

# **THE DOWRY PROHIBITION (KERALA AMENDMENT) BILL, 2025**

**A**

**BILL**

further to amend the Dowry Prohibition Act, 1961 ( Act 28 of 1961) in its application to the State of Kerala.

**Preamble:** WHEREAS, it is expedient further to amend the Dowry Prohibition Act, 1961 ( Act 28 of 1961) for the purposes hereinafter appearing;

BE it enacted in the Seventy Sixth Year of the Republic of India as follows:-

1. **Short title and commencement.**-(1) This Act may be called the Dowry Prohibition (Kerala Amendment) Act, 2025.  
(2) It shall come into force at once.

2. **Substitution of Section 2.**- For Section 2 of the Dowry Prohibition Act, 1961, (herein after referred to as the Principal Act), the following section shall be substituted, namely:-

**“2.Defenition of Dowry.**- In this Act, “Dowry” means any property or valuable security taken or agreed to be taken either directly or indirectly by the bridegroom or other relatives of the bridegroom,-

- (a) from the bride of a marriage; or
- (b) from the parents or other relatives of the bride of a marriage, at or before or after the marriage in connection with the marriage of the said parties.

**Explanation** 1.- The expression “bride” includes wife and the expression “bridegroom” includes husband.

**Explanation II.-** The expression “valuable security” has the same meaning as in Section 2 (31) of the Bharatiya Nyaya Sanhita, 2023( Act 45 of 2023).

3. **Substitution of Section 3.-** For Section 3 of the Principal Act, the following Section shall be substituted, namely:-

**“3. Penalty for taking dowry.-** (1) If any person, after the commencement of this Act, takes or abets the taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and also shall be liable to a fine which shall not be less than fifty thousand rupees but which may extend to One Lakh rupees, or the amount of the value of such dowry, whichever is higher:

Provided that the Court may, for adequate and special reasons to be recorded, impose a sentence of imprisonment for a term of less than three years.

- (2) Nothing in Sub Section(1) shall apply to or in relation to presents which are received by the bridegroom at the time of marriage 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 of a customary nature received from the bride or on behalf of the bride or any person related to the bride.

- (3) The fine amount if so recovered shall be paid to the victim or her legal heirs as compensation.”.

4. **Amendment of Section 4 .-** In Section 4 of the Principal Act,- (1) the words, “or bridegroom, as the case may be” shall be omitted;

(2) for the words, “fine which may extend to ten thousand rupees”, the words, “fine which may extend to fifty thousand rupees” shall be substituted.

5. **Insertion of Section 4A.-** After Section 4 of the Principal Act, the following Section shall be inserted, namely:-

**“4A. Penalty for depriving the wife of the rights and privileges of marriage.-**

**(1) If after the marriage the husband with or without assistance of any other person subjects the bride with physical or mental cruelty or torture or refuses to maintain the wife for non payment of dowry, after marriage, he shall be punishable with imprisonment which may extend to two years and with fine which may extend to twenty five thousand rupees.**

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

**6. Amendment of Section 6.- In Section 6 of the Principal Act,-**

**(1) In Sub section (1),-**

**(i)In Clause (a), for the words “ three months”, the words “one year” shall be substituted;**

**(ii)In Clause (b), for the words “ three months”, the words “one year” shall be substituted;**

**(iii)In Clause (c), for the words “ three months”, the words “one year” shall be substituted;**

**(2) In Sub Section (2) for the words “or with fine which shall not be less than five thousand rupees, but which may extend to ten thousand rupees or with both”, the words “and shall also be liable to fine.” shall be substituted.**

**7. Amendment of Section 7.- In Section 7 of the Principal Act,-**

**(1) In Sub Section (1), for the words and figures “Code of Criminal Procedure, 1973 (2 of 1974)”, the words and figures “Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023)” shall be substituted.**

**“(2) For Sub-Section Clause (2) the following sub-section shall be substituted namely:-**

**“(2) Nothing in Chapter XXXVII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023) shall apply to any offence punishable under this Act.”**

## **STATEMENT OF OBJECTS AND REASONS**

One of the evils which has plagued the Indian society is the crime relating to Dowry. Several women have become victims of this cruel custom. Due to the failure to meet the dowry demands, women are subjected to specific forms of violence. Various cases have come to public notice where brides, on failure to meet the demands for dowry have been beaten up, locked in dingy rooms, tortured physically and mentally, kept without food for days, strangled or burnt alive and forced to even commit suicide. In order to eradicate this horrendous social evil from the Indian society, the Parliament had passed the Dowry Prohibition Act, 1961. This Act, however, did not achieve the desired object and the evil practice continued to reign supreme. In spite of repeated amendments made by Parliament and several states also bringing amendments, this dowry menace still rules the society. Our State is not different in this regard.

Since giving dowry is as much an offence as taking dowry under the Act, the victim who is the giver is unable to come forward to complain that she or her parents has given dowry in connection with her marriage. This may be the main reason for non registration of such offences under this Act. It is also unrealistic to expect the bride or bride's parents or other relatives to lodge a complaint because of their apprehension that it may lead to the victimization of their daughter. Appropriate amendments are necessary in the present Act for the effective implementation of this Act in our State.

In these circumstances the Commission considers it proper and appropriate to suggest certain State Amendments in the Dowry Prohibition Act, 1961 so as to implement the Act more effectively. Therefore a proposal to delete the existing provision of giving of dowry in connection with a marriage from the definition of dowry in Section 2 so as to limit the same to taking dowry by the bridegroom from the bride or her parents or relatives in connection with a marriage and consequentially to confine punishment under Section 3 for taking dowry and enhancing the term of imprisonment and fine for the offences under Sections 3 and 4, a provision for payment of the fine amount so recovered to the victim or her legal heirs and a new provision as Section 4 for providing punishment for depriving the wife of the rights and privileges of marriage, along with certain other amendments are included in this Bill.

Hence the Government have decided to proceed with the Dowry Prohibition (State Amendment) Bill, 2025.

The Bill seeks to achieve the above object.