



# Welfare panels can't evaluate dowry complaints, says SC

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## Highlights

- The Supreme Court on Friday modified its July 2017 order which roped in retirees, wives of "working officers" and social workers to sift genuine complaints of dowry harassment from the frivolous ones.
- On July 27 last year, the court had ordered 'family welfare committees' to be set up in the districts.
  - These committees, composed of choice citizens, were supposed to act as a vanguard against "disgruntled wives" using the anti-dowry harassment provision of Section 498-A of the Indian Penal Code (IPC) as a "weapon" against their husbands and in-laws, young and old, rather than a "shield."
  - Even the police could register an FIR only after the committee cleared the complaint as valid and not frivolous.
- Getting rid of these committees, a three-judge Bench led by Chief Justice of India Dipak Misra held that such panels had no place under the established criminal procedural law. Welfare panels cannot evaluate dowry complaints
- They are beyond the Code of Criminal Procedure.
- With this, the Bench, also comprising Justices A.M. Khanwilkar and D.Y. Chandrachud, has restored to the police their power to immediately register an FIR and act on a dowry harassment complaint filed by a married woman.

## **NCRB data**

- Chief Justice Misra reasoned that one of the major factors that influenced the July 27 order was statistics published by the National Crime Records Bureau, which showed that 1,97,762 husbands and relatives were arrested in 2012 alone for dowry harassment.
  - But Chief Justice Misra rationalised that the blame does not lie with Section 498-A, which was introduced in 1983 by Parliament to protect hapless married women against the dowry menace.
  - Section 498-A IPC is a cognisable and non-bailable offence. A guilty person faces up to three years in prison.

## **Other Issues**

- Chief Justice Misra further agreed with the July 27 order to have a designated police officer to probe dowry complaints. It ordered the Director General of Police of every State to provide such officers rigorous training.
- The Chief Justice, however, differed with Justice Goel's direction to empower district

- judges to close dowry harassment cases if the parties reach an out-of-court settlement.
- Instead, the parties would now have to approach the High Court concerned for quashing the complaint filed by the woman.
  - The judgment concurred with the July 27 order that recovery of dowry items by itself cannot be a ground for denial of bail to the accused.
  - The judgment also saw eye-to-eye with the direction of Justice Goel that impounding of passport of accused persons or issuance of Red Notice should not be done on a routine basis.
  - The three-judge Bench also held that accused persons should apply for exemption from personal appearance in dowry harassment hearings.

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