

British Courts Rule on Dowry

A recent British court ruling, ordering a divorced Hindu man to return dowry received in marriage has set a new precedent in the United Kingdom. Interestingly, the dowry menace has attracted the attention of scholars as far afield as Belgium. Here, we reproduce an article from The Independent, written by its Northern Correspondent, Ian Herbert, on the case in question.

A divorced man and his family have been ordered to repay up to £40,000 received in dowry and gifts for his arranged Hindu marriage, in a civil case lawyers believe could trigger a flood of claims.

Rakesh Verma's former wife, Bobita claimed that on the breakdown of their marriage he had not returned her *daaj*—the traditional gift of gold and almonds to a Hindu bride from her parents—or her *buuri*, gold and jew-

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Two Belgian anthropologists studying the dowry scourge, at a lunch hosted by them in Brussels for WARLAW chairperson Rani Jethmalani, invited by them to speak on the subject

ellery presented to her by the groom's family.

Jacqui French, senior partner at French & Co. which specialises in Asian divorce law and has represented Mrs. Verma, said yesterday that the case at Bradford county court was the first to mark out the *daaj* and *buuri* as the wife's property. “Dowry” is a misnomer as it suggests the property is the possession of the husband's,” she said, “A lot of husbands tell us that the dowry belongs to them.”

Ms. French said she had at least 100 other similar cases of women who had a claim on such posses-

sions. Mrs. Verma had fought in the courts for three years to regain gold jewellery, silk clothing and household items paid by her parents at their wedding in August 1996.

Bradford county court was told that 65 of her husband's family were given jewellery and cash gifts by her father. Although the couple's nuptials cost an additional £30,000 and included five ceremonies, the marriage lasted just 70 days. A two-week honeymoon in Barbados was cut to one week after a row and when Mrs. Verma found life unbearable after they moved in with her husband's family, her parents took her home to Bradford.

In his judgement last week, Judge James Barry said, "I have seen the video of the then-happy couple at various stages of the In-

dian ceremony... It is a great pity [that it] led to the bitter tears and recriminations of this sombre case."

The traditional presentation of dowries from brides' families is less common among second- and third-generation Hindus, and even more unlikely among Muslims. But £50,000 is the standard rate among many orthodox Hindus, creating the conditions for legal redress if a marriage fails. The case of a Leicester divorcee, Gita Bhalla, 23, who is demanding from her former husband, Anup Sareen, the return of an alleged £60,000 worth of wedding gifts, including her £10,000 dowry, is also in the courts. A pre-trial review of the case will be heard later this year at Leicestershire county court.

A spokesman for the Hindu Cultural Society yesterday said the

Bradford judgement seemed appropriate, but the difficulty of distinguishing between presents and gifts could prove difficult. "If it's a present, under Western law it would appear to belong to the groom's family," he said.

Nadeem Khan, editor of *Asian Times*, said the Bradford case offered a precedent which would "get a lot of people thinking". "Before Muslim weddings we have seen pre-nuptial agreements of sorts which have no legal standing but do represent an agreement to a pre-set [repayment] figure," he said.

Mrs. Verma a business studies student at Leeds Metropolitan University, said: "I am really happy that I have won... and I hope people will learn lessons from this."



