



Study of The Dowry Prohibition (DP) Act 1961 and The Supreme Court 2014 Judgment on Dowry Law

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Introduction : Dowry is the money, goods or estate that a woman brings to a marriage. Dowry is illegal in India under the Dowry Prohibition Act of 1961, under which both giving and accepting dowry is offence. The punishment for violating the law is 5 years imprisonment + Rs.15000/- fine or the value of the dowry given, whichever is more.

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The Dowry Prohibition (DP) Act 1961

This legislation prohibits the request, payment or acceptance of a dowry, “as consideration for the marriage”. Here “dowry” is defined as a gift demanded or given as a precondition for a marriage. Gifts given without a precondition are not considered dowry, and are legal. Asking or giving of dowry can be punished by an imprisonment of up to six months, a fine of up to Rs. 15000 or the amount of dowry (whichever is higher), or imprisonment up to 5 years.

Dowry and Indian Penal Code

Apart from the Dowry Prohibition (DP) Act 1961, the menace of dowry has been covered in three sections of Indian Penal Code viz. Section 406 {recovery of the Streedhan}, Section 304-B {Dowry deaths} and Section 498-A {cruelty on the basis of demand of dowry}. However, there are some major issues with these laws as discussed under.

The issue of differentiation between the Dowry and Streedhan

Section 406 of the Indian Penal code is usually applied in investigation of stridhan recovery from the husband and his family. Stridhan is what a woman can claim as her own property within a marital household. It may include her jewellery (gifted either by her family), gifts presented to her during the wedding or later, and the dowry articles given by her family. Offences under this section are Non-bailable and cognizable.