रजिस्ट्री सं. डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 77] नई दिल्ली, मंगलवार, सितम्बर 11, 1984/भाद्र 20, 1906
No. 77] NEW DELHI, TUESDAY, SEPTEMBER 11, 1984/BHADRA 20, 1906

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, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 11th September, 1984/*Bhadra* 20, 1906 (*Saka*)

The following Act of Parliament received the assent of the President on the 11th September, 1984, and is hereby published for general information:—

THE DOWRY PROHIBITION (AMENDMENT) ACT, 1984

No. 63 OF 1984

[*11th September*, 1984]

An Act to amend the Dowry Prohibition Act, 1961.

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

Short title and commencement.

1. (*1*) This Act may be called the Dowry Prohibition (Amendment) Act, 1984.

(*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 section 2 of the Dowry Prohibition Act, 1961 (hereinafter referred to as the principal Act),—

(*a*) for the words "as consideration for the marriage of the said parties, but does not include", the words "in connection with the marriage of the said parties, but does not include" shall be substituted;

(*b*) *Explanation I* shall be omitted.

Amendment of section 3.

3. Section 3 of the principal Act shall be renumbered as sub-section (*1*) of that section and,—

(*a*) in sub-section (*1*) as so renumbered, for the words "with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both", the following shall be substituted, namely:—

"with imprisonment for a term which shall not be less than 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:

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.";

(*b*) after sub-section (*1*) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Nothing in sub-section (*1*) shall apply to, or in relation to,—

(*a*) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(*b*) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.".

Substitution of section 4.

4. For section 4 of the principal Act, the following section shall be substituted, namely:—

Penalty for demanding dowry.

"4. If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned 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 (*1*), for the words "one year", wherever they occur, the words "three months" shall be substituted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If any person fails to transfer any property as required by sub-section (1) within the time limit specified therefor, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years or with fine which may extend to ten thousand rupees or with both.";

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Where a person convicted under sub-section (2) for failure to transfer any property as required by sub-section (1) has not, before his conviction under that sub-section, transferred such property to the woman entitled thereto or, as the case may be, her heirs, the Court shall, in addition to awarding punishment under that sub-section, direct, by order in writing, that such person shall transfer the property to such woman or, as the case may be, her heirs within such period as may be specified in the order, and if such person fails to comply with the direction within the period so specified, an amount equal to the value of the property may be recovered from him as if it were a fine imposed by such Court and paid to such woman or, as the case may be, her heirs.".

Substitution of section 7.

6. For section 7 of the principal Act, the following section shall be substituted, namely:—

Cognizance of offences.

'7. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973,— 2 of 1974.

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

(b) no court shall take cognizance of an offence under this Act except upon—

(i) its own knowledge or a police report of the facts which constitute such offence, or

(ii) a complaint by the person aggrieved by the offence or a parent or other relative of such person, or by any recognized welfare institution or organisation;

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

Explanation.—For the purposes of this sub-section, "recognized welfare institution or organisation" means a social welfare institution or organisation recognized in this behalf by the Central or State Government.

(2) Nothing in Chapter XXXVI of the Code of Criminal Procedure, 1973, shall apply to any offence punishable under this Act.'. 2 of 1974.

Substitution of section 8.

7. For section 8 of the principal Act, the following section shall be substituted, namely:—

Offences to be cognizable for certain purposes and to be bailable and non-compoundable.

"8. (1) The Code of Criminal Procedure, 1973 shall apply to offences under this Act as if they were cognizable offences— 2 of 1974.

(a) for the purposes of investigation of such offences; and

(b) for the purposes of matters other than—

(i) matters referred to in section 42 of that Code; and

(ii) the arrest of a person without a warrant or without an order of a Magistrate.

(2) Every offence under this Act shall be bailable and non-compoundable.".

Amendment of section 9.

8. In section 9 of the principal Act, sub-section (2) shall be renumbered as sub-section (3) thereof, and before sub-section (3) as so renumbered, the following sub-section shall be inserted, namely:—

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

(a) the form and manner in which, and the persons by whom, any list of presents referred to in sub-section (2) of section 3 shall be maintained and all other matters connected therewith; and

(b) the better co-ordination of policy and action with respect to the administration of this Act.".

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

CORRIGENDA

In the Levy Sugar Price Equalisation Fund (Amendment) Act, 1984 (54 of 1984), as published in the Gazette of India, Extraordinary, Part II, Section 1 (No. 68), dated the 23rd August, 1984:—

(i) at page 1, in line 5, *for* "30th August, 1984", *read* "23rd August, 1984";

(ii) at page 5, in line 15, *for* "befor", *read* "before".

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1984