

a

FY N

CONTENTS

Short title, extent and commencement

Definitions

Restriction on dowry, presents and bridal gifts

Restriction on presents

Vesting of dowry etc., in the bride

Expenditure on marriage

Display of Dowry etc.

Declaration regarding expenditure to be submitted to Registrar

Complaints against violation of the Act

Penalty and procedure

Power to make rules

[Repeal]

Page 1 of 4

THE DOWRY AND BRIDAL GIFTS (RESTRICTION) ACT, 1976

"ACT No. XLIII OF 1976

[4th June, 1976]

An Act to provide for restrictions on dowry and bridal gifts.

WHEREAS it is expedient to provide for restrictions on dowry and bridal gifts and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Dowry and Bridal Gifts (Restriction) Act, 1976.

(2) It extends to the whole of Pakistan and applies to all citizens of Pakistan.

(3) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,

(a)

(b)

(c)

(d)

(e)

(f)

“bridal gift” means any property given as a gift before, at or after the marriage, either directly or indirectly, by the bridegroom or his parents to the bride in connection with the marriage but does not include Mehr;

“dowry” means any property given before, at or after the marriage, either directly or indirectly, to the bride by her parents in connection with the marriage but it does not include property which the bride may inherit under the laws of inheritance and succession applicable to her;

“marriage” includes betrothal, nikah and rukhsati;

“parents” includes the guardian of a party to a marriage and any person who provides for dowry or bridal gifts and, in the case of a party to a marriage who has no parent, or whose marriage is solemnized in circumstances in which, or at a place at which, no parent is present, such party;

“present” means a gift of any property not being a bridal gift or dowry, given before, at or after the marriage, either directly or indirectly, to either party to a marriage in connection with the marriage or to the relatives of the bride or bridegroom but does not include neundra and salami;

“property” means property, both moveable and immoveable, and includes

any valuable security as defined in the Pakistan Penal Code (Act XLV of 1860); and

TFor Statement of Objects and Reasons, see Gaz., of P., 1976. Ext., Pt. 111. p. 460

(g) "Registrar" means a Nikah Registrar licensed under the Muslim Family Laws Ordinance, 1961(VIII of 1961.) and such other person as may be designated from time to time to perform the functions of the Registrar.

3. Restriction on dowry, presents and bridal gifts.—(1) Neither the aggregate value of the dowry and presents given to the bride by Her parents nor the aggregate value of the bridal gifts or of the presents given to the bridegroom shall exceed five thousand rupees:

Explanation.—The ceiling of five thousand rupees specified in this sub-section does not in any way imply that the dowry, bridal gifts and presents of a lesser amount may not be given.

'T(1A) No person shall give or accept, or enter into an agreement to give or to accept dowry, bridal gifts or presents of a value exceeding the aggregate value specified in sub- section (1).]

*[(2) No dowry, bridal gifts or presents may be given before six months or after one month of nikah and, if rukhsati takes place some time after nikah after one month of such rukhsati].

4. Restriction on presents. No person shall give to either party to the marriage any present the value of which exceeds one hundred rupees:

Provided that the limit of one hundred shall not apply to the presents give to the bridegroom by the parents of the bride under sub-section (1) of section 3:

Provided further that the President, the Prime Minister, Federal Minister, Chief Minister, Minister of State, Adviser, Governor, Speaker, Deputy Speaker, the Chairman or the Deputy Chairman of the Senate, Parliamentary Secretary, Member of the Senate, National Assembly or Provincial Assembly, Government servant or an official serving in any corporation industry or establishment owned, controlled or managed by Government shall not receive any present in connection with his marriage or the marriage of his son or daughter except from his relations (khandan):

Provided further that this restriction shall not apply to a Government servant or official serving in the scale below National Pay Scale 17 not exercising in any manner judicial revenue or executive authority.

5. Vesting of dowry etc., in the bride. All property given as dowry or bridal gifts and all property given to the bride as a present shall vest absolutely in the bride and her interest in property however derived shall hereafter not be restrictive, conditional or limited.

6. Expenditure on marriage. The total expenditure on a marriage, excluding the value of dowry, bridal gifts and presents, but including the expenses on menhdi, barat and valima, incurred by or on behalf of either party to the marriage shall not exceed two thousand and five hundred rupees.

7. [Display of Dowry etc.] Omitted by the Dowry and Bridal Gifts (Restriction) (Amdt.) Ordinance, 1980 (XXXVI of 1980), s. 3.

'ins. by the Dowry and Bridal (ifts (Restriction) (Amdt.) Ordinance, 1980 (36 of 1980), s. 2".

* Subs. ibid.

18. Declaration regarding expenditure to be submitted to Registrar—(1) The father of the bridegroom or any other person who arranges the marriage shall, within fifteen days of the expiry of the period fixed under sub-section (2) of section 3 for giving dowry, bridal gifts and presents, submit a declaration to the Registrar solemnly affirming that the total expenditure on the marriage including dowry, bridal gifts, presents and entertainments did not exceed the limits laid down in this Act.

(2) The Registrar shall forward the declaration submitted under sub-section (1) to the Deputy Commissioner within fifteen days of receipt of such declaration.

8A. Complaints against violation of the Act. If any person attending a marriage ceremony is satisfied that the provisions of this Act or the rules made thereunder have been contravened in respect of such ceremony, he may submit a complaint, giving full particulars of the contravention, to the Deputy Commissioner].

9. Penalty and procedure.—(1) Whoever contravenes, or fails to comply with, any provision of this Act or the rules made thereunder shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine *[which shall not be less than the amount proved to have been spent in excess of the maximum limits laid down in this Act], or with both, and the dowry, bridal gifts or presents given or accepted in contravention of the provisions of this Act shall be forfeited to the Federal Government to be utilized for the marriage of poor girls in such a way as may be prescribed by rules made under this Act:

Provided that if both the parents of a party to the marriage contravene, or fail to comply with, any provision of this Act or the rules made thereunder, action under this section shall be taken only against the father:

Provided further that if the parent who contravenes, or fails to comply with, any provision of this Act or the rules made thereunder is a female, shall be punishable with fine only.

(2) Any offence punishable under this Act shall be triable only by a Family Court established under the West Pakistan Family Courts Act, 1964(W.P. Act No. XXXV of 1964).

(3) No Family Court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by, or under the authority of, the Deputy Commissioner within 3[three] months from the date of nikah, and if rukhsati takes place some time after nikah, from the date of such rukhsati.

(4) While trying an offence punishable under this Act, a Family Court shall follow the procedure prescribed by the Code of Criminal Procedure, 1898 (Act V of 1898), for the trial of offences by Magistrates.

4110. Power to make rules. The Federal Government, in respect of the Islamabad Capital Territory, and a Provincial Government, in respect of the Province, may, by notification in the official Gazette, make rules for carrying out the purposes of this Act].

11. [Repeal]. Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Sen., II.

" subs. by the Dowry and Bridal Gifts (Restriction) (Amdt.) Ordinance, 1980 (36 of 1980), s. 4.

2 subs. *ibid*, s.5.

Subs. by the Dowry and Bridal Gifts (Restriction) (Amdt.) Ordinance, 1980 (36 of 1980), s. 5.

Subs. *ibid*., s. 6.

