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## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has*

*published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

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# **MISUSE OF LAWS RELATED TO DOWRY** **LIGHTS OF LEGAL TERRORISM**

AUTHORED BY - LALHMUNMAWII

## **INTRODUCTION:**

Laws are made with the objective of providing justice for all. These laws include justice for all irrespective of their caste, creed, colour or sex. Laws are created to govern the behaviour of people in accordance with the norms of the society and to give justice to victims and punished the accused. The Dowry laws was also enacted to prevent the dowry system which is prevalent in Indian society which serves as injustice to women. The Parliament of India has enacted the Dowry Prohibition Act, 1961 to curb the problem of the dowry system in India. It has made the practice of demanding, giving and receiving dowry illegal in India.

Since the dowry laws are a reactionary law to the evil practice of dowry system in the society, with the development of this Dowry law, there is a further challenge of it in the recent times with the increase in the number of false claims that are being filed by the wife for malicious reasons. This misuse of the Dowry law has led to injustice in the society towards men getting caught in the criminal justice system.

## **MEANING OF DOWRY:**

Dowry is merely the exchange of assets seen between the bride's and the groom's family. Contemporary scholars offer a broad definition of dowry as comprising of monetary funds, consumer goods, and jewellery that a wife brings along to her husband's household. The term "dowry" has been informally described by researchers as "property that can be moved or disposed of" given by the bride's father or guardianship to the groom, his family, or his kin as a prerequisite of the union, as well as "wealth, commodities, and jewellery" presented by a woman to her husband's home.

## **LAWS RELATED TO DOWRY:**

As per section 3 of the Dowry Prohibition Act 1961, any individual after the initiation of the Act gives or takes abets the giving or taking of dowry will be rebuffed with detainment for a term at the very least five years and with a fine which will not be under fifteen thousand rupees or how much the worth the dowry is or whatever is higher. As demonstrated by section 4 of Dowry Prohibition Act 1961, if any individual clearly or indirectly demands dowry from the watchmen, relatives, or guardians of the woman or the lucky man will be rebuked with a confinement of basically a half year and which will contact two years and with fine which could loosen up to 10,000 rupees.

Under Section 304 B of the Indian Penal Code, if it can be proven that a woman was the victim of abuse or sexual harassment by her partner or any position in relation to her husband for, or in linkage with, any demand for bride price shortly prior to actually her dying, such death will qualify as "dowry death," and such partner or family members shall be punished.

According to the Section 498A, cruelty is defined as "anyone, being the spouse or the relative of the husband of a lady, submits such woman to cruelty shall be penalized with detention for a duration which may extend to three years and will also be required to pay a fine.

According to Section 113 B, the court shall assume that the person in issue was responsible for the dowry death of the woman if it can be proven that shortly before her death, the lady had been exposed to "cruelty or harassment for, or in connection with, any demand for dowry."The Evidence Act's Section 113-B mandates that the court assume that such an individual had caused the dowry death, according to Section 113-B of the Evidence Act. Any individual who has been proven to have exposed the dead lady to cruelty or harassment in relation to dowry shortly before her death is presumed to be guilty under S. 113-B.

Under the Criminal Procedure Code, India considers the exchange and receipt of dowry to be crimes, and the authorities and judge conduct criminal proceedings, including inquiries and investigations, under sections 174 and 176 of the Code of Criminal Procedure, 1973. In accordance with the 1983 modification to the Act, if a death occurs within 7 years after marriage or in any other dubious

circumstances, the cops must transfer the corpse for a post-mortem investigation. This clause also grants the executive magistrate the authority to look into a girl's death in these situations.

## **MISUSE OF DOWRY LAWS:**

Dowry practice is where a woman brings gifts, money or any valuable property with her when she gets married. Dowry is the collective term for all the presents, funds, and assets a lady brings to her husband's home following their nuptials. The husband and his family's desire for dowry have evolved into something akin to a prerequisite for marriage. The granting and receiving of bride price is now forbidden in India according to the DPA, which was passed by the Indian Parliament in 1961. Modern-day abuse of women is on the rise as a result of this trend. The number of fabricated lawsuits that women are filing against their spouses and in-laws for spiteful reasons is a new concern that has emerged recently.

Below mentioned are some factors that have been documented to lead to breaking up of families and the women been vengeful towards their own husbands.

- The woman had the complete backing of her family which prompted them to file more complaints against her marital relatives and his kin that do not live with them.
- The major causes of marital disagreement are when either the wife resists adjusting to her family or the husband resists adjusting to his wife. The unwarranted intervention of the woman's parents can also cause problems in a marriage.
- The prevalent patriarchal system adhered to the concept that a girl's rightful place is her matrimonial residence which gives rise to desire to strengthen the woman position so that they would have authority over their marital home.
- Industrial Revolution has laid the foundations for the capitalist system and many advancement, which have further accentuated the materialistic nature of both individual lives and societal attitudes.
- In India, a marriage is considered as a holy union built on the pillars of respect, confidence, conviction, and trust. A partnership is likely to end whether these are violated since it is extremely hard to acknowledge infidelity in a marital connection.

- Numerous fabricated allegations have been made in an effort to coerce the accused into giving up a portion of their assets.
- It is challenging for the charged spouse and his household to obtain bail, and there aren't any opportunities to reach a resolution with the complaint because of the nature of regulations.

## **OBSERVATION BY COURTS:**

Arnesh Kumar v. State of Bihar is a crucial case in criminal law where the court established rules for executing an arrest. Domestic issues were the cause of the matter's backdrop when the woman reported the spouse for allegedly seeking dowry.

### **History of the case**

- The wife's claim against the respondent (husband) was that her parents-in-law demanded Rs.8 lacs, a Maruti Suzuki automobile, an AC, a TV set, etc, so she left her marriage.
- The respondent, who refuted these accusations, submitted a request seeking anticipatory bail, which had been initially denied by the Sessions Judge and then upheld by the High Court. His effort to obtain anticipatory bail was unsuccessful, therefore he turned to the Supreme Court through an SLP

### **Observations and judgment of the court about the circumstance of arrest of the defendant:**

- The defendant partner's permissive and careless arrest in the dowry-related crimes was seen negatively. According to the court, marriage problems have increased dramatically in recent years. The IPC's Section 498-A was created with for the purpose of combating the threat of harassment a woman could experience from her spouse and their loved ones. The defendant was given conditional temporary bail by the court.

## CONCLUSION:

The liberation of women from all forms of oppression has always been the primary motivation behind campaigns to criminalize the practice of paying dowries. Some married women in today's society are manipulating, undermining, and humiliating other peaceful members of the family, including the husband and his relatives, by utilizing concepts that were previously developed with the intention of providing protection for women as a weapon.

The protection of women was initially the driving force for the creation of these guidelines and regulations. The increase in the amount of unsubstantiated complaints about dowries is having a detrimental effect on the intellectual development of the nation's younger population.

The current social order encourages the installation of equal measures for male in order to protect them from the toxic environment that is generated by dowry laws. This is done in order to insulate males from the harmful effects of dowry laws. The act of participating in dishonest activity while bound by the provisions of a legal agreement is garnering a growing amount of attention as a kind of legal extremism.

