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PART XI.

Bills introduced into the Legislative Assembly of Orissa, Reports of Select Committees presented or to be presented to that Assembly and Bills published before introduction in that Assembly.

LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

The 21st/22nd September 1939.

No. 8094-L.A.—The following Bill was introduced in the Orissa Legislative Assembly on the 15th September 1939.

ORISSA DOWRY ABOLITION BILL, 1939.

Preamble.

WHEREAS it is expedient to abolish giving or taking of dowry in marriages;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the "Orissa Dowry Abolition Act".

Commencement.

2. It shall come into force as soon as the Provincial Government shall notify in that behalf in the Provincial Gazette.

The Provincial Government may, by notification, exempt the people of any caste or class from the operation of this Act.

Definitions.

3. (a) In this Act unless there is anything repugnant in the subject or context, "dowry" includes any consideration whatsoever, paid or promised to be paid or received, or offered, or accepted in return for or as a condition precedent to a marriage either performed or to be performed in accordance with law or custom for the time being in force:

Provided that it shall not include any wearing apparel or ornaments which are absolutely necessary to be worn by a married woman according to such custom as is prevalent in her caste or society.

(b) Religious marriage offerings consist of—

(i) cash which may be a rupee or any coin worth less than a rupee offered at each ceremonial occasion, whose aggregate amount does not exceed the limit specified in section 5;

(ii) silver or gold ornaments including *Mathamani*, *Balaya*, *Kacha*, *Kadu*, *Dandi* or *Nolak*, *Bauli*, *Pahuda*, *Suta* or the like worn by the girl whose number and value should not exceed the limit given in section 5;

(iii) utensils and clothes and other articles which should not be of any precious metal like gold or silver and whose values do not exceed the limit given in section 5.

(c) Marriage extravagant demonstrations mean and include —

(i) to take in a *Barajatri* more than 25 persons in the superior, 16 persons in the first and 9 persons in the ordinary class marriage;

(ii) to have a dance party or make a show of fire-works, *Phularosanee* or anything of the kind on the occasion of any marriage ceremony;

(iii) to give feast to any body except the members of the *Barajatri* as defined in clause (i) and the family members, relations and servants of the entertainers party.

Penalty.

4. Any person who pays or offers or promises to pay, takes, receives, accepts or agrees to take, receive or accept dowry, shall be punishable with simple imprisonment not exceeding three months or a fine not exceeding one thousand rupees or with both.

Classes of marriages.

5. There shall be three classes of marriages:—

(1) The superior class marriage is one in which the total cash offered and accepted as religious

marriage offerings does not exceed Rs. 21, total ornaments offered and accepted as such offerings do not exceed 11 in number and Rs. 101 in value and all other articles as such offerings excluding the cash and ornaments do not exceed Rs. 201 in value.

(2) The first class marriage is one in which the total cash offered and accepted as religious marriage offerings does not exceed Rs. 11, total ornaments offered and accepted as such offerings do not exceed 7 in number and Rs. 51 in value and all other articles excluding cash and ornaments offered and accepted as such offerings do not exceed Rs. 101 in value.

(3) The ordinary class marriage is one in which the total cash paid and accepted as religious marriage offerings does not exceed Rs. 11, total ornaments offered and accepted as such offerings do not exceed 5 in number and Rs. 31 in value and all other articles excluding cash and ornaments offered and accepted as such offerings do not exceed Rs. 21 in value.

Who can perform
which kind of
marriage.

6. (a) A person can perform the superior class marriage only if the bridegroom or his father or guardian, or the father or guardian of the bride, is the owner, in his own personal right, of landed property paying more than Rs. 1,000 as land revenue or gets a monthly salary of more than Rs. 100 or pays income-tax.

(b) A person can perform a first class marriage only if the bridegroom, his father or guardian, or the father or guardian of the bride owns, in his own personal right landed property paying more than Rs. 250 as land revenue, or gets a monthly salary of more than Rs. 25.

(c) All other persons shall be entitled to perform the ordinary class marriage only.

7. Any person who makes or arranges for extravagant demonstrations as defined in this Act in connection with the marriage, shall be punished with simple imprisonment, which may extend up to one month or with fine which may extend up to Rs. 1,000 or both.

Procedure.

8. An offence under section 4 of this Act shall be non-cognizable and shall be triable as a summons case by any Magistrate.

Security against false or vexatious proceedings.

9. No court shall take cognizance of any case under this Act except on a complaint and when any such complaint is found to be false or vexatious, the provisions of the Criminal Procedure Code (V of 1898) relating to compensation will apply.

Complaints.

10. Any person who is interested in the caste or society to which the parties to the marriage belong and in connection whereof any offence is committed, may file a complaint.

Special officer watching the commission of offence.

11. The Provincial Government may by notification appoint a Special Officer within any area, comprising a district or a police-station, or a village, to report any offence committed under this Act and cognizance of offence on the report of such officer may be taken, but he will be exempted from personal appearance or examination under section 200 of the (V of 1898) Criminal Procedure Code.

STATEMENT OF OBJECTS AND REASONS.

Whereas among the Indians it has become an evil custom of taking or offering dowry;

Whereas by the existence of such a custom, a large section of the people have been seriously affected; and

Whereas there has been a general outcry for wiping out such an evil custom;

It is necessary to introduce such a legislation as will have the desired effect of protecting the people from the evil custom.

CUTTACK:

The 29th July 1939.

SARALA DEVI,

Member-in-charge.

C. G. NAIR,

Secretary, Orissa Legislative Assembly.