

A.F.R

Court No. - 88

Case :- APPLICATION U/S 482 No. - 10631 of 2024

Applicant :- Ankit Singh And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- D.K.Ojha, Vikas Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Vikram D. Chauhan,J.

1. Heard learned counsel for the Applicant and learned AGA for the State.

2. In pursuance to order dated 8.5.2024, Director, Woman Welfare, Uttar Pradesh, Lucknow has filed an affidavit annexing the Uttar Pradesh Dowry Prohibition Rules, 1999.

3. The Uttar Pradesh Dowry Prohibition Rules, 1999 (for brevity, hereinafter referred to as “Rules of 1999”) are framed by State in exercise of power under Section 10 of Dowry Prohibition Act, 1961. The above-mentioned affidavit discloses that District Probation Officer has been nominated as District Dowry Prohibition Officer. As per Section 8B of Dowry Prohibition Act, 1961, the powers and functions of Dowry Prohibition Officer are as under :-

a) to see that the provisions of the Dowry Prohibition Act, 1961 are complied with.

b) to prevent, as far as possible, the taking or abetting the taking of, or the demanding of, dowry.

c) to collect such evidence as may be necessary for the prosecution of persons committing offences under the Act; and

d) to perform such additional functions as may be assigned to him by the State Government, or as may be specified in the rules made under this Act.

4. According to Rule 10 of the Rules of 1999, parties to any marriage or any of the parents or either of them shall furnish to concerned Dowry Prohibition Officer within one month from the date of marriage a copy of the list of presents prepared in accordance with the Dowry Prohibition (maintenance of lists of presents to the Bride and Bride Groom) Rules, 1985 (For brevity hereinafter referred to as “Rules of 1985”). Rule 10 of the Rules of 1985 is quoted hereinbelow :-

“10. Submission of a list of presents by parties to the marriage.- The parties to any marriage or any of the parents or either of them shall furnish to the concerned Dowry Prohibition Officer within one month from the date of marriage, a copy of the list of presents prepared in accordance with the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985.”

5. A perusal of Rule 6(8) of the Rules of 1999 would show that one of the functions of Dowry Prohibition Officer is to keep in his custody the list of all presents submitted to the parties to any marriage under Rule 10 and to make entries relating thereto into a register to be maintained for the purpose. He is also responsible for strict compliance of the provisions of Dowry Prohibition (maintenance of lists of presents to the Bride and Bride Groom) Rules, 1985. The provision of Rule 6 (8) of Rules of 1999 is quoted hereinbelow :-

“6 (8). He shall keep in his custody the lists of all presents submitted to the parties to any marriage under Rule 10 of these rules and make entries relating thereto into a register to be maintained for the purpose. He shall also examine these lists and ensure the strict compliance of the provisions of the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985.”

6. A number of cases arising out of Dowry Prohibition Act are coming before this Court, in none of these cases, the list required to be maintained as per Rules of 1985 is being shown. In the investigation also the aspect with regard to submission of list as

per Rule 10 of Rules of 1999 is not being investigated. The submission of list as per Rules of 1985 is mandatory under Rule 10 of the Rules of 1999. Such list is required to be submitted before Dowry Prohibition Officer. The investigating officers are not examining this aspect of matter when first information report is lodged under Dowry Prohibition Act. The State government is required to explain as to why list as required by Rules of 1985 as well as by Rules of 1999 are not being maintained by Dowry Prohibition Officer. The State government is also required to explain as to why the citizens are not being encouraged for submission of list under Rule 10 of the Rules of 1999. If the aforesaid list is maintained then it would assist the investigating officer as well as courts to assess as to which of presents during marriage would come in the exception provided under Section 3 of the Dowry Prohibition Act. Prima facie, this Court feels that the Dowry Prohibition Officer are not following the direction of law as they are not ensuring that the provisions of the Dowry Prohibition Act and Rules framed there under are followed in letter and spirit by parties to marriage.

7. The Inspector General (Registration), Government of Uttar Pradesh by Government Order dated 17.5.2024 has directed that the list of presents as required by Rules of 1985 shall be submitted at the time of registration of marriage. A welcome step has been taken by State government which may be a milestone in eradication of menace of dowry from the society. The aforesaid government order dated 17.5.2024 will also give assistance against false implication of the groom and his family members subsequent to the marriage on arising of matrimonial dispute.

8. It is further stated in paragraph 5 of above-mentioned affidavit that as per Rule 5 (5) A of Rules of 1999 (as amended by Uttar Pradesh Dowry Prohibition (First Amendment) Rules, 2004) it is provided that Chief Dowry Prohibition Officer shall issue instructions to all the departments of the State government that every government servant shall under his signature furnish declaration regarding his marriage to his head of Department/appointing authority stating that he has not taken any dowry. The provision of Rule 5 (5) A of Rules of 1999 (as amended by Uttar Pradesh Dowry Prohibition (First Amendment) Rules, 2004) is quoted hereinbelow :-

“5(5). The Chief Dowry Prohibition Officer shall issue instructions to all the departments of the State Government to the following effects:

(a) every government servant shall under his signature furnish a declaration regarding his marriage to his Head of Department/appointing authority stating that he has not taken any dowry.

(b) one specified day in a year shall be observed as Dowry Prohibition Day.

(c) pledge to be administered to the students in schools and Colleges and others institutions not to give or take dowry.”

9. In pursuance thereof on 16.2.2024, Director, Women Welfare has issued instruction to the various government departments for compliance of the above-mentioned provision. The Director, Woman Welfare further by order dated 22.11.2023 has directed to celebrate 26th November of the year as “Dowry Prohibition Day”.

10. The Rule 6(1) of Rules of 1999 provides that Dowry Prohibition Officer shall endeavour to create an awareness among the people about the evils of dowry by giving wide publicity through information and cultural affairs Department and other

media including radio, television, NGOs and to involve people for prevention of dowry. The above-mentioned 6 (1) of Uttar Pradesh Dowry Prohibition Rules, 1999 is quoted hereinbelow :

“6 (1) He shall endeavour, to create an awareness among the people about the evils of dowry give widely publicity through information and Cultural Affairs Department, and other media including Radio, Television, NGOS against dowry and to involve local people for prevention of dowry.”

11. This Court is observing that large number of cases with regard to dowry are being preferred before this Court. It is surprising that despite the Dowry Prohibition Act, 1961 having been enacted in the year 1961 and more than 62 years have passed, the progress with regard to eradication of practice of dowry has been slow. The illegal practice of dowry is required to be addressed by government. The Chief Dowry Prohibition Officer shall on affidavit disclose the data as to awareness program initiated through radio, television, newspaper, NGOs and how the citizens have been involved in prevention of dowry in last two years. It shall also be disclosed as to how many hoardings in public place with regard to ante-dowry movement have been put in place. The government is reminded that a mass appealing program in respect of polio has already been successfully executed by government as such mass appealing by leaders of the society could definitely help in movement against dowry. A more effective approach is expected from the State government in this respect. The Civil Society is required to be engaged in the ante dowry campaign.

12. It is further to be seen that as per Rule 7 of Rules of 1999 the procedure for filing complaints has been provided in respect of offence under Dowry Prohibition Act, 1961. Rule 7 of Uttar Pradesh Dowry Prohibition Rules, 1999 is quoted hereinbelow :-

“7. Procedure for filing complaints.-

(1) A complaint may be filed by any aggrieved person or a parent or any other relative of such person or any recognised Welfare Institution or Organization, in writing before Dowry Prohibition Officer, either in person or through a messenger or by post.

(2) Every such complaint received by the Dowry Prohibition Officer shall be serially numbered and duly registered in register in Form No.II annexed to these rules.

(3) The Dowry Prohibition Officer shall scrutinize the complaint and if it is prima facie found that the nature and the contents of the complaint are apparently coming within the purview of section 3 or 4 or 4A or 6 of the Act, he shall immediately conduct an enquiry to collect such evidence from the parties or their relatives as to the genuineness of the complaint.

(4) The Dowry Prohibition Officer shall conduct an on the spot investigation and can collect such evidence either oral or in writing from the parties or witnesses or he can fix a date for the purpose in his office or a place convenient to the parties under intimation to Chief Dowry Prohibition Officer,

(5) The Dowry Prohibition Officer shall intimate in writing or serve notice in advance to the parties and witnesses of the date, time and place of the investigation into complaint. He will regulate procedure in a manner that parties or witness are put to minimum inconvenience.

(6) Every petition shall be investigated expeditiously and Dowry Prohibition Officer shall conclude the investigation within a month from the date of receipt of complaint unless not possible for reasons to be recorded in writing.

(7) The Dowry Prohibition Officer may utilise the service of probation officers of the area for collecting information or conducting investigation or assisting at any stage of inquiry or proceedings relating to a complaint or application under the Dowry Prohibition Act.

(8) On receipt of requisition from the Dowry Prohibition Officer, the probation officer shall conduct necessary inquiry, collect information and furnish such details or report promptly as requested by him.

(9) The Dowry Prohibition Officer is competent to issue proper direction to the parties to commission of any offence under the Act if he thinks such preventive measures would be effective and useful to maintain harmonious relationship between the spouses and their families.

(10) In all cases investigated under the Act, the proceeding shall be conducted in a home like atmosphere, ensuring the dignity of the parties and without causing disturbance to the sanctity of family life.

(11) Where any dowry is received by any person other than the women and a complaint is received in respect of non transfer of such dowry to the women who is entitled to it in accordance with section 6 of the Act, the Dowry Prohibition Officer shall issue directions to parties, to transfer the same within the stipulated time.”

13. Further, in Rule 8 of Rules of 1999 the procedure for prosecution of the offences is provided. The Rule 8 of the Rules of 1999 is quoted herein :-

“8. Procedure for prosecution of Offences.- In all cases of complaints investigated by Dowry Prohibition Officers when there is a prima facie finding as to the commission of an offence, the report shall be submitted to the competent Magistrate for prosecuting the offenders alongwith the statement recorded, all other connected documents of the proceedings and a brief account of his findings. This report shall be deemed to be a report under section 173 of Code of Criminal Procedure, 1973 (Act 2 of 1974).”

14. Even as per section 8B of the Dowry Prohibition Act, one of the functions of Dowry Prohibition Officer is to collect evidence as may be necessary for prosecution of person committing offences under Dowry Prohibition Act. The Dowry Prohibition Act is a special act and a special procedure for prosecution in respect of offences under the Dowry Prohibition Act is provided. The power with regard to prosecution and collection of evidence is vested with Dowry Prohibition Officer under the Dowry Probation Act and the rules framed thereunder. It is further to be noted that as per Section 8B (3) of Dowry Prohibition Act, 1961, the State Government is empowered by notification in the official Gazette to confer on Dowry Prohibition Officer such power of police officer as may be notified. The provision of section 8B (3) of Dowry Prohibition Act, 1961 is noted herein below :-

“8B(3). The State Government may, by notification in the Official Gazette, confer such powers of a police officer as may be specified in the notification on the Dowry Prohibition Officer who shall exercise such powers subject to such limitations and conditions as may be specified by rules made under this Act.”

15. The principal purpose for which the power under section 8B (3) of Dowry Prohibition Act, 1961 is provided to State Government is to ensure that special procedure for complaints and prosecution provided under the Dowry Prohibition Act and the rules framed thereunder is followed and Dowry Prohibition Officer are empowered to collect evidence and prosecute the offender. The object of aforesaid provision of conferring powers of police on the Dowry Prohibition Officer is highlighted in Rule 6 (4) of the Rules of 1999 which mandates that the approach of the Dowry Prohibition Officer shall primary be preventive and remedial and the prosecution shall be resorted only on remedial measures are found not effective or parties fail follow the order or direction. The provision of Rule 6(4) of Rules of 1999 is quoted hereinbelow :-

“6(4). The Dowry Prohibition Officer’s approach shall primarily be preventive and remedial and prosecution shall be recommended or resorted to only if all other measures and directions are found not effective or parties will fully fail or defy the orders or directions within the stipulated time. For this purpose, he shall take assistance from the Advisory Board.”

16. The aforesaid provision under Rule 6 (4) of Rules of 1999 is a beneficial legislation aimed at saving the institution of marriage at the first instance and the criminal prosecution the resorted to as a last option. The biggest sufferers of matrimonial dispute are the minor child (who are dependants on parents) the husband and wife lodged cases against each other and carry on legal battle without considering what the child is going through on account of legal battle. The aforesaid provision is also aimed at addressing the said issue by taking remedial and preventive measures.

17. As per Rule 7 (9) of Rules 1999, the Dowry Prohibition Officer is competent to issue proper direction to the parties if he thinks such preventive measures would be effective and useful to

maintain harmonious relationship between spouses and their families. Rule 7 (9) of Rules 1999 is quoted hereinbelow:

“7(9). The Dowry Prohibition Officer is competent to issue proper direction to the parties to commission of any offence under the Act if he thinks such preventive measures would be effective and useful to maintain harmonious relationship between the spouses and their families.”

18. This Court is witnessing that in cases where allegations of dowry is being made, same is being investigated by police and not by Dowry Prohibition Officer. The police in case diary are not recording whether procedure under the Rules of 1999 are being followed more particularly whether the principle provided under Rule 6 (4) and Rule 7 (9) of Rules of 1999 are being implemented in letter and spirit. It is to be noted that Dowry Prohibition Officer under Rule 6(4) of Rules of 1999 is empowered to take preventive and remedial measures (to save the marriage) and can pass orders in this respect, which the police is not empowered under law. Once the mandate as to whether the parties to marriage is required to be prosecuted for an offence under the Dowry Prohibition Act is to be decided by the Dowry Prohibition Officer then how the police authority is bypassing the aforesaid special procedure and jurisdiction of Dowry Prohibition Officer and are submitting chargesheet against the groom and his family members.

19. This Court is observing that in many cases the allegations are being levelled against groom and his family members with regard to dowry and other offences. The chargesheet is been submitted by police in a mechanical manner just by recording the statement of bride or their family members. In order to take away jurisdiction of Dowry Prohibition Officer, along with offence under Dowry Prohibition Act, allegations are also being levelled with regard to provisions of Indian Penal Code. In respect of

offence under Dowry Prohibition Act, authority to collect evidence and prosecute is vested with Dowry Prohibition Officer and when other offences are also involved then the State Government can always resort to Section 8B (3) of Dowry Prohibition Act. However, in the garb of allegations with regard to offence under the Indian penal code being levelled by the informant, the jurisdiction of the Dowry Prohibition Officer cannot be taken away in respect of offence under the Dowry Prohibition Act.

20. A unique situation has arisen on account of the enactment of the Dowry Prohibition Act, 1961 and the Rules of 1999. The offences under the Dowry Prohibition Act would be examined and prosecuted by the Dowry Probation Officer while keeping into account the principles laid down under Rule 6 (4) of the Rules of 1999. However, when the offence under the Dowry Prohibition Act is investigated along with other offences under the Indian Penal Code then the principal of saving the marriage being resorted to at the first instance (as per Rule 6 (4) of the Rules of 1999), is ignored and the chargesheet and criminal prosecution is being resorted to by police. Prima facie, this Court is of the opinion that once an offence is arising out of marriage and allegations with regard to dowry is made then the Dowry Prohibition Officer is required to examine the dispute at the first instance by resorting to the principal laid down in Rule 6 (4) of Rules of 1999 and upon being satisfied that all of the measures to save the marriage are not effective then Dowry Prohibition Officer can recommend for prosecution or himself prosecute. Any other interpretation of law would mean that bride or her family members may resort to allegations under the Indian penal code along with allegations under the Dowry Prohibition Act and thereby take away the jurisdiction of Dowry Prohibition Officer and straight away expose

the groom and their family members to the rigour of criminal law and deprived them of liberty although dispute may be a matrimonial dispute between parties. Even otherwise, the State government is required to examine the necessity of exercising the power under Section 8B (3) of Dowry Prohibition Act to remove such an anomaly.

21. It is further to be noted that Rule 6 (12) of Uttar Pradesh Dowry Prohibition Rules, 1999 (as amended by Uttar Pradesh Dowry Prohibition (First Amendment) Rules, 2004) provides that Dowry Prohibition Officer shall render assistance to police investigating complaint filed under the Dowry Prohibition Act or to the court in the trial of the case. In none of cases coming up before this Court, where the police are investigating, it is found that any assistance is being rendered to police by Dowry Prohibition Officer. The purpose of Rule 6 (12) of the Rules of 1999 is to involve the Dowry Prohibition Officer at the stage of investigation so that he can pass orders for remedial and preventive nature in terms of Rule 6(4) of the Rules of 1999. The involvement of an officer who is a person outside the police department is to initiate remedial measures and collect evidence. The case diaries of investigation are not revealing that Dowry Prohibition Officer has rendered assistance in investigation. Such an approach when the matter is being investigated by police is not desirable.

22. It is further to be noted that in first information report, bride or her family members are stating that they have given dowry at time of marriage. In many cases, dowry is alleged to have been given in cash being huge amount. As per Section 3 of Dowry Prohibition Act, 1961, giving of dowry or abetting to giving dowry is also an offence. The bride and her family members are blatantly

stating in First Information Report and in their statement under Section 161 Cr.P.C that they have given dowry of huge amount at time of marriage to groom and his family members. The bride and her family members in defiance of the law, which prohibits giving dowry, are indulging in giving dowry as per their own admission. Although, bride or her family members who are giving dowry are offenders as per Section 3 of Dowry Prohibition Act, however they are not being prosecuted in view of Section 7 (3) of Dowry Prohibition Act, 1961. The effect of Section 7 (3) of Dowry Prohibition Act, 1961 is that bride or her family members, who indulge in giving dowry although being an offender under Section 3 of the Dowry Prohibition Act, cannot be proceeded with for prosecution under the Dowry Prohibition Act. The situation can be summarised that a person who is giving dowry will not be prosecuted as per the bar under law, however receiver of dowry is being prosecuted. The situation is alarming as some citizens (bride or her family members) are openly giving in writing to authorities that they have given dowry, which is indicative of fact that they have no respect to law laid down by Parliament. It is for the executive to take effective measures so that the situation does not arise where the citizens openly disrespect the law laid down by the Parliament or State Legislature, otherwise, the law with regard to prohibition in giving dowry would be a dead letter.

23. It is also being observed by this Court that in first information report or in the statement, it is being alleged that huge amount of cash is paid at the time of marriage to the groom or his family members, as dowry. Section 269ST of Income Tax Act prohibits cash transaction beyond Rupees two lakhs, however bride and her family members are openly giving statement in the first information report or during investigation that they have paid

dowry in cash beyond Rupees two Lakhs to groom or his family members. Even, when the amount is being paid in cash as dowry, is beyond the limit prescribed by law, neither any investigation is being carried out as to source of aforesaid amount nor any investigation with regard to utilisation aspect by groom side is being made by police or investigating officer. Even the amount given as dowry in cash is not being recovered during investigation by police authorities. Only on the basis of statement of person who has given dowry, the chargesheet is being filed against groom and his family members.

24. A person who has given dowry is also an offender under Dowry Prohibition Act and solely relying on the statement of such a person who defies the law and is an offender, the groom side is being proceed with, which is not permissible nor desirable. The investigating officer is required to look at corroborative evidence in this respect. The source of huge cash (beyond permissible limit) alleged to be given in dowry is required to be investigated and whether such huge cash was given by known sources of income is also required to be investigated. Even otherwise, amount given in dowry are crime proceeds (being amount from illegal activity) as such the same are also required to be recovered during investigation.

25. Further, as per Section 6 of Dowry Prohibition Act, 1961, the dowry given at time of marriage is held in trust for the benefit of the woman/wife and is required to be transferred to woman within period prescribed, it is therefore all the more imperative to recover the same during investigation to substantiate the allegation of dowry.

26. In this reference, the provision of Section 6(1) of the Dowry Prohibition Act, 1961 is quoted hereinbelow:

“6. Dowry to be for the benefit of the wife or her heirs.-

(1) Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman—

(a) if the dowry was received before marriage, within three months after the date of marriage; or

(b) if the dowry was received at the time of or after the marriage, within three months after the date of its receipt; or

(c) if the dowry was received when the woman was a minor, within three months after she has attained the age of eighteen years, and pending such transfer, shall hold it in trust for the benefit of the woman.”

27. Once the law has declared, the dowry to be the property of wife and husband and his family members are mandate under law to transfer the same in favour of wife within a prescribed period and pending such transfer, shall hold it in trust for the benefit of the wife, the recovery of the alleged dowry during investigation is essential.

28. If source of dowry/cash is not found during investigation nor the dowry amount is recovered from accused-person then solely relying upon the statement of person who has given dowry (who is also an offender under the Dowry Prohibition Act) will be unjust, unfair and unreasonable. It is to be seen that the person giving dowry is an offender under Section 3 of the Dowry Prohibition Act however such a person cannot be prosecuted in view of the bar provided under Section 7 (3) of the Dowry Prohibition Act. The bar of prosecution of person giving dowry does not remove his status as an offender under Dowry Prohibition Act however only effect of such a bar is that he cannot be criminally proceeded with or prosecuted. In these circumstances, solely relying on statement

of offender (person giving dowry) for prosecution of groom or his family members under Section 3 of Dowry Prohibition Act, 1961 is not fair, just or reasonable. Some other evidence to corroborate the allegations is required to be looked into including source of dowry amount and whether the individual has given dowry from known sources of income more particularly when allegation of dowry is beyond the limit of cash transaction prescribed under the Income Tax Act.

29. There is another aspect of matter, under Section 4 of Dowry Prohibition Act, the punishment for demand of dowry may extend to 2 years and punishment under Section 498A of Indian Penal Code is a term which extend to three years however the punishment for receiving dowry under Section 3 of the Dowry Prohibition Act is not less than five years. Where except for the allegation of giving huge amount in dowry there is no other corroborative evidence (as discussed hereinabove or where the dowry amount which are the proceeds of the crime are not recovered during investigation), it may be that the allegations under section 3 have been made so that the groom and his family members are prosecuted for bigger punishment in order to take vengeance in a matrimonial dispute.

30. It is of common knowledge that in Indian marriage system, customary gifts and presents act as a token of celebration and is directed towards honouring the important event. The Parliament has already under Section 3 (2) of the Dowry Prohibition Act, 1961 carved out exception that presents given at the time of marriage will not be treated as dowry if the list is maintained as per Rules of 1985. Another exception is provided under third proviso to Section 3(2) of Dowry Prohibition Act, 1961 whereby presents made by or

on behalf of bride or any person related to the bride which are of a customary nature and the value thereof is not excessive having regard to financial status of the person by whom, or on whose behalf, such presents are given, will not be treated as dowry. The third proviso to Section 3(2) of Dowry Prohibition Act, 1961 is quoted herein below: -

“Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.”

31. It is therefore, imperative that investigation in dowry matters should examine whether the presents that are being alleged as dowry are customary in nature and whether the same is within the financial status of the person who is giving dowry. A person who does not have financial status/means to give the dowry and is also not able to substantiate the source of dowry given, may be indicative of fact that the allegations are incorrect or that there is use of undisclosed income or back money or there is tax evasion. Use of black money or tax evasion is required to be reported to authorities under the Income Tax Act as the same does not stand protected under Section 7(3) of Dowry Prohibition Act, 1961. Where there is no substantive evidence with regard to giving or receiving dowry then only on the basis of the statement of an offender, criminal prosecution under Section 3 of the Dowry Prohibition Act should not be permitted. In such matters either further investigation is required to be carried out or provisions of Section 3 of Dowry Prohibition Act may have to be eliminated from prosecution on account of lack of substantive evidence. Such aspect of matters is required to be examined by the appropriate authority.

32. In view of the above-mentioned, the following directions are issued :-

A. The State Government shall explain as to why the provisions of Rule 10 of Rules of 1999 as well as Rules of 1985 are not being implemented in letter and spirit and why the parties to the marriage not being mandated to submit the list before the Dowry Prohibition Officer by following standard operating procedure in this respect. The government is reminded that the Rule 10 of Rules of 1999 are mandatory nature. The government shall on affidavit also explain the steps taken for encouraging the parties to marriage to submit the list as per the Rules of 1985 read with Rules 10 of the Rules of 1999 even where the marriage is not being registered.

B. The Chief Dowry Prohibition Officer shall on affidavit disclose the data as to awareness program initiated by government through radio, television, newspaper, NGOs and how the citizens have been involved in prevention of dowry in last two years. It shall also be disclosed as to how many hoardings in public place (district wise) with regard to ante-dowry movement and compliance of Rules of 1985 have been put in place in last two years.

C. The State Government shall examine as to why the offence under the Dowry Prohibition Act is not being proceeded as per the Rules of 1999 and why the principles provided under the Rule 6 (4) of Rules of 1999 are not being resorted to in letter and spirit.

D. The State government shall also examine the necessity for exercising the power under Section 8B (3) of the Dowry Prohibition Act.

E. The Chief Dowry Prohibition Officer shall provide the details as to how many complaints have been received by Dowry Prohibition Officer under Rule 7 of the Uttar Pradesh Dowry Prohibition Rules, 1999 in last two years and in how many cases the prosecution has been lodged in last two years by Dowry Prohibition Officer.

F. The Director General of Police shall file an affidavit in respect of following:-

i) As to why the source of dowry alleged to be paid by bride or her family members to the groom or his family members is not being investigated more particularly when huge amount in cash beyond limit prescribed under the Income Tax Act, is involved.

ii) why the utilisation aspect of dowry by the groom or his family members is not being investigated.

iii) The huge cash amount given in dowry or otherwise are proceeds of crime, why the aforesaid proceeds of crime are not being recovered by investigating officer during investigation more particularly in view of section 6 of the Dowry Prohibition Act, 1961 and same being handed over to the wife.

G. The State Government shall explore the possibility of putting a notice on the marriage hall or venue with regard to ante-dowry campaign and in respect of preparation of the list of gifts in accordance with Dowry Prohibition (Maintenance of Lists of presents to the bride and bridegroom) Rules, 1985.

33. List this case on 16.7.2024 in top ten cases.

34. The case shall be treated as part heard and tied up with this Bench.

35. In view of the fact that as per Rules of 1999, offence under the Dowry Prohibition Act are required to be examined by the Dowry Prohibition Officer and prosecuted by the Dowry Prohibition Officer, in the present case, charge sheet has been submitted by the police under the Code of Criminal Procedure and in this respect already the State Government has been directed to examine the issue, till the next date of listing, further proceedings in Case No.116970 of 2021 (State V. Ankit Singh and others) arising out of Case Crime No.274 of 2020, under Sections 498-A, 323, 504, 506 IPC and Section 3/4 D.P. Act P.S. Nazirabad, District Kanpur City, which is pending before learned Chief Metropolitan Magistrate, Kanpur Nagar, shall remain stayed against applicants.

36. Registrar (Compliance) of this Court shall send a copy of this order to the Chief Secretary, Uttar Pradesh, Lucknow (U.P.), Director General of Police and Chief Dowry Prohibition Officer for compliance.

Order Date :- 23.5.2024

D. Tamang