

THE BALOCHISTAN DOWRY AND BRIDAL GIFTS (RESTRICTION)
RULES, 1981

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RULES

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'THE BALOCHISTAN? DOWRY AND BRIDAL GIFTS (RESTRICTION)
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NOTIFICATION

[14 May, 1981]

No. Legis: 2-47/law/80. In exercise of powers conferred by section 10 of the Dowry and Bridal Gifts (Restriction) Act, 19763 (XLII of 1976), the Government of Balochistan is pleased to make the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Balochistan Dowry and Bridal Gifts (Restriction) Rules, 1981.

(2) They shall come into force at once.

2. Definitions. — In these rules, unless there is any thing repugnant in the subject or context,-

(a) "Act" means the Dowry and Bridal Gifts (Restriction) Act, 19767 (XLII of 1976);

(b) "Form" means a form appended to these rules;

(c) "Government" means the Government of Balochistan;

(d) "Jahez Khana" means a stock room where property forfeited under the Act is deposited and;

(e) "Khatib" means an Alim appointed as Khatib by the Auqaf Department, Government of Balochistan;

3. Valuation of property given or received as dowry, etc. — (1) The valuation of property given or received by either party to a marriage will be assessed at the

prevailing market price at the place where, and on the date when, such property was so given or received;

(2) Where the property is such that it involves wear and tear or is susceptible to depreciation, the assessment of value will be made after deducting the cost of such wear and tear or depreciation as had taken place up to the date on which such property is given or received;

(3) The cost of expenditure incurred in connection with a marriage shall be the market cost of the items of the expenditure prevailing at the place, and on the date when, such, expenditure was incurred.

4. Submission of declaration of expenditure. — (1) The declaration of expenditure referred to in sub-section (1) of section 8 of the Act shall be submitted in quadruplicate in form-D.

These rules have been issued by Government of Balochistan, Law Department vide its notification No. Legis: 2-47/law/80, dated 14 May, 1981; and published in Balochistan Gazette (Extraordinary) No. 78, dated 14" May, 1981.

Spelling of the word "Baluchistan", wherever it appears in these rules, is corrected by insertion of letter "o" instead of "u"; as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

It was passed by the Parliament and received the assent of President on 4th June, 1976; and published in the Gazette of Pakistan (Extraordinary), Part I, dated 15th June, 1976.

(2) In the case of Muslims, the declaration of expenditure shall be submitted by the father of the bridegroom or the person who has arranged the marriage to the Registrar of the area of which the bridegroom is ordinarily resident, —

(a) directly in case the marriage has taken place in Pakistan; and

(b) through the Consular Section of Pakistan Mission abroad located nearest to the place where the marriage, has taken place.

(3) Where the marriage between non-Muslims takes place in Pakistan, the declaration of expenditure shall be submitted directly by the father of the bridegroom or the person who has arranged the marriage to the Deputy Commissioner of the area of which the bridegroom is ordinarily resident in Pakistan.

(4) Where the marriage between non-Muslim citizens of Pakistan takes place outside Pakistan, the declaration of expenditure shall be submitted by the father of the bridegroom or the person who has arranged the marriage to the Deputy Commissioner of the area of which the bridegroom is ordinarily resident through the consular Section of the Pakistan mission abroad to the place where the marriage has taken place.

(5) The Deputy Commissioner shall, on receipt of the declaration of expenditure, either directly from the father of the bridegroom or the person who has arranged the marriage or through the Registrar, duly record and index it and preserve the declaration form for two years.

5. Restriction on certain proceedings. — No proceedings against any person referred to in the second proviso to section 4 of the Act shall be initiated without the prior approval in writing of the Government.

6. Investigation into complaints regarding violation of the Act.— (1) Complaints, if

any alleging violation of any provisions of the Act may be made in writing by any person attending a marriage ceremony under his signature or thumb impression within three months of the date on which the marriage or rukhsati has taken place giving in specific terms the

following:—

(a) Full particulars of the marriage to which the complaint relates.

(b) The facts as known to him.

(c) The nature of alleged violation.

(d) Evidence--- documentary or oral--- with complete particulars relied upon by him.

(e) Full name, address and telephone number, if any, of the complainant.

(2) All complaints should be addressed to the Deputy Commissioner to whom

declaration of expenditure is to be submitted under rule 4.

(3) On receipt of a complaint, the Deputy Commissioner, after such investigation as he may deem necessary, if satisfied that a *prima facie* case exists and after obtaining prior approval of the Government where required, may make a complaint in writing to the Family Court;

Provided that the Deputy Commissioner shall not take any action on anonymous complaints.

7. Procedure for the utilization of forfeited property. — The following

procedure is prescribed for the utilization of the property forfeited to the Government under section 9 of the Act:

(iv)

(v)

(vi)

(vii)

(viii)

(ix)

(x)

(i) The Family Court shall, immediately after passing an order forfeiting any property under the Act, send any intimation to this effect to the Federal Government in the Ministry of Religious Affairs and Minority Affairs (Augaf Wing), Islamabad, giving particulars of the property so forfeited and the location of such property and a copy thereof shall be endorsed to the Deputy Commissioner who had made the complaint.

(ii) On receipt of intimation from the Family Court, the Federal Government shall authorise a person hereafter in this rule referred to as authorised person, to receive from the court the forfeited property on its behalf and to deposit the same property in the Jahez Khana at a place to be specified in the authorisation.

(111) The authorised person shall prepare a complete inventory, in duplicate, of all items of the forfeited property giving serial number, full particulars of each item, that is to say, its cost and condition stating whether it is new, used, repaired or depreciated in value with appropriate remarks and get both copies signed and stamped by the Court,

The authorised person shall deposit the forfeited property in the Jahez Khana, give one copy of the inventory to the person in charge of the Jahez Khana, shall arrange to enter the particulars in the stock register of the Jahez Khana and obtain a receipt from the person in charge thereof on the other copy.

The authorised person as well as the person in charge of "the Jahaz Khana" shall take all possible care to see that the property under their charge is not mishandled or destroyed in any way and shall take all possible steps to see that the items of the property which are fragile are properly handled and special care is taken in the case of negotiable instruments and the like.

The poor girls their parents who need help from Government in their or their daughter's marriage shall submit their applications to the Federal Government duly certified by the Khatib of the area where such persons ordinarily reside to

the effect that the applicant is a poor person and the request for dowry goods is genuine.

A certificate of income duly attested by an officer not below Grade 17 in the National Pay Scale or Khatib of the area, on verification of two responsible persons, shall also be attached with the application mentioned in Clause (vi).

If the applicant is a parent, he shall also state the number of his sons and daughter state as to how-many sons and daughters are the earning members of his family and how many daughters have already been married.

The Federal Government shall then consider each application and pass orders thereon which shall be final.

The Federal Government shall communicate its order to the in charge of the Jahez Khana and endorse a copy thereof to the applicant.

(xi) On receipt of the order of the Federal Government, the person incharge of Jahez Khana will arrange to deliver the property specified in the order to the applicant concerned against receipt and make necessary entries in the stock register.

BY ORDER OF
GOVERNOR BALOCHISTAN

SECRETARY
GOVERNMENT OF BALOCHISTAN
LAW DEPARTMENT

(See form on next page)

FORM- D

{See rule 4 (1)}

DECLARATION OF EXPENDITURE IN CONNECTION WITH THE MARRIAGE OF MR.

WITH MST 00. cece eee ee eee ceeeeeteeseee DAUGHTER OF 20.0... ce cece cece cence eeeeeneeeeneas
HELD ON cece cece e cece ee eee AT weeececc eee ceceee eee ene ne ee ee ee enna ee ea ene enene ea enneeentes

I ce SON Of ce ceeeeeeeeeeeeeeeeeeeeeeee the father of the
bridegroom Mr.. heeenees ceeeeesteesse SON Of Loe ccc ccc cceeecece cee ne eee eeneneenss (in case the

marriage is arranged by any - other person the name and father's name of that Person and his
relation with the bridegroom, if any), do hereby solemnly affirm that the total expenditure on the
marriage including dowry, bridal gifts presents and entertainments did not exceed the limits laid
down in the Dowry and Bridal Gifts (Restriction) Act, 1976 (XLII of 1976).

Signature or thumb impression of bridegroom's father or the person who
has arranged marriage.

(Name address and identity card number of the deponent)

Witnesses:-

No. 1. (Bridge's father or guardian) Name, address and Identity Card No.

No. 2. (Any other person) Name, address and Identity Card No.

One copy forwarded to the Deputy Commissionerceeeseeeees

(0) Eee

(Signature of Nikah Registrar with date)