

SIND ACT No. XXI OF 1939.¹
[THE SIND DETI LETI ACT, 1939.]

[13th July, 1939]

An Act to prohibit payments made or agreed to be made as a part of the contract of betrothal or marriage and to restrict Deti Leti in the Province of Sind.

WHEREAS it is expedient to prohibit payments made or agreed to be made as a part of the contract of betrothal or marriage and to restrict *Deti Leti* in the Province of Sind; It is hereby enacted as follows :—

Short title,
commence-
ment and
extent.

1. (1) This Act may be called the Sind Deti Leti Act, 1939.

(2) It shall come into force on such date² as the Provincial Government may, by notification in the *Official Gazette*, appoint.

³[(3) The provisions of this Act shall not apply to ^{*}[Muslims ~~Muham-~~ madans], Parsis, Christians and Jews.]

Definitions.

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

(1) "girl" means a female of any age ;

(2) "marriage" means a marriage of persons to whom or to one of whom this Act applies ;

(3) "payment" means a payment by or to a person betrothed or married or by or to a parent or any other relation or guardian of such person made or agreed to be made in connection with, or in consequence of, the betrothal or marriage and includes the giving of a gift or present in kind on any festival or auspicious day or on account of ⁴[the] birth of a child or any ceremony in the families of the parents or relations of ⁴[the] bride or bridegroom ; and

⁵[(3-A) "tribunal" means the tribunal constituted under section 12.]

(4) "prescribed" means prescribed by rules made under this Act.

¹ For Statement of Objects and Reasons, see S. G. G., 1939, Pt. IV, p. 581 and for proceedings in Assembly, see S. L. A. Debates, 1939, Vol. IX—Book No. 6, pp. 70-95, Book No. 7, pp. 69-78.

² Came into force w. e. f. 1st November, 1939, vide G. N., G. D., No. 353-G. B./37(II), dated the 17th October, 1939, see S. G. G., 1939, Pt. I, p. 2145.

³ Subs. by Sind I of 1940, s. 2, for the original sub-sections (3) and (4).

⁴ Ins. *ibid.*, s. 3.

⁵ Cl. (3A) ins. by Sind 13 of 1944, s. 2.

* subs. by Sind Ord. XLIX of 1984, s. 2.

¹[3. No person shall accept or agree to accept any payment as a part of the contract of any betrothal or marriage.] Giving of certain payments prohibited.

4. ²[(1) Without prejudice to the provisions of section 3, where a girl is betrothed or married, no person shall, at the time of or after such betrothal or marriage, ³* * * accept any payment in excess of such limits as may be specified in a list (hereinafter called the list) made under this Act and applying to the family of such girl.] No other payment to be given or received in excess of limits specified in list.

(2) The provisions of this Act shall also be deemed to apply to all cases in which—

(a) the betrothal takes place before the commencement of this Act but the marriage is not solemnised until after such commencement ;

(b) the marriage has been solemnised before the commencement of this Act.

(3) Nothing herein contained shall affect any payment made before the commencement of this Act and in computing the aggregate value of the payments authorised to be made under this section all such payments shall be excluded.

5. The list shall contain particulars of the nature and number of ⁴[the] maximum payments authorised thereunder and of the occasions on which and the persons to or by whom such payments shall be made ; Contents of list.

⁵[Provided that the aggregate value of such payments shall not exceed—

(i) where the list is made by a Panchayat—

(a) as respects payments made from the date of betrothal until the expiry of two years from the date of marriage, Rs. 500 ;

(b) as respects payments made during the next three years, Rs. 50 per year ; and

1 Subs. by Sind 13 of 1944, s. 3, for the original section 3.
2 Subs. by Sind 1 of 1940, s. 4, for the original sub-section (1).
3 The words "give or" omitted by Sind 13 of 1944, s. 4.
4 Ins. by Sind 1 of 1940, s. 5(1).
5 Subs. *ibid*, s. 5(2), for the original proviso.

(a) as respects payments made thereafter, Rs. 25 per year ;

(ii) where the list is made by the Provincial Government—

(a) as respects payments made from the date of betrothal until the expiry of two years from the date of marriage, Rs. 200 ;

(b) as respects payments made during the next three years, Rs. 20 per year ; and

(c) as respects payments made thereafter, Rs. 10 per year.]

Panchayat
to make list
and cause it
to be
registered.

6. A panchayat shall make the list in the prescribed manner and within the prescribed period and shall cause it to be registered in the prescribed manner. [The list shall be binding upon every member of the Panchayat so long as he continues to be such member and upon every member of his family dependent on him.]

Explanation.—For the purposes of this Act, "Panchayat" means any combination or body of persons consisting of not less than fifty adult male members 2* * * * *

Persons to
whom list
made by
Provincial
Government
applies.

7. The Provincial Government shall make and publish the list in the prescribed manner and such list shall apply to—

(a) persons who are members of a panchayat if such panchayat has omitted to make the list or cause the list to be registered in the manner and within the time prescribed by or under the Act ;

(b) persons who are not members of a panchayat.

Punishment
for
contravening
provisions of
sections 3
and 4.

8. Whoever contravenes the provisions of section 3 or section 4 shall, on conviction, be punishable with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees or the value of any payment made in contravention of section 3 or section 4 (as the case may be), whichever is greater, or with both :

Provided that no woman shall be sentenced to imprisonment.

¹ Subs. by the Sind 1 of 1940, s. 6(1), for "The list shall be binding upon all persons who are members of the panchayat so long as they continue to be such members."

² The words "and registered in the prescribed manner" omitted *ibid*, s. 6(2).

9. Nothing contained in this Act shall affect any right or interest obtained or acquired by inheritance or by virtue of any will or testamentary disposition.

Saving of rights by inheritance or testamentary dispositions. Certain gifts and settlements to be void.

10. Notwithstanding anything contained in any law for the time being in force any gift or settlement, which is not a payment, made in favour of a girl¹ [less than two years before her betrothal or after the date of her betrothal and before the expiry of two years] from the date of her marriage shall be void.

²[11. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898)—

Cognisance of offences and procedure

(a) no court other than that of a District Magistrate shall take cognisance of any offence under this Act ;

(b) no cognisance shall be taken of any offence under this Act except upon a complaint of facts which constitute such offence ;

(c) every offence under this Act shall be inquired into and dealt with in the manner laid down in sections 12 to 20.

12. (1) If in the opinion of the District Magistrate taking cognisance of an offence under this Act there is sufficient ground for proceeding with the complaint, he shall refer it for inquiry to a tribunal consisting of seven persons who shall be Hindus and of whom one shall be a servant of the Crown exercising powers of a First Class Magistrate. Such servant of the Crown shall be the Chairman of the tribunal.

Reference of complaint to tribunal.

(2) The District Magistrate shall issue a summons for the attendance of the accused before the tribunal.

13. When the accused appears or is brought before the tribunal, the particulars of the offence with which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted.

Substance of accusation to be stated.

14. If the accused admits that he has committed the offence of which he is accused, his admission shall be recorded as nearly as possible in the words used by him, and if he shows no sufficient cause why he should not be convicted, the tribunal may record a finding that he is guilty of the offence.

Finding of guilty on admission of the truth of accusation.

¹ Subs. by Sind 13 of 1944, s. 5, for "within six months of her betrothal or before the expiry of two years".

² Sections 11 to 21 subs. *ibid*, s. 6, for the original sections 11 to 14.

Procedure
when no
such admis-
sion is made.

15. If the tribunal does not record such finding or if the accused does not make such admission, the tribunal shall proceed to hear the complainant and take all such evidence as may be produced in support of the prosecution, and also hear the accused and take all such evidence as he produces in his defence.

Submission
of finding
to the
District
Magistrate.

16. On completion of the inquiry, the tribunal shall record a finding, with their reasons therefor, whether the accused is guilty or not guilty and submit to the District Magistrate such finding with their reasons therefor or the finding recorded under section 14, as the case may be, and the record of the inquiry. Where the finding is that the accused is guilty, the tribunal shall recommend to the District Magistrate the sentence which in its opinion should be passed upon the accused.

District
Magistrate's
procedure on
receipt of
finding.

17. On receipt of the finding recorded by the tribunal, the District Magistrate may—

- (a) remand the case to the tribunal for further inquiry, or
- (b) refer the case to a second tribunal, or
- (c) pass an order convicting or acquitting the accused, as the case may be, in accordance with such finding :

Provided that the District Magistrate shall not give effect to a finding if he is clearly of opinion that such finding is perverse.

Power of the
tribunal.

18. The tribunal shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents or material objects and shall have all such powers, for the purposes of any inquiry conducted by it, as may be prescribed.

Exemption
of women
from
personal
attendance.

19. When the accused is a woman and she applies to the District Magistrate that she may appear by an agent, the District Magistrate shall dispense with her personal attendance and permit her to appear in the proceedings by such agent.

Appearance
of legal
practitioners
barred.

20. No legal practitioner shall appear in any proceeding before a tribunal.

Provisions
of the Code
of Criminal
Procedure
to apply
if not
inconsistent.

21. The provisions of the Code of Criminal Procedure, 1898 (V of 1898), and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act, shall apply to all matters connected with, arising from or consequent upon an inquiry held or an order of acquittal or conviction passed, under this Act.]

¹[22.] The Provincial Government may exempt any panchayat, the members of which according to the custom of their community give their girls in marriage to persons having their domicile outside the Province of Sind, from the operation of all or any of the provisions of this Act. Provincial Government may exempt certain panchayats from operation of this Act.

¹[23.] (1) The Provincial Government may make rules² for the purpose of carrying into effect the provisions of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the manner in which and the time within which a panchayat shall make the list under section 6;
- (b) the manner in which ³[.] the person by whom ³[.] and the conditions on which a panchayat shall be registered;
- (c) the making of the list under section 7 and the manner in which it shall be published; and
- ⁴[(ca) the constitution and powers of the tribunal;
- (cb) the payment of subsistence and travelling allowances to members of the tribunal;
- (cc) the payment of subsistence and travelling allowances to witnesses summoned to appear before the tribunal;]
- (d) any other matter which may be prescribed.

(3) Rules made under this Act shall be published in the *Official Gazette* and shall be subject to the condition of previous publication.

(4) Rules made under this Act shall be laid on the table of the Sind Legislative Assembly during the session of the said Assembly next following and shall be liable to be modified or rescinded by a resolution of the said Assembly and such rules shall, after having been notified in the *Official Gazette*, be deemed to have been modified or rescinded accordingly.

¹ The original sections 15 and 16 renumbered as sections 22 and 23 respectively by Sind 13 of 1944, s. 7.

² For Rules, see S. L. R. and O.

³ The comma ins. by Sind 1 of 1940, s. 7.

⁴ Cls. (ca), (cb) and (cc) ins. by Sind 13 of 1944, s. 8.