

SEMINAR REPORT

IPC SECTION 498A SEMINAR: A TOOL TO COMBAT DOMESTIC VIOLENCE ON AUGUST 30, 2005



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INTRODUCTION

Prevention of domestic violence is a burning issue all over the world. But, as a society, India has not acknowledged the existence of violence within the family. Domestic violence is not confined to any one socio-economic, ethnic, religious, racial or age group. It is an issue of increasing concern because it has a negative effect on all family members, especially children. It has been found that children, who witness violence in the home, suffer many of the symptoms that are experienced in children, who are directly abused.

The only existing provision in criminal law, Section 498A of the IPC, has been much criticized as being “misused” by women. For many, IPC Section 498A is an effective tool and remedy against domestic violence (DV) and dowry. It’s a one of its kind legislation available to women in India that aims to provide justice to the victim while she is still alive.

A one day seminar on Indian Penal Code (IPC) section 498A was organised by Centre for Social Research (CSR) with the support of USAID and IFES on August 30, 2005 at Gulmohar Hall, India Habitat Centre. It marked the release of the Report on IPC section 498A prepared by CSR. The programme was attended by nearly 120 people including policy makers, civil society institutions, international NGOs, funding agencies, lawyers, community leaders and the media. The seminar had in all two sessions, (a) Inaugural Session (b) Business Session.

INAUGURAL SESSION

The distinguished speakers included Dr. Justice V. S. Malimath, Dr. Kiran Bedi, Dr. Lynn Carter, and Mr. T. K Vishwanathan, Secretary Ministry of Law, Ms. Hema Malini, Member, Parliament, released the report.

Dr. Ranjana Kumari

Dr. Ranjana Kumari, Director of CSR delivered the welcome address. At the outset, she congratulated everyone on the passing of the Domestic Violence Bill by both the houses of Parliament. She said that section 498A has been one of the most important



pieces of legislations. Dr. Ranjana Kumari observed that it is an important piece of legislation. She said that it is an important tool to address the issue of dowry as it's non-bailable, non compoundable and cognisable. Referring to the time of the conception of the dowry bill, she said that women's movement was not careful enough to analyse all provisions of the law. Both dowry givers as well as takers were considered to be indulging in punishable offence and the term dowry was also vaguely defined. She said that even now, the attitude is such that society blames the woman for registering a case with the police, against her in-laws. Dr. Kumari said that from here stems the issue of whether the section has been used or misused.

Dr. Ranjana Kumari observed that though women are accused of misusing Section 498A, according to the CSR study, not many women are aware about the law or have used it. If there are 25 crore married women in the country, 5 crore out of them, are getting battered. She questioned that if that is the situation, how many have registered a case under section 498A? At every stage, a woman is expected to reconcile and adjust. The emphasis is on saving the institution of marriage, not the safety of the woman or her self-esteem. Dr. Kumari lamented that the worst forms of violence against women take place in the marital home by the members of the family.

Dr. Kumari said that she believes that the problem of dowry, which is one of the major causes for violence, cannot be solved only with the help of law. She said that patriarchal norms influence the institution of marriage, subverting the role of women. Further, caste too plays a pivotal role in reinforcing dowry. Marriage within the caste is considered important, with dowry as an essential component.

Dr. Lynn Carter

Dr. Carter said that there is often a gap between what law makers intend to do and what actually happens. It is important to understand the practical everyday difficulties that the formal legal sector faces when they try to deliver justice. But before a change is recommended in a law or policy there ought to be adequate evidence that the change would enhance positive impacts from the law and minimise or eliminate negative impacts.



Research is the first step that's often skipped because it's tedious, demanding, time consuming and demands a lot of rigour and expertise, Dr. Carter said. Methodologically sound research alone can tell us whether any stakeholders' opinion (like judges, lawyers, victims) can be generalised to the society as a whole. Research on how a law is actually used and implemented in India is vital for understanding the kinds of problems that marginalized groups including women, face when they try to protect their rights and interests.

Dr. Carter said that her reading of the debate over 498A is that there is a gap between the intent of the law and the reality. Some feel that it protects women others feel that it sweeps up too many innocent people in its wake, Resulting in many innocent relatives of the husband arrested and jailed. But she wondered whether there was evidence to show that such a thing happens routinely or even to a significant extent? Dr. Carter said that in any violence related case of dowry, there is probably good cause to believe that the in-laws were a part of the problem; and even if they are jailed, do we know what is the average amount of time that takes for them to come up in front of a judge for a bail hearing? She said that when objections are registered against 498A misuse, the in-laws are almost always referred to as 'elderly'. She said that since many of those in-laws are quite young, there is a need to question this general assumption.

Dr. Carter quoted the CSR study and said that the Police sometimes suggest filing additional charges to the victim in order to provide themselves with additional opportunities to extract bribes. The lawyers may also recommend filing a case under 498A as a tactic to bolster a claim for divorce and maintenance wherein the client may actually be a victim of cruelty! Given the social stigma of divorce in India, women generally come forward under extreme duress. The lawyer may also use this strategy to hike their fees. Therefore, according to Dr. Carter, the major concern that emerges from the CSR study is that IPC section 498A hardly seems to be functioning well. Convictions result only in cases of homicide. She said that one can hardly conclude that the section is functioning well when all the victims whose assailants get punished, are dead.

Dr. Carter said that USAID is happy to support this initial effort. She said that the study is a part of a bigger research agenda and she hoped that other groups will move forward to share the burden of legal and social research with CSR.

The CSR report, IPC section 498A: Used or Misused was released by Ms. Hema Malini and Justice Malimath.

Ms. Hema Malini observed that she was extremely happy that the Lok Sabha had passed the Domestic Violence Bill without any hiccups. About section 498A, she said that it must try to help the aggrieved parties. Ms. Hema Malini said that DV is an emotional issue and strong steps must be taken to deal with it and it needed sensitising men.

Justice Malimath

Justice Malimath, in his address said that DV is a heinous crime and is shameful for the men-folk of India. He congratulated CSR for having undertaken a research about the way in which 498A has been operated and the consequences of this operation. He said that though section 498A was enacted with many hopes and desires, it has not produced any worthwhile convictions. Many cases end in acquittal and the very process is agonising as it may take several years.

Justice Malimath said that the discussion on section 498A has become more of an academic debate rather than a discussion from which we can find worthwhile solutions. He observed that there cannot be any two opinions that violence against women (VAW) is on the increase. However, he said that marriage is a very important institution, therefore, whenever we think about any law that enters the domestic field, we have to be very careful because one is about to enter the 'sacred' precincts of the family. Nevertheless, he strongly felt that everyone must pool their energies and intelligence to combat DV.

The problem Justice Malimath felt was that we seem to have trusted the law and rest content after making a law. According to him, law has a very limited role. Just



making a law to solve a grave problem like DV is not enough. He emphasized on going beyond the law and referred to the role of society.

Quoting Albert Einstein, who once said, “the pressures of animal instincts make a person to do things that are beastly”, Justice Malimath said that man tends to be led by animal instincts despite human ideals and values. The goal should be to prevent such animal instincts from taking over civilized behaviour. Educating and sensitising men should be a movement that must take place in order to restructure the institution of marriage, he added. He felt that there is an overemphasis on rights. The need of the time is instilling the sense of duty among the men-folk.

Dr. Kiran Bedi

Dr. Kiran Bedi’s address was based on her experience both as a police officer and a counselor. She said that section 498A is providing relief to women and is sensitizing the Police force on gender issues. The section has saved women, who might have been dead from harassment and torture, had they not used section 498A. She said that the section has bringing about women police officials into centre-stage as the implementation of this section is impossible without them. The section is paving way to bring together socially conscious NGOs.

However, Dr. Bedi opined that there is need for more Family Counseling Centres (FCC) needed. She agreed with Ms. Carter, that empirical research is very important to review the law and if need be, to make changes in the law based on objective research.

Referring to the issue of usage of the section, Dr. Bedi observed that out of a hundred complaints that are registered, 10 cases might be those where the woman might use the section to twist the case. But, it is very important to note that 90 out of those 100 cases are genuine. When the Police books 90 men for torturing their wives, justice is delivered. Thus, Dr. Bedi observed that the section should not be amended.

Referring to the problems faced while filing cases under this section, Dr. Bedi also pointed out to the problems in filing of cases under this section. She said that when a complaint is filed, often the offences are added to the basic complaint of harassment. This takes the Crime against Women (CAW) Cell a long time to sort out



the actual complaint, and prolongs prosecution. Dr. Bedi suggested that a victim should be allowed to write her own complaint. She also suggested that the presence of an NGO and video-recording of complaints, should be made mandatory and it should be treated as FIR.

Dr. Bedi opined that the DV bill would substantially reduce any convolutions under section 498A. She suggested training of the law enforcers and setting up of more pre-marital counseling centres.

T.K. Vishwanathan

Mr. Vishwanathan, Secretary, Ministry of Law said that history of women's emancipation against oppression and violence is synonymous with law reform itself. He said that law reform is a very slow process and India has a long history of struggle against VAW. He reminded the fact that the first legislation of Dowry Prevention Act was passed in 1961. Though the act was criticized, it was a symbolic legislation which was effective in sensitising the people about the evils of the dowry system. The struggle continued and in 1984, there were amendments to the Indian Penal code and evidence act and IPC section 498A was inserted.

As regards section 498A, Mr. Vishwanathan felt, the problem was the lack of supplementary or complementary legislation to 498A. He said that section 498A should have been preceded by a bill like the DV Bill. He said that India is almost 20 years late in enacting the legislation of DV. He mentioned that the DV bill can be considered the magnacarta of women's empowerment. It not only protects women from domestic violence but also safeguards women's rights.

Mr. Vishwanathan said that there is a need to inculcate proper values—like tolerance and respect for women—in the schools through value education classes in order to catch men at a young age. Law is not enough to protect women from domestic violence and he proceeded to point out some of the features of the domestic violence bill. He ended his speech by congratulating the parliament for pushing the DV Bill.

Dr. Ranjana Kumari ended the session by thanking the guests of honour, speakers and participants.



BUSINESS SESSION

The discussant for the Business session was Dr. Gurpreet Mahajan. The main speakers at the session were Ms. Kavita Shrivastava of People's Union Civil Liberties, Dr. Indrani Sinha, Sanlaap, Smt. Vimla Mehra, Joint Commissioner CAW, Ms. Meenakshi Lekhi, an advocate and Mr. N. K Singhal, retired IPS officer.

Dr. Gurpreet Mahajan said that the study undertaken by CSR is an important study and has produced some hard hitting conclusions. After making a brief observation on the subject she invited the speakers to share their thoughts.

Smt. Vimla Mehra

Ms. Mehra presented graphs on the trend of complaints, the reasons for compromise and the number of criminal cases that have been registered under section 498A in Delhi. She said that most of the action taken by the CAW cell is preventive because women are still reluctant to come out and complain against their husbands and in-laws.

Ms. Mehra said that though marginal, dowry death cases are showing a decline. She said that section 498A is an effective tool as time and again, it has helped in reducing the number of dowry deaths. Ms. Mehra felt that the section is grossly under utilised since women are not ready to complain against their husbands. She said that that cases under section 498A remain pending in the courts, and only in a few, women get justice.

Ms. Mehra said that most of the complaints filed are genuine. However, she added that a mechanism like counselling is required to keep the families together.

Mr. N. K. Singhal

Mr. Singhal congratulated all the women for getting the DV bill passed by the parliament. However, he cautioned everyone against resting on their laurels. He said that all possible flaws within the DV bill should be checked and insisted on the importance of the proper implementation of the Act. The provisions of the DV bill



should also be a part of Section 498A, said Mr. Singhal. He said that civil society and voluntary associations should start sensitising men and women alike. He felt that until and unless there is widespread revulsion of violence against women, law is of no use.

Mr. Singhal said that cases of misuse of section 498A are very few. He lamented the fact that many police officers however, feel that the section is being misused. Mr. Singhal felt that the urgency/need to implement this section effectively is therefore, lost amongst the Police. He said that in most cases, anticipatory bail is granted very easily and complaints too are easily made compoundable. Mr. Singhal observed that a major limitation of the law is that it requires proof of harassment or torture, which is very difficult to prove for a woman, especially when the harassment is purely emotional.

Ms. Indrani Sinha

Ms. Indrani Sinha talked about the study in West Bengal, which was a part of the CSR report. She said that in their study, most of the people interviewed believe that domestic violence is prevalent because of the patriarchal set-up of the society. She said that in most cases, women reach out to voluntary associations and NGOs when chances of compromise or patching up are almost absent. She said that support structures that can help women in times of such mental trauma, are missing. Ms. Sinha said that most of the law enforcers feel that women are misusing section 498A to extract money.

She emphasised the need for more support structures like counselling centres and NGOs that can support the woman. She also suggested orienting or training law enforcers like the police and judiciary to help them handle different cases of DV.

Ms. Meenakshi Lekhi

Ms. Meenakshi Lekhi said that India does not have sufficient legal provisions for women and the only law or provision that can help a woman when she is trapped in an abusive marriage is section 498A. Ms. Lekhi said that the main purpose of introducing section 498A was to reduce the number of dowry deaths, which has come down drastically. This, she said, proves that the section has served its purpose. She said that



there are certain limitations in section 498A, for example, though the section is non-compoundable on paper, in effect it is actually compoundable. Ms. Lekhi however maintained that even though bail may be granted, the pressure on the accused is immense and to safeguard his interest, he might be ready to compromise with his wife. She said that this is possible only because the sword of 498A hangs above the head of the accused.

Ms. Lekhi was of the view that asking a woman to prove ‘persistent cruelty over a period of time’ is objectionable because emotional harassment cannot be proved. She said that the very language of section 498A makes it clear that either physical or emotional harassment being inflicted on the woman can be considered as cruelty. She wanted to know why there was so much focus and demand for the scrapping of section 498A? She said that all laws are misused, but that does not call for the scrapping of the entire IPC.

Ms. Lekhi observed that the Domestic Violence bill cannot be an alternative to section 498A. She strongly recommended that both Section 498A & DV Bill should supplement and complement each other to some people, it may seem like a blackmailing litigation, but other than this there is no other legal provision that can provide women with their rights; she added. In many cases, a woman tries to sustain her marriage irrespective of a long history of cruelty, deprivation and humiliation. And this is where section 498A can help her, said Ms. Lekhi.

Ms. Kavita Shrivastava

Ms. Shrivastava said that it is futile to talk about ‘misuse or use of section 498A’ and having to prove, time and again that the section is not being misused. She said that we must look into the reasons as to why a woman takes back her complaint; otherwise the entire argument becomes superfluous. The question she said is not about whether the law is being used or misused but rather what are the interventions possible? Another point that Ms. Shrivastava objects to is labelling of ‘marriage’ as a sacrosanct institution. She said that if marriage is sacrosanct, then the husband and the in-laws would never abuse the woman. She said that the citizenship rights of the woman within the family framework, is never observed. She said that keeping in mind such



situations, a protective legislation like section 498A should never be taken away. If we have to fight this attitude of misuse, we must fight the dominant male mainstream mindset, she said.

Ms. Shrivastava in her speech reiterated that the woman's voice against violence should always be protected. She said that the police should not be allowed to do any kind of family counselling, and it should be the job of other service providers, with a perspective to safeguard the woman's right as a citizen. She also said that vigilant committees in the courts are extremely necessary in order to keep a look-out for malpractices.

Dr. Ranjana called on the stage, a young victim who narrated her tragic story.

The girl had been married off at an early age and at first, her in-laws were very nice to her. However, after a few days they started harassing her for dowry. They beat her up regularly. One day, her in-laws asked her to make tea. When she entered the kitchen, she found that they had turned on the gas. The girl got scared and went to her home. However, her parents refused to take her back, saying that her matrimonial home was the only home for her.

The girl then went to Ms. Rekha, a counsellor with CSR. Ms. Rekha called on the girl's in-laws and tried to sort out the matter, she tried to start a dialogue and arrive at a compromise. However, the girl's in-laws refused to relent. They in fact, put a case of theft on the girl. Even after a month long counselling, the girl's in-laws kept on harassing and threatening her. When even after three months of counselling, the in-laws did not respond positively, a case under section 498A was registered. The case went on for three long years in the court, and in the end the woman won the case, she was given a maintenance amount of Rs. 80,000 and her husband, mother-law and father-in-law were arrested and divorce has been granted.

Discussion

Some of the points that emerged from the discussion are:



- The collateral relatives of the husband should not be put behind bars because a lot of the relatives, who are accused of the crime, are sometimes not even in town at the time of reported harassment.

In response, Ms. Lekhi said that in Indian society, the complexities are such that many relatives who are staying abroad/at distant places are very much a part of the emotional or mental harassment.

- The wife should have equal ownership rights on the husband's financial assets, so that if a husband throws his wife out of the home, his wife can claim 50% ownership rights.
- Law should be strengthened to punish a man who does not pay maintenance to his wife after they are separated or divorced or when the wife is thrown out of the house. The man should be arrested and jailed for three years.
- Compromise, social punishment, marriage as something sacred are all words to be properly defined in the context.
- Since simple injury to another person can lead to being jailed under non-bailable offence, hitting one's wife should also be followed by an arrest that is non-bailable. Legal punishment is necessary and not social punishment only.
- Justice Malimath also gave his view on the issue and said that his committee was not against section 498A. He said that section 498A is necessary for safeguarding the woman's rights. But, it should be made bailable and compoundable so that the family is not broken. The man should be allowed a chance to mend his ways. He said that even today, a lot of women are dependent on their husbands whether emotionally or economically and keeping the section non-compoundable and non-bailable means that the women will be left without any support system. The door for settlement should not be closed



by the law. Making the section compoundable does not mean that the woman is forced to compromise. She still has the right to decide not to arrive at a settlement.

- The scope of section 498A should be enlarged. If the problem is with the section being non-bailable and non-compoundable, then the option is to make it non-bailable but compoundable.
- Another point that came up is for sensitising young boys on DV.

ANNEXURE I

Seminar on IPC Section 498A: A Tool to Combat Domestic Violence

Programme

Date: 30th August, 2005

Venue: IHC, Gulmohar Hall, New Delhi

Time: 9.30 am – 2.30 pm.

Inaugural session

9.30 - 11.a.m

Welcome

Dr Ranjana Kumari, Director CSR

Observation

Dr. Lynn Carter, USAID

Theme Address

Hon'ble Justice V.S. Malimath

Release of the Report

Ms. Hema Malini, Member Rajya Sabha

Presentation of the Study by CSR

Inaugural Address

Mr. T. K Vishwanathan, Secretary, Ministry of Law & Justice

Special Address

Dr. Kiran Bedi, I.P.S

Vote of thanks

Tea Break

11.00 - 11.30 p.m

Business Session

11.30 - 1.30 p.m



Domestic Violence and Law: Reflections from experience

Chair :

Prof. Gurpreet Mahajan, JNU

Speakers:

Dr. Indrani Sinha, Director, Sanlap

Ms Vimla Mehra, Jt Commissioner, CAW Cell, Delhi

Ms Meenakshi Lekhi, Advocate

Mr. N. K. Singhal, Retd. IPS

Ms. Kavita Shrivatava, PUCL

One Victim

Participation from the floor

Vote of thanks

Lunch



ANNEXURE II

Study Highlights

SECTION 498A, IPC: USED OR MISUSED?

The Backdrop

Violence against women (VAW) is a phenomenon that cuts across boundaries of culture, class, education, ethnicity and age. The feminist movement of the 70s and 80s made major contribution in getting VAW recognised as a critical area of concern. It is an important human rights.

In the 1980s, the incidences of ‘dowry death’ were steadily rising in India, so women’s organisations across the country pressurised the Criminal Law Amendment Committee (1982) and urged the government to provide legislative protection to women against domestic violence and dowry, so that the **victim gets justice while she is still alive**. As a result of the intense campaigning and lobbying, significant amendments were made in the Indian Penal Code, the Indian Evidence Act and the Dowry Prohibition Act, with the intention of protecting women from marital violence, abuse and dowry demands. **The most important amendment came in the form of the introduction of Section 498A in the Indian Penal Code (IPC). This was the first time that an attempt was made to consider domestic violence against women a criminal offence.**

Indian Penal Code - Section 498A, IPC

Introduced in the Penal Code by Criminal Law (Second Amendment) Act of 1983
(Act No. 46 of 1983)

498A. HUSBAND OR RELATIVE OF HUSBAND OF A WOMAN SUBJECTING HER TO CRUELTY: Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation: For the purposes of this section, “cruelty” means

- (a) Any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Analysis of the section shows that this law deals with four types of cruelty:

- Any conduct that is likely to drive a woman to suicide,
- Any conduct which is likely to cause grave injury to the life, limb or health of the woman,
- Harassment with the purpose of forcing the woman or her relatives to give some property, or
- Harassment because the woman or her relatives are either unable to yield to the demand for more money or do not give some share of the property.

Section 498A of the Indian Penal Code, is a criminal offence. It is a cognizable, non-bailable, and non-compoundable offence.

Need for the Study

In March 2003, the Committee on Reforms of the Criminal Justice System formulated by the Government of India, Ministry of Home Affairs, under the Chairmanship of Dr. Justice V.S. Malimath, made several suggestions regarding the Criminal Justice System.



The committee suggested amendments to section 498A on the plea that it was being misused.

In the context of the Malimath Committee's recommendations and the landmark judgement of Justice J.D. Kapoor, the Centre for Social Research (CSR) with the support of IFES and USAID took up the present study to investigate some of the issues, with regard to IPC Section 498A.

Key Objectives:

- a) To analyse the prevalence, patterns and trends of DV (domestic violence) related cases filed under section 498A and to assess the need of this provision.
- b) With the help of secondary and primary data, to understand and analyse whether section 498A is being used or misused as indicated in the Malimath Committee Report.
- c) To serve as a base for conducting further detailed studies pertaining to the legal effectiveness of the current statutes and the need for new statutes to combat DV.

Study Area:

Delhi

Karnataka (Bangalore, Mysore)

Rajasthan (Jaipur, Ajmer) and

West Bengal (Kolkata, 24 Pargana south).

The states represent the four regions of the country, with different socio-cultural backgrounds, and where the rate of incidences of cruelty towards women, by husbands and relatives, vary.

Methodology:

This study is a preliminary research to understand the perceptions of different categories of people affected by the implications of 498A, i.e., the victims, the accused, relatives of both sides and other role players like, police, NGOs, lawyers, judges and the community at large. The research methodology has been set keeping in mind the need to arrive at a



perception regarding the use or misuse of section 498A and on how domestic violence and reactions to it are perceived. This research is exploratory and qualitative in nature.

The data used for the research are of three types:

- (a) Secondary information
- (b) Primary data through interviews of a limited sample and FGDs (focused group discussions)
- (c) Case Studies through case tracking in the courts.

Findings of the Study

Nearly five crore married women in India are victims of domestic violence (DV). Only 0.1 percent (1 out of 1000 DV cases) of these are being reported. Out of 100 cases that are ordered for investigation under 498A, only in 2 cases the accused get convicted.

According to the available statistical information from the National Crime Records Bureau and information available from NGOs working with victims of violence, there is a general tendency to avoid seeking redressal among the victims of domestic violence. However, when a victim of domestic violence seeks help from any of the agencies, be it family, friends, NGOs, or lawyers, before registering a complaint, at each stage she is asked to reconcile the matter or to put up with the situation. Reconciliation in 498A cases takes place at every stage including the police station, Crime Against Women Cells and courts.

We found that in five cases filed under Section 498A the parties settled the matter after agreeing on maintenance and divorce.

In a majority of the cases before a victim filed the complaint under Section 498A, the minimum period she suffered physical and mental torture, was for about three years.



The trial process is quite lengthy and the proportion of pending cases is quite high (out of the 40 cases based on victims' interviews which went for trial in court, 28 cases are still pending). In the cases tracked, the normal trial period was between five to ten years.

- ◆ It was found that it was difficult to prove physical and mental torture. In all the eight cases in which the accused were acquitted, the victims were found to have suffered physical and mental torture, but as there was not enough evidence to prove torture, the accused were let off.

The cases where the accused were convicted had been filed under Section 498A along with section 304B and 302, which are applicable after the death of the victim. There were no convictions in any of the cases registered only under Section 498A.

It has been found that out of 30 cases there is not a single case where the accused has been convicted only under Section 498A. The accused have been acquitted (11 cases) by the court where the prosecutor failed to provide evidentiary proof of cruelty, mainly mental, inflicted on the victim as provided under Section 498A IPC. It is difficult to prove cruelty when the victim is still alive. This makes conviction only on the basis of Section 498A, difficult. Only in cases where Section 498A is used along with other Sections is the conviction rate high.

In most of the cases where there is acquittal at the District Court, the matter is not taken up at higher courts. Only where there is a conviction at the lower courts are cases taken to higher courts.

The study also has observed that 6.5 percent of the total cases studied through victims' interviews were found false at the level of investigation. Many of the accused, police, judges and lawyers, categorically said that 'educated and independent minded women' misuse the section.

On the basis of the interviews conducted, we can conclude that victims find the Section somewhat useful and felt the need for further strengthening it. In the perception of the NGOs, the provision (498A) is the only Section, which acts as an effective redressal mechanism for victims of domestic violence.

