WHAT IS REMEDY FOR A WOMAN IN CASE OF DEMAND OF DOWRY BY HUSBAND AND HIS RELATIVES?

BY

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Dowry prohibition and harassment for Dowry: The **Dowry system in India**[[1]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-1) refers to the durable goods, cash, and real or movable property that the bride's family gives to the bridegroom, his parents, or his relatives as a condition of the offence.[[2]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-:2-2) It is essentially in the nature of a payment in cash or some kind of gifts given to the bridegroom's family along with the bride and includes cash, jewellery, electrical appliances, furniture, bedding, crockery, utensils and other household items that help the newlyweds set up their home.

Dowry is referred to as *Jahez* in Muslim law (derived from Islamic *jahez-e-fatimi*).[[4]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-Waheed-4) In far eastern parts of India, dowry is called *Aaunnpot*.[[5]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-5)

The dowry system is thought to put great financial burden on the bride's family.[[6]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-Anderson_2007-6) In some cases, the dowry system leads to crime against women, ranging from some injury, injury to even deaths.[[7]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-:5-7) The payment of dowry has long been prohibited under specific Indian laws including, the Dowry Prohibition Act, 1961 and subsequently by Sections 304B and 498A of the Indian Penal Code.

A court judgement [[8]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-8)clarifies the legal definition of dowry as unlawful demand. “Dowry” in the sense of the expression contemplated by Dowry Prohibition Act is a demand for property of valuable security having an inextricable nexus with the marriage, i.e., it is a consideration from the side of the bride’s parents or relatives to the groom or his parents and/or guardian for the agreement to wed the bride-to-be.

The Dowry Prohibition Act, 1961 article 3 specifies that the penalty for giving or taking dowry does not apply to presents which are given at the time of a marriage to the bride or bridegroom, when no demand for them have been made.

Although Indian laws against dowries have been in effect for decades, they have been largely criticised as being ineffective.[[9]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-auto-9) The practice of dowry deaths and murders continues to take place unchecked in many parts of India and this has further added to the concerns of enforcement.[[10]](https://en.wikipedia.org/wiki/Dowry_law_in_India#cite_note-auto1-10)

Section 498A of the Indian Penal Code required the bridegroom and his family to be automatically arrested if a wife complains of dowry harassment. The law was widely abused and in 2014, the Court has ruled that arrests can only be made with a magistrate’s approval.

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Do not fall for any schemes to be able to migrate to another country, or promises for green card through marriage•

Do not finalize matters in secrecy. Publicizing and sharing the information about the NRI marriage amongst the near and dear ones, friends and close relatives could help you in getting vital information which you may not be able to collect otherwise.

Do not agree to have only a registered marriage or getting the marriage solemnized in a far off place.

Do not agree to the marriage taking place in the foreign country.

2.My husband is demanding dowry and is ill-treating me after I moved with him to a foreign country. What should I do?

i. First and foremost, you must not come under pressure to accept the demand for dowry or any other unreasonable demand made by or on behalf of your NRI/ PIO husband to end your ill-treatment, abuse or desertion.

ii.You can approach the nearest Indian Embassy/Consulate for assistance/advice,to file a complaint with the local police about harassment, abandonment, ill-treatment,etc.

iii.The Indian Embassy/Consulate can assist in providing contact details of local NGOs, approach the local police, contact your family/friends etc. who could help you.

iv.The Indian Mission can be contacted for initial legal/financial assistance to file a case against your husband in the foreign country

.3.Is registration of marriage compulsory in India?

Some of the states in the Indian Union have enacted legislations to make marriage registration compulsory;

These states are Andhra Pradesh, Delhi, Goa, Gujarat, Himachal Pradesh, Karnataka, and Maharashtra. Registration of marriage is optional in other states.