

(PIL 52 of 2013)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION No. 52 OF 2013

Priscilla Samuel  
Vs. ...Petitioner

Union of India and Ors. ...Respondents

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Ms. Priscilla Samuel -Petitioner in person  
Mr.D.D. Singh for Respondent – Union of India  
Mr.J.S. Saluja -AGP for Respondent -State

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CORAM : V. M. KANADE  
REVATI MOHITE DERE, JJ.

DATE : JANUARY 08, 2016

P.C. :

1. The grievance of the Petitioner is that though the Dowry Prohibition Act was passed in 1961, Dowry Prohibition Officers have not been appointed. The other grievance of the Petitioner is that despite several provisions being made under the Dowry Prohibition Act, demand of dowry is openly made and even in the matrimony sites, demand of dowry is made by the parents of the bridegroom.

2. The Petitioner, who is appearing in person, has invited our attention to the matrimony sites, which show that generally crores of rupees are given in marriages. The Petitioner, therefore, is seeking a direction, directing the State Government to make an inquiry into the

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mushrooming illegal business of the marriage brokers and the marriage service providers available on the Internet, as online services. Further direction is sought to make an inquiry and investigate into the marriage advertisements appearing as classifieds in all newspapers.

3. Though it will not be possible to issue directions or grant all reliefs which are claimed by the Petitioner, we are of the view that there is much substance in the submissions made by the Petitioner, who is appearing in person, that it is the duty of the State Government to appoint Dowry Prohibition Officer which is provided under Section 8(b) of the Dowry Prohibition Act, 1961 and also to appoint an Advisory Board for the purpose of advising and assisting the Dowry Prohibition Officer. So far as the other reliefs of stopping the tradition of demand of dowry is concerned, in our view, it is a social problem and can be solved by social reforms. Therefore, such writs cannot be issued by this Court while exercising its discretionary powers. On the other hand, the learned AGP appearing on behalf of the State has submitted that the Senior Police Inspector in every police station is empowered to deal with the dowry issues under the Dowry Prohibition Act.

4. The State, therefore, to file an affidavit in reply and point out the steps taken by them for stopping the tradition of demand of dowry pursuant to the said Act. It is a matter of record that several deaths had taken place in the State of Maharashtra and elsewhere in India on account of non-payment of dowry by the wife. We have issued several directions on the criminal side regarding the manner in which such cases should be handled by the police.

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5. Hence, issue notice to Respondent Nos. 1 to 4 and 7 to 11, returnable on 22.1.2016. Humdust permitted. Shri Saluja, learned AGP waives service of the notice for Respondent Nos.2, 3 and 4. However, notice may not be issued to Respondent Nos.5 and 6.

[REVATI MOHITE DERE, J.]

[ V. M. KANADE, J.]

Vaishali Tikam