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*Australia India Society Of Victoria Inc.*

2011: Winner of the Victorian Multicultural Awards for Excellence towards community services.

2013: Winner of the most prestigious award, the "Bharatiya Pravasi Samman Award" bestowed upon an Overseas Indian Association by the President of India.

17 August 2018

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Fax: 0262775794

Dear Committee Secretary

Re: The practice of dowry and the incidence of dowry abuse in Australia.

I am putting a submission on behalf of the membership of the above organisation.

I have been in Australia since November 1972.

There have been isolated reported cases of Dowry abuse in the Australian citizens of Indian decent and permanent residents from the sub-continent. These cases have occurred only in the newer migrants and only in the past few years since the influx of Indian nationals to study in Australia. There have been even fewer cases of domestic violence related to the dowry issues.

Usually most of the cases of dowry abuse and domestic violence have occurred amongst Indian couples who have migrated in the past few years and who were married in India. It is more prevalent amongst International students waiting for their visa applications to be processed or those on a working visa.

The giving and taking of Dowry was banned in India under the Dowry Prohibition act 1961, an Act to prohibit the giving and taking of dowry.

1. Definition of 'dowry'.

In this act, 'dowry' means any property or valuable security given or agreed to be given either directly or indirectly:

- a. by one party to a marriage to the other party to the marriage; or
- b. by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person; at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Explanation II.-The expression 'valuable security' has the same meaning as in Sec. 30 of the Indian Penal Code (45 of 1860).

2. Penalty for giving or taking dowry. -

(1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with the fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more:

The above laws in India have made no significant difference to the Dowry Law in India despite severe punitive measures.

I believe the increased reported incidence of dowry related abuse and domestic violence could also be to exploit the immigration law for a woman to get permanent residency in Australia. However, this needs to be carefully examined and evaluated by the Department of Immigration. The consensus within the Indian community is that couples separate because of irrevocable differences but the girl or her parents bring in the dowry issue in order to register cases in India against the son in law. This has become a very widespread issue in the family law courts in India

Laws of any kind are unnecessary as the giving and taking of Dowry does not exist within the Indian community and their children who are Australian Citizens and permanent residents. Indians who are Australian Citizens are fully aware of their rights and they do know how to exercise their rights.

I have had two cases where the girls broke off their relationship with Indian students wanting to marry them with a view to get Permanent Residency in Australia and where demands were put by the boy's parents for a dowry.

To reiterate again, the girls of Indian descent are fully aware of their rights and do not succumb to pressure of any kind from their parents

Education and evils of dowry would be more appropriate where it is proven beyond doubt of the existence of giving and taking of dowry is very rampant within the migrant population

Yours Sincerely

Gurdip Aurora  
(President)