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Women misusing anti-dowry law:

HC 

IANS [WEDNESDAY, MAY 21, 2003 06:22:45 PM]

NEW DELHI : Observing that anti-dowry laws were being increasingly misused by wives to harass their husbands and in-laws, the Delhi High Court has urged the government to review their provisions.

Judge J D Kapoor urged the review while rejecting a plea by a woman petitioner, Savitri Devi, seeking the arrest of her brothers-in-law and sister-in-law for allegedly harassing her by demanding more dowry.

Kapoor said in his order passed on Tuesday: "I feel constrained to comment upon the misuse of the provisions (of law) to such an extent that it is hitting at the foundation of marriage itself and has proved to be not so good for the health of the society at large."

The judge observed: "There is a growing tendency to come out with inflated and exaggerated allegations, roping in each and every relation of the husband. If one of them happens to be of higher status or of vulnerable standing, he or she becomes an easy prey for better bargaining and blackmailing."

He added: "The ground realities have persuaded this court to recommend to the authorities and lawmakers to have a review of the situation and legal provisions."

The judgement came days after a headline-grabbing incident in which a young woman in the neighbouring town of Noida called off her wedding, moments before it was to begin after the groom-to-be demanded more dowry in addition to what he had already received.

Nisha Sharma told the police her in-laws were demanding Rs 12 lakhs in dowry. She also alleged that her would-be husband Munish Dalal had assaulted her father.

Dalal and his mother are in police custody and Nisha has become an icon for millions of Indian youth because of her bold step. However, her in-laws have alleged that they were being victimised because the girl had an affair with her classmate.

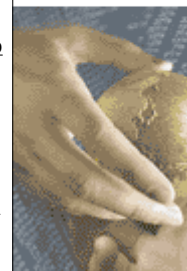
On Sunday, a Muslim woman refused to go to her husband's house after he too demanded more dowry. Police had registered a case but the issue is said to be in the process of being resolved through mutual consent.



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Judge Kapoor, in his order, said the provisions of the anti-dowry laws "were made with good intentions but the implementation has left a very bad taste and has been counter-productive."

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According to the anti-dowry laws, a non-bailable warrant is issued against the accused if a woman alleges she is being harassed by her husband and/or his relatives for dowry. People found guilty can be sent to jail for up to three years and/or fined.

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Savitri Devi had filed a case last year urging her brothers-in-law and sister-in-law be arrested for demanding dowry. A city court rejected the plea, but ordered the framing of charges against Savitri Devi's husband and father-in-law.

She then challenged the lower court's order in the High Court.

Judge Kapoor agreed with the lower court's decision and found no evidence of harassment against Savitri Devi's brothers-in-law and sister-in-law.

"The only allegation against the respondents is that they did not like the customary gifts the petitioner had brought," said Kapoor. This, according to him, did not amount to cruelty or harassment.

"The petition is highly misconceived and is being used as a tool to hold the entire household to ransom and jeopardy," he said.

He also pulled up the investigating agencies for not doing their work properly.

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