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Central Chronicle had asked its readers: Is the Dowry Act being largely misused?

Following are the responses.

Dowry Prohibition Act of 1961 defines dowry as: -Any property or valuable security given or agreed to be given either directly or indirectly- a) by one party to a marriage to the other party to the marriage or b) by the parents of either party to a marriage or by any person, to either party to the marriage, or to any other person at or before or after the marriage of said parties but does not include dower in the case of persons to whom the Muslim Personal Law applies. The Act states that if any person gives, takes or abets in giving or taking of dowry shall be punishable with imprisonment which may extend up to six months or with fine which may extend to Rs 5,000 or both. The Act provides that every offence under this Act shall be non-cognizable, bailable and non-compoundable. In spite of all these the traditional society where orthodox views still prevail over new ideas, has given lease to the dowry system. A new class of the rich has emerged that buys daughters' future with dowry to enhance its own social status by entering into marriage alliances with families of high status. Even dowry is attached with the self respect of bride and the status of bridegroom. The dowry institution gives support to the belief that males are superior to females. The so-called equality of status and opportunities



between the sexes guaranteed by the Constitution of India is completely nullified by the social evil of the dowry system. The spreading of dowry like an infectious disease is posing a serious threat to the moral fabric of the nation. Social reformers starting with Raja Ram Mohan Roy, continuing with Mahatma Gandhi have not succeeded in ending the evil. Even Dowry Prohibition Act, 1961 has not become duly effective although it was introduced in many states. A government committee has recommended dowry to be an offence under law. There is a suggestion to establish family courts to deal with family matters and to appoint an enforcement machinery to help the dowry victims.

Reji Varghese

In 1961 the Government of India enacted the Dowry Prohibition Act prohibiting giving or taking of dowry. Dowry being defined as any property or valuable security given or agreed to be given either directly or indirectly- by the parents of either party. If a person gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than Rs 15,000 or the amount of the value of such dowry, whichever is more. I think it was a very progressive measure, which has helped in reducing the ills that the dowry system brought over the years. The financial burden on many poor people has diminished, the general awareness and the maturity level of the people has also improved. Marriage is seen upon as a sacred bond of love between two people and not as a business deal. No more dowry deaths or greediness people respect each other and treat others as people and not merely as commodities that can be used for making profit. It is definitely a step ahead as it safeguards human rights and ensures just conduct. On the

other hand, there is a flip side to the whole matter. There are smart people looking for easy money, they do not hesitate in framing their in-laws extracting money out of them and getting them punished even for no fault of theirs. Sometimes laws backfire really hard leading to immense injustice. But then again there has to be law and rules to follow. Gifts get a person very high, they make you soar may be that's why in the good old days parents gave their daughters presents as parting gifts and the act of giving made them happy too, but as time went by we distorted the concept of parental love and sharing. So we had to lay down certain boundaries and we found a way to misuse the boundaries too.

Anusha Narain

Yes, no doubt, the Dowry Act is being greatly misused by womenfolk and their families. Several instances have been seen where husbands and their family members are innocent but even then wives implicate false cases against them and torture husbands and their parents. If you read several magazines and newspaper articles, you will find that false cases are increasing day by day and year by year. Thus it is seen that number of divorce cases have also increased. Today's women are highly modern and prefer to flirt male counterparts and never prefer to stay with only one male, therefore this creates problems in their married life. Section 498(A) which pertains to Dowry Act, must be changed and altered and a suitable Act must be passed by Indian Judicial, political system to safeguard innocent male counterpart and their parents and family members. This could be a very good social reform to safeguard more than 50% of the population of Indian subcontinent. Prakash Pathak, Lucknow

There is no iota of doubt that dowry Act is being greatly misused

in recent times. In future it will be seen that several false cases will be coming to the police and the judiciary and it will be very much ticklish and complicated problem for the judicial system to resolve these problems within a short span of time because our judiciary takes very long time to resolve even minor cases. Many a time, wives and their families lodge false complaint against their husbands just to earn property, wealth and assets from the husband and his innocent family, by blackmailing them and earning through oblique motives. Wives' greed behind property and money makes things go complicated. Therefore she takes drastic steps of dragging son-in-law and his family to the court of law. Proper remedial measures to safeguard men and their family which comprises of more than half the population in Indian peninsula, is essential in recent times because this creates unnecessary nuisance and destroys social values and norms and it is totally unethical to drag innocent people to court of law and the police. Those people who go to the police and lodge false complaints should be strictly penalized by the judiciary.

Santosh Mishra

The offences registered under dowry harassment law are made non-bailable and uncompoundable. The rigours of this law appear to be harsher than even the most heinous crimes like dacoity & terrorism, in the sense that they are not being misused but dowry harassment provisions are being grossly misused by the so-called `modern women' mostly of a working class. There is no household where family disputes are not heard but far-stretching them to the dimension of dowry harassment complaints in police are gifts of modern society enjoying freedom of companionship and extra-marital efforts etc. The

motives behind dowry harassment allegations are mostly hinged at grabbing the property of inlaws and inflicting humiliation to satisfy one-sided ego of the ladies. This law suffers with one-sided inquiries by the police and admitting the version of complainant ladies alone while equitable natural justice is totally ignored by investigating authorities. There are numerous divorce cases because of dowry harassment cases. The intention of the law makers should have been not to promote dissolution of marriages by framing such one-sided legislation. The media reports in TV channels, newspaper magazines etc are witnessing the rigours of misuse of this Act by several families, so often. Even the honourable courts have also admitted about misuse of this Act in their judgement.

Sandeep Shukla

Everyone knows, accepting or giving dowry is an offence; still it goes on and at all the levels of society. Earlier girls were illiterate and financially dependent, so dowry proved to be security. Parents offered gifts to their daughters according to the status. Soon this became customary, part and parcel of tradition. As time passed by, demands from grooms' side soared high. Now, rates of eligible bachelors have been fixed according to their qualifications. For average people it has become a burden. Hard earned money and most of the savings goes off as dowry, leaving behind a hell of tension. To avoid this, one is curious to know the sex of unborn foetus. Even for adoption male child is preferred rather than the female. Not paying enough of dowry leads to harassment and even death of the girl. Women will have to take right and bold step to fight against this evil.

Neelima Misra

A dowry is a gift which parents give their daughters willingly. But nowadays the form of dowry has changed. The rich parents have categories in the dowry system. They give them profession-wise- the highest IAS, the boy abroad and thirdly engineer or doctor, software profession etc. This greed on the system so called will never vanish from the Indian society. The younger generation however is becoming aware about the ill-effects of the dowry system. However the older generation still supports it as they feel it is a security. There are hundreds of cases in the Indian society wherein the dowry has ruined the families. Hence it should be strictly prohibited.

Sarita Pawar

Yes. Dowry harassment laws are being grossly misused. Mostly working women and local women residing with their parents often misuse and abuse the stringent provisions of Section 498-A IPC for blackmailing their innocent law-abiding husbands and parents-in-law etc to grab their self-earned properties and separation from their in-laws by implicating them in the false, fabricated and concocted allegations. Modern working women want to roam freely without any check. They are moral barriers of shame and prestige by lodging FIR U/s 498-A to police and enjoy in the arrests of their own husbands and parents-in-laws on mostly flimsy grounds of domestic disputes and altercations. Always one-sided enquiries are done by the police by making women's relatives as prosecution witnesses. Even the Supreme Court has passed stricture that the law is being grossly misused and legislature should take note of providing suitable protection to the innocent husbands and their parents.

Rkshukla

The Dowry Act was enacted to discourage greedy in laws from demanding dowry from the girl's parents. The intention was good. It did discourage some of the greedy in laws from making unreasonable demands. However, like all good laws, the Dowry Act also came to be misused and abused and sometimes grossly so. Differences are likely to arise in all marriages, whether love marriages or arranged marriages. In love marriages since the boy and the girl agree between themselves to tie the nuptial knot and the parents from the two sides are not involved, in case of differences arising or lack of compatibility between the two, the girl cannot accuse the boy of demanding dowry. In such cases, the accusations are of cruelty, impotency, neglect etc. However, if differences arise in the case of arranged marriages for one reason or the other, the parents of the girl usually take resort to the Dowry Act to teach the boy's side a lesson. Since usually the sympathies of the people are with the girl's side in case of a dispute, the police have no alternative but to register the case against the girl's in-laws and make arrests. The public humiliation of the boy's side is very satisfying for the girl's side and if conviction also takes places it is a bonus and highly satisfying. In a large number of cases registered under the dowry Act, the competent courts found that the charges of the girl's side were not substantiated. With a view to safeguarding against malicious prosecution, the police should exercise extreme caution in making arrests unless there is strong evidence. The courts too must exercise extreme caution in weighing evidence and refrain from punishing the boy's side unless there is incontrovertible evidence. It is wise to follow the time-honoured dictum in criminal cases. Let the hundred guilty

escape but do not punish an innocent.

RJ Khurana



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