

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1262
ANSWERED ON:29.07.2003
DOWRY ACT
RAMDAS ATHAWALE

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Delhi High Court has expressed its concern regarding the gross misuse of Anti-dowry laws;
- (b) if so, whether Delhi High Court has asked the Government to make two of the dowry related crimes under Indian Penal Code as bailable and reconcilable and making provisions to enable only the Executive Magistrate to take cognizance of the crimes registered under Section 406 and 498 of Indian Penal Code;
- (c) if so, the reaction of the Government thereto;
- (d) whether the Government also propose to take steps not to refer the investigations of the crimes registered under Section 498-A and 406 to the officer below the rank of ACP till the above mentioned provisions are made;
- (e) if so, the details thereof; and
- (f) if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONS, PUBLIC GRIEVANCES AND PENSIONS (SHRI HARIN PATHAK)

(a) to (f): A statement is attached.

STATEMENT REFERRED TO IN THE REPLY TO PARTS (a) TO (f) OF THE LOK SABHA UNSTARRED QUESTION NO. 1262 FOR 29TH JULY, 2003 BY SHRI RAMDAS ATHAWALE, M.P. REGARDING DOWRY ACT.

(a): Yes, Sir.

(b) & (c): The Delhi High Court in Savitri Devi Vs Ramesh Chand and others has observed that marital offences under sections 498A and 406 IPC be made bailable, if no grave physical injury is inflicted, and compoundable. It has also recommended that Executive Magistrate be empowered to investigate such cases and cognizance be taken upon his report.

National Commission for Women is of the view that the offence under section 498A should neither be bailable nor compoundable.

(d) to (f): Investigation by a police officer, not below the rank of DCP or ACP is not practicable in every case under section 304B or 498A/406 of the IPC.