

ALL ABOUT DOWRY PROHIBITION ACT, 1961

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INTRODUCTION-

Dowry is an ancient evil practice prevailing in our country. Many women become victims of this cruel custom. To stop this horrendous act , the Parliament of India enacted Dowry Prohibition Act, 1961 which specifies all the provisions related to dowry – its definition , punishment etc

Q1. When did this Act came in force ? Is it applicable to whole of the India and its citizens of every religion ?

Ans. The Dowry Prohibition Act , 1961 came in force on 1st July 1961. Yes this act extends to whole of the India except in state of Jammu and Kashmir. Yes this act applies to all the citizens of every religion , but it does not includes dower or meher in case of persons on whom personal muslim law applies.

Q2. What is dowry ?

Ans. The term 'Dowry' means any property (movable or immovable) , valuable assets (cash, jewellery) etc , given or agreed to be given to be given directly or indirectly by one party to marriage (parents, relatives etc) to other party to marriage . The property or asset demanded must be given in connection to marriage . The customary payments in connection to birth of a child or other ceremonies are not considered to be dowry .

Q3. What is list of presents ? What are the rules regarding the presents under this Act (1985 Rules) ?

Ans. A list of presents must be prepared at the time of marriage or after it as soon as possible .The list shall contain the following -:

1. A brief description of each present
2. Approximate value of the present
3. Name of the person who has given it
4. The description of person's relationship with the bride or the bridegroom must be mentioned
5. And the list must be signed by the both bride and the bridegroom

If both the bride and the bridegroom are unable to sign the list then , they should affix their thumb impressions in lieu of their signature.

The rules regarding the Maintenance of Lists of presents to the bride and the bridegroom came in force in 1985. The rules say that -:

1. The list of presents given to bride at the time of marriage must be maintained by the bride itself
2. The list of presents given to bridegroom at the time of marriage must be maintained by the bridegroom itself.

Q4. Which presents do not amount to dowry ?

Ans. Any presents given to bride or bridegroom at the time of marriage without any demands .

Q5. What is the penalty for giving or taking dowry ? What is the penalty for demanding dowry ?

Ans. Penalty for giving or taking dowry -:

The penalty for such a person is imprisonment of term not less than 5 years and fine not less than 15 Thousand rupees .

Penalty for demanding dowry -:

The penalty for such a person is imprisonment not less than 6 months and fine not less than 10 Thousand rupees .

Q6. What are the provisions regarding dowry to be beneficial for wife (woman) or her heirs ?

Ans. If any other person receives dowry other than bride (woman) , then such a person shall transfer the dowry to woman if it was received before marriage , at the time of marriage or within 3 months of marriage . In case the girl is minor at the time of marriage it may be transferred to her after she attains the age of 18 years . If such a person fails to transfer the dowry to woman then such person may face with an imprisonment of term not less than 6 years which may extend to 2 years or fine not less than 5 thousand rupees.

If a woman is entitled to any property in dowry and she dies before receiving it then heirs of the woman (her children or her parents) will be entitled to the property .

Q6. On whom does the burden of proof lie on ?

Ans. The burden of proof lies on the person who has abetted/taken/given or demanded the dowry.

Q7. Who has the power to decide on the legal matter related to dowry under this Act ?

Ans. Generally the Metropolitan Magistrate or the Judicial Magistrate of first class has the power to decide on the matters related to dowry under this act . The offence committed under this act is Non-Bailable and Non-Compoundable.

Q8. Who is Dowry Prohibition Officer ?

Ans. The Dowry Prohibition Officer is appointed by the State Government. The role of dowry prohibition officer is to prevent the taking or supporting of dowry demand as far as possible .These officers collect evidences , conduct preliminary inquires on receiving the complaints regarding dowry and prepare case history and helping the public in getting the case registered with the police . Generally sub divisional magistrates , city magistrates and police officers of high rank are appointed as dowry prohibition officers .

Q9. What are the other provisions related to dowry in law other than this act ?

Ans. Section 304B of Indian Penal Code, 1860 deals with **Dowry Death**, it states that, “If death of a woman is caused due to any burns or bodily injuries within 7 years of marriage and it is shown that before her death she was subjected to cruelty or harrasment by the hands of her husband or his relatives in connection to demand of dowry , then such death is known as dowry death. The punishment of dowry death is imprisonment of 7 years which may extend to life imprisonment”.

Section 113B of Evidence Act, 1872 deals with Presumption as to dowry death – If the question is whether a person has committed a dowry death of a woman and it is shown that before her death she was subjected to cruelty and harrasment by the hands of her husband or his relatives in connection to dowry demand , then court shall presume that such person has caused dowry death .