

**GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:2258
ANSWERED ON:24.08.2012
THE DOWRY PROHIBITION ACT, 1961
Tanwar Shri Ashok

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the Government has finalised the Dowry Prohibition Act;
- (b) if so, the details thereof and if not, the reasons therefor along with the time by which it is likely to be finalised;
- (c) whether the Government has taken note of consistent misuse of the provisions of the said Act;
- (d) if so, the details thereof; and
- (e) the steps taken/proposed to be taken by the Government to implement the said Act in right earnest and to save the innocent people from harassment through the misuse of the said Act?

Answer

MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT(SHRIMATI KRISHNA TIRATH)

(a) & (b): The Dowry Prohibition Act 1961 is in force w.e.f. 1.07.1961.

(c) to (e): Some complaints/ representations alleging misuse of Dowry Prohibition Act, 1961 have been received. These mainly relate to alleged harassment of husband and other family members using Section 498A of IPC.

In order to lay to rest the allegations of misuse of Section 498A of IPC, the Ministry of Home Affairs in consultation with the Ministry of Women and Child Development issued an Advisory on 20th October, 2009 to all the State Governments and Union Territory Administrations to comply with the procedures laid down by the Hon'ble Supreme Court in the case of D.K. Basu Vs. State of West Bengal (CRI CWP No.539/86) and that in cases of matrimonial disputes, the first recourse should be to effect conciliation and mediation between the warring spouses and their families and recourse to filing charges under Section 498A IPC may be resorted to where such conciliation fails and where there appears a prima facie case under Section 498A and other laws.

Also the Committee on Petitions of Rajya Sabha in its 140th report, inter-alia, recommended for effective measures to be taken by the State Governments to curb misuse of Section 498A of IPC. These recommendations were brought to the notice of all State Governments/ UT Administrations by the Ministry of Home Affairs vide an advisory dated 16th January 2012 with the request to take effective measures in the light of the observations/ recommendations made by the Hon'ble Committee on Petitions of Rajya Sabha.