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PRESS RELEASE

Unveiling the investigative report on Dowry Law misuse

The **controversial draconian law "Section 498a of IPC"** was formulated in 1983 for betterment of Indian Society. At that time, nobody had ever imagined that this law would be mainly used to terrorize, torture old and sick elders, innocent mothers and sisters.

Under Section 498a of IPC, if a woman complains of harassment and cruelty by husband and his relatives (old and sick parents, sisters, even minor family members), they all are considered "guilty till proven innocent". They all are arrested without investigation, as this law is non-bailable, cognizable and non-compoundable. There is no punishment or even fine for filing a false complaint. This has led to a situation where most case of marital differences are used to issue threats of false case of 498a to harass the husband's family and to demand huge sums of money as alimony.

Is it not gross violation of human rights to arrest innocent people and send them to jail without evidence or any investigation? It's a gross violation of human rights **when ailing and bedridden people being terrorized, jailed and made to run around courts.** In one of cases of 498a in our database, an 87-year-old grand mother of the man (an NRI) was implicated. In another case of 498a, the mother of a husband burnt herself to death, as she could not face the threats of 498a. There are many cases in our database, where in every household articles are brought out of the husbands earning and yet a dowry cases is still registered.

On July 20th, a Supreme Court bench comprising by Justice Arijit Pasayat and Justice H K Sema gave a judgment terming the dangers of "Legal Terrorism" due to misuse of 498a. They said, "Dowry Law is a Shield, not an assassin's weapon."

Andhra Pradesh High court Saritha Vs Ramachandra reported in I (2003) DMC 37 DB

The court would like to go on record that for noting that educated women are approaching the courts for divorce and resorting to proceedings against in-laws under section 498a IPC, implicating not only the husbands but also their family members whether in India or Abroad. This is nothing but misuse of the beneficial provision intended to save the women from unscrupulous husbands. It has taken a reverse trend now. In some cases this kind of actions is coming as a formidable hurdle in the reconciliation efforts made by either well meaning people or the courts and the sanctity attached to the marriage in Hindu Religion and the statutory mandate that the courts try to save the marriage through conciliatory efforts till last, are being buried neck-deep. It is for the law commission and the parliament either to continue that provision (section 498a IPC) in the same form or to make that offense non cognizable and bailable so that ill-educated women of this country do not misuse the provision to harass innocent people for the sin of contracting marriage with egoistic women.

Every quarrel cannot be termed as 498a, dowry harassment or violence.

High court of Karnataka Justice Kabbin April 15 2005 CRLP 4121/2005:

There may arise quarrel between husband and equally or more qualified and earning wife for many reasons and unless such quarrels, where in wife alleges harassment by husbands and relatives, is relatable to dowry demands, such harassment cannot be termed as dowry harassment or violence.

National Crime Bureau statistics shows, every year about 58,000 cases are filed under section 498a in India. Police and Judges say more than 80% of these cases are false where as the real victims of cruelty and harassment do not seek legal help. At least 6,00,000 Indian families are threatened of false 498a cases every

year in India. We have data in our database, which proves this assertion. We also have got enough cases of quashing and acquittal of false 498a cases.

In year 2004, the number of men who committed suicide is 65,000 compared to 43,000 women who committed suicide. According to statistics, it can be inferred that around 23000 husbands who are committing suicide as result of domestic violence including violence unleashed by false cases. The figures for women are much less.

We demand:

- 1) Immediate action stopping the implication of old and sick elders, innocent mothers and sisters in false dowry cases.
- 2) Making Section 498a of IPC bailable and compoundable as recommended by Justice Malimath in his report on Criminal Justice System.
- 3) Strict punishment to women and their parents who file false cases of 498a.
- 4) 30% reservation for husbands in child custody cases.

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www.498a.org

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