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NEW

Bitterness of wives leads to abuse of India's anti-dowry laws

Women's rights groups in India are concerned that vendettas by some estranged wives could bring India's vital and hard-won anti-dowry laws into disrepute

By Amrhit Dhillon
THE OBSERVER, NEW DELHI
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The entire Sharma family is stuck inside New Delhi's Tihar Jail -- from the grandparents down to the youngest child, aged three. This is not due to some rampant criminal gene but because a daughter-in-law has filed charges against them alleging harassment to extract dowry payments.

Roop Sharma says their son's marriage to Nisha went badly wrong.

"When divorce seemed on the cards, Nisha's parents began claiming we were torturing Nisha and that we were trying to get a car and gold jewellery out of them. But they just wanted to take their anger out on us and the easiest way was to get us thrown into jail on cooked up dowry charges," she said.

Such cases have prompted some Indian lawyers to question whether India's hard-won anti-dowry laws have now played into the hands of embittered wives seeking revenge on their husbands and their husbands' families.

Hostages

After the traditional arranged marriage, Indian brides go to live with the husband's family. Quite often she is then mistreated and forced to try to extract more dowry -- motorbikes, cars, household goods -- from her

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parents, even though the husband's family have probably already received something at the time of the marriage. The wife is a hostage, liable to a thrashing unless her parents produce the goods.

The anti-dowry laws were drafted to help women in this position. If things got really bad, she could report her in-laws to the police.

But a New Delhi high court judge, Sadhana Ramachandran, is seeking a review of the laws. She said they are being abused by wives conducting marital vendettas. They fling false accusations at innocent men and their families, to get even or to inflict pain.

"Such women incriminate everyone, not just the husband but the husband's sister or brother and parents. In the Sharma's case, the three-year-old girl ended up in jail too because, with the entire family inside, there was no one to look after her at home," Ramachandran said.

Ramachandran knows of 85-year-old grandparents in jail, awaiting bail or trial on dowry charges.

"It saddens me to say this, because in my career I have focused on the injustice women suffer in a male-dominated society but some women are misusing these laws out of pure viciousness," she said.

In one recent case Rajiv Sethi, 26, came back to India from South Africa to marry the bride his mother had chosen. The marriage collapsed and during the painful denouement, his wife Nandita, accused him and her mother-in-law of "mental cruelty" over dowry.

Lack of proof

"I don't even believe in dowry," exclaims the mother-in-law, Radhika Sethi. "I accepted the fact that their marriage wasn't working out but she accused me of starving her, of locking her up and beating her. None of it is true. My son is devastated at having to run around police stations and the courts. He's lost 27kg. She's ruined his life with a lie. But how can we prove that we were loving?"

There are fears that abuse of anti-dowry laws could lead to increasing scepticism about the numerous genuine cases of women being mistreated or murdered by husbands and in-laws. That would be a tragedy as some 7,000 women were killed over dowry demands in



2001.

In New Delhi alone, a woman is killed -- usually doused with kerosene and set on fire -- every day.

Radhika Sethi approves of the judge's call for a review and feels that a proper inquiry should take place before anyone is arrested to separate genuine from fabricated cases. Some lawyers also believe that automatic bail should be given in dowry cases (something that does not happen in all parts of India) so that innocent families can at least be spared the ordeal of jail.

But women's groups have reacted to the judge's call with dismay. The All-India Democratic Women's Federation (AIDWA) has written to the chief justice of India urging him to deny a review.

"It's taken decades for women to pluck up the courage to use these laws and now they want to dilute them," said Brinda Karat, AIDWA president.

"There may well be a few cases of abuse. But dowry-related violence is so horrific that these laws are life-savers for women and it would be disastrous to dilute them. Dowry-hungry men will think they can get away with murder, literally," Karat said.

Too docile

As it is, she said, Indian women are so culturally conditioned to be docile that very few actually invoke them. AIDWA says only 40,000 cases were registered last year -- "not even a drop in the ocean" -- compared with the violence it says women experience over demands for more dowry.

Lawyer Rani Jethmalani, who specializes in dowry cases, also believes that the number of false cases are miniscule. Marriage is sacrosanct in India, she says, and women will go to any lengths to save theirs.

"I know women who have gone back to their husband and in-laws even after they tried to murder them. Given this attitude, how many will falsely accuse their husband, knowing it means the certain end of the marriage?" Jethmalani said.

If the chief justice agrees to a review, AIDWA, the National Commission for Women and other groups plan nation-wide protests.

"We fought long and hard for these laws," Brinda Karat

said. "We're not going to give them up easily."

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