers conferred by sub-sections (1) and (2) of Section 10 of the Dowry Prohibition Act, 1961 (28 of 1961), as amended from time to time, the Governor of Mizoram is pleased to make the following rules, namely :—

1. SHORT TITLE AND COMMENCEMENT

- (1) These rules may be called the Mizoram Dowry Prohibition Rules, 1999.
- (2) They shall come into force at once.

2. DEFINITIONS

In these rules, unless the context otherwise requires,

- (a) "Act" means the Dowry Prohibition Act, 1961 as amended from time to time ;

(b) 'Dowry Prohibition Officer' means an Officer appointed by the State Government under sub-section (1) of section 8B of the Act, and authorised in this behalf to exercise the jurisdiction and powers under the provisions of the Act ;

(c) "Section" means a section of the Act.

3. JURISDICTION OF DOWRY PROHIBITION OFFICER :

The area in respect of which the Dowry Prohibition Officer shall exercise jurisdiction and powers under sub-section (1) of section 8B of the Act shall be the area specified for the purpose by a notification of the State Government in the Official Gazette.

4. ADDITIONAL FUNCTION TO BE PERFORMED BY THE DOWRY PROHIBITION OFFICER

The additional functions of every Dowry Prohibition Officer under clause (d) of sub-section (2) of section 8B of the Act shall be as follows :—

(a) He shall make endeavour to create an awareness among the public against dowry and to involve local people for prevention of dowry.

(b) He shall received complaint for any offence under the Act from the party or person aggrieved or any other persons and make enquiries in to such complaint withoht delay. If he is satisfied that the complaint is borne but by fact, he shall, with the sanction of the District Magistrate or the Sub-divisional Officer as the case may be, or of any other officer authorised in this behalf, forthwith report the matter to the Executive Magistrate or a Judicial Magistrate of the first class, 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 I appended to these rules. He shall also maintain separate files with relevant records for each individual case of complaints.

(d) He shall act as the convener of the Advisory Board on dowry prohibition constituted for his 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 Magistrate or the Director of Social Welfare, Mizoram, 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 Magistrate 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 Government in that behalf.

(f) He shall keep in his custody all the lists of presents submitted by the parties to any marriage under rule 6 of these rules and make entries relating thereto into a register to be maintained for the purpose.

(g) He shall also perform such other duties as may be required in this regard by a notification of the State Government.

5. LIMITATIONS AND CONDITIONS SUBJECT TO WHICH A DOWRY PROHIBITION OFFICER MAY EXERCISE POWERS OF POLICE OFFICER.

Save and except the provisions of Chapters 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 that Code for the purpose of enquiry and report only of the fact of offence before a Court.

6. 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 a list of presents to the Marriage within one month from the date of marriage.

7. CONSTITUTION AND FUNCTION OF ADVISORY BOARD.

(1) The State Government shall by Notification in the Official Gazette, constitute an Advisory Board consisting of five Social Welfare Workers, out of whom at least two shall be women, from the area of each Dowry Prohibition.

(2) The members of the said Board shall be appointed by the State Government 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 Government shall, however, have the right to supersede such Board without assigning any reason therefor.

(3) There shall be a Chairperson for each advisory Board who shall be elected by the members of such Board and the Dowry Prohibition Officer having jurisdiction over that area shall act as its convener.

(4) The convener shall with the consent of the Chairperson call for meeting of the Board as frequently as may be necessary but at least once in every three months.

(5) The membership of any member of the Advisory Board shall cease in case of such member remaining absent at three consecutive meetings of the Board without sufficient reasons 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.

(6) Three members including the Chairperson shall constitute the quorum to transact the business of the meeting of the Board.

(7) The convener 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 as the case may be, with a copy to the State Government for information and necessary action.

(8) OVER-RIDING EFFECT :

In case any provision of these rules comes in conflict with the customary laws and Religious practices of the Mizos, such customary laws and Religious practices will prevail upon.

FORM--I

(Vide Rule 4 (c))

1. Name of the complainant :
2. Address of the complainant :
3. Nature and particulars of the complainant :
4. Date of the complaint :
5. Date of occurrence complained of :
6. Name (s) of the accused :
7. Address of the accused :
8. Relationship between the complainant and the accused 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 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)