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# **"FEMINISM OR FOLLY"?** **EXPLORING THE ECCENTRICITIES OF** **MISUSED GENDER LAWS"**

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## **ABSTRACT**

This document explores the intricate and frequently debated field of gender legislation, concentrating on situations where these laws might be abused or taken advantage of, straying from their original goal of fostering equality and fairness. It thoroughly analyzes particular cases and legal structures to identify recurring patterns of abuse, especially within feminist movements. By adopting a comprehensive method that combines legal analysis, feminist theory, and sociological viewpoints, the study sheds light on the complex relationship between authentic feminist goals and the possibility of legal measures being exploited. The document contends that although gender legislation is essential for tackling systemic disparities, there are moments when it can be hijacked, resulting in results that might detract from the wider goals of gender justice. In essence, this research aims to add to the ongoing conversation on gender equality, highlighting the importance of caution and critical evaluation in the application and understanding of laws related to gender. The study underscores that specific laws, although designed with good intentions, can be exploited in manners that deviate from their initial goals. This involves situations in which people or organizations take advantage of legal rights for their own benefit or to resolve personal grudges, thereby making the legal environment and the way the public views gender legislation more complicated. Through examining these examples, the study seeks to shed light on the intricate challenge of enforcing gender laws while also protecting them from being misused.

**KEYWORDS:** Gender laws, Feminist advocacy, Legal misuse, Sociological perspectives, Legal protection.

## **INTRODUCTION**

Gender laws are a vital part of modern governance that seeks to ensure equality and justice among all individuals irrespective of gender. Gender laws cover a broad spectrum of issues, such as employment, education and reproductive rights, as well as protection from discrimination, violence and other forms of violence. Gender laws are rooted in human rights principles and social justice. They play an important role in the lives of people and communities all over the world. The purpose of gender laws is to address the historical and systemic inequality that has marginalized and disadvantaged groups based on sex identity or expression throughout history. Patriarchy and social norms have led to discrimination, exclusion and violence against women and gender minority groups. Gender laws serve as tools of change, offering legal protection and remedies to address gender-based inequalities. Feminism has been at the vanguard of the movement to create, reform and implement gender laws. After centuries of suppression and marginalization, feminist movements challenged the established order, demanding the recognition of women's rights and the abolition of gender discrimination. From the suffragettes of the late nineteenth century and early twentieth century to the intersectional feminism of the 21st century, feminist movements mobilized people and communities to demand legislative reforms and social transformation.

The feminist movements have had a profound impact on legal frameworks, advancing gender equality legislation around the world. Through grass-roots organizing, advocacy, and legal advocacy, feminists have compelled politicians to adopt legislation that promotes gender equity, protects against gender-based violence, and eliminates discriminatory practices.

Feminism has not only changed legal frameworks, but has also contributed to wider cultural shifts toward gender equality and social justice. misuse refers to the wrongful or improper application or exploitation of laws, regulations, or legal procedures for purposes other than those intended by the legislature or governing authority. Misuse can manifest in various ways, such as false accusations, abuse of legal processes, extortion, fabricating evidence, violating legal rights, malicious prosecution, perjury, and misrepresentation.

False accusations entail knowingly accusing someone of a crime or wrongdoing that is untrue, often motivated by personal gain or to cause harm to the accused. Abuse of legal processes involves manipulating legal procedures, like filing frivolous lawsuits or using legal threats to intimidate others. Extortion occurs when threats of false accusations or legal action are made to

extract monetary payments or concessions.

Fabricating evidence involves presenting false or misleading evidence or testimony in legal proceedings to deceive the court or gain an unfair advantage. Violating legal rights encompasses unlawfully accessing confidential information, breaching privacy laws, or violating contracts. Malicious prosecution refers to initiating legal proceedings against someone without probable cause, solely to harass or maliciously injure them.

Perjury involves providing false information under oath during legal proceedings, while misrepresentation entails providing false or misleading information to authorities or other parties involved in legal matters. Misuse of legal processes undermines the integrity of the legal system, obstructs justice, and can cause significant harm to individuals and society. It is subject to legal sanctions, including civil liability, criminal charges, and disciplinary actions.

### **SCOPE OF STUDY**

This legal essay addresses the fact that laws are biased against women and how women abuse this protection to get benefits and harass men. The law is biased in Favor of women, from reservations to constitutional provisions. The research aims to address this issue by enumerating some laws that are abused by women to ruin a man's career and life. In addition to these laws, there are many other laws such as Rape, Harassment, Fraud, and Defamation that are considered to be male-perpetrated, and there is not enough evidence or judicial sanctions to change this view. The research examines the misuse of legal protection given to women by the following legal provisions: Section 498A of the Indian Penal Code (IPC), Dowry Prohibition Act (1961), Protection of Women (DOMA) from Domestic Violence Act (2005) (MTA) 1971, and what the Judiciary should do to counter the misuse of these legal provisions.

### **THE EVOLUTION OF GENDER LAWS**

Gender discrimination has a long history and is rooted in social norms, cultural practices and institutional biases. Women have been subject to systematic discrimination in education, employment, political life, and family roles throughout history. Legal approaches to gender discrimination have developed over time, reflecting evolving social views and political movements promoting equality between men and women. There are various forms and levels of gender bias and inequalities in society. These inequalities have existed for centuries and have prompted countries around the world to create laws to eliminate these inequalities through

affirmative action policies and positive discrimination.

These inequalities exist in the workplace, at home, in health and education, in property rights, during marriage, in business, in credit, and in many other areas. The way to eliminate these inequalities and level the playing field was to provide legal protection to women. However, the path was not easy as women's lives were largely dominated by men (to a large extent until now) who sought to keep them subservient. One of the first well-known women's rights movements was probably the Shakers. The Shakers were an evangelical group who believed in the separation of the sexes. They believed in celibacy for men and segregation for women. This movement came to the United States in the 2nd half of the 19th century and made gender equality a reality. After World War II, gender equality movements gained momentum. The UN and other international organizations adopted several conventions promoting gender equality.

During the British rule in India, women's empowerment and advancement began. Initially, the British did not want to interfere with social and religious practices of the various religious communities. However, some social reformers, such as Rama Mohan Roy, Eshwar Chandrasekhar, and Yashwantrao Phule, fought for women's rights and their education. They tried to eliminate Sati (the practice of widows immolating their husbands), allow widows to remarry, prohibit child marriages, and reduce the illiteracy rate among women.

## **FEMINIST ACTIVISM**

Feminism is a powerful force in the fight for gender equality. It is rooted in a long history of challenging patriarchy and systemic injustice. Feminist movements have inspired change through grass-roots mobilization, advocacy, and cultural resilience. By challenging power dynamics and raising the voices of marginalized people, feminist activists catalyse social change, disrupt inequalities, and envision more equitable and inclusive future.

Feminism is at its core about raising awareness and understanding of gender discrimination. Through education, public speaking, and media advocacy, feminist activists deconstruct stereotypes, challenge dominant narratives, and encourage critical reflection on gender norms, power structures, and intersectional oppression and privilege. By shining the light on the lives of women and sex minorities, feminist activists pave the way for solidarity and resistance. One of the most important aspects of feminist advocacy is its work on legislative and policy reforms to promote gender equality and protect women's rights. Feminist activists lobby for equal pay for

women and reproductive rights, as well as for laws against gender-based violence and discrimination. They push politicians to pass laws that reflect the values of justice, equality and human rights. Through strategic advocacy and coalition building, feminist movements influence the legal and governance structures that shape society. At the grass-roots level, feminist activists mobilize and build communities that empower people to challenge oppression and bring about social change. By creating spaces of solidarity, support and collective action, feminist activists amplify marginalized voices and promote inclusive and participatory gender justice movements. By bringing together those most affected by systemic inequality, feminist activism fosters a culture of resistance, challenging the status quo and building momentum for lasting social change.

## **LEGAL PROVISION FOR PROTECTION OF WOMEN AND THEIR MISUSE**

### **SECTION 498A OF INDIAN PENAL CODE 1860**

Section 498A is a criminal law in India. It was introduced in 1983 by the Indian Parliament. The section of section 498A of Indian Penal Code 1860 provides that if a woman is subjected to cruelty by her husband or by a relative of her husband, the husband or relative of the woman will be sentenced to imprisonment for a term of up to 3 years, and may also be fined.

Section 498a is one of the biggest safeguards for Violence against Women. It reflects the reality of domestic violence within the home.

### **DOWRY PROHIBITION ACT,1961**

The dowry prohibition act was passed on May 1st, 1961. The purpose of the law is to prevent the giving or receiving of any kind of dowry in India. The term "dowry" is used to describe any property, goods or money given by either party to the marriage. It can also be given by parents of either party or any other person involved in the wedding. The law applies to everyone regardless of their caste or religion.

### **DOMESTIC VIOLENCE ACT,2005**

The PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 was passed by the Parliament with the aim of safeguarding the rights of all women who have been victims of any form of violence within the family. This Act guarantees a woman's right to stay in her marital home. It applies to all women who are mother, sister, wife, widow, or partner living in a common household. Furthermore, the court can issue security orders to prevent the abuser from victimizing a woman by doing so at her place of work.

Protection of WOMEN from DOMESTIC VICTIMSHIP ACT, 2005 ensures women's right to safe and secure housing. This Act is one of the most important and revolutionary acts in the history of India.

### **MEDICAL TERMINATION OF PREGNANCY ACT,1971**

In order to make abortion safer and more accessible to women, India has recently amended its Medical Termination of Pregnancy Act (MTP Act) in order to provide comprehensive reproductive health services to all. The MTP Act was passed in 1971 as a result of advances in medical science. In order to make abortion more accessible to all, India has amended its MTP Act (MTP) in 2021 to provide comprehensive abortion care for all. This new law expands the scope of abortion services that can be provided to all women, including those that are medically necessary and those that are medically unnecessary. The new law is intended to make abortion safe and legal for all women, regardless of their medical condition. The Delhi High Court allowed a woman to terminate her pregnancy after 22 weeks of pregnancy due to multiple abnormalities in the foetus. The term “gestation” refers to the period of development of a fetus from conception to birth. In India, the MTP Act limits the gestation period to 20 weeks, after which abortion of the foetus is prohibited.

## **MISUSE OF WOMEN- CENTRIC LAWS**

### **False Allegations**

False accusations, often made for personal or political reasons, can have serious consequences for the accused. They can damage their reputation, cause emotional distress, and even lead to financial hardship. Furthermore, false allegations can divert attention and resources from real cases of abuse, preventing legitimate victims from receiving meaningful support and redress. In domestic violence cases, false accusations can further strain families, foster mistrust, and impede reconciliation. To address false accusations, it is important to take a balanced approach that protects the rights of real victims while also protecting the integrity of legal provisions. This includes preventing false reporting, raising awareness of the consequences of making a false accusation, and ensuring due process for both the accused and the accused.

### **Extortion and Coercion**

Using women-centric laws as a means to extort money, property, or concessions from the accused is not only unethical, but it is also damaging to the integrity of our legal system. People who use these tactics use the fear of legal consequences to coerce the accused into complying, regardless

of the truth of the allegations. Not only does this form of coercion put the accused under undue pressure, but it also creates a culture of abuse and exploitation. The misuse of women's-centric laws for blackmail damages the credibility of those legal frameworks and undermines public confidence in their effectiveness. Real cases of domestic violence and dowry harassment can be clouded by false or exaggerated accusations motivated by greed or personal grudges.

### **Retaliation and Revenge**

Women-centric laws are often abused as a tool to retaliate or retaliate in personal or family conflicts. The consequences of this abuse can be far-reaching and life-threatening. Not only does the misuse of a women-centric law damage the reputation of those accused, but it also creates a cycle of family and community conflict. False allegations aimed at discrediting the accused can cause irreparable harm to their professional and personal lives, leading to emotional distress, ostracization, and financial loss. The abuse of women's-centric laws to retaliate or retaliate harms the credibility of real cases of abuse, and undermines public confidence in the justice system.

### **Misuse in Divorce Proceedings**

The abuse of women-centred laws in divorce and separation proceedings is a disturbing trend that harms the fairness and justice of family law. For example, people may use false allegations of domestic abuse or cruelty as a way to manipulate the court to make a decision in Favor of their spouse. By falsely accusing your spouse of abusing you, you may be able to manipulate the court's sympathy, damage your spouse's reputation, and get favourable outcomes in matters of custody or financial settlement. Not only does this damage the integrity of your legal proceedings, but it also creates a culture of deception and manipulation within your legal system. When legitimate victims of domestic violence seek justice, they are often drowned out by false allegations.

### **Misinterpretation of Normal Marital Conflicts**

This concern about normal marital conflicts being misinterpreted within the framework of women-centred laws is a complex issue that requires careful consideration. While it is true that normal marital disagreements or disputes can sometimes be misinterpreted or misinterpreted as an act of domestic violence, cruelty, or abuse, it is important to approach this issue with sensitivity and understanding of the complexities. Many times, misunderstandings about normal marital conflicts are caused by a lack of knowledge or understanding of healthy marital dynamics. A couple may have disagreements or tensions in the course of their day-to-day lives, such as over money, parenting, child care, or household duties. These disagreements are a normal part of a

relationship and don't necessarily mean abuse or maltreatment.

### **Pressure Tactics in Child Custody Battles**

Women-centric laws are often used as a pressure tactic in family disputes. While it's true that these laws are intended to protect women's rights and address gender inequality, it's important to understand the wider context in which these laws operate. First, it is important to recognize that women have traditionally been disadvantaged in terms of property and inheritance rights in many societies. Women-centric laws are designed to correct these inequities and ensure equal treatment and opportunity for women. However, as with any legal framework, there is a risk that women-centric laws may be abused for personal gain or used as a lever in family disputes. Threatening to take legal action under a women-centric law as a form of coercion or manipulation not only is unethical, but it also undermines the purpose of the legislation. In order to address this issue, legal processes should be fair, transparent and free of coercion or intimidation. Strengthen safeguards against the misuse of legal threats.

## **ADVERSE IMPACT OF MISUSE OF WOMEN CENTRIC LAWS**

The misuse of women's-centric laws can have far-reaching negative consequences that go beyond individual cases, affecting justice, relationships, mental health, diversion of resources, suppression of reporting, and loss of confidence in the legal process. Achieving justice, fairness and gender equality requires a coordinated effort to prevent and discourage the abuse of legal provisions designed to protect vulnerable people.

### **Undermining Justice and Fairness**

The misuse of women's centric laws can have a real impact on fairness and justice. Women's laws are essential to protect women from violence and discrimination, but they can also be abused through false allegations or manipulation. When women are falsely accused under these laws, innocent people can face serious consequences, such as reputational damage, loss of income, and even jail time. Not only does this hurt the accused, but it also undermines the credibility of real cases of abuse, making it more difficult for real victims to come forward. When a women-centric law is abused, it can also damage trust in the entire legal system. People lose confidence in the justice system, which can lead to scepticism and a reluctance to report true cases of abuse, creating a vicious cycle where victims fear they won't be believed or face reprisals for speaking up.

### **Damage to Reputations and Relationships**

False allegations made under women's-centric laws can have a huge impact on the reputation and relations of the accused. Even if the allegations are later proven to be false, they can have serious social, emotional and economic repercussions. First, false allegations can lead to social ostracism. The accused may feel stigmatized and isolated in their community. Friends, colleagues and acquaintances may not believe the accusations without questioning them. This lack of social support can add to the emotional distress of the accused and can lead to feelings of loneliness and hopelessness. Second, false accusations can affect the accused's employment and career prospects. The accused may lose their job or be suspended from work because of the allegations, which can damage their professional reputation and make it difficult to find a new job. This can have a huge financial impact on the accused and their family.

### **Impact on Mental and Emotional Well-being**

To put it another way, falsely accused under women's-centric laws can wreak havoc on the psychological and emotional health of the accused person. In cases of unjustified accusations, such as allegations of domestic violence and dowry harassment, the stress and anxiety of the accused person can be unbearable, as they fear social stigma, legal consequences, and the loss of their relationships and livelihoods. Living under the cloud of false allegations can make the accused person feel helpless and hopeless, which adds to their feelings of isolation and hopelessness. The stigma of being accused of gender-based violence or discrimination can also add to the accused person's emotional trauma, as they may feel ostracised by society, judged unjustly, and unable to protect their reputation from the damaging allegations. The accused person may experience feelings of injustice and betrayal, which can lead to anger, resentment and profound sadness.

### **Diversion of Resources and Attention**

Diversifying resources and attention due to false accusations and the legal battles that ensue from the abuse of women-centred laws can have a negative impact on efforts to combat gender-based violence. When resources like time, money, and people are diverted to deal with false allegations and their legal consequences, it can put pressure on organizations, police, and other support services to respond to real cases of gender-based violence. Delays in investigations, lack of support for victims and a lack of essential services can result.

High-profile cases with false accusations can also draw attention away from the fact that gender-based violence and discrimination is far more widespread and serious. This can impede efforts to

increase awareness, educate people, and promote systemic change. When the focus is on disproving false allegations, it can lead to the perpetuation of harmful stereotypes and misperceptions about victims and offenders.

### **Deterrence of Reporting**

The abuse of women's-centric laws has the potential to discourage real victims of domestic violence and dowry harassment from coming forward. False accusations or a perception that the legal system is manipulated can create an environment of fear and mistrust, which can discourage victims from seeking justice and support. First, victims may fear that they will not be trusted or believed if their abuser claims that the allegations are false, particularly if there is a history of false accusations. This fear of being disbelieved can lead victims to stay silent, isolating them further and perpetuating the cycle of violence. Second, victims may fear retaliation from their abuser for reporting the abuse, especially if they think the legal system won't provide adequate protection. This fear of retaliation can prevent victims from seeking help or support, leaving them trapped in abusive situations and unable to access the help they need to get out.

### **Erosion of Trust and Credibility**

When women-centric laws are abused, it erodes trust and credibility in the legal system that was created to protect women's rights. When laws are used to address gender-based violence and discrimination, it erodes public trust in the effectiveness and integrity of those laws. Women-centric laws were created to protect women from abuse and discrimination, but when they are used for personal gain or for political gain, it erodes their original purpose. Misuse leads to scepticism about the credibility of claims made under women-centric laws, which in turn leads to people questioning the credibility of actual cases. When people see women-centric laws being used for personal gain instead of to address real cases of gender-based violence or discrimination, they become cynical and lose faith in the legal process.

## **JUDICIAL RESPONSE TOWARDS MISUSE OF LEGAL PROTECTION**

### **SAVITRI DEVI V. RAMESH CHAND**

In the case Delhi high court observed that section 498 A of IPC was created with good intentions, but their implementation has had a detrimental effect. Women are increasingly turning to their parents and other family members, including minors and school-aged children, to get closer or further away relatives. In some cases, this can be done against any member of the husband's

family, regardless of whether they are living in the same city, another city, or abroad, as well as any unmarried sisters, brother-in-law, uncle, aunt, grandparent, or even more.

### **VISHNU TIWARI V. STATE OF UTTAR PRADESH**

In its acquittal order for one Vishnu, a Division Bench of Justice of Allahabad gave the order for release of the accused. The order noted that the appeal had been made through jail, and that the matter had remained unresolved for 16 years. The court noted that the medical findings showed no evidence of sperm or forced intercourse, and that the plaintiff had a motive for accusing the accused of rape, as she was pregnant and said she had been thrashed. The court also noted that there was a land dispute between the parties. It was also found that there were discrepancies in the initial filing of the FIR. It was also found that the false rape allegation was made on the ground that the police did not conduct a proper investigation and rejected the allegation. The High Court said that based on its earlier findings, there were some discrepancies in the victim's and witnesses' statements. Since the High Court gave a severe reprimand to the police and the State in its judgment, we cannot ignore that an innocent man lost his life for 20 years for a crime he didn't commit.

### **RAJESH SHARMA V. STATE OF BIHAR**

In this case, in order to ensure that the innocent person, husband and their relatives are not harassed, the court ordered the setting up of a 'Family Welfare Committee' to deal with the matter under IPC Section 498A stating that no arrest will be made until the committee provides justice to the complainant. The Supreme Court has recognised that the provisions of Section 498a of IPC are misused. In this case, the Supreme Court has directed the offences relating to offence of dowry. In this judgment, the Supreme Court stated that the harassment and victimisation of husband and wife can be prevented. Further, the purpose of the committee is to restore the human rights of the innocent people.

### **MAULAVI HUSSEIN HAJI ABRAHAM UMARJI V. STATE OF GUJARAT**

The court stated that it interprets the law only and cannot make laws. When a law is constitutional, *intra vires*, it does not mean that it can be used unjustifiably to make innocent people undergo false attributions that will cause them great suffering. Until it turned out to be acquittal, until then, the public humiliation the person had suffered and the media brought him even more suffering. In some cases, it may even lead to his death. Therefore, the legislature should take corrective measures to prevent such false allegations on innocent people who are becoming victims of frivolous person's malicious acts. Until then, the court works only to the framework of law. The

court further stated that it is a law to intend to serve as a shield not as assassins. However, on the contrary, it was turned into 'legal terrorism'.

### **SUSHIL KUMAR SHARMA V. UOI**

On the first plea, the SC declared section 498 A to be intra vires and misuse of section 498 A does not mean that section 498A is unconstitutional. After that, the SC said that a lot of cases are filed with malign intent, so the legislature has to find a way to solve this problem. However, the SC clarified that investigating agencies and court should not work on strait jacket formula, and directed the machinery of law to work and give judgment on the basis of presumptions and on the basis of circumstantial evidence. For this law regarding the second plea, please keep this in mind. On the last plea i.e. CBI investigation, the Court ruled that the petitioner can establish his innocence in the ordinary course of proceedings. The writ petition is rejected.

### **SAVITRI DEVI V. RAMESH CHAND**

The court ruled that the provisions had been misused and abused to an extent that it compromised the integrity of marriage itself and was detrimental to the well-being of society as a whole. The court held that authorities and legislatures must review the situation and the legal provisions in order to prevent such a situation from arising. In India, the situation of women is still very unfavourable. They still require certain rights to feel comfortable in society, but often they don't care about the rights of others as long as they have their own. The educated women of today must accept the idea of equality and ask for the same, but the situation is gradually changing. Women take advantage of being considered the weaker sex, and on the basis of the rights they are given, they are violating the rights of others.

### **The malimath committee report 2003**

The Malimath Committee Report of 2003 was a significant initiative aimed at recommending reforms to improve the criminal justice system in India. The committee, headed by Justice V.S. Malimath, was tasked with examining various aspects of criminal law and procedure and proposing measures to enhance the efficiency, fairness, and effectiveness of the legal system. While the report covered a wide range of topics, including police reforms, witness protection, and judicial administration, it also addressed issues related to the misuse of legal provisions, including Section 498A of the Indian Penal Code (IPC).

### **No Casual Arrest**

The arrest of a person constitutes the deprivation of his fundamental right to life and personal

liberty; therefore, exceptional cases of arrest should be made. The Hon'ble HC of Allahabad has taken a step forward by directing the police authorities to make the arrest only after following the newly amended provisions of the Code. The Division Bench of the Allahabad HC has also directed the Magistrates to exercise extreme caution and caution when granting remand in the case of matrimonial disputes. If the arrest is made without following the newly amended provision of the Code, the remand must be refused and the accused must be released on bail.

### **Mediation and Conciliation**

Higher Courts have ordered matrimonial issues to be referred to Mediation and Conciliation centres and Police and Trial courts to take all possible steps to settle the disputes through these measures. The Court has specifically directed the Magistrates to transfer the matter to Mediation and conciliation centres when an application is filed under Code 156(3). When the Magistrate finds that no compromise or settlement can be achieved only in such cases, the order for registration of FIR should be passed. The Hon'ble Supreme Court observed that Learned Members of Bar have a great social responsibility and duty to make sure that the social fabric of family life is not destroyed or destroyed. They should make every effort to assist the parties in reaching an amicable settlement of the problem.

### **Recommendation for Re-look**

Since courts are concerned with the greater public interest, the Hon'ble Supreme Court has noted that there is a dire need to reconsider entire provisions. Just because the provision is in the Constitution, does not mean that it gives free rein to unscrupulous people to ruin people's lives through personal vendettas or harassment. Therefore, it may be necessary for the legislature to find out how the people who file frivolous complaints or make allegations can be properly dealt with. The Hon'ble Court has asked the law commission of India to consider appropriate steps and for appropriate legislative amendments.

### **Quashing of Proceedings where amicable settlement is arrived**

Since offence under section 498-A of IPC, being non-compoundable, in cases of compromises, proceedings of all related cases may be quashed under section 482 of Code of Criminal Procedure by the Hon'ble High Court. This has been recommended by Hon'ble Supreme Court in B.S. Joshi vs. State of Haryana<sup>80</sup>, Manoj Sharma vs State<sup>81</sup>. In the latter case it was observed that where the dispute is purely personal in nature, (i.e. the element of the offence being a crime against society is secondary), and the wife decides to compound the offence, as there would be little likelihood of conviction, quashing of the offence should not be refused on the hyper-technical

view that the offence was not compoundable.

### **Liberal and Human approach towards Accused**

Higher Courts of the country are alive to the changing needs and pragmatic realities of the society. Analysis of some recent judgments of Hon'ble Supreme Court reflects that, Court has adopted humane approach towards accused persons, who are falsely implicated. The Court has held<sup>125</sup> that 'girlfriend' or 'concubine' of the husband is not covered within the term "relative of husband". It may be a ground of Judicial separation but not cruelty u/s 498-A, IPC similarly; it has been held that 'petty quarrels' does not amount to cruelty u/s 498-A I.P.C. In the instant case wife gave birth to a male child and husband did not even come to see the child. It was held to be no cruelty.<sup>82</sup> Thus we can see a change in the approach of Apex Court as it is also feeling the seriousness of the problem of misuse of legal provisions and in its several decisions it has emphasized the responsibility of courts and prosecution and to proceed in these types of cases very cautiously. Justice Katsu has rightly suggested in this case to invoke the safeguards of anticipatory bail so as to innocent family members could not be harassed. Judge Katsu was right to rely on the safeguards of anticipatory bail to protect innocent family members.

### **SUGGESTIONS**

The solution to women-centric law abuse requires a coordinated effort from policy makers, law enforcement and civil society in order to protect the legitimacy of the legal order while safeguarding the rights of every individual. Stricter penalties for perpetrators of false complaints or abuse of legal frameworks for personal gain must be enforced. Strong penalties serve as a warning and emphasize the gravity of abuse of legal systems designed to protect vulnerable people. Promoting legal awareness programs will help educate the public on the purpose and correct application of women's-centric laws and promote a culture of responsibility and accountability. Compulsory counselling or mediation prior to taking legal action can promote amicable solutions and reduce the risk of escalation into an adversarial proceeding. Better access to legal assistance and support ensures that victims and accused parties receive the guidance and support they need during the legal process. Providing protection from retaliation or coercion also encourages victims or witnesses to speak up without fear of retaliation, thus creating an environment that promotes justice and equity. Specialised training for legal practitioners emphasizes the need to be impartial, sensitive, and respectful of due process when handling gender-based violence and discrimination cases. Community involvement and support networks are essential for raising awareness, offering support, and addressing the social norms that lead to

abuse. By taking these steps, stakeholders can work together to prevent and limit the abuse of women-centred laws, ultimately promoting justice, equity, and gender justice.

## **CONCLUSION**

The debate over the effectiveness and impact of gender specific legislation, often referred to as women-specific laws, reveals a complex and multifaceted story. These legal frameworks are necessary to address systemic inequalities and protect the rights of marginalized people. However, the misuse of these laws reveals a complex combination of social dynamics and personal motivations. This essay has highlighted the negative consequences of misused gender-specific laws, such as the loss of trust in the justice system, harm to personal relationships, and impediment to real progress towards gender equality. Amid these challenges, however, there is a silver lining. By promoting legal literacy, encouraging alternative dispute resolution, and strengthening support networks for victims and accused individuals alike, stakeholders can work towards a more just and equitable society. Exploring the quirks of misused gender legislation highlights the need to balance legal protection with accountability to ensure that feminism transcends foolishness and embodies principles of fairness, inclusion, and empowerment for everyone.

