



Misuse of Section 498A IPC

For Prelims: Section 498A IPC

For Mains: Section 498A IPC and its Misuse, Violence against woman (VAW), Acts of Domestic Violence

Why in News?

The Supreme Court in a recent judgement highlighted the **growing misuse of Section 498A IPC**, with friction rising in marriages.

- The **incorporation of section 498A was aimed at preventing cruelty committed upon a woman** by her husband and her in-laws by facilitating rapid state intervention.
- The court held that there is an increased tendency to employ provisions such as **Section 498A IPC as instruments to settle personal scores against the husband and his relatives.**

What is Section 498A IPC?

- Section 498A of the **Indian Penal Code 1860** was passed by the Indian Parliament in 1983.
- The section of 498A of the Indian Penal Code **is a criminal law.**
- It is defined that if the husband or the relative of the husband of a woman, subjected such woman towards cruelty would be punished with imprisonment for a term which might extend to **3 years and may also be liable for fine.**
- Section 498 A of Indian Penal Code is one of the greatest rescues for **Violence against Woman (VAW)**, which is a reflection of the pathetic reality of the domestic violence occurring within the four walls of a house.

What are Acts of Domestic Violence?

- **Physical violence**, such as slapping, hitting, kicking and beating.
- **Sexual violence**, including forced sexual intercourse and other forms of sexual coercion.
- **Emotional (psychological) abuse**, such as insults, belittling, constant humiliation, intimidation, threats of harm, threats to take away children.
- **Controlling behaviors**, including isolating a person from family and friends, monitoring their movements and restricting access to financial resources, employment, education or medical care.

What are Indian laws that help curb the instances of violence against women?

- The Dowry Prohibition Act, 1961
- The Indecent Representation of Women (Prohibition) Act, 1986
- The Commission of Sati (Prevention) Act, 1987
- Protection of Women from Domestic Violence Act, 2005
- The Sexual Harassment of Women at Workplace Act, 2013
- The Criminal Law (Amendment) Act, 2013

How Section 498A is Misused?

- **Against Husband & Relatives:** With the rise in the rate of education, financial security, and modernization, the more independent and the radical feminists have made **Section 498A of IPC as a weapon in their hands than a shield.**
 - Due to this, many helpless husbands and their relatives have become the victims of the vengeful daughters-in-law of their house.
- **Blackmail Attempts:** These days in many cases where Section 498A is invoked, they turn out to be **false cases as they turn out to be mere blackmail attempts by the wife** (or her close relatives) when troubled with a stressed marriage.
 - Due to this, in most cases the Section 498A complaint is generally followed by the demand of a huge amount of money to settle the case outside the court.
- **Degradation of Marriage:** The court held specifically that there is misuse and exploitation of the provisions to such an extent that it was **hitting on the basis that is the foundation of marriage itself.**
 - This has ultimately proved to be not a good sign for the **health of society for the public at large.**
 - Women have begun misusing Section 498 of IPC as this law is a tool for their **vengeance or to get out of wedlock.**
- **Malimath Committee Report, 2003:** Similar views were also expressed by the **2003 Malimath Committee report** on reforms in the criminal justice system.
 - The committee noted that the "**general complaint**" of Section 498A of the IPC to be a subject to gross misuse.

Way Forward

- It is important to note that the domestic violence and abuse by the spouse and family members are very complex behaviors and the social organization of courts, legal cultures, and the police systematically tend to devalue several domestic violence cases.
- Therefore the perspective of the state and the people needs to change from potential "misuse" of the concerned laws of domestic violence to that of implementing it for their real purpose.

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