



HARYANA STATE LAW COMMISSION

**1st Floor, DHL Square, Plot No. 9, HSIIDC IT
Park, Sector 22, Panchkula (HR)-134109,
Telephone No.0172-4004268**

THIRTY SEVENTH REPORT

Recommendations to amend the Dowry Prohibition Act, 1961.

Government of Haryana

HARYANA STATE LAW COMMISSION

**Justice H.S. Bhalla,
Chairperson**

**Mr. Inderjeet Mehta,
Member**

**Dr. Sarika Gupta,
Member**

**Ms. Sangita Vardhan,
Part-time Member**

**Mr. Prashant Deshta,
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**Mr. Bhupinder Singh,
Registrar**

Government of Haryana

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21st April, 2026

One of the major social evils that has plagued the Indian society is the crime related to Dowry. Several women have become victims of this cruel practice. Failure to meet the dowry demands, often leads to women being subjected to various forms of violence and harassment. Numerous cases have come to light in which brides, unable to fulfil such demands, have been beaten, confined in inhumane conditions, physically and mentally tortured, deprived of food for days, and in extreme cases, even killed or driven to take their own lives.

In order to eliminate this grave social evil from the Indian society, the Parliament had passed the Dowry Prohibition Act, 1961. This Act, which came into force on July 1, 1961, prohibits the request, payment, or acceptance of dowry in connection with the marriage. It was introduced with the objective to abolish the "social evil" of dowry, which treated women as financial burden, caused severe harassment, domestic violence, and unnatural deaths (dowry deaths). It further aimed to curb financial strain, ensure gender equality, and protect women's dignity. It defines dowry as any property or valuable security given or agreed to be given by one party to another before, during, or after marriage. The primary objectives of the Dowry Prohibition Act, 1961, is to prohibit the giving, taking, or demanding of dowry, eradicating this social evil to protect women from harassment, violence, and exploitation. It seeks to promote gender equality, ensure social dignity for women, and enforce legal penalties for violating these prohibitions.

However, the Act has not fully achieved its intended objectives, and the evil practice of dowry continues to persist. In spite of repeated amendments made by the Parliament and several states, this dowry menace still rules the society. Our State is no exception 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. Earlier, in 1976, the State of Haryana introduced certain amendments to the Dowry Prohibition Act, 1961 through the Dowry Prohibition (Haryana Amendment) Act, 1976. However, despite these measures, the problem of dowry continues to persist in society. Therefore, further and more

effective amendments are necessary to ensure proper implementation of the Act in the present context.

The Haryana State Law Commission has minutely examined the existing provisions of the Dowry Prohibition Act, 1961 and considers it appropriate to recommend certain amendments for strengthening the law and improving its effectiveness to ensure that women are not deprived of their rights and privileges within marriage.

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, substitution of Section 3 with bar of certain Acts and consequentially to confine punishment for offences under Section 3 for taking dowry and enhancing the term of imprisonment under Section 4, a provision for payment of the fine amount so recovered to the victim or her legal heirs, and certain other amendments are

included in this Bill.

Consequently, the Haryana State Law Commission recommends the amendments in the Dowry Prohibition Act, 1961 in order to strengthen its provisions more effectively and has drafted the Dowry Prohibition (Haryana Amendment) Bill, 2026 to be amended by the Haryana State Legislature as follows: -

**THE DOWRY PROHIBITION (HARYANA
AMENDMENT) BILL, 2026**

A

BILL

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

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 Seventh Year of the Republic of India as follows: -

1. **Short title and commencement.** - (1) This Act may be called the Dowry Prohibition (Haryana Amendment) Act, 2026.
(2) It shall come into force on such date as the State Government may, by notification in the official gazette, appoint.
2. **Substitution of Section 2.-** For Section 2 of the Dowry Prohibition Act, 1961, (hereinafter referred to as the Principal Act), the following section shall be substituted, namely: -

“2. Definition 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 relatives of the bridegroom, -

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

Explanation I.- 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. Bar of certain acts. - (1) No person shall -

- (a) take or abet the taking of dowry;
- (b) demand, directly or indirectly, from the parents or relatives or guardians of a bride any dowry;
- (c) incur marriage expenses the aggregate value where of not to exceed one lakh rupee;

(d) display any gifts made at or before the marriage in the form of cash, ornaments, clothes or other articles;

(e) take or carry in excess of twenty-five members of the marriage party;

(f) deny conjugal rights to his wife on the ground that dowry has not been given or the dowry given is insufficient.

(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.

4. **Substitution of Section 4.-** For Section 4 of the Principal Act, the following Section shall be substituted, namely: -

4. *Punishment in contravention of Section 3. –*

(1) If any person contravenes any of the provisions of section 3(1)(a), he shall be punishable with imprisonment 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) If any person contravenes any of the provisions of section 3(1)(b), 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 fifty thousand rupees:

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

(3) If any person contravenes any of the provisions of section 3(1)(c), 3(1)(d) and 3(1)(e), he shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to one year and with fine which may extend to ten thousand rupees:

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 months.

(4) The court trying an offence under clause (f) of section 3(1) relating to conjugal rights may, at any stage of the proceedings, on the execution of a bond by the husband undertaking not to demand dowry and to allow conjugal rights to the wife, drop the proceedings.

(5) Any proceedings dropped under sub-section (4) shall revive if the court is satisfied, on an application made by the wife in this behalf, that the husband has failed to carry out the undertakings or otherwise acted contrary to the terms of the bond, and thereupon the court shall proceed with the case from the stage at which it was dropped.

Provided that no application under this sub-section shall be entertained if it is made after the expiry of a period of three years from the date on which the proceedings were dropped.

(6) The court may direct that the fine, if any, imposed for the contravention of clause (f) of section 3(1), or such portion thereof, as the court may deem proper, shall be paid to the wife".

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

5. 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.

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

- (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), -

(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 by any party to the marriage, bride or her father, mother or brother, or a Gazetted Officer specially authorized by the State Government in this behalf, within a period of one year from the date of the marriage;

(c) no court shall take cognizance of any such offence except with the previous sanction of the District Magistrate or of such officer as the State Government may, by general or special order, specify in this behalf;

(d) no enquiry shall be got made through any Police Officer below the rank of a Deputy Superintendent of Police;

(e) no women shall be called to a Police Station for the purpose of an enquiry regarding any offence under this Act,".

(2) For Sub-Section (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.”

7. ***Repeal and saving.*** - (1) The Dowry Prohibition (Haryana Amendment) Act, 1976 (Haryana Act No. 38 of 1976) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken, orders made or any proceedings pending before any authority/court shall be governed by the provisions of the Dowry Prohibition (Haryana Amendment) Act, 1976 (Haryana Act No. 38 of 1976).
