

THE DOWRY PROHIBITION ACT 1961

ACT NO. 28 OF 1961

[20th May, 1961]

An Act to prohibit the giving or taking of dowry.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows.-

1. Short title, extent and commencement.

1. Short title, extent and commencement. (1) This Act may be called the Dowry Prohibition Act, 1961.

(2) It extends to the whole of India except the State of Jam and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition of "dowry".

2. Definition of "dowry". In this Act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly-

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage or by a other person, to either party to the marriage or to any other person;

at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation I.-For the removal of doubts, it is hereby declare that any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles, shall not be deemed to be dowry within the meaning of this section, unless they are made as consideration for the marriage of the said parties.

1-7-1961, vide Notification No. S. O. 1410, dated 20-6-1961, Gazette of India, Extraordinary, Pt.II, Sec. 3 (ii), P. 1005.

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Explanation II.-The expression "valuable security" has the same meaning as in section 30 of the Indian Penal Code. (45 of 1860.)

3. Penalty for giving or taking dowry.

3. Penalty for giving or taking dowry. If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

4. Penalty for demanding dowry.

4. Penalty for demanding dowry. If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both:

Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf.

5. Agreement for giving or taking dowry to be void.

5. Agreement for giving or taking dowry to be void. Any agreement for the giving or taking of dowry shall be void.

6. Dowry to be for the benefit of the wife or her heirs.

6. Dowry to be for the benefit of the wife or her heirs. (1) Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman-

(a) if the dowry was received before marriage, within one year after the date of marriage; or

(b) if the dowry was received at the time of or after the marriage, within one year after the date of its receipt; or

(c) if the dowry was received when the woman was a minor, within one year after she has attained the age of eighteen years; and pending such transfer, shall hold it in trust for the benefit of the woman.

(2) If any person fails to transfer any property as required by subsection (1) and within the time limited therefor, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both; but such punishment shall not absolve the person from his obligation to transfer the property as required by sub-section (1).

(3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being.

(4) Nothing contained in this section shall affect the provisions of section 3 or section 4.

7. Cognizance of offences.

7. Cognizance of offences. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (5 of 1898.)--

(a) no court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act;

(b) no court shall take cognizance of any such offence except on a complaint made within one year from the date of the offence;

(c) it shall be lawful for a presidency magistrate or a magistrate of the first class to pass any sentence authorised by this Act on any person convicted of an offence under this Act.

8. Offences to be non-cognizable, bailable and non-compoundable.

8. Offences to be non-cognizable, bailable and non-compoundable. Every offence under this Act shall be non-cognizable, bailable and non-compoundable,

9. Power to make rules.

9. Power to make rules. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Repeals.

10. Repeals. The Andhra Pradesh Dowry Prohibition Act, 1958, (Andhra Pradesh Act 1 of 1958.) and the Bihar Dowry Restraint Act, 1950, (25 of 1950.) are hereby repealed.
