



Is Section 498A of IPC a Gender biased law?

Description

What is section 498A of IPC :-

- Indian Penal Code 498A, 1983 is a criminal law which states that, "Whoever, being the husband or the relative of the husband of a woman, subjects woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. The offence is Cognizable, non-compoundable and non-bailable.
- This act doesn't require proofs, because it's hard to prove violence within homes.
- Wife or her relative can file 498A on husband and his family.

In Favor of 498A :-

- According to World Health Organization (WHO), one in three women suffer domestic violence and 40% women killed worldwide are victims of life partners.
- There are lot of cases of in-laws harassing daughter-in-law.
- Patriarchal system in India is tends to ill-treat women. This law instills fear in erratic husbands and in-laws.
- In India, it is obligatory for bride to live in in-laws home. So, grooms relatives have the chance to harass her. 498A provides legal protection.
- Many victims suffer in silence with the fear of society. 498A helps victims to come out of abusive relationships.

In Against to 498A :-

- Under this section, husbands and his relatives are treated as guilty until their innocence is proved. It is instilling fear in innocent people too.
- Victims are not always the woman. Men can also be victims of domestic violence. But there is no law to protect them.
- Lots of false cases are being filed. As a result innocent families are suffering with no mistake of theirs.
- Persons that file false 498A cases are rarely punished. Innocent family's suffering is rarely



addressed.

- Senior citizen in-laws and minors are also getting arrested under this law.
- Supreme court termed misusing of 498A as 'legal terrorism'.
- Sisters and mothers are dragged to courts in the name of influencing husband. In many cases married sisters living far away are also facing legal harassment.
- Wife can drag husband's family to court. But husband has no right to the same, even if there is too much involvement of wife's parents in their married life.

Conclusion :-

Section 498A of IPC came into force in India after witnessing a lot of dowry deaths. This law is helping lots of women, who are trapped in abusive relationships. It can't be scrapped totally because of its misuse. In fact every law is prone to misuse. But 498A needs to be modified, because of its discriminatory nature. No innocent person deserves to be harassed legally. We need gender neutral laws.

Your Turn...

Do you think 498A is serving its purpose? Express your thoughts in the comment section below. And subscribe to our blog to read answers to the trending GD topics.

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