

Determinant Factors Behind the Abuse of Anti-Dowry Laws in Indian Society.

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Abstract : *The Dowry law, section 498A of IPC was enacted to strengthen the Dowry Prohibition Act,1961 for empowering the position of an Indian Woman in this patriarchal society is now becoming a source to blackmail and harass the husband and his family. Today's Indian women are turning the tables and continuously using this dowry law against their husband and In-laws who mainly refuse to accept their illicit demands. The present article therefore aims to study the different reasons behind the abuse of this dowry law (section 498A) for which 190 respondents are interviewed by using the descriptive research design. The findings revealed that extra involvement of respondent's In-laws in their marital life, wife's authoritative nature, monetary causes, attitude problem of the respondent's wife are some of the reasons that contribute greatly to abuse this dowry law by some unscrupulous women.*

Keywords: *Dowry Prohibition Act1961, Abuse of dowry laws, Causes of abuse, Section 498A, Male harassment.*

I. INTRODUCTION

Marriage is sacramental by nature and is believed to have been ordained in heaven. This institution is an oldest social institution and provides a foundation on which whole super structure of civilization and prosperity is built. The religious rites performed at the marriage clearly indicates that the man accepts the woman as his better half by assuring her protection as a guardian, guaranteeing companionship as the mate and provides her a lifetime stability which has always been considered as one of the most important condition for this institution in the civilized societies. However due to emergence of industrialized societies and result of social awareness amongst people, especially in females about their right to equality and personal liberty, the meaning of stability in the context of marriage has been changing gradually in different spans of time (Kumar, 2012).

Society has changed in a very fast manner from some decades. Many cultural ethos ,social values, norms and mores have changed from time to time by creating certain new social problems with altering the complexion of old one also. In such condition crime has become one of the most perennial social problem for almost all societies, its incidents and patterns only vary in space and time. Dowry related domestic violence, which is not only a psychological but a social problem also is indisputably a crime only and it has always been identified as a serious threat to a person's overall well being as well as on the institution of marriage and family also (Paula,2010).

Undoubtedly, violence against women has a long history in the world especially in the Indian society. The country's extreme caste system, cultural customs and gender inequality that has created a patriarchal oppression somewhere put a considerable pressure on women to accept that abuse and this dowry related violence which has always remain hidden behind doors only get visible to us from some decades due to the emergence of an active media, certain feminist debates and campaigns that had been carried out to provide justice, equality and upliftment to women only. Even our Indian legislation has also remain protective towards them and has enacted several laws to safeguard the interest of women and to bring socio-economic changes in their status.

A. Dowry Prohibition Act,1961

The Dowry Prohibition act, 1961 in India is one of the act which was enacted to bring about the transformation in women's status. This act, prohibits the request, payment or acceptance of a dowry as consideration for the marriage, where dowry is defined as a gift demanded or given as a pre – condition for a marriage. Gifts given without a pre – condition are not considered dowry , and are legal , asking or giving of dowry can be punished by an imprisonment of up to 6 months , or a fine of up to Rs 5000. This act, promulgated as an acknowledgement of dowry as a major social evil, was an attempt to deal with the problem separately from other issues pertaining to women (Gupta,2003).

This particular act was brought on the statute book with the specific intent to control certain social evils like dowry harassment, dowry death or bride burning that had been actually awakened the conscience of the society during that period of time. But this act which was passed with the ostensible purpose of curbing the evil of dowry, if not of eradicating it was not seems as effective measure as it was considered at the time of its enactment because it had signally failed to achieve its purpose. In spite of the rapid growth of this practice, there were practically no cases reported under this act. Even dowry demands and dowry deaths remained not only unabated but also frightfully expanding, which automatically forced the State government to review its anti –dowry legislation which not only amended the Dowry Prohibition Act, 1961 but also added some special dowry laws like section 302, 304 and a multi-dimensional law i.e. 498A section.

B. The Anti-Dowry Law (Section 498A)

Section 498A was inserted in IPC in 1983 it says ; “ 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 3 years and shall also be liable to fine (kusum,1991).

This dowry law is always considered a draconian law which was emerged to protect suffering women from extreme inhuman cruelty with a very just and fair idea regarding protection of the women from an exploitation, to change their position in India and make them to achieve equality as this strata had always been suppressed in the patriarchal society and women had to suffer a lot due to certain contemporary customs and traditions and undoubtedly this dowry law was implemented to protect the alleged victim from a cruelty; a marital violence and abuse but there is a growing tendency among today’s women to abuse this dowry law as this section was facilitated with conditions like it is non-bailable, non-compoundable, cognizable and such things are only creating a tendency among certain women to convert every marital dispute into a criminal offence of cruelty and use to club every marital dispute under the overall heads of dowry violence just only to fulfil their ulterior motives. While the law was incorporated in a good faith but unfortunately this law has left a bitter trial of disappointment among people. It was more likely to be abused rather than used for the purpose it was meant to be constructed.

In fact this problem of abusing this anti-dowry law has transcended the rural-urban dichotomy. It is also possible that the victim could be from middle class or poorer class and from that section of the society who do not report the case of fearing social stigma or because of lack of knowledge

about the legal process (Qureshi,2006). And now-a-days an increasing number of cases regarding marital discord are started to be filed under 498A section with which the judicial authorities have make themselves accessories to deliberate and misinterpret every marital dispute as a case of dowry harassment and there are many reasons behind the abuse of this particular section.

II. OBJECTIVES

The paper aims to study the determinant factors which are responsible for the abuse of this particular dowry law i.e. section 498A which came under the Dowry Prohibition Act, 1961.

III. METHODOLOGY

Keeping in view the particular objective, This present study has been conducted in Amritsar district of Punjab covering almost all Tehsils, sub-tehsils and villages. The total number of victims covered under this study are 190 and by using the Descriptive research design under which the last ten years that is from (2003 to 2013) filed cases have been collected from the district court and the local police stations of the Amritsar district. A snowball sampling technique is used to reach the sampling units. An interview schedule was constructed to collect relevant information from the respondents regarding different reasons behind the abuse of this dowry law.

RESULTS:

Table 1: Reported reasons behind abuse of section 498A

S.No.	Reported reasons	Response	Percentage
1.	In-Law’s interference	118	62.11
2.	Authoritative nature	24	12.63
3.	Money	18	9.47
4.	Attitude Problem	03	1.58
5.	Pre-marital affair	17	8.95
6.	Extra-marital affair	07	3.68
7.	Physical ailment	03	1.58
	TOTAL	190	100.00

IV. EXTRA INVOLVEMENT OF RESPONDENT’S IN-LAWS

The family members of a woman also play a direct role in filing false complaint and even sometimes it is seen that they help their daughter to formulate false situations and false statements against their daughter’s husband and In-laws just to take revenge either for their personal grudges or for their daughter’s wish. In the situation where they should save that marriage by resolving the small disputes in spite of that they sometimes directly help by being

witness in the case and add more tensions in the present dispute. The girls also got full support of their paternal family to meet the litigation cost which some way or the other put forward them to file different false allegations against their matrimonial family and on their relatives also who are not even residing with the complaints.

The objective of the women and their parents is to subject their husband and In-laws to a big distress which is designed to break their daughter's husband will and ensure that they give in to their demands. This law mainly targets to those families who are belonged to the upper section of society as these segments are vulnerable to legalized extortion by corrupt agencies of government. Table 1.1 reveals that 62.11 per cent of respondents took their In-laws as the biggest reason of that suffering which they have to face due to false case. The following points will also show you how the extra involvement of respondent's In-laws in their marital life has ended that marriage.

A. Wife's excessive link with her parental house

From the decades, an ideology had always been followed by the Indian society that for an Indian girl the house of her In-laws had always considered as her true home after her marriage and it is always not considered good by the society if she visits her own parents home too frequently or for a long period of time on the grounds of neglecting her matrimonial house. But with time some and how this ideology is getting changed now a woman is permitted to visit her parental house after her marriage by the majority of the In-laws which is a very good point to maintain gender equality but some wicked women tried to took advantage of this changing outlook and always look back towards her parental family which creates obstacles in her adjustment at her In-laws house so sometimes women's excessive link with their parental house after marriage also proves one of the reason behind this problem of abusing the 498A section by certain wives against their husband and In-laws.

Table 1.1 Respondent's wife visit to her parental house

S.No.	Number of visits	Response	Percentage
1.	Once in a month	18	9.47
2.	2-3 times	44	23.16
3.	4-5 times	83	43.69
4.	More than 5 times	45	23.68
	TOTAL	190	100.00

The table 1.2 shows that 43.69 per cent wives of the respondents visit four or five times in a month and every time they mainly stay there for at least five to

six days which means they remain at their parents house only for fifteen to twenty days out of a month. 23.68 per cent women were also there who visit more than five times in a month followed by 23.16 per cent women who visit two to three times at their parental house. Only 9.47 per cent women visit their parent's house once in a month. This data shows that frequent visit to parent's house after marriage can also disturb one's marriage.

B. Role of wife's mother in her marital life

The disharmony between the husband and wife mainly arises when either the wife refuses to adjust herself in the family circumstances or if the husband feels reluctant to accommodate with his wife either on account of unnecessary interference by his wife's parents especially mother of a girl or non co-operative behaviour of the wife (Siff report,2012)

If we take the role of bride's mother in her daughter's marital life in account then we will see that a girl's mother can construct or destroy the marital life of her daughter and in most of these cases it has been found that where a girl's mother plays a role of an instigator and has a dominating personality over her full family the daughter of such mother should also want to control her whole family especially to her husband but if they resist to follow her demand then she just file a false case of dowry harassment under section 498A of IPC with the help of her parents.

Table 1.2 Respondent wife's communication with her mother in a day

S.No.	Frequency of Communication	Response	Percentage
1.	1-2 times	168	88.42
2.	3-4 times	22	11.58
	TOTAL	190	100.00

The interference of a girl's parents and especially of her mother can be seen through the frequency of her communication which she have with her mother in a day and in Table 1.3 the data reveals that out of total respondents 88.42 per cent girls talk to their mother at least one to two times in a day and 11.58 per cent were also there who talks three to four times with her parents. So such thing clearly shows that where the girls share their each and every regular activity conducted in their matrimonial house with their mother there the marital discord is common and on the other side their mother also did not give them any good advice instead they always interfere in their daughter's marital life by advising them many evil ideas to use against their husband and In-laws.

V. AUTHORITATIVE NATURE

Marriages can become distressed for a variety of reasons and authoritative nature is also one of that reasons. Marital conflicts are also sometimes caused due to a controlling nature of one person over other and that tendency to control other people can be seen in some girls who want to have a full control over their husband. A woman just to enhance her bargaining position and to have a controlling power in her hands mainly tries to convince her husband to leave his parents by creating the ground of such type of situations at her matrimonial house with which her husband himself took the decision to set up a separate nuclear family especially somewhere near of her parental house where she can do whatever she want but if her husband has decided not to take his wife's control freak nature no longer and took a stand that if things do not meant to be changed, the marriage will soon be over then in such cases their wife with the support of their parents charged a false case under this section over their husband and In-laws and alleged them accused in the eyes of Indian legal system. The present data shown in table 1.1 also depicts that 12.63 per cent respondent's wife has abused this section due to their authoritative nature.

VI. MONETARY CAUSES

An economic structure of a country determines its people's attitude and when Indian economy has changed from agricultural base to industrial base, the industrial revolution has paved the way for capitalism, industrialization and modern scientific development which further have made the life of an individual as well as the attitude of society totally materialistic due to which now every person wants to have a luxurious life and in this new setting where our Indian constitution has provided equality of status and opportunities to its all citizens. It has also enacted several laws to safeguard the interests of women especially who mainly got discriminated from the past times.

But in this era of empowerment, where the societal landscape is changing women are forming their own habits, developing their own attitudes, making their own decisions there they are also taking marriage as a source of fulfilling their all unsatisfied material wants and continuously abusing this particular dowry law as they knew very well that they are protected by the laws and at the same time they are also taking full advantage of a stereotype thinking of not to believe men in case of committing dowry related crimes and according to the data given in table 1.1 reveals that 9.47 per cent respondents have mentioned that their wife had abuse the law against them due to money and the parental status of those women have a big connection with their intention to abuse the dowry law.

VII. ATTITUDE PROBLEM

Marriage is such type of institution which has been stable on its two major pillars i.e. male and female who might be different to one another but both have some desires and expectations from each other which could be in the form of economical, physical or emotional and in the case of a dissatisfaction any peaceful marriage has to go through a tempest from which some of them able to smoothen that turmoil but some are also there who made dowry as a scapegoat for their every marital problem and Table 1.1 shows that 1.57 per cent respondents thought that due to an attitude problem with them they abuse the law against them.

VIII. EXTRA MARITAL AFFAIR

Sometimes a girl's extra marital affair whether it could be pre-marital or post-marital can also disturb a relationship of any husband and wife. Whenever any girl was already in love with someone before marriage and could not able to marry that person due to any circumstances than after marriage she failed to form a compatible relationship with her husband or with his family and if we looked deeper, it could be found that if the husband became unable to give such care, love and attention that she has expected from him than such thing made her long for pre-marital or any post-marital relationship.

The data in table shows that 8.95 per cent respondents' wives abused this section due to having a pre-marital relationship and 3.68 per cent respondents' wives have post-marital affair.

IX. PHYSICAL AILMENT

Health is never static, it is dynamic and fluctuates within a range and therefore health is also defined as a flexible state of body and mind which may be described in terms of a range within which a person may sway from the condition wherein he is at the peak of enjoyment of physical, mental and emotional experience having regarding to environment, age, sex and other biological characteristics due to the operation of internal and external stimuli but when a disruption came into one's normal behaviour. In such condition where a bodily health get seriously deranged and this departure from a state of health is called illness or disease which is more a subjective experience that usually results in individual's modified behaviour (Mehta,1977).

Table 1.1 depicts the result that 1.57 per cent respondents thought that their illness was the major reason behind the abuse of this law by their wife as due to their illness they were unable to give that support neither physical nor economical which every wife expects from her husband and such thing was disrupting their marital life due to which they want to leave them and live their life according to their own

wishes and while seeking divorce, on the ill advice of some legal mechanisms their simple divorce case is transformed into a dowry case just to earn some alimony with divorce but on the condition with a lots of exploitation and harassment that only groom and his parents face.

X. CONCLUSION

Violence against men by women is not a new phenomenon but it has been predicted that it has increased with an economic independence, changing power dynamics and in this context, situating power within men and women or husband and wife is important in favour of the larger society. In fact due to this power imbalance only women have to suffer for centuries but this gradual change where women are also gaining power is not leading a harmonized society but taking a reverse direction such as violence against men by women (Botlicini,2003).

Such provisions which have always aimed at safeguarding the interest of women and maintaining family peace is creating a situation of mutual distress and adversely affecting the minds of Indian youth by creating of fear who find difficult to repose faith in women or marriage. Even this fear of dowry cases is also driving parents to disown their sons before their

marriage as a precautionary measure should marital bliss turn into a nightmare. Due to this misuse there is also an increasing number of unhappy women who mislead by false notion of liberation and empowerment have been shunning the simple joys of their families (Singh,2008).

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