



ISSN: 0975-833X

Available online at <http://www.journalcra.com>

INTERNATIONAL JOURNAL
OF CURRENT RESEARCH

International Journal of Current Research

Vol. 17, Issue, 02, pp.31717-31720, February, 2025
DOI: <https://doi.org/10.24941/ijcr.48509.02.2025>

RESEARCH ARTICLE

ENACTMENT OF LAW ADDRESSING MEN'S PROBLEM: NEED OF THE HOUR

Dr. Manoj Pathak^{1,*} and Sapna Tiwari²

¹Professor and Head, Department of Forensic Medicine, Institute of Medical Sciences, Banaras Hindu University, Varanasi, India; ²Research Scholar, Department of Forensic Medicine, Institute of Medical Sciences, Banaras Hindu University, Varanasi, India

ARTICLE INFO

Article History:

Received 25th October, 2024
Received in revised form
20th November, 2024
Accepted 24th January, 2025
Published online 27th February, 2025

Key Words:

Ostracization,
Emotional Trauma,
Academic Decline,
Social Challenges.

*Corresponding author:
Dr. Manoj Pathak

ABSTRACT

The misuse of dowry-related laws by some individuals in India has emerged as a significant concern. While dowry is a deeply entrenched social issue, laws such as Section 498A of the Indian Penal Code and the Dowry Prohibition Act were introduced to protect women from harassment and exploitation. However, there have been growing reports of these laws being misused by women to file false dowry cases against their spouses and in-laws. This trend, though not widespread, has raised questions about the balance between safeguarding women's rights and preventing the misuse of legal provisions. False dowry cases can lead to severe consequences for the accused, including social stigma, financial losses, and mental anguish. Judicial systems have recognized this issue, with courts emphasizing the need for careful scrutiny of complaints and discouraging frivolous litigation. However, the misuse of laws should not overshadow their importance in protecting genuine victims of dowry harassment. A multifaceted strategy is needed to address this problem, which includes enhancing systems for early detection of false complaints, encouraging gender-sensitive education, and increasing public understanding of legal provisions. Simultaneously, it is imperative to guarantee that legitimate victims continue to obtain the necessary help and legal protection. India can maintain justice and prevent the abuse of dowry-related laws without reducing their ability to solve the underlying issue by promoting a more equitable and balanced judicial system.

Copyright©2025, Manoj Pathak and Sapna Tiwari. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Citation: Dr. Manoj Pathak and Sapna Tiwari. 2025. "Enactment of law addressing men's problem: need of the hour". *International Journal of Current Research*, 17, (02), 31717-31720.

INTRODUCTION

In the context of Indian culture, the term "dowry" refers to the practice of transferring wealth, property, or gifts from the family of the bride to the family of the groom as a prerequisite for marriage. Although the Dowry Prohibition Act, 1961, prohibits dowry in India, the practice persists in numerous regions of the country, frequently resulting in substantial legal and social obstacles. The misuse of dowry laws has been a growing concern in this context over the years. False dowry cases have been filed by a portion of the population, exploiting the legal framework that is intended to safeguard women from dowry harassment (Ahuja, 2023). In India, Section 498 A of the IPC, which deals with cruelty by husband or in-laws, is often misused in certain situations which can have serious consequences, not only for the accused, who may face arrest, social stigma, and lengthy legal battles, but also for the justice system, which becomes burdened with false claims. The prevalence of fake dowry cases has raised concerns about justice for genuine victims, and the need for judicial reforms to prevent misuse without compromising the protection of women. The statistics on dowry deaths and incidents of cruelty reported under Section 498A do not differentiate between legitimate instances of dowry harassment and fake or frivolous

claims. Consequently, it is challenging to ascertain the precise number of fraudulent dowry-related accusations. Recently the issue of fake dowry cases has become a significant topic of discussion in India, as there has been an increasing trend of allegations being filed under Section 498A (cruelty by husband or relatives) and other dowry-related laws. While these laws were intended to protect women from dowry harassment, violence, and exploitation, their misuse has sparked widespread concern, especially when women file false claims to settle personal disputes, gain financial advantage, or retaliate against their husbands or in-laws (Ahuja, 2023)

MATERIAL AND METHODS

The article was prepared after reviewing new criminal law 2023 after thoroughly reading through BNS, BNSS and BSA, resources from print and electronic media, various online and offline journals pertinent to this topic, and interviews with various law experts, advocates, judges, and media personnel expressed on various reputable national news channels and YouTube.

ANTI-DOWRY LAW CRITICISM: Section 498A, being a cognizable and non-bailable offense, has acquired a questionable status among legal measures, often employed as a

weapon by disgruntled wives rather than a protective measure. Justices *C.K. Prasad and P.C. Ghose*, Supreme Court of India, July 2014 (BBC News, 2014). The anti-dowry laws in India, notably Section 498A of the Indian Penal Code (IPC) and the Dowry Prohibition Act of 1961, have faced criticism throughout the years. Although these laws were enacted with the intention of safeguarding women against dowry harassment and associated violence, critics contend that they have, at times, been subject to misuse or have resulted in unforeseen repercussions (BBC News, 2014)

Key Criticisms of Anti-Dowry Laws

Allegations of Misuse: Section 498A has been criticized for being misused by some individuals. NCRB data states more than 70 – 80 % cases filed under section 498A are either fabricated or fake in an attempt to file false cases of cruelty or harassment against husbands and their families (https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202017%20-%20Volume%201_0_0.pdf). Critics highlight instances where accusations are used as a tool for personal vengeance or to exert undue pressure during divorce or property disputes.

THE PSYCHOLOGICAL TRAUMA: SUICIDES AND FAMILY DESTRUCTION

The psychological impact of fake dowry cases on families can be profound and far-reaching, affecting the emotional, mental, and social well-being of the accused and their relatives.

Emotional Distress

- **Feelings of Betrayal:** Families often experience shock and disbelief upon being accused falsely, particularly when the complainant is a trusted family member or relative.
- **Anxiety and Stress:** The legal proceedings and the uncertainty of the outcome can create immense mental stress for the accused and their family members.
- **Depression:** Persistent worry, societal stigma, and a sense of hopelessness can lead to depression among family members.
- **Guilt and Self-Blame:** Some individuals might irrationally blame themselves for the situation, worsening their emotional turmoil.

Social Stigma

- **Loss of Reputation:** False accusations of dowry harassment or cruelty can tarnish a family's social standing, even if they are later proven innocent.
- **Isolation:** Friends, neighbours, and extended family might distance themselves from the accused due to the stigma associated with such cases.
- **Public Judgment:** Accused families often face judgment and rumours within their community, adding to their emotional burden.

Impact on Relationships

- **Strained Family Ties:** Accusations often lead to rifts within families, including estranged relationships with the complainant or other relatives who take sides.

- **Marital Discord:** False cases can destroy trust in a marriage and lead to separation or divorce.
- **Impact on Children:** If children are involved, they might face bullying, ostracization at school, or emotional trauma from witnessing the turmoil at home.

Legal and Financial Stress

- **Legal Proceedings:** The prolonged nature of court cases can exhaust families mentally and emotionally.
- **Financial Burden:** Legal fees, potential loss of income due to court appearances or imprisonment, and other related costs add financial strain, further compounding stress.
- **Disruption of Daily Life:** Frequent visits to courts and police stations disrupt the daily routines of all family members, contributing to a sense of instability.

Physical Health Issues

- **Stress-Related Illnesses:** Chronic stress can lead to health problems such as hypertension, insomnia, headaches, and gastrointestinal issues.
- **Weakened Immune System:** Prolonged anxiety and depression can impact physical health, making individuals more prone to illnesses.

Impact on Children

- **Emotional Trauma:** Children in affected families might feel confused, scared, or insecure due to the conflict and tension in their household.
- **Academic Decline:** Stress at home can lead to a lack of focus and poor performance in school.
- **Social Challenges:** Children might face stigma, bullying, or isolation from peers if the accusations become widely known.

THE FINANCIAL EXPLOITATION: A MODERN DOWRY SCAM

The financial exploitation linked to false dowry cases, often referred to as a "modern dowry scam," has emerged as a significant issue. While the legal framework around dowry aims to protect victims from harassment, some individuals misuse these laws to extort money from accused families. An overview of the ways in which financial exploitation appears in these instances is as follows:

Extortion Through Legal Threats

- **Pre-Litigation Settlements:** Some complainants demand large sums of money to withdraw complaints or avoid filing cases. Families often comply to avoid prolonged legal battles and social stigma.
- **Court-Mandated Compensation:** The accused may be coerced into paying substantial amounts as part of legal settlements during divorce proceedings or dowry-related cases.

Prolonged Legal Proceedings

- **High Legal Costs:** Defending against false accusations requires significant financial resources, including attorney fees, court fees, and related expenses.

- **Loss of Income:** Frequent court appearances and time spent on legal proceedings often result in lost wages or business opportunities for the accused and their family.

Coercion in Divorce Cases

- False dowry allegations are sometimes used to secure favourable terms in divorce settlements, including higher alimony, child custody, or property division.
- Families may agree to financial demands to expedite the divorce process and avoid further harassment.

Social and Professional Impact

- **Reputation Damage:** Accused individuals may lose jobs, business clients, or professional opportunities due to the stigma of being involved in a dowry case.
- **Employment Impact:** Legal issues and societal stigma can jeopardize current employment or future career prospects, leading to long-term financial instability.

Asset Drainage

- Some families are forced to sell assets like property, jewellery, or savings to meet financial demands arising from legal battles or settlements.
- These situations often leave families in financial ruin, with little recourse for recovery.

Exploitation of Elderly Family Members

- Elderly parents of the accused are sometimes named in false complaints, pressuring families to pay off financial demands to protect them from legal entanglement.
- This adds to their emotional and financial burden, often depleting their life savings or pensions.

Gender Bias in Financial Exploitation

- The perception of women as the only victims in dowry-related disputes often leads to undue financial penalties for men and their families, even in false cases.
- This financial imbalance is seen as a misuse of legal protections intended to safeguard genuine victims.

STATISTICS

Statistics on Dowry-Related Crimes (Recent data): One of the widely discussed cases of false dowry accusations recently is Atul Subhash's suicide case. On the evening of December 9, 34-year-old Atul Subhash committed suicide. In his lengthy 24-page suicide note and 81-minute video, Subhash cited three main sources for his actions: the judiciary, legislative bodies, and law enforcement. He also ascribed his actions to the problems he faced during his marriage and divorce proceedings. The news of Subhash's tragic demise has galvanized men's rights advocates and initiated a broader debate over India's harsh dowry legislation, intended to safeguard women from harassment and potential homicide. Nikita Singhania wife of Atul Subhash accused Subhash and his family of subjecting her to dowry harassment. What is the significance of suicide notes as evidence? Legal Significance Can be regarded as a Dying Declaration under Section 26 of the Bharatiya Sakshya Adhiniyam, 2023. It distinguishes itself from English law by permitting a more expansive

interpretation of statements concerning death (https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%201_3_0_0.pdf) This is merely one instance that has got some attention because of social media, but there are numerous instances where women have misused the anti-dowry law for their personal agendas. Recent statistics and evidence from reputable sources point to the possibility that many dowry harassment cases may be false or exaggerated. Legal experts estimate that as much as 70-80% of dowry harassment cases are either fabricated or based on trivial domestic disagreements. Often, these cases are filed with the ulterior motive of seeking financial compensation, including demands for alimony, property, or hefty dowries – sometimes upwards of 25 lakhs or more, such false cases not only tarnish the reputation of innocent men but also strain their mental and emotional well-being. This increasing misuse of the law has led to calls for reform to ensure that the legal system distinguishes between legitimate grievances and fabricated accusations. Not only the instance of Atul Subhash, but there are numerous other examples of incidents in which men are falsely accused and are compelled to take their own lives. Recently a man committed suicide in the city, blaming his wife and her family, while the Bengaluru Police continued their investigations into the suicide of techie Atul Subhash, who had allegedly been harassed by her family. Tippanna Alugur, a head constable with the Bengaluru Police, committed suicide on Friday night near Baiyappanahalli by jumping in front of a moving train. At about 10:45 a.m., residents found the officer's dismembered body on the tracks and reported it to the authorities. Aside from identity papers, a message blaming his wife and father-in-law Yamanappa for the drastic decision was discovered with him. They were accused of persistent harassment by Tippanna in the note. He went on to say that the father of his wife had threatened his life. His wife and father-in-law Yamanappa subjected him to torture and threats, which he expressed in his suicide note. This is what Tippanna, a 34-year-old, had to say about her encounter with Yamanappa: "On December 12, he called me at 7.26 p.m., spoke for 14 minutes, and threatened me." According to her account, the following day, he contacted his wife's father and begged him to kill the police officer, he said (Gowhar, 2024)

Another such example is the landmark Supreme Court decision from 2024, which is Dara Lakshmi Narayana versus State of Telangana. An FIR lodged in a marriage dispute under Section 498A of the Indian Penal Code was overturned by the Court. The increasing abuse of Section 498A was denounced by the Supreme Court. In a ruling on dowry demands, the court emphasized that the provision was added to safeguard women from mistreatment. The FIR against the Appellants and others was quashed on 10th December, 2024 by the 2-Judge Bench after reviewing the case's facts and circumstances (Chandrakar, 2021). Dowry suicide and criminal conspiracy are related in cases where a group of people, frequently involving members of married family, work together to harass or mistreat a spouse to the point that he/ she feels compelled to commit suicide. In India's legal structure it recognizes such relationships under several provisions of Bhartiya Nyaya Sanhita (BNS). Dowry suicides which come under Section 80 of the BNS. Criminal conspiracy covered under Section 61 of the BNS. If members of the marital family (e.g., in-laws, wife, husband) may conspire to systematically harass men for compensation money. They may deliberately create an environment of mental and physical abuse, intending to

compel the men to comply with these demands or isolate himself. If this systematic harassment leads to suicide, the conspirators may be charged under section 61 of the new criminal act BNS. Despite the fact that legislation such as the Dowry Prohibition Act and Section 498A IPC were created to safeguard women, there is growing recognition that men can also experience harassment in specific situations. If the required legal conditions are satisfied, someone may be held accountable for aiding and abetting suicide in circumstances where a man/woman commits suicide under Section 108 of the Bharatiya Nyaya Sanhita (BNS). When someone encourages, incites, or aids another person in committing suicide, Section 108 BNS is applicable. But the following is needed to be evidenced in order to prove abetment to suicide under this section:

- The accused engaged in active provocation, harassment, or instigation.
- It is necessary to demonstrate a clear connection between the deceased's decision to end their life and the accused's acts.
- Challenges in Dowry-Related Cases Involving Men:
- **Burden of Proof:** The onus is on the prosecution to prove beyond a reasonable doubt that the accused directly caused the suicide. This can be challenging without concrete evidence such as suicide notes or corroborative testimony.
- **Gender-Specific Laws:** Current dowry laws are primarily designed to address harassment faced by women. However, the growing awareness of men's rights and mental health issues has led to calls for gender-neutral laws and mechanisms to prevent misuse.

CONCLUSION

After the Nirbhaya case on December 16, 2012, the Indian criminal code was revised to expand the definition of rape and other sexual offenses against women. Additionally, new provisions were introduced to the Indian Penal Code, the Criminal Procedure Code, and the IEA, but no legislation was passed regarding the harassment of men. Our legal system ought to be gender neutral rather than female centric, so that mental harassment and the dowry act do not solely affect women. Men have also been wrongly accused of crimes against women under several aspects of current legislation.

We have a legal system that falsely incriminates males under sections 498A, 304B, 307, 376, 323, 506, CRPC 125, and lots of other parts. Unfortunately, the problem of men's harassment is not addressed by the new criminal laws (BNSS, BSA, and BNS). Men have been harassed in the past and this trend will continue unless new provisions are incorporated into the current criminal code, as seen in the recent case of Atul Subhash and numerous others, such as the Shushant Singh Rajput case, Rajesh Sharma & Others v. State of U.P. (2017), and Dara Lakshmi Narayana & Others v. State of Telangana, among others. In light of recent developments in our country's criminal laws, it is imperative that we establish gender neutrality in this sector.

Currently, women are able to take advantage of loopholes in our current system to treat men cruelly, and this practice is becoming increasingly problematic, bordering on Legal Terrorism. Based on data from the NCRB and other reliable sources, only 20% of dowry and section 498A cases are legitimate; that is, 80% of the cases are either created or unfounded, and they all involve men. There is a fine line between sections 498A and 306B of the act, and in most situations involving the 498A statute, cruelty by the spouse is interpreted as cruelty by the in-laws. There have been umpteen numbers of suicides by men owing to false cases under 498A. Mere threats of this law have driven men to suicide because they think that a suicide will save their family members from the ordeal. There is no statistical recording of such cases but the number is overwhelming. According to the 498A Act, there is no provision for direct arrest by the police unless there is recent evidence of injuries on the woman's body. Considering the current situation in Western countries, lawmakers should propose the following changes: alimony should be determined by prenuptial agreements, and divorce should only be granted in cases when marriages cannot be irretrievable. The frequent occurrence of such situations should serve as a wake-up call to the members of parliament and the legislative assembly, urging them to pass a few laws safeguarding men's rights.

REFERENCES

- Ahuja, N., & Kumar, L. (2023). Dowry death: human rights and criminal law perspective. *Issue 1 Indian JL & Legal Rsch.*, 5, 1.
- BBC News. (2014, July 3). India court says women "misusing" dowry law. <https://www.bbc.com/news/world-asia-india-28140205>
- https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202017%20-%20Volume%201_0_0.pdf
- https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%201_3_0_0.pdf
- Gowhar, I. (2024, December 14). *Head Constable ends life due to alleged harassment from wife, father-in-law*. The Hindu. <https://www.thehindu.com/news/national/karnataka/head-constable-ends-life-due-to-alleged-harassment-from-wife-father-in-law/article68984622.ece>
- Ali, T. S., Jetha, Z., Parveen, S., Ali, P., & Rogers, M. M. (2023). Dowry-Related Abuse and Dowry Death. In *Gender-Based Violence: A Comprehensive Guide* (pp. 257-269). Cham: Springer International Publishing.
- Chandrakar, T. (2021). Statistical Analysis on Dowry Cases in India. *Research Journal of Humanities and Social Sciences*, 12(4), 235-238. https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%201_3_0_0.pdf
- <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%201.pdf>
- <https://indiankanoon.org/doc/538436/>
- Chandrakar, T. (2020). Anti Dowry Laws in India-A Legal Terrorism. *International Journal of Reviews and Research in Social Sciences*, 8(2), 103-107.
