

## What Is IPC 498A ?

I had to do this. We know that it is an extortion racket. But it started off with some noble intentions. I whacked this from some website. Intent is to educate and disseminate not plagiarize. This is a work in progress...

### **History:**

In the 1980s, the incidences of 'dowry death' were steadily rising in India, so women's organizations across the country pressurized the Criminal Law Amendment Committee (1982) and urged the government to provide legislative protection to women against domestic violence and dowry, so that the victim gets justice while she is still alive. As a result of the intense campaigning and lobbying, significant amendments were made in the Indian Penal Code, the Indian Evidence Act and the Dowry Prohibition Act, with the intention of protecting women from marital violence, abuse and dowry demands. The most important amendment came in the form of the introduction of Section 498A in the Indian Penal Code (IPC). This was the first time that an attempt was made to consider domestic violence against women a criminal offence.

### **Indian Penal Code - Section 498A, IPC**

#### **Introduced in the Penal Code by Criminal Law (Second Amendment) Act of 1983 (Act No. 46 of 1983)**

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 purposes of this section, "cruelty" means

- (a) Any willful 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 woman;
- (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.

Analysis of the section shows that this law deals with four types of cruelty:

- "Any conduct that is likely to drive a woman to suicide,
- "Any conduct which is likely to cause grave injury to the life, limb or health of the woman,
- "Harassment with the purpose of forcing the woman or her relatives to give some property, or "Harassment because the woman or her relatives are either unable to yield to the demand for more money or do not give some share of the property.

Section 498A of the Indian Penal Code, is a criminal offence. It is

1. Cognizable:
2. Non-bailable:
3. Non-compoundable offence: