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EDIT PAGE

Assassin's weapon

The Pioneer Edit Desk

Tougher anti-dowry law could become that

The instinctive response of Government, irrespective of the party or coalition in power, to any and every problem is to either enact a law or amend existing laws to make them harsher. This is often done mindlessly with little care for the consequences that could follow, especially the misuse of legal provisions to settle personal scores or even indulge in extortion. A case in point is the Union Government's proposal to make the existing anti-dowry law more draconian. The Ministry of Women and Child Development, it has been reported, plans to incorporate recommendations of the National Commission for Women to introduce harsher penalties for dowry offences. On the face of it, this appears to be a laudable move; after all, innumerable women across the country suffer mental abuse, physical violence and even death due to the greed of their husbands and their parents-in-law. Dowry remains a blot on our society and the crime transcends caste and community identities. But the solution does not lie in amending existing laws or introducing fresh legislation. For, dowry-related crimes are covered not just by the provisions of the Indian Penal Code but also by several specific provisions that deal with giving or accepting dowry. There is the Dowry Prohibition Act of 1961 which defines dowry, renders it illegal, and provides punishment for it. There is Section 304B of the IPC which defines the circumstances of a 'dowry death'. There is also section 498A of the IPC which defines the punishment for dowry-related cruelty towards a bride. In addition, there is the recent domestic violence legislation that has aspects applicable to dowry cases. There can be little doubt that all these legal provisions as well as growing awareness of dowry as a social evil have undoubtedly had a salutary effect and brought down the cases of such harassment.

There is, however, a flip side to these laws which is rarely talked about or commented upon, especially by our politicians who believe their responsibility is limited to paying lip service or framing laws that are hugely flawed. Most, if not all, legal provisions meant to protect women from dowry-related crimes are susceptible to misuse and misapplication; indeed, they are regularly misused and misapplied with no other purpose than to harass and penalise men, or walk out of marriages, for a variety of reasons, none of which is flattering for women who indulge in such abuse. There are numerous examples of innocent husbands and their families being victimised under these laws by unscrupulous individuals. Such instances have become sufficiently commonplace for the Supreme Court to describe the misuse of anti-dowry laws as "legal terrorism". The court has rightly observed that the "dowry law is a shield, not an assassin's weapon". According to one estimate, as much as a third of the complaints under dowry laws are unfounded. This is not to suggest that authority should turn a blind eye to dowry-related crimes, but to assert the need for better application of existing laws through foolproof and unbiased investigation and prosecution. It has been suggested, not without reason, that if an amendment to the existing laws is at all called for, it should be to provide for penalising those who indulge in "legal terrorism" by using the "shield" as an "assassin's weapon".

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