

ITEM NO.7 Court 4 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).319/2021

SABU STEEPHEN & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(FOR ADMISSION and IA No.91689/2021-APPROPRIATE ORDERS/DIRECTIONS and IA No.91692/2021-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

Date : 06-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. V.K.Biju, AOR  
Ms. Ria Sachthey, Adv.  
Mr. Chetanya Singh, Adv.  
Mr. Amlendu Kumar Akhilesh Kumar Jha, Adv.  
Mr. Abhay Pratap Singh, Adv.  
Mr. Shaji George, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

- 1 Invoking the jurisdiction of this Court under Article 32 of the Constitution, the first and second petitioners who are social activists and the third petitioner who is a lawyer practicing before the Supreme Court, have sought certain concrete directions in order to curb the social evil of dowry. The third petitioner has, in fact, stated that she has also been a victim of a dowry related case.
- 2 The petitioners have highlighted that while, on the one hand, Parliament has stepped in by enacting penal provisions, such as Sections 304B and Section 498A of the Indian Penal Code 1860, the Dowry Prohibition Act 1961 and the

National Commission for Women has also been constituted, the wide prevalence of the social evil requires a fresh look so as to give more teeth to the legislation.

3 At this stage, it would be material to record the reliefs which have been sought in these proceedings, which are extracted below:

- a). issue a writ of mandamus or direction or order or any other writ thereby giving necessary directions to the Respondents, that, in every Government/public office, there should be a designated Dowry Prohibition Officer, (as similar to Public Information Officer, under RTI Act-2005) in order to implement the Dowry Prohibition Act-1961, in letter and spirit.
- b). issue a writ of mandamus or direction or order or any other writ thereby giving necessary directions or appropriate Orders or Directions to be issued from this H'ble Apex Court of India that, the Dowry or the share of the family properties, vehicles and other assets should be in the name of the woman only, at least for the first 7 years after the marriage and keep the appropriate Register in this regard by the all the concerned officers.
- c). issue a writ of mandamus or direction or order or any other writ thereby giving necessary directions or appropriate Orders or Directions to be issued, to constitute a "Curriculum Commission" for the 'School Classes' and 'Special Pre-Marriage Course' to impart proper education for marriage, which includes Medical Experts (including Sexologist, Psychologist and Gynecologist), Sociologist, Economist, Legal Expert, Educationalist, Social Activist and Religious Experts from all Major Religions in India and make the Special Pre-Marriage Course' certificate is a mandate for marriage registration.
- d). issue a writ of mandamus or direction or order or any other writ thereby giving necessary directions or appropriate Orders or Directions to be issued, that, in the ANNEXURE P-1 Act and other related Acts, there need to be a provision to issue "No Dowry Certificate" from the District or State Dowry Prohibition Officer, and the said "No Dowry Certificate" should be a mandate for marriage registration, Government employment, availing Government schemes etc.
- e). issue a writ of mandamus or direction or order or any other writ thereby giving necessary directions or appropriate Orders or Directions to be issued to implement proper penalty provisions, both to the

petitioner and to the Police Officials who are supporting the misuse of law, in order to curtail the misuse of legal provisions of anti-dowry laws.

- f). pass such other writ or order or direction which are necessary to prevent, reduce and control the dowry deaths and dowry harassments may also be passed.”

4 Mr V K Biju, learned counsel has made, during the course of his submissions, an impassioned plea for the intervention of the Court. Learned counsel lamented the rising cases in Kerala of dowry related crimes.

5 During the course of the hearing, the Court has indicated that the reliefs which have been sought in the above terms pertain to the realm of legislative policy. Hence, there are restraints on the jurisdiction of this Court under Article 32 of the Constitution to craft remedies which essentially require legislative reforms. At the same time, a dialogue on considering what measures would support the existing legislation on the subject can be initiated. It is in this backdrop that we are of the view that it may be appropriate if the Law Commission of India considers the issue in all its perspectives. The petitioners are at liberty to submit a note of research and on all relevant aspects for the benefit of the Law Commission.

6 With the above observations and with the liberty granted to the petitioners in the above terms, we dispose of the petition.

7 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**