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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 9th September, 1986/ *Bhadra* 18, 1908 (*Saka*)

The following Act of Parliament received the assent of the President on the 8th Sept. 1986, and is hereby published for general information:—

THE DOWRY PROHIBITION (AMENDMENT) ACT, 1986

No. 43 OF 1986

[*8th September*, 1986.]

An Act further to amend the Dowry Prohibition Act, 1961, and to make certain necessary changes in the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Dowry Prohibition (Amendment) Act, 1986.

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

Amendment of section 2.

28 of 1961.

2. In the Dowry Prohibition Act, 1961 (hereinafter referred to as the principal Act), in section 2, for the words "or after the marriage", the words "or any time after the marriage" shall be substituted.

Amendment of section 3.

3. In section 3 of the principal Act, in sub-section (*1*),—

(*a*) in the opening paragraph, for the words "six months, but which may extend to two years, and with fine which may extend to ten thousand rupees or the amount of the value of such dowry, whichever is more", the words "five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more" shall be substituted;

(*b*) in the proviso, for the words "six months", the words "five years" shall be substituted.

Insertion of new section 4A.

4. After section 4 of the principal Act, the following section shall be inserted, namely:—

Ban on advertisement.

"4A. If any person—

(*a*) offers, through any advertisement in any newspaper, periodical, journal or through any other media, any share in his property or of any money or both as a share in any business or other interest as consideration for the marriage of his son or daughter or any other relative,

(*b*) prints or publishes or circulates any advertisement referred to in clause (*a*),

he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to five years, or with fine which may extend to fifteen thousand rupees:

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than six months.".

Amendment of section 6.

5. In section 6 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) after the words "time limit specified therefor", the words, brackets and figure "or as required by sub-section (*3*)," shall be inserted;

(*ii*) for the words "which may extend to ten thousand rupees", the words "which shall not be less than five thousand rupees, but which may extend to ten thousand rupees" shall be substituted;

(*b*) in sub-section (*3*), the following proviso shall be inserted, namely:—

"Provided that where such woman dies within seven years of her marriage, otherwise than due to natural causes, such property shall,—

(*a*) if she has no children, be transferred to her parents, or

(*b*) if she has children, be transferred to such children and pending such transfer, be held in trust for such children.";

(c) in sub-section (3A),—

(i) after the word, brackets and figure "sub-section (1)", the words, brackets and figure "or sub-section (3)" shall be inserted;

(ii) for the words "her heirs", wherever they occur, the words "her heirs, parents or children" shall be substituted.

Amendment of section 7.

6. In section 7 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything contained in any law for the time being in force, a statement made by the person aggrieved by the offence shall not subject such person to a prosecution under this Act.".

Amendment of section 8.

7. In section 8 of the principal Act, in sub-section (2), for the word "bailable", the word "non-bailable" shall be substituted.

Insertion of new sections 8A and 8B.

8. After section 8 of the principal Act, the following sections shall be inserted, namely:—

Burden of proof in certain cases.

"8A. Where any person is prosecuted for taking or abetting the taking of any dowry under section 3, or the demanding of dowry under section 4, the burden of proving that he had not committed an offence under those sections shall be on him.

Dowry Prohibition Officers.

8B. (1) The State Government may appoint as many Dowry Prohibition Officers as it thinks fit and specify the areas in respect of which they shall exercise their jurisdiction and powers under this Act.

(2) Every Dowry Prohibition Officer shall exercise and perform the following powers and functions, namely:—

(a) to see that the provisions of this Act are complied with;

(b) to prevent, as far as possible, the taking or abetting the taking of, or the demanding of, dowry;

(c) to collect such evidence as may be necessary for the prosecution of persons committing offences under the Act; and

(d) to perform such additional functions as may be assigned to him by the State Government, or as may be specified in the rules made under this Act.

(3) The State Government may, by notification in the Official Gazette, confer such powers of a police officer as may be specified in the notification on the Dowry Prohibition Officer who shall exercise such powers subject to such limitations and conditions as may be specified by rules made under this Act.

(4) The State Government may, for the purpose of advising and assisting the Dowry Prohibition Officers in the efficient performance of their functions under this Act, appoint an advisory board consisting of not more than five social welfare workers (out of whom at least two shall be women) from the area in respect of which such Dowry Prohibition Officer exercises jurisdiction under sub-section (1).".

Substitution of new section for section 10.

9. For section 10 of the principal Act, the following section shall be substituted, namely:—

Power of the State Government to make rules.

"10. (*1*) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the additional functions to be performed by the Dowry Prohibition Officers under sub-section (*2*) of section 8B;

(*b*) limitations and conditions subject to which a Dowry Prohibition Officer may exercise his functions under sub-section (*3*) of section 8B.

(*3*) Every rule made by the State Government under this section shall be laid as soon as may be after it is made before the State Legislature.".

Amendment of Act 45 of 1860.

10. In the Indian Penal Code, after section 304A, the following section shall be inserted, namely:—

Dowry death.

'304B. (*1*) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation.—For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961. 28 of 1961.

(*2*) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.'.

Amendment of Act 2 of 1974.

11. In the Code of Criminal Procedure, 1973, in the First Schedule after the entries relating to section 304A, the following entries shall be inserted, namely:—

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what Court triable
1	2	3	4	5	6
"304B	Dowry death	Imprisonment of not less than seven years but which may extend to imprisonment for life.	Ditto	Non-bailable	Court of Session.".

Amendment of Act 1 of 1872.

12. In the Indian Evidence Act, 1872, after section 113A, the following section shall be inserted, namely:—

Presumption as to dowry death.

'113B. When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

Explanation.—For the purposes of this section, "dowry death' shall have the same meaning as in section 304B of the Indian Penal Code.'.

45 of 1860.

C. RAMAN MENON,
Additional Secy. to the Govt. of India.

IndiaCode

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