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Personal Thought: Misuse of Anti-dowry Act

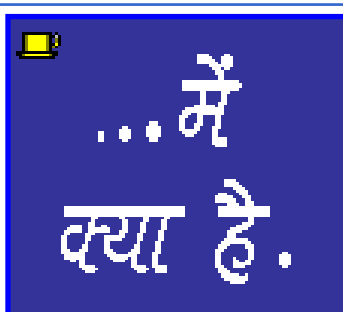
RK Shukla

The then Congress ruled government formulated a law in favour of women to curb dowry harassment tendencies, over and above legal provisions of anti-dowry Act. The dowry customs existed in India in several societies and many of such cases were just copying the traditions of several other families, in a bid to achieve at least equal status, if not higher.

There was no ulterior motive behind the dowries which were given freely and there were no criminal intentions involved but some anti-social elements far-stretched these customary practices in the marriages of bridegrooms and in some cases it assumed the dimension of selling the grooms.

Since these social customs witnessed the ebbs and falls of the social changes in the communities, it was considered to give more protection to the women victims for control of dowries changing hands. Normally the provision of anti-dowry Act were sufficient to tackle the ulterior motives attributed in dowry cases of the society, otherwise.

The overwhelming majority of the erstwhile Congress party in



power, at the Centre, went further ahead to equip women against dowry cases, by bringing dowry harassment law where in Section 498-A was enacted.

This empowered the women to invoke dowry harassment provisions not within any reasonable period in life but the provision could attract institution of criminal cases any time in life against the husbands and their parents and even relatives, while the women's deaths within 7 years of marriage are considered to be the cases of dowry deaths.

The husbands are always facing the cruel provision of dowry harassment for the entire life. Not alone their husbands, but their family members can also be dragged into the clutches of dowry harassment law without any fault. Mostly the women do not go to the police or court for truthful dowry harassment purposes but several other extraneous reasons are the root causes for tabling such cases like:

- 1) Inflicting cruelty over the husbands and their parents.
- 2) Blackmailing the husbands and their parents for ulterior purpose of grabbing their self-earned properties.
- 3) To break the joint family systems by throwing the elderly parents of the husbands in the lurch when they need social, financial security and health security.
- 4) To feed their egos, the wives resort to any nefarious means by causing humiliation to their husbands and their families.
- 5) To take revenge due to even minor unwanted events while living with the husbands.

6) Class conflict in which the working women have started considering them to be upper or higher class of the society.

7. Due to local marriages which create undesirable situations when wives do not leave their parents even for a month while the husbands need wives' presence in their houses during religious festivals, social customs and other requirements of conjugal rights.

8. Wives advocating to enjoy social freedom, flirting, roaming with partners of opposite sexes even by hiding their faces by using burkas, if opposed by inlaws.

9. Banking on false, fabricated evil stories against their husbands and family members by self inflicted injuries and implicating the innocent people.

10. To humiliate the non earning privately employed husbands by those wives who, by chance or by backing, got some government jobs even after it being a low category job.

Marriages are designed for social harmony and symbiotic approach in the family for supporting the joint family norms for reciprocal needed assistance to the elderly and the children. But these attributes merely decorate the dictums of the books and magazines.

The hard fact of life has changed the social scenario by these conflicts and dowry harassment laws are misused as legal tools against the husbands and their families. Only one sided inquiry and investigation are conducted by the police. Some cases of political pressure, favouritism, nepotism and monetary gain by

the investigating agencies are often seen to surface.

Since dowry harassment cases are rising year after year, many courts including high courts and Supreme Court have observed that most of the dowry harassment cases are falsely fabricated bearing no truth, just to earn the property of the husbands and their families and other causes as mentioned in the above para.

Several lawyers have sought intervention of the courts for proper relief to the husbands due to this malpractice. It would be not out of place to mention the rulings and strictures of Supreme Court in their judgement published in the Central Chronicle dt 22.07.05 under the captioned title 'Supreme Court admits dowry Act harassing'.

Supreme Court observed that merely because the provision is constitutional, it does not give the licence to unscrupulous persons to wreck personal vendetta or unleash harassment. It may therefore become necessary for the legislature to find out ways how the makers of false and frivolous complaints or allegations can be appropriately dealt with.

Though the object of the provision was to prevent the menace of dowry, the bench agreed with the petitioner that many instances have come to light where the complaints are not bonafide and have been filed with oblique motives.



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