

## **Introduction**

The Dowry Prohibition Act, 1980 is a crucial legislation enacted in Bangladesh to eliminate the social menace of dowry, which has contributed to widespread oppression, abuse, and violence against women. The primary aim of this law is to prevent the giving, taking, and demanding of dowry before, during, or after marriage. Dowry, under this Act, refers to any property, valuable security, or monetary gift given directly or indirectly in connection with marriage. This law applies to all citizens of Bangladesh, regardless of religion or community.

## **Definition of Dowry**

As stated in the Act, the term "dowry" is defined to include any property or valuable security given or agreed to be given, either directly or indirectly, by one party to a marriage to the other party, or by the parents or guardians of either party to the marriage or to any other person. The condition for this transaction is that it must be in connection with the marriage, and it may occur before, during, or after the marriage ceremony. Importantly, this definition excludes dower or mahr in Muslim marriages, as those are legal obligations under Muslim personal law and not considered dowry under this Act.

## **Prohibition of Giving and Taking Dowry (Section 3)**

Section 3 of the Act prohibits any person from giving, taking, or abetting the giving or taking of dowry. Any individual who commits this offence shall be liable to face rigorous imprisonment which may extend up to five years, and the minimum punishment shall not be less than one year, unless the court records special and adequate reasons to impose a lesser sentence. The law does not differentiate based on gender; therefore, any party to the dowry transaction may be held accountable.

## **Punishment for Demanding Dowry (Section 4)**

Section 4 addresses the act of demanding dowry. If any person demands, either directly or indirectly, from the guardians or relatives of a bride or bridegroom, any form of dowry, then that person shall be punished with imprisonment for a term which may extend to five years but shall not be less than six months. In addition to imprisonment, the offender may also be subject to a fine. The law considers the act of demanding dowry to be equally criminal as the act of giving or accepting dowry.

## **Void Agreements Relating to Dowry (Section 6)**

According to Section 6, any agreement entered into for the exchange, payment, or receipt of dowry shall be considered void. This means that no such agreement can be enforced in any court of law. The rationale behind this provision is to discourage parties from making contractual arrangements that involve dowry and to deny legal protection to such arrangements. The section strengthens the Act by ensuring that even mutual consent does not legitimize dowry.

## **Offence is Cognizable and Non-Bailable**

The offences under this Act are considered cognizable, which means that the police are empowered to register a case and arrest the accused without requiring prior approval from a magistrate. Furthermore, the offences are non-bailable and non-compoundable. This implies that

bail is not granted automatically and the offence cannot be settled outside the court by private agreement between the parties. The purpose of these classifications is to reflect the seriousness of dowry-related offences and to deter individuals from committing them.

### **Right to File Complaints**

The Dowry Prohibition Act allows for complaints to be initiated by the victim of dowry, any of their relatives, or any other person who has knowledge of the offence. This provision empowers not just the affected party but also concerned citizens and social activists to take legal action against individuals who violate the law. The Act enables both preventive and punitive actions to be taken at different stages of the dowry transaction.

### **Burden of Proof and Presumption**

In certain cases under this Act, especially where the accused is found in possession of dowry-related items, the burden of proof may shift to the accused to show that such items were not obtained through dowry. Although the Act does not explicitly shift the burden of proof in every case, judicial interpretations and related laws have sometimes supported such inferences. This helps prevent the accused from evading liability by merely denying involvement.

### **Role of Courts and Sentencing Guidelines**

The courts in Bangladesh are empowered under this Act to try dowry-related offences and issue appropriate punishments. Judges are expected to consider the facts of each case, the nature and extent of the dowry transaction, and whether there were any mitigating circumstances before passing a sentence. The mandatory minimum punishment clauses in Section 3 and Section 4 ensure that leniency is not applied casually. However, the court retains the discretion to impose a lesser sentence if there are strong and documented justifications.

### **Dowry-Related Violence and Complementary Laws**

Although the Dowry Prohibition Act primarily focuses on the transaction of dowry itself, in practice, dowry-related offences often lead to physical or mental abuse, harassment, and even death. In such cases, other criminal laws like the Penal Code, the Women and Children Repression Prevention Act, and general laws against assault or homicide may also be invoked. These additional legal remedies ensure that victims of dowry-related violence are not limited to prosecution under this Act alone.

### **Challenges in Enforcement**

Despite the strict provisions of the Dowry Prohibition Act, enforcement remains a challenge in many parts of the country. Social acceptance of dowry, reluctance of victims to report crimes due to fear or stigma, and delays in legal proceedings have hindered the full realization of the Act's objectives. Legal experts and civil society continue to advocate for stronger awareness campaigns, legal aid for victims, and faster trial mechanisms to improve enforcement.

### **Conclusion**

The Dowry Prohibition Act, 1980 represents a major step toward eliminating one of the most harmful social customs in Bangladesh. Through criminalization of dowry transactions, punishments for demands, and nullification of dowry agreements, the law seeks to promote equality and protect individuals—especially women—from coercion and abuse. While

implementation remains an ongoing challenge, the provisions of this Act serve as a firm legal foundation in the fight against dowry and its associated consequences.