

A Balanced Approach to Legal Justice in Vikas Sharma's Novel 498A: *Fears and Dreams*

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Abstract:

In the novel *498A: Fears and Dreams*, Vikas Sharma attempts to present the pros and cons of the legal section of 498A in an impartial manner. While he upholds that this law has been formed to safeguard the interests of woman, however, he also wishes to check the misuse of this law against innocent husbands and their family members. The novelist condemns the demands of dowry which is the blackest blot on the face of our society and resulted in domestic violence in Indian families. By narrating the tale of disharmony between Jatin and Tanvi, the protagonists, Vikas Sharma tries to bring home the point that it is not husband who is at fault; it is woman who becomes the cause of rift in conjugal life. Tanvi, being too much engrossed in materialism, leaves Jatin's house and demands alimony of ten lakhs from Jatin. Vikas Sharma tries to bring home the point that the legal section 498A is used to harass and blackmail Jatin, who is obliged to pay ten lakh rupees to Tanvi as final settlement. Vikas Sharma condemns the misuse of this controversial section of 498A of the IPC and suggests that it must be reformed with certain conditions so that innocent men or their family members may not suffer for no fault of theirs. If there occurs any real domestic violence on the part of the husband or his family members, this law must be implemented forcefully.

Key Words: Harassment, domestic violence, drudgery, petition, judicious, alimony.

In his novel *498A: Fears and Dreams*, Vikas Sharma presents the pros and cons of the legal article 498 A of the Indian Penal Code in which the protection of women from harassments of dowry etc. by their in-laws, has been safeguarded. No doubt, many women have escaped from their in-laws' cruel treatments in their

unfortunate or uncomfortable weddings. However, there have happened a number of incidences when this law has been misused by women who have made fake accusations against their innocent husbands or their family members. In *498A: Fears and Dreams*, Vikas Sharma has tried to make a balanced approach to the legal justice so that this potentially useful law may not be misused in causing social, emotional and financial crisis to the families, especially, to the children who bear the brunt hugely of the impact of legal disputes between their parents.

Legal justice, basically, is a just and fair use of law which provides legal support to maintain equality in a society in which an individual's rights are protected and upheld. The legal system and its institutions such as law- courts and other enforcement organizations, take a judicially balanced approach to disputes so that they may be resolved and order be maintained in the society. Through legal justice members of a society are treated equally under the law, without any prejudice or partiality to the status or background of the people.

In English literature a number of writers have explored themes based on legal justice, highlighting the ideal rules of law as well as flawed interpretations of legal laws which have left deep impact on society and individuals. For example, Charles Dickens, in his *Bleak House*, critiques the long and expensive system of the Chancery Court of London. In *Oliver Twist* Dickens exposes the bitter truths of the juvenile legal system. In his play *Justice*, John Galsworthy powerfully critiques the British legal justice related to prison systems which are so rigid, heartless and brutal that even an act of a moment's aberration by a person is turned into merciless severity for him.

In Indian English literature, the theme of legal justice has been recurrently treated by the writers who have tried to explore the complexities and nuances of law along with its limitations and deep impact on the lives of human beings. The Indian writers have delved into the legal cases in courts and have successfully discussed the results of judicial judgments to highlight the justice, impartiality, power of dynamics and the search for equitable consequences. Raja Rao, in his *Kanthapura* has explored the issue of legal justice in connection with the freedom from the colonial oppression. Vikram Seth, in his mega novel *A Suitable Boy*, discusses the theme of legal justice in the context of human rights; he expresses his dissent with the legal section 377 of the Indian Penal Code, which treats a homosexual as a criminal.

In his novel *498A: Fears and Dreams*, Vikas Sharma throws light on legal aspect of the section 498A of the Indian Penal Code, which ensures safety for women against cruelty perpetrated by their in-laws or husbands in the name of dowry. This

law, enacted in 1983, addresses the prevalent issue of tyranny against married women, who have often been driven to commit suicide or face severe tortures at the hands of their husbands or in-laws. The demand of dowry is the blackest blot on the face of our society. According to Mohit Patel:

Dowry is one of the biggest taboos in the Indian subcontinent for many decades. This vicious Satan has eaten innumerable innocent girls. For saving these lives, the Government of India has formed a law 498A, through this law women can protect and save themselves from this evil practice of dowry.

But in the recent few years, it becomes a vicious tool. Now women start using it as a tool for blackmailing their husbands and family members and also earned a handsome amount in the name of maintenance. (A Critical Study of Novel 498A: *Fears and Dreams*: 498A: Cure or Crime 252)

This law, if enforced, punishes the culprits of cruelty by their arrest without any preliminary investigations. This fear of arrest makes their husbands restrain themselves from perpetrating cruelty because of their demands of dowry, which is still a greater cause of hardships and unhappiness for women who mostly become neurotic just because of this social evil. According to Nempal Singh who observes:

The age-old practice of dowry has been a problem in the lives of many women for a long time and still continues to adversely impact the lives of many women. And due to this social evil, the birth of a daughter is still lamented upon and instead of spending on her education; parents choose to save the money to give her dowry. Even after saving their whole lives to give their daughter's dowry, they are unable to fulfill the demands of the groom and his family. many girls have to live a miserable life only because their parents are unable to satisfy the never ending demands of their daughter's in-laws. Many women are subjected to cruelty and some even to do away with their life because of this social evil. (498A: A Threat to Men's Rights in Marriage: A Critical Study of Professor Vikas Sharma's Novel 498A: *Fears and Dreams* 44)

The law reads:

Section 498A of the Indian Penal Code, 1860, criminalizes cruelty to a woman by her husband or his relatives, punishable by imprisonment up to three years and a fine. "Cruelty" is defined as willful conduct that could cause grave injury to the woman's life, limb, or health, drive her to suicide, or harassment to meet an unlawful demand for property or a valuable security. This section was introduced to protect women from

domestic abuse, especially related to dowry demands. (AI Overview
[https://www.google.com/search?client=firefox-b-
d&q=498A+Indian+penal+Code+1860+%28+45+of+1860%29](https://www.google.com/search?client=firefox-b-d&q=498A+Indian+penal+Code+1860+%28+45+of+1860%29))

As far as the motive of the legal law is concerned, Vikas Sharma agrees to the punishment of such cruel husbands or relatives who perpetrate violence against a woman. But the issue with the novelist is that in the implementation of this law, sometimes innocent people are fabricated on false charges of cruelty or a demand of dowry and are harassed. In the novel *498A: Fears and Dreams*, Vikas Sharma highlights the other side of this law through the story of Jatin and Tanvi, who suffer greatly on account of the misuse of this law by Tanvi. Nempal Singh comments on the misuse of 498A in the following words:

This provision that was created to provide protection women has also been used as a weapon against innocent males. It can be said that it is not necessary that a man is the culprit in every situation as we can also find various instances where men have been the victim of false legal accusation by some greedy and cunning women made under section 498A, which has not only affected the grooms but also their entire families. And the statistics to back this up are very shocking. It is assumed that women are always the victims in many situations, especially in dowry related cases. However, it is not always true and some women with a devilish mind also subject men to a lot of torture and blackmail them and their families. It is a very sensitive issue as a marriage does not simply involve a man and woman but it is the union of two whole families and concerns the whole society. (498A: A Threat to Men's Rights in Marriage: A Critical Study of Professor Vikas Sharma's Novel *498A: Fears and Dreams* 45)

Tanvi is married to Jatin in a simple ceremony but, as Tanvi has married in hope of leading a luxurious life, free from the drudgery of household works after marriage, she begins to feel disappointed at her simple living. Here the crisis in Jatin's life begins. Vikas Sharma writes:

Tanvi had very high expectations in life. She hated the kitchen work though was eager to enjoy the delicious dishes. The salary of Jatin failed to fulfill her demands for a refrigerator, T.V., A. C., and costly furniture. Jatin promised to purchase all such things within a few years but alas! Her parents didn't possess all such things and yet she found herself restless without material comforts. After two months, she told Jatin that she requires six suits as sarees are not comfortable. The wind of the desert cooler didn't please her

senses and A. C. was given top priority by her. (498 A: *Fears and Dreams* 13-14)

Jatin makes efforts to make her happy; he takes her to Amer Fort, Hawa Mahal and other picnic spots in Jaipur, as well as he tries to fulfill her demands, but everything proves futile as she does not feel satisfied. Consequently, tension begins to mar the bliss of their married life. The divide between Jatin and Tanvi increase day by day, and finally ends in Tanvi's leaving the house without giving any notice to her husband. Vikas Sharma writes:

Unfortunately, Jatin failed to tolerate the growing demands of his wife and could not manage for extra money to buy the new electronic good. The result was that tension grew between husband and wife, and Tanvi left for her parents' home one evening without giving any information to Jatin. (16)

From the above mentioned discussion it becomes clear that it is Tanvi who leaves Jatin at her own sweet will. But later on, when her mother gets a lucrative offer by one advocate who is a widower and wishes to marry Tanvi, who files a divorce petition and demands ten lac rupees by enforcing law of 498A. This information is given to Jatin by his father Mr. J.P. Sharma:

Tanvi met him and threatened under Section 498-A and blamed him for the absence of Jatin. She wanted to get divorce from Jatin in case he paid her ten lac rupees as alimony – final settlement money. (30-31)

As Jatin does not want to live with such a worthless and cunning woman as Tanvi, he asks his father to contact a lawyer through whom the money can be paid to her so that there should come up no legal confrontation. He borrows a loan of twenty thousand dollars from Alby Bank and transfers the amount to his father's account without any delay. Here, it is clear that Jatin is not at fault; he does not show any violence or cruelty to Tanvi. Nempal Singh comments:

If we look into this matter deeply, we will find that in this particular situation, it is the female who is wrong as Jatin or his family had never made any demands for dowry and neither was her family capable of paying any dowry because of their poor poor financial condition. But instead it was Tanvi who had unusually high expectation from Jatin which could not be possibly fulfilled and she started demanding TV, Air conditioner and scooty from her husband. (498A: A Threat to Men's Rights in Marriage: A Critical Study of Professor Vikas Sharma's Novel 498A: *Fears and Dreams* 46)

Vikas Sharma tries to bring home the point that the legal section 498A is used to harass and blackmail Jatin, who is obliged to pay ten lakh rupees to Tanvi as final

settlement. Tanvi squanders all this money and then marries a rich lawyer so that she may continue to lead a luxurious life without any qualm. This is a misuse of section 498A. Vikas Sharma holds the opinion that this law should be used judiciously; if there is a real case of torture or demand of dowry by greedy husband or in-laws, it must be implemented. Through the example of the story of Gazala who is brutally burnt alive and killed by her in-laws because her parents could not fulfill the dowry demands due their poor financial condition. Being resourceful, Gazala's in-laws got the case dismissed. In the backdrop of Gazala's case, Vikas Sharma writes:

I feel pity for the victims of dowry as many innocent and beautiful poor girls have been burnt to death by the in-laws as the latter failed to satisfy the dowry demands made or expected. One of my poor students Gazala was burnt by her in-laws in Delhi and her real brothers failed to pursue the case due to their poor means. (498A: Fears and Dreams 67)

Vikas Sharma, keeping in mind, the recent judgment by the Supreme Court of India regarding the growing misuse of legal section 498A IPC, expresses his sympathy with the unfortunate victims of such fake cases and candidly condemns the fraudulent cases filed against innocent husbands and their family members. In this regard Archana Singh observes:

Prof. Vikas Sharma is sympathetic towards the real victims of dowry cases and domestic violence and has dedicated this novel to the women who have suffered terribly due to dowry demands but at the same time, he takes abold step to speak against the fraud and false cases where article 498A seems to have been manipulated for personal reasons. His concern is for those families of grooms, which are suffering for no reason. Prof. Vikas Sharma has focused the issue which is very relevant today like that the common causes of divorce are conflict, arguing, and irretrievable breakdown in the relationship, lack of commitment, infidelity, and lack of physical intimacy. The least common reasons are lack of shared interest and incompatibility between partners. (498A: Fears and Dreams: A Novel about Social Issues 117)

Vikas Sharma expresses his dissatisfaction with this misuse of legal aspect which has given chances to women to fabricate their husbands and their family members who has been arrested by the police without any proper investigation. It is clear that, in such cases in which the domestic violence is mentioned, the law is absolutely abused by women. No doubt, this law is a great support to a woman who is really the victim of domestic violence at the hands of her husband. Keeping in view

the blatant misuse of this legal law by women, the Supreme Court of India has called it 'Legal Terrorism' (Wikipedia <https://simple.wikipedia.org/wiki/498a>).

Vikas Sharma condemns the harsh treatment meted out to women in divorce and the domestic violence perpetrated against them in name of dowry or other unjustified demands on one hand, while on the other hand, he also expresses his concern for the victims of the misuse of legal law against innocent husbands or their family members, who are falsely implicated by women. He gives the message clearly that no legal law must be abused in this way. Anshu Devi rightly observes:

The novelist criticizes the loopholes of the judiciary and judicial system quite openly... Professor Vikas Sharma has a deep sympathy for the women who were subjected to cruelty and other sorts of sufferings because of this ill practice of dowry. (Prof. Vikas Sharma's Language and Style in *498A: Fears and Dreams* 300)

Vikas sharma, in *498A: Fears and Dreams*, throws light on the changing paradigms of marriage which is in the phase of transition due to the impact of individualism. Marriages are frequently at rocks in contemporary society on account of too much love of materialism in conjugal life. Anu Devi remarks:

The novel *498A: Fears and Dreams* by Vikas Sharma demonstrates the repercussions of materialistic tendencies on contemporary culture. He puts forward the notion of the new woman... who eschews the established servile duties and preconceived beliefs of femininity. From a postmodern, postcolonial standpoint, marriage is examined with gender, ethnicity, social class, and class serving as obvious indicators of a character's identity. (Changing Paradigms of Marriage as Represented in *498A: Fears and Dreams* 175)

Vikas Sharma holds the opinion that marriage is a pious relation which should not be destroyed by materialistic approach to life. But, unfortunately, it is happening in our society; there have cropped up a number of cases related to domestic violence, both from the side of women as well as of men. Modern society has gone under a huge change in regard to husband-wife relationships. Vikas Sharma expresses his concern on this aspect of our society in the following words:

Marriage is regarded a bliss in itself and people get married all over the world to have loving wives, the queen of their dreams and women hope to have to meet the prince of their hopes. But the days of feudalism and monarchy have gone and there are no princes and queens in society. At the same time the responsibilities of single families too have increased and both the partners

often fail to satisfy their material and emotional needs. Since last thirty years the parents of Indian bridegroom have stopped expecting any dowry, love and respect from the brides as they are scared of 498A, a section that has created fears in the Indian society. (498A: Fears and Dreams 67)

Reports of domestic violence have become common; though their number is greater, actual reporting of such cases is low because of the society in which a woman feels shy of narrating the details of her being beaten by her husband or her in-laws. On the contrary, women who are materialistic in their approach to life, misuse the law of 498A in getting huge alimony from her husband or his family members. Here husbands are made victim. According to Amit Kumar Soni who observes:

Cases of domestic violence against men are severely underreported because of or social fabric in which a man feels ashamed of reporting in public or in court that he is being beaten by his wife besides this, such a person and his family members are often apprehensive of being trapped in false allegation under 498A when the male victim chooses to take legal action against the wife or his in-laws. Therefore, there should be legal provisions to control the malefic use of 498A and a law needs to be framed to address cases in which men have falsely been accused of domestic violence or of making dowry demands. (Novel as Social Criticism: Rethinking Gender Justice in Prof. Vikas Sharma's Novel 498A: *Fears and Dreams* 95)

Thus, in 498A: *Fears and Dreams*, Vikas Sharma has tried to bring home the point that the misuse of this controversial section of the IPC must be reformed with certain conditions so that innocent men or their family members may not suffer for no fault of theirs. If there occurs any real domestic violence on the part of the husband or his family members, this law must be implemented forcefully. The novelist means to say that the general perception of gender justice should also take into its orbit the susceptibility and casualty of men in the present changing circumstances of the use of legal laws.

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