

Search

Times of India

Go



Should dowry law be diluted?The gender war carries on...

28 Sep 2008, 0045 hrs IST, Pallavi Srivastava,TNN

Print EMail Bookmark/Share Save Write to Editor Font Size: [A] [A]

Can the stringent and controversial Section 498A, commonly called the 'dowry law' last another quarter-century in its present form? Women's groups say 'yes' because when it was inserted into the Indian Penal Code 25 years ago, it gave women a matchless legal shield against violence and cruelty at the hands of the husband and his family. "No, Section 498A should go," say about 30 men's groups, currently meeting in Goa to find a way to dilute the law. So why has Section 498A become the frontline of India's gender wars? And whose side will the government take? For the moment it appears to be backing the women with no dilution likely in the law any time soon.

This webpage is not avail

The webpage at <http://adstil.indiatimes.com/RealMedi> might be temporarily down or it may have address.

[+ More information on this error](#)

Organisations campaigning to amend Section 498A were euphoric earlier this month, when the Women and Child Development (WCD) Ministry agreed to review it. But women's groups immediately submitted a memorandum to the WCD expressing concern about any dilution. So did the National Commission for Women (NCW), the statutory body set up to protect and promote women's interests and advise the government on policy matters affecting women.

Women's rights campaigners repeat as they have for decades that Section 498A is invaluable because it provides a stronger voice to women than usually heard in Indian society. What gives the law teeth and a terrible bite is that any offence under it is non-bailable and non-compoundable, which means it cannot be privately resolved between the parties concerned. It's also cognizable, which means it allows police to arrest the accused without investigation or warrants if a woman or close relative alleges cruelty in the marital home.

Those found guilty face a jail term of upto three years. But the unique strength of Section 498A is also seen as a weakness. Many groups of aggrieved husbands say this fearsome law, with its non-bailable and non-compoundable provisions, is being abused by women falsely to implicate the spouse and in-laws and extort money from them.

Organisations that represent men, who claim they are harassed, victimised and abused by Section 498A, insist it must become bailable and thereby, bearable. Swarup Sarkar, coordinator of Save Family Foundation, an organisation that claims to be committed to fight "all gender-biased law" says, "For the last three years, we have been trying to make it bailable, but now that the NCW has expressed disapproval, the ministry's review will amount to little."

Many other harassed husbands' groups share Sarkar's fears. "The announcement is just a sham. They won't come up with anything," says Vihan Khara, spokesman of MyNation Foundation, an organisation that also describes itself as "fighting gender bias". In fact, the Internet is full of men who claim to be victims of this law. There are blogs with names such as, 'Section 489A'. Their entries vary from earnest to intensely vitriolic.

Mary E John, director of the Centre for Women's Development Studies, says the Internet is partly responsible for whipping up emotion against 498A. "Anyone can see how vindictive and vicious these groups are," she says, adding that the Internet has given far too much visibility to self-styled harassed husbands. She and other women's activists say that amending 498A because a few men claim it is unfair would be tantamount to changing "the Income Tax Act if people evade tax. The law per se is not defective."

But Khara, campaigner for men's rights, says it is lop-sided and unfair to women as well. In the last four years, 1,15,000 women mothers-in-law or other female relatives of



More India

- Rahul will be PM sooner or later: Pilot
- 'Add misuse clause in sexual harassment bill'
- N-deal has dehyphenated India from Pakistan: Congress
- HC: Remission of life sentences is gov't prerogative

[More >>](#)

Other News

- Suspected financier of IM detained, let off
- China showing 'flexibility' on border talks with India
- France will launch nuke cooperation with India: Sarkozy
- Buffett, Anil Ambani betting big on US economy: Report

Videos Picture



Riots in Thane over pandal



Temple stampede



First visuals of Gujarat blast

[More Videos](#)

My Times , My Voice

- How would you contribute in protecting the environment?
- Should Devaraja Market in Mysore make way for a commercial complex?

[More >>](#)

This webpage is not ava

The webpage at <http://adstil.indiatimes.com/RealMec> might be temporarily down or it may have address.

[+ More information on this error](#)

Latest News Most Read Most Emailed Most Commented

- Three killed in fresh firing in Kandhamal, Orissa (0932hrs)
- Ex-US teacher gets six years in sex case (0830hrs)
- Zardari says Osama, Zawahiri will be tried if captured in Pak (0748hrs)
- Huge defeat for economic bailout; record stock dip (0710hrs)

[More >](#)

This webpage is not ava

The webpage at <http://adstil.indiatimes.com/RealMec> might be temporarily down or it may have address.

[+ More information on this error](#)

Horoscope

Libra

This webpage is not av

The webpage at <http://ads.indiatimes>

ePaper: Print Edition



Get the replica of your favourite edition of Times of India Feel at home.. [View ePaper](#)

This webpage is not av

Shop

- Pendrivrive 4GB Rs 660
- Health monitor Rs 110
- [More >>](#)

Travel: Holidays

2nd Oct LOOOONG AWAITED... LONG WEEKEND!

[Click to Book](#)

- Port Blair 3N/4D Rs 6,250
- Goa 3N/4D Rs 4,485
- Kerala 1N/2D Rs 1,850

9/30/2008

Should dowry law be diluted?The gend...

the husband - are alleged to have been arrested without investigation.

Mary John admits that sometimes, even statistics don't tell the true story and "there are no figures for false cases." The only figures about Section 498A are its low rate of conviction, perhaps due to lack of evidence. But John says this still does not mean 498A is a bad law. "Based on the rate of conviction, you cannot change the law, whether it's rape or dowry," she says.

The pro-Section 498A lobby points out that it's not that easy to misuse it because its use is hard enough. They say that it is hard for the average woman even to lodge a case under Section 498A and some times, it could take months. They say that making domestic violence a gender-neutral offence misses the point because it's women who are generally dependent and vulnerable. 'Harassed' husbands would, of course, have a different story to tell. Justice may be blind, but it sure cannot afford to be deaf.

[Click here to comment on this story.](#)

[Print](#)


[E-Mail](#)

[Discuss **New**](#)

[Bookmark/Share](#)

[Save](#)

[Write to Editor](#)

Font Size: 

Related Stories

- [Women groups against diluting anti-dowry law](#)
- [Women facing harassment can write to us: SC](#)
- [Customary payments and gifts not dowry, says SC](#)
- [Harsher anti-dowry law on anvil](#)
- [Stiffer dowry law may lead to more abuse](#)
- ['Harassment reported even after 22 years of marriage'](#)
- [Men are being harassed, says women's panel](#)
- [Men at the receiving end of anti-dowry law in Orissa](#)

Comments to the Editor

Be the first to write to the Editor.

Write here...

[Terms & conditions](#) 

Name: Location:

Email: