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Suggestions to the Chairs of the District Dowry Advisory Boards - Regd

1 message

Adv Sandeep Pamarati <sandeep.pamarati@gmail.com> Fri, Jun 5, 2026 at 4:39 PM

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Respected District Collectors (Chairmen and Chairpersons of the District Dowry Advisory Boards),

I am Sandeep Pamarati, Advocate practicing before Hon'ble High Court of Andhra Pradesh (AP/646/2022).

I had filed **WP(PIL).No. 115/2025** which was disposed of on 18-Mar-2026. Due to this writ petition, a G.O. issued on 24-Jun-1989 (**G.O.Ms.No. 69**) got some traction from it's deep slumber of 36 long years.

While this writ petition was still pending, I learnt that District Dowry Advisory Boards got activated and regular meetings are being conducted under your leadership, which is a welcome move.

Subsequent to the closure of the above writ petition (irrespective of the text in the order passed by Hon'ble CJ-AP), through RTI replies received from PIOs of DW, CW and EO Offices to my RTI applications filed in March 2026, I learnt that there are quite a few aspects being captured in your Meeting Minutes that seem to require some suggestions and hence I found it appropriate to share my suggestions in the following terms. Kindly peruse the same and request you to consider them in your next District Dowry Advisory Board Meetings.

Suggestions towards effective implementation of Dowry Prohibition Act (hereinafter 'DP Act')

1. There are only 3 offences punishable under DP Act.
 - a. Dowry Demand u/s 4 of DP Act,
 - b. Dowry Giving (or abetment of) u/s 3 of DP Act and
 - c. Dowry Taking (or abetment of) u/s 3 of DP Act

Dowry Death (section 304B IPC ~ Section 80 BNS) and Cruelty to married woman for Dowry Harassment (section 498A IPC ~ section 85 BNS) do **NOT** come under this DP Act and hence I am NOT interested in those offences at all.

Since you all are highly qualified officers, I need not stress the fact that this dowry transaction is best stopped at first/stage-a itself, i.e., **Dowry Demand** and not allow it to proceed to remaining two stages of Dowry Giving and Dowry taking. I **suggest**, your Boards consider this as a key aspect, when conducting training programs to the

Dowry Prohibition Officers (in AP that will be Revenue Divisional Officers (now District Revenue Officers)/Sub-collectors) or when conducting awareness sessions to various quarters of public.

2. I am glad that there is acknowledgement by few District Collectors that the Dowry Prohibition Officers (DPOs) are conferred with such powers of a police officer (listed below) as per above G.O. (implicitly as per Section 8B(3) of DP Act) but there is no clarity to them as to how to exercise them.

- (i) Power to Register cases;
- (ii) Power to examine the witnesses;
- (iii) Power to investigate cognizable offences;
- (iv) Power to arrest, if prima facie case is made out;
- (v) Power to send the accused to remand within 24 hours.
- (vi) Power to search and seizure, if any incriminating material concerning the offence is forthcoming:

They resolved in their meetings to approach the Government seeking with clear Standard Operating Procedures / Operational Guidelines. Not sure if there was any progress on clearing this ambiguity to the DPOs. **I suggest**, your Boards actively pursue this matter with Government so that DPOs do not face any difficulty in exercising their police powers while handling the 3 offences under DP Act. As on today, the State Police, even without jurisdiction, continue to handle the 3 offences under DP Act. Similarly, DPOs need clarity on the additional manpower that may be required to function as good as the State Police, in exercise of the above 6 Police Powers. As Chairs of the District Dowry Advisory Boards, it is your duty to ensure DPOs can deliver their responsibilities under DP Act, as mandated by the Hon'ble Parliament and followed by State Government of AP in the above G.O. Also, there should not be any ambiguity between DPOs and State Police, who should handle the 3 offences under DP Act, since DP Act is a Special Act like FSS Act, passed by the Parliament, Police Intervention into the 3 offences under DP Act must stop and DPOs also must exercise exclusive jurisdiction over the 3 offences under DP Act. Landmark judgment for your reference: <https://www.shadesofknife.in/chidurala-shyamsunder-vs-state-of-telangana-on-27-aug-2018/>

3. It is heartening to know that programs are run regularly to create awareness in public (through Mission Shakti and Manaswini etc.) but, from experience as a Solution Architect in Software Industry, I can tell that without visible goals, running any amount of awareness camps/programs is not going to give expected results. Also there is no use in educating school-going and college-going children about the 3 offences under DP Act, when they are not yet mature enough to understand the implications and consequence of these offences. Therefore, considering that Voluntary disclosure of marriage by public is a weak and unreliable approach, **I suggest**, to involve/target those entities (statutory or otherwise) where marriages are conducted (like Temples/Churches/Mosques and Function Halls) and registered (like Registrar of Marriages under various Personal Laws) as key stakeholders. These are the people who must be made aware of the 3 offences under DP Act and empowered to assist the DPOs to creating awareness through distributable material about Laws involved (like Dowry Harassment, Dowry Death, Dowry Demand, Dowry giving/taking/abetting), even though it is unpleasant considering the auspicious event of marriage. These stakeholders also can help the DPOs enforce the **Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985** and **Dowry (AP) Prohibition Rules, 1998**. There are statutory time limits in **Dowry (AP) Prohibition Rules, 1998** so DPOs have to ensure the complaints are filed within 1 years from date of alleged offence.

4. Even though Section 8B of DP Act (reproduced below) puts the burden of proof on the accused person, as an Advocate, I can tell you that this is to be understood as **first** the complainant must establish the fact of dowry transaction beyond reasonable doubt (that too under Demand for Dowry) only after which the burden shifts from complainant to accused. This is how such provisions are to be interpreted. There is a catena of Judgments from Hon'ble Supreme Court of India, on this Shifting of Burden of Proof from Complainant to Accused and it is a settled principle of law. **I suggest** that your Boards clarify this to the DPOs so that they are not confused. 8A. Burden of proof in certain cases.— Where any person is prosecuted for taking or abetting the taking of any dowry under section 3, or the demanding of dowry under section 4, the burden of proving that he had not committed an offence under those sections shall be on him.

5. One interesting observation from the replies received by me are from only from the PIOs of DW, CW and EO Offices and the PIOs of Revenue Departments and the Police Department are dead silent. They did not even send a single reply to my RTI applications. **I suggest**, that since this hypocrisy is deafening, your immediate intervention can only address this indifference behaviors. The Police must stop interfering into the 3 offences under DP Act (called as colorable exercise of power, that they do not have) and be restricting themselves to BNS offences as stated above. The Revenue must be actively taking charge of their duties while exercising their 6 Police Powers. This is the very intent of the Parliament which no one has right to dilute/misinterpret, wantonly or ignorantly. I do not know if there is any clear understanding between jurisdictional Police and DPOs regarding referring of complainants to DPOs who approach the Police Stations alleging the 3 offences under DP Act so that Police do not take away the duties of the DPOs.

6. In few RTI replies, there are some statistics of cases. As I regularly peruse NCRB Crime in India annual reports, I see that DP Act offences are not accurately reported to NCRB, through the DCRBs. **I suggest** that Steps be

taken to ensure the DCRBs are sharing accurate information with NCRB regarding DP Act and PWDV Act cases. You can peruse the latest NCRB Crime in India annual report for 2024 here (<https://www.ncrb.gov.in/crime-in-india-year-wise.html?year=2024&keyword=>). There is zero information pertaining to DP Act offences (and also other Crime against Women categories, which we all know is incorrect.

There are other minor suggestions that are not urgent so I will withhold them for the time being. I will share them with you all in due course of appropriate time.

I request to consider these suggestions made in this email as **my representation** to your offices, with a view to save time in employing RTI Act applications.

My next PIL will be filed in July 2026, seeking declaration of Offices of DPOs (RDOs/Sub-collectors) as Police Stations, in the absence of which the DPOs are unable to exercise their 6 police powers.

PS: I copied JCs, SPs and DW, CW and EO Officers as alternative contacts, just in case DC email ids fail.

Thanks & Regards

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