

AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.

Muzaffarabad, the 31st December, 1976.

The following Act of Assembly received the assent of the President on 31st December, 1976, and is hereby published for general information :-

(ACT IX OF 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 Azad Jammu and Kashmir and applies to all citizens of Azad Jammu and Kashmir.

(3) It shall come into force at once.

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

a) 'pridal 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;

b) '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;

c) 'Government' means the Azad Government of the State of Jammu and Kashmir;

d) "Marriage" includes betrothal, Nikah and Rukhsati;

e) 'Nikah Khawan' means a person who solemnizes marriage between the parties;

f) '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;

g) '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 ;

h) 'Property' means property, both movable and immovable and includes any valuable security as defined in the Azad Kashmir Penal Code (Act XLI of 1860).

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 two thousand and five hundred rupees:

Explanation. -

The ceiling of two thousand five hundred 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.

(2) No dowry, bridal gifts or presents may be given before or after six months of Nikah, and if Rukhsati takes place some time after Nikah, after six months of such Rukhsati.

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 given to the bridegroom by the parents of the bride under sub-section (1) of section 3:

Provided further that the President the Prime Minister, Minister, Adviser, Speaker, Deputy Speaker, Member of Legislative Assembly of Azad Jammu and Kashmir, 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).

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.

Expenditure on Marriage.-The total expenditure on a marriage, excluding the value of dowry, bridal gifts and present, but including the expenses on Mehndi, Barat and Valima incurred by or on behalf of either party to the marriage shall not exceed two thousand and five hundred rupees.

Display of Dowry, etc.- The parents of each party to a marriage shall, at the time of Rukhsati, display all items of dowry, bridal gifts and presents given or received in connection with the marriage so as to be visible to the person attending the Rukhsati.

Lists of Dowry, Etc. to be Furnished to Nikah Khawan.- (1)
The parents of each party to a marriage shall furnish to the Nikah Khawan lists of dowry, bridal gifts and presents given or received in connection with the marriage.

(2) The lists referred to in sub-section (1) shall be furnished,-

- a) In the case of property given or accepted before or at the time of the marriage, at the time of marriage; and
- b) In the case of property given or accepted after the marriage, within fifteen days of its being given or accepted.

(3) The lists referred to in sub-section (1) shall—

- a) Contain details of the property along with the value thereof; and
- b) be signed or thumb-marked by the persons furnishing them to the Nikah Khawan and attested by at least two witnesses.

(4) The parents of each party to a marriage shall furnish to the Nikah Khawan the details of expenditure incurred on the marriage, duly signed or thumb-marked by them within one week.

(5) The Nikah Khawan shall forward the lists furnished under sub-section (1) and the details of expenditure submitted under sub-section (4) to the Tehsil Qazi within fifteen days of receipt

of such list or details of expenditure.

Restriction on Dancing Etc.- Dancing by females and playing of music or musical instruments by use of loudspeaker in marriage ceremonies shall be prohibited.

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 may extend to ten thousand rupees, or with both:

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 against the father, guardian, proxy or agent.

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 Magistrate 1st Class.

(3) No 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 Tehsil Qazi within nine 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 Court shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, (Act V of 1898) for the trial of offences by Magistrates.

Power to make rules.- The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Sd/-

(Syed Mohammad Akram Shah)
Deputy Secretary,

Law & Parliamentary Affairs,

Azad Government of the State of J&K.
Muzaffarabad.