MATRIMONIAL SCAMS: ANALYSING THE LEGAL AND SOCIAL ASPECTS OF MARRIAGE AS AN INSTITUTION

Diya Anjaneyalu Devanand & Shreyas C R, CHRIST (Deemed to be University), Dharmaram College Post, Hosur Road, Bengaluru, Karnataka, India

ABSTRACT

Robert H Lowie, an Austrian – American Anthropologist defines marriage as 'A permanent bond between permissible mates. Marriage is also regarded as a foundational institution for the genesis of a family. India is known for its grand pompous weddings that the population indulges in. Arranged marriages are seen as a 'safe' option and thus the 'match made in heaven' is done through marriage agents, extended family connections or through the very popular marriage matrimony websites and applications such as Bharat matrimony (its sub-sites), Jeevansaathi, being the prominent ones. While it has made the process of 'finding the one' relatively more convenient, individuals, especially women have been victims of 'scams'; cheating them in the false pretext of marriage. There are cases of the same even with marriages that did not involve such mediatory applications, but with the rise in matrimonial scams, a lot of shortcomings have come into picture. This essay aims at the legal and societal aspects that play a major role, which have been presumed to be as catalysts. The institution of marriage, as a whole can also be seen with a different perspective, sadly owing this to the scams. Under this umbrella, a broad range of questions can be raised when compared to the individual criminal cases of cheating and harassment, driving towards a societal change.

Keywords: Marriage, Scams, Matrimonial sites, Family, Criminal

Introduction

Matrimonial scams targeting women, particularly through prominent Indian matrimonial websites, represent a significant and growing issue, impacting women from diverse socio-economic backgrounds. These scams involve fraudulent activities where perpetrators exploit matrimonial platforms to deceive unsuspecting women, resulting in emotional, financial, and occasionally physical harm leading to sexual assault. It is important to note that these cases often go unreported due to vast lack of redressal mechanisms and even if such cases see the light, it is most likely that they end up caught in the web of legal proceedings.

There are multiple reasons and complexities involved as to why women get into matrimonial websites which in turn is also the reason for the booming industry.

One of the main reasons is the incomplete glorification of marriage as an institution in different religions, such as Islam, Hinduism and Christianity. Marriage is glorified as a union between 'two souls' and the witness is 'God' 'himself'. Being the institution of procreation, it is seen as a divine bond which could also be the reason for the birth of a 'messiah' like figure. It is also believed that a married man can attain salvation or reach heaven (Moksha, Jannat) only if he is married. Other aspects in the religion mentioned with regard to marriage, such as treating each other as equals, are not taken into consideration. It is also interesting to see the interplay of caste in the same. There is a separate section matrimonial websites that mentions the preferred caste the individual is seeking to marry, which fuels endogamy. Viewing at this aspect of the marriage market, then we can see that be it a good match or a bad match, there are very few choices to choose from the whole. This has also reached its zenith wherein there are separate matrimonial websites devoted only to a particular caste and community, wherein prospective bride and groom can be searched within their community. Therefore, if an individual is unmarried, they are seen to be incomplete in a society. But more particularly for women, being unmarried is viewed to be atrocious as societal expectations from a woman to be 'settled' (i.e., happy and content) is only after she is married. This marriage should also be with the individual from the same community as that continues to be widely accepted. It is a booming capitalist venture under the veil of bringing together individuals and families, as there are different subscription plans that individuals can avail by paying a certain monetary amount.

Advertisements to applications; Tracing the evolution

The idea of happiness is associated with being married and the end goal is to have a happy marriage. Thus, it is an invisible pressure for women, due to the exiting gender roles.

Matrimonial apps have made their platforms more appealing to the current generation, similar to those of dating apps. It is also interesting to note the evolution of these sites. Founded during the early 2000s, even before popular dating sites were established during early 2010s, they have managed to spread effectively in India and also across the world in various countries. This process was smooth as it made the 'bride' or 'groom' hunting process more integrated. With print media and television booming in India since the 1990s, matrimonial advertisements seeking for a particular kind of match became popular with a separate column for these advertisements in the newspaper and a fixed time on certain channels to telecast matrimonial advertisements. This was easily integrated by matrimonial websites as it became a common platform to find both brides and grooms. Thus, this became a reason for the industry to boom and even as a ground for scams.

Legal Battles

Matrimonial Fraud and Dowry Harassment: A Rising Concern

Matrimonial fraud and dowry harassment represent pressing societal and legal issues, as highlighted in Rish Purshottam Sarawgi v. State of Maharashtra (2022)[1] and Leena Dashrath Gavkar v. State of Maharashtra (2024)[2]. These cases expose how vulnerable individuals seeking partners through matrimonial websites are exploited, leading to emotional trauma, financial loss, and systemic gender inequality.

In Sarawgi's case, Soni Baranwal, seeking marriage through a matrimonial platform, encountered deceit and exploitation. After her engagement in February 2019, the groom's family demanded ₹3 lakhs for a larger venue and ₹2 lakhs for wedding expenses, which her father reluctantly paid. Despite fulfilling these demands, Soni faced severe harassment after moving to her husband's home in West Bengal. Additional dowry demands, including ₹50,000 from her wedding gifts, escalated into physical and mental abuse when unmet. She later discovered that her husband had concealed his previous marriage, finalizing his divorce three months after their wedding. Filing a First Information Report (FIR) revealed a calculated scheme of deceit and harassment, leading the court to deny anticipatory bail to the accused, recognizing the necessity of custodial interrogation.

Similarly, in Gavkar's case, the victim, lured by a promise of marriage, entered a relationship that culminated in a physical relationship and familial involvement. However, the abuser

---

[1] Rish Purshottam Sarawgi v State of Maharashtra [2022] SCC OnLine Bom 3757
[2] Leena Dashrath Gavkar v. State of Maharashtra [2024] SCC OnLine Bom 482

married another woman, prompting the victim to file an FIR alleging offences under Sections 376(2)(n), 377, and 504 of the IPC. While the trial court granted bail, the victim contested this decision, arguing that the abuser's false promises constituted exploitation. The abuser countered that the relationship was consensual, citing a delay in the FIR filing as evidence. The court faced challenges in discerning whether the relationship was consensual or deceitful, balancing the allegations, timelines, and legal precedents.

These cases reveal a broader pattern of exploitation within matrimonial contexts. Families often face significant financial strain due to dowry demands, perpetuating gender inequality and societal pressure. The deceitful promises used to manipulate victims result in profound emotional and financial damage, highlighting the lack of adequate safeguards on matrimonial platforms.

Addressing the Problem

The judicial decisions in these cases underscore the need for stringent legal measures to combat matrimonial fraud and dowry harassment. Denial of anticipatory bail in Sarawgi's case and the contested bail in Gavkar's case reflect the judiciary's recognition of the gravity of such offences and the complexities of addressing them. Beyond legal action, there is an urgent need for enhanced verification processes on matrimonial websites, combining technology and regulation to prevent exploitation.

Comprehensive steps must include robust frameworks to address dowry practices, stringent enforcement of laws against harassment, and technological safeguards to protect individuals seeking genuine relationships. Understanding the vulnerabilities of victims and motivations of abusers is critical to crafting solutions that ensure justice, deter fraudulent activities, and foster safer environments for individuals pursuing matrimonial alliances.

Who is Affected?

Most of the profiles on matrimonial websites or applications are women from the middle class. Mostly the parents create the profiles and while their intentions are of getting their daughter to marry to a well- to -do man, conmen take this as an advantage to scam. Anita Jain, states that 'My parents in an earnest bid to secure my eternal happiness, have been trying to marry me off, to well, just about anyone, lately'.[3] She also recollects an incident when she injured herself and her mother was worried as to who would 'marry her'. We see the power dynamics that

---

[3] A Jain, *A Modern Indian Woman's Struggle with Arranged-Marriage* (2005)

come into picture. Looking at the economical aspect, rich men from overseas incline on marrying women from lower middle - class strata, as that gives them the opportunity to dominate, due to the economic gap. Based on this gap, be it in other aspects such as caste (as mentioned above) and educational background, the vulnerability is taken as an advantage.

There is also a societal notion that fuel marriages, wherein it is believed that a man will learn the ways of life after he gets married as the women will 'reform' him. This notion pressurizes both the individuals as the man would get married for the sake of it and the woman is blamed for all the mis-happenings in the marriage, leading to an unhappy relationship.

These scams bring into light the play of patriarchy into an institution like marriage. The institution of marriage, as traditionally practiced, is deeply intertwined with patriarchal structures, which often dictate roles, responsibilities, and power dynamics within relationships. Without patriarchy, marriage might evolve into a more egalitarian partnership, emphasizing mutual consent, shared responsibilities, and equal rights. While the concept of partnership and commitment could still exist, the societal expectations and norms surrounding marriage would likely undergo significant transformation, potentially focusing more on emotional bonds than economic or social contracts.

The societal status of a married woman is higher compared to that of an unmarried woman, a divorced woman or a widowed woman. Since a woman is associated with a man in a marriage, there is a certain stigma associated with woman who aren't married. Widowed women are considered to be inauspicious and divorced woman become the sole reason for a broken marriage. Additionally, educated professionals and women from affluent backgrounds are frequently targeted due to the perception that they possess significant financial resources. The emotional ramifications for these women are severe, leading to issues of trust, psychological trauma, and damage to their reputations within their social communities. Women, thus, find a sense of stability and security in the institution of marriage, which protects them from societal backlash[4]. This also fuels the scams, as the scamsters are aware that women would be open for matches online and in the name of commitments, they are cheated. It is interesting to note that there has been a rise of unmarried woman in Sri Lanka, 'due to the complex interactions between social norms and family dynamics'.[5]

---

[4] Statista, 'Statistics Report About Matrimony.com' (2021) https://www.statista.com accessed 20 December 2024
[5] U Weerakoon, 'A Sociological Study of the Causes of Women' (2023)
https://www.nisd.ac.lk/images/Downloads/sljsd/sljsd2023-2/article2.pdf accessed 20 December 2024

What can be done?

Ideal constructs help us to have a goal as to 'what needs to be done' and at least in the process, individuals can bring out the best in the society. While it is impossible to move away from matrimonial websites and apps in a digital age, a scrutinized profile checks and account safety must be ensured, wherein authentic profiles are to be entered. While helplines and email addresses are provided by the matrimonial platforms, swift movements can be ensured to nab scamsters with the help of the cyber crime department. A broader way to avoid such scams, is to understanding the idea of happiness and its association with marriage, for women. There is a need to change the change the perception that happiness solely lies in being married. Marriage as an institution needs to be seen from a different lens, wherein, individuals agree to marry each other without the fear or pressure from other factors. There are cases of men being cheated on matrimonial platforms as well, but this essay throws light on as to how the individual autonomy and agency of women are not taken into consideration in contemporary times as well, which has led to the share of scams on women being more.

As rightly pointed out by Libina K Sebastian, "The marriage is a serious affair to all religion and each has its norms and rites to follow regarding marriages. The choice and preference of the marriage should be vested on the individual and the individual should not be prey to the societal forces and peer pressures".[6] There is a need to understand the importance of self - awareness in order to prevent such scams as the sense of being cautious might help in identifying conmen.

Why are They Causing It?

The primary motivation driving these scams is financial gain. Scammers employ emotional manipulation to build trust with their victims and then fabricate crises, such as medical emergencies or business losses, to solicit money. The anonymity offered by online platforms allows these scams to be executed with a relatively low risk of immediate detection.

Technological advancements and the proliferation of digital platforms have also facilitated these scams. The simplicity of creating convincing fake profiles and the widespread availability of personal information online make it easier for scammers to construct believable stories and manipulate their victims effectively.

---

[6] LK Sebastian, 'Social Conditioning and Endogamous Practice among the Konkin' (2019) http://ijrar.com/upload_issue/ijrar_issue_20544095.pdf accessed 20 December 2024

The abusers, often part of organized networks, utilize deceit and emotional manipulation for financial gain. Addressing this issue necessitates increased awareness, stricter regulation of online matrimonial platforms, and enhanced legal measures to protect victims and deter scammers. Public education campaigns and support systems for victims can play a significant role in combating this growing menace. Understanding the dynamics of these scams and the psychological and cultural pressures that make women vulnerable to them is essential for developing effective prevention and support strategies.[7]

What procedure do scammer follow in order to prey on their victims?

The procedure followed by scammers to prey on victims on matrimonial websites is meticulously orchestrated, comprising several calculated stages. Initially, potential victims are lured by the enticing offer of finding a compatible partner, often accompanied by an upgrade to a premium membership, which marks the beginning of the scam. Following this upgrade, victims engage with what appears to be an ideal match. However, upon meeting in person, the discrepancies between the online persona and the real individual reveal the existence of a deceptive profile. When the fraudulent nature of the profile is reported to customer support, the victim is subjected to a series of manipulative tactics. These tactics include false assurances regarding the processing of refunds and requests for personal banking information, further entangling the victim in the web of deceit. Assurances of refund completion are then provided by supposed representatives, yet these are followed by additional requests for personal information under the guise of identity verification, exacerbating the victim's vulnerability. Despite escalating concerns to higher authorities within the website, promises of resolution remain unfulfilled, highlighting the platform's complicity in the scam and its prioritization of profit over user protection. Ultimately, victims find themselves helpless, as seeking recourse through legal channels proves futile due to bureaucratic obstacles and indifference from law enforcement. This narrative underscores the prevalence of scams targeting individuals on matrimonial websites, revealing a complex web of deception that includes deceptive profiles, manipulative tactics, and inadequate legal recourse. Consequently, it is imperative for users to exercise caution, remain vigilant, and seek support from trusted sources to navigate the complexities of online platforms effectively.[8]

---

[7] M Whitty, 'Anatomy of the Online Dating Romance Scam' (2012) *Security Journal*
[8] YH Wood, 'The Scams Among Us: Who Falls Prey and Why' (17 May 2021) *Sage Journals* https://journals.sagepub.com accessed 20 December 2024

Where does the State lacks in its duties

One of the primary impediments to achieving justice in cases of matrimonial scams is the reluctance of police to actively pursue online scammers, a reluctance rooted in multiple systemic challenges. Foremost among these is the difficulty in gathering tangible evidence in the digital realm. Unlike traditional crimes that can yield physical evidence such as fingerprints or DNA, online scams typically involve sophisticated methods of obfuscation, including fake bank accounts, encrypted e-wallets, and disposable mobile numbers. This complexity renders the identification of scammers and the establishment of a clear link between them and specific fraudulent activities highly challenging, thereby reducing the likelihood of successful prosecution.

With the prevalence of organized criminal networks that orchestrate these scams exacerbates the problem. Matrimonial scams, akin to other online fraud schemes, are often perpetrated by well-coordinated syndicates operating across various regions. These networks can be entrenched in local communities, sometimes enjoying the complicity or passive support of local law enforcement, which significantly hampers efforts to dismantle their operations and apprehend key perpetrators.

The substantial financial resources required for the investigation and prosecution of online scams also act as a deterrent. Investigating these crimes often necessitates deploying police teams to distant locations where scam operations are concentrated, such as Jamtara or Bharatpur[9]. This entails significant expenditures on travel, accommodation, and personnel salaries. Given the high costs and the uncertain outcomes of such operations, law enforcement agencies may be reluctant to allocate the necessary resources.

Moreover, low conviction rates in cases of online fraud further contribute to law enforcement's hesitance. Judicial processes often demand concrete evidence for convictions, which is challenging to procure in online scams. Consequently, even when perpetrators are apprehended, they frequently evade severe legal consequences, thereby undermining the deterrent effect of law enforcement efforts.

The issue is compounded by the prevalence of out-of-court settlements between scam victims and perpetrators. Victims, seeking quick restitution of their stolen funds, may agree to drop

---

[9] T Haider, 'Cyber Fraud's New "Jamtara": From Financial Frauds to Phishing Attacks and Social Media Scams' (India Today, 9 February 2021) https://www.indiatoday.in/india/story/cyber-fraud-new-jamtara-from-financial-frauds-to-phishing-attacks-and-social-media-scams-1767548-2021-02-09 accessed 20 December 2024

charges in exchange for partial repayments. While this provides immediate relief to the victims, it perpetuates a cycle of impunity for scammers, allowing them to continue their fraudulent activities with minimal repercussions. To address these multifaceted challenges, a concerted effort is required, involving collaboration between law enforcement agencies, government authorities, and digital platforms. Enhancing investigative capabilities, strengthening legal frameworks, and increasing user awareness are crucial steps towards mitigating the impact of matrimonial scams and other forms of online fraud. By fostering a more robust and coordinated approach, it is possible to improve the efficacy of law enforcement efforts and provide better protection for potential victims.

To effectively combat matrimonial scams, establishing a robust grievance redressal committee or agency is crucial. This entity would handle complaints and disputes arising from fraudulent activities on matrimonial sites, aiming to swiftly resolve issues and ensure justice for affected individuals. Key functions include providing an accessible platform for complaint registration and tracking, employing a specialized investigation team for cyber forensics and fraud detection, and offering mediation and legal support. The committee would also conduct awareness campaigns, develop safety guidelines, and advocate for a strong regulatory framework. Engaging stakeholders like matrimonial sites, government bodies, and NGOs would enhance collaboration in tackling these scams. The Complaint & Investigation Cell of the National Commission for Women exemplifies the public grievance redressal model that can effectively address such issues. Further Engaging stakeholders, including matrimonial sites, government bodies, and non-governmental organizations, would foster a collaborative approach to tackling matrimonial scams. By establishing such a grievance redressal committee or agency, individuals affected by these scams can receive the support and justice they deserve, while the entity plays a pivotal role in preventing future scams through education, regulation, and enforcement.

Before law remedies

It can't be denied that matrimonial sites have emerged as a popular and invaluable tool for many Indian households in their quest to find suitable matches for their children. These platforms offer a streamlined, efficient way to connect with potential life partners, thereby simplifying a process that traditionally involved significant time and effort. However, while these sites facilitate convenient matchmaking, it is imperative to take precautions to protect

oneself and fully benefit from the services offered.[10]

The protection of personal information stands as the cornerstone of safe usage of matrimonial sites. When creating a profile, users should limit the disclosure to necessary details such as name, age, gender, religion, caste, and profession. This basic information helps in initial matching without compromising user security. It is crucial to avoid sharing sensitive data like home addresses, phone numbers, or workplace details until one has thoroughly verified the other person's identity. Many matrimonial platforms come equipped with privacy settings that allow users to control who can view their profiles and contact them, providing an additional layer of security. It is also vital to never share documents such as the Aadhaar card, PAN card, or any financial information on the profile. These details are unnecessary for the initial stages of matchmaking and can be exploited for identity theft or fraud if they fall into the wrong hands. By refraining from posting such sensitive information, users safeguard themselves against potential misuse.

Rhea Rao, a practising advocate at the Supreme Court of India, Delhi shared her insights with us regarding the verification of the authenticity of potential matches where most matrimonial sites offer verification services that can confirm phone numbers, email addresses, and even social media profiles. Further by utilizing these services can help filter out fake profiles, thus ensuring that interactions are with genuine individuals. Additionally, considering third-party services for background checks can provide extra security. These checks can verify the potential match's claims about their family, education, and professional background, thereby offering peace of mind. When engaging in initial conversations, it is advisable to use the platform's messaging system. This leverages the site's built-in security measures and avoids exposing personal contact details prematurely. Gradually sharing personal contact information such as phone numbers and email addresses should only happen after a level of trust and authenticity has been established. This cautious approach helps in mitigating risks associated with divulging personal information too soon.

Meeting a potential match in person requires careful planning to ensure safety. Initial meetings should always take place in public venues like cafés or restaurants. Such settings provide a neutral and safe environment for both parties. Additionally, it is wise to inform a friend or

---

[10] D Bhati, 'Government Warns Dating and Matrimonial App Users, Says Do Not Take Any Expensive Gifts from Online Lovers' (India Today, 11 August 2023) https://www.indiatoday.in/technology/news/story/government-warns-dating-and-matrimonial-app-users-says-do-not-take-any-expensive-gifts-from-online-lovers-2419624-2023-08-11 accessed 20 December 2024

family member about the meeting plans, including details about the time, location, and the person being met. This precaution ensures that someone is aware of the user's whereabouts, adding a layer of security. For those seeking additional assurance, employing professional matchmaking or investigative services that offer thorough background checks can be beneficial. These services can authenticate the potential match's family background, educational qualifications, and professional credentials, thus ensuring that the person is who they claim to be.

Maintaining a safe community on the platform is also crucial. Users should promptly report any suspicious profiles or activities to the matrimonial site's customer support team. Reporting such incidents helps in keeping the platform secure for all users. Additionally, utilizing the block feature to prevent further contact with suspicious individuals is an effective measure to avoid potential scams or harassment.

Lastly, taking full advantage of the customer support services offered by matrimonial sites can assist users in navigating any issues or concerns that arise during their search for a match. These support services are designed to help users deal with various problems, from technical difficulties to security concerns, thereby enhancing the overall user experience. By adhering to these detailed strategies, users can significantly enhance their safety and security while using matrimonial sites. It is crucial to remain vigilant and cautious throughout the process, ensuring that the search for a life partner does not compromise personal safety and privacy. This balanced approach allows users to fully leverage the benefits of matrimonial sites while mitigating potential risks.[11]

Conclusion

Marriage is a celebrated institution in India. But the underlying reasons are not worthy reveling. These make an easy way for women getting scammed on matrimonial websites. There are also very less studies and surveys conducted on the Indian marriages and cases, with respect to scams. It is important to direct research to prevent such scams and create awareness about the same. Matrimonial scams throw light on the deep rooted societal, cultural, legal and economical power dynamics in the country, that is hidden under the institution of marriage. Regulation of such scams and changing the perspective of marriage is a way to prevent such

---

[11] E Times, 'Fake "Customs Officer" Chats with 250 Women, Cheats Over 190 in Matrimonial Scam' (Economic Times, 20 December 2024) https://economictimes.indiatimes.com/news/new-updates/fake-customs-officer-chats-with-250-women-cheats-over-190-in-matrimonial-scam/articleshow/108114387.cms accessed 20 December 2024

scams. Be it the idea of marriage associated with ultimate happiness, an institution only between heterosexual individuals, are ideas that we need to re-consider about. Such larger questions can be answered only when the political culture changes which later fuels the political will of the government and legal system, to create a robust structure that acknowledges such crimes and provide justice in the society.

References

Ahmad, Meraj. (2018); 'The importance of marriage in Islam'; Retrieved from: https://pdfs.semanticscholar.org/cf41/e70064fca788dd9be3ae0f995b34306bebce.pdf

De Gaia, Susan. (2018); 'Encyclopaedia of Women in World Religions' Retrieved from: https://books.google.co.in/books?hl=en&lr=&id=HxjOEAAAQBAJ&oi=fnd&pg=PA345&dq=%22Marriage+in+hinduism%22&ots=g3l3Twu1yu&sig=4uCPloVQhCUHxYkB1rBicY_imGg&redir_esc=y#v=onepage&q=%22Marriage%20in%20hinduism%22&f=false

Sanuallah; Moin, Zainab; (2015); 'Marriage significance in Islam and Christianity: A Textual Study'   Retrieved   from: https://openurl.ebsco.com/EPDB%3Agcd%3A13%3A28009005/detailv2?sid=ebsco%3Aplink%3Ascholar&id=ebsco%3Agcd%3A114579190&crl=c

Gupta, Shilpi (2020); 'Do Caste travel with gendered body?: Reading Indian diaspora online matrimonial   advertisements'   Retrieved   from: https://e-archivo.uc3m.es/entities/publication/51e1be20-a710-4b99-acd1-7e5a0ba01f2e -

Sebastian, K Libina; (2019) 'Social Conditioning and Endogamous Practice among the Konkin Brahmins in Kochi' Retrieved from: http://ijrar.com/upload_issue/ijrar_issue_20544095.pdf