

Criminalizing Family Dispute: Driving India to a Society of its Own Kind

Running Title: Impact on Society of criminalizing family dispute

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Abstract: *A happy family is foundation of a good society and strong Nation. Any force to change in society may have bigger impact on individual's life as well as family life, so it is important to consider impact over the society in future. As modernization is taking place, Indian societies experiencing the changes. Due to the change, few of the ideologies has been seen as conservative many ignored and few are still remaining. As change taking place, it becomes necessity to stop the conservative thoughts, and most of the time, law came in force to establish norms and to create a force to adopt the change. Here at this point, it is more important to keep a wide open eye, because in such circumstances, most of the time people act biasedly and become possessive for change. Keep in mind, that whatever the changes start today, it will get matured over the time. Most of the time law maker made harsh laws considering their present scenarios, or on their thoughts or due to political reasons or on-need, but they fail to make further revision in such laws due to sentiments and other political factors. This is the time when influencer of the society has to come out from their possessiveness. India is experiencing the similar situation that, to empower women there are many harsh law made to ensure protection of women ignoring the human rights violation with Men. Even the family dispute made criminalize to set aside the conservative ideologies, but now the laws have started impacting, resulting it to more broken families, unhappy people, abundant children, and finally impacting the rich cultural of society which is now driving to a society of its own kind. This paper explores the implications of criminalizing family disputes in India by drawing on legal frameworks, judicial pronouncements, and National Crime Records Bureau (NCRB) data. It highlights how women-centric legal frameworks, though well-intentioned, have created societal imbalances, adversely affecting men, children, and senior citizens. The paper also compares global perspectives, noting how other democracies have resisted overly punitive approaches. Finally, it offers recommendations for decriminalization, mediation, and balanced reforms to protect the family institution as a cornerstone of Indian society.*

Keywords: Family Dispute, False 498a case, Criminalization of Family Dispute, Dowry Laws, Gender Neutrality, Society Vulnerability, Impact on Society, Destroy Rich Indian Culture

1. Introduction

In India, Marriage has long been regarded as a cornerstone of Indian society. In Hindu traditions, it is sanctified as a sacred bond across seven lifetimes, while in Muslim traditions, it is viewed as a binding social contract. Marriage is seen as a beginning of new relationship between two families. Despite the diversity of customs, marriages in India have historically symbolized the union of not just two individuals but two families, strengthening communal bonds and cultural continuity.

Gift exchanges during marriages in India were traditionally a gesture of goodwill, with the bride's family historically bearing most of the ceremonial expenses. Over time, modernization shifted these responsibilities, often making costs more balanced between both families.

However, cultural expectations around gifts from the bride's side were increasingly viewed as a burden and eventually labeled as dowry, seen as a source of exploitation. To address crimes arising from dowry-related abuse—such as harassment, violence, and even deaths—the practice was criminalized under laws like the Dowry Prohibition Act, IPC 498A, and 304B, with penalties including imprisonment for the husband and his relatives if found guilty.

Due to the absence of strong laws in India to protect citizens from false accusations, it has become easy to file fabricated cases of dowry demand or harassment against husbands and

their families. The number of such false cases is increasing, largely due to the negligence of enforcement agencies in preventing them. In some instances, these false claims arise from momentary anger or impulse.

Since these laws carry provisions for imprisonment, husbands and their families often refuse reconciliation once such cases are filed. This is primarily because of three key reasons:

- Prolonged legal proceedings – court cases often drag on for years, causing immense mental, emotional, and financial stress.
- Harassment during investigation – investigative agencies frequently harass the accused and fail to conduct fair and thorough inquiries.
- Overly broad legal provisions – the laws are framed in such a way that almost anyone can be implicated in dowry-related cases, forcing families to approach the courts to seek a stay on arrest.
- Wrongful intention of complainants –false allegations are driven by malice, lies, and wrongful intent on the part of the complainant, often leading to exploitation and harassment of the husband and his relatives.

Hence, we can say that the criminalization of family disputes plays a major role in the rising number of divorces in India. Husbands and their families often refuse reconciliation due to the above reasons of exploitation and harassment during legal proceedings.

These circumstances ultimately lead to broken families, loss of trust between the couple, and increased emotional distress and depression for everyone involved.

A society is built on families, but India is gradually losing its traditional family system and shifting towards an increasingly individualistic structure. Broken families and unhappy individuals cannot build a strong society, and this weakening of the family unit will inevitably affect the Nation over time.

A major concern is the impact on children growing up in such disrupted environments. They may begin to accept these circumstances as normal, which can lead to unhappiness, social withdrawal, and a sense of loneliness in their adult lives.

Indian lawmakers have recognized these societal issues, and even the Law Commission has recommended reforms in family laws. However, political parties appear reluctant to take meaningful action, seemingly prioritizing vote-bank politics—particularly the fear of losing the support of certain voter segments, especially women—over much-needed legal reforms.

“The family law in India making the Nation to ‘country of fear’ with the harsh laws against Men.”, author quotes.

Main Body

India is the largest democracy in the world, enriched by its vast cultural diversity. Traditionally, Indian society has thrived on the joint family system, which has been its foundation for centuries. However, with modernization taking place, this age-old system is now on the verge of disappearing. Families have increasingly begun to live as nuclear units, and migration to urban areas has grown significantly due to limited development opportunities in rural India. As a result, family roles and responsibilities have changed, lifestyles and perspectives have shifted—yet Indian laws have not evolved adequately to protect or support the family structure.

In India, the diversity of marriage rituals and beliefs is evident. For example, in Hindu tradition, marriage is regarded as a sacred bond made in heaven that lasts across lifetimes, whereas in Muslim tradition, it is viewed as a contractual relationship between the couple. Despite these differences in religious and cultural interpretations, marriage across communities has traditionally been seen as a lifelong commitment.

Significant time, effort, and resources are devoted to weddings—not merely as a union of the bride and groom but as the joining of two families. Historically, marriage was also a means of building trust, respect, and even fostering stronger ties between two communities or social groups, *it was seen as beyond the family relationship*.

Current Situation

That every society has various ideology and some of them are seen conservative by the time, but the possessiveness to end such ideology may give bigger harm to society in future. *Most of the time law maker made harsh laws to set aside such conservative ideologies but they fail to revise such law due*

to public sentiment and other political reasons. I must say that; this is the time when society must be cautious and sensitive.

Gift exchanges during marriage ceremonies in India have traditionally been an expression of goodwill and mutual support. It is common for both the bride’s and the groom’s families to exchange gifts with each other, including for the couple themselves—just as exchanging gifts is common even in occasions like birthdays.

Traditionally, the bride’s family bore the primary responsibility for organizing and financing the marriage ceremony, as weddings usually took place at the bride’s residence or in her locality. This cultural practice was rooted in the Indian ethos of treating guests as gods (*“Atithi Devo Bhava”*), making it the bride’s family’s duty to host and show hospitality. As a result, they often managed most of the expenses. However, with modernization, this practice has changed significantly—expenses are now often shared equally, and in many modern or outdoor weddings, the groom’s side even takes full responsibility for all costs.

Over time, the bride’s family’s responsibilities began to be portrayed as a burden, and the gifts they gave were increasingly viewed as a social wrong. While gifts from the groom’s family to the bride’s side continued to be considered acceptable—based on the notion that the bride’s family was less affluent—gifts given to the groom and his relatives came to be labeled as a form of exploitation. Eventually, this cultural practice was criminalized under Indian laws such as the Dowry Prohibition Act, Section 498A, Section 304B, and others.

In Indian marriages, it has been customary for the bride’s and groom’s family to gift items like furniture, cash, jewelry, electrical appliances, crockery, utensils, and other household essentials to help the newlyweds settle into their new life. These gestures were traditionally intended to support the couple. However, with the pressure created by the feminist movements, gifts to the groom’s side were branded as “dowry” under the law, and to eliminate this perceived social evil, lawmakers introduced strict legal provisions.

At the same time, no attention was given to situations where the bride or her family placed financial demands on the groom. Consequently, lawmakers and many women’s and feminist organizations focused primarily on women’s empowerment, often overlooking imbalances that has affected men or their families.

Rise of Feminist Organization in India and the Laws

To protect women from dowry-related exploitation, India enacted the Dowry Prohibition Act in 1961, which introduced the following key provisions:

a) **Penalty for giving or taking dowry. -**

If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with the fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more;

b) Penalty for demanding dowry. -

If any person demands directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine which may extend to ten thousand rupees;

In the late 1970s, women's organizations in India gained national prominence following the infamous case of Mathura, an orphaned tribal girl who was raped by two policemen within the premises of Desai Ganj Police Station in Gadchiroli district, Maharashtra. This case marked the first time that feminist activists brought women's issues to the forefront of national debate. The women group succeeded in building force to the government to amend several laws, including the Evidence Act, the Criminal Procedure Code, and the Indian Penal Code. In 1983, the government introduced the offence of custodial rape through The Criminal Law (Amendment) Act, 1983 (Act No. 43).

From the 1980s onwards, significant changes were observed in India's approach to women's empowerment.

- On 25 September 1985, the government established the Ministry of Human Resource Development (MHRD) with a mission to promote the all-round development of citizens, including women and children.
- On 30 January 2006, the Ministry of Women and Child Development (MWCD) was carved out as a separate ministry, previously functioning under the MHRD.

India also became a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 30 July 1980, and ratified it on 9 July 1993. The CEDAW had been adopted by the United Nations General Assembly in 1979.

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After the commencement of Ministry of Women and Child Developed (MWCD) they made responsible for the implementation of several important laws and initiatives, including:

- Immoral Traffic (Prevention) Act, 1956 (amended up to 1986)
- The Indecent Representation of Women (Prevention) Act, 1986
- The Dowry Prohibition Act, 1961
- The Commission of Sati (Prevention) Act, 1987 (excluding the administration of criminal justice under these Acts)

In addition to enforcing these laws, the Ministry oversees family welfare, nutrition programs, women and child welfare initiatives, and coordination with other ministries and organizations to address related issues.

2. The Problem Statement

Since the 1980s, India has prioritized women's empowerment programs, and shifted its focus from community-based welfare to individual rights. As a result, dozens of laws, policies, and frameworks were introduced to protect women from harassment and promote their empowerment. However, during this shift—largely influenced by pressure from feminist organizations—the focus on society as a whole, including children, senior citizens, men, and other family members, gradually diminished.

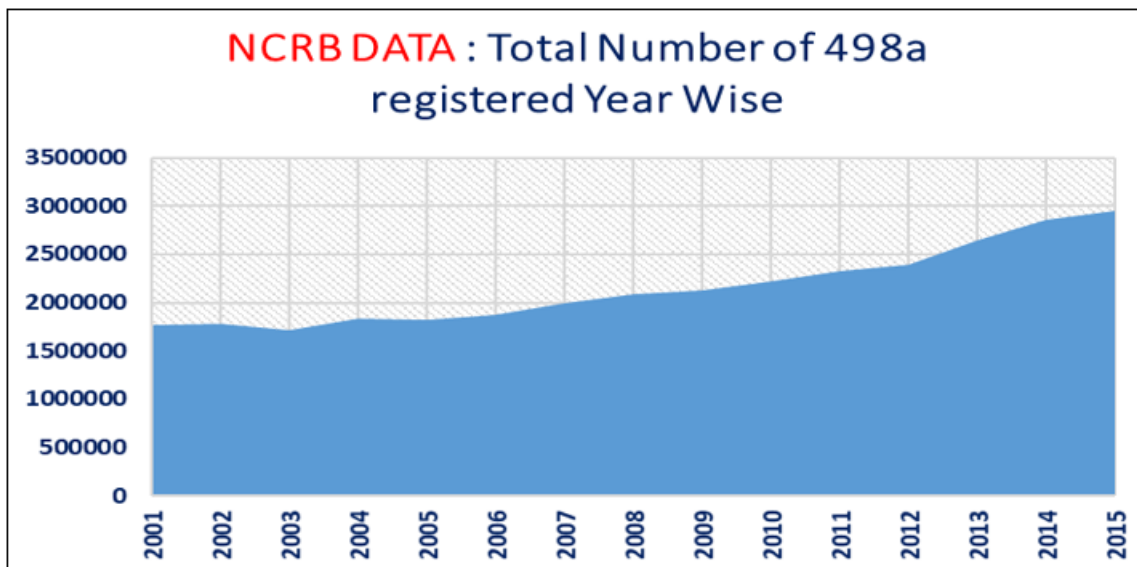
In 2013, in the case of *Aradesh Kumar vs. State of Bihar*, the Supreme Court observed an alarmingly high number of arrests in family-related disputes. To address this, the Court issued guidelines mandating the use of Section 41A CrPC notices instead of immediate arrests in such cases.

Later, in *Rajesh Sharma vs. State of Uttar Pradesh* (2017), the Supreme Court noted widespread misuse of IPC Section 498A, citing statistics that suggested misuse in approximately 86% of the cases. The Court issued directives to establish "Family Welfare Committees" in every district to scrutinize complaints before arrests were made. However, this directive was eventually struck down, as the formation of such committees was deemed beyond the Supreme Court's jurisdiction.

These observations and directives by the Supreme Court clearly indicate the mass misuse of laws originally intended to protect women. As feminist organizations grew more influential in both the judicial and political spheres, the government has faced increasing challenges in amending these laws despite evident misuse.

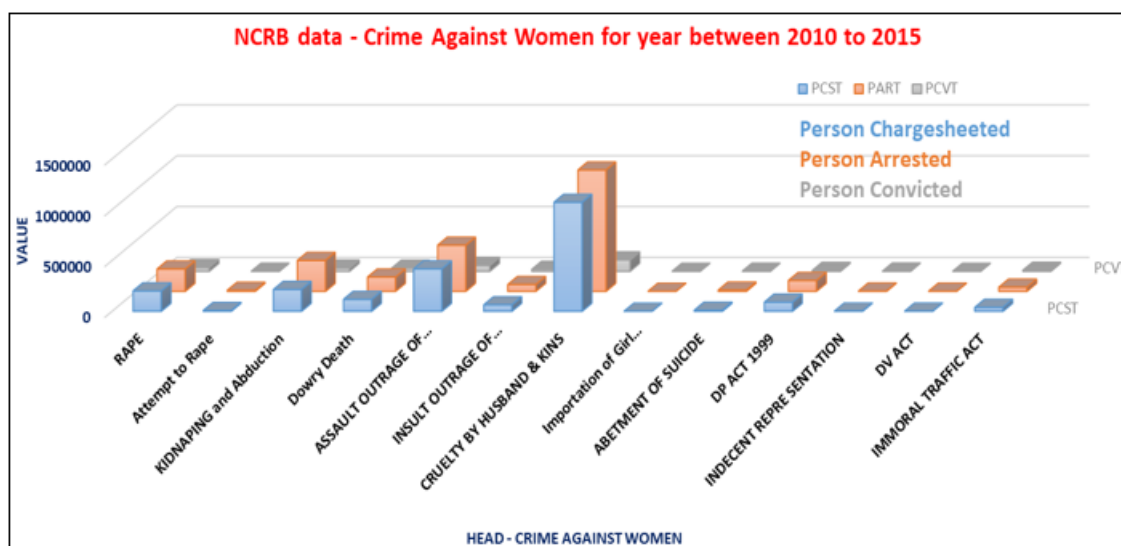
Most laws enacted for the protection of women against harassment and violence are criminal in nature and implicitly assume that *the perpetrator is always male*. Unfortunately, *these provisions are often exploited for vested interests*. I have personally observed numerous cases where women have demanded maintenance within just days or months of marriage or girl has filed false rape case on their male counterpart.

The National Crime Records Bureau (NCRB) shows the year-on-year growth in IPC 498A cases with lowest conviction rate.



The National Crime Records Bureau (NCRB) data from year 2010 to 2015, also indicated the rate of conviction. It has 10.5% of conviction rate in CRUELTY BY HUSBAND between year 2010 to 2015, while more than 10.7 lakh people charge sheeted and more than charge sheeted people were arrested, the arrest was almost 11.9 lakh.

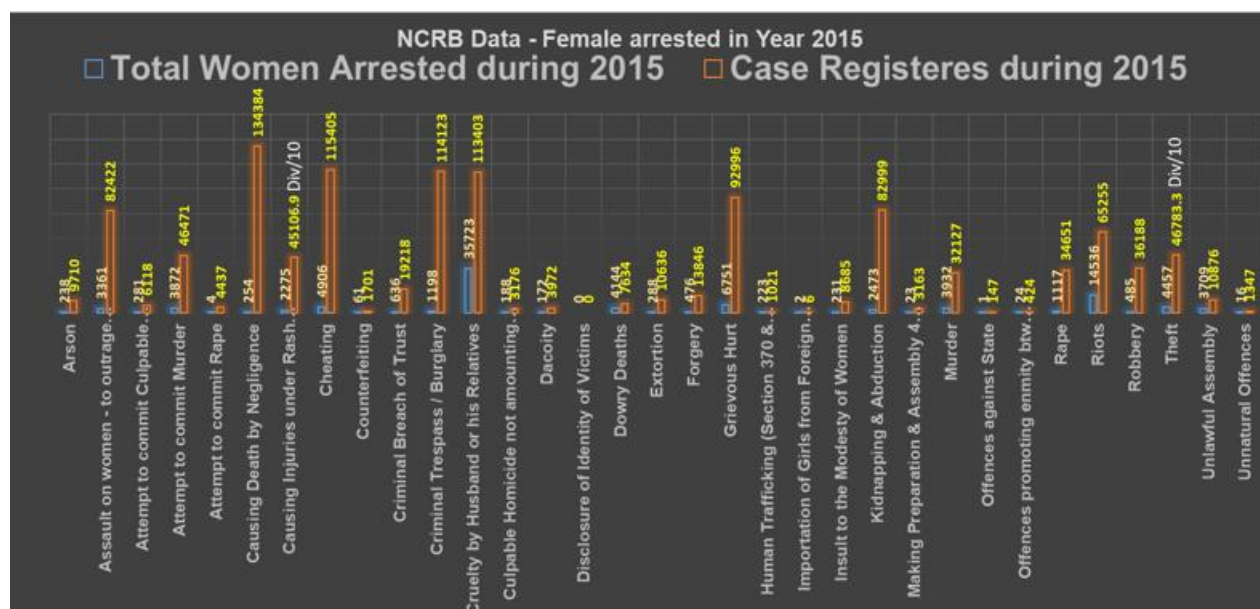
Crime HEAD	PCST - Total Number of Person Charge sheeted	PART - Total Number of Person Arrested	PCVT - Total Number of Person Convicted	% of PCVT Vs PCST
RAPE	199840	219413	36891	18.46
Attempt to Rape	7036	8803	460	6.53
KIDNAPING and Abduction	214210	304113	31210	14.56
Dowry Death	117118	139700	29969	25.58
ASSAULT OUTRAGE OF MODESTY	416133	453661	58578	14.07
INSULT OUTRAGE OF MODESTY	63925	67019	19031	29.77
CRUELTY BY HUSBAND & KINS	1072561	1193682	112660	10.50
Importation of Girl from Foreign	462	458	50	10.82
ABETMENT OF SUICIDE	9500	11434	525	5.52
DP ACT 1999	89504	106005	9429	10.53
INDECENT REPRESENTATION	2102	2134	1728	82.20
DV ACT	1121	1233	40	3.56
IMMORAL TRAFFIC ACT	38377	40380	9738	25.37



The major issue which has also remain ignored that, more women harassed in the name of women empowerment. Year 2015 NCRB data shows that almost 40 thousand women

arrested in family matters in order to ensure women safety in family. This data also indicates highest rate of arrest in family dispute while in other crimes the rate is less.

Crimes	Total Women Arrested during 2015	Case Registered during 2015	% of women arrested
Arson	238	9710	2.45
Assault on women - to outrage her Modesty	3361	82422	4.08
Attempt to commit Culpable Homicide	281	6118	4.59
Attempt to commit Murder	3872	46471	8.33
Attempt to commit Rape	4	4437	0.09
Causing Death by Negligence	254	134384	0.19
Causing Injuries under Rash Driving/ Road Rage	2275	451069	0.5
Cheating	4906	115405	4.25
Counterfeiting	61	1701	3.59
Criminal Breach of Trust	636	19218	3.31
Criminal Trespass / Burglary	1198	114123	1.05
Cruelty by Husband or his Relatives	35723	113403	31.5
Culpable Homicide not amounting to Murder	188	3176	5.92
Dacoity	172	3972	4.33
Disclosure of Identity of Victims	0	0	0
Dowry Deaths	4144	7634	54.28
Extortion	288	10636	2.71
Forgery	476	13846	3.44
Grievous Hurt	6751	92996	7.26
Human Trafficking (Section 370 & 370A IPC)	223	1021	21.84
Importation of Girls from Foreign Country	2	6	33.33
Insult to the Modesty of Women	231	8685	2.66
Kidnapping & Abduction	2473	82999	2.98
Making Preparation & Assembly 4 committing Dacoity	23	3163	0.73
Murder	3932	32127	12.24
Offences against State	1	147	0.68
Offences promoting enmity btw diff groups	24	424	5.66
Rape	1117	34651	3.22
Riots	14536	65255	22.28
Robbery	485	36188	1.34
Theft	4457	467833	0.95
Unlawful Assembly	3709	10876	34.1
Unnatural Offences	16	1347	1.19
Grand Total	96057	1975443	4.86



Increasing Suicide in Male

A high level of dissatisfaction and insecurity in family dispute is driving many men to commit suicide. In the midst of disputes, men often feel isolated, harassed, and unsupported, which gradually leads them into depression and, in some cases, suicidal thoughts.

The following observations are drawn from the report “Accidental Deaths & Suicides in India, 2015” published by the National Crime Records Bureau (NCRB), Ministry of Home Affairs, Government of India:

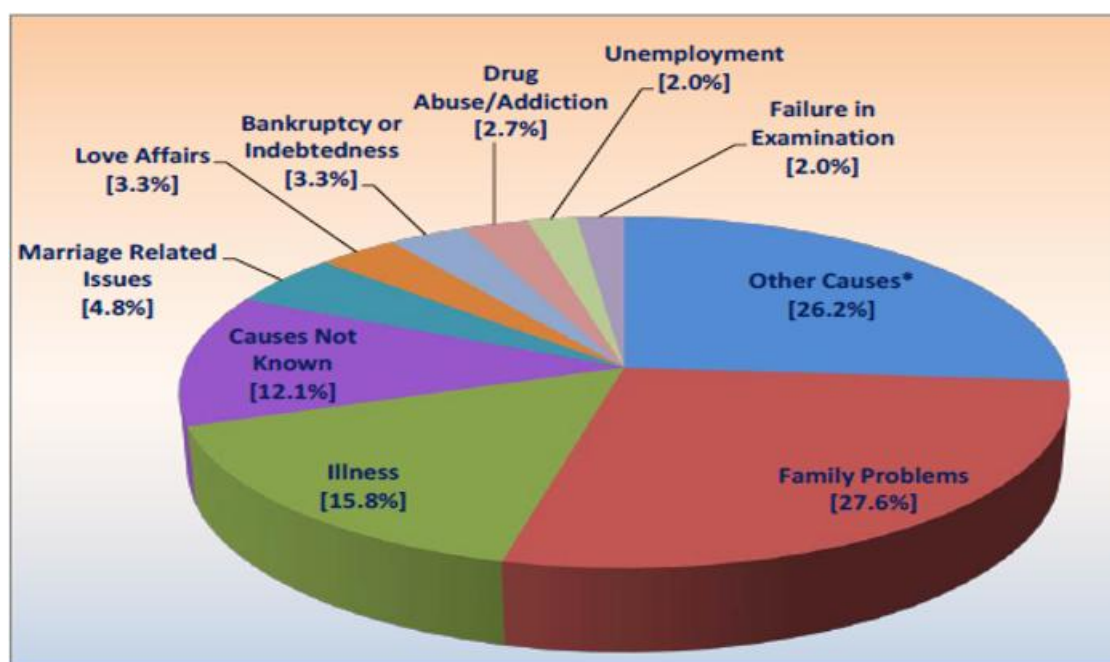
- a) 'Family Problems (other than marriage-related issues)' (34.0%) and 'Illness' (17.2%) together accounted for 51.1% of all suicides in India during 2015.
- b) Among children below 18 years of age, the leading causes of suicide were:
- Family Problems – 2,139 cases
 - Failure in Examination – 1,360 cases
 - Illness – 904 cases
- c) In Indian cities, 'Family Problems (other than marriage-related issues)' remained the major cause of suicide in 2015, accounting for 34% (6,682 out of 19,665 cases), followed by 'Illness' at 17.2% (3,379 out of 19,665 cases).

Accidents and Suicides in Central Armed Police Forces

45.0% and 20.0% of total victims in CAPFs have committed suicides due to 'Family Problems' and 'Financial Problems/Indebtedness'. Besides, 5.0% of suicides in CAPFs were due to 'Marriage Related Issues'.

Causes of Suicides

'Family Problems' and 'Illness' were the major causes of suicides which accounted for 27.6% and 15.8% of total suicides respectively during 2015. 'Marriage Related Issues' (4.8%), 'Bankruptcy' & 'Love Affairs' (3.3% each), 'Drug Abuse/Alcoholic Addiction' (2.7%) and 'Failure in Examination' & 'Unemployment' (2.0% each), 'Property Dispute' (1.9%), Poverty (1.3%) and Professional/Career Problem (1.2%) were other causes of suicides [Table-2.4].



* Figure of Suicides due to Poverty, Unemployment, Physical Abuse, Professional/Career Problem, etc. included along with Other Causes.

Figure 2.4: Percentage Share of Various Causes of Suicides During 2015

In the NCRB report, it clearly shows the 27.6% of share of suicide during the year 2015 while male suicide is double of the suicide committed by women during the year.

Table 2.4: Causes – wise Distribution of Suicides during 2015 (All India)

Cause	2014	2015				% Var.	Percentage Share of Suicides during 2015
	Total	Male	Female	Transgender	Total		
Family Problems	28602	24043	12885	0	36928	29.1	27.6

Causes of Suicides among Agricultural Laborers

'Family Problems' followed by 'Illness' are reported as major causes of suicides among agricultural labourers, accounting for 40.1% (1,843 out of 4,595 suicides) and 19.0% (872 out of 4,595 suicides) of total such suicides respectively during 2015.

Suffering of Children

In family disputes, children are often the ultimate sufferers. Conflicts between parents significantly impact children, as they are frequently alienated from one parent, most commonly the father. Court cases related to custody often

drag on for years, and when visitation rights are granted, they are usually limited to short durations, often monthly.

Children are the future of the nation. As the Supreme Court of India has said, "Children are the gift of God, assets for the country." During early childhood, children form close bonds with their parents, which are crucial for building trust. Families provide children with shelter, food, love, care, education, vaccinations, and other essential needs. Importantly, these responsibilities are jointly shared by the family, ensuring holistic care. However, almost all men from broken marriages lose meaningful access to their children after separation.

Children learn from what they see, experience, and from people around them. Each child has unique potential to form opinions and participate in family, cultural, and social life. This potential must be protected from harmful influences, as damage at a young age can take years to repair—or in some cases, may have lifelong consequences.

India has enacted various laws, charters, and policies to ensure the care and protection of children. In 2007, the National Commission for Protection of Child Rights (NCPCR) was established at the central level, and State Commissions for Protection of Child Rights (SCPCR) were set up at the state level.

Despite constitutional fundamental rights, numerous policies, and dedicated institutions, parental care is often overlooked in matrimonial disputes. In most cases, the only recourse for parents is to approach the courts for custody, which often becomes a battle between mother and father. The apex court has raised concerns about children being used as tools of conflict. For instance, in *Vikas Agarwal vs. Geeti Mathur*, the Delhi High Court observed:

“Often the innocent children are used as tools of vengeance by vindictive litigants.”

In matrimonial disputes, courts usually grant custody to one parent, while the other becomes a visiting parent—sometimes referred to as a “Weekend Dad.” This arrangement deprives children of the right to be cared for and loved by both parents. The custodial parent bears the full responsibility of upbringing, while financial responsibilities often fall on the non-custodial parent, usually the father. Such scenarios can poison the minds of children, affecting their emotional and social development.

The situation is particularly challenging for Army personnel, who must balance their professional duties—sometimes at remote borders—with court proceedings and child visitation, adding extra layers of stress and disruption for both parent and child.

Issues Faced by Senior Citizens

Senior citizens are often vulnerable in family disputes. Current laws are largely perceived to favor the bride, and in many cases, accusations are also directed at the father-in-law and mother-in-law. In such situations, investigative agencies often fail to conduct fair and thorough inquiries, ignoring the lifetime achievements, conduct, and character of senior parents. In some instances, daughters-in-law have even filed false cases of sexual assault against them, yet the authorities frequently overlook the plight of these elderly members of society. This raises a fundamental question: after living a life with respect and dignity, are senior citizens expected to experience their reputation and peace of life be destroyed by their own family members?

The situation becomes even more difficult for senior citizens who, after a lifetime of care and support, find themselves entangled in criminal cases involving their son and daughter-in-law and are forced to repeatedly appear in court. Under Section 12 of the Domestic Violence Act, 2005, a wife is legally entitled to reside with her in-laws or with her husband.

However, this provision can become a source of distress for senior citizens when a daughter-in-law acts with malicious intent or vested interests.

Courts are often influenced by public sentiment, as reflected in Supreme Court observations, such as the remark that:

“People want the judiciary to take harsh action in rape cases.”

This demonstrates how emotional and social pressures can sometimes overshadow objective justice, leaving senior citizens exposed and unsupported.

Myth to be broken

For more than six decades, women’s empowerment in India has been pursued vigorously, yet little research has been conducted on the societal impact of the growing misuse of laws. Indian men are fundamentally good, but one-sided, women-centric laws have often portrayed these good men as criminals. Not all men are demons, just as not all women are saints—crime has no gender.

Indian men take responsibility for nearly everything: children, family, parents, relatives, health, work, earnings, care, cooking, shelter, food, clothing, safety, travel, and more. They often do all this out of love or a sense of responsibility, yet none of these contributions are formally recognized.

A similar observation was made by the Australian Senate, which rejected legislation against dowry harassment, noting that the law is widely misused in India and fails to address the underlying issues.

Even globally, there is recognition of the risks men face. Former U.S. President Donald Trump remarked:

“It is a very scary time for young men in America, where you can be guilty of something you may not be guilty of.”

Meanwhile, in India, the prevailing mindset among some policymakers and feminist groups seems to be:

“If innocent men and families suffer from false cases, it is just collateral damage. Men should be prepared to make such sacrifices for women’s safety.”

Children are no longer regarded as mere property of their parents; they hold their own rights. However, in many cases involving disputes, neither neighbors nor society intervene, leaving children and families to face challenges alone.

The welfare system must evolve in response to rapid globalization and societal change. It should take into account factors such as:

- The emergence of post-industrial society
- Transformations in work styles
- Migrant families
- Changes in gender roles and family structures

As Mary Langan observed in *Social Theory, Social Change and Social Work* (March 1995), social systems must adapt to these transformations to remain effective and equitable.

3. Conclusion

Criminalizing the family dispute, clearly shows the failure of Law and Order in Nation. System has failed protecting the family, children and Male, as a result of it Suicide and Anger are growing. It also resulting to more broken families, losing trust between people and more importantly the citizens losing faith over system.

The criminalization of family disputes clearly reflects the failure of law and order in the nation. The system has failed to protect families, children, and men, resulting in increasing suicide rates, growing anger, broken families, loss of trust among people, and diminishing faith in the system.

Men have been systematically discriminated against in areas such as parenting rights, child custody, criminal sentencing, military conscription, education, domestic and sexual violence laws that neglect male victims while supporting false accusations, reproductive rights, genital integrity laws, international forced labor laws, public benefits, and more. Simultaneously, men and boys continue to face societal misandry and male bashing.

Having moved well past the 18th century into the 21st century, it is time to take urgent action to address these issues:

- Review changes adopted by families, societies, and gender roles.
- Decriminalize family laws to strengthen the family system.
- Ensure protection for senior citizens and children as a priority in family disputes.
- Enact laws to protect families, family tradition and individuals from false cases and prevent misuse of the legal process.
- Ensure that families are not forced to spend a lifetime in court battles.
- Ensure that maintenance rights for women is not misused by women to extort money;

“It’s time to revise the laws, in order to consider the changes in society and gender roles.” – Kumar S. Ratan

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