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MISUSE OF WOMEN CENTRIC LAWS IN INDIA

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ABSTRACT

In India, laws focusing on women were enacted with the admirable goal of empowering women and shielding them from various sorts of violence, injustice, and discrimination. However, worries regarding the possible abuse of these rules have been voiced over time. This abstract examines the underlying causes, effects, and potential remedies to give insight on the complicated social realities surrounding the abuse of women-centric policies in India. There are many facets to the misuse of laws that target women, and there are no easy answers. Even though it is critical to recognize the prevalence of actual occurrences of gender-based violence and discrimination, there have been occasions in which these laws have been abused for vengeance, personal gain, or family feud resolution. Power relationships, sociocultural factors, and the ignorance and This issue is made worse by sensitivity to gender concerns. The abuse of laws pertaining to women has far-reaching effects. Men and their families have experienced false accusations against them, legal retaliation, social humiliation, and financial hardship. Furthermore, the legitimacy and trustworthiness of these laws have been called into question, which has resulted in a decrease in faith in the legal system. Misuse of this kind might unintentionally reinforce gender bias and impede the advancement of gender equality in society.

Keywords: Gender equality, legal harassment, legal exploitation, discrimination, and skepticism.

INTRODUCTION

The misapplication of legislation pertaining to women in India is a controversial topic. Though it is critical to address the actual issues that women face and provide them with legal protections, there have been instances where these laws have been exploited. It is important to keep in mind that the possibility of misuse should not lessen the significance of these laws in protecting women's rights and safety.

INSTANCES OF ABUSE OF WOMEN-CENTRIC LAWS

The following are a few instances and illustrations of how women-centric legislation are abused in India:

Cases of False Dowry: The Indian Penal Code's Section 498A, which deals with false dowry cases, is one of the most cited examples of abuse. This provision aims to protect married women from harassment and abuse related to dowries. Women and their families have occasionally manufactured up instances to harass their spouses and in-laws or to get money from them. The National Crime Records Bureau (NCRB) reports that many Section 498A dowry accusations are baseless or fraudulent.

Domestic Violence Misuse Act: The Protection of Women from Domestic Abuse Act (PWDVA) is a major piece of legislation to combat domestic violence. But there have also been cases where women have misused the court system to make up accusations against their in-laws or partners. Creating false allegations of physical or psychological abuse, attempting to obtain financial gain, or gaining an advantage in custody and divorce cases are a few instances.

False Rape Allegations: Although it is critical to support and shield victims of sexual assault, there have also been instances of unfounded rape claims. False accusations have the power to ruin a person's life, career, and reputation. There have occasionally been instances of false accusations being filed to further personal grievances, extortion schemes, or to gain an edge in legal proceedings.

Other anti-dowry laws, like the Dowry Prohibition Act and Section 304B of the Indian Penal Code (dowry death), have also been misused in addition to Section 498A, in the past. False allegations of dowry demand, harassment, or dowry killings have been made to settle personal scores or obtain the upper hand in marital disputes.

Sexual harassment laws misused: The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act seeks to provide a safe environment for women to work in. But there have been instances where women have misused this regulation by accusing bosses or coworkers based on false information, damaging their reputations and careers.

LANDMARK CASES

It is crucial to remember that, while there are cases of abuse, they are insignificant in comparison to the general goal and success of these laws in defending women's rights. A few instances that have drawn notice are as follows:

Bhajan Lal v. State of Haryana (1992)¹: When talking about the abuse of Indian Penal Code (IPC) Section 498A, which addresses cruelty toward married women, this case is frequently brought up. To prevent abuse of this clause, the Supreme Court of India issued instructions and underlined the importance of distinguishing between real situations and fake or exaggerated ones.

Manav Adhikar v. Union of India Social Action Forum (2018)² The Supreme Court acknowledged the abuse of Section 498A in this case and observed that it was frequently being used as a tool for harassment. To avoid making arbitrary arrests, the court ordered the police to adhere to the directives given in the previously stated Bhajan Lal case.

State of Bihar v. Arnesh Kumar (2014)³: This case involved the abuse of Section 498A and brought attention to the problem of accusers being detained and arrested without adequate research or proof. According to the Supreme Court, arrests in these kinds of situations ought to be made only following a careful investigation and with sufficient justification.

Union of India v. Independent Thought (2017)⁴. The misuse of the Protection of Children from Sexual Offences (POCSO) Act was the focus of this case. The Supreme Court ruled that consenting to sex with a juvenile where both parties were intimate age, ought not to be regarded as crimes under the statute.

It is critical to recognize that these incidents demonstrate instances of misapplication rather than casting doubt on the need for legislation in India that specifically target women. These laws' main goal is to shield women from harassment, abuse, and discrimination. They have also been extremely important in advancing women's empowerment and gender equality.

¹ Bhajan Lal v. State of Haryana, 1992 AIR 604, 1990 SCR Supply (3) 259

² Manav Adhikar v. Union of India Social Action Forum (2018) Lrs.: (1989). 2 SCC 754

³ State of Bihar v. Arnesh Kumar (2014) AIR 2014 SC 2756

⁴ Union of India v. Independent Thought (2017) 10 SCC 800

MAINTENANCE OF THE WIFE BY THE HUSBAND

As per the Code of Criminal Procedure, 1973, Section 125, an individual is obligated to provide support to their spouse, children, and parents who are unable of providing for themselves. Even if the wife works, her pay is not enough to support her, thus her husband must fulfil her needs.⁵

Section 37 of the Special Marriage Act states that following a divorce, the husband must provide for his wife out of his property until her circumstances change, like being married again or becoming immoral.⁶

The Hindu Adoption and Maintenance Act, Section 18, states that a Hindu wife is entitled to lifetime maintenance from her husband.⁷

In accordance with Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986, a divorced Muslim woman has a right to support from her ex-husband throughout the iddat period.⁸

Section 37 of the Divorce Act of 1869 states that the husband must support his wife for the rest of her life if a decree of divorce or judicial separation is granted.

No mention is made of a husband being supported by his wife in any of the laws that have already been discussed that require a wife to be supported by her husband. The regulations do not specifically state this obligation, although there may be situations in which the husband also needs upkeep. A woman is assisted by family law in terms of divorce and maintenance. If the husband is unable to provide for his wife, a recovery warrant may be issued against him in accordance with Section 125 of the Criminal Procedure Code. Even though if the wife is granted custody of the children, it is preferable, at least for those under five. In adoption circumstances, a single guy is also prohibited from adopting a female child. All these laws have shortcomings that have a serious adverse effect on men.

⁵ Code of Criminal Procedure, 1973, § 125, Acts of Parliament, 1973 (India)

⁶ Special Marriage Act, 1954, § 37, Acts of Parliament, 1954 (India)

⁷ Hindu Adoption and Maintenance Act, 1956, § 18, Act No. 78 of 1956

⁸ Muslim Women (Protection of Rights on Divorce) Act, 1986, § 3, Act No. 25 of 1986 Divorce Act, 1869, § 37, Act No. 4 of 1869

HOW ARE MEN IN A WORSE POSITION THAN WOMEN?

There are some laws that negatively affect men. They are regularly involved in made-up cases. Women frequently use the numerous laws intended to protect their rights as an excuse to harass men and occasionally just to soothe their egos. They usually suffer atrocities at the hands of the police, and the legislation is very strict for them. Furthermore, most crimes against women are punishable by law and do not include a bond requirement, which makes it more difficult for blameless men to get away with it.

Laws that protect women's rights are many; nevertheless, none that advance the interests of men in society exist. Most divorce proceedings and cruelty charges are governed under the Domestic Violence Act and Section 498-A of the IPC, respectively. Often, the primary purpose of these cases is to gain money from the associates. And it just takes one of these false charges to ruin both his professional and social reputation. Women have also been known to remarry only for their affluent spouses' possessions and financial assistance.

Rules are in place to protect women from sexual harassment at work, but there are no comparable standards in place to protect men. It is thought that women are the only ones who are impacted by sexual harassment and eve teasing, and that men are only likely to be the offenders of these crimes rather than the victims. That is incorrect.

LAWS THAT FAVOR WOMEN AND HOW SOCIETY VIEWS THEM

Most people in our society have consistently supported the empowerment of women. Women currently have the upper hand in legislation that support them. From the time when women were ostracized and perceived as weak to the present, when they are respected and not all that weak, things have changed in society. However, rather than trying to understand the complete context, the culture continues to portray occurrences involving laws that benefit women in a way that considers men to be the culprits.

When a girl is raped, everyone is sad for her and worried about her future. This is acceptable. It goes without saying that if two individuals live together, they must do this much. However, what about a man who was charged with but was later cleared of the charge of rape? Is society's perception of him the same as it was prior to his involvement in a fictitious case? No, comes the reply. The members of society who had already labelled them as the criminal and who should not be let to live with their heads up high will still regard them with contempt even if it turns out that

they are innocent. Furthermore, the situation has gotten worse as more individuals use social media platforms, which make it easy to harm someone's reputation. This is how society reads laws that support women, assuming that regardless of the true cause of the issue, men are always the culprits and women are the victims.

JUDGMENTS

Rd. N.G. Dastane v S Dastane⁹ - Despite the norm that the stronger person physically abuses the weaker person, the Supreme Court decided in this case that a husband had abused his wife. However, both sexes have the capacity to cruelly treat their relationships in their minds.

Rajesh Sharma & Others v State of Bihar¹⁰ - The court in this case established clear rules to prevent the misuse of IPC Section 498-A. In compliance with Section 498-A of the IPC, the court directed the District Legal Services Authority to form a Family Welfare Committee in every district and to investigate any reports of domestic abuse for a month before making any arrests. The Committee would consist of volunteers who would get introductory training before beginning the assignment, including retired individuals, social workers, and paralegals.

REMEDIES SUGGESTED

To fill in any loopholes, the regulations that are strict and targeted at women should be carefully examined. Women's rights should be prioritized when drafting legislation, but it is crucial to keep in mind that these protections should not come at the expense of defenceless men. When drafting the legislation, the rights of both men and women should be considered. There are still cases where dowry laws are broken, even though the groom's family is severely punished. It exists because the Dowry Prohibition Act forbids the bride's family from providing dowry, and only those who do so face consequences. Those who offer dowries are typically the same ones who seek them out. As such, it is imperative that the laws be correctly enforced.

CONCLUSION

Although there is some misuse of laws pertaining to women, it is important to note that this is a small percentage of cases and should not lessen the importance of these regulations. The focus should be on creating a fair and just judicial system that upholds the rights of both men and women and appropriately addresses cases of real abuse and harassment.

⁹ AIR 1975 SC 1534, (1975) 2 SCC 326, 1975 3 SCR 967

¹⁰ 2017 SCC 821

Laws pertaining to women's rights are made to protect them from social injustices. There was a need when they were implemented, and there still is. In any form of conflict, it is equally important to make sure that these regulations do not cause harm to innocent parties. Furthermore, it is challenging for judges to guarantee that society's norms have no influence on their ability to give judgments.

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