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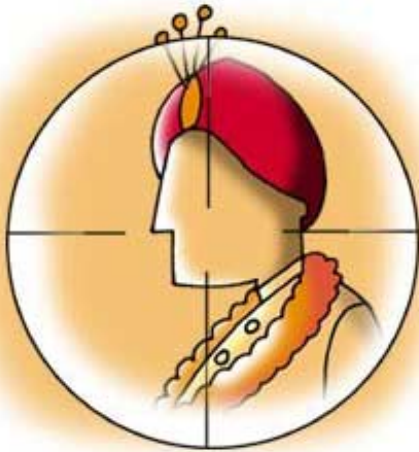
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The Rediff Special/M D Riti

December 23, 2003

Hope for victimised husbands



My cousin has been falsely implicated in a dowry case," says Vandana, who has just come off a night shift. "He met a girl at a *swayamvaram* in Chennai, where all participants had to give an undertaking not to take dowry. He took a snap decision to marry her.

"It was an interstate match: she is from Kerala and he is a Kannadiga. The relationship went bad barely a month after they got married, and she walked out on him.

"Then she filed a dowry case against him and he was locked up in police custody for nine days. No charge sheet has been filed till now. All it takes is for a woman to lodge an FIR [*first information report*] in a dowry case, and the accused man is arbitrarily arrested.

"Will someone help my cousin find justice?"

rediff.com was answering a call at a helpline launched in the second week of June for victimised husbands in Mahalakshimpuram, Bangalore. The helpline is yet to gain police recognition, but desperate people, many of whom turn out to be women talking on behalf of cousins or brothers, are calling in.

The helpline was launched by H V Arun Murthy, a freelance writer originally from Bangalore, who was living happily in Delhi until he was summoned by a court as an accused in a dowry case filed by his sister-in-law. Murthy says his brother married a girl from an orphanage. The marriage went bad very fast and has now ended in a dowry harassment complaint that put Murthy, his brother, and some other family members in jail for a short period.

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"Who could have paid dowry for that girl? The orphanage authorities?" demands an angry, white-haired, single Murthy.

An architect couple, Girish and Pankaja, who are his friends, offered to share their office space with him and Murthy promptly set up the helpline. On Tuesdays and Fridays, between 7 and 9pm, he, lawyer Sathya Venkatesh, and a counsellor sit in the tiny office to field calls. They receive between eight and 10 calls in that time slot.

The phone line was not dedicated; it was the office number of the architect couple, who also fielded calls and passed on the information to Murthy.

The forum, Sangabalya, now operates from the first floor of a commercial complex in Munneshwara Block, Mahalakshimpuram. It already has 60 members, about half of them women. They hold fortnightly meetings, which at least 75 per cent of the members attend. Murthy hopes to turn it into a non-governmental organisation soon.

Venkatesh, who had for a long time felt that someone should help victimised men, volunteered his legal services.

"The courts are always sympathetic to women," he told *rediff.com* "Even our laws do not recognise the possibility of wives and daughters-in-laws ill-treating husbands and old in-laws. I know of so many cases where section 498-A [of the *Indian Penal Code*] has just been used as an instrument of blackmail. But public sympathy is all for the perpetrators of the crime. More than 90 per cent of dowry cases filed are dismissed. But no punitive action is taken against the women who file the cases, even though it is sometimes proved that they lied under oath."

The association considers Delhi high court Justice J D Kapoor's observations in a dowry case that he dismissed two months ago a vindication of its stand. "There is a growing tendency to come out with inflated and exaggerated allegations, roping in each and every relation of the husband," Justice Kapoor noted while recommending a review of anti-dowry laws. "If one of them happens to be of higher status or vulnerable standing, he or she becomes easy prey for bargaining and blackmailing."

Sangabalya has clear objectives: its first goal is to help all men who have had false complaints filed against them under section 498-A, which makes "cruelty by husband or relatives of husband" a non-bailable, cognisable offence.

According to the forum, many men in bad marriages complain that this section, used in tandem with the Dowry Prohibition Act of 1961, has become a stick for wives, sometimes aided by unscrupulous policemen, to use to extract money. In many cases, they say, this results in the wrongful imprisonment of husbands and their relatives.

Women's groups readily admit that because many husbands and in-laws who harass women for dowry get off free, they make sure that the men endure as many days of police or judicial custody as possible right at the beginning, so that others hesitate to follow in their footsteps.

"If you spend even a day or two in custody, you lose all respect in society," says G Narendra Kumar, a technical officer in the Aeronautical Defence Establishment, who is now under suspension pending a dowry case filed by his wife. He was arrested from his home some months ago, as his wife looked on, following a complaint filed by her. "I have been suspended, and the police are not even telling my company whether I have been charge-sheeted," Kumar says.

The forum is committed to preventing the misuse of the law from destroying the institution of marriage. It wants to promote reconciliation at all times, no matter how late. It also works towards getting divorce and child custody cases disposed off quickly, within the statutory six months. It tries to provide counselling and emotional support to men caught up in these cases, as it feels that they generally do not have access to such help. It also means working towards ensuring punitive action against those who make false complaints and swear false affidavits.

So far, they have only settled two cases successfully, and persuaded the couples to go in for a healthy divorce.

As soon as someone calls the helpline, his complaint is heard and he is called for a face-to-face discussion during which a lawyer and a counsellor are present.

Another issue the forum is fighting is the arbitrary manner in which interim wife support is provided. "After living with my wife for barely a month a decade ago, I have been paying her interim maintenance for the past decade," says Narayanaswamy, who works for a national cooperative bank. He had been wrongly advised that he would suffer if he filed for divorce, but Venkatesh asked him, in the presence of *rediff.com*, to file for divorce immediately.

During its short existence, the forum has already noticed certain patterns leading to what Murthy and his fellow victims insist are false police cases. First, this is an entirely urban phenomenon; secondly, in such cases, the woman usually walks out within the first few months of marriage; thirdly, the disputes are often over money matters or living in joint families; fourthly, FIRs seem strangely similar, irrespective of the differing stories of the alleged victims. "Most of them accuse men who are non-smokers of burning women with cigarette butts," says Murthy. "They also say the women had bites all over the body."

Then there are cases like that of Abdul Kaleem, which make it obvious that the forum does not try to make moral judgements about whether the man was in the right. Kaleem's wife walked out of their eleven-year-old marriage four months ago with her two children, aged 8 and 10. "She simply disappeared with the children," says Kaleem, sitting in the helpline office, "and the police are now accusing me of having killed her!"

Kaleem accuses his wife of "wanting to be too independent, go out whenever she liked, and visit her mother every day", all fundamental rights that many women enjoy.

"We are supporting him because the police are harassing him and asking him to produce his wife before them," argues Murthy. "Besides, we feel he has the right of access to his children. How can his wife just disappear with them?"

Similarly, there is the case of the non-resident Indian son of the ageing Suryanarayan Jois. Jois claims his son never married the woman who professes to be his wife and is demanding a marriage settlement. "We lied to the marriage registrar that they were man and wife," Jois explains, "and showed him studio portraits wearing garlands and someone else's *mangalasutra*, just to obtain a marriage certificate for visa purposes."

Many days after this false declaration, when the couple was actually going through the wedding ceremony, the girl had an epileptic seizure. The Jois family immediately stopped the wedding, saying the bride had lied about her health.

When her family began agitating for justice, the Jois family got the 'marriage', which they claim never happened, annulled.

This was when the bride's family filed a dowry case against them. Jois appealed to the police to drop the case, but ended up paying various corrupt officers bribes totalling Rs 100,000. But he also recorded all these transactions and gave documentary evidence to the Lok Ayukta. No action has, however, been taken against the corrupt police officers yet.

"This case does have grey areas," admits Murthy, when asked why the helpline is taking up a case in which the family of the husband has actually lied to a registrar and committed an illegal act. "But then, our point is that this case is a civil matter, and is being converted into a criminal anti-dowry case. We agree that the family should be punished for trying to cheat the law by pretending the marriage took place before it actually did."

Karnataka Director General of Police T Madiyal prefers to give the organisation the benefit of the doubt. "We welcome any helpline or voluntary effort that tries to reach out to people in distress," he says.

Murthy and his friends are now trying to register themselves as a trust, which they hope will give them a better standing and solidity.

Many of the association's members are families of NRIs. There is, for example, the brother of a doctor working in the UK, whose marriage to a well-connected girl from Chennai ended in acrimony. "When my brother went to her house alone to return her jewellery and assets, she took them and then filed an attempt to murder case, saying he had beaten her and her relatives up," says Raghunathan. "Now my brother has to shuttle up and down from the UK for hearings. We have just settled out of court with her family for Rs 15 lakh."

Murthy says, "Judges are usually sent to family courts as punishment postings, and come ready to look at all cases as criminal cases. The police, too, convert many civil complaints that women file into dowry cases so that they become criminal cases, which are more lucrative. I often get cases of male victims... but always only when they are too poor to be able to pay the police anything to move their cases along."

As he puts it, "I decided it was time we had a collective voice and talked about the abuse of dowry laws by women. It's time someone pointed out that all women are not holy cows, and all men are not drunks and lechers. Let us start being fair to one another."

Sangyabalya can be contacted at 91-80-56969850. Their email address is victimsof498a@rediffmail.com.

Some of the names have been changed to protect identities of persons.

Illustration: Uttam Ghosh

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