

**THE DOWRY PROHIBITION (HIMACHAL PRADESH
AMENDMENT) ACT, 1976**

ARRANGEMENT OF SECTIONS

Sections:

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**THE DOWRY PROHIBITION (HIMACHAL PRADESH
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(ACT No. 25 OF 1976)¹

(Received the assent of the President on 11th June, 1976 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 24th June, 1976, pp. 1319-1322).

An Act to amend the Dowry Prohibition Act, 1961 (Central Act No. 28 of 1961) in its application to the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Dowry Prohibition (Himachal Pradesh Amendment) Act, 1976.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Substitution of section 3.- For section 3 of Dowry Prohibition Act 1961, in its application to the State of Himachal Pradesh (hereinafter referred to as the principal Act), the following section shall be substituted, namely:-

“3. Penalty for giving or taking dowry.- If any person gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees.”

1. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 8th March, 1976. p. 858.

3. Substitution of section 4.- For section 4 of the principal Act, the following section shall be substituted, namely-

“4. Penalty for demanding dowry.- if any person demands, directly or indirectly, from the parents or guardian of a bride or bridegroom or from any other person, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees.”.

4. Insertion of sections 4-A and 4-B.- After section 4 of the principal Act, the following sections shall be inserted, namely:

"4-A. Bar of certain acts.- Any person who-

- (i) displays any presents made at the time of marriage in the form of cash, ornaments, clothes, or other articles; or
- (ii) gives in the form of ‘shagun’ at the time of ‘thaka’, ‘betrothal’ or ‘tikka’ anything the value of which exceeds eleven rupees; or
- (iii) gives to the parents or any other relation of a party to the marriage anything on the occasion of ‘milni’ or any other ceremony performed in relation to betrothal or marriage;

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both.

4-B. Penalty for depriving any party of the rights and privileges of marriage.- (1) if after the marriage, any party to the marriage with or without assistance of any other person deprives the other party of the rights and privileges of marriage or tortures or refuses to maintain the said other party for non-payment of dowry before, during or after marriage, he shall be punishable with imprisonment which may extend to one year and with fine which may extend to five thousand rupees.

(2) The provisions of this section shall be in addition to and not in derogation of, any provision on the subject contained in any other law for the time being in force.”.

5. Substitution of section 7.- For section 7 of the principal Act, the following shall be substituted, namely:-

“7. Trial of offences.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), no court inferior to that of Judicial Magistrate of the first class shall try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act except that of offence under section 4-B, except on a police report or complaint made within one year of the marriage.”.

6. Substitution of section 8.- For section 8 of the principal Act, the following sections shall be substituted, namely :-

“8. Offences to be cognizable, bailable and non-compoundable.-Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), every offence under this Act shall be cognizable, bailable and non-compoundable.

8-A. Cognizance of offences.- No court shall take cognizance of any offence under this Act except on a police report under section 173 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) or a complaint made by a person aggrieved by the offence:

Provided that no police officer of the rank lower than that of the Deputy Superintendent of Police shall investigate any case registered under this Act:

Provided further that no court shall take cognizance of any offence under this Act except with the previous sanction of the District Magistrate, having jurisdiction in the area.”.

7. Amendment of section 9.- In section 9 of the principal Act,-

(a) after the words “Central Government” occurring in sub-section (1) the words “or the State Government with the prior approval of the Central Government” shall be inserted;

(b) in sub-section (2) after the words “Every rule made” and before the words "under this section" the words “by the Central Government” shall be inserted;

(c) after sub-section (2), the following sub-section (3) shall be added namely:-

“(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 while it is in session for a total period of not less than seven 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 sessions immediately following, the Legislature requires any modification in the rule or desires 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 care may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”.
