

## THE INVISIBLE MYTH OF MEN

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### ABSTRACT

*Stridhan*, a thought initially started as a present that was given to the women before the nuptial fire, in bridal procession, in token of affection and that she has received from father mother brother. This was alone owned by the women herself and no share to her husband or in-laws were given in this property. The wedding currently became a deal, for this male dominating society. They started abusing the bride with the demand of gift and to cure this a replacement act was evolved **THE PREVENTION OF DOWRY PROHIBITION ACT,1961**. The social control beneath this act wasn't fulfilling its aim leading to increasing of death by burning the brides or maybe abetting suicide by the in- laws and it was absolutely required to introduce some new sections beneath the criminal acts to extend the social control of those grave offences. This act helped the dowry victims however it didn't take abundant time for the ladies to use it as a weapon against their innocent husband and his family. More details of how it's used as a **BRAHMASTRA** by the ladies to satisfy their stingy motives are mentioned within the article.

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## HISTORICAL BACKGROUND

Within the Judaic version of the story of Adam and Eve, God has placed Adam on the paradise of land. He created garden, animals and the tree of knowledge of good and evil. He warned him not to eat fruit as it would make him die. But later found that there were no suitable companions for Adam in the Earth. So he created woman as Eve.

The women so created by God had power to conceive and in this way mankind will flourish. In order to protect women with these power men evolved to be stronger than her. As men can do physical activities more than women. In this way men were capable to earn and to be independent.

To make woman independent the existence of Stridhan evoked.

The word "*Stridhan*" is, derived from the words "*stri*" meaning woman and "*dhana*" meaning property. Essentially a word and concept, which comes down centuries from the Hindu *smritis* but has today, permeated all forms of marriages in all castes and religions.<sup>2</sup>

in the Hindu Law, each Mitakshara and Dayabhaga school have understood the thought of Stridhan because the allowance created to a Hindu female at the time of her wedding or later stages of wedding whether or not movable or stable property to form her monetary secure and freelance. The post Vedic period is considered as a milestone for the women's right of property as a concept of "Stridhan" came into existence. According to Manu "Stridhan" means, "that which was given to her before the nuptial fire, in bridal procession, in token of love and which she has received from father mother brother and husband.

A full bench in *Vinod Kumar Sethi v. State of Punjab*<sup>3</sup> held that dowry and traditional presents made to a wife at the time of the marriage constitute her stridhan. Under Hindu succession Act, there is no distinction between the gifts received by her from relatives or strangers and at any stage of her life, and all gifts that she receives will be her absolute property. Ornaments received by her at the time of her marriage are ordinarily her stridhan property.

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<sup>2</sup> Available at <http://www.caclubindia.com/experts/taxability-of-istri-dhan-1222069.asp> last seen on 2/8/2016

<sup>3</sup> *Vinod Kumar Sethi v. State of Punjab*, AIR 1982 P& H 372

This concept of Stridhan soon became a way to flaunt their status in front of their relatives and families, which also helped the kings and wealthy traders at the time to expand their empire and business respectively.

### **THE JOURNEY OF STRIDHAN TO DOWRY**

Country like Asian country, there's such a big amount of customs and beliefs however each society had incorrectly understood the word Stridhan as dowry. However, truly each the idea square measure terribly totally different from one another. Stridhan could be a voluntary gift by the members of the family or friends before or when the wedding to the feminine because the stepping stone to ascertain her property and to make sure her protection against mistreatment.

In native terms dowry were meant to served as a reciprocal gesture as a bride's kin to the groom's kin for the expenses incurred by the later in payment bride wealth including the products and estates.

### **PROHIBITION PROPERTY RIGHTS FOR WOMEN**

The concept of Stridhan and dowry were prevailed in the society till the rise of the British Empire. This period acted as a milestone in declining the position of women in India. All the rights to own a property or Stridhan were snatched from the women who bought the menace of dowry system in India. According to the local laws, there were no demands from the groom's family which later took a turn as soon as the financial independence of female bought down by the laws of new government.

The marriage now became a business deal, for this male dominating society and it started looking for a richer and wealthier bride out of greediness.

The evil of dowry system was emerging day by day and the mindset of the society was shattered. It was a necessity to make a separate law to restrain down this dowry ritual.

*THE DOWRY PROHIBITION ACT 1961(28 OF 1961)* received the assent of president on 20<sup>th</sup> May 1961.

DOWRY according to Dowry Protection Act 1961 means any property or valuable security given or agreed to be given either directly or indirectly.

(a) By one party to a marriage to the other party to the marriage, or

(b) By the parent of either party to a marriage or by any other person, to either party to the marriage or to any other person,

At or before <sup>1</sup>[or any time after the marriage] <sup>2</sup>[in connection with the marriage of the said parties, but does not include] dower or mehr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

In order to provide more teeth to dowry prohibition laws the government decided to make amendment in Criminal laws as graph of the death due to dowry was increasing day by day due to cruelty done on the women for the dowry demand.

But this amendment was not effective enough to bring down the increasing rate of dowry deaths. After which a need for some changes in order to make the offenders to be scared to practice this heinous crimes. This led to amendment to all the criminal laws.

The Criminal Amendment Act 1983(Act 46 of 1983), introduces the subsequent sections:

1. Section 304B was added to the Indian Penal Code<sup>4</sup>1860, which made dowry death a specific offence punishable with a minimum sentence of imprisonment for 7 years and a maximum imprisonment for life. It provided that if the death of a woman is caused by burns or physical injury or occurs in questioning the circumstances within 7 years of her marriage, and there's evidence to show that before her death, she was subjected to cruelty by her husband or his relative for demand of dowry, then the husband or the relative shall be deemed to have caused her death.
2. Section 498A added to Indian Penal Code<sup>5</sup>1860. If a husband or his relatives caused cruelty to women are going to be reprimanded.

<sup>4</sup> 304B. Dowry death.—(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death. Explanation.—For the purpose of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961). (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.]

<sup>5</sup> 498A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation.—For the purpose of this section, “cruelty” means—(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the

3. Code Section 113B of the Evidence Act, 1872<sup>6</sup>, creates an added presumption of dowry death when it is shown that before her death, the woman had been subjected to cruelty in connection with dowry demand.
4. Section 198A to the Criminal Procedure Code in 1983<sup>7</sup>.

### FAVOUR TILTED TO PARTICULAR SEX

For the first time, the section created it punishable (three years' imprisonment and a fine) for a husband or his relatives to subject a female to cruelty. The law expressly recognized mental cruelty and mental state. Cruelty was outlined as any conduct probably to cause grave injury or danger to life, limb, the mental or physical health of a female, or to drive her to kill. Harassment or coercion of a female or her relatives to fulfill demands for cash or property was enclosed among the definition of 'cruelty'.

Since its enactment, this provision has been subject to systematic and sustained attack. It's been known as unfair and to blame for the using of husbands by their wives and her relatives. A sizeable section of society holds this view and articulates it through articles in newspapers and magazines. "To get a share of the property," "vengeance," "blackmail," "to teach a lesson," is a few of the explanations cited for girls desperate to implicate their husbands beneath this law.

If a person is tried below this section what does one suppose what quantity of time it'll take to get the ultimate finding of facts? Six months or a couple of years or five years? However per the info the approx time to induce the ultimate finding of fact of the case is thirteen years. Three years to pass the police stage, and ten years to pass out of court pendency.

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woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.)

<sup>6</sup> 113B. Presumption as to dowry death.—When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death. Explanation.—For the purposes of this section, "dowry death" shall have the same meaning as in section 304B, of the Indian Penal Code, (45 of 1860).]

<sup>7</sup> 198A. Prosecution of offences under section 498A of the Indian Penal Code. No Court shall take cognizance of an Offence Punishable section 498A of the Indian Penal Code except upon a police report of facts which constitute such offence or Upon a complaint made by the person aggrieved by the offence or by her father, mother, brother, sister or by her father's or mother's brother or sister or, with the leave of the Court, by any other person related to her by blood, marriage or adoption.

## NEED OF EQUALITY OR FEMINISM

What **feminism** actually mean?

Feminism means when women suffer discrimination because of their sex that they have specific needs which remains negated and unsatisfied and that the satisfaction of these needs would require a radical change or revolution in the social, economic or political order.

A society where we all think that man and women should be equal but still a different treatment is given to the women. They think that such treatment will possibly change the inequality prevailed in the society and they called it **FEMINISM**.

Whether the goal is equal treatment of women and men, or whether it is equal respect in different roles?

In the simplest sense, feminism is strictly what the dictionary says it is: ***the movement for social, political, and economic equality of men and women***. Public opinion polls confirm that once folks give this definition, 67% say they accept the true meaning of feminism. We tend to like better to add that ostensibly uncontroversial statement the following: feminism means ladies have the correct to enough data to create hip to selections regarding their lives.

**Christina Hoff Sommers**<sup>8</sup> uses the term "gender feminism" to ask the ideology of feminists believe that "our society is best delineated as a social system, a 'male form of government,' a 'sex/gender system' within which the dominant gender works to stay girls cowering and submissive."

There are some people who think, that being a feminist just means general support of gender equality in the home, the workplace, the public sphere—so it would be crazy not to identify as one. But some other feminists believe that feminism requires commitment to a pretty specific political agenda, and honestly can't say we agree with all those policies.

The French actress **Marion Cotillard** said, "I don't qualify myself as a feminist. We want to fight for women's rights; however I don't wish to separate ladies from men. We're separated already as a result of we're not created an equivalent, and it's the distinction that makes this

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<sup>8</sup> C.H Sommers *Who Stole Feminism? How Women Have Betrayed Women*. 16(1<sup>st</sup> ed.1994)

energy in creation and love. Generally within the word 'feminism' there's an excessive amount of separation."<sup>9</sup>

## **GENDER INEQUALITY: THE PARALYZED LAW**

We have detected this quote most of our times '**MEN DON'T CRY**'. Is that this true?

A child is born crying whether or not it's a girl or boy. Thus why we are saying men don't cry?

Although science insists that crying is natural, culture still sends messages that sturdy men don't cry. Several oldsters raise their sons to cry in private, if at all. It's deep-seated in several men that masculine identity means that holding back the tears except throughout times of maximum grief. Several cultures believed that tears were an indication of virility.

The experiment found that once men and girls watched similar heart-warming videos, it had been the boys who toughened stronger physiological reactions. However faithful sort, once asked concerning their emotions, the ladies admitted feeling a lot of emotional than the boys did.

We talk about gender equality and eradication of crimes and inequality based on gender however why nowadays conjointly it's probable that if associate offence is conducted then girl could be a victim? Everyone has raised their voice against freedom and equality of women but forget that men can be victim too. There is no legislation, rules, bye laws which can prove that men can be a victim of offences too.

This is only because men can't express their grievances or they are strong and can revolt the crime against them as compared to women. Even in some sections it is assumed that only a woman can be a victim like:

- **375: Rape**
- **354A (Sexual harassment and punishment for sexual harassment) ,**
- **354B (Assault or use of criminal force to woman with intent to disrobe)**
- **354C (Voyeurism)**
- **354D (Stalking)**
- **366A procreation of minor girl**
- **366B Importation of girl from foreign country**

<sup>9</sup> Porter magazine, available at <http://fashionweekdaily.com/marion-cotillard-chats-filming-macbeth-to-porter-magazine/>, last seen on 2/8/2016

## THE BIASED DOWRY LAW

In any new dowry petition it's assumed by the court that the feminine is that the default victim and additionally the boys is commonly termed as a wrongdoer. Thanks to this paralytic thinking presently a day's feminine has started victimization the law as a "BRAHMASTRA" to urge what she needs and fulfill her desires.

Even the reports shows that over ninety eight of Indian husbands face force once from their wives on a median three years of wedding in terms of economical abuse, mental harassment and relationship cheating. over 22000 Indian men have complete their lives in reverse dower harassment by their wives out of that alone six cases were registered and not one women was questioned why their husband concluded their lives against 6800 wives who concluded their lives thanks to dower harassment by their husbands.

In near regarding 6500 cases husbands were sent behind bars whereas not investigations out of that sixty eight were found innocent. Over 2/3rd of married men in India between 21-49 years are victim of forced sex by partner.

Crime against men is increasing quickly on the speed of forty second in every 5 year that wasn't given any government or media attention. Within the words of Jawaharlal Nehru: "Legislation cannot by itself usually solve established social problems. One ought to approach them in several ways in which too. But legislation is important and essential so as that it ought to give that push and have that informative issue to boot as a result of the legal sanctions behind it that facilitate belief to be a selected type."

Being a vicinity of this social circle even we tend to predict that this society is slightly biased towards ladies. The females are thought-about to be the weaker section of the society. They support feminism by giving special weight age to female members of this society screaming for equality and equal standing. They support equality but get cannot eliminate the advantages given to them 'being a female'.

This can merely be seen whereas travel in any transport inside the country or whereas giving the travel fare in some states like Rajasthan and Haryana or seats area unit reserved in faculties too with lowest accomplishable fee structure. They celebrate *Women's Day* to remember their importance but can we actually need a massive day to remember their importance?

It is with reason aforementioned by George Carlin, "Men are from Earth, women are from Earth. Deal with it."

Though feminism actually imply the highest of male domination and abuse and for equal rights for women, it is very necessary to urge to the muse of the distortion — that our focus in life, as man or lady, mustn't be simply to satisfy our own ego or needs, but to serve God. True women's liberation does not imply merely seeking equality at intervals a masculine world, but liberating the divine feminine aspects of a woman's temperament and exploitation them for the great factor concerning world.

After various years of male dominance, we've got a bent to face live standing at the sting of a true feminine era. It's time presently for the lady to rise to her true prominence, once the fragile power of the feminine energy is truly allowed to nourish the general public power of the masculine energy. We've got already tried that we tend to area unit ready to United Statese our strength to shine off the demons around us; permit us to presently learn to nurture the righteousness at intervals.

With the rise in modernization, education, cash security and additionally the new found independence the unconventional feminist has created 498A a weapon in her hands. Several pitiful husbands and in laws became victims of their vindictive daughter-in-laws. Most cases where Sec 498A is invoked persuade be false (as repeatedly accepted by High Courts and Supreme Court in India) as they are mere blackmail tries by the female person (or her shut relatives) once moon-faced with a strained wedding. In most cases 498A grievance is followed by the demand of massive amount of money (extortion) to settle the case out of the court.

Like in the case of *Savitri Devi v Ramesh Chand & Ors*<sup>10</sup>, the court held clearly that there was a misuse and exploitation of the provisions to such an extent that it had been hit at the inspiration of wedding itself and well-tried to be not thus smart for health of society at giant. The court believed that authorities and lawmakers had to review true and legal provisions to stop such from happening.

This section was created keeping in mind protection of the partner from unscrupulous husbands however is clearly abused by few women and once more this can be strictly condemned in *Saritha v R. Ramachandra*<sup>11</sup> wherever the court did notice that the reverse trend and asked the law Commission and Parliament to form the offence a non-cognizable and bailable one.

A judgement that was a lot of would like within the dowry case situation within the case *Arnesh Kumar v. State of Bihar & others*<sup>12</sup>. Advocate and women rights activist Abha Singh said the Supreme Court has given a correct statement in saying that Section 498A of the Anti-

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<sup>10</sup> *Savitri Devi v Ramesh Chand & Ors*, 2003 CriLJ 2759

<sup>11</sup> *Saritha v R. Ramachandra*, 2002 (6) ALD 319

<sup>12</sup> *Arnesh Kumar v. State of Bihar & others*, SPECIAL LEAVE PETITION (CRL.) No.9127 of 2013

Dowry Act is being misused. Describing it as a landmark judgement, Singh said: “The Supreme Court has given the right statement that Anti-Dowry Act Section 498A is being exploited. Police should initial investigate cases properly, and then, make an arrest.”

The judgment given during this case is predicted to construct a bridge of latest rule/laws over these loopholes of Section 498A which is able to facilitate the victims from wrong allegations and facilitate those women who unable to fight out this cruelty. It was found that most of the complaints which were filed under Section 498A of IPC are done in the heat of the moment over trivial issues without proper deliberations.

Society has to be compelled to pay lots of attention to addressing disposition towards men by developing equal support services to male victims. “Intimate partner violence by girls against men has been a theme matter of lots of debate”. One large consequence of unreported violence against men is girls murdering men for alleged violence against them at intervals the past. A second result's violence against men will increase, as society ignores true by upholding traditionally obsolete gender biasness as a result of it relates to variations in physical skills of men and girls. Male victims of violence haven't got the support services on the market to them, as do female victims. A lot of the literature relating to violence focuses on female as victims of abuse and does not address violence men. Once men do not report the violence against them they further substantiate society's claim. Men square measure discriminated against and square measure usually not believed once they report the violence against them. Societies concept men square measure perpetually the offender of violence against girls can have an impression on the quantity of times violence against men is reported while not police reports, hospital records and restraining orders as valid records to indicate the problem is larger then what society perceives, men can still go unrecognized as victims.

## **CONCLUSION: AN ATTEMPT TO HEAL THE DAMAGE**

The object of the dowry provision is to prevent the dowry menace. But this was observed that many complaints with oblique motive were filed under this provision. The agony of suffering of the accused is not totally wiped out even if they are acquitted and the media coverage increases their sufferings. To prevent the misuse of this provision it became necessary for the legislature to find out how to deal with this frivolous complaints or allegations.

If cry of “wolf” is made too often as a prank assistance and protection may not be available when the actual “wolf” appears. There should be no discrimination between female and male victims, the society doesn't need feminism because it reinforces the idea that the female victim is more worthy of help and concern than a male victim. It tells men and women how to think attacking those who do not believe in its lies and ideology.

Looking into the recent observations and the increase in the misuse of this Section, there should be certain amendments which should be brought up in this law:

***Role of Women NGOs:***

These associations have to be compelled to examine objection suitably with no inclination towards the female's memory that the law is being abused usually to bother a lot of girls in spouse's crew. They ought to not urge any females to record a criminal body of proof against her in-laws for paltry matters. Foreign girls Organizations have to be compelled to boot assume liability of not allowing false protest to be registered against NRI's equitable to problem and compel large live of money from them.

These associations have to be compelled to to boot direct research on the abuse of the demonstration and have to be compelled to teach people concerning its results. Within the event that these associations area unit ascertained to be serving to with documenting false grumblings, then they have to be compelled to be created supposed for indictment within the nation wherever they're operating.

***Time bound Investigation and Trial:***

A rapid trial of 498(a) cases won't just guarantee equity for the innocents that have been ensnared in false charges, it will likewise prompt brief redressed to the grievances of genuine endowment casualties .The decrease in false cases will likewise diminish the weight on legal and speed up the preparing of genuine cases.

***Definition of Mental Cruelty:***

Mental cold-bloodedness has been ambiguously characterized in the demonstration, which leaves extent of abuse. This ought to be plainly expounded to evacuate provisos in the law. There ought to be procurement for men likewise to record a case for mental mercilessness by his wife.

***Investigation by Civil authorities:***

The examination concerning these offenses be done by common powers and when his/her finding as to the commission of the offense, discernment ought to be taken. The administration ought to make mindfulness among officers about its abuse.

***Bailable:***

The fundamental reason of 498a being abused to annoy honest is its non-bailable nature. This area ought to be made bailable to avoid honest old folks, pregnant sisters, and school going kids from grieving in custody for quite a long time with no issue of them.

***Arrest Warrants:***

Arrest warrant should be issued only against the main accused and only after cognizance has been taken. Husband family members should not be arrested.

***Punish Dowry Givers:***

If the complainant admits giving dowry in the complaint, the courts should take cognizance of the same and initiate proceedings against them under the relevant sections of the Dowry Prohibition Act.

***Penalize corrupt Investigation Officers:***

If it is obvious to the court that a reasonable examination has not been led by the examination officer, and that the husband and his family have been charge-sheeted without appropriate confirmation of the dissension, the examination officer ought to be punished for gross carelessness of obligation.

***NRI Issues:***

Unless they are turned out to be blameworthy after the due legal procedure, NRIs ought to be a given a reasonable opportunity to equity by guaranteeing them of the accompanying - a) Permission to come back to nation of business b) No impoundment/repudiation of travel permit and no Interpol Red Corner Notices. c) No superfluous captures d) Expeditious examination and trial.

It is a profoundly easily proven wrong issue nowadays, if this issue is not settled by enactment it might turn into a bane for the general public. Individuals' trust over the legal will arrive at an end. So the opportunity has already come and gone this Section is revised and a few changes like said above ought to be raised in this law.

There is segment of population who refused to believe that young man can be victims. But he is a victim. He was the victim of sexual offences and wrong allegations. And there is no other way to look at it.

**REFERENCE:**

- Arnesh Kumar v. State of Bihar & others, SPECIAL LEAVE PETITION (CRL.) No.9127 of 2013.
- C.H Sommers Who Stole Feminism? How Women Have Betrayed Women. 16(1<sup>st</sup> ed.1994).
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