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Dowry law no licence to settle scores: SC

R. VENKATARAMAN

New Delhi, July 21: The Supreme Court today warned that misuse of anti-dowry laws could unleash a "new legal terrorism".

A division bench of Justices Arijit Pasayat and H.K. Sema said provisions in the laws are often being misused to settle personal scores.

The judges, however, declined to strike down Section 498A of the Indian Penal Code and Section 113B of the Dowry Abolition Act providing punishment for giving or taking dowry.

"Merely because the provisions are constitutional... that does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment," the bench said.

The judges said "it may become necessary for the legislature" to find "appropriate" ways to deal with people behind "frivolous complaints or allegations", as the laws do not give any directions in this regard.

The observation is neither a directive nor a mandate under any article of the Constitution.

However, the judges said trial should continue in the dowry case that prompted the apex court's comments.

Courts "have to take care of the situation within the existing framework" till the legislature brings a provision to deal with "frivolous" complaints, the bench said.

The object of the laws are "to strike at the root of the dowry menace" and the "provision is intended to be used as a shield and not an assassin's weapon, it said. If people cry "wolf" too often as a prank, assistance and protection may not be available when the actual "wolf" appears", the court cautioned.

"The object of the provision is prevention of the dowry menace. But many instances have come to light where the complaints are not bonafide and have been filed with an oblique motive. In such cases, acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Some times, adverse media coverage adds to the misery," the judges said.



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