

CHAPTER- 5

CONCLUSION

5.1 CONCLUSION:

In Tripura, the incidence of crime against women has been increased from 438 in 2001 to 1615 in 2014, which shows a gradual increase of violence against women including different headings of crime under IPC, like rape, kidnapping and abduction, dowry deaths, cruelty by husband and/or his relatives, molestation, sexual harassment etc. Table No.-3.1 shows the picture of crime committed against women in Tripura. As per the data published by the National Crime Records Bureau, the offences identified very serious in this part of India under the Indian penal code. There seem to be significant increase in matrimonial cruelty incidents under section 498A from 227 in the year 2001 to 702 record in the year 2014. While analysing the conviction rate of various crimes committed against women, it is found that the conviction rate is the latest in cases under “cruelty by husband or relatives”.

There is no clear classification of provisions about the economic rights, political rights and Social Justice in the latest constitutional measures of Tripura, i.e., in the gazette notification of the Tripura commission for women, 1993. There are no extra ordinary criteria of women empowerment in the state. What has been formulated by the constitution of India for empowerment of women, as a part of India, Tripura is following it.

Judgments of majority cases reveal that informant and accused reached to have family settlement regarding ending the matrimonial knot peacefully. The long process of judicial execution to solve the case which complainants filed to get their right becomes meaningless for them because they have to continue a deserted life without a family support it is expensive enough to continue with such long judicial process for justice. Rather, women as wives want keep all the things right at their place i.e., to satisfy all the members of the family and thus want a peaceful family settlement even after the filing of case against the husband or his family members.

After a certain period of time, they feel the crisis of their family members and with the all-around situation presently she is facing, directly or indirectly helps her to withdraw the case or to mitigate the case, having an understanding with the members of the family for a better future. As a result, the informant in many cases were found

to depose before court, that she has no more conflict and dispute with the accused husband.

The complainants after a period of time when the case is being continuing in the court feel the crisis of a life partner and do not have any intention to make adjustment with her husband search for a different alternative. The present husband thus gets a scope to relief from the case and demands the withdrawn of the case which she filed against him under IPC 498A to provide her divorce as a deal or contract.

Proposal for remarriage paves the path for the complainant to withdraw the filed case against her husband and the alleged husband and his family member gets acquitted from the trial. As a result, the informant or the complainant is found to make such statement before the court that she misunderstood the facts and circumstances and out of irrational emotional impulse, she filed 498A case against her husband or her in-laws' family members. An irrational emotional response also plays a very important role in withdrawing the cases filed against husband or his family member.

So to gain back her position in her in-laws' family or before the husband, she gets biased with the words of the family in-laws to lead a peaceful life with the alleged husband or his family members as to withdraw the case or complaint and thus portrays the statement before the court of her misunderstanding. The sacred marital relation become more important for that woman, thus the case through 498A becomes vague with her statement which is out of irrational emotional impulse.

Proper execution of judiciary must require proper attention and care to understand a particular case and how it is being deeply rooted as to provide a proper justice in a scientific way. Cases related to IPC 498A are sensitive enough to deal with, as it is related to marital affairs and more pervasively, with emotional bondage between affinal relations. The legitimacy is depended on the process of prosecution where it is abstaining judicial prosecutors would take care about the case and would guide the complainant and the alleged offenders.

To carry out a criminal case on basis of one prosecution witness, it becomes too risky, particularly when the prosecution poorly conducts the trial. The situation creates enough chances for the alleged persons to get acquittal from the case, due to

its weak base of the charges through FIR and moreover, the prosecution lacks to collect proper investigation report from the side of the enforcement to take proper action against the cruelty of the alleged person in the case.

The depth of the IPC 498A cases, through observation (uncontrolled) method also shows the impact of IPC 498A. It has found that though those women are saying that they are satisfied with the verdict of the court but somewhere lies a gap to understand the present situation of these women. After getting verdict from the court; or in maximum withdrawing cases of 498A from the court, they used to go back to their in-laws' home to start a new life. Maximum of them withdraw their cases against the perpetrator i.e., the husband or their family members to lead a peaceful married life. They even made compromises outside the court for the sake of their children or for them as they lack economic support, parental support or their forcefully bound them to withdraw the case. Subsequently, they deserve happy peaceful life at their in-laws, house.

But the situation is very different from their imagination. Hardly any in-laws' family member keep good relation with them, hardly in-laws' family member used to interact with them, hardly in-laws' family member used to serve them any good food, hardly those women get proper or nutritious diet to eat and they hardly get any kind of response from in-laws' relatives. The whole day long they have to work for their family or in some cases they remain isolated from the whole family as they are being instructed to do so. Though these women are staying in the same house they have to lead an isolated life, separately from their husband, or in-laws' family members. Other members of the family used to enjoy their life but without granting the woman to have the same. They hardly get any chance to convey their decision regarding any family matters or other. A percentage of those women not even get the permission to enter into the temple to worship God. It seems that the in-laws' family members are now taking revenge from them, as if they did the crime by filing the case against their husband and their family members, i.e., IPC 498A. Now question arises, is it the empowerment of women? What is the use of such law which again create division within family? How long these women have to face such situation after taking verdict from the court?

Pathetic to say that even such kind of question hardly would change their life and they have to face or experience every day situation in the same manner. The court will not look after the aftermath situation of any solved case. This kind of mental torture or harassment before filing the case lead them to think or behave differently to have extra-marital relations or going out of the house without informing anybody or to behave roughly with her husband or/and in-laws' family members. The same kind or more than the former situation, if taking place in a family i.e., within the four walls, thus would be punishment for those women for their deed, which they have to carry out throughout their life. Hardly their husband interacts with them or come close to them. In some cases, it is found that if they come, they come after midnight, taking alcohol and used to shout over them.

So they along with their family are at stake and they fighting for their survival. They have to manage everything without conveying anything to outside world as it is a matter of shame and such can create more trouble for them in near future. They have to think about their children also and their future too. They are facing the psychological trauma for the sake of their children and husband or in-laws' family members as she still feels a kind of love and affection for them. They are well verged with the situation and they have no option to get rid of it other than to leave in-laws' home and to stay somewhere outside independently. For that economic assistance and social support are essential factors, which are absent for them in a patriarchal society.

Women are who already taken divorce or separated from their husbands comparatively leading better life than those who remain with their in-laws' family member and husband. So, all these now become more conscious about economic stability and them always in search of work. Economic stability may provide them independent life and they can take decision to leave their in-laws' household for better happy and peaceful life. Some of them started to take education with the support from their parents or brothers or sisters. Some of are interested to take vocational training in handicrafts, computer, tailoring, beautification etc. and desired to have a happy family life in near future.

Beside this observation, the data reveals that the highest percentage belongs to 20 to 30 years of age group victims of IPC 498A and filed cases against their husband

that is for justice. The maximum of them are educated and only one fourth of the respondents have their source of income. Generally, they have one or two children. Demand of dowry was not there during marriage. Husbands generally demands dowry within two to five years after their marriage. They faced harassment very often in their married life. mental harassment was more than physical harassment. They are tolerating such situation for 3 to 7 years. Husbands acts as the perpetrator of violence. Nearly half of the victims had extramarital relationship. All of them lodged complain to the police and moved to the court against their husband's or in-laws' family members for Justice. Their friends and neighbours initiated them to go to the court for relief. The maximum of the cases of IPC 498A were settled now. The court takes duration 3 years to give its verdict and to settle it. Nearly 7/10 are not satisfied with the Justice from court. They also happy with the advocate's service from the court. Nearly 3/5 of the respondents' settled their cases with a compromise outside the court. Nearly all the respondent states that the filing of the case affected their child/children' mental or physical condition. Nearly half of the respondents were definitely affected by filing the case of IPC 498A against their husband or any of the member of the in-laws. More than half of the respondents had knowledge about the dowry related laws. Those who know about the dowry related laws, among them nearly 3/5 of the respondents knew about IPC 498A. Majority (4/5) of the respondents' revealed IPC 498A is a good Act and should continue with its rigidity. They suggested more such laws favouring women, as an instrument for women empowerment. Nearly 3/4 of the respondents feel that there is possibility of misuse of IPC 498A. More than half of the respondents are satisfied with the Justice from the court. More than half of the respondents staying in their in-laws' house. The percentage respondents staying in their in-laws' house had to face mental torture. Nearly 2/5 of the respondents are staying alone, more than two third of the respondents are staying with their parents / brother. Half of the respondents' monthly expenditures are bear by the parent(s)/brother(s)/sister(s) of the respondents. Nearly 3/5 of the respondents have already taken divorce. Nearly 9/10 of the respondents claimed maintenance or monetary benefits after section 498A during divorce. So these cases are frivolous in nature and they are misusing law. Only 2/5 of the respondents are getting benefits regularly. A great percentage of respondents' taken divorce due to extramarital

affairs. Some of them planned to start and new marital life for securing their child/children's better future, faced difficulties to adjust with her husband/in-laws family members, felt the long process of prosecution hampering their prestige, and less than one fifth of the respondents had less economic affordability to handle the case and fear of deprivation from real Justice, a little more than one fourth of the respondents want to lead a peaceful and independent life without interference of anybody. According to more than their present condition improved after the verdict of the court, whereas through observation it is found that their condition not improved after the verdict from the Court. More than 3/5th the respondents' present condition improved through good relation or affection with/for respondent, condition improved through cooperation in household related activities, though it is far away from reality. Nearly 3/4th of the respondents' present condition not improved because of in-laws' family members who always keep distance; behave or interact properly and more than 1/3rd of the respondents stated directly that their present condition not improved and they are losing self-respect and honour. More than half of the respondents' viewed that they do not have the ability to fight against cruelty and the other stated that they still have ability to fight against cruelty. More than four fifth of the respondents feel Patriarchal social system is the most responsible factor for 'cruelty'. More than half of the respondents feel economic growth or decline as responsible factor for 'cruelty'; and again the same number indicates responsible factors are 'impact of mass media', 'more liberty and independence', 'weakness of judicial system', 'irrational emotional responses' are the responsible factors for 'cruelty'.

Here women empowerment is suffering from fallacies and biasness which isolates women from man indirectly keeping isolation from gender relation context. Women empowerment needs psychological support for their empowerment. The study revealed that absence of economic stability and social support creating a hindrance in their way towards empowerment. In this point, economic dependency supports the fact of Marxian framework or approach for empowerment. The legal dimension of empowerment though helps to empower women but indirectly have its impact on dimensions also. The study shows that women sometimes use this legal Act to take revenge from their husband and their in-laws' family members. They used to file

cases against their husband and their in-laws' family members and the later have to face the trial or non-bailable arrest just after filing the case. If the husband or any of his family members are employed and have to stay in police custody for one day, then they have to suffer a lot. Even they can lose their job just based on this reason. Lots of frivolous cases filed by governments in different parts of the country using this IPC 498A.

After the enactment of Domestic Violence Act, 2005 for protecting women, the victim women can avail relief in terms of shelter, maintenance, maintenance etc., but to empower women after the Constitutional planning of 2001, the legal framework to protect or safeguard the women seems to be an insignificant framework conducive for women. In real sense of the term, the rights of the woman are not getting protected through this section 498A of IPC. Empowerment of women needs such a law which actually serves the basic rights of the woman. Though legal empowerment not directly deals with the efforts of life, but in disguise it controls differ and other types of empowerment, like economic, social and political mainly. Since the enactment of section 498A the provision has been subjected to systematic and sustained attack by men groups as because women are very much weak in their behaviour to fight against their husband's or their in-laws' family members for a long time; or due to economic weakness they have to withdraw their case or have to compromise with their opponents; or to safeguard the future of their children, they have two at just with the situation to stay with husbands or in-laws family members against her will due to emotion and affection; or have to search a new life partner for self/ them or her child or children or economic assistance of social recognition.

Court of justice also find frivolous complaints filed by women against their husband to defame their husband or for mental or physical torture of the former over the latter. And after a period of time they feel that they did it out of irrational emotion. Most of the frivolous complaints filed by the women under IPC 498A in Tripura shows that it was the demand of money from husband or his family members to withdraw the case against him or them; and she had an extramarital affair even after marriage and wanted a settled life with extramarital partner.

Such type of false cases are frivolous complaints claims that this provision is victim icing husbands and their relatives and thus breaking the basic foundation of Indian family system or relating to broken family by disintegrating it. The alleged women thus using this provision to threaten their marital partners and in-laws. So use or misuse of the legal provision, that is IPC 498A, proves that women are exercising power in the legal framework provided by the Constitution of India. This kind of empowerment using protection right for them becomes an instrument for women to plan and strategy to take revenge claiming status and opportunity through law.

Recently the Ministry of home affairs and the Supreme Court of India has strictly ordered all the State governments that an arrest for an alleged offender under section 498A of IPC to be possible after being a proper investigation into the case filed against the alleged with a final resort. What mean to be empowerment for women is not just the opportunity from law but need effort and support to prove it in other spheres of life. The capability of women is equal to men and that capability they have to understand to be the real framework of empowerment. More they would-be conscious of the economic, political, social and educational rights, more would find way towards empowerment and they will be gradually empowered. But just taking awareness about the law to apply it in their life may create a kind of critical condition which they have to face for next to their life. Such situation one can avoid without misusing it in a frivolous manner.

Moreover, the sufferings of the woman are not getting over just after withdrawal of the case or from the verdict of the court. It continues with their life even after returning to in-laws' house. The former kind of worst situation before filing of case against husband revives with due phase of time and they have to suffer a lot within the same four walls again. So the instrument of empowerment becomes a vague one to safeguard or protect women inside the four walls. It needs a kind of adjustment from women as well as men or any of his family members with in the family. Otherwise a kind of crisis will arise in different parts of the country and which will ultimately hamper the peace of society.

This kind of enactment or framing of law is not sufficient enough to empower women. Political institutions should frame such law which would benefit all the

sections of society that dis-favouring a particular section or community. Political decision can change the life of individual in a society. So, to build a strong nation, we need generous political decision which would serve the purpose and welfare of the people. Otherwise, society have to face tremendous pressure from other different areas like- this Section 498A, IPC from legislature.