

# A COMPREHENSIVE REPORT ON THE MISUSE OF ANTI-DOWRY LAWS IN MARITAL DISPUTES

"Everything has been said already, but as no one listens, we must always begin again." - Andre Gide, French thinker and writer

**YEH KAISA INSAAF ?**



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## **Misuse of Anti-Dowry laws by wives to blackmail husbands**

It has become a custom in India that a lot of social and legal concerns are expressed for wives in cases of matrimonial disputes, but husbands and their family members are totally ignored.

Social & Legal Systems take for granted the notion that the Indian husband, his relatives and friends harass his wife, and ignore the instances where it is the wife and her relatives who harass the husband. There are special laws that provide for women who claim to be harassed but not for men. Men who seek to fight back against such harassment find that they have also to fight the systemic bias of the governments, the police and the courts against them. India has a long and ancient tradition of entrenched and dominant women perpetrating harassment of men, and this has only grown worse as the norms of Indian Society has evolved from the Joint Family to the Nuclear Family, making the husband, his parents and other relatives more susceptible to domestic violence.

The Assumption of the Law that in a given marital dispute, domestic violence happens only to a wife in unfair and in violation of the basic principles of justice. In a typical situation, a wife could act cruel to her husband physically, mentally or by her anti-social behavior. As in most Indian families, the husband's parents live with him, so the wife can be also cruel to them. In such circumstances, many husbands and their old parents have committed suicide after being abused by everyone including the police, the courts and the civil authorities. The vast majority of cases where the wife and her aides are guilty of harassment and more go unpunished due to limitations in our laws and social values.

Traditionally, in India, a newly married woman was expected to be quiet and submissive to her husband and his relatives, but principally with his mother, sisters and sisters-in-law, with a clear hierarchy operating among the womenfolk. While in name, a Patriarchy, the Indian family has traditionally been a Matriarchy. For all its faults, however, the hierarchy also helped newcomers to adjust and provided for their mental and physical comfort at all times. The aim has always been to provide for the needs of all members of the household without exception. However, under pressures of modernity, this norm has fractured.

The modern norm is the Nuclear Family, and it is not unheard of for husband and wife to combine against the husband's aged parents, to harass them to move out and to force them to live in the streets or in old-age homes.

Moreover, women are now taught not to submit and insist on their rights.

When two or more people live together, each of them cannot behave as a commander-in-chief. Someone has to yield to the other. In most marriages, husband and wives make sacrifices in order to adjust to each other. However, when both insist on their rights, acting as independent and sovereign countries, clashes are bound to develop. Due to this, even a small thing can degenerate into a major quarrel. When their views and ideas don't match, such couples will quarrel on trifling topics. Verbal abuse and a refusal to adjust to each other feeds on itself in a vicious circle, increasing misunderstanding between the couple, so that they come to categorically reject each other's ways and no longer wish to live together.

The modern trend is for the wife and her relatives to pressurize the husband to separate from his parents and live apart in a nuclear family setup. In some cases, this is not acceptable to the husband for good reasons, such as being the only person who really loves and cares for his parents, even if he has other brothers and sisters who could do it, but who are indifferent to his parents. Some refuse for financial reasons. In most such cases, when the husband refuses, the wife begins to sulk, abuse his parents physically and verbally and even desert him.

But the Law has handed a new weapon in the hands of such a woman who refuses to adjust and who insists on her own way. She can merely sashay into the nearest police station and register a complaint against the husband and his relatives for harassing her for dowry. The Law, as amended progressively since 1983, presumes the culpability of the accused and compels the police to blindly arrest the persons named as accused, regardless of their age and ability to move and cause harm, so that from bedridden elders to babies-in-arms are mercilessly hauled off to prison. The husband and his family members get a great shock after knowing their offence to realize the wife's ill-designs until the police wake them up from sleep one morning. It is seen that police arrest on a day before government holidays or on Friday to elongate the arrest period.

Thereafter, for several years often extending to decades, they are compelled to defend themselves against the charges, while the woman who made the complaint has to do nothing to prove her claims. The Law places the burden of proving the innocence of the accused upon themselves, casting into the garbage can the basic and fundamental legal principle that a person is to be presumed innocent until proven guilty!

Marriage is a major catalyst of change for women, who are obliged to move to a new home and to adjust to a new family. However, this is inevitable, and in the long history of mankind, it has been done. However, there are some cases of women who insist on clinging to their parents and siblings. The wife could pressure her husband to get separated from in-laws due to lack of her individual space and freedom. The wife may be suffering from Borderline personality disorder, or she could be her parent's only child, or only daughter who is accustomed of getting extra privileges at her parental home. The wife's parents could be demanding their "damaad" (son-in-law) to settle with them and become a "Ghar Jawai" which men usually would not prefer. This will usually lead to a rupture between the husband and wife. This is another instance where the woman can turn the facts on their head and make false allegations of harassment for dowry by her husband, his relatives and even his friends.

The following, in our experiences, are the common causes for marital strife or the grounds for disagreements and mutual recriminations between the husband and the wife and between their respective families and supporters:

- a) Harassing the husband for large sum of money (in lacs) for the settlement of her siblings or for establishing her parental family;
- b) Sending out on a regular basis, money provided by the husband for running the house, to her parents and or siblings without his knowledge and permission;
- c) Continuing her illicit relations with her pre-marital boyfriend even after marriage or developing extra-marital relations at her workplace or in her neighborhood;
- d) Showing uncontrollable and aggressive behavior that may be a symptom of Borderline Personality Disorder or other psychological disorder;
- e) **Psychological Terrorism:** Demonstrating abusive behavior such as abusing her husband's parents, sisters and brothers with filthy words and in a deliberately extra-loud voice with the intention of creating a scene of public humiliation and intending to intimidate and terrorize her victims;
- f) Habitual and pathological dishonesty towards husband and other family members on domestic affairs and other matters where the husband and other household members have a right and duty to be told the truth in order to uphold and protect the family's rights and good name in society;

- g) **Alienation & Abandonment:** Attempting to alienate the husband's affections from his parents and blood relatives, and demanding that husband separate from and abandon his aged, dependent parents;
- h) **Expropriations:** Demanding transfer of the husband's property and assets to her name;
- i) **Expropriations:** Taking away and stealing precious jewelry items and other valuables that would also include items given by husband's parents, without his express permission;
- j) **Desertion:** Wife visiting her parents frequently and lingering for long at her parental home without any reasons and leaving the marital home (husband's house) along with their children without giving any reason to her husband or his parents, thus effectively kidnapping his children and denying him access to his own beloved offspring, with the intention of placing unlawful and unjust psychological pressure on him to surrender to her demands, and also demanding legal separation or divorce for no just cause;
- k) Aborting the child without the permission of the husband
- l) **Extortion:** Demanding large sums of money or property from his husband and making false allegations against the husband of atrocities committed against her, and blackmailing the husband or his family members for valuable moveable or immoveable properties with threats of falsely invoking unjust laws against them;
- m) Misrepresenting facts and incidents to cast them in a sinister light and as crimes and atrocities against her self;
- n) **Blackmail:** Threats to commit suicide if her undue demands are not yielded to;
- o) **Parents of wife frequently accusing husband for not satisfying or being incapable of satisfying their daughter thus amounting to psychological cruelty and abusive behavior with the intention of demoralizing and systematically victimizing him;**
- p) **Defamation:** Defaming husband's family in their neighborhood and in their relations by spreading false stories of her harassment and torture;
- q) Excessive involvement of wife's relatives in husband's life or dictating to him on every domestic matter or marital questions;
- r) Wife conceals or suppresses material facts of her medical problems that affect and indeed even negate the marriage, such as her infertility that she was aware of before the marriage, or carrying infectious venereal diseases such as H.I.V., etc.;
- s) Wife's parents failing to restrain, reprimand and correct her for her wrongdoings but rather giving her full and unconditional support, and in turn falsely blaming the husband and in-laws for domestic troubles;
- t) **Wife and her parents being cynically manipulative, frequently changing their stand and statements to take advantage of every opportunity to misrepresent and embarrass the husband and his relatives with deliberate intent;**
- u) Mindless and malicious opposition to each and every measure suggested by the husband for settling the dispute, such as an application for Restitution of Conjugal Rights under section 9 (asking wife to come back to live with husband) or for Divorce in the Family Court, etc.;

- v) Wife always complaining of financial crunch and misrepresenting her situation, claiming to be henpecked by the husband and his relatives;
- w) **Intimidation:** Wife's side always ready to exhibit money and power and boast themselves of having good contacts in the police, government and among politicians, with the intention of intimidating the husband and his relatives to surrender to their unjust demands;
- x) If the husband visits his wife at his in-law's home for a peaceful meeting with the purpose of bringing about a reconciliation, her parents would deliberately misrepresent his visit to the authorities, police and courts as a threat and as part of an imaginary campaign by him of intimidating them, with the intention of misusing unjust laws and the whole system for harassing and blackmailing husband and his relatives;
- y) Wife's relatives treating the husband with suspicion and denying him normal courtesy & respect;
- z) No time limit bar to dispose cases of family disputes by Indian courts under the unjust laws.

By filing a false complaint, fraudulent wives are affecting the credibility of the women who are genuine victims, thereby depriving them of appropriate recourse provided by the law. For every one woman filing a typical false complaint there are at least two women accused: husband's mother and sister or a sister-in-law. Statistics may show that there are more women who are falsely accused in dowry law complaints than the genuine wives who benefited from it. These fraudulent, cruel, sadistic brides are an utter disgrace to womanhood and should not deserve any sympathy from anyone as punishment of an offence is not based on sex.

A wife chooses an abuse and violent behavior to cause physical, sexual, emotional damage and worry. Women who behave this way are often immoral, selfish and egoist. Such a woman uses her fury, moods and impulses to control the people around her and to be noticed. Such women choose deceit, fury and assault to get their own way and then revel in the addicting exhilarating emotional unrest they create. Others, more insidiously, present a personable public image to conceal their true character and behavior. These women lie, connive, and extort to insult and humiliate their partner and some argue and use offensive language in the presence of others including their children. Many steal or destroy their partner's possessions. These women are driven by jealousy and view others as rivals. They treat their partners as possessions and strive to isolate them from friends and family.

Many abusive women falsely accuse their partners of infidelity while they are indulged in affairs. These women often abuse children or animals. Nearly all exhibit erratic mood changes, feign illnesses or injuries, and most are practiced actresses. They are not sick; they play the triple roles of a terrorist, a tyrant, and a victim.

At some point, she will falsely accuse her husband or partner of a crime. False allegations of child abuse continue to be a common feature in divorce proceedings and the courts ignore the problem. Now, the domestic violence accusation has become the woman's weapon of choice. Apart from the monetary and property gains, domestic violence is so easy to fabricate and these women crave the pleasure that comes from destroying their husband or partner.

Persons who have experienced an abusive relationship often experience fear or shame or bewilderment. They have tried everything to satisfy their wives but nothing works meet her unending demands. These people have found themselves in a dilemma of what would happen next, riding on an emotional roller coaster that they cannot escape. Most of such victimized husbands are sad, depressed, humiliated, and exhausted. Many have lost every pleasure and happiness they had in the world and are worried about their future. However,

these abusive women have no limits. Their outrageous behavior escalates to unbelievable levels and in turn no one believes the victimized husband who is considered to be stronger and more aggressive than a woman.

U.S. and British studies support this view that if the wife has chosen abuse or violence, the husband should get a restraining order and end the relationship promptly and irrevocably.

When faced with the breakup of a relationship, some women become vindictive, and abusive women become very dangerous. When others (friends, relatives, police and judges) believe her, they join in, and the frustrated husband or partner finds himself a victim of undeserved hatred, defamation, and abuse.

The other dangers are that some women kill their partner or the partner's new companion, or the children, or the relatives and show it as a suicide, accident or a robbery killing. Sometimes, women fake or inflict injuries on themselves, or use an accomplice, a relative or new lover, to frame her husband or partner. The most common behaviors are pressing false criminal charges, stealing or destroying property, snatching children, and engaging in bad faith litigation.

In divorce, husbands must treat their abusive wives with steeled resolve and the courts must understand this. These women cannot see and reason beyond them, so negotiation is impossible and mediation is pointless. Unfortunately, the legal process regarding divorce requires negotiation and mediation providing yet another way for these women to abuse their husbands. Husbands must not accept telephone calls, conversation, visitations, reconciliation, or appeasements from these abusive wives for this only bolsters their belief that they remain in control of their husbands. The courts must realize that these women have no limits and derive pleasure from destroying their husbands. Only unswerving firmness of purpose shows these women that their power has ended.

Hon'ble Mr. Justice J.D. Kapoor, High Court of Delhi, had stated in his order of Savitri Devi (Petitioner) Versus Ramesh Chand and Ors.(Respondents), dated May 19, 2003 that such a petition is misconceived and is being used as a tool to hold the entire household to ransom and jeopardy. Some excerpts of order are provided below:

20. It appears that the legislature was mindful of the fact and situation that this provision may be exploited that it defined 'cruelty' and for that purpose "harassment" falling within the parameters of "intentional conduct" of such a degree that may either drive the woman to commit suicide or cause danger to life, limb or health or cause 'grave' injury. Of course "health" means not only physical but mental also. But unfortunately, these provisions have been abused by the Investigating and Prosecuting Agencies and exploited by the women and their relatives to such an extent that these have proved to be most ineffective in curbing the evil of dowry as well as disciplining the husband and his relatives to treat the woman in human and humane manner and give the bride or wife proper respect and honour.
21. Before parting, I feel constrained to comment upon the misuse of the provisions of Section 498A/406 IPC to such an extent that it is hitting at the foundation of marriage itself and has proved to be not so good for the health of the society at large.
23. These provisions were though made with good intentions but the implementation has left a very bad taste and the move has been counter productive. There is a growing tendency amongst the women which is further perpetuated by their parents and relatives to rope in each and every relative- including minors and even school going kids nearer or distant relatives and in some cases against every person of the family of the husband whether living away or in other town or abroad and married, unmarried sisters, sister-in-laws, unmarried brothers, married uncles and in some cases grand-parents or as many as 10 to 15 or even more relatives of the husband. Once a complaint is lodged under Sections 498A/406 IPC whether there are vague, unspecific or exaggerated allegations or there is no evidence of any physical or mental harm or injury inflicted upon woman that is likely to cause grave injury or danger to life, limb or health, it comes as

an easy tool in the hands of Police and agencies like Crime Against Women Cell to hound them with the threat of arrest making them run here and there and force them to hide at their friends or relatives houses till they get anticipatory bail as the offence has been made cognizable and non-bailable. Thousands of such complaints and cases are pending and are being lodged day in and day out.

24. These provisions have resulted into large number of divorce cases as when one member of the family is arrested and sent to jail without any immediate reprieve of bail, the chances of salvaging or surviving the marriage recede into background and marriage for all practical purposes becomes dead. The aftermath of this is burdensome, insupportable and miserable more for the woman. Remarriage is not so easy. Once bitten is twice scared. Woman lacking in economic independence starts feeling as burden over their parents and brothers. Result is that major bulk of the marriages die in their infancy, several others in few years. The marriage ends as soon as a complaint is lodged and the cognizance is taken by the police.
26. For ages the cruelty, desertion and adultery have been ground for divorce which were to be proved in civil courts. Now the police and that too its lower functionaries have been made the decision making authority to conclude whether the harassment or the cruelty as brought out in the statement of the complainant wife is sufficient to put all the relatives including school going minor brothers and sisters of the husband behind the bar. Such was neither the intention nor the object of the legislation.
29. To start with, marital offences under Sections 498A/406 IPC be made bailable, if no grave physical injury is inflicted and necessarily compoundable. If the parties decide to either settle their disputes amicably to salvage the marriage or decide to put an end to their marriage by mutual divorce, they should be allowed to compound the offences so that criminal proceedings don't chase them if they want to start their marital life afresh or otherwise. The past should not haunt them nor the hatchet they have buried should be allowed to be dug up and mar their present life or future married life.
30. Lastly in view of sensitivity of such offences and in order to avoid clumsiness in human relations and viewing this problem from human and social point of view, and the law as it stands today it is required that the investigation into these offences be vested in civil authorities like Executive Magistrates and after his finding as to the commission of the offence, cognizance should be taken. Till such a mechanism is evolved, no police officer below the rank of ACP for the offences under sect on 498A/406 IPC and D.C.P for the offence under Section 304-B IPC i.e dowry death should be vested with investigation and where minor school going children are named, they shall not be arrested and be sent to the court for taking cognizance and further proceedings. Their arrest ruin their future life and lower them in their self esteem. This court has even dealt with the bail applications and prosecution of children merely for the fact that their names also figured in the complaint lodged by the wife. In certain cases even grand-parents of the husband who are in their eighties and nineties suffer this traumatic situation.
31. There is growing tendency to come out with inflated and exaggerated allegations roping in each and every relation of the husband and if one of them happens to be of higher status or of vulnerable standing, he or she becomes an easy prey for better bargaining and blackmailing.
32. These ground realities have persuaded this court to recommend to the authorities and law makers to have a review of the situation and legal provision.

An increasing numbers of cases of marital disputes are filed under the Dowry Prohibition Act in India. By this, the Authorities criminally make themselves accessories and accomplices to deliberate and malicious misrepresentations by the wife of every marital dispute as a case of dowry harassment by the husband and his family members.

How can the law Presume that the cause of marital dispute is invariably inordinate demands made for dowry by the husband or his relatives and friends? *This is Prejudice, not Law! This is criminality, not Law!*

Usually, the wife registers a false complaint with the police on assurances from her parents, lawyers and more importantly, malicious groups pretending to be public-spirited Women's Aid NGOs.

There is also a trend nowadays of the wife's parents wanting her to divorce on trivial disputes by making them into ego-issues or with the hope of ensnaring a better match and go to the extent of filing a deliberately false 498 A case against their 'damaad' (son-in-law) and many, if not all, of his family members, in order to intimidate and terrorize them to surrender to their unjust terms.

The law has no consideration for the husband and his relatives to prove other reasons of marital dispute, and for proving that the difficulties have been created by the wife and her unreasonable behavior and or demands.

The Law as it presently stands treats the husband and his relatives who have been blindly and maliciously misrepresented as dowry-maniacal demons as stepchildren with no rights and bereft of the rights and dignities that belong to them as citizens. As a matter of fact, the accused are effectively robbed, without a trial, of their status as citizens, until they can, at great expense and trouble to themselves, prove themselves innocent!

It is pretended that these amendments were enacted in order to "protect" women against a widespread social disorder. As a matter of fact, these Prejudicial Anti-Laws target far more innocent women than men; the mothers, sisters, sister-in-laws, etc., of the husband. This law in-practice is against the sanctity and safety of most women, which can be reaffirmed by examining cases of accused women under the 498A charges. And despite the pious humbug of "Feminist and pro-Women NGOs" that agitated for these criminalities to be enacted, these satanic, diabolic "laws" do not spare even minor girl children!

Not only do these Prejudicial Anti-Laws militate against humanity and justice, they also pretend to absolve the authorities from any responsibility to investigate allegations of false complaints made by the wife and her relatives, determine if wrongdoing was indeed committed and penalize these real criminals for the marital disputes and other crimes that they have perpetrated against the man and his relatives.

In the absence of a just and impartial investigation, the laws are massively and routinely misused and cases of Crime against husbands are rapidly increasing day by day.

To deal with Dowry / Harassment cases, section 498A was inserted into the Indian Penal Code. It reads 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. The aims of section 498A were to help wife to stay with her husband, protecting wives from marital violence, abuse, and extortionist dowry demands. But the actual implementation of this Act has left a bitter trail of disappointment. Since there is no penalty or a fine for filing a false case, many women are misusing this law to dictate terms. It is a myth that Sec 498A is protecting the women, in reality it is against women themselves and also adversely effect children and aged people. Reality is 498A is destroying marital harmony and gives no solution to solve the Problem of Marriage; rather it is breaking Indian family system. If the husband has filed for Restitution of Conjugal Rights under section 9 of IPC, or divorce and wife does not want to comply so she files for 498A to blackmail husband to increase her bargaining powers. The IPC498A is so convenient to misuse and worse than TADA or POTA, the lawmakers didn't consider the effect it's misuse and how it will spoil the basic foundation of institution of marriage of Indian Society.

These biased laws and their unfair implementation is increasing the single parenting, distrust in the 'laws and legal system' and marriage, dissatisfaction and insecurity among the law abiding citizens and a great hatred and vengeance for country. It is taking a heavy toll on the sensitive minds of young people who are now scared to marry with an Indian bride. Due to these faulty laws, many innocent, lawful and reputed citizens are being defamed as culprits and criminals in society. The whole drama also affects and involves other people of



society who are colleagues, friends and relatives of the accused and get shocked to hear the dowry harassment case on accused which they can not believe as they have known the person very well. It is seen that the society is altogether opposing such laws that are heavily misused in the interest of daughter-in-law only, who terrorizes the husband, his family and the whole society. Abuse of Section-498A Should Be immediately curtailed and law abusers should be punished without mercy to stop this dangerous trend which is creating havoc in family, society and the nation.

Supreme court in its recent judgment acknowledged and stated on record "The object of Dowry harassment laws are to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not as an assassin's weapon. If cry of wolf is made too often as a prank assistance and protection may not be available when the actual wolf appears. Merely because the provision is constitutional and intra vires, does not give a license to unscrupulous person to wreck personal vendetta or unleash harassment".

Outcomes of misuse of dowry laws and pseudo feminists propaganda is behind the destruction of many Indian families. Many innocent men we have been insulted, put down, wounded, investigated, financially ruined, assaulted, humiliated, and emasculated by females through the unjustified legal proceedings for long enough. It is observed that trail in dowry harassment cases does not start for years when Complainant the Daughter-in-law absconds after filing false case and the husband & his family members would have to run after court for years together seeking justice. Such men have borne it with patience in the face of outrageous pressure when their children were snatched and given legal custody to vindictive wives. A husband is forced to pay for the upbringing of children when he can not see or meet them. Grandparents, uncles and aunts are denied to contact their grand kids, nephews, and nieces.

In majority of matrimonial disputes, the sacred institution of marriage gets transformed into a profit making institution to satisfy the greed of blackmailers on the name of out of Court settlements.

The innocent, harassed and victimised husband can use legal safeguards against any misuse of laws by his wife. A husband shall do a police complaint mentioning blackmailing, threat for false dowry case from in-laws without forgetting to mention if she had left the house after taking jewelry, cash or others or whatever be the situation. Recording of husband's conversations can also be done through miniature recording devices which would help to prove his innocence to police and court. A husband shall write a detailed statement with every detail about his innocence to police commissioner with copies to SHO, SSP, SP of his local police station, ACP, DSP, IG and a copy to ACP and relevant police officers of wife's local police station. He shall state in his document mentioning Blackmailing etc. that he including parents and relatives are under threat of falsely Implicating in Dowry related and other criminal cases. A complaint in police station can be filed on basis of evidence. If it's not possible then sends the documents through registered post, and move to court to register the same under criminal procedure 156(3), for necessary investigation. A criminal case in court under 156(3) under section 200 of CrPC can be filed, with reference to police complains.

***Cases to be filed against fraudulent wife:***

**1st:** Case on sections 191, 192, 193, 196 and 209 of I.P.C, ie. 191. Giving false evidence, 192. Fabricating false evidence, 193. Punishment for false evidence, 195. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment, 196. Using evidence known to be false, 199. False statements made in declaration which is by law receivable as evidence, 200. Using as true such declaration knowing it to be false, 209. Dishonestly making false claim in Court.

**2nd:** Case u/s 211 of I.P.C.: 211. False charge of offence made with intent to injure. IPC 211 is applicable which states that the wife is liable for imprisonment up to 7 years (as in case of 498A). Filing false CRIMINAL case attracts the SAME punishment (as for the criminal case for the accused) for the COMPLAINANT.

**3rd:** Separate case : Charging 120 B of I.P.C., 463, 464, 465, 466, 468, 469, 471 r/w 34 of I.P.C. : 120B. Punishment of criminal conspiracy, 463. Forgery, 464. Making a false document, 463. Forgery, 464. Making a

false document, 465. Punishment for forgery, 466. Forgery of record of court or of public register, etc, 468. Forgery for purpose of cheating, 469. Forgery for purpose of harming reputation, 471. Using as genuine a forged document.

**4th:** Case under section 340 Cr.P.C: Wrongful confinement. Cases under section 199, 200, 205 to 211 IPC are to be taken up by courts themselves(as per 195 and 340 of Criminal procedure code, but supreme court has set some bar which allows private party to put a case under section 199, 200, 205 to 211 IPC). The judge can take up the false information case by himself, on base of an application u/s 340 Cr.PC, this would carry more gravity since its a case initiated and executed by the judge. But if the respective courts do not take up these cases (which is usually the case) then file for private cases under sections 199, 200, 205 to 211 IPC (citing the bar Supreme court has set, enabling private parties to initiate such cases.

**5th:** 100[182. False information, with intent to cause public servant to use his lawful power to the injury of another person, 389. Putting person in fear or accusation of offence, in order to commit extortion, 418. Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect, 415. Cheating, 499. Defamation, 500. Punishment for defamation, 503. Criminal intimidation.

**6th:** Section 190 of Cr.P.C. Cognizance of offences by Magistrates allows to file a complaint in front of the magistrate with all the evidences which can prima facie prove that the case against you is the false one.

In a landmark judgment, the Delhi High Court has ruled that lodging false dowry complaints against men amounts to cruelty and can be a ground for dissolution of marriage. The court granted divorce to a man who alleged mental cruelty by his wife. With this order, Justice O P Dwivedi disposed of a four-year-old petition in which a woman had challenged a lower court's order permitting divorce to the husband. The wife admitted during the proceedings that she had filed a false case of dowry against her husband, in-laws and their relatives in Meerut. As a result of the false complaint, the husband and relatives were in jail for 10 days.

As a matter of fact, these "laws" were deliberately and maliciously created with the specific intention of targeting men and providing an "assassin's weapon" to mischievous wives, and they are deliberately and maliciously worded in such a manner that misuse of them is not abuse but the norm!

The dowry harassment laws are cognizable offences, in which the proof is not required and on the basis of the statements of the wife, the police can put all accused in jail after arrest. But surprisingly when such offences are considered severe crimes, usually the complainant makes a compromise with accused. Social workers and counselors have acknowledged that educated wives of middle-and high-income group families whose husbands can afford to shell out bring most of false cases. These wives approach Crime Against Women (CAW) Cell or similarly functioning 'Mahila Kendra' not to reconcile and live with husband, but to obtain their Streedhan back, negotiate huge alimony and get divorce by mutual consent. CAW Cell or Mahila Kendra would call husband for counseling until the girl's grievances are sorted out. If they don't achieve it, usually they one-sidedly insist on FIR registration by strengthening the dowry harassment case supported by false information while neglecting all facts of prevailing situations. Normally, the Enquiry Officer will be indifferent to what a husband would tell or show them as evidences towards his innocence, and all his sincere efforts to reconcile with wife would be totally disregarded. Places like CAW cell have become place of humiliation and harassment for innocent husbands and their family members who are falsely accused for dowry harassment by wife. In one such case, the 17 persons of one family were arrested under dowry law and finally the compromise was reached. It is increasing corruption in police and society as people allege that police threatened to oppose or delay granting of bail unless the accused family coughed up fairly hefty amounts as bribes. Others allege that many lawyers encourage complainants to exaggerate the amounts due to them as Streedhan (woman's property), assuring them that they would get them a hefty settlement from the husband, provided they got a certain percentage as commission for their services in coercing the husband's family. The wife usually uses provisions of 498A in the hope of enhancing her bargaining position against her husband and in-laws. In most cases of settlement, wife withdraws her complain u/s 498a and gives divorce after getting a huge amount. So the laws are misused for extortion of husbands with the involvement of women

organisations, police and lawyers. Such instances have been increasing and the Supreme Court has identified them as "Legal Terrorism". In such cases, the Lie-Detector Tests such as Brain Mapping Test and Narco-Analysis test should be used to get to the truth of the story. After seeing the plight of increasing number of harassed husbands and their family members, a Public Interest Litigation (PIL) DBCW Petition No. 2825/05 ***Arjun Lal Vs State of Rajasthan***, was filed at Rajasthan High Court, Jaipur bench for demanding such facilities for lie-detector tests by police and state authorities which is currently under consideration. As earlier Yasmin Hazarika, for long in charge of the Crime against Women Cell (CWC) once said "We need safeguards. A massive, thorough inquiry is absolutely essential before a case is registered". So the centers like CWC should be asked for cases where they conducted thorough inquiry, and found out that cases were wrongly fabricated.

The rising numbers of couples are separating within a short duration of marriage due to the temperamental issues and mental incompatibility in between the husband and wife, when both decide amicably to leave each other. It is seen that the wife's parents and lawyers advice her to distort actual grounds for their separation for creating the case of harassed wife due to dowry demand, physical and mental abuse, just to extort good amount from the leaving husband. With large amount of money rolling in process in name of maintenance and alimony, the marriage is made the business of daughter for many parents and lawyers. It is like legalized prostitution through marriage related laws. Surprisingly it is happening more in the educated urban families who are well capable to maintain themselves and smart enough to mischief others.

The large amounts of alimony and maintenance awarded to wife by courts at the dissolution of marriages encourage other unsatisfied and mischievous wives and their parents to instigate separation within short course of marriage. It is observed that even if wife is well educated, capable to earn very good salary and have good financial support from her parents then also she demands heavy amounts from her husband just to get richer and to put pressure and harass him. The rewards in the laws should be so built that encourage long term marriage relationship and not disruption of homes and society. It is a fact that wives usually use the power of Section 498A to increase her bargaining power for getting large amounts as alimony and maintenance. The large sum of money available in the process encourages all kinds of mischievous acts including the misuse of severe criminal laws that spoil the golden period of life, morals, faith, families, reputation, careers, financial conditions, children future, physical and mental health, valuable time and resources of courts and police. The marital disputes where 498A is registered should be taken as cases with irreparable damage to marriage and no possibility left for cohabiting. An example of awarding large alimony to wife proves fatal for many more families in society when it is followed by greedy wives to ruin more marriages and families.

In fact, divorce should be made easy to finalize within a time frame of 3-6 months maximum. The grounds like mutual consent, incompatibility and frequent quarrels, infidelity and denial of normal sex should be made easy grounds for divorce decree.

The laws dealing with marital problems and disputes should be made balanced considering both husband and wife circumstances, with a provision for very stringent punishment for its misuse to act as deterrent. In cases of Crime against Women, complain is registered by wife against in-laws or mother-in-law, but Indian laws do not have equivalent provisions to deal with cruelty to a woman by her sister-in-law or daughter-in-law. So it is wrong to say that anti-dowry laws provide safety to women; instead they provide an "assassin's weapon" to the daughter-in-law or 'Bahu'. The fact is that around two out of every three women prisoners in Tihar Central Jail, Delhi, are detained on an alleged dowry harassment offence and similar situation is in the other jails throughout the country. The threatening, abusing, maltreatment, conspiring, inflicting physical violence against husband and in-laws as well as subjecting them to cruelty - physical, mental or emotional should be duly recognized and considered under a new criminal law.

The accused under dowry laws crime are rapidly increasing in jails across India. They are kept with hard-core criminals that severely impact their personality and thinking. Study should be undertaken in all jails about these prisoners who are prosecuted under dowry related laws. Our laws with loopholes encourage false complains by wives, as there is no such counter check to investigate reality of any crime informed by wife. In most cases, the wife files false FIR under pressure of parents who think that police case will weaken their son-in-law mentally so he and his family would agree to their demands, be it related to money, property or family related issues. During police investigation, the police should verify wife's charges in front of both wife and husband during their meeting for reconciliation. Police should give chance to justify each others' move and should double check the motive of complainant otherwise once husband goes to jail there is less chance to save marriage.

Unless allegations are of very serious nature and highest magnitude, the arrest should always be avoided.

Innocent lives are spoilt when involved in lengthy legal proceedings and continuous court appearances without getting reasonable result. There are no repercussions on the wife even in a falsely registered case, as the wife gets a lawyer provided by government, a Public Prosecutor, and she is not required to appear in court except extremely rarely for her statements. Even in a false case, the husband and his family bear the brunt as the whole police "investigation" (sic!) and legal process lingers aimlessly, which is itself a punishment for those who would never deal with court and police in their lifetime. All family related matters should be dealt sensitively within the shortest possible timeframe to minimise humiliation and harassment of old parents and other family members.

The tradition of exchanging gifts in the marriage is prevalent and practiced commonly in Indian society, which is accepted as a social custom. Under the Hindu Marriage Act, whatever gifts are given to the wife by her parents and guests are considered as 'Streedhan', and are her personal property. It is considered in Hindu society that daughter is gifted with a share in her father's property and assets at her marriage. So the bride's father wants to willfully and readily gift Streedhan to his daughter to increase his prestige and respect in society and in groom's family. Thus, the husband is not the "sole beneficiary" who can be later accused of demanding dowry from his wife, as he by no means instigates the willful conduct of his in-laws. The Indian laws charge husband and his family for demanding money, gift or property in marriage that is termed as 'dowry'. It's difficult to determine whether the wife's parents willingly gave the wedding gifts or whether the husband demanded them.

When the marriage turns sour, the wife could manipulate her marriage gifts 'Streedhan' as having been demanded by husband and in-laws who would be accused by misusing the law. She can complain of harassment and torture for bringing insufficient dowry and that her husband and in-laws were demanding more money, articles, or property. This entire story can be very easily fabricated by the wife as it does not require any proof or evidence of mental torture or whatever that has been said or done to her earlier. All these circumstances points out flaws in present laws related to domestic violence. So the wife's complaint that she was harassed for dowry needs to be substantiated with other supporting facts of offence. The age-old custom of exchange of gifts that is a ritual in India cannot be easily eradicated by legislations alone, but by promoting continuous efforts and emphasis on education for a change in social values and family traditions.

Wives usually use the law u/s 406 of IPC related to 'Streedhan' for extortion. After the dispute, the wife usually claims an exaggerated list of jewelry and other items that were never given by her parents in marriage. In many cases, when the wife separates and leaves her marital home, she takes away all her belongings and jewelry including the jewelry of her mother-in-law also, which never belonged to her but later denies possessing them. So these laws should ensure that the Streedhan of mother-in-law be returned back to her and whatever is given to girl by her parents in marriage shall only be returned.

The concept of 'Streedhan' derives from Hindu religious customs that has another concept of 'Kanya Daan' meaning 'donating one's daughter'. The 'Kanya Daan' is performed when girl leaves her parent's home after marriage, as she is, by her free consent, "given" to her husband, a custom mirrored in the Western custom of a father giving his daughter's hand in marriage to her suitor. But in modern society, usually after separation, the wife returns back to her parents and ask maintenance from husband. In case of their separation the 'Kanya Daan' is revoked so husband would not be responsible to support or maintain his wife according to religious customs. 'Kanya Daan' also establishes the severe crime of wife's parents of taking back their married daughter with the intention of obtaining a permanent separation from her husband after marriage. As per 'Kanya Daan', the wife's parents should have no right on her after marriage so that they cannot interfere. Their interference should be considered as a breach of trust under the law for which they should be punished. As a thing or person is not allowed to be donated more than once by the same person, the father cannot perform 'Kanya Daan' a second time, which means that the girl cannot remarry. This reaffirms that the circumstances of separation and maintenance are against the Hindu religious norms.

Domestic Violence Bill is in the process of becoming a law. This proposed legislation needs proper review, to prevent it from reinforcing the already excessively malicious dowry legislations. Mental cruelty and torture to husbands should be covered under the Domestic Violence Act. The circumstances as provided below shall be considered: If a wife deserts her husband without any reason, or if she has an affair with some other man, if she doesn't cook food and refuses to fulfill her marital duties, if she expropriates the husband's belongings and valuables, if she threatens to commit suicide, if by her actions she has demonstrated that she has the potential of harming or injuring the physical or mental health of the husband and or his blood relatives, then the safety of the injured party or parties (the husband and his family members) should be ensured in this new law.

As in India, generally after marriage, the wife lives in a joint family in one house with the husband's parents and other family members, all the situations and circumstances should be taken into account before drafting the rules of the game.

After marriage, she has to live with the present circumstances of house that she cannot compel to change as per her desires. She cannot compel her husband to live in a separate house away from his parents or attempt to alienate his affections from them or to abandon them and cease to provide for them and their daily needs and care. Such elder abuse by daughters-in-law is rampant today in Indian society and police and laws fail to give any security to those old aged parents.

The abuse of elders is generally noticed in Indian families due to conflicts in between parents and the daughter-in-law 'bahu'. When the new family member the daughter-in-law 'bahu' misuses the laws to pressurize and dominates the house, it is a great cruelty, humiliation and harassment to elder members. The daughter-in-law 'bahu' demands to live independently with her husband in a nuclear family and neither she wants to follow any traditional customs of the house nor she wants to take care of her old and sick in-laws. They even demand the old and sick in-laws not to visit their son and if they do not comply with her demands then she with support of her parents and siblings often threaten her husband and in-laws to get all of them jailed. Due to this, harassment and mental abuse of elders in society is a growing epidemic. The lack of any social security system for elderly people makes their situation much worse when helpless, old and sick people don't find any support or place to go when everyone ignores them. Due to situation created by laws and courts, police and civil administration that supports daughter-in-law not parents in India, the feeble and old parents are left alone to die without any medical, financial or mental support and the government and women organisations become deaf, dumb and blind to the cry and misery of these old parents.

Under the dowry harassment law, the daughter-in-law can book her in-laws and husbands in jail without giving any evidence. Even when they had never lived with daughter in law, then also they were accused and

arrested under the complaints of dowry harassment. Even if the police know that the harassment allegations are false, still they are helpless and arrest the old parents. It is becoming a trend in India that in the fear of getting jailed, many parents have started disowning their sons. But, even that is not protecting them. The daughter-in-law wants to fully control her husband and demands that the old in-laws must not visit their son in her house and her husband must not visit his parents. Police officers at 'Mahila Thana' refuse to register complaints by a mother-in-law against her mischievous daughter-in-law. Many parents have been jailed who stood firm and were principled enough to oppose their daughter-in-law. Many mentally distressed and old parents commit suicide being unable to withstand shock, trauma and torture as their high morals, principled and well disciplined lifestyle had never allowed them to see such pathetic conditions in their lifetime.

Recently, the World Health Organisation (WHO) has highlighted the abuse of elders with false police complaints by daughter-in-laws in India. It has specifically mentioned this injustice as a Legal and Financial Abuse in its report on Elder Abuse called "Missing Voices", URL:

<http://www.who.int/hpr/ageing/MissingVoices.pdf>. Many judges including former Supreme Court Chief Justice K.N. Singh, former Karnataka High Court Chief Justice and NHRC member Justice Malimath have asked for changes in this law saying that the well intentioned laws are grossly misused leading to severe injustice to innocent old and sick people.

Women's Organisations and Human Rights groups have turned a blind eye to these atrocities in spite of the fact that most of them are women and old parents. The real victims of domestic abuse could never go to police or courts for the justice but the urban power hungry selfish daughter-in-laws misuse these laws as a weapon of assassin against old and weak citizens who find themselves helpless. The proper investigation of complaints is the only remedy to get to the truth. We fight for proper investigations by police before arresting and torturing innocent people.

Usually Mahila Kendras, women organizations and the police "Crime Against Women Cell" adopt the method of pressurizing the husband to sign an agreement that compels him to live with his wife separately from his parents and agreeing to her unjustified demands. Such agreements should be revoked by getting a copy and challenging them in courts.

[Note: When pressured to do so, one must demand instructions in writings to be taken to one's advocate for drafting the agreement to protect one's own interest. Once you have got a written instruction, write out a complaint to your local police station or to the Crime Branch with a copy attached and demanding offences be registered against the instigators as co-conspirators, collaborators, accomplices, instigators, abettors, accessories, etc., of the wife in perpetrating the crimes of ALIENATION OF AFFECTION from one's parents, CAUSING ONE TO ABANDON ONE'S PARENTS, etc., all of which are serious crimes! If the police refuse to accept, go away and send it in by registered post, and hand in copies to the concerned higher officers. You can always demand for "Action Taken Reports" under the Right-To-Information Act.]

Suicide rates of married men in India are higher than females and their proportion increases with their age. As figures from Indiatat.com shows: for males in the age group of 30 to 44, the Suicide rate is a whopping 508 per 100,000 persons; for women it is 220.

The Suicide rates among men in the age group of 45 to 59 are a shocking 1,812 per 100,000 persons and among women, nearly 550. However, among divorced males the suicide rate is 164 per 100,000 persons, but even in this class, among females the rate is only 63 per 100,000. While the suicide rate for separated men is about 167, for females it is only 41 per 100,000 persons.

These figures clearly show that more husbands are compelling to suicide due to their disgusting experiences with the police and legal system. It is due to unbearable harassment, mental torture, disturbed family life,

male bashing, financial pressures, etc. They don't get any support, but if a woman should commit suicide then feminists, women organisations, civil authorities, legal system and media would proactively come in support of victim's family. Why are we ignoring husbands just because they are males?

If someone misuses a criminal law like sec. 498A & 406 of IPC, who accuses the husband and his relatives with the motive of gaining hidden selfish goals, then in-effect it is a seven-fold crime:

- 1) Against her husband and his blood relatives,
- 2) Against her children if any, who will suffer due to their separation and tension,
- 3) Against the religious vows that she took during marriage to support her husband as a sati-savitri and sita,
- 4) Against the sanctity of the court,
- 5) Against the police & public administration who has supported her as a victimised woman,
- 6) Against society, the social system and values which tend to unconditionally trust and sympathise with her as a victim, and
- 7) Against womanhood which is in question due to her wrongdoings.

Thereby, the misuse of laws like 498A is an offence that should amounts to **seven times the punishment provided in a 498A conviction.**

The accused in a typical dowry law case are different members of family i.e., the husband, his old and sick parents (saas-sasur), uncles, sisters of husband (nanad) who could be unmarried, brother-in-laws of husband, sister-in-laws of husband (Bhabhi) and cousins.

Such a complaint must be properly checked for its authenticity that makes the whole family accused in a criminal offence under which the conviction rate is mere 2% of cases and when most end in compromise.

Due consideration should be given to family members who are respected and responsible citizens of society and who have no criminal record.

All the family members should not be accused of criminal offence only on basis of the allegations made by the complainant but must be given due opportunity to respond to the allegations.

In cases when family members are accused by a complainant who lived with them, the problem needs to be resolved with discussions and the complaint has to be earnestly investigated for its authenticity before taking any step against family members.

The misuse of laws causes irreparable damage to victimised family members, that can be prevented by providing stringent punishment to culprits that wreck the foundation of marriage and thereby ultimately cause society at large to suffer.

The contradiction appears when the terms of a "mutual compromise" are compelled to be "agreed to" between the complainant and the accused in most of 498A cases in which offences are non-bailable, non-compoundable and cognizable.

The statistics show that accused u/s 498A of IPC (Anti-dowry law) are convicted to around 2%.

The great deal of reconciliation and compromise efforts are done by judges during anticipatory bail cases of husband and family members and during the family court trials.

The courts blindly insist on reconciliation neglecting the fact that after the intolerable aggressions and humiliations perpetrated by the wife, her husband and his relatives can no longer revert to a normal relationship with her.

They are also naturally distrustful of one who has shown such shameless miscreancy and are naturally of similar further mischiefs by her if she would live with them.

It is seen that cases under section of 498A are repeatedly registered against husband i.e., second time, third time or fourth time with inclusion of severe charges in different sections of law related to crime against women.

It is pity that a criminal case is registered against a person who has financially supported the complainant and allowed her to live at his place, which is unique in criminal cases of matrimonial disputes. In matrimony, a husband usually provides the financial support, place to live, manages the household work and renders safety to wife and his children. He takes risk to work hard for his family. But rather the husband becomes vulnerable to being abuse by malicious "laws" (sic!) when he, his parents and other relatives can go to jail on basis of a simple unsubstantiated complaint made by his wife.

Most of such cases in which stringent punishment is recommended under law, are settled for a compromise. It means that the real purpose of law is not attained and thus it should be amended to take care of the circumstances and preventing its misuse.

498A of IPC should be amended to make it bailable, compoundable and non-cognizable to prevent harassment and torture of all family members by their arrest so the case should be settled within a set timeframe. The delay in filing complain in domestic violence case should be considered as a way of threatening the husband and family members by making false allegations and charges. The new law should be well capable and provided to handle such situations.

Needless to say, the laws in their present state are a negation of the husband's rights in marriage. It's not less than a blunder that such a situation should have been permitted to persist for the last two decades and not much public protest and awareness has come for remedies and reliefs against these crimes masquerading as "laws"! It's a shame to talk of such laws in a democratic country like India, a nation of Gandhi.

The Malimath Committee is 'bothered' by the offence being non-bailable and non compoundable, which makes "reconciliation and returning to marital home almost impossible." The report of the Malimath Committee on Reforms of Criminal Justice System was submitted in April 2003. Some of its excerpts are:

16.4.4 In less tolerant impulsive woman may lodge an FIR even on a trivial act. The result is that the husband and his family may be immediately arrested and there may be a suspension or loss of job. The offence alleged being non-bailable, innocent persons languish in custody. There may be a claim for maintenance adding fuel to fire, if the husband cannot pay. She may change her mind and get into the mood to forget and forgive. The husband may realize the mistakes committed and come forward to turn a new leaf for a loving and cordial relationship. The woman may like to seek reconciliation. But this may not be possible due to the legal obstacles. Even if she wishes to make amends by withdrawing the complaint, she can not do so as the offence is non compoundable. The doors for returning to family life stand closed. She is thus left at the mercy of her natal family.

16.4.5 This section, therefore, helps neither the wife nor the husband. The offence being non-bailable and non-compoundable makes an innocent person undergo stigmatization and hardship. Heartless provisions that make the offence non-bailable and non-compoundable operate against reconciliations. It is therefore necessary to make this offence (a) bailable and (b) compoundable to give a chance to the spouses to come together.



The Shinghal Report, or the "Study Report on Crimes Against Women - Role of Section 498-A, IPC in States of Delhi & Haryana" was submitted by Mr. N.K Shinghal who is a retired police officer who was commissioned to report on the functioning and implementation of section 498A. The Shinghal Report states that: "Most of the police officers, barring a few at senior levels and the defense lawyers, considered both the sections to be not only inadequate, but also overtly biased in favour of women, leading to their increasing abuse."

The present law related to Adultery dismisses the adulterous acts of a woman, and makes man purely responsible for their combined adulterous act. A married woman involved in an extramarital relationship is legally innocent while the man who is having an affair with her will be committing a criminal offence, and could be imprisoned up to five years or fined or made to endure both under Section 497 of the Indian Penal Code of 1860.

It is pity that an adulterous woman cannot be punished for even the abetment of crime. Such biased laws come in support of wife's adulterous behavior that would further increase the unfaithful attitude towards marriage resulting in decline of moral values in society.

Both genders should be covered under preview of Adultery law, as both genders are equally responsible to entangle into any such relationship that challenges the laws and rules of society. Recently the Malimath committee report has recommended making adultery punishable for both men and women.

The society, police and administration should recognize that Domestic Violence happens to man as well. Many men are severely assaulted by their wives when he is kicked, bitten, hit with a fist or object, being scratched, slapped, beaten up, and threatened with a knife, gun or other deadly weapon to be used against them. Sometimes husbands are worried about being attacked in sleep. Wife would also deliberately destroyed or damaged something of value to husband. She may throw things at him or break objects during an argument. She may spend large sums of money and refuse to tell why or what the money was spent on. The wife would make it difficult for husband to know that where the important documents are kept. She may be extremely jealous and unjustly accuse husband of flirting with others or having affairs. It becomes hard for him to maintain relationships with others because wife doesn't approve of them. She may stop caring about the children and house, stop cooking and would withhold sex with husband without any reason. She may force to have sex or made to do things during sex that made him feel uncomfortable.

A Wife does mental abuse by telling husband that that he is worthless, can not do anything right, can not have good money and life and she will leave her and does not want to live with her. It hurts emotionally as well as physically. Continuing this pattern can result in depression, substance abuse, loss of confidence, and suicide. It can also result in death at the hands of wife or by some other who is induced to kill him. He shall seek a mental health counselor to deal with domestic violence concerns and shall never be provoked. He shall take a legal advice and insist police to record his injuries.

Many men stay in abusive relationships due to their concerns of their children's' future as they want to protect them. They fear leaving the abusive relationship because they assume the legal system will not grant them custody because they are a man, and fear that visitation in the hands of a controlling spouse will never be easy, or that they may never see their children again.

More laws should be made for providing justice to harassed husbands. If the husband died of unnatural death within 7 years of marriage, a case should be able to be registered against his wife for conspiring for her husband's death, and for mental torture and cruelty. If wife is given a large amount as alimony from husband, then she should give in writing that she would support herself and possibly any children from the received alimony so thereafter will never marry again in life to seek another support. If she marries again, the whole alimony should be returned back to her ex-husband with interest.

The basic problem with the present laws dealing with domestic discord and marital abuse is absence of providing effective remedies through civil laws, as the whole matter has been put under the jurisdiction of criminal laws, with very draconian provisions to make their implementation stringent.

Criminal laws like 498A have been massively used in cases that can be dealt with civil procedures to put undue pressures on husband. This make cases much more complex to tackle thus leading to delay to the final outcome. Marital problems and circumstances should be categorized differently to deal properly, effectively, carefully and in timely manner. Out of situations described below in different sections, the criminal law shall be enacted only in conditions A, B, C, D and E; the remaining situations should be dealt with the civil court procedures only.

- A) Death of wife or husband due to dispute in between them.
- B) Wife or husband survived the life threat that is related directly or indirectly to marital problems.
- C) Wife or husband often commits physical abuse, blackmail or makes threats.
- D) Marriage was based on fraud and wife or husband wants to dissolve it because of this fraud.
- E) Wife or husband is cheating the other, as in case of an extra-marital affair or any other misconduct and maltreatment.
- F) Wife or husband demands from other that what cannot be fulfilled.
- G) Onerous and excessive demand for donation of wealth in any form demanded by one party from the other party as a prerequisite condition to the marriage, except by free and mutual agreement, and where "onerous and excessive" must mean more than a fair share of the other party's assets as existing at the time.
- H) One party being abused, physically or mentally tortured and harassed by the other party and his or her accessories, abettors, instigators, etc. who interfere maliciously in between them to alter their present state of living standards, family and cultural values, living place and family arrangements.
- I) Attempt by external or third party to alienate the affection of one of the parties to a marriage from the other for whatever purpose and end, whether towards himself or herself or otherwise.
- J) One party has abandoned the other without just cause.
- K) Parties agree in writing freely to live separately for any reason agreeable to them.
- L) One or both party seeks a divorce.
- M) One or the other party is indifferent, refuses his or her affections to the other party without just cause or fails to fulfill his or her obligations towards the other.
- N) A marriage shall be considered Null and Void by the wronged party on the discovery of the following facts having occurred previous to the marriage and which the one party has knowingly concealed from the other: Previous dissolved or nullified marriage; birth of children; abortion or deliberate murder; abandonment of previous children; infertility or impotence known to the party prior to the marriage; infection with mortal or venereal disease due to the party's previous promiscuous immodest adulterous behavior. These shall not apply when the party who committed these acts or who had suffered them, had disclosed them to the other party in writing prior to the marriage. However, the other party, on the discovery of these facts, may freely legitimize the marriage in writing.
- O) A marriage shall be considered Null and Void on the discovery of the facts that a party thereto had not sincerely consented or that a defect of intention occurred thus rendering the union null and void by that fact itself.
- P) Separated parties are desirous or being reconciled.
- Q) A party will be entitled to a fair share of the assets owned by the other where the first party can show that the assets in question were increased due to her or his contributions to the life and well being of the other, subject however, to the a fair share of only those assets gained during the union.

- R) When two persons have cohabitated for any period of time, it shall not be assumed that they are husband and wife, and no two persons shall be presumed to be united in matrimony, unless they have been specifically united in a certified public ceremony mandated or recognized by law.

It is seen that most cases of misuse of dowry laws are reported by urban families and wives who are well educated, aggressive and keep threatening to go to police and court with false complaints. Such wives are well capable of earning their own living, but still they demand heavy maintenance amount from their husbands on separation. It is sometimes even more than what husband earns can earn. The Supreme Court has also declared this malpractice as "Legal Terrorism" only after knowing that such incidents occur on a large scale. But as usual, the National Commission for Women denies any knowledge of such cases of misuse of the "Dowry Laws". The issue is not of misuse of law, but its greater propensity for the misuse. It can only be controlled through proper channels like the women organisations, Crime against Women Cell and Police. Out of these, the CAW cell and Women organisations will undoubtedly continue to be biased and partial as they exist for the wife's benefit so they will be reluctant to act against her and to share any such data or case openly. And police would do without much initial enquiry with limited duties under the pressure and false propaganda of women organisations. It proves that false feminism has hijacked the police, legal system, government and politics in India, and husbands have no justice.

There is a great misconception in society about Crimes against Women, due to lack of efforts for in-depth study, awareness of the true ground situation, and massive "Feminist" propaganda. Government statistics of cases related to 'Crime Against Women' present a false image as it also includes numerous false cases registered for gaining sympathy of law and other government authorities and system. These cases are manipulated to show the aggrieved women, but actual situation gets proven during the trial of cases.

The complete picture of Crimes against Women is produced by considering the judgment orders in their trials that show only around 2% conviction.

Behind the false propaganda are the women organizations and NGOs that are chasing big funds and aids in the name of welfare of women and children. Due to the corruption in the system, organizations are getting easy money from government and other international organizations and they are surviving by doing propaganda on the basis of wrongly manipulated facts and data.

The media sometimes unknowingly publishes or promotes biased news sympathizing with the wife or daughter-in-law without verifying any of the false allegations. So it would include full name of the husband and his relatives with other information that causes irreparable damage to the entire family's image and hard earned reputation. There are many such instances when false information of dowry cases was published in newspapers.

Women organizations need to be apprised for their funding from government as such organizations are working as political outfits to fulfill their selective agendas that are not in the interest of society as a whole. In the name of women emancipation and empowerment, they are promoting anti-family terrorism by recommending new amendments in laws to make more biased laws that can be misused for blackmailing innocent citizens and furthering their agenda of degrading humanity. Society has a right to information how each of the activities of such organisations are funded and organized. The laws that consider offences related to social rituals of marriage and family members should be frequently dealt with proper reviews and feedbacks while considering consequences of its implications. Any amendments in such laws shall be considered only after the proper reviews and feedback of all sections of society.

The laws that deal with 'Crime Against Women' are widely acknowledged as being overtly biased laws in support of the daughter-in-law alone. It is seen that such laws are made or considered for further

amendments with strong recommendations and propaganda by the 'National Commission for Women' (NCW) and few prominent NGOs and "feminists", but reviews and opinions of other sections, institutions and organisations are totally ignored and never considered by the government.

The meaning Of 'Gender Sensitivity' as per women organisations and feminists in India is as follows:

1. Adultery by a "WIFE" is not a crime.
2. The filing of false cases (dowry/rape/domestic violence) by "WIFE" cannot not be punished.
3. The complaining woman's mother-in-law, sister-in-law or niece from the husband's side are not women.
4. Perjury, theft, fabrication, blackmail, extortion and kidnapping by women are not an offence.
5. Exposure of body-parts by women to entice/beguile men cannot be called exhibitionism.
6. Women can sleep their way up the corporate ladder, and they are allowed to lie, steal and fabricate without any penalty.
7. Crimes of passion (including murder) by women can be blamed on the hormones (therefore, beyond their control) and therefore cannot be punished.
8. Unless it is the case of a woman against woman, the woman who turns on the tears is always the right.
9. The bigamous woman should be rewarded (latest scheme by the women's activists), and not punished.
10. Any attempts by the man to expose the truth about an abusive/deceitful woman is an attack on her privacy/ modesty.

In a diversified and democratic country like India, it's totally unjustified and insane to draft any law or any amendment, only on recommendations of persons who are not representatives of all social classes and segments and whose interests could be affected by these legislations. Without such general inputs and considerations of the needs of all segments of society, such laws can only prove to be biased, would result in greater injustice and chaos in society at large as they disturb the very basic unit of any society, the family.

It is hard to understand the disproportionate role played by the NCW in the making of such laws, which is not a representative of all sections, but is ostensibly a government organization working for A MINORITY SECTION OF WOMEN and not for all women.

Research studies should be undertaken in different sections of society for any amendment in laws or for implementing new laws that deal with family life, as it impacts each and every one of us.

A human rights violation is happening in this regard, and our administrative system is ignoring this fact, as they usually say: "we cannot do anything, these laws are such, and even if we will try to help the innocent people, the women organizations will abuse us all over". So such is the nexus of these government funded women organizations that even the police and civil administration are fearful of them, afraid to raise the alarm.

It has observed though many Reports, Newspaper articles and Judgments given by many High Courts and the Supreme Court that women are massively misusing laws against husbands, a phenomenon that is rapidly growing.

An independent working agency at central government level should be set-up to review atrocities against men that go unreported due to their gender only.

An organization should be setup to undertake wide spectrum research for appraising the legitimacy of laws that provide "assassin's weapons" to such unscrupulous women.

A Statutory 'National Commission for Men' or 'Manav Aayog' should be set-up to safeguard the rights of men i.e. Right for a livelihood, Rights in Marriage & Divorce, Right to Child Custody, Right to live in his property,

Right to frustrate and deny unjust expropriations on and extortions of, his assets, Universal Right to the Presumption of Innocence until proven guilty, Right to prove his innocence, Right to provide for and live with his parents and blood relatives and dependents, including unmarried sisters, Right to terminate an abusive and injurious marital relationship and Right to have his grievances and complaints be heard, investigated and acted upon impartially against any other woman.

Expatriates (NRIs) gets harassed, tortured and blackmailed to give large amount of money as alimony and maintenance to their wives when dowry harassment cases are registered against them. Their plight is such that they can't easily prove themselves innocent. Due to distance, they are unable to deal properly with the authorities and legal procedures to prove their innocence. These NRIs are harassed when their arrest warrant are released to Interpol and the Indian embassies without doing any enquiry. In some cases, Indian authorities ask foreign embassies to cancel their visa also. When they arrive in India they are arrested at airports as criminals, their passports are seized and they are prevented from returning to their livelihoods abroad. Some of them have severely suffered due to loss of their parents because of their mental harassments by police and court dealings. In such cases, the wife demands maintenance amount up to Rs. 50 thousand or even 1 Lac per month. This should justify the false case of dowry demand on husband who can pay Rs. 1 Lac every month as maintenance to his wife. They are not given child custody, whereas in west, around 50% husbands fight for child custody and win, whereas wife has to prove that she is capable to raise the kids. Due to this harassment, the USA State Department and the Canadian Government have already issued "Travel Advisories" warning their citizens against the misuse of 498A for extortion. International organizations such as the United Nations' World Health Organization and Amnesty International have taken official cognizance of this malaise, which women organizations in India sedulously pretends to be insignificant or nonexistent! It is really unfortunate for India to depict such a horrific image internationally of the Indian Legal System.

It is unjustified for a wife to demand maintenance from a husband who is accused of a criminal offence such as 498A and 406 of IPC. The accused husband shall not maintain and support the same complainant, against whom he has supposedly committed the criminal offence. In cases of divorce also, it should not be necessary to give maintenance to the wife. The marriage is the result of a situation when both the bride and groom owe responsibility towards each other. As per the seven vows that take place during the Hindu Marriage ceremony, both take responsibilities towards each other. But after separation, both would stop being responsible to each other as both shall act according to their free will. After divorce, even when wife is not liable to fulfill any of her duties towards him, it is husband's responsibility to provide regular maintenance to ex-wife. If wife is not bound after divorce, then why should the husband be bound to provide for the woman who is no longer his wife? And if she is capable to earn her living then why should she ask extort money from the man who is no longer her husband?

The media exposure and the cosmopolitan culture is highly inflecting the behavior of men and women and so the marital relationship. The attitude towards marriage is rapidly changing all over India. Earlier they used to debate on joint families breaking into nuclear families and these days the discussion is on the nuclear families that are breaking apart further due to individualistic and selfish approach. It has to do with the impact of overall society on a human character; the 'Sati Savitri' character of sympathy, honesty, devotion, commitment, tolerance and sacrifice is no more a role model for the modern wife. It is evident from the fact that women constitute 55% of the primary petitioners who are filing for Divorce according to a recent story published in a national magazine. Today, wives are seeking financial security and demanding high lifestyle comforts, money, gifts, luxury, freedom, friendships, equal status etc from their marriages. This has made newly married husbands to live under great mental pressure to fulfill wife's demands apart from doing high-tension jobs. Many young men are prone to much stress and responsibility today, when they struggle to establish their family independently at a much younger age while living separately from their parents due to their jobs.

498A of IPC is a cognizable crime which obliges a police officer to a person without a warrant. In such cases, the police are under an obligation to take immediate action on receipt of a complaint or of credible information, visit the scene of the crime, investigate the facts, apprehend the offender and arraign him before a court of law having jurisdiction over the matter.

A total of 50,703 cases of Cruelty by Husband & Relatives were reported in the country during 2003 with an increase of 3.0% over 2002. Significant increase of 800 percent was reported from UT of Delhi over the previous year (from 135 cases in 2002 to 1211 cases in 2003). Nearly 16 percent of such crimes reported in the country were reported from Andhra Pradesh (8,167) only. The statistical data of Incidence & Rate Of Crime Committed Against Women In States, U.T.s and Cities During 2003 has the following conclusions: Delhi city has highest 2888 incidences in country, ie 14.8% Percentage Contribution To All-Cities, and has 22.6% Rate Of Total Cognizable Crimes carried out in Delhi. Surprisingly Kolkata has 725 incidences i.e. just 3.7% of all cities, and has 5.5% Rate Of Total Cognizable Crimes. Mumbai has 881 crimes i.e. 4.5% Percentage Contribution To All-Cities, and 5.4% Rate Of Total Cognizable Crimes. Bangalore has 1227 incidences, i.e. 6.3% of Percentage Contribution To All-Cities and 21.6% Rate Of Total Cognizable Crimes in the city. Hyderabad city has 1945 incidences which is the 2nd highest in country i.e. 9.9% Percentage Contribution To All-Cities and 35.1% Rate Of Total Cognizable Crimes. It shows the Delhi figures of 22.6% that is really exaggerated for which the real reasons need to be investigated from authorities. Cities like Mumbai and Kolkata have around 5.5% rate of total cognizable crimes. The great difference in figures of Delhi and these cities shows that certain procedures have been adopted by the state authorities in Mumbai and Kolkata.

To save Indian families from marital discords, self-help groups should be formed in every community, company and business. Promotion of awareness programs on 'Pledge of not taking dowry' among the youth should be done through phone helplines and Internet. Post-marital counseling should be provided to couples who are both working, living independently and feeling stressed out due to work pressure, other financial and family burdens. A joint declaration should be signed by both husband and wife that they have not taken any dowry in marriage, and so their problems are not related to dowry harassment.

Various self-help are being formed by victims of abuse of dowry law, that provides support though helplines in Delhi, Mumbai, Bangalore, Hyderabad, Jaipur, Chandigarh and many other places. More information is available on websites: [www.498a.org](http://www.498a.org), [www.saveindianfamily.org](http://www.saveindianfamily.org), [www.mynation.net](http://www.mynation.net), [www.pariwariksuraksha.org](http://www.pariwariksuraksha.org)

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Disclimer: These are totally writer's personnel views only. Readers may have different opinion.