

The Dowry Restraint Act, 1960

JAMMU & KASHMIR

India

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Act 36 of 1960

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The Dowry Restraint Act, 1960 Act No. 36 of 1960 [Received the assent of the Sadar-i-Riyasat on 10th September, 1960 and published in Government Gazette dated 21st October, 1960] An Act to provide for restraining the taking or giving of dowry in connection with marriages and for matters incidental thereto. Be it enacted by the Jammu and Kashmir State Legislature in the Eleventh Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Dowry Restraint Act, 1960.

2. It extends to the whole of the Jammu and Kashmir State.

(3) [It shall come into force on such date as the Government may be notification in the Government Gazette, appoint.] [Enforced on 6th March, 1961 under Notification No. 15-SRO/61 dated 6th March, 1961.]

2. [Definition. [Section 2 substituted by Act No. XII of 1981, Section 2.]

- In this Act, unless the context otherwise requires, -"Dowry" means any property transferred or agreed to be transferred as a part of the contract of any betrothal, marriage, any prebetrothal, postmarriage ceremony such as Thaka, Rophera/Duphera, Phirsal, Phirsozen and the like by one party to the betrothal, marriage, any prebetrothal, postmarriage ceremony such as Thaka, Rophera/Duphera, Phirsal, Phirsozen and the like or the father, mother or guardian of that party to the other party to the marriage or to the father, mother or guardian of the party, but does not include voluntary marriage gifts such as ornaments to a bride and dresses to a bridegroom the value of which in aggregate does not exceed two thousand rupees.]

3. Penalty for taking dowry.

- Any person who takes dowry shall be punishable with simple imprisonment which may extend to [one year and] [Substituted by Act No. XII of 1981, Sections 3, 4 and 5.] with fine which may extend to the amount or value of the dowry taken.

4. Penalty for giving dowry or abetment thereof.

- Any person who gives dowry or abets the giving of dowry shall be punishable with simple imprisonment which may extend to [one year and fine which shall not be less than five thousand rupees.] [Substituted by Act No. XII of 1981, Sections 3, 4 and 5.]

5. Penalty for dowry after solemnisation of marriage.

- A person who at any time within three years after the solemnisation of a marriage, demands, either directly or indirectly, from the parents or any other person who was the guardian of the woman before her marriage any payment which is in the nature of a dowry, shall be demand to have committed an offence under section 3 of this Act and shall be punishable accordingly.

6. [Cognizance of offences. [For section 6, section 6, 7 and 8 substituted by Act VIII of 1963.]

- Notwithstanding anything contained in the Code of Criminal procedure, Svt. 1989, -(a)no Court inferior to that of a [Judicial 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 [Judicial Magistrate] [Substituted by Act XI of 1966.] of the first class to pass any sentence authorised by this Act on any person convicted of any offence under this Act.(d)[offences under this Act shall be triable summarily.] [Substituted by Act No. XII of 1981, Sections 3, 4 and 5.]

7. [Offences to be cognizable, non-bailable and non-compound-able. [Substituted by Act No. XII of 1981, Section 6.]

- Every offence under this Act shall be cognizable, non-bailable and non-compoundable:Provided that no police officer below the rank of a Deputy Superintendent of police shall make arrest for or investing at any offence under this Act.]

8. Power to make rules.

- The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.]