

Amend dowry law to stop its misuse, SC tells Govt

The Supreme Court has plainly told the government to take a relook at the anti-dowry law -- Section 498A of Indian Penal Code -- saying it has been misused by women to lodge false or exaggerated complaints against husbands and their relatives accusing them of cruel behaviour.

Such is the level of exaggeration of cruel behaviour on the part of husbands and their relatives that "to find out the truth is a Herculean task in a majority of these complaints", said a bench comprising Justices Dalveer Bhandari and K S Radhakrishnan.

Expressing concern at the rise in number of complaints under Section 498A, the Bench said, "We come across a large number of such complaints which are not even bona fide and are filed with oblique motives."

Advising extreme caution in dealing with such complaints, the bench said courts must take pragmatic realities into consideration while dealing with matrimonial cases.

It was high time that the legislature considered and made suitable changes in the law taking into account public opinion, the apex court said, sending a copy of the judgment to the Union law minister to initiate the process.

"At times, even after conclusion of criminal trial, it is difficult to ascertain the truth," it said and gave examples of cases where the woman in her complaint had roped in the husband's relatives, who lived in different cities and rarely visited them, of cruel behaviour towards her.

Such accusations invariably led to the husband and his relatives remaining in jail for a few days, breeding rancour, acrimony and bitterness and ruining all chances of an amicable settlement, said Justice Bhandari, writing the judgment for the bench.

The significance of the court's directive goes beyond what happens to Section 498A. It marks a conceptual shift, a turn away from the culture where women were seen only as victims who were incapable of levelling false allegations. The conception of women as the silent suffering sort who could do no wrong has influenced the administration of justice in both open and subtle ways. The assumption of women's innocence is apparent in laws devised to deal with rape and other crimes against women where the presumption of innocence is not available to the accused.

Section 498A and other laws were meant to level the field which has traditionally been tilted in favour of men, and were meant to help women get their due. But with instances of their misuse rising, the apex court has been impelled to draw the government's attention to revisit the issue.

"It is also a matter of common knowledge that exaggerated versions of incidents are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases," he said.

"Criminal trials lead to immense suffering for all concerned. Even ultimate acquittal in the trial may not be able to wipe out the deep scars of ignominy," the bench said.