

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

PUBLIC INTEREST LITIGATION NO.52 OF 2013

Priscilla Samuel

Petitioner

versus

Union of India and others

Respondents

Ms.Priscilla Samuel, Petitioner in person, present.

Mr.Anil C. Singh, Additional Solicitor General, with Mr.D.P.Singh and Yash Momaya for Respondent no.1 Union Government.

Mr.Abhay L. Patki, AGP, for Respondent nos.2 to 4 State.

Mr.S.B.Pawar with Ms.Swati Sawant i/by M/s.S.K.Legal Associates for Respondent nos.8 and 9.

Mr.Sagar Patil for MCGM.

CORAM : SHANTANU S. KEMKAR AND  
PRAKASH D. NAIK, JJ.

DATE : 10 January 2017

PC :

1. Heard the Petitioner in person and respective learned counsel for Respondents.

2. The Petitioner has raised important issues in relation to implementation of provisions of Dowry Prohibition Act, 1961 (for short 'the Act'). The issues raised by the Petitioner relates to appointment of Dowry Prohibition Officers and Advisory Board under the said Act. The Petitioner also seeks action against the marriage brokers/ marriage bureaus and advertisements relating to marriages in the news papers wherein demands for property are being made in the form of dowry.

3. This Public Interest Litigation was heard on several occasions and from time to time directions were issued to the Respondents. In response to the directions issued by this Court, several affidavits are filed by Respondents which are on record. Vide order dated 8th January 2016 it was observed by this Court that it is the duty of the State Government to appoint Dowry Prohibition Officers as per Section 8(b) of the Act and also to appoint an Advisory Board for the purpose of advising and assisting the Dowry Prohibition Officers ('DPOs' for short). The Court, therefore, directed the State to file an affidavit-in-reply and point out the steps taken by them for stopping the acts of demand of dowry. On 10th February 2016, it was directed by this Court that the affidavit to be filed by the State, has to specify whether Rules have been framed under the Act and under Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998 ('the Act of 1998' for short). The State was also directed to clarify in the affidavit whether they have appointed DPOs and if they have, the qualifications and experience of such officers. The Court expressed displeasure on the appointment of Police Officers as DPOs by stating that the purpose of creating posts of DPOs will not be served if police officers are appointed as DPOs. The State was further directed to state in their affidavit about steps taken by them for the regulation of Marriage Bureaus under the Act of 1998.

4. Vide order dated 24th February 2016, this Court directed that the Municipal Corporation of Mumbai be added as Respondent. The said direction was issued in view of the submissions made by learned

AGP appearing for State that Public Health Department has issued a notification dated 27th February 2008 wherein the Government of Maharashtra appointed Ward Officers of Municipal Corporations, Chief Officers of Municipal Councils/Nagar Panchayats and Chief Executive Officers of Cantonments, to be the Registrars of Marriage Bureaus and Marriages for the area within their respective jurisdictions. The affidavit dated 11th March 2016 sworn by Dr.Tanaji Maney, Deputy Director, State Bureau of Health Intelligence and Vital Statistics was placed on record. In the said affidavit it was stated that under the provisions of Act of 1998, the Government of Maharashtra, in terms of notification dated 27th February 2008, appointed Ward Officers of the Municipal Corporations, Chief Officers of Municipal Councils/Nagar Panchayats and Chief Executive Officers of Cantonments to be the Registrars of Marriage Bureaus and marriages for the areas within their respective jurisdictions. It was further stated that in terms of notification dated 31st January 2001, the State Government has appointed Gram Sevaks for every Gram-Panchayat in the State to be the Registrars of Marriage Bureaus and marriages for the respective areas of Gram-Panchayats. It was further stated that vide notification dated 10 August 2009, senior officials were appointed as Registrars for their respective jurisdictions to implement the Act of 1998. The officials so appointed were : (i) The Director, Health Services, M.S; Mumbai as Registrar of Marriage Bureaus and Marriages (State level); (ii) The Deputy Director, Health Services (HIVS), Pune - Registrar of Marriage Bureaus and Marriages (Divisional Level Co-ordination); and (iii) Medical Officers (Health) of each ward of the Mumbai Municipal Corporation - Registrar of Marriage Bureaus and Marriages within the area of their respective

jurisdiction. Besides, the State Government formulated Rules under the said Act of 1998, which were called Maharashtra Regulation of Marriage Bureaus and Registration of Marriage Rules, 1999. It was further pointed out that the Government of Maharashtra has appointed 28,640 Registrars across the State including Mumbai. However, it was pointed out that there was no record available to show the number of Marriage Bureaus existing in the respective jurisdictions of Registrars. It was also stated that concerned authorities appointed under the Act of 1998 would require four months time to collect the information and to inform all the authorities to implement the provisions of the Act of 1998 and Rules framed thereunder. The concerned Registrars across the State of Maharashtra in order to enforce the provisions of the Act of 1998, would immediately come out with a circular to be put up on website and by way of advertisement, direct every Marriage Bureaus in existence to comply with the provisions of the Act of 1998 and Rules framed thereunder, within a period of one month from the date of issuance of circular/advertisement, failing which the concerned Registrar would initiate action against the Marriage Bureaus under the provisions of the Act of 1998 and Rules framed thereunder.

5. Another affidavit dated 17th March 2016 was filed by Mr. Manoj Shantaram Patankar, District Women and Child Development Officer, Mumbai Suburban. In the said affidavit it was stated that under Section 8(b) of the Act, and in terms of notification dated 13 May 1998, following dowry officers have been appointed by Government of Maharashtra; viz. :

- (i) Deputy Inspector General of Police (Women Violence Prevention Cell) - DPO of the State level;
- (ii) District Police Superintendent/Police Commissioner (Members of District Vigilance Committee) - DPO of the district level;
- (iii) Police Inspector/Police Sub-Inspector (working on Women Vigilance Committee) - DPO of the Police Station level.

The affidavit further stated that in terms of Government Resolution dated 29th January 1985, the District Vigilance Committees have been appointed to overlook and control the affairs and functions/duties of the concerned authorities under the said Act. It was further stated that in terms of Government Resolution dated 4th November 1987, non-governmental members were appointed as District Vigilance Committee. In terms of Government Resolution dated 30th August 2006, the Committees were formed at the district level, taluka level and at the village level. In terms of Government Resolution dated 21st May 2002, the Dowry Prohibition Advisory Committee was constituted for a term of three years and was re-constituted in terms of Government Resolution dated 20th November 2006. It was also pointed out that in terms of Government Resolution dated 2nd November 2011, the District Women Advisory Committee was constituted by uniting different committees under the Women and Child Development Department, which were under the chairmanship of Collector, which is inclusive of District Committee for Dowry Prohibition. The said committee compiles with the statistical data received from the police authorities in respect of offences committed under the said Act.

6. Another affidavit dated 23rd March 2016 was filed by Dr.Sandeep Bhajibhakare, Assistant Inspector General of Police (Law and Order) in the office of DG of Police, Maharashtra. The said affidavit was filed in compliance of the order dated 24th February 2016 passed by this Court. The affidavit enclosed a list of cases registered in relation to the said Act for the period between 2013 and 2015.

7. In the order dated 23rd March 2016, a reference was made to Section 4A of the Act, which relates to the ban on advertisement. It was pointed out to the Court that very rarely, the State Government has prosecuted any person under the said provision. In the order, the Court made a reference to the affidavit filed by Mr.Manoj Patankar, dated 17th March 2016. The Court also made a reference to the provisions of Section 8(b) of the Act. It was noted that sub-section 3 of Section 8(b) of the Act indicates that DPOs can be persons other than police officers and, therefore, there is power conferred on the State to confer certain powers of police officers on the DPOs. Section 10 of the Act confers rule making power on the State Government. Clauses (a) and (b) of sub-section 2 of Section 10 of the Act, deal with DPOs. The Court noted that police officers have been appointed as DPOs by designation, which shows non application of mind. There is no criteria laid down for appointment of DPOs. It was further observed that sub-section 4 of Section 8(b) of the Act provides for establishment of an Advisory Board for the purposes of advising and assisting the DPOs in the efficient performance of their functions. The State Government is empowered to appoint Advisory Board consisting of five social welfare workers out of whom at least

two shall be women from the area in respect of which such officer exercises the jurisdiction. It was noted that the affidavits on record do not show that the State Government has appointed such an Advisory Board. One of the functions of the officer is to collect the evidence as may be necessary for prosecution of the persons committing the offences under the Act. It was further directed that the State Government will have to issue directions to the police officers directing them to take assistance of DPOs for collecting the evidence. It was further noted that the DPOs are entrusted with the duty of ensuring that the provisions of the Act are complied with. The officers are entrusted with function of preventing the dowry. Unless the members of public are made aware that DPOs are appointed by the Government for a particular area or ward, the citizens will not be in a position to approach them. To enable the DPOs to take preventive action, the State Government will have to take steps to give wide publicity to the names of DPOs appointed at the district and police station level. Publicity should be given to their respective addresses. The State Government will have to take appropriate steps for making available a Grievance Redressal Mechanism so that the members of public can give information to DPOs in advance about any likely violation of the provisions of the Act. The Court, therefore, directed the authorities to give wide publicity of appointment of DPOs and to establish Grievance Redressal Mechanism so that all complaints or breaches can be reported to the officers. The State was further directed to state on oath the outer limit within which the State will exercise rule making power under Section 10 of the Act. It was further directed that the State may consider inviting attention of leading registered

newspapers to the provisions of Section 4(a) of the Act, which makes printing, publication and circulation of objectionable advertisements as an offence.

8. It was further observed that another important issue which was raised in the petition, was about implementation of the provisions of the Act of 1998. The Court noted the fact that some of the Marriage Bureaus are indulging into illegal activities. It was noted that the Registrars under the Act of 1998 play important role as regards registration of Marriage Bureaus and they should maintain registers. The Court also made a reference to the issue of various matrimonial websites and illegalities associated with them and necessity of the State to look into the legislative provisions for dealing with such issues. The State was directed to file an affidavit in response to the directions.

9. An affidavit dated 26 April 2016 was filed by Mr. Manoj Patankar, District Women and Child Development Officer before this Court. In the said affidavit it was stated that in exercise of powers conferred by sub-section 1 and clauses (a) and (b) of sub-section 2 of Section 10 of the Act, the State Government has framed Maharashtra Dowry Prohibition Rules, 2003 for carrying out the purpose of the said Act and the Rules will be enforced accordingly and the same will be put on the website of the Commissioner, Women and Child Development Department. It was further stated that it has been decided as a policy to consider and appoint Class-I officer, who could be entrusted additional charge to function as a DPO in place of existing police officers and also functioning as DPO to be



posted at Mumbai city, Mumbai suburban and district level. Similarly, Class-II officers from Child Development and Protection Officer would also be entrusted additional charge to function as DPO at Taluka level. This process would be put into effect within a period of two months. Since there are large number of vacant posts in the Child Development and Protection Officer (Class-II), requisition has been sent to Maharashtra Public Service Commission to fill up the vacant posts. However, in the meanwhile, the police officers will continue to function the role of DPOs, until such time the new officers are entrusted with the duties and functions to act as DPOs. It was further stated that the State Government through the Women and Child Development Department, is in a process to nominate social welfare workers as the members of advisory board for the purpose of advising and assisting DPOs by giving advertisements and that this process would take three months. The information of the constitution of advisory board under sub-section 4 of Section 8(B) would be made available on the website of Commissioner, Women and Child Development Department. It was further stated that the State Government through the office of Director of Information and Publicity Department will issue directions to circulate orders drawing attention of all leading registered newspapers to the provisions of Section 4-A of the Act. The State Government will issue directions to the Commissioner, Women and Child Development, Pune to bring about public awareness of the DPOs being appointed under the Act. It was further stated that information about implementation of Section 40A would be put up on the website of Commissioner, Women and Child Development Department as well as website of Director of Information and Publicity Department. It was further

stated that the State Government is taking appropriate steps to establish grievance redressal cell under the control of Commissioner, Women and Child Development, Pune to resolve all complaints or breaches under the provisions of the said Act. It was also mentioned that the information about the grievance redressal cell would be put up on the website of Commissioner, Women and Child Development Department.

10. Another affidavit dated 26th April 2016 was filed by Dr.Tanaji Maney, Deputy Director, State Bureau of Health Intelligence and Vital Statistics. It was stated in the said affidavit that the Director of Public Health Department, after deliberation with the concerned personnel, has proposed to consider appointing existing medical officers, whose duties beside medical functions, also include administrative work located at every ward in Mumbai city and Mumbai Suburban, with additional duties to function as Registrar of Marriage Bureaus and Marriages. Similarly, at district and taluka level, the Medical Superintendents and Group-A medical officers of Nagar Palikas and Nagar Panchayats who are placed as Group-A officers, would be entrusted with additional function of registrar of marriage bureaus and marriages. It was also stated that the entire process would be put into effect within a period of four months. The Director of Public Health Department after obtaining approval of the State Government, is in the process of entrusting the work under the Births, Deaths and Marriage Registration Act to these medical officers/medical superintendents. It was also indicated that once the aforesaid process is put in function, the same would be published in the gazette and put up on the website of Public Health Department

for wider circulation of the public. It was also stated that the department has received good responses for registration of Marriage Bureaus, which are under scrutiny, and the registration would be done in due course. The medical officers/medical superintendents would be accountable to discharge their duties as registrars. The statistical data of the existing marriage bureaus in Mumbai city and other leading cities of the State, would be collected and made available to the office of Director of Public Health for maintaining records in terms of the provisions of the Act of 1998.

11. This Court vide order dated 28th April 2016 perused the affidavits of Mr.Manoj Patankar and Dr.Tanaji Maney referred to hereinabove and noted the facts deposed therein. The Court further indicated that the Government will have to make appropriate statement with regard to the implementation of the Rules. Since several provisions of the Act have not been implemented by the State Government, the statement will have to be made with regard to the outer limit for compliance. It was also stated that the issue regarding illegalities associated with matrimonial websites has not been addressed by the State Government. The Court directed the State Government to file further affidavit setting out the outer limit for compliance and also to state whether machinery provided under Rules of 2003 is in place. It was also observed that further affidavit shall deal with paragraph 13 of order dated 23rd March 2016.

12. The affidavit dated 6th June 2016 filed by Dr.Rajabhau Thorat, Deputy Director of Health Services, State Bureau of Health Intelligence and Vital Statistics, was tendered in these proceedings.

It was stated that in terms of Section 3 of the Act of 1998, as far as the appointments of Registrars of Marriage Bureaus and Marriages are concerned, the existing medical officers/medical superintendents located at every ward in Mumbai city and suburban, district and taluka level, Nagar Panchayats and Nagar Parishads, who are Group-A Class-I officers, have been nominated as Registrars of Marriage Bureaus and Marriages and the additional responsibilities and duties falling within the scope of registration of Marriage Bureaus and Marriages under the said Act of 1998 is in the process of being assigned to the existing medical officers/medical superintendents. As soon as this process is completed and put to function, information will be published in the official gazette and the website of Public Health Department for wider information and circulation to the public. It was also stated that there are about 121 Marriage Bureaus in Mumbai city and 103 in other parts of Maharashtra State and out of which 20% have been registered under the Act. The nominated Registrars of Marriage Bureaus and Marriages are in the process of sending notices to these Marriage Bureaus directing them to get registered under the provisions of the said Act. The Registrars shall exercise such powers and duties as provided under the Act and shall work under the general supervision and control of the Registrar General of the Registrars and State Government. The Registrar General of births, deaths and marriages appointed by the State Government and also under the provisions of the said Act and Rules, could be the appellate authority to hear the appeal against the orders passed by the Registrars refusing to register or renew the registration of Bureau or cancelling the registration of Marriage Bureau. The Registrar General would also be an appellate authority under the

provisions of Sections 7, 8 and 9 of the said Act of 1998 relating to appeal against the order of refusal to register a marriage. As per Section 9 of the Act of 1998, the person or party aggrieved by the order of Registrar General refusing to register a marriage, may, within a period of 30 days from the date of the order, file an appeal against such order to the District Court within the local limits of whose jurisdiction the registrar of marriages has his office and the decision of the District Court on such appeal shall be final. The Registrar of Marriages before whom the memorandum is presented under Section 6 of the Act of 1998, shall act in conformity with such decision. However, subject to the provisions of Section 9 of the Act of 1998, no marriage to which this Act applies, shall be deemed to be invalid solely for the reasons that it has not been registered under this Act. The affidavit further stated that registrars appointed under the Act of 1998, would function within the frame work of Rules of 1999 for regulation of marriage bureaus and registration of marriages. In terms of Section 22 of the Act of 1998, the State Government from time to time may issue such directions not inconsistent with the provisions of the Act of 1998. It was also indicated that Public Health Department would ensure complete implementation and compliance of the provisions of the Act of 1998 and Rules of 1999 framed thereunder, at the outer limit of nine months i.e. by March-2017 and would accordingly place on record the statistical data of the marriage bureaus in the municipal areas of State by way of an affidavit of compliance to that extent.

13. In the order passed on 16th June 2016, the Court made a reference to the affidavits filed by the authorities referred to

hereinabove. A reference was also made to setting up of grievance redressal mechanism for the purpose of public to approach with their grievances before the DPOs. A reference was also made to Rule 5 of the Act with reference to the additional functions to be performed by DPOs. It was further observed that in sub-section 2 of Section 8 of the Act read with Rule 5 of the Maharashtra Dowry Prohibition Rules, 2003 ('Rules of 2003' for short), it is not necessary to record detail reasons for coming to the conclusion that DPO has every important duties to perform and various important functions to discharge. No other officer can be given additional charge of DPO. A judicial notice of the said fact will have to be taken that still there are large number of cases under the said Act being registered across the State. It was further noted that only if full time DPOs are appointed, the provisions of the said Act and the Rules of 2003 can be implemented in its true letter and spirit. Considering that large number of cases are being filed complaining about violation of the provisions of the said Act, it is the duty of the State Government to ensure that full time DPOs are appointed. The State Government was directed to take appropriate decision on creation of independent posts of DPOs for every district of the State. If necessary, the State Government was to place the issue before the committee constituted under Government Resolution dated 2nd June 2015. Unless the DPOs are appointed on full time basis, without giving them additional work, they will not be able to discharge their duties under the said Act and Rules of 2003. The State was directed to take appropriate decision on creation of posts of DPOs at least one for each district within a period of two months. It was further stated that the State Government shall ensure that in the districts where

there are large number of cases under the provisions of the said Act, independent charge of the post of DPO is given to the officer, preferably a Class-I officer. After this exercise is completed, the State Government shall take immediate steps for giving publicity to the availability of DPOs and to create a grievance redressal mechanism. The Court also recorded the statement made by learned Acting Advocate General, on instructions, that appointment of advisory boards will be made by the State Government. The Commissioner of Women and Child Development, Pune, will act as a nodal agency, who will take all steps; such as advertisement in newspapers for inviting applications etc.. The constitution of advisory boards will be made by the State. The State Government was directed to complete the process of constituting the advisory board in each district within a period of three months. The Court also recorded the statement made by Respondents that appropriate ministry of Union of India is in the process of framing the guidelines. The Court further observed that it would be appropriate if the State Government creates a grievance redressal mechanism for dealing with the grievances of the members of public and in particular the women, as regards illegalities associated with websites. The Court adjourned the matter for further hearing to enable the learned counsel representing Union Government to place draft guidelines/final guidelines on record.

14. Dr.Gaurav Gupta, Scientist (D), Ministry of Communications and Information Technology, Union Government, had affirmed an affidavit dated 5 July 2016. It was stated therein that the affidavit was being filed in compliance with the direction dated 16th June 2016 made by this Court to place on record advisory on functioning

of matrimonial websites in accordance with Information Technology Act, 2000 ('I.T.Act' for short) and Rules made thereunder.

15. On 4th August 2016, this Court passed an order recording that the learned Additional Solicitor General of India had placed reliance on an advisory issued on 6th June 2016 which was issued by the Department of Electronics and Information Technology, Government of India, to the matrimonial websites and matrimonial mobile applications etc.. The frame work which is required to be adopted by the matrimonial websites is also a part of said advisory. A statement was made by learned Acting Advocate General that Union of India is blocking various websites containing pornography material by taking recourse to Section 69A of the I.T.Act.

16. In the order dated 3rd October 2016, it was noted that the State Government has not complied with the order dated 16th June 2016 more particularly the directions contained in paragraph 10 of the said order and no affidavit stating compliance of the said order has been filed. The State was directed to file such affidavit. In compliance with the said directions, an affidavit was filed by Dr.Gaurav Gupta, Scientist (D), Ministry of Communications and Information and Technology, Union Government. It was stated that the matrimonial websites/portals function as intermediaries, as defined under sub-clause (w) of Section 2 of I.T.Act. The matrimonial websites/portals are mandated to adhere to the provisions of I.T.Act and the Rules made thereunder including Information Technology (Intermediaries Guidelines) Rules, 2011 ('I.T.Rules' for short), as notified by the Government on 11th April



2011. It was further stated that the Ministry of Electronics and Information Technology, Union Government, in response to the Ministry of Women and Child Development and in consultation with Ministry of Home Affairs, National Commission for Women, Matrimonial Website Service Providers and Industrial Associations, have developed and released a specific advisory for online matrimonial websites/matrimonial mobile applications for the benefit of registered users who are either creating the profile or whose profile is being uploaded for matrimonial alliance. The advisory was issued on 6th June 2016. The advisory conveys certain actions to be taken by the website service providers while the registered users use their services. It was further stated that any designated nodal officer of any State Government or Central Government ministry can approach Group Co-ordinator, Cyber Laws and E-Security Group for blocking any website including matrimonial website, if any of the stipulated conditions are fulfilled. Efforts are being made to ensure that the advisory is made available to all matrimonial service providers and other stakeholders. Efforts were also made to approach and intimate the agencies to give advisory a wide publicity.

17. Vide order dated 21st November 2016, this Court observed that the State was directed to create grievance redressal mechanism for dealing with the grievances of members of public and in particular the women as regards illegalities associated with websites so that aggrieved persons will have a forum where the complaints can be filed. It was also noted that assurance given in affidavit filed by Mr. Manoj Patankar dated 26th April 2016 was not fulfilled by the

State and hence the State was directed to make the position clear on or before the next date of hearing.

18. On 5th January 2017 an affidavit was filed by Dr.Tanaji Mane in which it was stated that in furtherance of the directives issued by this Court vide order dated 23rd March 2016 and 16th June 2016, the Government of Maharashtra had issued a notification dated 11th November 2016 with regard to the appointment of Registrars under the provisions of the Act of 1998. A copy of the said notification was placed on record. As per the schedule reflected in the said notification, the medical officers of the concerned wards of municipal corporations are designated as Registrars, the medical officers or medical superintendents of rural hospitals/sub-district hospitals of respective municipalities/municipal councils/nagar panchayats are designated as Registrars and medical officer of cantonment board or medical superintendent of concerned rural hospital/sub-district hospital is designated as Registrar for such cantonment board area, under the provisions of the Act of 1998. It was further stated that upon issuance of the said notification, the work allotted to the respective ward officers and local officers of the respective municipal corporations/councils and nagar panchayats is being withdrawn. The medical officers of the municipal corporations or medical superintendents of the district and rural hospitals in the respective localities, would be entrusted with the work of Registrars of marriages. The work of Registrars and monitoring the work of Marriage Bureaus is a continuous process. As per information received by the State Bureau of Health Intelligence and Vital Statistics, as many as 416 Marriage Bureaus have been identified

within the State of Maharashtra. The Public Health Department had issued a public notice in leading news daily in English as well as in Marathi languages with regard to the proclamation of the Act of 1998 and Rules of 1999 framed thereunder. In consonance with the Act of 1998 and Rules of 1999, every institution, association or non-governmental organization or agencies engaged in the work of marriage counselling and marriage bureau, is required to get registered with respective Registrar of Marriage of the locality. On publication of the notice, all such institutions, associations or organizations have been called upon to forthwith contact local Registrar of Marriages and get themselves registered within one month from the date of publication of the said notice. The intimation of the public notice was also given to the respective municipal councils and municipal corporations with further request to publicize the proclamation of the Act within their respective local areas. After publication of the public notice in the respective districts, several institutions, associations or non governmental organizations have come forward for registration of their counselling centres and marriage bureaus. It was also stated that the statistical data as to the registration of marriage bureaus is being collected through the district health officers of the respective localities and upgradation of the said data is under process. The quarterly renewal of the same would take place in the month of March-2017. The progress of registration of Marriage Bureaus is being undertaken and carried out on weekly basis. It was also stated that in the event it comes to the knowledge of respective Registrars of Marriages and Marriagee Bureaus that any institution, association or non-governmental organisation is continued with such activities of

counselling centres and marriage bureaus without getting registered under the provisions of the Act of 1998, the respective officers have been empowered to initiate penal action against them. It was further stated that all the steps have been taken for and on behalf of the Directorate of Health Services to comply with the orders passed by this Court from time to time in its true letter and spirit.

19. Another affidavit dated 9th January 2017 was filed by Mr.Rahul Morey, Divisional Deputy Commissioner, Women and Child Development, Konkan Division, Mumbai. In the said affidavit it was stated that the Government of Maharashtra in its Women and Child Development Department had taken necessary steps for appointment of DPOs with independent charge to exercise powers under the provisions of the said Act and the Rules framed thereunder by Government of Maharashtra. The Government has proclaimed and published the Rules called Maharashtra Dowry Prohibition Rules, 2003. As per the provisions of the said Rules of 2003, the DPOs at the State level and the District and Taluka level have been prescribed. Vide notification dated 25 July 2016, the Government of Maharashtra has notified following officers to be the respective officers under the provisions of the said Act in the interregnum period.

Sr. No.	Name	Level
1	Commissioner, Women and Child Development Department	State
2	District Women and Child Development Officer	District
3	Taluka Women and Child Development Officer	Taluka

It was further stated that as far as formation and constitution of district advisory boards under the said Act is concerned, the Women and Child Development Department had called for the proposals for formation of the same at each district level and about 29 out of 36 districts of the State of Maharashtra have submitted their proposals for formation and constitution of district advisory boards. The DPO would be a member of State Advisory Board. After scrutinizing the proposals submitted by various districts, the same would be submitted to the competent authority at the state level for its approval. The said process of approval of constitution of district level advisory boards would take about 2 to 3 months. It was further submitted that creation of posts of DPOs requires approval of various departments which includes GAD, Finance and High Power Committee. Since posts of DPOs are grade/Class-II, the procedure for appointment is carried out at the level of Maharashtra Public Service Commission. The said process includes issuance of regular advertisement inviting applications for the said post from the eligible and qualified candidates. The said process of selection and appointment of DPOs would take about five to six months. It was further stated that the grievance redressal mechanism would be established in consultation with DPOs. The Government of Maharashtra has started on pilot basis a toll-free helpline for all the women in the State of Maharashtra for redressal of any grievance. The telephone number is 181 which is presently operational on trial basis. As far as issue of gifts and articles received during marriage ceremony is concerned, Rules framed thereunder are very clear and the onus of the same is upon respective parties to the marriage to maintain a list of the gifts and articles received by the couple during marriage.

20. This Court has issued directions from time to time which is apparent from the observations made hereinabove. Various directions were issued with regards to the subject matter of PIL and in compliance affidavits were filed by various authorities. From the contents of the affidavits, it can be seen that although, belatedly, the requisite steps are being initiated for implementation of the provisions of the Act as well as other Acts and Rules discussed hereinabove. In view of the directions, an endeavour is made to stop the acts of demand of dowry. This Court had issued directions from time to time to specify whether Rules are framed under the Act of 1998, qualifications of DPOs, appointment of DPOs other than police officers, steps for Registration of Marriage Bureaus etc.. It is also reflected from the affidavits that the Government has appointed ward officers of Municipal Corporations/Councils etc. to be the Registrars of Marriage. The affidavits also indicate the issuance of various notifications viz. Notifications dated 27th February 2008, 31st January 2001, 10th August 2009 with regards to the appointment of persons to act as Registrars of Marriage. It is also apparent that the State has formulated Rules of 1999, appointed 28,640 registrars across the State. It is also indicated that circulars are being issued on websites calling upon the Marriage Bureaus to comply with the provisions of the Act of 1998 and Rules framed thereunder and also contemplated action for not complying the said provisions. Reference is also made to notification dated 3rd May 1998 with regards to appointment of DPOs, 29th January 1985 regarding appointment of district intelligence committees, Government Resolutions dated 30th August 2006, 21st May 2002 and 2nd November 2011 regarding constitution of committees,

advisory committees etc. It is also stated by the authorities that publicity about appointment of DPOs and grievance redressal mechanism will be made. It is also indicated that Class-I and Class-II officers will be given additional assignments to work as DPOs at various levels and that Maharashtra Dowry Prohibition Rules, 2003 will be enforced. It is also reflected that Women and Child Development Department had called for the proposals for formation of district advisory boards. The affidavits also indicate that steps are being initiated to implement directions issued by this Court and has sought time to comply with the directions and implement the provisions of said Act in its letter and spirit.

21. In view of the aforesaid circumstances and with a view to seek further compliance of various directions issued by this Court from time to time, the PIL may be placed for further hearing on 3rd April 2017.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)

MST