

Marital and Anti-Dowry Laws: Safeguards or Instruments of Misuse?

Abstract

Marital laws have been introduced to register a marriage, it provides rights and responsibilities of both the partners, etc. Whereas *anti-dowry laws* are been introduced to safeguard women from dowry abuse, which may lead to death, harassment, cruelty, etc. But in the present scenario, it was often observed that the *marital and anti-dowry laws* are been misused by women. It was also observed that the *marital and anti-dowry laws* are more in favor of women and act as a weapon against men. There are several victims and examples of *misuse of marital and anti-dowry laws*, not just in India but all over the world. The pros, cons, and the issues related to these laws have been discussed in this paper. This paper aims to critically evaluate and answer this question: ***“Marital and Anti-Dowry Laws: Safeguards or Instruments of Misuse?”***.

Keywords

Marital Laws, Anti-Dowry Laws, Dowry Prohibition Act, Misuse of Laws, Men’s Rights, Women’s Right

Introduction

According to a report published by *Statista Research Department*¹, it was observed that the number of dowry death cases is gradually decreasing. According to data and graphical representation of dowry death cases reported in India, from 2011-14 the number of dowry deaths reported is 33,389, from 2015-18 the number of dowry deaths reported is 29,888, from 2019-22 the number of dowry deaths reported is 27,310. And as per the report published by the *Government of India*², the total number of dowry death cases reported in India during 2017-21 was 35493.

By looking at this data, you might think what could be the reason behind this decrease. The answer is simple: In 2005, a new act was passed to protect women from domestic violence, and

¹ <https://www.statista.com/statistics/632553/reported-dowry-death-cases-india/>

² <https://www.data.gov.in/resource/stateut-wise-cases-registeredcr-under-dowry-deaths-2017-2021>

amendments have been made in the *Hindu Succession Act, 1956 in 2005* (according to which a woman or a daughter has equal rights to the property of her father.)³, after 2010/11 many awareness campaigns and social initiatives have been taken to promote women's rights and their welfare. These awareness campaigns have created awareness related to anti-dowry laws (The Dowry Prohibition Act 1961) and many more.

As per the text discussed till now, it's clear that the marital and anti-dowry laws are important to safeguard the interests of women in the society. But it was often observed in the present time that these laws are being misused or used as a weapon against men. The reason why I am saying that they are using these laws as a weapon is that, in recent times, there have been many news stories all over the internet where many men are claiming that they are being framed on fake dowry cases by their wives just to get alimony or half of their property. Let's discuss this topic in depth and find out are these allegations right or not.

Research methodology

This work is characterized by its descriptive methodology and the analysis is based on secondary sources (like newspapers, journals, and websites, etc.).

Review of Literature

According to the reports women have to face harassment, abuse, mental/physical torture, etc for dowry⁴, as per the report *"When the dowry amount is not considered sufficient or is not forthcoming, the bride is often harassed, abused and made miserable. This abuse can escalate to the point where the husband or his family burns the bride, often by pouring kerosene on her and lighting it, usually killing her"*⁵. This indicates the worst nightmare, challenge/problem/ faced by women which is of *"bride burning"*. This is why in 1986 amendments have been made in *"Dowry Prohibition Act, 1961"* and the punishment for demanding dowry has been made more stringent⁶ and in the year 2005 a new act has been introduced *"Protection of Women from Domestic Violence"*

³ https://www.indiacode.nic.in/show-data?actid=AC_CEN_3_20_00027_195630_1517807324239§ionId=29918§ionno=6&orderno=6

⁴ <https://www.crpc.in/Anti-Dowry.html#:~:text=When%20the%20dowry%20amount%20is,lighting%20it%2C%20usually%20killing%20he>

⁵ <https://www.crpc.in/Anti-Dowry.html#:~:text=When%20the%20dowry%20amount%20is,lighting%20it%2C%20usually%20killing%20he>

⁶ <https://www.indiacode.nic.in/bitstream/123456789/5402/1/a1961-28.pdf>

Act, 2005” to protect women from domestic violence and Protection officers appointed under the “*Protection of Women from Domestic Violence Act, 2005*” to carry out the duties of the Dowry Prohibition Officers⁷. And “*Marital Laws*” also protects women from dowry and domestic violence and provide them certain rights like right to enter, exist in, and exit marriage on equal terms with men, right to divorce, etc.⁸

Now, according to the presented text anti-dowry and marital laws are important to safeguard the rights of women or to protect women from domestic abuse/violence and from the dowry abuse (death/burning/etc). But at the same time, it was often observed that some women misuse their rights against men for maintenance, alimony, etc. They use these laws as a weapon against men which are made to protect them from dowry or domestic abuse/violence.

Like, according to an article- ‘Misuse of Dowry Laws in India’, “*The misuse of the Dowry law in India is attributed to several reasons, such as greed, vengeance, and false allegations. In many cases, women or their families file false dowry cases to extract money or property from the groom's family. The misuse of the law has also been linked to the breakdown of marriages and family relationships, as the cases can drag on for years, causing emotional and financial distress to both parties*”.⁹

Also, during a hearing of a recent case in *Supreme Court of India* where there’s a woman who has put allegations of dowry harassment on her husband and their family members without any concrete evidence. A bench of Justices B V Nagarathna and N Kotiswar Singh said that “*criminal proceedings on the basis of vague allegations should not be allowed in such cases*”. Also, “*S C said courts must exercise caution in such cases to prevent misuse of legal provisions and legal process & avoid unnecessary harassment of innocent family members*”.¹⁰

⁷https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf

⁸ <https://gsbagga.com/blog/important-legal-rights-of-married-woman/>
<https://www.taxolawgy.com/married-women-rights-in-india/>

⁹ <https://matrimonialadvocates.com/misuse-of-dowry-law-in-india/>

¹⁰ <https://timesofindia.indiatimes.com/india/stop-anti-dowry-laws-misuse-to-harass-innocent-in-laws-sc/articleshow/116186625.cms>

Objective Of Paper

As we have discussed so far that *anti-dowry and marital laws* are important or are needed to safeguard women from domestic abuse or from dowry abuse done by her husband or by parents or by the relatives of her husband. And I assume that it is clear too that *the anti-dowry law and marital laws* have been misused by the women for their own benefit and are used as a weapon against men's. Again, I am mentioning that there are several reasons behind this like alimony, maintenance, etc.

By all these I am not saying that all the cases filed against men on the ground of dowry abuse is fake or something, I am just discussing about the things happening in the present time which is that some women are misusing these laws and taking advantages of the loop holes. This is so sad and harsh but it is the reality.

Therefore, the basic aim and objective of this paper is clear from its title "*Marital and Anti-Dowry Laws: Safeguards or Instruments of Misuse?*". In simple words from the title of this paper everything is clear that this paper is to provide answers to all the people or to all those men who are thinking and discussing that "*Why marital laws are more biased towards women?*", "*Are the marital and anti-dowry laws are really misused? If yes then why?*", "*Do we need any new law or act to be introduced to protect men from these fake cases?*", "*Is legislature or judiciary taking any step to prevent or to deal with these fake cases? What are they?*", and a lot more.

In this paper the psychology, mental stress or torture, etc. faced by innocent men and their families are also discussed in a very detailed manner. As because of these false law suits they have to face a lot of challenges like they lose their reputation in the society, their financial resources as well as their mental well-being are drained as well because of these long legal battles. While keeping the primary focus of this paper on the issue of "*misuse of marital and anti-dowry laws*".

About Anti-dowry and marital law

Before we discuss the topic further we should discuss these laws a little too get a basic knowledge as well as a basic understanding of these laws.

According to a document published by NCIB¹¹, dowry also referred as dahej refers to the payment in cash or kind by bride's family to bridegroom's family along with kanyadaan. *"Kanyadanam is an important part of Hindu marital rites. Kanya means daughter, and dana means gift"*¹². Later, in the year 1961 this dahej pratha or dowry (ritual) was legally prohibited by introducing a new law or act *"Dowry Prohibition Act, 1961"*. But the number of dowry cases or dowry-abuse cases were increasing day by day and in the year 1986 amendment have been made in *"Dowry Prohibition Act, 1961"* and the punishment for demanding dowry has been made more stringent. In the year 2005 a new act or law has been passed *"Protection of Women from Domestic Violence Act, 2005"* to deal with these dowry-abuse or domestic abuse cases.

In the same way by seeing the alarming number of dowry and domestic/dowry-abuse cases an amendment has been made in the year 2005 in *"Hindu Succession Act, 1956"*, according to which women or daughters have equal right on her father's property as sons or men do¹³. Also, several amendments have been made in *"Hindu Marriage Act, 1955"*, like Right to divorce or the procedure to take divorce are being simplified.

Misuse of Anti-Dowry and Marital Laws

Now, let us understand how does women misuse anti-dowry and marital laws through an example. e.g., Ravi, a 32-year-old software engineer, had just started his life after marriage with Priya, whom he met through a matrimonial website. The wedding was lavish and grand, and the whole family of Ravi made Priya feel welcomed at their place. After getting married, Priya's increasing demands for money from Ravi were becoming unbearable for Ravi. When Ravi became reluctant to fulfill them, implicate him and his family in dowry harassment.

Priya filed a case under Section 498A of the IPC¹⁴. She declared that Ravi and his family harassed her for dowry and mentally tortured her. Claims were alarming and baseless, yet they caused legal trouble for Ravi, his elderly parents and the younger sister, into a legal trouble. Police visited to their house, causing public shame and hurt to their family name.

¹¹ <https://www.ncib.in/pdf/anti-dowry.pdf>

¹² <https://www.ncib.in/pdf/anti-dowry.pdf>

¹³ <https://blog.ipleaders.in/historical-and-political-journey-of-women-laws-gender-laws/#:~:text=The%20Hindu%20Marriage%20Act%2C%201955,confers%20property%20rights%20to%20daughters>

¹⁴ https://www.mha.gov.in/sites/default/files/Adv498_220114_0.PDF

With time, it was evident that the whole case was a mere blackmailing process. Priya demanded a huge amount of alimony to settle down. Ravi, along with his family, suffered for many years, emotionally and financially and was judged by society as well.

This reflects how the law of anti-dowry and marital law (misused to fulfill her demand for alimony as per the provisions of “*Adoption and Maintenance Act, 1956*”¹⁵) can be misused in cases meant to benefit actual victims, and that everyone must be treated justly for the need of a change.

Need for Gender Neutral Laws

Let us discuss and understand about the need for gender neutral laws with reference to the previous example, it is a serious call to action that Ravi's case highlights the urgent need for rights based on gender neutrality. It is in the measure of such a law Section 498A of the IPC that are introduced to protect the women from dowry harassment, but the cases of wrongful invocation of the law mean the very corrupter of the entire system is the case. Ravi's case is not a case in itself, it is just a manifestation of a more general problem that men can be abused and wrongly accused because of protection imbalance in law.

In pursuit of equal *gender-neutral rights*¹⁶, equal protection and liability applies to all regardless of gender. In the case of such as Ravi, if the laws have not been framed in an unbiased manner with respect to gender, men are made to suffer abusive personal grudges by its misuse to destroy their reputation causing family breakdown and mental and financial harassment to the most extent. His, elderly parents and young sister were not participants but suffered consequences, the effects of which are typically overlooked by the current system.

It also doesn't remove the hardships from women. Gender-neutral rights are not confined to the presence of “*male victims*” of domestic abuse or harassment or false allegations. However, it is and can be possible to establish a system of law founded on rationality and justice, and equal responsibility for criminal conduct among people of whatever gender.

¹⁵ https://www.indiacode.nic.in/bitstream/123456789/1638/1/AA1956_78.pdf

¹⁶ <https://ijlsi.com/a-critical-study-of-the-gender-neutral-rights-in-india/#:~:text=%E2%80%9CGender%20neutrality%E2%80%9D%20is%20a%20term,gender%20legally%20with%20no%20discrimination.>

A just approach would include more rigorous examination of complaints, the provision of appropriate or the taking of penal action against false complaints and general correct backing of guys and girls on an equal basis in front of the law. And besides the utility that cannot be overemphasized in ensuring justice, rights play a vital role in society, one in which inequality of stereotypes and discrimination will be overcome, and no person will be treated as an object for exploitation and abuse.

Case Laws

A. Case laws supporting importance and need for anti-dowry and marital laws to protect or to safeguard women from the incidents of “*Dowry/Domestic-Abuse*”.

⇒ **State of Maharashtra vs. Satish Bhagwan Patil and Others**¹⁷

Bombay High Court, in a recent ruling, upheld the appeal of conviction against Satish Bhagwan Patil and his family members under the ambit of Sections 498A and 304-B of the IPC. The case deals with the unnatural death of the victim, who had been married for less than seven years. Evidence presented in the court proved that the victim had suffered constant harassment and cruelty by her husband and in-laws due to the demand of dowry. This deprivation through mental and physical torture led to her death in suspicious circumstances, and the court classified it as a dowry death.

The High Court from the witness testimony nurtured by victim's family explicitly dealt with how such treatment was prevalent toward her, and the court also went through the medical and forensic reports, which fully backed these allegations, finding no reasonable inference arising otherwise than foul play with respect to those related to dowry. The court underscored that these are cases belonging to quite a larger systemic issue and demanded the strict implementation of dowry-related laws.

It addressed the grave problem at the root of dowry deaths in society and prevention against these inhuman acts against married women. While of course, it upheld the law, it heavily emphasized the seriousness attached to the crimes.

¹⁷ <https://www.casemine.com/judgement/in/675ddefea7e16531f168489d>

B. Case law supporting the statement that “*Anti-Dowry and Marital Laws are being misused by women*”.

⇒ **State of Telangana vs. B. Srinivas Rao**¹⁸

The Supreme Court dismissed the proceedings against Srinivas Rao, who was accused under Section 498A of the IPC for being cruel in connection with the dowry demand. The wife had filed a complaint of continuous cruelty against her husband and in-laws; the Court decided that the allegations were vague and did not cite specific incidents of cruelty or give concrete evidence of harassment due to dowry.

The judgment stated that Section 498A was intended for the protection of women from actual harassment and was increasingly misused as a weapon for personal vendetta. The Court expressed concern about husbands and their families who suffer undue harassment because of baseless accusations.

The ruling sought a balanced approach to handling such complaints and suggested that frivolous accusations harm not only the alleged accused but also dilute the seriousness of the law's object. The decision thus reiterates the importance of solid evidence before launching a prosecution under the anti-dowry laws.

Suggestion & Conclusion

Now, when we have discussed so many things its time to sum-up all the things and get into a conclusion. But before we discuss about the conclusion, here is my suggestion on this topic “Anti- Dowry and Marital Laws: Safeguards or Instruments of Misuse”. As we have discussed so far that anti-dowry and marital laws are important to safeguard the rights of women but are being misused by women. So, “what are the things we can do to prevent this?”. The answer is simple we need to introduce gender neutral laws as discussed above (“Need for Gender Neutral Laws”, Page no.6), stricter investigation process should be introduced to filter out the fake or frivolous complaints or cases, amendments should be made to stringent the penalties for filing false cases to protect innocent men and their families from these or frivolous complaints.

¹⁸ <https://indiankanoon.org/doc/6499844/>

In conclusion It should be noted that this paper on the topic “*Marital and Anti-Dowry Laws: Safeguards or Instruments of Misuse?*”, highlights the duality or the dual nature of “*Anti-dowry and Marital Laws*”. As these laws are enacted to deal with the problem or complaints of *dowry/domestic abuse* but unfortunately the number of false cases or misuse of these laws are increasing or growing day by day because of which these laws have become a source of injustice when used against men’s to exploit them for personal gain or revenge.

These dualities raise many important issues concerning fairness, accountability, and balance of justice in the legal system of our country. Even if the intention of these laws is quite noble, misuse of these laws is a threat to the credibility of such laws, which put innocent people through emotional and financial torture, and public may lose trust from entire process of judiciary. Certainly, reforms are needed to address such loopholes where the laws could indeed serve their purposes without being misused.

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