

## DNA: India: Dowry law applies before marriage: SC

Contributed by Administrator

Friday, 01 May 2009 - Last Updated Monday, 04 May 2009

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- [DNA: India: Dowry law applies before marriage: SC](#)
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**New Delhi:** Would-be grooms and future in-laws will face the charge of demanding dowry if a proposed marriage fails to be solemnised because the girl's parents couldn't meet their demands, the Supreme Court of India has ruled.

Adding teeth to the anti-dowry legislation, the apex court said it's not necessary that the law applies only when the marriage has taken place, but that it becomes active the moment two parties start a dialogue for marriage.

"The definition of the expression 'dowry' in section 2 of the Dowry (Prohibition) Act cannot be confined merely to 'demand of money, property, or valuable security' made at or after the performance of marriage," a bench of justices Arijit Pasayat and Asok Kumar Ganguly said.

The bench said "demand" of money, property, or valuable security made to the "[would-be] bride or her parents or other relatives by the bridegroom or his parents or other relatives or vice-versa would fall within the mischief of 'dowry' under the Act" even if the demand "is not properly referable to any legally recognised claim and is relatable only to the consideration of marriage".

The court held that "marriage in would include a proposed marriage", particularly when the "non-fulfilment of the demand of dowry leads to the ugly consequence of the marriage not taking place at all".

The ruling, which widens the scope of the dowry prohibition law, came in an appeal filed by a "husband", Koppiseti Subbarao alias Subramaniam, saying he couldn't be charged with cruelty for demanding dowry as he had never married the woman who made the charge.

The SC rejected Subbarao's plea that the "victim woman" should establish that she was his legally married wife. It wondered if "a person who enters into a marital arrangement (should) be allowed to take shelter behind a smokescreen.

"Such legalistic niceties would destroy the purpose of the anti-dowry law provisions (and) would encourage harassment" of a woman over money, the bench said.

The SC said it would be appropriate to construe the expression "husband" to cover a person who enters into a marital relationship and under "such proclaimed or feigned status" subjects the woman to "cruelty" under sections 304B or 498A IPC, "whatever be the legitimacy of the marriage itself".

Those people had seen the dark side of biased 498a/Dv act allready know the pain of the same and well come this as a great move to make wake up the society and LAW makers. Offten we seen the unmarried guys overlook the danger of such law, where the assumption that the verbal alligations of a women to be treated as true , till the accused not proved his innocence, which is against any natural Criminla Justice System, but our Law makers overlooked the same long time and made more and more duplications of law , which converted the whole Criminal Justice system as free Money earning System through legal extrotion/ blackmailing.A Great Judgement to expose the biased law and promotion of misuse , which the same Supreme court earlier said , it "Unlash Legal Terrorism" and Government must take some step to prevent it.As Goverment had not taken any action to stop such Legal Terrorism and no preventive actions to remove the Cancer of Misus of Dowry law, where the verbal statement of a women to be Presumed as True ( as no women lie as all women born in

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Raja Harish Chandra family) , this is work wonder fully and those advocate or doing the dram in last 60 years in the name of anti-dowry law, will be wake up.What you have to do , find a women let it be 18 years or 80 years , you are eligable to file a 498A or 304B to any Tom/Dick/Hary along with her sister/mother/grand mothers also.**The case should not stop there itslef, it will be followed by Maintance and allomeny act also alongwith crpc125/Section24/Domestic Violence act/ Adultrity act also ( Adultrity is a crime for Husabnd, not for wife). Though you have not married , but you will be termed as Husband and you have to face all the cases waht a Husband face.**As we continously demanding , replace the word Husband/wife to Spouse and Men/women word with Person to avoid any descriminations , we stick with that and also well come the proposal of Supreme court of India to replacing the word " Husband" to "Person" and let all the unmarried guy also face the reality of Such Legal Terrorism of India in the form of 498A/304B so called dowry death.Any law on assumption based and with the pricipal the verbal statement of a complin to be presumed to be as True , will ensure more and more misue of law and extroion business , as unfortunately god had not created a single women , who do not lie in this world.So , now the Supreme court had sifted the responsibility to LAW makers , you had make the loopsided law and we will not take any corrective actions, let millions of innocent people suffered in misue of such law.You made this law, you answer the people , if they suffer.**Law makers should understand : " Injustice some where is a Direct Threat to Every where."***Summery : Now on Men has no right to refuse to marry a women also . By doing so you are hurting the modesty and dignity of a women and be ready to go jail u/s 498A and 3/4 of DP and will be jailed along with your mother/sister/brother/father/realtives , let they stay with you or stay 2000Km far away.*

**For more reference :**

- [Review Gender Bias LAW](#)
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- [SC: Dowry law applies to live-in relationships](#)

NEW DELHI: If you thought that being in a live-in relationship would save you from being punished for demanding dowry, think again. In an order that can expand the rights of women in live-in alliances, the Supreme Court has turned down the plea of Koppiseti Subbarao who had disputed the dowry charge pressed by his live-in partner on the ground that they were not married.

The court also brushed aside another argument put forward by Subbarao that the anti-dowry law could not apply to him since he was married to someone else in what should serve as a cautionary tale for those who prefer live-in relationships to dodge responsibilities that come with marriage.

This ruling came from a Supreme Court Bench comprising Justices Arijit Pasayat and A K Ganguly in an interesting case where Subbarao, faced with a dowry harassment case, said that he was not liable to be prosecuted under anti-dowry provisions -- section 498A of the IPC-- since there was no valid marriage between him and the complainant.

The Bench did not agree at all. "Can a person who enters into a marital agreement be allowed to take shelter behind a smokescreen to contend that since there was no valid marriage, the question of dowry does not arise," the Bench asked.

It elaborated on the reasoning, saying, "Such legal niceties would destroy the purpose of the provisions. Such hairsplitting legalistic approach would encourage harassment of a woman over demand of money."

Writing the judgment for the Bench, Justice Pasayat made it clear that the court would not let a narrow interpretation of dowry come in the way of women's rights. "The nomenclature `dowry' does not have any magic charm written over it. It is just a label given to demand of money in relation to marital relationship."

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The Bench gave the example of the law recognising rights of children born out of void and voidable marriages, to explain its stand why it was defining dowry in a broad way. "Can it be said that legislature, which was conscious of the social stigma attached to children of void and voidable marriages, closed its eyes to plight of a woman who unknowingly or unconscious of the legal consequences entered into marital relationship," the Bench said.

If such restricted meaning was given, it would not further the legislative intent, the Bench said, adding, "On the contrary, it would be against the concern shown by the legislature for avoiding harassment of a woman over demand of money in relation to marriages."

dhananjay.mahapatra@timesgroup.com