

The Dowry and Bridal Gifts (Restriction) Rules, 1976

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dated August 17th, 1976]

Notification SRO 822(I)/76. dated 17-08-1976.--- In exercise of the powers conferred by section 10 of the Dowry and Bridal Gifts (Restriction) Act, 1976 (XLIII of 1976), the Federal Government is pleased to make the following rules, namely:---

1. Short title and commencement.- (1) These rules may be called the Dowry and Bridal Gifts (Restriction) Rules, 1976.

(2) They shall come into force at once.

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

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

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

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

(d) "Khatib" means an Aalim appointed as Khatib by the Auqaf Department of a Province, or by the Federal Government.

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 has 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 where, and on the date when, such expenditure was incurred.

4. Submission of lists of dowry, etc. --(1) Lists of dowry and presents given or received in connection with the marriage shall be furnished by the parents of the bride in Form D-I.

(2) Lists of bridal gifts and presents given or received in connection with the marriage shall be furnished by parents of the bridegroom in Form D-II.

(3) The details of expenditure incurred in connection with a marriage shall be furnished in Form D-III by the parents of each party to the marriage.

(4) The lists referred to in sub-rules (1) and (2) and the details of expenditure referred to in sub-rule (3) shall, in the case of Muslims, be furnished by parents of each party to the marriage to the Registrar of the area of which the bride is ordinarily resident:---

- (a) directly in case the marriage has taken place in Pakistan; and
- (b) through the Consular Section of the Pakistan Mission abroad located nearest to the place where the marriage has taken place.

(5) Where the marriage between non-Muslims takes place in Pakistan the lists referred to in sub-rules (1) and (2) and the details of expenditure referred to in sub-rule (3) shall be furnished directly by the parents of each party to the marriage to the Deputy Commissioner of the area of which the bride is ordinarily resident in Pakistan, or where the bride is not a citizen of Pakistan, to the Deputy Commissioner of the area of which the bridegroom is ordinarily resident in Pakistan.

(6) Where the marriage between non-Muslim citizens of Pakistan takes place outside Pakistan, the lists referred to in sub-rules (1) and (2) and the details of expenditure referred to in sub-rule (3) shall be furnished by the parents of each party to the marriage to the Deputy Commissioner of the area of which the bride is ordinarily resident through the Consular Section of the Pakistan Mission abroad nearest to the place where the marriage has taken place.

(7) On receipt of Forms D-I, D-II and D-III, the Registrar shall, after retaining one copy of each form, forward the same to the Deputy Commissioner concerned.

(8) The Deputy Commissioner shall, on receipt of Forms D-I, D-II and D-III, either directly from the parents of each party to marriage or through the Registrar, duly record and index them and preserve the forms 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 Federal 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 other than a Registrar, under his signature or thumb-impression within nine 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 the lists of dowry, bridal gifts and presents and details of expenditure are required to be sent under rule 4.

(3) On receipt of a complaint, if the Deputy Commissioner, after such investigation as he may deem necessary, is satisfied that a prima facie case exists and after obtaining prior approval of the Federal Government, where required, he 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 property forfeited to the Federal Government under section 9 of the Act:---

- (i) The Family Court shall, immediately after passing an order forfeiting any property under the Act, send an intimation to this effect to the Federal Government in the Ministry of Religious Affairs, Minority Affairs and Overseas Pakistan (Auqaf 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 said property in the Jahez Khana at a place to be specified in the authorization.
- (iii) 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.
- (iv) The authorized person shall deposit the forfeited property in the Jahez Khana, given one copy of the inventory to the person incharge 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 incharge thereof on the other copy.
- (v) The authorized person as well as the person incharge of "the Jahez Khana" shall take a 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.

- (vi) The poor girls or 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.
- (vii) A certificate of income duly attested by an officer not below Grade 17 in the National Pay Scales or Khatib of the area, on verification of two responsible persons, shall also be attached with the application mentioned in clause (vi).
- (viii) If the applicant is a parent, he shall also state the number of his sons and daughter and state as to how many sons and daughter are the earning members of his family and how many daughters have already been married.
- (ix) The Federal Government shall then consider each application and pass orders thereon which shall be final.
- (x) The Federal Government shall communicate its order to the incharge 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.

FORM ' D-1'
[See rule 4 (1)]

LIST OF GIVING DETAILS OF DOWRY AND PRESENTS GIVEN BY THE PARENTS/FRIENDS/KHANADAN OF THE BRIDE.

In connection with the Marriage of Mrs. _____ D/O _____ with Mr. _____ S/O _____ held on _____ at _____

S.No	Details of Property	Value	Full Address of the Person Giving the Property with Identity Card No. and *Pass Port No.	Relation with the bride	Remarks
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(1) Dowry

(2) Presents

*. Passport No. if living outside Pakistan

Counter Signature of Registrar

Given in the presence of :--
WITNESS NO.1 with Address and Identity Card No.

Signature of Parents

Address and Identity Card No.

WITNESS NO.2 with Address and Identity Card No.

Original with copy forwarded to the Deputy Commissioner

District _____ on _____

Signature of Nikah Registrar with date.

FORM 'D-II'
[See rule 4 (2)]

LIST OF GIVING DETAILS OF BRIDAL GIFTS AND PRESENT BY THE PARENTS OF THE BRIDE GROOM /FRIENDS/KHANADAN

In connection with the Marriage of _____ D/O _____ with Mr. _____ S/O _____ held on _____ at _____

S.No	Details of Property	Value	Full Address of the Person Giving the Property with Identity Card No. and *Pass Port No.	Relation with the bridegroom	Remarks
(1) Bridal Gifts					
(2) Presents					

*. Passport No. if living outside Pakistan

Counter Signature of Registrar

Given in the presence of :-
WITNESS NO.1 with Address and Identity Card No.

Signature of Parents

Address and Identity Card No.

WITNESS NO.2 with Address and Identity Card No.

Original with one copy forwarded to the Deputy Commissioner

on _____

FORM 'D-III'
[See rule 4 (3)]

DETAILS OF EXPENDITURE INCURRED BY THE PARENTS OF THE BRIDE /BRIDE GROOM

In connection with the Marriage of Mrs. _____ D/O _____ with Mr. _____ S/O _____ held on _____ at _____

S.No	Item of Expenditure with brief details	Cost of item.	Incurred by	Remarks
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WITNESS NO.1 with Address and Identity Card No.

Signature of Parents

WITNESS NO.2 with Address and Identity Card No.

Address and Identity Card No.

Original with one copy forwarded to Deputy Commissioner on _____ Dated _____
Nikah Registrar