
SECTION 498A – ALLEGATIONS TO ALIMONY: AN EMOTIONAL OVERLOOK (A MEN-CENTRIC PERSPECTIVE)

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ABSTRACT

Section 498A of the Indian Penal Code, originally enacted to protect women from cruelty and harassment, has increasingly come under judicial and social scrutiny due to its potential misuse. False allegations and alimony claims have created an environment where many men feel criminalized, stigmatized, and financially burdened solely because of their gender. This paper explores both the legal challenges and the emotional realities faced by men: fears, sleepless nights, stigma, and the sense that years of personal and familial sacrifice are disregarded by law. It argues for gender-neutral reforms, post-alimony accountability, and recognition of men's struggles as equally important in the discourse on equality.

Introduction:

Marriage was once regarded as a sacred union in India. Today, when relationships fail, courtrooms often become battlegrounds. Section 498A, introduced as a protective shield for women, is increasingly perceived as a tool for coercion and financial extraction. Alimony and maintenance, originally designed to secure genuine dependence, are often misused as bargaining chips.

A crucial aspect missing from legal discourse is emotional equality. Courts evaluate a husband's current financial standing rather than his years of effort, sacrifices, and parental support. The law sees "he is well-to-do, so pay a huge amount," ignoring the journey that led to that financial position. Such selective blindness contradicts the principle of gender equality.

The Emotional Overlook:**The Wife's Mindset:**

In some cases, after returning to their parental home, wives may focus on financial calculation rather than genuine need, alimony, property, lump sums, and child support. When women are financially independent yet claim entitlement to excessive alimony, the legal process may inadvertently be treated as a pathway to secure comfort without effort.

Additionally, the current system sometimes creates a perverse incentive: recipients may choose to remain unemployed, reasoning that any income could reduce alimony entitlement. While not universal, this demonstrates a flaw in the law: it can reward dependency rather than encourage rehabilitation and self-reliance.

Husband's Reality:

For many husbands, marital breakdown is not just a legal event, it is an emotional and social collapse. Behind the stigma and sleepless nights lies the pain of years of sacrifice: long work hours, declining health, and financial strain, often borne silently in the hope of keeping the family together.

Yet, when disputes reach the courtroom, this background is seldom considered. Legal proceedings tend to focus narrowly on present financial status, turning divorce into an

economic penalty rather than a path to fair resolution.

As reality sinks in, many men begin to feel trapped, convinced that the system favors only one side. The fear of facing multiple criminal and civil cases, the loss of family reputation, social humiliation, and financial depletion can be overwhelming. This sense of helplessness pushes some to the edge, suffering in silence from mental and emotional harassment, and, in tragic cases, even contemplating extreme steps to end up.

The Path to Despair: “Pour my ashes into the gutter outside the court”

Some men endure unbearable pressure from allegations, social stigma, and crushing financial liability. In suicide notes left behind, many name false cases and crippling alimony demands as the cause of their collapse. For some, the despair is literal and symbolic, one husband wrote that his ashes should be poured into the gutter outside the courthouse, a final act meant to shame a system he believed was blind to his suffering.

These words are not mere melodramas; they are a raw indictment of a process that can strip a person of dignity, hope, and every last rupee. When grief reaches this pitch, the legal record captures only a date and a verdict, never the months of harassment, the sleepless nights, or the slow erosion of a life. That absence of human detail turns private tragedy into public silence.

Family Trauma:

Parents who invest decades in their son’s education and career are often drawn unwillingly into legal disputes. Allegations may extend to aged parents, siblings, and other relatives. The result: reputations tarnished, legacies damaged, and family dignity compromised under the weight of false or exaggerated claims.

The Fear Factor:

Legal and financial uncertainties lead many men to delay property purchase or hesitate in starting families. They fear that in case of separation, the wife could claim property, children, and substantial assets. Such anxieties erode trust, the foundation of marital harmony.

Mutual Consent Divorce — Behind the Veil: The Settlement Auctions Market:

Even so-called mutual consent divorces often hide a harsh reality, coerced settlements

disguised as consent. Families, especially husbands, are forced into accepting large payouts just to end prolonged legal battles that can stretch from three to seven years. What appears peaceful on record is often the result of relentless emotional blackmail, sleepless nights, and the fear of endless litigation.

Courts record only the final agreement, not the trauma, humiliation, endless bargaining, or the loss of life-long savings that lead to it. Before even reaching the court for “mutual consent,” both parties, with or without mediators, parents, or relatives, meet repeatedly, three to six times or more, over months. Each meeting turns into a bargaining table or settlement auction, where emotional exhaustion meets financial negotiation.

In this unseen market, a husband’s lifetime of sweat, sacrifice, and blood-built savings are traded away just to buy peace. The process breaks the very spirit of what “mutual consent” should mean. Behind the veil of civility lies a silent auction of dignity, where the price of freedom is often paid by one side alone.

Allegations as Weapons:

Misuse of Section 498A often follows this pattern:

1. Filing a 498A complaint.
2. Threatening arrest and implicating relatives.
3. Demanding maintenance or alimony simultaneously.
4. Negotiating lump-sum settlements under duress.

This process humiliates men, erodes faith in law, and reduces marriage to a financial gamble.

The Equality Paradox:

In 2025, women in India are educated, independent, and professionally accomplished. Yet, in divorce proceedings:

- Men are automatically assumed to be providers.
- Well-earning wives can still claim maintenance or purposely sit idle till alimony

granted.

- Husbands' sacrifices and familial contributions are largely ignored.

Equality in opportunity and property must extend to financial responsibility post-divorce. Maintenance must be gender-neutral and need-based, not automatically assumed in favor of the wife.

Accountability in Alimony — Stridhan Evaluation:

Alimony is meant to support rehabilitation, not to reward dependency. Yet, in current practice, once granted, there is rarely any follow-up or reassessment. A woman who remarries or becomes financially independent may continue receiving her ex-husband's assets indefinitely, creating an unjust and unsustainable imbalance.

Further, when the concept of Stridhan is evaluated in today's context, it often far exceeds the actual alimony awarded by courts. Considering current gold and diamond prices, the value of Stridhan can be ten times higher than the court-assigned settlement. This disparity has become a silent loophole, rarely examined by courts or lawmakers.

This paper urges policymakers and courts to re-evaluate, as of 2025, how many divorced women have truly turned destitute or impoverished after divorce, and how many continue to hold significant assets or Stridhan value.

In modern marriages, gestures once symbolic have become overwhelming. The groom's side often ends up purchasing large amounts of gold and expensive gifts for the new bride, driven by emotion, social pressure, or tradition.

Historically, marriage expenses were primarily borne by the bride's family, but over the last two decades, this has evolved into equal cost-sharing between both families. Yet, when it comes to separation, Stridhan and marital gifts are still not evaluated or equally accounted for during alimony decisions.

If both families share the cost of marriage, why should Stridhan not fall under a balanced, equitable zone? Both husband and wife have futures ahead, both may remarry and rebuild their lives. When gold and jewelry worth lakhs are excluded from consideration, the system

unintentionally erodes the husband's financial worth, security, and emotional stability, leaving him burdened for life.

Fairness in alimony must evolve with time, not as a one-sided tradition, but as a balanced accountability framework that reflects equality, transparency, and changing social realities.

Proposed Reform: Post-Alimony Accountability

- **20-Year Clause:** Alimony or lump-sum settlements should include a 20-year accountability clause to ensure funds are used for genuine sustenance.
- **Five-Year Judicial Audit:** Courts must review the given alimony every five years by appointing designated agencies and a regular follow-up, considering remarriage, income, and financial improvement. Self-sufficient recipients should have payments reduced or terminated.
- **Stridhan:** Stridhan should be proportionate to each party's contribution to marriage expenses, as the value of gold, silver, and diamonds often far exceeds the alimony awarded by the courts.
- **Evidence:** In an era dominated by technology, every form of evidence should be considered, after carefully cross-checking its authenticity and purpose.

Such reforms acknowledge the emotional and financial realities faced by men, balancing fairness and equality and curtail misuse of the alimony as a easy weapon.

Conclusion

Section 498A remains vital for protecting genuine victims of cruelty. However, misuse combined with gender-biased alimony laws has converted it into a mechanism for harassment. The law sees wealth, not sacrifice; it imposes liability without empathy.

True equality demands:

- Gender-neutral maintenance laws.
- Accountability for alimony usage.

- Prevention of misuse of allegations as bargaining tools.

Reform is urgent: the law must evolve to fairly balance protection, responsibility, and accountability for all parties, reflecting modern socio-economic realities.

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