

Misuse Issue of Section 498A: A Critical Analysis

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Abstract

To start with first we have to look that what this word marriage means. "Marriage is the voluntary union for life of one man and one woman to the exclusion of all others. It is a social institution where the husband has the responsibility to take care and maintain his wife. He cannot neglect his duties. But on this great institution, a stigma called 'dowry' still exists. Women are ill-treated, harassed, killed, divorced for the simple reason that they didn't bring dowry. For safeguarding the interest of woman against the interest of woman against the cruelty they face behind the four walls of their matrimonial home, the Indian Penal Code, 1860 (hereinafter referred to as L.P.C.) was amended in 1983 and inserted S.498A which deals with Matrimonial Cruelty to a woman.

Introduction

Section 304-B directly deals with "Dowry Deaths. In certain other occasions, the husband or his relatives will not commit dowry deaths directly, but ill-treat the wife, torture her demanding dowry, and directly or indirectly force her to commit suicide. When a wife is unable to bring dowry from her parents due to poor economical circumstances, and due to intolerable conditions in her matrimonial home, she decides to end her life. It is called "Matrimonial Cruelty". Section 498A of the Indian Penal Code, 1860 explains the "Matrimonial cruelty", i.e, the cruelty of husband and his relatives on the wife, and imposes punishment on husband or relatives of husband who tortured the wife cruelly and forced her to commit suicide.

It is really a burning problem in India. Demanding for dowry, for squeezing dowry, (sometimes with an intention to marry another woman) to burn the house wives by kerosene, or compelling them to commit suicide, etc. have become very common matters in every region and religion in India.

It is surprised to note that this evil custom has crept from the Hindus to all other religions. Mothers-in-law and sisters-in-law, even