



Research Paper

## Misuse of Anti-Dowry Laws- A Dark Side of Marriage

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**ABSTRACT:** Marriage is a sacred institution, a sacred union between man and women. Marriage is a bond which is pure and unbreakable. The woman is always the better half of her husband and the relationship thrives on honesty, love, sacrifices and adjustments on both sides. A pure thing as Marriage comes with its evil side also namely "Dowry". In many families the tradition of accepting dowry is maintained. But if what is asked for is not obtained things might turn ugly. Many families have lost their daughters in the name of dowry. The system is so deep rooted that if dowry is not adequately given at the time of marriage, many marriages are called off leaving the bride, her family devastated. Therefore, the state has ensured to curb this evil and has brought to us the Anti-Dowry laws in the form of S.498A IPC, The Dowry Prohibition Act, 1961. But it's the nature of human being is to misuse something that is powerful. Women in the name of feminism and empowerment tend to harass their husband and in-laws. The fact that these laws are absolutely pro-women and the simple knowledge that only on the basis of complaint by the woman her husband and in-laws can be prosecuted under s.498A which can penalise the accused for not less than seven years and can extend to life imprisonment, still women opt to falsely accuse their husbands and his family members under such grounds. The misuse of Anti-Dowry laws have started to raise an uproar in the society but still we don't have any law which can deal with these situations. This study is to analyse the cause, effect, consequences and the recent development with regards to the misuse of Anti-Dowry laws.

**Keywords:** Dowry, Sec 498A, Misuse of Laws

### I. INTRODUCTION

As per a report of the United Nations, Women constitute half of the world's population, perform nearly two-third of the work hours, receive one tenth of the world income and own less than one hundred percent of the world's property<sup>1</sup>. Her status in society has been continuously changing with every decade she has received a new face, sometimes for good and sometimes for worse. It is very clear that women in ancient India were respected as goddesses and they had an equal status as per men in the society. Researchers have described women by propounding various perceptions. According to eminent historian Romila Thapar- "Within the Indian Subcontinent there have been infinite variations on the status of women diverging according to cultural malices, family structure, class, caste, property rights and morals."

The status of women in society has always been ever changing. Her status particularly in India has shown tremendous and constant change over many centuries. It has been a well-known fact that ideally women have been visualised as goddesses and is respected like so. But factually the reality is far beyond the ideals of humanity. Respect and compassion towards her has just remained to words. No doubt the state has time and again put forward various means to curb the menace of violence against women but how is the state supposed to protect her when she is tormented within her household, the parliament passed some of the most revolutionary laws called the Protection of Women from Domestic Violence, Act 2005 and the Dowry Prohibition, Act 1961, Section 498 A IPC. The term Domestic Violence has not been defined in any law in India<sup>2</sup> but somehow it is only used towards women, whereas Men in society are also the victims of Domestic Violence by their wives. The advent of these laws brought new level of protection from household abuse that women suffered. According to the United Nations Report which was published in 1980, it was said that, "Women constitute half of the

<sup>1</sup>Tripathy S.C Dr.& Arora Vibha; "Law Relating to Women and Children"; pg-5

<sup>2</sup>Palkar Vineeta; "Failing Gender Justice in Anti Dowry Law"; 2003 Vol 23(2), South Asia Research.

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world's population, perform nearly two-thirds of works hours, receive one tenth of the world income and own less than one hundred percent of world's property." Even after these report we fails to understand that times have changed women are now at par with men in the society and are capable on walking shoulder to shoulder with men. The Constitution of India which has enshrined the fundamental rights in Articles 12 to 35 are applicable to all citizens of India irrespective of any sex. The penal provisions relating to dowry is strict enough and this is one of the main reasons that the law so stringent is likely to be misused by women with mala-fide intension. It is a common scene in India where the wife gets all the benefits of anti-dowry laws but the plight of the husband and his parents and family is totally ignored. The law of Dowry Prohibition has no doubt provided great protection to women who are tortured by their in laws resulting in to Divorces, Separations, Mental Instability, Depression and sometimes Death, but the law fails to provide any provision on what happens when the law is misused and is used to frame false case against the husband and his family to have wrongful gains of husband's property, income etc. The makers of the law focused only on providing protection to females who were affected by the concept of Dowry but they completely left out that if the women ever misuses such strict provision against husband what remedy does the husband have in such a case.

According to a report published on 31<sup>st</sup> July 2015 by the Indian Express a total of 24,771 dowry deaths have been reported in the country in past 3 years and maximum of them occurring the state of Uttar Pradesh. But according to Jaipur Police the number of fake cases against Men was a 4,206 in the year 2015-16 itself.<sup>3</sup> This study will bring out the drawback of Dowry Prohibition act with respect to the status of Men and how it has been misused, also what are the prevailing laws the deal with safeguarding the rights of men and how they can be protected from the false accusations and allegations by the wives with mala-fide intention.

Dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.<sup>4</sup> The penal provision lays down that when a women is harassed where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand<sup>5</sup>, shall be liable for a punishment for imprisonment for not less than seven years or life imprisonment and fine or both.

## **II. THE CONCEPT OF DOWRY**

Dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.<sup>6</sup> The penal provision lays down that when a women is harassed where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand<sup>7</sup>, shall be liable for a punishment for imprisonment for not less than seven years or life imprisonment and fine or both.

## **III. EVOLUTION OF DOWRY IN INDIA**

A Dowry is a transfer of Parental Property, gifts or money given at the time of marriage of the daughter. In ancient India the code of Manu sanctioned the concept of dowry, but in those times it was in a more prestigious form as it was associated with the Brahmana caste. But Bride wealth was given in the lower caste as they were not allowed to give dowry (Tambiah Stanley; Goody Jack, 1973). The Difference between Dowry and Bride Wealth or Bride Price is the Dowry is the wealth that a father of the girls gives to the husband at the time of marriage and Bride Price is more like Dower in Muslim Laws where the Husband pays money to the father or guardian of the girl at the time or before the marriage. But studies show that Dowry was not in practise during the Vedic Period.

In Ancient India

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<sup>3</sup><http://menrightsindia.net/tag/false-case>, accessed on 11-10-2017 via google.com at 8:30 pm.

<sup>4</sup> Section 2 of the Dowry Prohibition Act, 1961

<sup>5</sup> Section 498A (b) of the Indian Penal Code, 1860.

<sup>6</sup> Supra note. 6

<sup>7</sup> Section 498A (b) of the Indian Penal Code, 1860.

In ancient times dowry was given as a form of valuable gift by the girl's father even by her brother and sisters, so that she may use by her whenever she wished. It is to be noted here that the dowry was given to the bride and not to her husband or her in-laws. The dowry strictly remained with the bride. This wealth given by her family provided her financial independence. It was treated more as a tool of financial independence. According to *M. A Reshma, Dr.Ramegowda. A*, 'She was allowed to hold property in her name. In Ancient India especially during the Vedic Period and the Indus Valley Civilization women were treated with divine respect and were given prominence in matters of state affairs and decision making'.<sup>8</sup>

### **In Medieval India**

When the French came to India, they praised India women for having a say in the state of affairs, they also developed great fondness for Ahalya Bai as she was a great administrator of the society. It is only when the British came to settle permanently under Lord Cornwallis in 1793, enabled a system of private ownership of land which was an unknown concept in India. It is then that the Feudal system or the Zamindari System emerged, before this zamindars were just tax collectors of the society. It was only during this time when the British completely prohibited women from owning any land or any kind of property. This was the time when parents used to give money to the bride during her marriage and as the British prohibited women from possessing any kind of wealth the money that she received during her wedding will now belong to her husband.<sup>9</sup>

### **The Modern India**

The current concept of dowry is connected with greed, mala-fide intention of the husband and in-laws to extract more and more money from the girl's parents. It has become a means of extortion in both ways. In the modern times the Anti Dowry laws are primarily misused by the women in order to fulfil their evil motives as these set of laws are non-compoundable offences.<sup>10</sup>

## **IV. LAWS IN SUPPORT OF ANTI DOWRY IN INDIA**

The first and the foremost is the Dowry Prohibition Act,1961- which defines the concept of dowry and lays down various provisions to eradicate the evil of dowry system in society. Indian Penal Code which lays down the penal provision under section 498A<sup>11</sup> IPC. Another mention is under section 113 A of the Evidence Act, 1872, which states as- Presumption as to abetment of suicide by a married woman.—When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the Court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relative of her husband.

Explanation.—For the purposes of this section, "cruelty" shall have the same meaning as in section 498A of the Indian Penal Code.

Section 113 B of the Evidence Act, 1872 mention Dowry Death- When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death. Explanation.—For the purposes of this section, "dowry death" shall have the same meaning as in section 304B, of the Indian Penal Code.

## **V. THE MISUSE OF ANTI- DOWRY LAWS IN INDIA**

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<sup>8</sup> M. A Reshma, Dr.Ramegowda. A; Dowry- A cancer of Society, Vol 17, Issue 4, Nov- Dec 2013, p. 35-45

<sup>9</sup><http://www.hitxp.com/articles/history/origin-dowry-system-bride-woman-india-british/>, accessed on 13-10-2017, via google.com at 8:45 pm.

<sup>10</sup> All those offenses that are not mentioned under section 320 Code of Criminal Procedure, 1973.

<sup>11</sup>Husband or relative of husband of a woman subjecting her to cruelty.—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. Explanation.—For the purpose of this section, "cruelty" means—(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

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Para Diwan has rightly quoted as, ‘A man is not complete till he marries and a woman is just not a grihapatni but a dharmapatni’<sup>12</sup>. The state of an average Hindu woman has always been pitiable in society due to the current sociological structure and existing customary practices, but today the laws are such that she can easily misuse the laws favouring her to fulfil her own vicious desires.<sup>13</sup> With changing time and society the mentality of women has also changed. The rate of criminality among women has been at a rise but the laws have not changed with their changing mental capacity. The tendency to adopt to crime against their own family members has risen to an alarming rate and it is certainly not fair to pre-establish that domestic violence happens to women only.<sup>14</sup> The reason why these laws are so much likely to be misused is because of the strict nature, as they are non-compoundable, non-bailable, women have used them as shield to harass and torture men.

Section 498 A has created a havoc in the society, says *Amit Bhandari* in his book, ‘I was Alive, 498 A killed me’. It is a classic book which has put forward the absolute torture than a man goes through when such a law is used against him and his family. It shows the actual picture, where the police actually harasses the accused without any pre-investigation into the matter and showers hell upon his family members. In his book he has shown by using reports and data that why certain sections of women are hated more rather than respected.

Chief Justice Vikramjit Sen, Delhi High Court says, ‘Don’t Allow it to happen as the misuse of section 498A of the Act, which allows criminal proceedings towards Husband and their relatives often nullifies the genuineness of the case, this is a note of caution.’<sup>15</sup>

Deepika Mahale<sup>16</sup> writes that whenever any problem arises in a matrimony certain women take the advantage of the anti-dowry laws to harass her husband and in-laws, and also that now-a-days most of the cases that are filed against the husband and his family are false. In the year 2011-10,193 false cases were registered in 2012-10,235 false cases and in 2013 the number went up to 10,964 false cases against the husband and his family, in 2015-10,000 false cases were filed by women against their in-laws.

Many times women try to rope in all the related members of the family of the husband during a complaint under the Anti-Dowry laws.<sup>17</sup> Like in the case of *Kans Raj Vs. State of Punjab*<sup>18</sup>, Supreme Court held that, Close relations of the husband cannot be roped in the offense only on the ground that they were relatives of the husband, in this case the court found that the fault of the husband, in-laws and other relatives cannot be held to be involved in the demand of dowry.

Women have gone too far to establish their say even if their grounds are false. The desperation to prove their upper hand on her husband and in-laws have today taken an evil turn and so the criminality of women’s mind has entered the society. Section 498A, has proven to be a bane rather than a boom. In the case of *Preeti Gupta Vs. State of Jharkhand*<sup>19</sup> the Supreme Court has observed that a serious look is warranted in the section of 498A IPC. The court said that, “It is a matter of common knowledge that exaggerated versions of the incidents are reflected in a large number of complaints”. The fact that incidents are exaggerated while told by the wives and also the tendency of over-implication is very evident in a large number of cases.<sup>20</sup> In many times it has been observed that cases are filed only to fulfil one’s own personal grudges, like in the case of *Sushil Kumar Sharma Vs. UOI*<sup>21</sup>, in this case the Supreme Court observed that complaint under section 498A was filed only to fulfil personal vendetta and held that, ‘It may therefore become necessary for the Legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with’, the Court also discussed the concept of *Legal Terrorism*.

There are many cases throughout the country where the fact of false allegation on the husband and his family against cruelty because of want of dowry is filed. In the case of *Tr. Ramaiya Vs. State*<sup>22</sup>, the Court observed, ‘there is no iota of doubt that most of the complaints are filed in the heat of the moment over trifling

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<sup>12</sup> Paras Diwan, (Modern Hindu Laws), 2007, pg- 63-64

<sup>13</sup> Lalsa Mohini, “Legitimacy of Section 498A of Indian Penal Code” *Cri. LJ*, Vol-117, April, P-127 (2011)

<sup>14</sup> Singh Ajay Kumar, “Dowry Problems in India : Rethinking Anti Dowry Laws”, *Cri LJ*, September, pg-256 (2009)

<sup>15</sup> <http://www.manupatrafast.com/articles/PopOpenArticle.aspx?ID=97cb3603-be33-4236-9cdb-7a2d65490f2e&txtsearch=Source:%20www.mightylaws.in>, accessed on 14-10-2017 via Google.com at 10:12 pm.

<sup>16</sup> Mahale Deepika, ‘Dowry laws: Loopholes and possibilities of Misuse’, ILS Law College, July 2013, <http://www.lawof.in/dowry-laws-loopholes-possibilities-misuse-dipika-mahale-ils-law-college-pune/>, accessed on 14-10-2017 via Google.com at 10:30 pm.

<sup>17</sup> Tripathy S.C Dr, Arora Vibha, ‘Law relating to Women and Children’, 2017, pg-59

<sup>18</sup> AIR 2000 SC 2324

<sup>19</sup> AIR 2010 SC 3363

<sup>20</sup> 243<sup>rd</sup> Law Commission Report on Section 498A IPC pg-1

<sup>21</sup> 2005 6 SCC 281

<sup>22</sup> order dated 7.7.2008 and 4.8.2008 in MP No.1 of 2008 in Crl. O.P. No.10896 of 2008.

fight and ego clashes. It is also a matter of common knowledge that in their tussle and ongoing hostility, the hapless children are the worst victims’.

It is worth mentioning here that in the case of *Savitri Devi Vs. Ramesh Chand & Others*<sup>23</sup>, this kind of petition is misconceived and is being used as a tool to accuse the entire family of in-laws of ransom, the women is rather extorting money by putting false allegation under s498A and allegation of dowry. The court observed that, ‘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 women to commit suicide or danger to life, limb or health or cause grave injury. Of course “health” means mental health also and not just physical health’, but unfortunately these provisions have been abused by the investigation and prosecuting agencies and exploited by the women and her relatives to such an extent that these have proved to be the most ineffective in curbing the evil of dowry as well as disciplining the husband and his relatives to treat the women in humane manner and give the bride and wife proper respect and honour.’

<sup>24</sup>A very shocking fact shows that the suicide rate of married men in India is higher than that of married female and this increases with their age. According to *indiastat.com*, male between the age group of 30 to 44, the suicide rate is 508 per 100,000 persons, and for women its 220 per person. The rate of suicide among men between the age group of 45 to 59 is 1812 per 100,000 person, and among women it is 550 per 100,000 person. As rightly observed by the *Malimath’s Committee*<sup>25</sup> in its report on reforms of criminal justice system, “The harsh law, far from helping the genuine victimized women, has become a source of blackmail and harassment of husbands and others. Once a complaint (FIR) is lodged with the Police under s.498A/406 IPC, it becomes an easy tool in the hands of the Police to arrest or threaten to arrest the husband and other relatives named in the FIR without even considering the intrinsic worth of the allegations and making a preliminary investigation. When the members of a family are arrested and sent to jail, with no immediate prospect of bail, the chances of amicable re-conciliation or salvaging the marriage, will be lost once and for all. The possibility of reconciliation, it is pointed out, cannot be ruled out and it should be fully explored. The imminent arrest by the Police will thus be counterproductive. The long and protracted criminal trials lead to acrimony and 11 bitterness in the relationship among the kith and kin of the family. Pragmatic realities have to be taken into consideration while dealing with matrimonial matters with due regard to the fact that it is a sensitive family problem which shall not be allowed to be aggravated by overzealous/callous actions on the part of the Police by taking advantage of the harsh provisions of s.498A of IPC together with its related provisions in CrPC. It is pointed out that the sting is not in s.498A as such, but in the provisions of CrPC making the offence non-compoundable and nonbailable.”

## **VI. THE EFFECT OF MISUSE OF ANTI-DOWRY LAWS**

Anti-Dowry laws in India are very strict. They are cognizable and Non-compoundable. They are non-bailable offences. The Police could arrest the accused without any warrant and put them behind bars. A simple complaint of bride torture by whatever means, meant arrest and non-stop harassment by the police towards almost the entire family of the husband. The severity of Anti-Dowry laws have no-doubt proven to provide protection to women who are tortured in the name of Dowry and sometimes are physically harmed and sometimes are killed in the name of Dowry. The aim of the laws were to give protection to such women and have proven its metal since its incorporation. But as the time passed, women became more and more aware of their rights and this also brought the criminal mentality among certain section of women. They use these laws to extract money and property. Sometimes it is more than just material things, it is used to settle their ego clashes, avenge their failure of desire or fulfil their personal vendetta. As a result they take to file FIR against their husband and in-laws. The police immediately without any prior investigation arrests the accused as the offence is non-compoundable and non-bailable, the accused has to go through a lot of mental torture. It’s just not the husband but his entire family, sometimes his distant relative are roped in. The mental agony is immeasurable and the social stigma sometimes forces them to commit suicide. More than 1/3<sup>rd</sup> of the cases filed against the husband and his family are false. It is such a shame that because of certain criminal minded women in the society, women have lost their divine respect. Victims from all over India voices their agony that how their wives on simple and petty grounds created fights within the family and differences between family members, often mentally harassed their old age mother-in-laws and father-in-laws, left home. Sometimes we have also come across wife who have resorted to battering her old mother-in-law. According to a news in Hindustan Times published on 28<sup>th</sup> September 2017- the daughter-in-law ended beating her mother-in-law to death.

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<sup>23</sup> 2003 (69) DRJ 6

<sup>24</sup> <http://mynation.net/voice/a-comprehensive-report-on-the-misuse-of-anti-dowry-laws-in-marital-disputes/>, accessed on 20-10-2017 via askme.com at 7:30pm.

<sup>25</sup> *Supra* note. 18, pg-10-11.

Society doesn't expect women to opt for such criminal behaviour, they simply assume that a bride can never do such harsh and overt act. It's very easy to assume that it is always the in-laws' fault.

According to a report<sup>26</sup>, Deeptanshu Shukla, an Iitian won a case where he was falsely accused by his wife Pragma Devi, who happens to be an assistant Professor in Indore of demanding dowry. The police kept him and his family in constant custody because of the false dowry allegation against him. (Mugdha Kapoor, 2015).

At times men are tortured to such an extent that they give up the wish to live, they enter into heavy depression, develop various mental disorders and health issues.

As laid down by Senior Advocate PanditParmanandKatara before the bench of Justice H. L Dattu, that application of the section 498A as such by the police and courts are arbitrary, unconstitutional and void in law and hence is violative of Article 14, Article 20 and Article 21 of the Constitution.<sup>27</sup>

## **VI. THE RECENT DEVELOPMENTS IN LAWS TOWARDS MISUSE OF ANTI DOWRY LAWS**

The 243<sup>rd</sup> Law commission report mention that in the case *Tr. RamaiyaVs. State*<sup>28</sup> the Supreme Court gave the following guidelines to the Police Department that are to be followed:

1. FIR should not be registered in a routine manner.
2. Endeavour of the police should be to scrutinize complaints carefully and then register FIR.
3. No case under section 498-A/406 IPC should be registered without the prior approval of DCP/Addl. DCP.
4. Before the registration of FIR, all possible efforts should be made for reconciliation and in case it is found that there is no possibility of settlement, then, necessary steps should, in the first instance, be taken to ensure return of sthridhan and dowry articles to the complainant.
5. Arrest of main accused be made only after thorough investigation has been conducted and with the prior approval of the ACP/DCP.

6. In the case of collateral accused such as in-laws, prior approval of DCP should be there on the file. According to a report<sup>29</sup> by The Times of India published on 28<sup>th</sup> July 2017, the Supreme Court has expressed deep concern over the wives misusing the Anti-Dowry laws against their Husband and in-laws, the Apex Court directed that, no arrest or any sort of coercive action should be taken on such complaints without ascertaining the veracity of allegations. Justice AK Goel and UU Lalit said, "It is high time, such frivolous cases which violated the human right of innocent was checked." In cases of Dowry complaints the reigning perception was cut down and the account of the victims was not to be taken just on the basis of their face value.

<sup>30</sup>Also in a report by the India Today published on 12<sup>th</sup> March 2015, the centre is set to prevent misuse of Anti-Dowry Harassment laws, a proposal has been laid down by the current Government that the section of 498A will be made compoundable, and this will be done by amending the provision of 498A IPC. Former Delhi High Court Judge, S N Dhingra observed that, "It will be a huge relief for those willing to compromise or framed. The accused can settle the case with the complainant at the trial court itself after arriving at a mutually-acceptable agreement. Till now the accused, many of whom are framed only for extracting money was subjected to undue harassment in the trial court and they then had to approach the high court to get it compounded. This step will also reduce a lot of pendency in the lower court."

The Amendment in s.498A will make the offence bailable, the Police officers will be instructed not to arrest a person under s.498A unless and until the parameters laid down flowing from s.41 Cr.P.C which allows the Police officer to arrest without warrant, and the investigating officer has to have a prior permission of the SP or equivalent officer in Metropolitan cities (*VijiAthreye*, 2015).

In a case of *Arnesh Kumar Vs. State of Bihar & Others*<sup>31</sup>, the Supreme Court has observed that, "Section 498A is a cognizable and non- bailable offense and has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision."

<sup>26</sup><https://www.indiatimes.com/news/india/exiitian-wins-dowry-casethere-is-still-some-hope-left-for-the-men-231697.html>, accessed on 03-11-2017, via google.com at 9:12 pm.

<sup>27</sup><http://www.freepressjournal.in/india/non-existing-anti-dowry-law/418790>, accessed on 03-11-2017 via google.com at 9:35 pm.

<sup>28</sup>Supra note. 20, pg- 4.

<sup>29</sup><https://timesofindia.indiatimes.com/india/no-arrest-in-dowry-harassment-case-without-verifying-authenticity-of-complaint-sc/articleshow/59796255.cms>, accessed on 21-10-2017 via google.com at 7:38 pm.

<sup>30</sup><http://indiatoday.intoday.in/story/dowry-law-section-498-a-ipc-centre-narendra-modi-nda/1/423362.html>, accessed on 21-10-2017 via google.com at 8:12 pm

<sup>31</sup> SLP (CRL.) No. 9127 of 2013

According to report by the Hindustan Times<sup>32</sup> on 28<sup>th</sup> July 2017, the Supreme Court laid down the following:

1. A family welfare committee in every district will scrutinise dowry harassment cases before local police can arrest the accused.
2. Decide bail application on the same day as far as possible.
3. Grant exemption from personal appearance or allow it by videoconferencing
4. Don't make passport impounding or red corner notice routine for people residing out of India.
5. The District Legal Service Authority (DLSA) will form the committee comprising three members who could be para-legal, wives of working officers or citizens who may be found suitable and willing.
6. Only a designated Investigating Officer of the area shall investigate dowry harassment cases. The training of these officers may be completed within 4 months.
7. In cases where a settlement is reached, it will be open to a District and Sessions Judge or any other senior judicial officer nominated by him in the district to complete the proceedings including the closing of the criminal case if dispute primarily relates to matrimonial discord. Committee's functioning may be reviewed once a year.

## VII. CONCLUSION

Dowry is a social evil. To curb this evil the Anti-Dowry Laws were enforced by the state. The laws are extremely harsh and strict, as they are non-bailable and non-compoundable. Women take the shield of these pro-women laws to fulfil their mala-fide intention. They harass their husband and his family, the police just on account of their complaint, without corroborating with any evidence put the husband's and his relatives in bars. Men as a result go through immense mental agony. The basic nature of Fundamental right to equality that no citizen must be discriminated on the basis of sex, simply gets violated every time a wife files a complaint against husband on grounds of cruelty of demand for dowry. The state must as soon as possible come up with amendments which can end the havoc that women have laid on innocent men of the society and also set up Men Commission to deal with any atrocities that took place in a man's life because of the false allegations of cruelty and demand of dowry by their wives. The state must also include a penal provision that if any woman is found falsely accusing her husband or his family members of cruelty or demand for dowry to fulfil her own mala-fide desires then she must be immediately sentenced to imprisonment for a period as long as the actual sentence i.e, not less than seven years and fine or both. The Police Department should also inculcate a separate branch and should be trained likewise, to deal with such sensitive cases and also provide counselling if and when required. There should be free counselling of Men and their relatives who go through tremendous harassment due to such false accusations by the wife and her family members.

It is heart wrenching to see that women today have fallen down to level where they can't be trusted or respected as they used to be earlier in society. Women by their very nature are innocent, kind, generous, loving and all such characteristics which made them at par with goddesses. Not all women have lost their sanity, but because of some all the others face the consequences.

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