

**DOWRY PROHIBITION (WEST BENGAL AMENDMENT) ACT,
1975**

35 of 1975

[23rd September, 1975]

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An Act to amend the Dowry Prohibition Act, 1961, in its application to West Bengal. WHEREAS it is expedient to amend the Dowry Prohibition Act, 1961, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows

1. Short title :-

This Act may be called the Dowry Prohibition (West Bengal Amendment) Act, 1975.

2. Application of the Act :-

The Dowry Prohibition Act, 1961 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. Amendment of section 3 of Act 28 of 1961 :-

In section 3 of the said Act, for the words "which may extend to six months, or with fine which may extend to five thousand rupees", the words "which shall not be less than three months, but may extend to three years or with fine which shall not be less than two

thousand rupees, but may extend to ten thousand rupees" shall be substituted.

4. Amendment of section 4 :-

In section 4 of the said Act,

(a) after the words "bride or bridegroom", the words "or from any other person" shall be inserted;

(b) for the words "which may extend to six months, or with fine which may extend to five thousand rupees", the words "which shall not be less than three months, but may extend to three years or with fine which shall not be less than two thousand rupees, but may extend to ten thousand rupees" shall be substituted.

(c) for the proviso, the following provisos shall be substituted, namely :

"Provided that no court shall take cognizance of any offence under this section except on a complaint made by any aggrieved party or his parents or by any other person with the previous sanction of the authority specified by the State Government in this behalf :

Provided further that no such previous sanction shall be necessary for taking cognizance on a complaint made by such organisation for social welfare with a minimum standing of five years as may be specified by the State Government by notification in the Official Gazette or by any person duly authorised by such organisation."

5. Insertion of new section 4A :-

After section 4 of the said Act, the following section shall be inserted, namely : "4A. Penalty for depriving any party of the rights and privileges of marriage

(1) If after the marriage, any party to the marriage with or without assistance of his parents or guardians deprives the other party of the rights and privileges of marriage, or tortures or refuses to maintain the said other party for non-payment of dowry before, during or after marriage, he shall be punishable with imprisonment which shall not be less than three months, but may extend to one year or with fine which shall not be less than two thousand rupees, but may extend to five thousand rupees, or with both.

(2) The provisions of this section shall be in addition to, and not in derogation of, any provisions on the subject contained in any other law for the time being in force."

6. Amendment of section 7 :-

In section 7 of the said Act,

(a) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

(b) for the words "presidency magistrate or a magistrate of the first class" in the two places where they occur, the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted;

(c) in clause (6), for the words "one year from the date of the offence", the words "three years from the date of the offence" shall be substituted.