

The Gazette

EXTRAORDINARY.

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ISLAMABAD, TUESDAY, JUNE 15, 1976

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 15th June, 1976

The following Acts of Parliament received the assent of the President on the 4th June, 1976, and are hereby published for general information :—

. ACT No. XLI or 1976

An Act to amend the Criminal Law Amendment (Special Court) Act, 1976

. WHEREAS it is expedient further to amend the Criminal Law Amendment

“(Speciai Court) Act, 1976 (XVII of 1976}, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be cailed the Criminal Law Amendment (Special Court) (Amendment) Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of section 5, Act XVII of 1976.—In the Criminal Law

Amendment (Special Court) Act, 1976 (XVII of 1976), hereinafter referred to as the said Act, in section 5, in sub-section (3),—

(a) after the words “list of”. the words  
inserted ; and

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accused persons or” shall be

(b) in clause (b), after the words “names of”, the words “accused  
persons or” shall be inserted.

3. Amendment of section 6, Act XVII of 1976—In the said Act, in sec-  
tion 6, in sub-section (1),—

(a) after clause (c), the following new clause shall be inserted, namely :—

“(cc) if any accused is added to the list of accused persons referred to  
in sub-section (1) of section 5 after the examination of any

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(b) a creditor of an industrial undertaking referred to in clause (a) may repatriate foreign currency loans approved by the Federal Government and interest thereon in accordance with the terms and conditions of the said loan:

Provided that nothing in this section shall affect the terms of the permission to make such investment granted to a foreign investor before the commencement of this Act.

7. Remittances by foreign employees.—Foreign nationals employed with the approval of the Federal Government in any industrial undertaking having foreign private investment may make remittances for the maintenance of their dependents in accordance with the rules, regulations or orders issued by the Federal Government or the State Bank of Pakistan. .

8. Tax concession and avoidance of double taxation.—(i) The Federal Government may allow such concessions to industrial undertakings having foreign private investment as may be admissible under any law for the time being in force.

(2) Foreign private investment shall not be subject to other or more burdensome taxes on income than those applicable to investment made in similar circumstances by citizens of Pakistan.

(3) Foreign private investment shall be allowed all the tax concessions which may be admissible on the basis of any agreement for avoidance of double taxation which the Government of Pakistan may have entered into with the Government of the country of origin of such investment.

9. Equal treatment.—Industrial undertakings having foreign private investment shall be accorded the same treatment as is accorded to similar industrial undertakings having no such investment in the application of laws, rules and regulations relating to importation and exportation of goods.

10. Removal of difficulties—If any difficulty arises in giving effect to any provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty :

Provided that no such power shall be exercised after the expiry of one year from the commencement of this Act.

11. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act, and such rules may, among other matters, provide for the employment of Pakistani and foreign nationals in industrial undertakings having foreign private investment.

\_12. Repeal.—The Foreign Private Investment (Promotion and Protection) Ordinance, 1976 (XIV of 1976), is hereby repealed.

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. ¶

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(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) “~ 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 ;

(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) “marriage” includes betrothal, nikah and rukhsati ;

(d) “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 ;

(e) “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 ;

(f) “property” means property, both moveable and immovable, and includes any valuable security as defined in the Pakistan Penal Code (Act XLI of 1860); and

(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 subsection does not in any way imply that the dowry, bridal gifts and presents of a lesser amount may not be given.



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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 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, Federal Minister, Chief Minister, 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, baarat and valima, incurred by or on behalf of either party to the marriage shall not exceed two thousand and five hundred rupees.

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(b) by signed or thumb-marked the persons furnishjag them to the

egistrar and attested by aj feast two witnesses.

e parents of each party/to a marriage shall furnish to the Registrar  
f expenditure incurred {on the marriage, duly sign&or thumb-marked

egistrar shall forward thé lists furnished under sub-section (1)

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"which shall not be less than "the amount prove °  
. been spent in axeess of the maximum limits laid down }  
in this Act"

with, any provision of thts 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 thonsend-sepeed#or with both, and  
the dowry, bridal gifts or presents given or accepted in contravention of the pro-  
visions 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 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 Act, a Family Court shall  
follow the procedure prescribed by the Code of Criminal Procedure, 1898 (Act

"10. Sover, to take rules.> The | Federal Government, in Npect

6 of the Islamabad Capital Territory, and ® Provincd ;  
: Government, in respect of the Province, may, ty t A  
notification in the official Gazette, make rules  
carrying out the purposes of thie Acte «  
au weot canistan Lowry (Prohibition on Display) Act, 1967 :  
(West Pakistan Act No. XVI of 1967) and the North-West Frontier Province  
Dowry Act, 1972 (N.W.F.P. Act No. IX of 1972), are hereby repealed.

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