

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PUBLIC INTEREST LITIGATION NO.52 OF 2013

Priscilla Samuel. .. Petitioner  
Vs  
Union of India and Others. .. Respondents

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Ms.Priscilla Samuel, the Petitioner in person.  
Shri D.P. Singh for the Respondent No.1 Union of India.  
Shri J.S. Saluja, AGP for the Respondent No.2 State.  
Ms. Nikita Jacob i/b S.K. Legal Associates for the Respondent Nos.8 and 9.  
Ms. Trupti Puranik for the Respondent No.12.  
Shri Pravin Samdani, Senior Counsel along with Shri R.D.Soni and Ms. Nikita Bhansali i/b Wadia Ghandy & Co for the proposed Respondent No.14.  
Ms M.A. Adenwalla for the Tata Institute of Social Science.

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CORAM : A.S. OKA & P.D. NAIK, JJ  
DATED : 28<sup>th</sup> APRIL 2016

PC.

1. Perused the affidavits of Shri Manoj Shantaram Patankar, the District Women & Child Development Officer and of Dr. Tanaji Hanmantrao Mane, the Deputy Director, State Bureau of Health Intelligence and Vital Statistics, Pune. The affidavit of Shri Manoj Patankar discloses for the first time that the Maharashtra Dowry Prohibition Rules, 2003 were published in the Government Gazette dated 18<sup>th</sup> December 2003. This PIL is pending from the year 2013.

None of the Government officers were aware that the Rules were already framed in the year 2003 and that is how there is an observation in the order dated 23<sup>rd</sup> March 2016 passed by this Court that the State Government has failed to exercise the rule making power under the provisions of the said Act of 1961. The other question which arises is whether there is any implementation of the said Rules. On this aspect, the State Government will have to make appropriate statement. In the affidavit of Shri Manoj Patankar, the outer limit for implementing various provisions of the Act has not been set out. As far as the Advisory Boards are concerned, it is stated that the time of minimum three months will be required. However, there is no outer limit set out.

2. Many of the provisions of the said Act of 1961 have not been implemented by the State Government and therefore, the State Government will have to come out with an outer limit for compliance. The Petitioner appearing in person pointed out that the State Government has not dealt with the observations made in Paragraph 13 of the order dated 23<sup>rd</sup> March 2016. The important issue regarding illegalities associated with the various matrimonial websites has not been addressed by the State Government. The learned AGP states that today the learned Acting Advocate General is not available.

3. Before we issue further directions, we direct the State Government to file further affidavit setting out outer limit for making compliance. The affidavit to state whether machinery provided under the Rules of 2003 is in place.

4. The affidavit of the State Government to deal with the Paragraph 13 of the order dated 23<sup>rd</sup> March 2016. Affidavit shall be filed on or before 6<sup>th</sup> June 2016. Place this PIL on 10<sup>th</sup> June 2016. To be listed in the category of “Fresh Matters”.

(P.D. NAIK, J)

( A.S. OKA, J )