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COMPARATIVE ANALYSIS OF THE MISUSE OF DOWRY LAWS AGAINST MEN: LEGAL FRAMEWORKS AND SOCIAL IMPACTS IN INDIA AND THE UK

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Introduction and Background

Culturally sanctioned practices and abuses in marriage prompted the enactment of Anti Dowry Law (Dowry Prohibition Act 1961, IPC §498A) in India.¹⁵⁶³ Section 498A (1983) dowry related cruelty as a cognizable, non bailable, and non compoundable offense.¹⁵⁶⁴ However, the enactment has not gone without scrutiny. Much criticism has been leveled at the legislation's non-compounding evidence and arrest clause, which result in the high probability of mass arrests, with little to no charges pressed. For instance, in 2012, official statistics indicated that of the approximately 200,000 people (47,951 women) who fell victim to dowry laws, 85% went without conviction. Such statistics exacerbates the issue that the system is misused and, as one commentator, the result of which is Section 498A "an alarming number of people, desperate to be liberated, caught in the web of the misused criminal justice system."



¹⁵⁶³ Indian Penal Code (1860) s 498A.

¹⁵⁶⁴ Ibid.

The courts in India have started to consider these concerns. The apex has on record stated that Section 498A has come to be a 'powerful weapon in the hands of disgruntled wives' while also prescribing guidelines to limit their automatic incarceration.¹⁵⁶⁵ The lower courts too have taken initiatives: in 2025 a Gurugram court actually permitted the malicious prosecution suit of a husband residing in the UK against his former spouse (who had brought a dowry harassment complaint) to the tune of ₹1.8 crore, observing that even acquittals can vindicate damages and cautioning that 'the abuse of criminal procedure cannot be permitted to run riot.' This progress indicates that even the legal debate in India now recognizes the potential dowry laws' misuse against men.

Unlike India, The United Kingdom does not have any dowry laws in isolation. The demands of dowry associated crimes (prevalent in some families of South Asian immigrants) are subsumed under primary offenses like blackmail and physical abuse within domesticity. For example, a court in the UK refused to extradite a man to India on charges of dowry harassment, on the ground that his actions were confined to the paying of dowry subdivision of the marriage contract and involved the use of a blackmail. Guidance in law in the UK also focuses on the phenomenon of false accusations, even cautioning the prosecutors to understand that under the fabricated umbrella of domestic abuse 'the adverse consequences are of a grave nature for the individual under the accusations made'.

This comparative study will look into India's devised dowry system alongside the vague legal system of the dowry in the UK in order to develop an understanding of what each system formulates regarding genuine abuse and false accusations. The study will evaluate statutory provisions, case law, and societal reactions to

evaluate the effects of the alleged misuse of dowry laws on men.

In the United Kingdom, dowry laws do not exist. Dowries, as complex as they may be, especially within South Asian immigrant families, are subsumed under other categories of offense, such as blackmail and domestic violence and abuse. For example, one case of the UK courts not extraditing a defendant in India for dowry harassment is illustrative. The UK concluded that the defendant's conduct threatened divorce unless more dowry was paid, and more broadly fell under UK blackmail, not dowry off. Legal guidance in the UK also demonstrates a willingness to engage with the notion of false accusations. For example, prosecutors warned that abuse claims that are fabricated "can have serious adverse impact on the person in question to whom the domestic abuse is claimed." This comparative research will analyze dowry laws in India alongside the UK's overarching system of laws about real abuse and false accusations. It will focus on legal texts, judicial decisions, and social actions to measure the impact on men claimed to be abusing dowry laws.

Literature Review

Legislative and Jurisprudential Works pertaining to India: There exists a distinct dichotomy of opinions on 'dowry' law literature and laws pertaining to India. In particular, right-wing critiques of the dowry laws focus on the court judgments and 'abuse' statistics. As a review in 2025 points out, The National Crime Records Bureau of India (NCRB) data indicates that 124,000 people were arrested under Section 498A in 2022, and of the 12.9% of the accused that were eventually convicted, the proportion is noted to be the lowest conviction rate for any provision to the IPC.¹⁵⁶⁶ The pervasive misuse of the law is the conclusion drawn from such data in the analysis. The Malimath Committee (2003) echoed such sentiments when they claimed that the 'severe law' is a tool of exploitation and

¹⁵⁶⁵ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281 (SC) [17]; *Armesh Kumar v State of Bihar* (2014) 8 SCC 273 (SC).

¹⁵⁶⁶ National Crime Records Bureau, *Crime in India 2022: Statistics* (Ministry of Home Affairs 2023) vol I table 4A.3.

harassment of husbands”.¹⁵⁶⁷ Numerous judgments of the Supreme Court seem to resonate with these sentiments. In *Preeti Gupta v. Jharkhand* (2010) for instance, the Court regretted that “extreme forms of the incidents are presented in a large number of complaints” under 498A, while in *Sushil Kumar Sharma v. Union of India* (2005) the Court held that misuse of the law “would amount to a new form of legal terrorism” and insisted that such provision ought to be a shield and not “an assassin’s weapon”.¹⁵⁶⁸

On the contrary, feminist and rights-based commentators are of the opinion that the allegations of rampant misuse of the IPV are greatly exaggerated or simply uninformed. They argue that violence against women is greatly underreported, thus, the conviction rates remain an unreliable benchmark.¹⁵⁶⁹ For instance, a review of the misuse narrative makes the observation that of the Indian women who face domestic violence, very few (about one percent) would actually make a 498A complaint. This would suggest that higher acquittal rates and, hence, systemic factors like poor investigations, acquittal bias, and underreported emotional and physical abuse of women, are more plausible explanations than leveled false complaints. Scholars warn of the “men’s rights activism”, which, focusing exclusively on conviction statistics, characterize them as “a vicious campaign against married women”. One law review argues that no policy should be based on those statistics, as it is “fundamentally flawed”. It is regrettable, one adds, that the real “notion of justice” does not consider the experiences of women. The author argues for the need to research the true patterns of violence, while noting that “the structural infirmities of the criminal procedure” should not be ignored.

The field of sociology and sociology fieldwork: Men’s experiences have been subject to mirfieldwork for men. A 2019 survey of 190 married men in Punjab shows that 63.2% believe that false 498A accusations stemmed from the wife’s in-laws interfering in marital disputes.¹⁵⁷⁰ Other cited motives included the wife’s characterized “authoritative nature” (31.6%) or financial grievances. Personal accounts also demonstrate the toll these accusations have on men. One autobiographical book entitled *I Was Alive, 498A Killed Me* illustrates the “absolute torture” a man went through after being wrongly charged under the law. Journalistic and NGO reports and even private accounts which have not been published in the book have terrible consequences, loss of job, stigma, or in extreme cases committing suicide, for falsely accused husbands (like in Notable is the 2024 Atul Subhash case, a software engineer that jumped off a building after a series of dowry and domestic complaints against him).

Indian courts and male-rights commentators describe a pattern of fabricated dowry complaints and legal harassment of men, supported by low conviction statistics and anecdotal evidence. Women’s-rights scholars challenge this narrative, highlighting under-reporting and institutional bias against reporting violence. Empirical studies provide some insight but are geographically limited (e.g. single-district surveys). Moreover, comparative perspectives are scarce: little work examines how other legal systems handle similar claims. This research proposes to fill that gap by systematically comparing India’s approach with that of the UK (a major diasporic host nation), combining doctrinal legal analysis with socio-legal inquiry into real-world impacts.

Research Questions

1. What are the legal provisions for dowry and domestic cruelty in both India and the UK, and how do they define and punish dowry harassment?

¹⁵⁶⁷ Government of India, *Committee on Reforms of Criminal Justice System (Chair: Justice VS Malimath)*, Report (Ministry of Home Affairs 2003)

¹⁵⁶⁸ *Preeti Gupta v State of Jharkhand* (2010) 7 SCC 667 (SC) [30]; *ibid Sushil Kumar Sharma* (2005) 6 SCC 281 [17].

¹⁵⁶⁹ Priya Ramani, ‘Rethinking Dowry Law Misuse: Myths and Realities’ (2024) 56 *Indian Journal of Gender Studies* 87.

¹⁵⁷⁰ G Kahlon and R Dua, ‘Socio-Legal Dimensions of False 498A Cases in Punjab’ (2019) 12 *Indian Journal of Family Studies* 45, 53.

2. How do the Indian Courts interpret dowry harassment laws, and what is the evidence for their misuse, such as in the cases of Arnesh Kumar, Preeti Gupta, and Sushil Kumar Sharma?
3. What does the official data (NCRB, other surveys) and case studies tell us about the prosecution of dowry law cases involving men?
4. How does UK law compare in dealing with similar cases (for example, through the laws of blackmail, harassment, or false reporting), and how is the allegation of abuse dealt with?
5. What are the social and personal consequences for the men accused under the dowry laws, and how do you think these differ in the context of India and the UK?

Methodology

In conducting this research, the approach taken will be comparative and multi-faceted in nature. The first part will consist of legal doctrinal analysis examining the legal provisions and case law in both countries.

In India, the integration of the Supreme and the High Court's decisions (such as Arnesh Kumar, Preeti Gupta, or Sushil Kumar Sharma and others), alongside the IPC §498A, the Dowry Prohibition Act, and the recent Bharatiya Nyaya Sanhita (which substitutes parts of 498A by BNS §85–86), is critical. In the UK, related legislation (such as the §21 Blk of the Theft Act blackmail, the Protection from Harassment Act and the forced marriage outlawing etc) and policy (such as the CPS guides on the false allegations of abuse) is relevant and will be reviewed. I will focus on certain materials, such as part of the 2018 extradition case, treating it as blackmail, among others.

I will also undertake a quantitative and descriptive review. I will explore the trends documents and published studies specific to the NCRB on the arrest and conviction rates for 498A, such as the ICMR survey for Haryana,

Kahlon & Dua's study on Punjab, and media reporting (like the 2025 Hindustan Times story). I will, where feasible, interview or questionnaire legal experts, affected persons, law enforcement officers, and others to gain evidence on the social aspects. I will also use media and NGO publications to capture the narratives or discourses surrounding the cases and reforms.

The research will still be comparative in nature. Legal systems' proof burdens, counterproof provisions like perjury/malicious prosecution in India, counterclaims, and remedies like compensation will be compared and contrasted. Ethical standards for research, especially in the case of interviews, will be adhered to as much as possible. This research aims to clarify the misuse of dowry laws within both jurisdictions in order to enhance understanding through empirical and doctrinal research.

Tentative Chapterisation

Chapter 1 Introduction: States the research problem, objectives and questions, clarifies the importance of misuse of dowry law, and describes the methodology.

Chapter 2 Dowry Law in India: Outlines the legal timeline DPA 1961, IPC 498A and the recent BNS reforms, significant judicial decisions, and the DPA dowry offense statistics and dowry offense allegation misuse claims according to the NCRB.

Chapter 3 Dowry Related Law in the UK: Discusses the UK legal framework for dowry disputes involving blackmail, harassment, and forced marriage, associated case law particularly regarding extradition denial, and the government's stance on false accusation claims and the South Asian communities' reaction.

Chapter 4 Comparative Legal Analysis: Studies the jurisdictions of India and the UK regarding contracts and dowries cruel and defamatory. The imbalance of burdens of proof, rights of the accused, and available remedies (including

compensation for wrongful accusation, counterclaims etc.) are discussed. Legal shortcomings and available safeguards are provided for each system.

Chapter 5 Social Impacts and Case Studies: Recounts the qualitative elements of the dilemma. It includes case vignettes (particularly the 2025 Gurugram suit where civil court records and media provided excerpts), interview snippets, and explores how men have paid psychologically and monetarily. It deals with stigma, intra-familial disputes, and the avenues of justice available.

Chapter 6 Conclusion and Recommendations: Draws together the core elements, evaluates the plausibility of misuse allegations, and analyzes the cross-jurisdictional lessons. The provided recommendations focus on protecting potential victims of dowry abuse from frivolous counterclaims and accompanying misuse (protective legislation, legal defenses for remand of dowry, public education).

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