## **GENDER BIAS IN LAW: DOWRY**

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#### **INTRODUCING A LAW**

The call for a law relating to dowry in independent India was first heard in the halls of Parliament around 1953. It was a prioritized concern of women parliamentarians. Parliament was then in the throes of debate on the Hindu Code which was expected to radically alter the status of Hindu women in the realm of personal laws including the law of succession. In the further expectation that this would be sufficient to deal with the social malaise of dowry, the legislation on dowry was deferred. With rights of inheritance and of ownership with its incidents of control over its user and disposal, Nehru's law makers hoped that the need for a law proscribing dowry would be rendered redundant.

The Hindu Code was passed in truncated form in 1955-56,<sup>3</sup> after surmounting virulent opposition,<sup>4</sup> particularly from those who saw a threat to the Hindu way of life by this invasive, status changing legislation.

The Hindu Succession Act, 1956, gave improved property rights to women, but fell far short of equal treatment. While therefore, the limited right to a life estate (which was the maximum that a woman could claim in the pre-Act period) was upgraded to an absolute right to the property, women were excluded from inheritance to ancestral properties, and the issue of inheriting agricultural land

Hindu Succession Act, 1956

Hindu Minority & Guardianship Act 1956

Hindu Adoptions & Maintenance Act 1956

<sup>&</sup>lt;sup>1</sup>. The first general elections were held in 1952. The following year in 1953 Uma Nehru introduced for the first time in Parliament, a private member's bill: Col.775 Lok Sabha Debates (hereafter LSD) 5.8.1959.

<sup>&</sup>lt;sup>2</sup>. Some of the women parliamentarians who strongly argued in favour of the bill in 1959 were: Parvathi Krishnan, Renu Chakravarthy, Manjula Devi, Jayaben Shah, Uma Nehru, Krishan Mehra, Subhadra Joshi.

<sup>3.</sup> Hindu Marriage Act 1955

<sup>&</sup>lt;sup>4</sup>. The Code was in fact vehemently opposed by Shri Rajendra Prasad, the then President of India who made it plain that would not give his assent to complete the legislative process which would make the Code into Law. For details see: Lotika Sarkar, "Jawaharlal Nehry and the Hindu Code Bill" B.R.Nanda (ed) Indian Women: from Puradah to Modernity 96-97

<sup>&</sup>lt;sup>5</sup>. S.14. Property of a female Hindu to be her absolute property – Any property possessed by a female hindu, whether acquired before or after the commencement of this Act, shall be helf by her full owner thereof and not as a limited owner.

<sup>&</sup>lt;sup>6</sup>. S.6. <u>Devolution of interest in coparcenary property</u> – When a male Hindu dies after the a commencement of this Act, having at the time of his death an interest in a Mitakshara Coparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act.

was left to the state governments to legislate. Also, the succession according to this Act was relevant when a person of property died intestate, that is without leaving a will, a woman could be dispossessed entirely through a testamentary document.

The pervasive ignorance of law, the lack of access of women to remedies in law, <sup>9</sup> the absence of a climate for social revolution occasioned by a recognition of inheritance injustice, the indoctrinated perspective that women ought not to claim shares in the natal home anyway, and this last factor accentuated by the insecurity that contending heirs (like brothers) who had traditionally asserted their heirship rights may deny them access to the natal home – these were some reasons why the Hindu Succession Act was a virtual non-starter in changing the property status of women.

While this law witnessed legislative action of the state, executive abdication was the unseen agenda. The Act purported to give women the right to succeed to properties: if they could use the processes of law to wrest them from unwilling hands. The legal empowerment would therefore be dependent on the inherent power of the woman to understand, exercise and assert her rights.

## PREFATORY GENERALISMS

The system of dowry has spawned a kaleidoscope of problems. The common denominator is the institution of marriage. Some generalisations about this institution may be fitting prelude to consideration of the ubiquitous system.

Marriage is an imperative for everyone - more particularly for every girl. It marks the transition between the natal home and the matrimonial home. Upon

<sup>&</sup>lt;sup>7</sup>. S.4(2) For the removal of doubt it is hereby declared that nothing contained in this Act shall be deemed to affect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceiling or for the devolution of tenancy rights in respect of such holdings.

<sup>&</sup>lt;sup>8</sup> .S.30. Testamentary Succession – (1) Any Hindu may dispose of by will or other testamentary disposition any property, which is capable of being so disposed of by him, in accordance with the provisions of the Indian Succession Act, 1925, or any other law for the time being in force and applicable to Hindus. Also see Appendix I for standard forms of will s (i.e testamentary disposition).

<sup>&</sup>lt;sup>9</sup>. Free access to law presupposes that women have access to information, freedom of movement and financial strength.

marriage, the girl enters the husband's family: this is the perception even where the nuclear family has replaced the joint family. The husband's role is that of a provider, supporter, advisor, <sup>9A</sup> while that of the wife is of an adaptable, flexible, malleable person. Unmarried girls/women are a liability in the home, apart from constituting a reminder of the failing of the father, in particular, in his parental duty. A woman's life is essentially divided into life in her natal home and life in her matrimonial home. <sup>10</sup> Chastity is explicitly elevated to a virtue not by social norms alone, but by law as well. <sup>11</sup> The unmarried state, separation, desertion, widowhood reduce discernibly the status of the girl/woman, as also of her family.

There are a multiplicity of significances attached to an understanding of dowry. At the time of marriage, the bride is bedecked with garments and ornaments. bridegroom is given varadakshina, which may include clothes, cash, The ornaments. Manu in his **Manusmriti** exalts this practice to a manner of law. The giving has evolved to precede the event of marriage, and is manifest in the shagun or betrothal ceremony, or in the tikka ceremony. It may be in the form of rokna, a kind of earnest money paid by the parents of the girl to the boy's family as an assertion of intent to perform the marriage, and to stop them from looking any further for a bride. Festivals, particularly in the one year immediately succeeding the marriage, occasions of joy and sorrow in the matrimonial home, the birth of a child, especially a male child, these and more have inilinear gift giving which moves material from the natal to the matrimonial home. The giving seems to extend till forever, till as grandparents of their daughter's daughter, they undertake a part of the expenses of her marriage and bestow her with the ritual gifts.

 $<sup>^{9</sup>A}$  .See paras 55 and 56 of Ranganath Misra J., in State v Laxman Kumar (1985) 4 SCC 476

<sup>&</sup>lt;sup>10</sup>. The law too, describes women by their relationship to marriage. Hence, women are married to unmarried, widowed, deserted, separated or divorced. So while an unmarried daughter is allowed maintenance under S.20 of the Hindu Adoptions and Maintenance Act 1956, to the extent she is unable to maintain herself, a daughter who is married, widowed, deserted, separated or divorced is not. Similarly a widow is entitled to some maintenance under S.19 of the Act from her father in law. This right ceases on" re-marriage", as this event would mark her entry into her second husband's domain to whom the responsibility of her maintenance would be transferred.

<sup>&</sup>lt;sup>11</sup>. Chastity appears as a legal qualification on which a wife's right to claim maintenance depends. S.18(3) disqualifies an unchaste wife from maintenance even though she may otherwise be entitled to it by virtue of sub-clause (2) of the section. Similarly clause (3) of S.25 of the Hindu Marriage Act, 1955 disqualifies the wife from receipt of permanent alimony and maintenance on grounds of unchastity.

There may have been times beyond memory when the whole system functioned voluntarily and based on capacity; where the share of the girl in her natal home was sent with her on marriage. But if there were such times, and they existed not just in the fables that dot the past, that time is definitely now in the past. The system is now based on expectations and demands.

A distinction needs to be made between dowry and <u>stridhan</u>. Stridhan specifically refers to the property of a woman which is hers to do with as she will. The giving of gifts to a girl on marriage is often defended on the ground that it is intended to provide her with security in any time of need and as a share to which she is entitled. Opponents of the dowry system have been insistent that in eradicating this system, the right of women to receive, hold and deal with property should not be denuded.<sup>12</sup>

This distinction – between women's property or stridhan and dowry – though of importance, has become blurred with the recognition of the changing nature of the dowry problem. The proportion of the dowry problem in recent decades is traceable, increasingly, to extortionate demands made, as of right by a prospective bridegroom's family. Consumerism has added to the problem, and in keeping with the Joneses, TV, refrigerator, scooter, furniture material movement is justified as being for the general welfare, comfort and status of the girl in her matrimonial home. Money set up or sink into a business, to travel abroad, a necklace for the mother-in-law ................... the demands are limitless, and endless in time.

## Dilemma in Debate

Every legislation has to pass four stages to achieve purposeful existence: it needs legislative consideration and endorsement; a strong and purposive implementation regime; a judiciary educated in the content, intent and effect of the legislation; and an informed public, alive in its responses to the issue.

12A . Paras Diwan, Dowry and Protection to Married Women (1990), see particularly, chapter III, "Matrimonial Home".

<sup>&</sup>lt;sup>12</sup>. See Manjula Devi Col.800-802 LSD 5.8.59 , Col.941-944 LSD6.8.59.

The dowry legislation started with a severe handicap. Not merely its detractors, but its engineers started on the premise that any law on dowry could only be to register a parliamentary vote on the social conscience. The statement of Objects and Reasons, the philosophical excursus that precedes a legislation, was express that the law was "to educate public opinion and to the eradication of this evil". The Minister whose duty it was to propel the Bill through Parliament saw the problem as a pernicious social evil, and the law as an expression of the 'social conscience of the people. To another member, 'the main purpose of the legislation must be to educate. To another member, 'social legislation" social evil" and "social crime" recur at various points in the debate.

This linguistic expression of parliamentary understanding effectively "socialised" the issue. From a "possible offence" status, it was diluted in parliament's consciousness to a "problem".<sup>20</sup>

This is in consonance with the totality of the debate. The question of how dowry should be defined was hotly contested on the floor of the Houses of Parliament. The parliamentarian who brazenly rejected the need for the Bill, or belittled its importance in unequivocal terms, was the exception. More in evidence were those who voiced their support for the Bill, but equivocated on material provisions. So there is the 'supporter' of the Bill who cautions by hypothetical example: "Now, take a case where there are a bride and a bridegroom eligible in all respects. The prospective father-in-law considers that it would be better if in consideration of this marriage he gives a certain amount of money to the prospective bridegroom, so that the prospective bridegroom may go abroad, may fit himself with high technical education so that he may be useful to the country and may satisfy the needs of the country today. Well, such a

<sup>&</sup>lt;sup>13</sup>. A.K.Sen Col.770-772 LSD 5..8.59; Renuka Ray Col.4231 LSD9.12.59.

<sup>&</sup>lt;sup>14</sup>. A.K.Sen Minister of Law. Statement of Objects and Reasons dated 21.4.1959 (Bill No.33 of 1959 – Gazette of India, Ext. pt. II S..@ p.394).

<sup>&</sup>lt;sup>15</sup>.A.K.Sen Col.770 LSD5.8.59

<sup>&</sup>lt;sup>16</sup>. Khadilkar Col.4228 LSD 9.12.59

<sup>&</sup>lt;sup>17</sup>. A.K. Sen Col 4008 LSD 8.12.59

<sup>&</sup>lt;sup>18</sup>. S.D.Sharma Col.3745 LSD 7.12.59

<sup>&</sup>lt;sup>19</sup>. C D Pande Col 3764 LSD 7.12.59

<sup>&</sup>lt;sup>20</sup> .Shri P R Patel "Now here payment of dowry is not a criminal offence. It is a social evil....Would it be desirable to send such a man to jail and put him in the company of criminals?' Col.3741 LSD 7.12.59

<sup>&</sup>lt;sup>21</sup>. Categorically opposed to the Bill was Tyagi as, in his opinion, the issue of dowry was too small to merit the time of the Government , Co.791 LSD 5.8.59

transaction will be a transaction covered by this language and money paid by the prospective father-in-law will be money described as dowry......"<sup>22</sup> Should they have to go to jail or pay fine for this? he asks. Could they not find support for their position in the Constitution of India which gives them the fundamental right to dispose of their property in any manner they choose? and may this wide berth that the language of the dowry provision gives not be considered an unreasonable restriction on he exercise of their fundamental rights? he wants to know.<sup>23</sup>

#### THE CONFLICT

The opposing and supporting positions on the Bill witnessed a range of concerns. To delineate the opposing stances – The anxiety was that gifts given at marriages are customary, <sup>24</sup> or atleast of established usage.<sup>25</sup> Essential rites in a marriage ceremony include <u>kanyadan</u> and the girl cannot be given away without at least ornaments and garments to suit the occasion.<sup>26</sup> One debater wondered how sacramental/customary marriages can be performed at all without some consideration, even if it is a rupee.<sup>27</sup>

That marriage is a happy occasion, and the law should not mark it with moroseness<sup>28</sup> is a position that takes exception to law intruding in it. The beauty of the marriage ceremony is wistfully invoked. "Anything that detracts from its sanctity, sacramental quality and beauty should never come in and any such demand should always be opposed."<sup>29</sup> Dowry, it is even averred, is natural.<sup>30</sup>

<sup>&</sup>lt;sup>22</sup>. G.S.Pathak Col. 1173 Rajya Sabha Debates (hereafter RSD) 19.4.60

<sup>&</sup>lt;sup>23</sup>. Col.1172-1174 RSD 19.4.60

<sup>&</sup>lt;sup>24</sup>. G.S.Pathak Col

<sup>&</sup>lt;sup>25</sup>. A.K. Sen Con.4010 LSD 8.12.59

 $<sup>^{\</sup>rm 26}$  . Pt.Thakur Das Bhargava Col. 3449-3451 LSD 4.12.59

<sup>&</sup>lt;sup>27</sup>. C.K. Bhattacharya: "it took my breath away, because knowing our customs as I do, I am sure that at least one rupee will have to paid in consideration of the marriage. Every father will have to pay it. This bill relates not to marriages by registration. This bill relates to cases which are called sacramental marriage or customary marriages." Col. 4003 LSD 8.12.59

<sup>&</sup>lt;sup>28</sup>. "We do not want to eliminate all sorts of gifts. We only want to see that at the time of marriage, persons do not come with bloated faces, almost in sorrow, without any happiness and with any sort of gifts." Pt.Thakur Das Bhargava Co..3981

<sup>&</sup>lt;sup>29</sup>. Illa Palchoudhuri Col. 3440 LSD 4.12.59

<sup>&</sup>lt;sup>30</sup> . Pt. Thakur Das Bhargava Col.3441 LSD 4.12.59

The fear that a legislation prohibiting dowry, particularly by making it a cognisable offence,<sup>31</sup> would have the makings of a police state, is voiced. The entry of the police into this arena would also "detract from the colourful ceremony and the beauty of the Indian marriage...."<sup>32</sup>

The threat to the freedom of the parent to give what he will to his daughter agitated some debaters. What about the 'crorepatis' who will want to give to their daughters? Who will follow this law? Who will fathers give to but their daughters? They agonised.<sup>33</sup>

Then: There are many who follow Manusmriti who have the need to give something when the bridegroom is being seated – it should be decorated.<sup>34</sup> Our sentiment is traditional – is that the girl is going from our house, so the father will want to give not just as much as he can, but more. There are three generations from who the girl takes-father, brother and nephew.<sup>35</sup> These contributions to parliamentary wisdom formed part of the cautionary corpus.

The level of the debates plunged lower when dowry was justified – indeed, lauded – as a device that would help unpersonable girls into matrimony.<sup>36</sup>

There was talk of the harassment that ensure if dowry were made an offence. Differences arising between prospective families could find a convenient tool in the dowry law.<sup>37</sup> If a distinction were not to be made between a gift and consideration for marriage, it was felt, the country will not observe the legislation. "It will be a sort of social harassment... I have a daughter to get married. In many part of the country, there is no dowry, but we do spend money. We give presents, ornaments utensils etc. Any of my opponents can

 $^{\rm 33}$  . Tyagi Col.988 LSD 6.12.59; Prakashvir Shastri Col.997 LSD 6.12.59 and Col.3480 LSD 4.12.59

 $<sup>^{31}</sup>$  . A cognizable offence is one in which a police officer may make arrests without a warrant, according to S.2(c) of the Code of Criminal Procedure, 1973

<sup>32.</sup> Supra Note 29

<sup>&</sup>lt;sup>34</sup>. Pt.Thakur Das Bhargava Co.987 LSD 6.12.59

<sup>&</sup>lt;sup>35</sup>. Prakashvir Shastri Col.997 LSD 6.12.59

<sup>&</sup>lt;sup>36</sup> . Dr.Sushila Bayal Col. 964 LSD 6.12.59; Tyagi Col.794 LSD 5.8.59; Kumari M Veda Kumari Col. 955 LSD 6.4.59

<sup>&</sup>lt;sup>37</sup> . C.D.Pande Col.3762 LSD 7.12.59.

say, you have give Rs.3,000.00 in your daughter's marriage', harass me and create unpleasantness."<sup>38</sup>

Serious doubts were expressed about the possible efficacy of such a measure. Unhappy with the manner in which dowry had been defined, and the Joint Parliamentary Committee's treatment of the definition, Shri Hem Barua spoke prophetic words: "I know that piece of legislation is going to be only a refrigerator legislation", he said <sup>39-40</sup> This was his response to the improbability of implementation which the proposed Bill seemed set to ensure. He saw the possible escape from the dowry system in economic freedom for women, only then, he argued, would dowry die. 41 With lack of an instrument to implement this legislation, "except the social sanction or social conscience" he likened it to "graveyard of pious wishes and nothing more". 425

A parliamentarian who objected to how "feminine-ridden" parliament was becoming, wanted to know on what all will you make law?<sup>43</sup> Impatient with their dilated consideration of the law, he asked for an early end to the proceedings, since "there are many more important problems before the nation that dowry."<sup>44</sup>

Advocacy for the legislation generally saw many of the women parliamentarians concerned with the self-respect of women, 45 the dignity of the girls and their parents, 46 the experience of womens' organisations 47 and the factum of women dying – either murdered or committing suicide – as an outcome of the dowry problem. 48 with the recognition that women tend to get excluded from property rights, there was assertion that stridhan should not be denied to her while doing

<sup>38</sup>. Ibid.Col.3764

 $<sup>^{39-40}</sup>$  . Hem Barua Col.3475 LSD 4.12.59

<sup>&</sup>lt;sup>41</sup> . Ibid.Col.3471

<sup>&</sup>lt;sup>42</sup> . Ibid.Col.3470

<sup>&</sup>lt;sup>43</sup> . Tyagi Cols.795, 799 LSD 5.12.59

<sup>&</sup>lt;sup>44</sup> . Ibid.Col.4233 LSD 9.12.59

<sup>45 .</sup> Uma Nehru Col.3457 LSD 4.12.59; Seeta Parmanand Col.1216 RSD 19.4.60

<sup>&</sup>lt;sup>46</sup> . Dr.Sushila Nayar Col.964 LSD 6.8.59

See also p.5, Report of the Joint Committee of the Houses to examine the Question of the working of the D.P.Act.1961, 11.8.1982.

<sup>&</sup>lt;sup>47</sup>. Renu Chakravarthy Col.3993 LSD 8.12.59.

<sup>&</sup>lt;sup>48</sup> . Jayabean Shah Col.945 LSD 6.8.59; Dr.Sushila Nayar Col.964 LSD 6.8.59

away with dowry.<sup>49</sup> However, the giving to the daughter ought not to be during marriage.<sup>50</sup>

Condemnation of the practice is a running thread—throughout the debates. The theme of indebtedness also visited the proceeding s with some regularity.<sup>51</sup>—The dominant concern of most parliamentarians was, therefore, the financial and social burden of the father of the girl!

The question continually returned to whether what was at issue was extortion for dowry, or any kind of voluntary gifts too.<sup>52</sup> The very statement of the proposition held the bias.

And an Act was born.

#### THE STATUTE

The Dowry Prohibition Act was enacted into law in 1961. It was amended twice – in 1984 and in 1986.<sup>53</sup> The cause for reconsideration and change was the alarming increase in the reported rate of dowry related deaths of young women. Suicides, murders, harassment and cruelty were of predominant concern. The Dowry Prohibition Act had hardly been invoked at all in the years intervening between 1961 and 1983. In 1975, the Committee on the Status of Women met with one mere case, in Kerala, where a father of a girl had filed a case under the Act, provoked by the ill-treatment meted out to her.<sup>54</sup> The increasing incidence of unnatural deaths threw up these statistics during the 1983 debate on the amendment:<sup>55</sup>

<sup>50</sup>. Subhadra Joshi Col.3706 LSD 7.12.59; Krishna Kumari Col.137 RSD 28.11.60; A K Send Col.770 LSD 5.8.59

<sup>&</sup>lt;sup>49</sup> . Manjula Devi Col.801 LSD 5.8.59

<sup>&</sup>lt;sup>51</sup>. Manjula Devi Co.3703 LSD 7.12.59. The concern over parents' indebtedness also finds expression in the 1983 debates on amendment of the Act. See Monika Das Col.193 RSD8.12.83.

<sup>&</sup>lt;sup>52</sup>. "What is the line of demarcation between extortion and voluntary gift? Subiman Ghose Col.3995 LSD 8.12.59.

<sup>&</sup>lt;sup>53</sup> . Act No.63 of 1985; Act no.43 of 1986.

<sup>&</sup>lt;sup>54</sup> . Towards Equality: Report of the Committee on the Status of Women in India para 4.75, p.115 (Department of Social Welfare, GOI December 1974).

<sup>&</sup>lt;sup>55</sup>. Geeta Mukherjee Col.472 LSD 21.12.1983

Cases registered under S.306	110
(abetment to murder: IPC)	
Number of persons arrested	173
Number of persons challaned	45
Cases under trial	36
Cases pending investigation	30
Convictions	0

With this record in the case of unnatural deaths, it is not to be wondered at that there was hardly any legal action taken under the 1961 Act. Yet, it was not merely that the Act was not mobilised to deal with the dowry problem, but that the Act was itself inherently weak.

## Dowry - the definition

Even during the debates preceding the 1961 Act, as the content of the definition of dowry changed, diluting each time its intensity, the members were distinctly agitated that there was no life left in it, after the prolonged exercise.<sup>56</sup>

The basic problem with the definition as it was passed in 1961 was that it included as dowry any property or valuable security.... in consideration of the marriage ....<sup>57</sup> The term "consideration has a connotation that it derives from its presence in the Contract Act, where a contract is considered to be such only when there is an element of consideration in it. In determining whether that which has been given or taken, or agreed to be given or taken, is dowry, it would be necessary to decide whether that which was given or taken.... could constitute consideration, or whether it was only voluntary gifts unrelated to the marriage being performed.

The Bill that was originally introduced in parliament recommended a ceiling of Rs.2,000 that may be given as gifts. By the time of the Bill passed into an Act, an Explanation was added which excluded from the definition " any presents

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<sup>&</sup>lt;sup>56</sup>. LSD Cols.3964 and 4015

<sup>&</sup>lt;sup>57</sup>. S.2 DP Act

made at the time of marriages to either party to the marriage in the form of cash, ornaments, clothes or other articles unless they were made in consideration of the marriage. That removed the statutory identification of a ceiling, which may yet have made prosecution a possibility.

The offences that the 1961 Act created included both giving and taking of dowry. This made both the giver and the receiver offenders, a position disputed in parliament as making the initiation of action an impossibility. This was because a giver would have to confess to an offence before he could accuse another of having committed one.

The offences under the Act were made non-cognizable – which would mean that no executive authority, including the police, could take action without a complaint (and who would file the complaint?) They were bailable. And they were non-compoundable.<sup>58</sup>

So once the wheels of law started turning upon the registration of a complaint, there would be no looking back, and no penitence, willingness to change or attempt at an amicable settlement between the parties would be recognised, naturally, the law would be hardly used at all unless invoked as a last resort.

That "last resort" would have to happen within one year from the date of the offence, for limitation to register a complaint and launch prosecution would end at the end of that year.<sup>59</sup>

In addition to the offences of giving, taking, agreeing to give or take dowry, and not transferring the dowry received back to the woman, <sup>60</sup> the law also made the demanding the dowry an offence. <sup>61</sup> However, since the theme song in parliament on this provision was the fear of harassment, <sup>62</sup> it was enacted that no court was

<sup>&</sup>lt;sup>57A</sup>. Explanation I to S.2 DP Act

 $<sup>^{58}</sup>$ . S.8 of the unamended Act 28 of 1961

<sup>&</sup>lt;sup>59</sup>. S.6 DP Act

<sup>&</sup>lt;sup>60</sup>. Ibid

 $<sup>^{61}</sup>$  . S.4 DPA. For understanding hw interpretational law can render a law immobile, see Shankarrao Abasaheb v L V Jadhav 1983 Cri L J 269 later reversed by the Supreme Court in L.V.Jadhav v Shankarrao (1983) 4 SCC 231.  $^{62}$  . Supra Note 37

to take cognizance of this offence except with the previous sanction of the State Government!<sup>63</sup>

The Andhra Pradesh Dowry Prohibition Act, 1958 and Bihar Dowry Restraint Act, 1950 were repealed though neither the Houses of Parliament nor the Joint Parliamentary Committee explored the experiences of these Acts to learn from them.

The totality of the legislation comprised ten sections-but how fertile was the ground if found for barrenness.

#### THE EMERGENT MOVEMENT

1975 was a year of decisive change in India. Parliament, the press, the public, institutions were all irreversibly affected by the Emergency declared in June The International Women's Year, the Status Report and the Mexico Conference, coinciding with the heightened awareness that the Emergency had generated, created the space necessary for the women's movement to expand The post-1975 stridency of pressure for action in the matter of women's rights, and protection, as without question a direct result of the women's movement which saw the growth and change in the nature of women's Changes in law, and increased degrees of seriousness while organisations. considering matters affecting women, are attributable to a large extent to the pressure that the movement was able to exert and not to governmental, or parliamentary, recognition for suo moto action. Dowry, and increasingly dowry deaths (also called bride-burning, though other means were also employed to do away with in convenient wives) was one of the causes espoused by the movement.

The governmental response when it is penned into a corner is legislation. Simply stated: when you can no longer take the pressure, make a law. The enactment of the law could constitute a victory for those on the warpath; it would ease the pressure for the moment; and it would mean little, since any law

<sup>&</sup>lt;sup>63</sup> . Section 4 of the unamended Act 28 of 1961

not backed by political will and intention to implement would be a non-starter anyway.

The increasing reporting of suicides and murders involving young married women, highlighted with unfailing regularity by the movement, was also a source of embarrassment to the government which then had to be seen to be acting.

This prompted a revision of the law in 1984 and, again, in 1986.<sup>64</sup> The JPC which reported to parliament in 1982, reposed its faith in the big IF. "The Committee have no doubt that IF all the possible loopholes in the Act are plugged, its provisions are strictly implemented without fear or favour and deterrent punishment is provided for and imposed on law-breakers, there is no reason why this social legislation would not bring about the desired results." The record of implementation of the Act could not surely have been the cause for the Committee's optimism, which recalls uncannily the ominous prediction in the debates of 1959-61. 66

It is patent, however, that any earnestness evinced was occasioned by the nolonger deniable fact of increasing number of reported cases of deaths due to dowry. In 1961, the problem was "the evil practice of giving and taking of dowry" By 1983, when the Criminal Law (Second Amendment) Act was passed to create penal offences in the IPC and to shift the onus of proof within the rules of evidence, it was the "increasing number of dowry deaths" which was a "matter of serious concern". 68

With the amending Acts of 1984 and 1986, dowry was redefined to include any property or valuable security... given or agreed to be given..... at or before or any time after the marriage 68A ... In connection with the marriage ... Presents

 $<sup>^{64}</sup>$  .The quick succession of amendments itself being an indication of the lack of thoroughness in revising the legislation.

<sup>&</sup>lt;sup>65</sup>. Report of the Joint Committee of the Houses to examine the question of the Dowry Prohibition Act 1961 p.17 (11.12.1982)

<sup>66 .</sup>Supra Note 42

<sup>&</sup>lt;sup>67</sup> . Supra note 14

 $<sup>^{68}</sup>$  . Statement of Object & Reasons, Bill no.XIV of 1983, Gazette of India, Ext.Pt.11 s.2 p.1

<sup>&</sup>lt;sup>68A</sup> . Amended s.2 by the 1986 amendment in the DP Act

were permitted to be given, but a list of such presents was to be maintained separately for the bride and the bridegroom. Since this is not mandatory, and there is no provision for registering such lists, this provision has meant little, if anything. Where the gift-giver was related to the bride, the presents would have to be of a customary nature, and ought not to be excessive having regard to the financial status of the person by whom, or on whose behalf, it is given.<sup>70</sup>

A ban on dowry-related advertisements was imposed,<sup>71</sup> and a provision intended to ensure that the dowry enures to the benefit of the wife enacted – and where she died due to unnatural cause within seven years of marriage, her children or her parents become entitled to it – thereby excluding the matrimonial family.<sup>72</sup>

Courts were to take cognisance of offences under the Act not with the sanction of the State Government, as the 1961 Act had partly prescribed, but on the court's own knowledge, or on a police report, or on a complaint of the person aggreived or a parent or other relative, or by any recognised welfare institution or organisation. An express provision was incorporated to protect the giver of dowry from prosecution where she/he was the aggrieved complainant.<sup>73</sup>

The offences were made cognisable for certain purposes including investigation, and were to be non-bailable and, is before, non compoundable.<sup>74</sup>

The burden of proof was shifted to the accused, where he was accused of taking, abetting the taking, or demanding of dowry.

Dowry Prohibition Officers were enacted into the law to provide a mechanism for detection and investigation of offences under the Act. This was to be the compromise formula between police intervention and no intervention. That the DPOs have their existence virtually in the statute alone is its own story.

<sup>73</sup>. S.7 DP Act

 $<sup>^{\</sup>rm 69}$  . Amended s.2 after the 1984 amendment in the DP Act

 $<sup>^{70}.\,</sup>$  Proviso to S.3 of the DP Act, inserted by the 1984 amendment.

 $<sup>^{71}</sup>$  . S.4-A DP Act inserted by the 1986 amendment

<sup>&</sup>lt;sup>72</sup>. S.6 DP Act

<sup>&</sup>lt;sup>74</sup>. S.8 after the 1986 amendment.

The redefinition, the remoulding of offences, in the law, and widening of procedural possibilities were, on the face of it, intended to make it an effective tool in containing the problem of dowry. Yet, it cannot be ignored that it came close on the heels of the amendment to criminal law which, in turn, was the result of the manifold increase in reported dowry related deaths. The only provision which obtained a status was the definition, as it was an important component of determining whether there has been a "dowry death" or cruelty related to dowry or abetment to suicide for reason of dowry. The other parts of the Act still remain largely confined to the statute books.

## FOUR PERIODS OF OPPORTUNITY

The points in time when dowry related problems could manifest may be identified as –

before and at the marriage during the subsistence of the marriage upon breakdown of marriage and where dowry – related death or injury is caused.

#### ON MARRIAGE

The all pervading presence of this system has claimed may young victims. The case of the found Kanpur sisters who saw no option to suicide, and were driven to it by the guilt of the pressure on their father to raise the money for their dowry is within memory even where memory is short. Dowry, along with ostentatious marriage (euphemistically termed "decent marriage" in newspaper advertisements), takes a heavy financial toll on the parents of the daughter.<sup>75</sup>

Courts too do not question the premise that marriage is necessarily a time for expenditure. Borrowing by a father to "meet the marriage expenses of his

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 $<sup>^{75}</sup>$  . For a selection of matrimonial advertisements., with assurances of decent marriages see Appendix II

daughter<sup>"76</sup> is mentioned merely in passing. A submission that Rs.40,000 on the marriage expenses of a daughter was only in keeping with the status of the plaintiffs who were possessed of properties worth Rs.2 lakhs is mentioned without comment.<sup>77</sup>

The inevitability of marriage-related expenses and that indebtedness is an invariable companion of marriage is witnessed even where the loan taker is a bounded labourer. In a study on bonded labour in India, among the reasons enlisted for taking the loan which paved the way to bondage, is:

"occasions (for performing birth and death rites, for marriage)" and the percentage of such loans pathetically high. 78

A startling instance was reported of a father donating/selling his kidney in a hospital in New Delhi in order that he may be able to deposit Rs.10,000 in the names of each of his daughters aged 3,4 and 6. This money, he hopped, along with the future interest, would pay for their dowries.<sup>79</sup>

It is indeed unusual to find a case where assault on the dignity of the woman is taken seriously and acted upon. Less often would one find support from the judiciary. It happened in a village in U.P. On the morning after the wedding the bride's father asked the groom what he thought of the bride. Despite of her not being fair, the groom replied, he would take her with him as they were married. The outraged father confined the groom and 25 of his wedding guest asking him to make good the Rs.60,000 he had spend on the wedding and the leave. A habeas corpus petition reached the High Court. The judge who sat in contemplation on this piquant situation reached in a manner not to be generally anticipated from the judiciary. The situation, he said, was entirely of the bridegroom's making". He was "looking for trouble" and insulting womanhood" telling the bride's father that his "ornate wedding day bride" was not fair. This,

<sup>&</sup>lt;sup>76</sup>. Girindra Nath Mukkherjee v Soumen Mukherjee AIR 1988 Cal 375

<sup>&</sup>lt;sup>77</sup>. R Durairaj v Sethalakshmi Ammal AIR 1992 Mad 242.

<sup>&</sup>lt;sup>78</sup>. See Appendix III

<sup>&</sup>lt;sup>79</sup>. Lakshmi, C.S., "on Kindneys & Dowry"1989 EPW 189

the judge said, was a situation for the village panchayat and elders as it involves "social ill manners and ill-mannered grooms". 80

The Dowry Prohibition Act and the Hindu Succession Act are two capsules which represent parliamentary treatment of women's property. Government had acknowledged the failure this context of the Hindu Succession Act, when it acceded to demands for a dowry prohibiting legislation. discussions on the dowry prohibiting legislation cast in stark relief the problem of giving woman her share in property at the time of marriage. If it were her "share " that was given to the daughter, the difference between daughters would remain "explained and the resulting indebtedness would be anamolour.81 Dowry crimes cruelty, murder and unnatural death have further shown that marriage related giving of property invariably becomes the man's entitlement and concern. The continuance of the practice of giving presents/gifts or property by any other name, and its recognition in the law actually endorses the practice. The possibility of strengthening the Hindu Succession Act to make it an effective means of giving women inheritance rights has not been addressed, even when dowry has been sought to be outlawed. The law then seems to do little about resolving these issues for women, and pretends to piecemeal arrangements which do not support each other. One can only conclude that the delinking of women's property rights and marriage has not been addressed in any serious manner by legislation.

Another area covered by the law, which asserts its presence at or around the time of marriage is the demanding of dowry. What would constitute demanding dowry? To be 'dowry', the property or valuable security should be given or agreed to be given, and it if was not, despite a demand, it would not amount, in law, to the demanding of dowry. Legal jargonistic adroitness is a must to grapple with this interpretation. Yet that is what the Supreme Court had to contend with in reversing an opinion of the High Court.<sup>82.</sup> The facts of the case were that Anita marriage Pradeep in June 1979. According to the complaint, even as the marriage ceremonies were in progress, Pradeep and his father

 $<sup>^{80}</sup>$  . Radhey Shyam v SHO, Police Stn. Phulpur AIR 1990 All 224

 $<sup>^{81}</sup>$  . Supra Note 54 paras 3.303 and 3.204

<sup>82.</sup> Jadhav supra note 7

demanded Rs.50,000 from Anita's father. The pretext: that money was required to send Anita and Pradeep to the US. If the demand was not met, the warning went, further ceremonies would not be completed. With the intervention of "some respectable persons" the marriage ceremonies were concluded. Pradeep left for the US July. Anita was not 'sent', and demand for the money persisted. Anita's father filed a complaint of demand of dowry. The High Court found that since the complainant had not agreed to give the sum demanded, there was not offence that had been committed under the Act.

The legal process is expensive, and legal proceedings can be cumbersome. One would need resources – including financial resources – to commit to the legal battle. In this case, they were able to challenge the High Court's verdict in the Supreme Court. With greater wisdom than its hierarchical inferiors, the Supreme Court reversed the damage by adopting a 'liberal construction'. The object of the provision being to discourage the very demand, the apex court said, there was no warrant for such a literal interpretation.

The High Court had actually invoked its inherent powers, which extraordinary powers, to quash the complaint!

## **SUBSISTING MARRIAGES**

Dowry related problems dot the landscape of many subsisting marriages. Harassment for extracting more dowry is a common phenomenon. In many of the cases reported in law journals, the harassment is explicit, except that all too often it is overridden by more severe abuses like murder and dowry death. Pushpa was set aflame in the kitchen on 27.1.77; that was at the end of a string of harassment that she was subjected to by her mother-in-law because of unsatisfied dowry demand". <sup>83</sup>

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<sup>83.</sup> Lichhamadevi v State of Rajasthan (1988) 4 SCC 456.

Veena Rani was burnt to death in September 1975; she had a history of an unhappy marriage, with her husband constantly demanding that she get more money from her parents' home.<sup>84</sup>

Gurinder Kaur died of third degree burns from a kerosene fire in the bathroom when she was 22 years old, and had been married for 10 months; she had been ill-treated and often taunted that unless she observed the family tradition of presenting a necklace to her mother-in-law she remain childless. Her husband demanded Rs.50,000/- for financing his business and when Gurinder's father refused to yield to pressure, she continued to be harassed.<sup>85</sup> The dimensions of the hidden statistics on harassment are difficult to imagine.

The woman is punished for inadequate dowry in some cases by being denied access to her natal home. As a constituent of the punishment for not bringing more, Raju Singh and his family prevented his wife from visiting her parents. Kailash was not allowed to leave her matrimonial home to attend her cousin's wedding. Prabha Kumari was not sent to her parental home for her first confinement as a penalty for not having fulfilled entirely an agreement on giving dowry which was to have included a fridge, TV, jewellery and silver. 88

Courts are not necessarily sympathetic to victims of domestic ill treatment and harassment. 'Vague' allegations of ill-treatment for dowry were considered inadequate; the wife living separately was therefore said to have deserted him. 88A A perusal of the case law in fact does reveal that it is only death – whether by suicide, or murder – has facilitated acknowledgement of dowry harassment.

There is then denial of access to the matrimonial home which may be patent or actual. Shabnam was married to Ashok. She averred that she had been dropped at parental home, where she stayed through her pregnancy/child birth. Not

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<sup>&</sup>lt;sup>84</sup>. Brij Lal v. Prem Chand 1989 Supp 2 SCC 680

<sup>&</sup>lt;sup>85</sup>. Bhagwant Singh v. Commissioner of Police Delhi (1983) 3 SCC 344

 $<sup>^{86}</sup>$ . Bhoora Singh v State of UP 1992 Cri LJ 2294

<sup>&</sup>lt;sup>87</sup>. Shanti v. State of Haryana (1991) 1 SCC 371

<sup>&</sup>lt;sup>88</sup>. Gowar Chand v S.P., Chinglepet 1988 Cri LJ 1399

<sup>&</sup>lt;sup>88A</sup>. AIR 1992 MP 105

merely did no one fetch here, but demands, including for a scooter, were made. Ashok subsequently field for divorce on the ground of desertion and cruelty – her snobbish and rude behaviour towards his family as evidence of cruelty. Since the matter was before the court for divorce, it found occasion to observe that "no self-respecting girl could possibly have been expected to submit" to the treatment meted out to her 'unless she proved to be a cringing type of woman, ready to unquestionably demean herself". 89

It was state legislatures that recognised the denial of what may be called 'matrimonial rights' as an offence, where the reason for such denial was non-payment of, or inadequate, dowry. The 1976 Himachal Pradesh amendment to the Central Act created an offences which it called "depriving any party of the right and privileges of marriage". This extended to torture and refusal to maintain a person for non-payment of dowry. The denial of 'conjugal rights' by the husband was made an actionable wrong in Orissa. 90

There is then legislative endorsement of the existence of torture, harassment, denial and neglect. The evidence of protective or remedial action is however virtually non-existent. The cases under the Dowry Prohibition Act are most obvious in their absence.

Physical torture, including wife-battering, the insecurity of matrimony where the woman has no right in either her matrimonial or in her parental home, marital rape, curtailment of freedom for reasons of dowry, loss of dignity and denuding of self-respect-the law maintains an eerie silence. A silence that is shattered by the death crises of woman aflame, or silenced further by poison or drowned completely out of life.

## **BREAKDOWN**

The third point in time when the problems arising from dowry are aired are when there is a breakdown of marriage. Would constant demands for dowry constitute cruelty, entitling a woman to a decree of divorce? The Hindu

<sup>&</sup>lt;sup>89</sup>. Ashok Kr. Bhatnagar v Smt Shabnam Bhatnagar AIR 1989 Del 121

<sup>&</sup>lt;sup>90</sup>. S.4-B DP (HP Amendment) Act, 1976; S.^-A DP (Orissa Amendment) Act 1975

Marriage Act provides a ground for divorce in "cruelty". Shobha Rani married Madhukar Reddi, a doctor. He and his parents demanded that Shobha ask her parents for money to give him- in a self –justificatory letter, he wrote: "Now regarding the dowry point, I still feel that there is nothing wrong in my parents asking for few thousand rupees. It is quite a common things for which my parents are being blamed, as harassment."

The Supreme Court <sup>91</sup> found that this constituted a matrimonial offence. The fact that S498A defining demands for dowry as cruelty was available to the Court was no small help. And Shobha got her remedy. But it was not before she had gone through the trauma of proceedings in a trial court and a High Court which were far more tolerant of dowry and far from seeing it as a cause for complaint. "The respondent is a young upcoming doctor", the trial court said. "There is nothing strange in his asking his wife to give him money when he is in need of it. There is no satisfactory evidence that the demands were such as to border on harassment. "Denying the woman's position legitimacy can be achieved by various devices. So the trial court found Shobha "prone to exaggerate things. That is evident from her complaint of food and the habit of drinking....". To the trial court, she was over-sensitive or in the habit of exaggeration and had "made a mountain out of a molehill".

The High Court essentially in agreement with the trial court found its "proper angle" when it said: "The respondent is a doctor, it he asks his wife to spare some money, there is nothing wrong or unusual".

It was access to the Supreme Court – the third court in the heirarchicy – that got Shobha Rani some relief.

On the breakdown of marriage, the return of dowry articles- which are avowedly for the security of the woman-becomes an issue. Pratibha Rani's was **causus classicus** which really had to do with stridhan. Pratibha left her matrimonial home in 1977 after 5 years of marriage because of harassment for dowry by her husband and brothers-in-law. She was not allowed to take her stridhan away

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<sup>&</sup>lt;sup>91</sup>. Shobha Rani v.Madhukar Reddy (1988) 1 SCC 105

<sup>92.</sup> Pratibha Rani v.Suraj Kumar (1985) 2 SCC 370

with her, and had to file a complaint of criminal breach of trust. The High Court prevented the progress of these proceedings on the reasoning that stridhan is jointly owned by the husband and the wife. It could therefore be recovered only under S.27 of the Hindu Marriage Act which provides for recovering joint properties.

The High Court apparently did not see any difference between dowry and stridhan. In the Supreme Court, a majority of the judges asserted the exclusive nature of stridhan as belonging only to the woman. The protection against criminal proceedings that the High Court had given to the husband was lifted, and the quashed complaint revitalised. Justice Varadarajan dissented. To him the marriage relationship was not one of "I and you Ltd." but that of "We Ltd" He was disapproving of entertaining complaints of the irate wife or husband...(which) would have disastrous effects and consequences on the peace and harmony which ought to prevail in matrimonial homes"

This splicing of proceedings makes recovery of dowry articles, and of stridhan, a difficult exercise. The Punjab and Haryana High Court, for instance, allowed the divorced woman to recover dowry articles jointly owned in proceedings under the Hindu Marriage Act itself: including household goods e.g. fridge, almirah, bed and washing machines. Her claim to jewellery was discredited as being beyond the purview of this legislation. So she would have to start all over again to recover that which even the court acknowledges is solely hers!

## THE DEALDY CONSTITUENT

Death and injury is the fourth constituent part. Cruelty, dowry death, abetment to suicide and murder are its content.

**CRUELTY** 

It was the Criminal Law (Second Amendment) Act, 1983 introduced S.498A to the statute books. The new chapter in the IPC is titled "Of cruelty by husband or

<sup>&</sup>lt;sup>93</sup>. Ibid . Para 79

<sup>&</sup>lt;sup>94</sup> . Dr.Suraj Prakash v.Mohinder Pal AIR 1988 P&H 218. See also Madhusudhan Malhotra v. K.C. Bhandari 1988 Supp SCC 424

relatives of husband". The debates preceding its enactment were replete with references to dowry death<sup>95</sup> and to an epidemic of dowry deaths". <sup>96</sup> A 7 year rule was introduced, by which the unnatural death of any woman dying in the first 7 years of marriage would be the subject compulsory investigation There is little evidence of why the period had to be 7 years, and not more or less. The Minister's explanation was simple: it can't go on forever, it has to stop somewhere, and so 7 years it was to be .<sup>97</sup> Post-mortem would be compulsory<sup>98</sup> and two doctors would have to perform the post-mortem.<sup>99</sup>

Criminal cruelty in a matrimonial home takes myriad forms. Often, it is related to unsatisfied demands for dowry, sometimes it is not. For Urmila, it was within a few months of marriage that her unemployed husband Dinesh started the harassment – for a VIII standard pass certificate which her father, it was said, should procure for Dinesh. On refusal, Urmila was beaten, and starved of food for long periods. It was not long before Dinesh's parents began negotiating a second marriage for him. On 16.8.1983, Urmila was found dead in a well. The offence of instigation and encouragement to commit suicide preceded by cruelty in the matrimonial home was complete.<sup>100</sup>

The striking feature of criminal cruelty is that, prior to the inclusion of a specific provision in the IPC, there were no traceable cases on injury and ill-treatment in the matrimonial home which were punished, nor of the protective action of the law in such cases. The sanctity attached to the matrimonial home and the unwillingness to intrude there in were surely part of the cause. The lack of clear avenues for remedies in such cases certainly constituted another part. The general acceptance of the lot of the woman may have contributed to non-recognition of wife beating and harassment as offences. Even when it attained the dubious status of legally recognised cruelty (what Justice Jagannatha Shetty calls "the wonderful realm of cruelty" the seriousness of the cruelty has been safely acknowledged only where it has culminated in death – by murder, suicide

<sup>95.</sup> Sukumal Sen Col. 187 RSD 8......12.83; Shridhar Wasudeo Dhabe Col. 277 RSD 12.12.83

<sup>&</sup>lt;sup>96</sup>. Suseela Gopalan Col.427, 428 LSD 21.12.83

<sup>&</sup>lt;sup>97</sup>. P.Venkatasubbaiah Col. 295 RSD 12.12.83

<sup>&</sup>lt;sup>98</sup>. Ibid Col.296

<sup>&</sup>lt;sup>99</sup>. Ibid Col 299

 $<sup>^{\</sup>rm 100}$  . Girjashankar  $\,$  v State of MP 1989 Cri LJ 242  $\,$ 

<sup>&</sup>lt;sup>101</sup>. See Supra Note 91

or the nebulous dowry death. It is an unusual case where cruelty per sec is taken seriously and punished. The case of Mukund Markhand Chitnis who was made to pay his wife Rs.30000/- (other than amounts he had to pay as settlement) for having defamed her in proceedings in court is one such extraordinary instance. Suspecting the chastity of his wife, he launched into a campaign of character assassination and mud-slinging. The resultant cruelty was admitted by the court, as was the allegation of defamation. But this, as we said, is the odd case, and marks the exception.

There is a view being propagated that S.498A is being used by women and their families as a tool with which they harass persons in the matrimonial home. Any differences that arises, any problems in the relationship, contrariness, maladjustment-all or any of them are reasons which increasingly form the basis of dowry/cruelty complaints: this is the undemonstrated finding. The liberalising of laws for women, particularly in the criminal context, has led to misuse of these laws, it further says. Kusum, a commentator on legal issues which concern women, has even found it time to write a booklet which she calls "Harassed Husbands" (1993).

To deny credibility to action taken under S.498A is to divert attention from the number of deaths that are reported with unseemly regularity, preceded without doubt by cruelty in the matrimonial home. Also, every law that is made is capable of misuser, and every law does in fact get misused, to a lesser or greater decree. If some cases of misuser by women are indeed detected, and that were to be used as the reason for discrediting the law itself, every law without exception deserves condemnation. This propaganda does not address, either, the reason why women may be resorting to S.498A where the cause may not be strictly within its compass. It would be an extremely unusual women who would enter the portals of a police station to register a criminal complaint against members of her matrimonial family when she has no problems at all. It should be obvious even to a casual observer that there has to be not just some cause, but sufficient cause, for taking this divisive step. It evidence does existand non has been demonstrated so far-that women are indeed clubbing all their

<sup>&</sup>lt;sup>102</sup>. Mukund Martand Chitnis v Madhuri Mukund Chitnis AIR 1992 SC 1804

problems and attempting to bring it within the umbrella of S.498A, may be the answer lies not in destroying her credibility, but in figuring out the lapses in the other laws which make them beyond her capacity to draw support from. It the woman is to be protected from matrimonial cruelty while she lives, its actuality cannot be subjected to such casual cynicism, and its relevance come alive only when she dies.

#### **DOWRY DEATH**

Matrimonial cruelty, which may be the path to death of the young married woman, is committed "within the safe precincts of a residential house". When the Law Commission took note of the increasing number of dowry deaths, the Law Commissioner indentified what he said were the "factual components of a typical dowry death". 104

The victim is always a woman, often in her twenties.

She is a married woman, totally dependent on her husband or his relative, and is already, or about to be, a mother. The cause of death is burns, and in some cases other injuries or poisoning.

The woman is extremely unhappy, and the reason is demand for dowry. The demands are persistent, determined and oppressive. Initially, a dowry death is presented as a case of accident of suicide. Homicide is not easily presumed, in the absence of concrete poof – which is not easily available.

The death takes place within the house, the victim of the "accident" is always behind closed doors when she dies.

The death is reported by the husband or his relatives as suicide, and the suspicion of homicide is introduced by the woman's parents or relatives.

<sup>104</sup>. Ibid . p.3

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<sup>&</sup>lt;sup>103</sup>. "91<sup>st</sup> Report on Dowry Deaths and Law Reform: Amending the HMA, 1995, IPC, 1860 and the Indian Evidence Act, 1872"p.2 (Law Commission of India: 10.8.83).

These the Law Commissioner identified as the most common features of a dowry death.

A perusal of newspaper reports in the period before the change in the law bringing in the presumption of homicide or abetment to suicide - would show women losing their lives in accidents in the kitchen, or committing suicide. It was only in 1983, that investigation into all unnatural deaths of women who had been married for less that 7 years was made mandatory. That could explain why there are no reported cases which reached the Supreme Court between 1950 and 1982 of abetment to suicide, and none where dowry was the motive for murder of the wife. 105 The recognition of a brutal offence needed an explicit law to be treated as such.

The offence of dowry death works on a presumption, and in contrast with the rest of Indian law which presumes innocence, this presumes guilt. 106 The onus is on the offender to demonstrate his/her innocence. The term dowry death has tended to socialise the offence, even among investigating authorities, making it difficult for registering complaints and launching criminal prosecution. 107 It has also excluded deaths motivated by other causes which may share the characteristics of a dowry death. The murder of a women because she was "inauspicious", for she remained childless, is a case in point. 108 The pressure groups demanding legislative action had focussed on dowry, and legislative inertia was apparently not discarded for more than a direct response limited by the language of the demand.

#### SUICIDE

When a woman, driven to desperation, commits suicide, the question is whether there had been abetment, for such abetment would itself constitute an offence. The Statutory place that dowry got as a cause of cruelty has become a prerequisite for bringing the offenders to justice. It ca only be said that there

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 $<sup>^{105}</sup>$ . There is not a single such case reported between 1950to 1982 from the Supreme Court: see Vol. I of Surendra Malik Complete Supreme Court Criminal Digest (1987) <sup>106</sup> . For an instance of Judicial treatment of S.498-A and S.304-B IPC, see supra Note 87.

<sup>&</sup>lt;sup>107</sup>. Bhagwant Singh v. Commissioner of Police, Delhi (1983)3 SCC 344 infra.

<sup>&</sup>lt;sup>108</sup> Virbhan Singh v. State of UP (1983) 4 SCC 197

are more cases being investigated as possible instances of such abetment, but acquittals are still the norm.

In less than a year after her marriage, Veena died of burn injuries. 109 The prosecution alleged that Veena had been harassed and humiliated and insulted for dowry. She was said to have been driven to sprinkling kerosene on herself and setting herself afire. The defence version took the classic position: that Veena had not committed suicide but her clothes had accidentally caught fire when she was preparing tea for the family over a stove. The court accepted that there was ample evidence that repeated demand were made.... for articles of dowry and money ". The "most telling circumstances" was the large number of dowry articles which were taken back by Veena's family members after Veena's There was also "substantial evidence "that the father-in-law had death. demanded Rs.20,000 to Rs.25,000 for setting his son up in business. father-in-law and husband were convicted of cruelly for dowry. But, when the evidence was assessed to determine the question of abetment of suicide, it was reassessed as being improbable that it had been suicide, in the first place. The limited availability of evidence and the manner of its treatment shows the immense difficulties in proving even suicide; the abetment of suicide is only the next stage.

Lapses in investigation add to these difficulties. For instance, the theory of suicide meant that there ought to have been the smell of kerosene emanating from Veena's clothes; this was absent. But the post-mortem had been performed after several hours and "such smell might not have been detectable". The prosecution asserted that the stove was placed on a raised slab which would make it unlikely that it could have been an accident. The investigating officer had testified to finding the stove lying on the slab, but the photographer who accompanied the investigating officer said that he had seen it lying on the kitchen floor. The contradiction disproved that aspect of the case. And so on......

<sup>&</sup>lt;sup>109</sup> Brij Lal v.Prem Chand 1989 Supp 2 SCC 680

The treatment in Usha's case is peremptory and clearer in demonstrating the difficulties of having a conviction under section 306 upheld. To the court, there was not enough "dependable evidence" to support the probability of actual abetment". The court speaks of "certain import and innate circumstances" which completely destroy the theory of abetment to commit suicide. Usha's brother's statement that she had told him that there were demands for money to build a house for her husband and her, was mentioned. The court said: "This by itself does not at all prove any intention to abet her to commit suicide by any of the accused". A letter that she wrote to her husband in which "there is no trace that she was being harassed, or teased by her in laws or her husband" would according to the court, "offset" the demand for money. On an earlier visit, the brother had witnessed his sister being beaten by two of the women in her matrimonial home. But he had not informed the "police or anybody", and spoke about it only one and half months after the incident. And on this understanding of human nature and interpretation of human action and inaction, the court acquitted those that had even found by the High Court to be worthy of punishment.

This attitude to evidence is not confined to cases of suicide. Murder, within the walls of the matrimonial home is threatened with a similar fate.

#### **MURDER**

There comes a time when the configuration of the stars, perhaps, causes to explode into significance on occurrence that is apparently oft-repeated. Such it was with the case that rocked parliament and the courts: the case of Sudha Goel. When Sudha was murdered, she was pregnant 9 months. The accused were her mother-in-law, her husband and his brother. As is common, the defence version was that Sudha had been trying to light the kerosene stove when her saree caught fire. The trial judge however accepted the prosecution version, and was both convinced and horrified enough to consider death penalty to be the appropriate punishment.

<sup>10</sup> 

 $<sup>^{110}</sup>$  Chanchal Kumari v. U.T. Chandigarh AIR 1986 SC 752

<sup>&</sup>lt;sup>111</sup> State v. Laxman Kumar (1985) 4 SCC 476

The High Court , in the appeal , made neat categories of (1) prosecution version of the evidence (2) motive (3) dying declarations....... and concluded that the conduct of the accused could have been interpreted otherwise than as trial court did: as having gone to her rescue. The High Court acquitted the accused. That was the spark that relit the ire of public opinion. Women's organisations, particularly, were agitated in the extreme. Unusual scenes were enacted, where a dharna was held outside the High Court and the judges virtually gheraoed. The Supreme Court was picketed , and a group of women's organisations petitioned the court to reopen the matter which the High court had concluded a such patently unjust manner.

This public pressure, and the uncomfortable knowledge that it was the cynosure of critical eyes, definitely made difference to the scrutiny, reappraisal and reinterpretation of the evidence. The awareness of media and public attention escaped neither the High Court, nor the Supreme Court. "The verdict of acquittal which we are about to deliver is bound to cause flutter in the public mind more particularly amongst women's social bodies and organisations'" the High Court said. And in a metaphorical shrug, it said, "Judges are human being and can err. The satisfying factor is that we are not the final court and there is a court above us and if our judgement is wrong it shall be set right". The Supreme Court was careful to dissociate itself from the position that public opinion mattered with the courtroom. "What happens outside the courtroom when the court is busy in its process of adjudication is indeed irrelevant", it said. "If ..... the courtroom is allowed to vibrate with the beat generated outside it, the adjudicatory process suffers and the search for truth is stifled". Whatever their responses to public pressure, these statements carry the confession of a keen and immediate awareness of the watching public eye.

The convictions of the mother-in-law and husband of Sudha were restored by the Supreme Court. The sentence was however reduced to life imprisonment from the extreme penalty of death. For those who would oppose the death penalty, or in any event the power of the state to legally deprive life, this was a welcome substitution of penalty. This however was not the reason that

prompted the court, 112 its reasons are couched in generalities: "....in the facts of the case and particularly on account of the situation following the acquittal.... and the time lag....". The clinching circumstance was apparently that the husband had married again. Where social boycott and public disproval is denied as a protection to victimised women, it is no doubt necessary that the law needs to be its replacement.

#### INVESTIGATION IMBROGLIO

The treatment that these offences receive in the judiciary is determined to a considerable extent by the effectiveness of the investigation. In some cases, courts have had to be petitioned to ensure progress in investigation. The fine distinctions that exist between suicide, murder and the area of uncertainty that the 'dowry death' require immediate and effective investigation. evaporation of the kerosene smell that cast doubt on the nature of the event is a instance. 113 When Urmila was found dead in a well the court observed that there was ground to suspect that there might have been murder a food, but the absence of police investigation had ruled out consideration of this possibility. 114 There was even a suggestion that the lapse had been deliberate as the father-inlaw was a retired police officer. The callous and negligent conduct of investigating officers in numerous cases resulting in criminals escaping conviction was strongly condemned. This was judicial recognition of one of the major hurdles that victims and their families face in getting justice.

When Prabha kumari dies, too, her family was hard put to have investigations launched to determine if it was a case of homicide. Telegrams to the Chief Minister, the Home Secretary and senior police officials alleging police connivance and asking for an investigation produced little result. The problems were accentuated by the fact that they were from Rajasthan, where as Prabha had her matrimonial home in Kancheepuram in Tamil Nadu, and had died there, Also, despite so may telegrams, all of which were acknowledged, the police had registered a case of suicide instead of homicide. Finally, her parents had to

For as the court said: Ïn a suitable case of bride burring , death sentence may not be improper." Ibid.

<sup>&</sup>lt;sup>113</sup> Supra Note 109.

<sup>&</sup>lt;sup>114</sup> Supra Note 100

<sup>&</sup>lt;sup>115</sup> Supra Note 88

petition the court. The court, deploring the inaction of the police, observed, "any amount of investigation hereafter done, even by the best of investigation agencies will not adequately compensate" and handed the case over to the CBI, CID, Madras to conduct an "unbiased" investigation.

Bhagwant Singh's problem were similar, when he tried to get the investigating agencies to act after his daughter died. The fact that Bhagwant Singh was a member of the Indian Revenue Service seemed to have helped him not at all. His complaint to the court was that the investigating agencies were not carrying out their duties in a bona fide manner, and had deliberately withheld the filing of a police report. They had, he alleged, resorted to delaying the process of the investigations. When the question was raised with the police, the response was a detailed affidavit explaining all the other cases that the police concerned had had to deal with, which was presumably why there had been neglect of Gurinder Kaur's death. What is one to understand from this? Merely that it is a case of general overburdening of the police force? Or that these matrimonial death cases are of a lower order of priority and have to wait their turn? The details of the affidavit are no help in finding answers to these questions.

## **CONVICTION?**

It ought not then to be a matter of any surprise that the conviction rate in dowry related cases is so low. While some statistics have slowly begun to emerge on charges of dowry offences, the conviction figures are not given with alacrity even to the people's representatives sitting in Parliament.<sup>117</sup>

## **EDUCATED YET HELPLESS**

Education and economic independence are suggested as possible prescriptions to prevent women's oppression and to improve their status. The dowry menace seems to be impervious to such possibilities. The Status Report carries a note of despair when it finds the more or less well defined grades of dowry for men in

<sup>116</sup> Supra Note 85

<sup>&</sup>lt;sup>117</sup> See Appendix IV for statistics published in Parliamentary News and Views. Also see Appendix V for the 1988 statistics in Crime in India, when dowry was first introduced as a separate crime head.

different professions.<sup>118</sup> Education of girls also tends to increase dowry, through indirectly, since an educated girl will marry a more educated boy who will naturally require more dowry.<sup>119</sup>

Education and economic independence do not seem to have protected women in their marriage either. Gurinder Kaur had a B.Sc. (Home Science) degree from Lady Irwin College. Shobha Rani was a post-graduate in the biological sciences, and her husband a doctor. Anita was a science graduate. Veena Rani had her degree in MA and had a B.Ed degree too. When Justice Fatima Beevi helped Rajani, a graduate in law, out of her traumatic marriage, she said a young educated woman is not expected to endure the harassment in domestic life whether mental or physical, intentional or unintentional.... If she resents unfair or unreasonable demand for dowry and decides to keep away from the husband on account of the persistent and dubious approach to compel her parents to yield, the wife cannot be found fault with. The large numbers of victims, however, hold different moral.

#### **DEADLY EXTREMES**

Judicial responses to dowry related problems have been seen travel to extremes. In Lichamadevi's cases, the Rajasthan High Court, incensed with the brutal murder of a young woman in her matrimonial home, directed that there be a public handing of offenders. It was populist, and was avowedly meant to act as lesson to all other potential offenders. If this medieval remedy was expected to satisfy those with concern for women and the problems, it presumed a blood-thirst which does injustice to the intended spectators. Fortunately, the Supreme Court acted as a voice of moderation and reason, and prevented this excess. <sup>125</sup>

<sup>&</sup>lt;sup>118</sup> Supra Note 81 p 73

<sup>&</sup>lt;sup>119</sup> Ibid pp 74-75

<sup>120</sup> Supra Note 85

<sup>121</sup> Supra Note 91

<sup>122</sup> Supra Note 7

<sup>123</sup> Supra Note 84

<sup>&</sup>lt;sup>124</sup> Rajani v. Subramonian AIR 1990 Ker 1

<sup>&</sup>lt;sup>125</sup> Attorney General v. Lachmma Devi AIR 1986 SC 467

In fact, on appeal, the Supreme Court through it fit to commute the death sentence to one life imprisonment. 126

When the court heard Kailash Kaur's appeal, 127 it was pained that the State had not appealed to enhance the punishment. "This is yet another unfortunate instance of gruesome murder of a young wife by the barbaric process of pouring kerosene oil over the body and setting her on fire as the culmination of a long process of physical and mental harassment for extraction of more dowry . Whenever such cases come before the court and the offence its brought home to the accused beyond reasonable doubt, it is the duty of the court to deal with it in the most severe and strict manner and award the maximum penalty "to act as a deterrent.

This anxiety to demonstrate the concern of the count fails to recognise the relationship between women's right and human rights. Death penalty is the ultimate violation of human rights, and the power left with one organ of state to impost it, and with another to carry it out, may do violence to the proponents of women's rights. If there was any element of voicing of the popular sentiment when death sentence was advocated to teach potential offenders a lesson, this may have been wholly misplaced.

Parliament has had to respond to general heightened awareness of the dowry problem and the demand that it state its concern, and act on it. It has found one mode of expressing its outrage in increased criminalisation. In 1961, the giving or taking or abetting the giving or taking of dowry was punishable with a maximum sentence of six months' imprisonment, or up to Rs.5000 fine or both. In 1984, it was amended providing a minimum period of six months' imprisonment, which may extended up to two years, and with fine of up to Rs.10000 or the value of the dowry, whichever is more. In 1986, this was further revised to a minimum period of five years, and a fine of up to Rs.15000 or the value of the dowry, whichever is more. Having scaled new heights of criminalisation, parliament had to engineer in some moderation. So it provided

<sup>126</sup> Supra Note 83

<sup>127</sup> Kailash Kaur v.State of Punjab (1987) 2 SCC 631

that less that the minimum five years sentence may be imposed for adequate and special reasons".

This feature of increasing criminalisation reached other provisions of the law too. This amendment hides more than it reveals. It makes a secret of the inordinately low levels of action taken under the Act, and of the abysmally low, almost non-existent, conviction rates. When neither investigating authorities nor courts have found it fit to provide even mildly punishing sentences for dowry offences, what would be the purpose, and effect. over criminalisation? Would not courts be even more reluctant to convict where they might find the minimum sentence itself is excessive, by their understanding? Would not over criminalisation then have a contrary effect to what is sought to be achieved? There is nothing to indicate if this was considered at all, or if the amendments were merely a reaction to public pressure posing as parliamentary wisdom.

#### INSTRUMENTAL IRRESPONSIBLITY

An understanding of the problems that dowry had generated has found a weak reflection in the law, which has been distinctly strengthened after gruesome and brutal crimes got associated with it. Seriousness in parliamentary debate, and judicial recognitions of the grossness of the violations has entered the arena only after dowry got directly linked with death. What has got lost in all this debate are other matters that merit concern, for instance the issue of ostentatious marriages, and guest control orders and display of presents.

The liberal licensing of marriage halls, and their actual construction by municipal administrations gives the lie to state intention to promote marriages. There have been some statutory attempts by state governments to introduce the concept of simple marriage. The 1976 Haryana Amendment to the Dowry Prohibition Act prescribes "total marriage expenses" and sets aceiling of Rs.5000. Ιt permits 25 members to form the marriage and 11 members to constitute the marriage band. The 1976 Punjab Amendment makes displaying of presents an offence. The guest list can include 25 persons and minors and a band. Not more than two principal meals may be served.

There are limits also on the amounts that may be given at the different ceremonies that constitute a marriage. The Himachal Pradesh Amendment in 1976 also prohibited the display of present at the time of marriage. This Act, like the Punjab Act, prescribed ceiling for gifts. The Delhi Guest Control Order 1976 <sup>128</sup> was more detailed and specified the kind of foodstuffs that may or may not be served. There was another attempt at guest control in Delhi in February 1991 but it was rescinded in unseemly haste the very next month.

There has been little evidence of the implementation of these provisions, though there may have been some self-restraint among the cognoscenti. relationship between dowry, ostentatious marriage and guest control does not seem to have exercised legislative or executive genius. The need to consider enacting these concerns into the Central legislation doesn't seem to have been considered to merit any attention.

The ban on advertisements have been statutorily restricted to "offer" by any person for a share in the property as consideration for the marriage of his son or daughter or any other relative. 129 What it excludes from this purview is schemes and advertisements which promote the passing of property to the son-in-law The Life Insurance Corporation, recognised to be an upon marriage. instrumentality of state, a monopoly, a creature of statute - explicitly invites parents to invest for "your daughter and future son-in-law". The insurance policy taken for the daughter can be made to extend automatically to the son-inlaw. 130 The Lakshmi Vilas Bank promises "22,728 ways to express your love for your daughter". The image that is portrayed is that of a mother envisioning her daughter – a little of no more that 4 or 5 – in bridal attire. And for that day is advised to invest and net a "forture". 131

The Unit Trust of India, another instrumentality of that state, is cognisant of the need for "your precious little girl's "secure future. So it offers "Raj Lakshmi,

<sup>&</sup>lt;sup>128</sup> See Appendix VI

<sup>129</sup> S.4B DP Act

<sup>&</sup>lt;sup>130</sup> See Appendix VII

<sup>131</sup> See Appendix VIII

an exclusive scheme for the girl child till 5 years' age, where her money can multiply up to 21 times in 20 year". 132

In sharp contrast, the Unit Trust of India offers the Children's Gift Growth Fund. 133 This scheme is to benefit sons, for "In his eyeslie your dreams fulfilled". The gift "can open up opportunities for his higher studies. Or help him start his own business. Or every by a small house of his own."

The Hindustan Times, the newspaper which boasts the largest circulation in Delhi distributes free a copy of a Marriage Shopping Guide to any person who advertises in their matrimonial columns, seeking a bride or a groom. If there were any areas that had escaped the attention of demanders of dowry, this comprehensive guide – which covers from Air Conditioners And Airlines, through Banquet Halls, Family Planning Consultant, Florists, Furniture Dealers, Ice Cubes, Contact Lenses, Jewellery Shops, Mattress And Bed, Silverware, Travel Agents And Wedding Cards – will bring it effortlessly to mind.<sup>134</sup>

None of these instances of promoting dowry have been acted against. They are easy of detection, being advertised as they are and intended for the public eye. The offence of abetment of giving or taking dowry could cover theses contexts, but nothing has been done. The responsibility of public institutions has been given the go-by and the implementing agencies have shut their eyes to these publicised offences.

Other aspects of dowry-related legislation also suffer neglect. The role of dying declarations as evidence in courts has not been considered by the law makers. Given the confines within which the offence of life-destruction is committed, the one salient bit of evidence may be the statement of the dying victim of dowry. Yet, technicalities have superseded substance, and offenders have escaped conviction.<sup>135</sup>

<sup>&</sup>lt;sup>132</sup> See Appendix IX

<sup>133</sup> See Appendix X

<sup>&</sup>lt;sup>134</sup> See Appendix XI

<sup>&</sup>lt;sup>135</sup> Madhu Bala v. State (Delhi Administration) 1990 Cri LJ 790

There is no provision in the law which requires filing returns of marriage expenses. Nor is there anything to facilitate the filing of lists of "presents" given in connection with a marriage. Compulsory registration of marriages, may have to precede these provisions. The relationship between inheritance, property and dowry could perhaps be a starting point to motivate registration of marriages.

The provision that does exist, for the appointment of Dowry Prohibition Officers, 136 has suffered in stoical silence. Even if they have been appointed anywhere, it is virtually unknown to the public, which defeats the purpose anyway.

#### **IGNORED STATUS**

The dowry problem is a reflection , and an outcome, of the low status of women. The contribution that the continuance of the dowry system has made is most often not recognised when related laws are the subject of concern. The law governing custody of children makes the father the natural guardian. It gives the father a prior right. And there is no provision in the law which reorders this priority where the mother is forced to leave the matrimonial home following dowry harassment. The pressure on women to stay on in marriage despite cruel and inhuman treatment is aggravated where she has children. For , leaving the matrimonial home could man losing her children to her husband , unless assisted by the discretionary compassion of a court.

The absence of a law on amniocentesis, and the easy access to abortion facilities which the law fosters<sup>138</sup> almost inevitable creates a suitable ambience for selective abortion of female foetuses. The high cost and low returns of girl children is largely occasioned by dowry. Inaction on dowry problems is no prescription for putting an end to the motivation for either selective abortion or female infanticide.

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<sup>&</sup>lt;sup>136</sup> s .8b DP Act

 $<sup>^{\</sup>rm 137}$  See for instance S.6 of the Hindu Minority and Guardianship Act 1956

 $<sup>^{138}</sup>$  See Medical Termination of Pregnancy Act 1971

The absence of any seriousness in eliminating the dowry system is dissonant with the avowed desire to do away with child marriages. The older the girl, the more the insecurity of the parent and the greater the dowry. This is a possible linkage that has to be studies, and tackled, but the law has had little time so far to deal with it.

Family Courts were introduced on the law books in 1984.<sup>141</sup> Their underlying emphasis is the protection and preservation of the institution of marriage. The violence of the dowry system cannot find an answer in this ordering of purposes.

#### **A CONCLUSION**

The law to prohibit dowry has clearly not served its purpose. For a start, the state institutions themselves need to be trained into possessing a "social conscience", and to be "socially reformed". The Dowry Prohibition Act and its significant corollaries are testimony, not to the capacity of law to foster social change, but to the power of public opinion to influence law.

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 $<sup>^{139}</sup>$  See Child Marriage (Restraint) Act 1929

<sup>&</sup>lt;sup>140</sup> Supra Note 54 p.74 para 3.213

<sup>&</sup>lt;sup>141</sup> Vide the Family Courts Act 1984

#### APPENDIX - T

De Souzais Forms & Precedents of Conveyancing

#### CONVEYANCING AND OTHER INSTRUMENTS

In witness, I have hereunto set and subscribe my hand and signature this...day of....19....

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Signed<sup>20a</sup> by the within named testator as his last will and testament in our presence all being present at the same time. Thereafter at his request and in his presence and in the presence of another we subscribed our respective names.

AB

#### (Signature of witnesses)

20a Vide sec. 63 of the Indian Succession Act as to execution and attestation of unprivileged wills.

#### Will with legacies, residue to one person

THIS IS THE last will and testament of me, AB, of, etc., I hereby revoke all wills by me at any time heretofore made and declare this to be my last will. This will be effective after my death and carried out to its terms.

- (1) I appoint CD of, etc., to be sole executor of my this will and the trustee of my estate.
- (2) I direct that my said executor shall so soon as convenient after obtaining probate pay for discharge and satisfy all testamentary expenses and my just debts and liabilities.
- (3) I accordingly leave, bequeath and give a sum of Rupees...to my grandson, EF and my gold watch and the whole of my library with its use and enjoyment to my friend, GH.
- (4) Subject to the above specific legacies I give, leave and bequeath the rest and residue of my estate, movable and immovable, including future assets if any acquired by me hereafter absolutely and for ever unto and to the use of my son XY, his heirs, executors, administrators or assigns.

Dated this ... day of ... 19 ....

In witness, etc., (see previous precedent)

Signed by, etc., (see previous precedent)

AB

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- 21. But, where such intention is absent an estate of inheritance cannot be conferred on even the first taker of the life estate. *Ibid*.
- 22. Where some provisions of the will are invalid the intention of the testator must be gathered by reading the will as a whole and by assuming the invalid provisions to take effect.
- 23. Heir-at-law succeeds unless there is a valid devise to another.
- 24. Prior estates must fail or determine in fact and not in law for limitations over to take effect.
- 25. When prior estates fail in law limitations over fall within them.
- 26. There is partial intestacy with regard to property in respect of which the will fails.

#### **FORMS**

#### Will bequeathing all property to one person

This is the last will and/or codicils, if any, made by me at any time heretofore made and declare this to be my will. It will be effective after my death. It is my wish and desire that after my death my wife (or son), CD, shall be entitled to all my estate and effects thereof absolutely and for ever.

I, accordingly, declare him/her as the sole beneficiary and universal legatee of my this will.

I hereby leave, give, devise and bequeath absolutely and for ever to my said wife (or son), CD, her (or his) heirs, executors or administrators, for her (or his) use and benefit, absolutely and for ever, all my property, assets and credits, both movable and immovable, of whatsoever character or wheresoever situate including all reversion, expectancy and future assets, if any, acquired by me and I hereby appoint her (or him), the said CD, sole executrix (or executor) of this my will who will be entitled to obtain probate without being required to furnish any security. Dated this...day of...19.

C.R. Rao, Law of Wills

CH.4 TESTAMENTARY STATUS

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#### Investment clause

[Investment clause.]

#### Charging clause

7. [Power of professional trustee ic charge]

[Testimonium and attestation]

#### 4-31 Will of testator not legally married

Will of a testator, who is not legally married, providing for his reputed wife, and present and future children by her; specific devise of freeholds, charged with payment of debts, to eldest son; annuity to reputed wife, to be reduced on her marriage; gift of residue to children (present and future) at twenty-one, or, in the ease of females, earlier marriage.

#### Pecuniary legacies

- 1. I bequeath the following pecuniary legacies [free of capital transfer tax]:
- (a) I give to my son [name of reputed son] the sum of Rs. [5,000] [ Three and a half per cent War Loan, or as the case may be].
- (b) I give to my daughter [name of reputed daughter] the sum of Rs. . . . . and I declare that the same shall not become subject to the provisions of the settlement executed on her marriage with [husband].
- 2. I devise my lands and premises at . . . . to [name of reputed eldest son] absolutely but subject to and charged with the payment of my debts funeral and testamentary expenses and the legacies given by this my will or any codicil hereto (and not directed to be otherwise provided for) and the capital transfer tax on any legacy or annuity bequeathed free of capital transfer tax in exoneration of [all other my real and] my personal estate hereby [devised and] bequeathed and so that any capital transfer tax which would otherwise fall upon any such legacy or annuity or the legatee or annuitant shall be borne by the person entitled to the lands and premises upon which the same is charged in exoneration of such legatee or annuitant and of his or her legacy or annuity.

#### Annuity to wife to be reduced on marriage

3. I give to [my wife] [name of reputed wife] of etc. during her life an annuity of Rs. . . . [free of capital transfer tax] to be reduced on her marriage to an annuity of Rs. . . . such annuity to be paid by equal half-yearly payments the first whereof shall be made six months after my death and I direct my trustees as •

56

#### FOR GROOMS

ALLIANCE invited from Rajasthani Haranwi, Western Upre Brahmin boy established, industrialist / executives / businessman very fair smart regetarian convent educated B.Sc. Home Science homely 24/152 grt. Father Affluent Delhite Gaur Brahmin businessman settled Calcutta. Excellent marriage assured Post Box No. 2502, Call-Cutta-700001. (CAL7254)

DEJH besed LA.S. / Allied / Class-! / Executive for 27/53" far M.Sc. Govt. 4000 status Gaur Brahmin lamly. Write Box L 12354. T.O.I. Lucknow-1 (TLG18344)

DELHITE suitable match for Gaur Brehmin Bharadwaj girl B.A. B.Ed. 26/150 Teacher in Public School decent marriage. Write Box 40937, T.U.J., NewDehi-110002. (C31182)BNDN

School decent marriage

(C31182)BNDN

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EMPLOYED MATCH FOR FAIR BEAUTIFUL, INTELLIGENT, CONVENT EDUCATED 23/155 M.A.
HISTORY (1ST CLASS) KANYAKUBIA BRAHMINI
GIRL DECENT MARRIAGE. WRITE BOX 40825,
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WATCH for exceptional beautiful gori slim Brahmin girl 26 years 158 cms from Dethi based business family. Early decent marriage. Box 40926, 10.1. NewDethi-110002. (AD31148)HMSR1 WANTED MÄTCH FÖR A BENCALEE KAYASINA pil 39 years 165 cm foir slim difficionle highly excepted indice and abroad pood gontler on indice and abroad pood gontler or education and original province in box winter of control of the province in box winter box (Ref. 1000) and the province in box winter box (Ref. 1000) and (Ref. 1000) and

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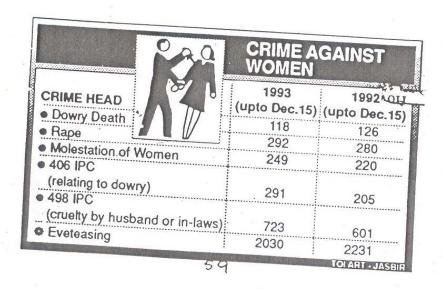
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T.O.I., NewDelhi-110002. (C31890MTMK

SELECTION OF MATRIMONIAL ADVERTISMENT

IN THE TIMES OF INDIA 6th February, 1994

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i i i i i i i i i i i i i i i i i i i	171		APPENDIX - III
			FREQUENCY TABLES
		40.9	22.3 5.0 1.8 1.7 1.6
		Pradesh 33.4	41.6 7.4 3.0 0.6 9.9
in India		Nadu 7	30.0 7.4 0.5 0.5 1.4 18.9
	Rojosthan	68.2	28.4 0.0 0.7 0.7 1.4 0.7
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ed Lo	THE LOA	1	25.9 12.1 12.1 1.7 - 5.2 5.2 31.0 6
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1981	0	49.6	31.9 13.4 0.0 0.0 0.8 4.2
rla J	sra Bihar	37.3	34.2 2.5 1.2 0.0 3.7 21.1
Σ	Andhra Pradesh	30.5	27.2 15.0 2.3 7.0 3.3 14.1
Sarla Marla	žu.	enditure enditure, diture, S, 'survival' or Festive Performing	be imals) (buying art etc.) Constructionships in known
	Tariable Name	Loan Domestic Expenditure Thousehold maintenance, medical expenditure, food & clothing, 'survival') Expenditure for Festive Occasions (for performing birth and death rites, for	Repayment of the Previous Loan Expenditure in Agriculture (buying land, animals) Other Investment (buying small machine, cart etc.) House Repair or Construction  No Information/Unknown
	58		
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# APPENDIX - IV



#### CHAPTER-8

#### Motives of Murder And Culpable Homicide Not Amounting TO Murder (C.H.)

1. Out of the total cases of "Murder" and "C.H." analysed, 1.5% cases of 'Murder' and 47.3% cases of 'C.H.' are not covered either of the 9 identified motives tabulated in Table-57 and hus fall under the category "other motives".

#### otives of Murder

2. Personal vendetta or enimity was the chief cause of murder. mereafter, comes property dispute, gain, love affairs/ sexual cuses and dowry. These 5 causes together explain more than 48.1% the total murders. The remaining 4 categories, thus, explain ly 1.4% of murder cases. biles of C.R.

. Property disputes and personal vendetta were the two chief causes of 'C.H.' Gain, love affairs/ sexual causes and dowry were part in order. These five categories together accounted for 51.7% of 'C.H.' cases. Remaining four motives as in the case of nurder', explain only 1 percent of 'C.H.' cases.

TABLE-57

MOTIVES OF MURDER AND CULPABLE HOMOCIDE NOT AMOUNTING TO MURDER (C.H.) DURING 1988

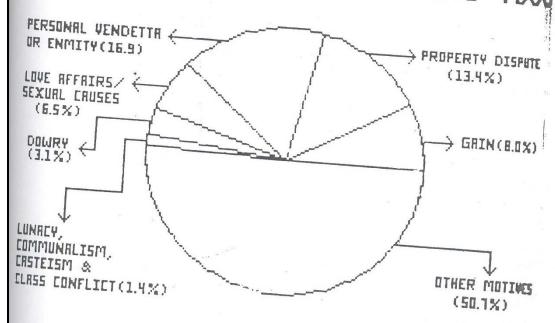
(STATE, UT & CITY-WISE)

SL. NO.	STATE/UT/CITY	GA		DISPL	лъ	ENM	TA OR	LOVE AFF SEXUA CAUSE	L S	DOV	
		MURDER	С. Н.	MURDER	С. Н.	MURDER	C. H.	MURDER	C. H.	MURDER	С. н.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
STA	TES :										
1	ANDHRA PRADESH	107	0	168	1	108	0	286	0	53	0
2	ARUNACHAL PRADESH	0	0	24	0	0	0	2	0	0	0
3 .	ASSAM	74	3	229	6	112	3	26	0	14	0
4 1	HIHAR	637	88	937	139	539	95	144	22	87	2
	COA	1	0	2	1	3	0	5	1	0	0
	CUJARAT	30	0	81	0	104	0	122	1	10	0
	HARYANA	9	6	66	8	83	12	49	3	12	13
	HIMACHAL PRADESH	4	0	12	0	10	0	15	2	0	0
	JAMMU & KASHMIR	6	1	24	1	17	0	4	0	0	0
	KARNATAKA	81	0	144	5	171	3	155	1	44	0
	KERALA	22	4	49	1	198	2	8	0	0	0
	MADHYA PRADESH	112	0	266	1	433	1	154	0	19	2
	MAHARASHTRA	102	12	166	13	265	14	251	39	66	1
	MANTPUR MEGHALAYA	1	0	2	0	9	0	3	0	0	0
	MIZORAM	0	0	11	0	8	0	O,	0	0	0
	NAGALAND	4 2	0	0	0	3	0	0	0	0	0
	ORISSA		0	0	1	5	1	2	0	0	0
	PUNJAB	- 2	- 7	40 78	14	90	7	34	2	7	0
	RAJASTHAN	54	0	83	3	241	4	51	5	6	9
	SIKKIM	0	0	0	0	0	0	15	0	129	0
	TAMIL NADU	70	0	192	0	285	0	197	0	0	0
	TRIPURA	50	0	34	0	7	1	7	0	24	0
	UTTAR PRADESH	731	246	839	301		381	285	53	.390	63
	WEST BENGAL	164	46	360	129	313	107	42	8	390	0
	TOTAL (STATES)	2280	413	3807	638	4845	637	1859	137	866	91
	OH #87444 (#8744)										
	ON TERRITORIES:										
	A & N ISLANDS CHANDIGARH	1	0	0	0	2	0	0	0	0	0
	D & N HAVELI	1	0	1	0	1	0	1	0	0	0
	DAMAN & DIU	0	0	0	0	0	0	0	. 0	1	0
	DELHI	0	0	0	0	0	0	0	0	0	0
	LAKSHADWEEP	0	0	52	14	15	6	6	0	20	3
32	PONDICHERRY	,2	o	0	0	0	0	0	0	0	0
	TOTAL (UTs)	14	0	53	14	27	6	8	0	21	3
	TOTAL (ALL-INDIA)	2204		3860	652	4872	643	1867	137	887	94
	1ES:										
33	AHMEDAHAD	4	0	ī	0	1.4	0	8	. 0		
34	HANGALORE	16	0	6	0	11	2	7	0	2	0
35	BOMBAY	25	2	10	0	79	0	14		0	0
36	CALCUTTA	8	2	7	3	35	4	0	0	7	0
37	DELH1	10	0	36	6	9	2	6	0	1	0
38	HYDERAHAD	4	0	8	0	18	0	5	0	20	3
30	<b>PAIPUR</b>	0	0	5	0	0	0	0	0	0	0
	KANPUR	23	3	17	7	26	6	11	5	9	4
	LUCKNOW	8	0	5	0	7	0	5	0	Q	0
	MADRAS	2	0	1	0	16	0	4	0	0	0
	NAGPUR	2	0	3	0	6	0	2	0	0	0
4.4	PUNE	2	0	3	1	13	0	13	0	~	v

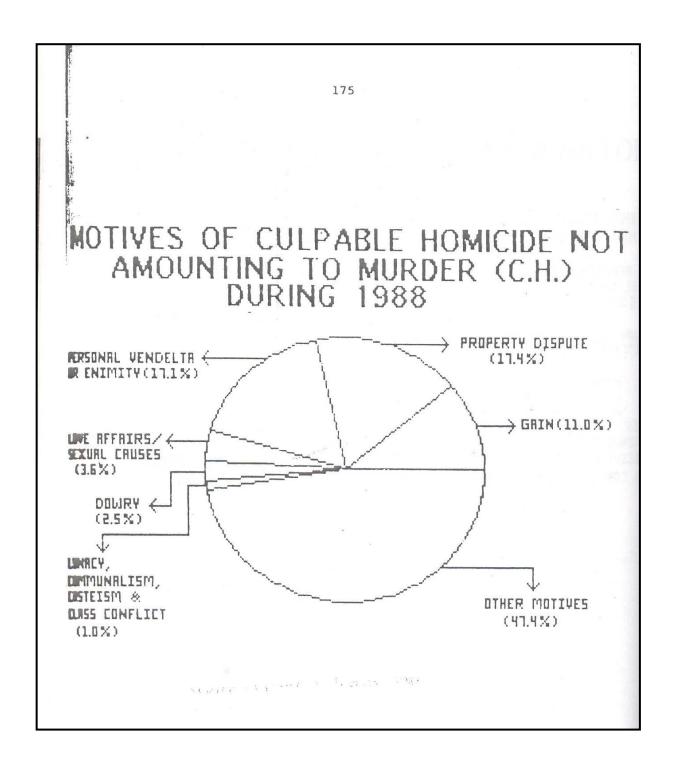
Table-57 (concld)

LUN	ACY	COMMUN	ALISM	CASTE	ISM	CLAS		OTHE MOT I		TOTA	AL	
PER	С. Н.	MURDER		MURDER		MURDER		MURDER		MURDER	С. Н.	
31	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(2)
					A							1,000
0	0	3	0	0	0	31	0	1202	19	2048	20	ANDIRA PRADESH
0	0	0	0	0	0	0	0	26	5	52	5	ARUNACHAL PRADE
3	0	4	0	0	0	3	0	383	6	848	1 8	ASSAM
16	5	0	0	5	0	7	0	1228	128	3600	479	BIHAR
3	0	0	0	0	0	0	0	0	6	1030	8	GOA GUJARAT
8	0	3	0	13	0	13	0	646	8	452	114	HARYANA
0	0	0	0	0	0	0	0	233	72	92	16	HIMACHAL PRADES
1	0	0	0	0	0	0	0	50	14	111	10	JAMMU & KASHMIR
1	0	0	0	0	0	0	0		8	1281	48	KARNATAKA
3	0	1	.0	0	0		0	675	39	541		KERALA
4	0	0	0	. 0	0	26	1	234	7	2576	15	MADHYA PRADESH
7	0	16	0	0	0	1	0	1568	54	2444	88	MAHARASHTRA
13	0	2	0	23	0	3	0	1553	9			MANIPUR
0	0	0	0	0	0	0	0	80	1	95	1 2	
1	0	0	0	0	0	0	0	77	2	97	0	MEGHALAYA , MIZORAM
0	0	0	0	0	0	0	0	21	0	28		
0	0	0	0	0	0	0	0	28	4	37	6	NAGALAND
1	0	0	0	0	0	10		394	98	593	130	ORISSA
0	0	0	0	0	0	0	0	1534	88	1761	122	PUNJ AB
3	0	0	0	0	0	31	0	479	53	1041	60	RAJASTHAN
0	0	0	0	0	0	, 0	0	5	0	7	0	SIKKIM
6	0	0	0	3	0	0	0	805	. 49	1582	49	TAMIL NADU
0	0	0	0	. 0	0	0	0	39	2	141	4	TRIPURA
60	7	30	17	21	0	27	4	2475	879	6502	1951	UTTAR PRADESH
3	1	0	0	0	0	0	0	557	203	1440	494	WEST HENGAL
112	13	68	17	65	0	159	7	14360	1754	28421	3707	TOTAL (STATES)
	0	0	0	0	0	0	0	10	1	13	1	A & N ISLANDS
	0	0							1	14	1	CHANDIGARH
		0							0	10		D & N HAVELI
9	0	0				177			0	10		DAMAN & DIU
1									22	205		DELIU
										0		LAKSHADWEEP
0												PONDICHERRY
										350	48	TOTAL (UTH)
11:			2 17	7 61		1 150		7 14578	1778	28771	3755	T(YTAL (ALL-IM
	0 (	) :	2 (	0	0	0 :	3	0 47	. 0	8 1	0	AHMEDAHAD
								0 63				HANGALORE
								0 179				номнач
	33			0	0	0 (	0	0 :	1	56	6 10	CALCUTTA
								0 140				DELHI
								0 5:				
								0 1				JAIPUR
								4 2:	a :	5 11:		KANPUH
								0 40				
				0	O	0	0	ρ 20	e :	2 4	0 2	RAHHAS
-	o	0	0	0	0	0	0	0 0:	3	1 10	6 1	NAGPUR

# MOTIVES OF MURDER DURING 1988



Source: Crime in India 1988



#### APPENDIX - VI

## DELHI GUEST CONTROL ORDER, 1976

No. F. 27(2)/76 F & S (P & C).— In pursuance of the provisions of clause 5 of the Delhi Guest Control Order, 1976 the Administrator of Delhi, is pleased to authorise each of the officer specified below to exercise the powers under the said clause within

1. Secretary (food and Supplies), Delhi Administration, Delhi.

2. Deputy Secretary (Food and Supplies), Delhi Administration, Delhi.

No. F. 27(2)/76 F & C).— In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the notification of the Government of India. Ministry of Agriculture (Deptt of Food) Order No. G.S.R. 316 (E) dated the 20th June, 1972 G.S.R. 452 (E) dated the 25th October, and G.S.R., 168(E), dated the, 13th March, 1973 and with the prior concurrence of the Central Government the Administrator hereby makes the following order, namely:--

- Short title, extent and commencement.
- This Order may be called the Delhi Guest Control Order, 1976.
- It extends to the whole of the Union Territory of Delhi.
- It shall come into force at once.
- Definitions.

In this order unless the context otherwise requires-

- (a) "Administrator" means the Administrator of the Union Territory of Delhi;
- (b) 'Caterer' means the proprietor or other person in charge of catering establishment and includes an agent or servant who acts on behalf of such a caterer;
- (c) 'Catering Establishment' means a hotel, restaurant, eating house, cafeteria, tea thop, coffee house, free feeding centre, club, canteen or railway refreshment room and includes any other place of like nature, open to public where food is prepared, supplied
- (d) "Cereal" means and includes wheat, rice, jowar, barley, bajra, maize and other millets and products thereof;
- (c) "host" means a person who either himself or through any other person underekes to distribute or provide for consumption food in a party entertainment or social or other function;
- (f) "institutional establishment" means a hospital, sanatorium, convalescent home, aursing home, orphanage, workhouse infirmary, asylum or school providing food and includes any other establishment of a like nature;
- (g) "Prohibited foodstuffs" means all foodstuffs prepared from or containing cereals or pulses and all sweets including gram and its products "but do not not include biscuits whether sweetened or salted and kabligram".
  - (h) "residential establishment" means a boarding house, apartment house, residen-

<sup>1.</sup> Ins. vide Gazette (Extra) 1977 Part IV Dated 30.5.1977, p. 317.

tial hotels, or nurses home and includes any other establishment of a like nature hul does not include a private household.

- Restriction on preparation, comsumption and distribution of foodstuffs at
- (1) No person or body of persons acting in concert either jointly or severally or a parties etc. caterer shall, at or in connection with any party, entertainment, social or other function, prepare, serve, distribute, contribute for service or provide for consumption or accept for consumption any foodstuffs except to the extent specified on the table below:

#### TABLE

Name of the party/	Number of persons participating including the host or hosts	Food stuffs which can be served	
	2		
1. Parties and functions held in connection with marriages or funerals  2. Other parties and functions	<ul> <li>(i) If the number does not exceed one hundred.</li> <li>(ii) If the number exceeds one hundred.</li> <li>(i) If the number does not exceed fifty.</li> <li>(ii) If the number exceeds fifty.</li> </ul>	Foodstuffs according to schedule appende to this Order. Four preparations no containing food student of which non-vegetarian preparations shall not be more than two to all the persons. Food stuffs according to the Schedule and the this Order preparations containing prohif food stuffs out of which non-veget preparations shall the persons.	

- (i) Gram flour (besan) may be used as coating or for mixing in the preparat pakoras, cutlets, kababs and the like;
  - (ii) any one preparations of cereals other than rice, e.g., double roti, chaps?
  - Subs. vide Delhi Gazette (Extra) 1977 Pen IV Dated 30.5.77, p. 217.
  - Subs. vide Delhi Gazette (Extra) 1978 Pan IV Date! 10.8.78.
  - Subs. Ibid.

66

puri kulcha, or bhatura not containing any other prohibited foodstuffs; may be served as one of the four items allowed under items I(ii) and II(ii) of the Table above;

(iii) the items specified below may be served in addition to the four preparations mentioned in items I(ii) and II(ii) in the Table ablove, namely:--

Fruit, papad, pickles, chatni, raita, preserves, onions, colery, butter, ghee, cream, curds, cheese, butter milk, sauce, salad, dressing and such other conciments, beverages, liquid refreshments, and any one sweet preparations not containing pulses or its products.

Explanation:-- Biscuits shall be counted as one item of foodstuffs for purposes of this clause irrespective of the number of varieties served.

Provided further that in any party or functions, when held in connection with a marriage or funeral and the number of persons does not exceed 100 (including the host or hosts) and in an ordinary party where the number of persons does not exceed 50 (including host or hosts) and in which meals are not served as per Schedule, it shall be permissible to serve any foodstuffs without any restrictions on the number of items to be served.

#### 14. Savings.

Nothing contained in clause 3 shall apply to:

- (i) parties, entertainments, social or other functions, held in the premises serving as the headquarters of diplomatic or consular representatives or government missions of foreign countries;
- (ii) the proprietor, manager or other person in charge of a residential establishment, institutional establishment or catering establishments serving food to consumers or residents in the course of regular business and not in connection with any party, entertainment, social or other function given at the instance of himself or of any other person;
- (iii) the distribution of food containing any prohibited foodstuffs by way of "bhog" or "prasad" or as part of a recognised religious ceremony in any temple, mosque, gurdwara, church or a place of religious worship; and
- (iv) the parties, entertainments or functions held by government on government account.

#### 5. Power to exempt.

The Administrator or an officer authorised by him in this behalf may, for consume to be recorded in writing, by order, exempt any person or body of persons from the operation of the provisions of his order.

#### 6. Power of entry, search, seizure etc.

(1) For the effective enforcement of the provisions of this order, any officer authorised in writing by the Administrator in this behalf or any executive magistrate. Police Officer of or above the rank of Sub-Inspector or any other officer not below the rank of Sub-Inspector of Food and Supplies Department, Delhi, may, when he has reason to believe that a contravention of this order, has been, is being or is about to be

<sup>1.</sup> Subs. vide Delhi Gazette (Extra) 1977 Date 30.5.77, p. 317.

committed, enter and search any premises, interrogate any person and seize any articles including their coverings or containers in respect of which he has reason to believe that the contravention has been, is being or is about to be committed.

- (2) the provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall so far as may be, apply so searches and seizures under this clause.
  - 7. The Delhi Guest Control Order, 1972 is hereby repealed:
    Provided that the repeal shall not affect the previous operation of the said order.

#### "THE SCHEDULE

- 1. Soup;
- 2. Any four preparations out of which non-vegetarian preparation of fish, meat, poultry, game etc. shall not exceed two.
  - 3. Pullao or rice or any preparation of rice.

and

Chapaties/parothas/bhakries/non/puri/bread or any such other preparation of cercals.

4. Any sweet preparation or savoury preparation.

Provided that the following may be served in addition, namely:--

"Jam, Marmalade, fruit, including iced fruit or vegetable juices, papad, pickles, chatni, raita, kabli chana, preserves onions, celery, ghee, cream, curds, cheese, butter milk, sauce, salad, dressing and such other condiments, beverages and liquid refreshments."

Subs. ride Delhi Gazette (Extra) 1977 Date 30.5.77, p. 317.

#### DELHI GUEST CONTROL ORDER, 1991

No. F. 27(2)/76-F&S (P&C)|726 Dated 13h February, 1991. In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Govt. of India, Ministry of Agriculture and Irrigation (Department of Food) Order No. GSR 800 [No. 3 (Genl.) (I)/78-D&R (I)-59], dated 9th June, 1978 and with the prior concurrence of the Central Government, the Administrator of the Union territory of Delhi, hereby makes the following order, namely:—

- 1. Short title and commencement.
- (1) This Order may be called the Delhi Guest Control Order, 1991.
- (2) It extends to the whole of the Union territory of Delhi.
- (3) It shall come into force fifteen days after its publication in the Official Gazette.
- 2. Definition.

In this Order unless the context otherwise requires:-

- (a) "Administrator" means the Administrator of the Union territory of Delhi;
- (b) "Caterer" means the proprietor or other person in charge of catering establishment and includes an agent or servant who acts on behalf of such a caterer;
- (c) "Catering Establishment" means a hotel, restaurant, eating house, cafeteria, tea shop, coffee house, free feeding centre, club, canteen or railway refreshment room and includes any other place of like nature, open to public where food is prepared, supplied or consumed;
- (d) "Cereal" means and includes, wheat, rice, jowar, barley, bajra, maize and other millets and products thereof;
- (c) "Commissioner" means the Commissioner, Food and Civil Supplies, Delhi Administration and includes Deputy Commissioner, Food and Supplies, Delhi Administration; and Assistant Commissioner, Food and Supplies, Delhi Administration;
- (f) "host" means a person who either himself or through any other person undertakes to distribute or provide for consumption food in a party entertainment or social or other function;
- (g) "Institutional Establishment" means a hospital, sanatorium, convalescent home, nursing home, orphanage, workhouse infirmary, asylum or school providing food and includes any other establishment of a like nature;
- (h) "Residential Establishment" means a boarding house, apartment house, residential hotels, or nurses home and including any other establishment of a like nature but does not include a private household.

Presentation on preparation, consumption and distribution foodstuffs.

No person or association of persons, including a caterer whether acting jointly or severally shall serve tendstuffs to more than two hundred persons in a party function held in connection with a marriage or a funeral; and to more than fifty persons in other parties and functions.

Provided that nothing contained in this clause shall apply to:-

1. Published in Delhi Gazzette (Extra), Part IV, dated 13th Feb., 1991.

- (i) parties entertainments, social or other functions held in the premises serving as the headquarters of diplomatic or consular representatives or government missions of foreign countries;
- (ii) the proprietor, manager or other person in charge of a residential establishment, institutional establishment or eatering establishments serving food to consumers or residents in the course of regular business and not in connection with any party, entertainment, social or other function given at the instance of himself or of any other person:
- (iii) distribution of foodstuffs by way of 'bhog' or 'prasad' as part of a recognized religious ceremony in any temple, mosque, gurdwara, church or a place of religious worship.
- '(iv) State Banquets/Luncheons hosted by the President of India, in honour of visiting Heads of State Government".

#### 4. Power to relax.

The Commissioner may, for reasons to be recorded in writing, relax any provision of this order in respect of any person or category of persons.

#### 5. Power of entry, seizure etc.

- (1) The Commissioner or an officer not below the rank of Inspector, Food and Supplies, authorized by him, in writing, for a specific case may enter and search any premises, interrogate any person and seize any articles, containers, vessely etc. in respect of which he has reason to believe that the contravention of the provision of this Order has been, is being or is about to be committed.
- (2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall mutatis mutantis apply to the searches and seizures under this Order.

#### 6. Repeal.

The Delhi Guest Control Order, 1976, as amended from time to time, is hereby repealed provided that this repeal shall not affect the previous operation of the said Order.

#### <sup>2</sup>Delhi Guest Control Order, 1991—Rescinded

FOOD AND SUPPLIES DEPARTMENT ORDER Delhi, the 14th March, 1991

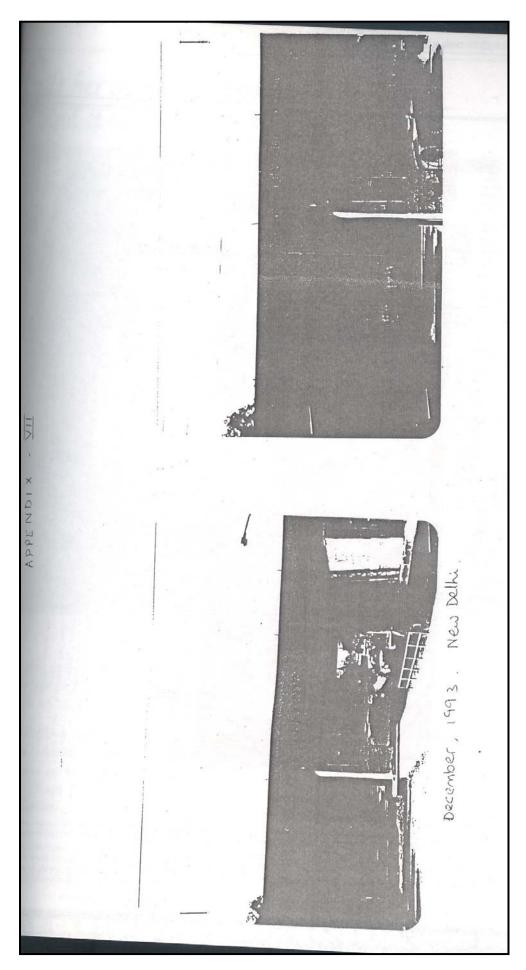
No. F. 27(2)[76-F&S (P&C).— In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Govt. of India, Ministry of Agriculture & Irrigation (Deptt. of Food) Order GSR 800 [No. 3 (Genl.) (1)/78 d&R (1)-59], dated 9th June, 1978, the Administrator of the Union territory of Delh hereby reseinds the Delhi Guest Control Order, 1991 published vide Order No. 27/2/76 F&S (P&C), dated 13th Feb., 1991 in Part IV of the Delhi Gazette Extraordinary:

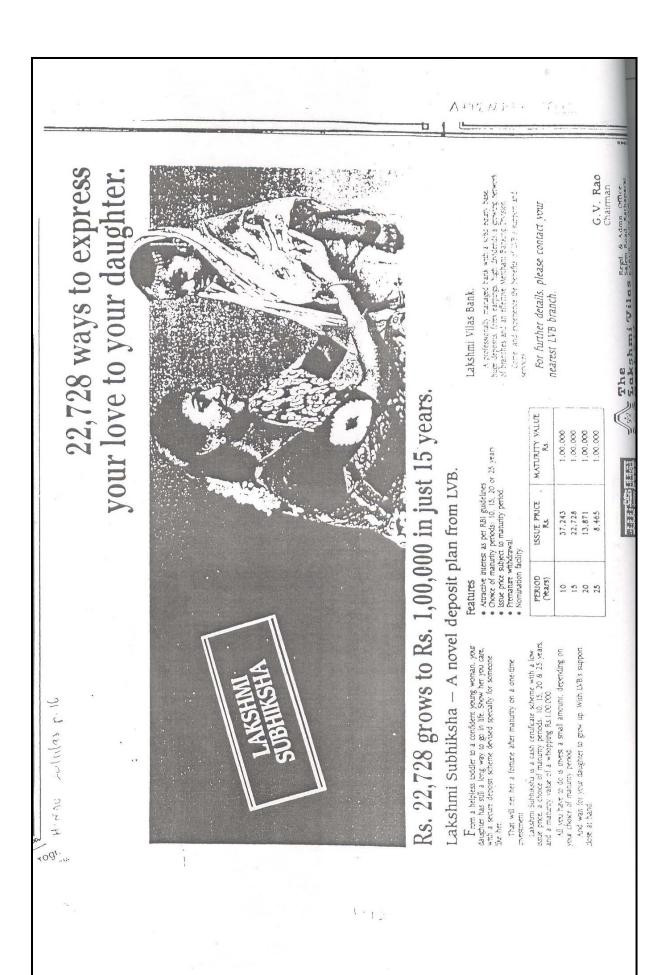
Provided that such rescission shall not affect the previous operation of the said order or anything duly done or suffered thereunder.

1. fins, vide Delhi Gazette (Extra), Part IV, dated 5-3.91.

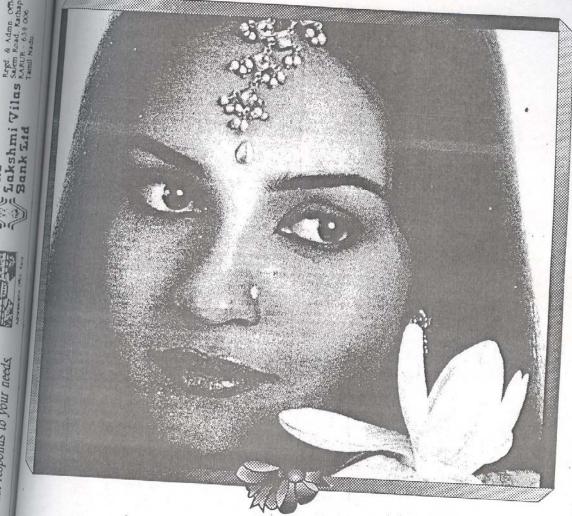
2. Published in Delhi Gazette (lixtra), Part IV, dated 14th March, 1991.

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# Jift her your love today. And it will be her joy tomorrow.



For your precious little girl. Your pride and joy. She who will be gentle, caring, affectionate. You want to cherish her smile forever.

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Think of her tomorrows. Her dreams of tomorrow. Make her future secure. Gift her UTI's Raj Lakshmi on her very next birthday; and all her birthdays till age 5. You can also gift it to her on any joyous occasion.





UNIT TRUST OF INDIA

Lakshmi, an exclusive scheme for the girl child till 5 years' age; where her money can multiply up to 21 times in 20 years. FEATURES: 

Minimum investment of Rs 1000. No upper limit. 

Any individual, state, central govt., trust, society, corporate body years. Quantum of growth depends on age at entry. 

Date of maturity will be calculated from the date of acceptance of application.

All securities investments carry market risk. Consult your investment adviser or agent before investing.

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# In his eyes lie your dreams fulfilled. In your hands, his future.



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Like your love, it grows, and grows, and grows.

Ah, how you fuss him! And attend to his every need. Making him secure every moment of the day. Isn't a also the right time to think of his future? To plan a little today. And gift him a brighter tomorrow. You may wonder how Well, that's what we're here for. With our Children's Gift Growth Fund. Which suggests that you make a one-time investment. Or add on small amounts every year. And watch your investment grow and grow.

14% Dividend.
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# APPENDIX XI With best compliments from THE HINDUSTAN TIMES ramchandra krishan chandra Chundin Chowk.

#### From the Publisher's Desk

#### Marriage Shopping Guide, Delhl - Second Issue.

We take great pleasure in presenting the second issue of the Marriage Shopping Guide (MSG). The success of our first issue and tremendous response to our second issue has given us satisfaction and encouragement. We owe our success to The Hindustan Times and to all our advertisers and readers. On our part we take great pride in honouring our commitments made at the launch of our second issue. MSG contains comprehensive information on about hundred products and services required during marriages.

We have carried interesting articles on Beauty, Astrology and others. This issue also includes an exclusive Honeymoon Guide and a complete section of discount coupons.

MSG is the only product of its kind in India. It is useful not only for marriage arrangements and honeymoon planning, but also for general shopping, when you want to get best out of the market without wasting your time, money and fuel.

We have taken great care in production of our second edition. We have enhanced the visual appeal and all products and services have been categorised under convenient headings to make it more reader-friendly.

Behold! And open your eyes wide. This edition of MSG brings out for you an interesting Gold Rush Contest having exciting prizes for the lucky winners.

We look forward to your suggestions for improving our future editions.

We wish you more convenience and economy in your buying through the Marriage Shopping Guide.

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Naresh Mohan Executive President

#### A Word About The Hindustan Times

The Hindustan Times began publication in Delhi in 1924. Connaught Place was still being built and New Delhi was yet to be formally inaugurated. Starting off as a 10-page tabloid, The Hindustan Times is today the largest-selling single-edition English newspaper in North India with a circulation exceeding 3,27,000 copies. On an average, it has 22 to 24 pages every day—the highest for any newspaper in the Capital.

The paper symbolises Delhi's emergence as one of the world's biggest metropolitan cities; it has grown with Delhi and Delhi has grown with it. HT is today not just a leading national daily; it is also a pillar of India's free Press.

Firmly committed to objective reporting and dispassionate analysis, The Hindustan Times has one of the biggest networks of correspondents in India and abroad among all Indian newspapers, reporting the latest developments from the spot, round-the-clock. It can claim without fear of contradiction that every news of importance is covered by the paper-whether in the sphere of politics, economy, sport or culture.

Over the years, The Hindustan Times has established an unmatched reputation for credibility. It is widely used as an authentic source of information by its top-notch readership which includes politicians, bureaucrats, diplomats, foreign journalists and captains of trade and industry.

Its coverage of world news, including commercial information, is perhaps the most comprehensive among Indian dailies. Its listing of stock exchange quotations is exhaustive and is considered highly dependable. HT is also renowned for its analytical articles and features which cater to the interests of the entire spectrum of its family readership. No wonder that the readership of The Hindustan Times is more than the combine readership of all English dailies published from Delhi.

With the help of some of the most advanced printing technology available, The Hindustan Times endeavours to present its readers a paper each morning that is not only compact, comprehensive and informative, but also pleasing to the eye. Its ever-increasing circulation is proof of the fact that while its traditional readers retain their faith in the HT, new readers are constantly joining its growing family. That gives the Hindustan Times the confidence to assure its readers of continuing to provide them with a top quality paper for decades to come.

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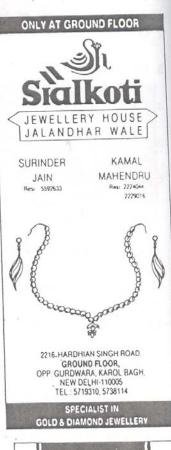
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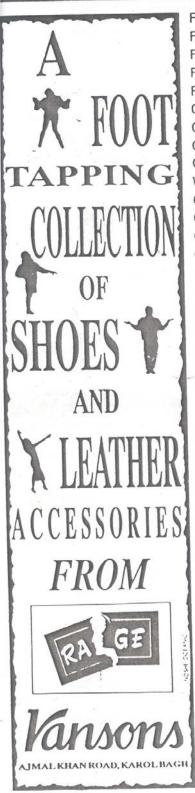
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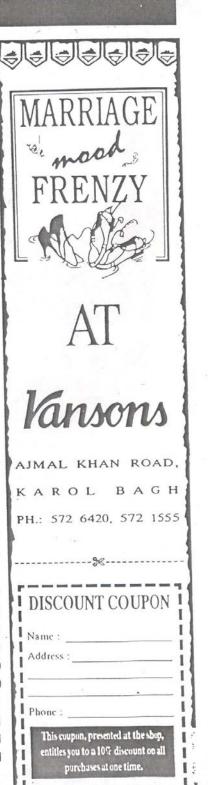
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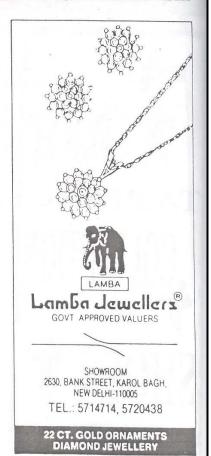
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# In-laws force pregnant wa

EXPRESS NEWS SERVICE IF

MADRAS 325 17-13

11 HE PRESENTS a pathetic sight, lying in a ward of the Stanky, Hospital – a bundle of skin and bones.
At first glance it is impossible to believe that she is 12-year-old woman. With short hair and emaciated

The lawks like a young boy. The last The lorture that Meghala has gone through in the last the months is enough to make one's stomach chum. As I mother. Gown Amma, relates the story about how pregnant daughter was forced to drink a strong dose sulphune acid. Meghala's big. round eyes fill with

With sobs recking her tiny frame, the young woman to can otter a few words only with great effort, explains wher hushand. Dakshu Babu, mother-in-law and her-in-law held her tightly by the arms and the hair, sle they forced her to drink the acid.

FONIC FOR HEAL/IHP: Clutching at her stomach,

forces out the words, "They murdered my child, I i'et another case of downy harassment. Meghala, the ughter of a goldsmith in Madras, was married to the of a goldsmith in Ongole. Andhra Pradesh, on "As agreed we gave 15 sovereigns of a small silver thair, a gold ring for the son-in-law and never forgive them. confer & jour

Rs 1.500 for his clothes. We could not give a bigger silver that! and a steel almirah and sought six months time to provide these." said Gowri Amma.

But the in-laws were obviously in a hurry. Within a month's time they forced the pregnant woman to drink sulphune acid saying it was some "tonie" for health.

"The liquid humt her oral cavity," her parents say. She was taken to a private hospital in Ongole, and later shifted to a nursing home in Madrav. Within two months she was aborted HOSPITAL EXPENDITURE: After Meghala's husband and parents-in-law quietly slippled out of the scene, her parents, unable to bear the loospital expenditure, shifted her to the Government Stanley hospital in Madras on December 12.

Hospital dean, Dr. V.P. Narayanan, who says he has bever seen such a severe injury from drinking acid ("the reflex action will just make you throw it away"), Meghala has undergone two operations at this hospitexplained that the acid has damaged the pharynx, larynx, gullet and part of the stomach.

al, during which a part of her large intestine has been used to reconstruct a parallel passage to convey the food to her stomach. After she recovers from her last surgery, the upper end of this passage will be connected to her



Meghala, who was forced to drink sulphuric acid by her husband and in-laws, lying at the Stanley Hospital, Madras. Express photo

mouth so that she is able to take food through her oral

For the time being, a tube has been inserted below her nb cage and connected to the duodenum. A liquid diet is being given to her through this tube.

assistant professor of surgical gastroenterology who performed the surgery said. "When she came to us she weighed only 19 kg. We have been giving her special nutrients, and her weight has now gone upto 23 kg." CULPRITS GO SCOT-FREE: Dr R. Sundaresan,

Initially Meghala and her parents did not lodge a police complaint. But as the young woman's suffering never ceased and surgical intervention revealed the grievous damage to her body, they lodged a complaint with the Ongole police.

the woman and obtained a statement from her. "Arrest warrants were served on all the three culpris. But they have managed to get a bail and have gone scot-free, while On February 11, 1993, policemen from Ongole visited my poor sister continues to suffer in her hospital bed" says Meghala's brother, Sankar.

her family with Indian Express, says with denched leeth and a determined glint in her eyes," I will fight them in Meghala herself, who listened to the entire dialogue of the court.

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# ifting of veil on unknown delayed

From Our Staff Reporter

NEW DELHI, Oct. 8

Twenty-year-old Ishat Begum's marriage lasted merely a fortnight. She was beaten by her in-laws for not bringing enough dowry. Helpless, she took refuge in her parents' home and a few months later her husband sent her the dreaded word — "talaq" — by post, crushing all her dreams.

Asma, married for four years, could do nothing when her husband brought home a second woman. She continued to live as one of the two wives. When Aftab Begum's husband died after 15 years of marriage, his family thought it best to snap the ties with Aftab and her six daughters. They were all evicted from the house.

Shahnaz Parveen, mother of a son, too was constantly harassed for not bringing adequate dowry. Unable to withstand the pressure as she was also expecting her second child, Shahnaz went to stay with her mother. A daughter was born and her husband suddenly charged Shahnaz with infidelity stating that since she did not stay with him, the daughter was not theirs. Again, Talaq written thrice on a piece of paper broke another home. dowry. Unable to withstand the pressure as she broke another home.

When Shamim Ara, mother of two grown-up sons, was cooking in her home, a registry came. Without quite reading, she signed the receipt in a hurry only to realise later that it was a fatwa for divorce. "There was no reason mentioned, I appealed for justice but bearded maulanas in the Ulema only laughed at my state. I was crying...

Even now tears well up in her eyes far too easily as she narrates her misery on camera

There could be many more such unknown faces languishing somewhere full of woeful experiences. Some of them have got the opportunity to air their views - strong and bitter - in a programme on Muslim Personal Law done by the news video magazine. Eyewitness for its Oc tober issue. But, for reasons unclear, the Censor Board has delayed its clearance forcing the team to drop the story from the latest issue scheduled

for a release latest by Sunday morning.

It only means the faces will remain unknown for some more time for it is still not guaranteed whether the Censor Board will eventually clear the story. While discussing issues of divorce and polygamy, the story attempts at highlighting how Indian Muslims follow the Shariat which is often at variance with the Koran. And further, even true Shariat is not understood or followed here as a result malpractices have got the sanction over the years

Through interviews of affected women, senior advocates, religious heads and intellectuals, the story brings out how the Koran emphasises on equality of sexes but has been misused to practice inequality. For instance, the Koran describes marriage as an agreement between two adults. putting the woman at par with the man to give her consent for the "nikah". But the marriage document, nikahnama, is mostly stereotyped and hardly ever a woman's consent is taken before her marriage," the story points out.

Further, the Koran does not sanction polygamy but allows it under certain conditions, lift the woman is a ffortier to the woman is suffering from some incurable disease or cannot bear children. However, du to different schools of Islamic jurisprudence, on fusion and misinterpretation creeps in and since there is no authority to check, such practice have become unconditional, says the correspon dent, Ms. Nishtha Jain, in her commentary.

Her report also throws light on the flaws in ob-

taining divorce. While the Koran, has given but partners the right to divorce by uttering the wor thrice within a period of three months, it is large ly assumed that declaring "talaq" is only to man's prerogative and uttering the word throst one go has got the sanction here. On the ob-hand, if a woman desires to utter "khula", it assumed that she has to go through cumber some court procedures.

There is also a mention of the political videttas and influence of religious heads, which is the political videttas and influence of religious heads, which is the political videttas and influence of religious heads. does little to propagate either the Koran orth Shariat in their true spirit. Examples of sever progressive Islamic countries, like Pakista Egypt, Tunisia, Morocco, Sudan and Turk have been highlighted since they have adopted Codified Uniform Muslim Law.

The Eyewitness cassette which also has sto ies on the Janadesh Yatra, Veerappa Mocholera in West Bengal and childless couple was submitted to the Censor Board on Septe ber 30. "Normally, they do not take more than hours to clear a cassette.

# HC changes death sentence to

The Times of India News Service

NEW DELHI, December 14. THE Delhi High Court today changed the "death sentence" of an accused to "life imprisonment" for causing death of his wife by demanding dowry from her parents.

The order was passed today b the division bench comprising Mr Justice Y.K. Sabharwal and Mr Justice R.L. Gupta on a criminal the accused appeal filed by Prakash Chander.

Prakash Chander, his parents. Mrs Lila Wanti and Mr Pyare Lal, his sister Usha and brother Parveen Kumar were all charged with offences under section 302 (murder), read with section 34 of the Indian Penal Code (IPC) for causing death by burning of Mrs Swaran Kanta (wife of the accused) at 2.35 p.m. on Augusti 9, 1987, in Tilak Nagar area.

The Additional Sessions Judge (ASJ), had acquitted Mr Pyare Lal. Ms Usha and Mr Praveen Kumar (father, sister and brother of the accused). The ASJ, how-ever, found Prakash Chander guilty of the offence of murder of his wife Swaran Kanta and accordingly convicted him on the charge under section 302 by

section 302/34 IPC, and ordered death sentence to him

On the other hand the ASJ modified the charge of section 304 B IPC against Mrs Leela Wanti (mother of the accused) to section 498A. IPC and sentenced her to rigorous imprisonment for

SENTENCE REDUCED: The case was referred to the high court for its appoval on death sentence and also as the appeal filed by the accused Prakash Chander and his mother came up before this division bench, the judges partly set aside the conviction of the accused by changing his death sentence to life imprisonment. The judges, however, dismissed the criminal appeal of leela Wanti (mother of the accused).

In their order, the judges ob-served, "The High Court cannot be a silent spectator when it finds that the trial court has committed a manifest error and has a duty to correct the error. The manifest error is the order for cancellation of a charge under section 304B, IPC."

The judges also observed that perhaps finding the accused guilty of the graver offence that of murder (302 IPC) was due to Woman kills kids, commits suicide

SALEM: A 22-year-old woman killed her two daughters by throwing them into a well and later committed suicide near Namakkai in Tamil Nadu's Salem district on Wednesday, police said on Thursday. According to a complaint lodged by the woman's father, she was married five years ago to a person in Sanglipatti but came back to her parents' home following dowry harassment, police said. But the woman was later sent back to her husband by the village panchayat.

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## Doctor confirms key point in bride's death

By A Staff Reporter

GHAZIABAD, April 26.

THE case for the prosecution in got a strong boost here today when the doctor who examined the body confirmed a key fact of the charge

against the accused.

Tripta, in her 20s, was found burnt to death in her marital home at Nehru Nagar here nearly seven years ago in the most suspicious circumstances. She had married Mr Jitender Pal Sharma in early 1983. Tripta was employed in the Central Ordnance Depot (COD) in Delhi Cantt. Dowry harassment, attest her family and COD colleagues, began early. By May 1986, she had two children, the second only three months young. She died on may 30, 1986, found burnt in her small room, kerosene spilled all around. Her in-laws said it was suicide.

The case had gone twice to the Supreme Court and also come before at least five judges at the sessions court here without even reaching the stage of trial. The delay began with the police, who finalised their chagesheet two years after the death. Tripta's colleagues had to keep the pressure on, at some hazard; one of them, Vijay Kohli, active in keeping the evidence together, was accused of being a prime nuisance by the inlaws all the way to the Supreme

The Mahila Dakshata Samiti finally entered the case and petitioned for a reopening. Their attorneys, Ms Rani Jethmalani and Mr Pradeep Dey, got letters and calls threatening death. This was after they had petitioned for a restart, since the original attorneys for the state had actually closed their evidence on what charges could be framed, without producing any helpful witnesses.

Three months ago, after listening to arguments from Mr Dey, assisted by state counsel, Mr Satish

Tyagi, Mr R. K. Gupta, sessions judge, decided there was enough evidence against the husband and in-laws to put them on trial for murder.

AUTOPSY REPORT: One key point argued by Mr Dey was the autopsy report. It showed no particles of carbon or soot in her lungs or trachea. Authorities on the subject say this is not possible in suicide by burning. The doctor who did the autopsy, Mr S. N. Aggarwal, was put on the witness stand today. Under oath, he had reiterated this point, noted by the judge in deciding to start the trial last January.

Taken in conjunction with another evidence by the police on the absence of any container for kerosene in the room where she died and the absence of any other burn marks, it makes the prosecution case weighty. Her lungs were clear of carbon or soot, as was her windpipe. In addition, the only empty or otherwise tin of kerosene in the house was in the kitchen, not her room. And there was no smell or other trace of kerosene in the kitchen or the passage connecting it to Tripta's room. And, Mr Dey notes, nothing else was burnt or even smudged in the room, neither the walls, nor the bed, nor the bedclothes nor anything else. A person in flames was expected to rush or at least sway around in agony. Mr Dey concludes she was dead before the burning.

In dowry-death cases, the onus for proof is not on the prosecution as much as on those accused. This change in normal legal procedure has been mandated by the Supreme Court and by the law to check this enormous social evil. Once the prosecution proves unnatural death, undisputed in Tripta's case, after a history of dowry harassment, it is for the accused to prove innocence. And that to conclusively. This is why the prosecution today was jubilant.

Bahadusshan lalar Mang - Asal Ali Road - Delm Stock Exchage - Darystan - Delm University - Kingsway Canp - Romin - South Cambos - Jamia Milla - Karok Bagh

by in-laws Sub-judge assaulted allegedly

Road home on Sunday night, threatened and assaulted her and her and her hubband. She lives on the judge, Ms Bimla Makin, has com-plained some of her in-laws irrespassed into her New Rohtak ground floor; her in-laws stay on NEW DELHI, May 4: A sub-By A Staff Reporter

The police have registered cases tion, causing hurt and molestation. of enminal trespass and intimidahair and beaten, suffering injuries on the face and head. Her husband prakash, were also beaten, the latand a brother-in-law, Mr Suraj She has said she was pulled by the ter when he tried to intervene. the upper floors.

Mr Baldev Raj, the latter's sons, Mr Sandeep and Mr Pradeep, and Mr Balkishan's wife, Mrs Sushma. Mr Balkishan, say the police, is a Mr Balkishan, say the police, is a senior scientist with the Pusa In-Named in her complaint are two brothers-in-law, Mr Balkishan and stitute. His wife, Sushma, is with No arrests have been made yet.

property dispute, Ms Makin has complained her family has been harassed on many an occasion In what the police suspect is a of 59/37. New Rohlak Road. Her in-laws reside on the upper floors. Police say Ms Makin and her family reside on the ground floor the Air Force.

Bail to man facing 'death', denied

differed and disallowed the bail. while, other accused also in-lasheer Singh, the accused facon judicial remand. The matter had come to the high court in the usual procedure for corrobora-By A Staff Reporter cardy this year, sentenced the ac-NEW DELHI, May 4: In an while the others were continued upparently unprecedented case, a tion on death sentence. Meanconvict facing death sentence, was allowed ball by a high court udge yesterday. judge yesterday. However, another judge of the same bench apparently unprecedented case, a

nature. had been admitted to the Ram the Manohar Lohia hospital with esevere burns. Before her death, he severe burns, 1984 at the hospital, no July 27, 1984 at the hospital, na Harbans had told the investigal. ing death sentence was charged with killing his wife by setting her N. with killing his wife by setting her actor aca after after pouring Rerosene on aca after with active participation of deher with active participation of define others of his family. The Sir five others of his family. The Sir ing officer (IO), the doctor and also the sub-divisional magistrate (SDM) that she had been set afire incident took place on July 19, 1984 when his wife HarbansKaur Jasbeer Singh, the accused fac-

The police had registered a whether it be any high court in criminal case under section the country or even the apex 302/34 of the Indian Penal Code court (Supreme Court), had ever (IPC) for killing and the others granted bail to a man sentenced were charged with conspiracy.

An additional sessions judge

shrouds death By A Staff Reporter of woman

law for abetting suicide, torture NEW DELHI, May 4: Mystery should the death of Heena, 33, a should the death of Heena, 31, a mother of three, at her Ramesh mother of three, on Sunday. The police, who got to know of the death just before the cremation band, brother-in-law and sister-inyesterday, have arrested her hus-

a chemist shop in Khyala. On Sunday evening, he was reportedly away from home when his brother. law, he found Heena hanging from Vaishnodevi. Seeking his sister-in-Nagar, Deepak Sabharwal works in Sabharwal, and family in Ramesh Heena, married in 1984, stayed Anil Kumar, arrived with her husband. death penalty, Mr Justice Jaspal Singh of the same bench rejected it. Mr Justice Narain pointed out Narain allowed bail to all the accused, including the man facing While Mr Justice Mahinder

her parents and brother were re-ponedly told she had died of heart rhage. Next morning (yesterday). declared dead there. Heena's inlaws rang her sister in Paschim Vihar and informed her that Heena had died of a brain haemor-She was taken to a local clinic and the ceiling fan in her room id Mr Justice Jaspal Singh, on the te other hand, went by the point te raised by Mr P. S. Sharma, the raised by Mr P. S. Sharma, the standing counsel for the city adhence the case was doubtful in the deceased had belied any presence of kerosene in her hair. that the post-mortern report of

The police were then informed Her family alleged her sister-inlaw, Sunita, used to harass he her family saw the marks there. A cloth hid her neck. Removing It. During the last rites yesterday. Heena's family became suspicious. failure, according to the police. Sunita, Anil Deepak have been arrested. particularly.

r-ee e - 3 3 -

so that their little ones do not face an uncertain future, ports UNI.

Suicide woes (a) wives driven to suicide are increasingly killing their children before killing themselves.

in the Saurashtra region in the last one month alone, accord-There were six such incidents ing to Ms Shanta Chavada, a research scholar on atrocities On vomen.

88

with kerosene and then set herself on fare. She suffered severe burn in-

juries and subsequently succumbed

A. police spokesman said this morning that Suman doused bernelf

The police are making enquiries.

Shah Daulappur area of east Delhi late last night. She is survived by ber husband and three-year-old child.

NEW DELHI, Feb. 3 (HTC)
A 28-year-old woman allegedly
set berself aftre in ber bome in the

by woman

Suicide attempt

### WHERE TO BUY

### FOR BRIDES. . .

lake the tension out of wedding shopping this season by picking up ready-to-wear designer rousseau from shopping centres like Karol Bagh or exclusive loutiques in South Delhi with minimum fuss. Designer Kiron Malhotra of Defence Colony for natance, packages complete units for the mehandi, ladies sangeet as well as the marriage and reception ceremonies but his convenience has a price tag—between Rs 1 lakh to Rs 5 lakhs.

Patchwork seems to have made to bridal collections this year. li Niki Mahajan's studio in Safarjang Enclave, the patches are ttached and then worked on with oxidised gold and bronze vires. Geometric patterns are oupled with Indian floral and aisley patterns. Muted colours ive it an antique look which is nhanced by accessories made of old beads and coins. In this tollection, jamawar, jamdbani, let, crochet and jute are all combined artistically. Jackets wer layered kurtas with long slits make the outfits bold in

form and subdued in effect. The retail price of this line starts at Rs 5,000.

Passion (Khan Market and Hauz Khas village) stocks flared kurtas with small jackets and heavy dupattas teamed with churidars. Red, black and earth-coloured lebangas sport heavy gold and copper-coloured zardozi work and are teamed with dupattas. Made in silk and satin, their prices range from Rs 5,000 onwards. "We stock all kinds of bridal wear but we don't make to order," says Peeku Kochhar of Passion.

For an original look, try Manpreet Sodhi, a designer from London, now settled in India, who gives a glimpse of Victorian tailoring in her range of gowns. These gowns, in silk, satin, organza and velour are heavily embroidered. "They can be worn by the bride and also to parties," says Sodhi. They are available at Contempo and Fusion from Rs 2,500 to Rs 4,500.

As with the quality, prices and patterns of bridal wear vary from area to area. Karol Bagh and old Delhi have a clientele for tra



### .. AND GROOMS

Mixing styles is in vogue. In sead of the traditional salurar and pathani kurta, team it with I salurar, and a double-breasted toat. A hot number is a black dott with a black coat on top. I oddpuris continue to be a avourite, being only two inches onger than a coat.

In fact, the only time a man can teally wear embroidery without feeling embartassed about it is a wedding. Tone-on-tone tardozi like being-on-being and tream-on-cream tracing the font, neck, lapels and flaps makes for a discreet look. Aari embroidery helps, for it is imulates woven texture.

Giving tips for bridegroom wear, Manoj Mehra, the owner of śwayamwar at Ajmal Khan Road explains, "For a guy of 5 ft 4



The Brides
Galleria
collection
(above) and
grooms
dressed by
Swayamvar

inches, a jodhpuri or achkan is strictly out. A tall person can look regal in them. For day weddings, light colours are favoured. For the reception a purple suit is ideal."

"Shining shirts and three-one dresses are definitely a no-no for the bridgeroom," says the owner of Mohanlal Sons, another reputed men's wedding clothes shop. His Trafalgar collection jodbpuris are skin-fitting but lightweight while the tuxedo is supported by a round column of stain or bow collar shirt. Brushed cotton double-breasted suits and silk look alike kurtas are part of the off the rack ensemble, while jacquard silk achkans are promised soon. At tired in the latest collection, you can say goodbye to bachelorhood.

Meenakshi Subramaniam

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1	5. Jaspal Svigh V State of Punjab	6. State of Haryana. V Anil Kumar		2 Chanchal Kumari V U.T, Chandigarh	9. Inder Kaur v State	

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4	5. Padmabai V State of M.P.	16. Jagdish Chander v State of Haryana 1988 crits 1048	17. Gowar Chand 21.3.87 V S.P. Chingleput [30.7.87]  Bist.  1988 Ci L3 1399	18. Vungarata Yedukondatu v	1988 CALS 1538 19. Lichhamadevi V State of Rajasthan (1988) 4 SCC 456

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7	20. Girijashankar v state of Regasthen	21. Wazirchand V State of Haryana	8	23. Prasanna Kr V Dhan Lakshmi 1989 Gi LJ 1829	24. Public Prosecutor V Tota Basava Punnaidh

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1	25. C. Veerudu V State of A.P 1989 Cr. L3 NOC 52 (A.P)	26. Nirabala Baner. Jee v State of W.8 1989 Cius Noc 38	27. Sarla Prabhakar Waghmare v gake. of Maharashtra	28. Gurbachan Singh v Salpal	sign (1) sec 445 1990 (1) sec 445 segle (Delhi)	

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	30. Shark & Ard V Stake of Haryana (1991) 1 SCC 371-	31. Amarnath Gupta V State of M.P 1991 Ci.L3 2163 V U.T. V U.T. By 1991 Ci.L3 2333 Prom V State of W.B. 1991 Ci.L3 629	34. T. Verkatalaskmi v Slate of A.P 1991, ci us 749

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41. Suresh Nurman Rathi V State of Moharashtra 1992 Crils 2106	42. Bhoora Sigh-V gate of 0.P	43. E.Balakrishna Naidu V State GA.P 1992 Ci LJ 2328	44. Pariber V State of Gujarat 1992 Gi LJ 2919	45. Kenila V Stabe of Puyab AIR 1993 SC 374	46. Harbans lal V State of Haryana 1993 crits 75	

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