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# **GENDER JUSTICE REIMAGINED: TACKLING MISUSE OF WOMEN-CENTRIC LAWS WITH FAIR PROVISIONS FOR MEN**

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## **ABSTRACT**

In the pursuit of gender equality, the scales of justice have often tipped toward gender bias which has led to unintended disparities in India's legal framework. This paper critically examines the misuse of gender-specific laws, by delving into their historical origins, societal impact and the pressing need for reform. Originally crafted to address systemic injustices in a patriarchal society, laws such as the Domestic Violence Act, 2005 and the Dowry Prohibition Act, 1961, have provided essential protections for women. However, their application has sometimes resulted in the wrongful victimization of men that highlights the inherent imbalance in these legislations. The paper further establishes how the absence of men centric laws has made this act of humiliation easier and thus exposes male vulnerability. The same has been established by various judgments by the honourable courts which helps in substantiating the analysis been made. The paper finally argues that while empowering women remains vital, it should not come at the cost of equity. Stricter guidelines, mediation mechanisms and penalties for exploiting legal safeguards are essential to ensure justice for all. By addressing the unintended consequences of these laws, India can uphold the principles of fairness and inclusivity by fostering a legal system that genuinely supports gender equality without perpetuating gender bias.

**KEYWORDS** – misuse, women-centric laws, Bhartiya Nyaya Sanhita, 2023, false allegations, male vulnerability, legal extortion.

## **INTRODUCTION**

The misuse of laws intended to protect women in India has become a contentious issue, sparking widespread debate. While it is crucial to address the genuine challenges women face and provide them with robust legal protections, there are undeniable instances where these laws have been exploited. However, the potential for misuse must not overshadow the vital role

these laws play in safeguarding women's rights and ensuring their safety. Reports of violence against women continue to dominate headlines, serving as a stark reminder of the ongoing struggle for gender equality. Delving deeper into the issue, one can trace its origins to India's historically patriarchal society.<sup>1</sup> For decades, this male-dominated structure necessitated the creation of laws to protect women from systemic injustices. Legislations such as the Domestic Violence Act, 2005, were introduced to shield women from physical and emotional abuse, while the Hindu Adoption and Maintenance Act, 1956, aimed to provide financial security to divorced women. These laws have undoubtedly brought justice and relief to countless women who suffered under oppressive circumstances. The recent replacement of the Indian Penal Code with the *Bhartiya Nyaya Sanhita*, 2023, brought hope for reforms that would address the rights of men alongside women. Yet, these expectations remain unmet, leaving men vulnerable to the misuse of gender-specific laws. Moreover, the evolution of these laws over the years, often shaped by demands from radical feminist movements, appears to prioritize women's rights without ensuring an equal opportunity for the accused to defend themselves. This imbalance highlights the need for a more equitable legal framework, one that continues to protect women but also safeguards against the wrongful persecution of men.

## HISTORY

The Ancient Era in Indian history is often referred to as the "Age of Parity" because men and women enjoyed equal status and rights in society. During this time, the Aryans were the primary inhabitants and women were highly respected, often regarded as goddesses. Women held significant power that sometimes surpassed that of men as evidenced by their essential role in rituals and assemblies. For example, in the *Ramayana*, when Lord Rama performed a ritual in the absence of Goddess Sita, her golden statue was placed beside him to complete the ceremony. Rituals were considered incomplete without the presence of women.

In contrast, the Medieval period also known as the "Dark Age," marked a decline in women's status and the rise of gender inequality. This era saw frequent invasions by foreign rulers who brought cultural practices that undermined women's autonomy by treating them as the property of their fathers or brothers. Indian men adopted some of these practices to protect their women from foreign rulers who often practiced polygamy and kept women in harems. Therefore, to safeguard their daughters and wives, Indian men introduced the *purdah* system. While these

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<sup>1</sup> Sonal Chaujar, Madhuri Bakshi, "Position of Males in Indian Laws: Gender Equality or Gender Biasness?", 4 *Bharati L. Rev.* 191, 191–205 (2016).

measures were initially intended for protection, they eventually curtailed women's freedom. Religious texts and personal laws were later misinterpreted by religious leaders that further entrenching gender inequality.

The Modern Era in India began with the decline of the Mughal Empire and the rise of British rule. Social reformers like Raja Ram Mohan Roy and Sir Syed Ahmed Khan worked to uplift women by promoting widow remarriage, banning practices like *sati*, encouraging women's education and abolishing the *purdah* system. This period also saw the emergence of women-centric studies in India.<sup>2</sup>

After Independence, the drafters of the Indian Constitution aimed to ensure equal status for women. However, they faced two significant challenges: whether gender equality should take precedence over personal laws and whether women should receive reservations or equal opportunities to achieve social upliftment. It is worth noting that while the Constitution focused on protecting the rights of women and minorities, the rights of men received comparatively little attention.

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

Justice, liberty, equality, and dignity are the cornerstone principles enshrined in the Indian Constitution. These elements are essential for building a welfare state that ensures "equality before the law" and "equal protection of the laws" for all citizens. However, it is unfortunate that men continue to be adversely affected by gender-specific laws enacted under the guise of promoting women's welfare.<sup>3</sup>

#### **The Dowry Prohibition Act, 1961 and Section 84 of BNS**

The Dowry Prohibition Act, 1961,<sup>4</sup> was initially established to provide married women with legal protection against abuse from their husbands and in-laws and aimed to uphold their rights and safety. Section 84 of the Bhartiya Nyaya Sanhita further defines "cruelty" and seeks to shield wives from any form of mistreatment by their husbands or their relatives.<sup>5</sup> This provision was introduced to address the serious issue of dowry-related violence such as dowry deaths.

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<sup>2</sup> Sonal Chaujar, Madhuri Bakshi, "Position of Males in Indian Laws: Gender Equality or Gender Biasness?", 4 Bharati L. Rev. 191, 191–205 (2016).

<sup>3</sup> Dipa Dube, "Domestic Violence Bill: A Critique" 30 IBR 441 (2003).

<sup>4</sup> The Dowry Prohibition Act, No. 28, Acts of Parliament, 1961 (India).

<sup>5</sup> Bhartiya Nyaya Sanhita, 2023, s 84.

However, it exclusively provides remedies to only wives and excludes husbands from its scope. Unfortunately, these provisions are increasingly being misused by some women, not for self-protection but as a tool for vengeance, extortion, or to inflict suffering on their husbands and in-laws. The surge in false dowry allegations has had a detrimental effect on the mindset of Indian youth as it creates a fear that deters them from entering into marriage. In the current societal context, there is an urgent need for legislation that offers equal protection to men against the misuse of dowry laws. The abuse of these legal safeguards undermines their original intent and credibility. Rather than serving solely as a convenient remedy for women, these should also acknowledge the experiences of men, since with the evolving times, cruelty in marital homes is not limited to women alone.

### **The Domestic Violence Act, 2005**

The Domestic Violence Act was introduced in 2005<sup>6</sup> as a civil law that aimed at providing relief to married women by safeguarding them from any form of violence inflicted by their husbands or in-laws during their marriage. The Act initially succeeded in delivering justice to many women who genuinely faced abuse. However, over time it has been misused by some individuals as a tool against their in-laws that leads to the filing of false domestic violence cases against their husbands and families. Common motives behind such false allegations include extramarital affairs or attempts to claim the husband's property.<sup>7</sup> While the law is crucial for protecting women who genuinely experience domestic violence and cruelty in their matrimonial homes, it is equally important to acknowledge the harm caused by its misuse. Innocent men often suffer damage to their reputation, which can result in societal ostracization, the loss of job opportunities and even the inability to remarry or rebuild their lives. This misuse not only undermines the intent of the law but also creates significant challenges for men wrongfully accused.

### **The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013**

While it is essential to support and protect victims of sexual assault, there have also been cases where false rape allegations have surfaced. Such accusations can devastate an individual's life, career and reputation. In some instances, these false claims have been made to settle personal

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<sup>6</sup> The Protection of Women from Domestic Violence Act, No. 43, Acts of Parliament, 2005 (India).

<sup>7</sup> Niyati, Dr. Purnima Gupta, "Misuse of Women-Centric Laws in India: An Analysis," 5 Indian J.L. & Legal Res. 4441, 4441-4449 (2021).

disputes as a means of extortion or to gain an advantage in legal battles. Similarly, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act<sup>8</sup> was established to ensure a secure working environment for women. However, there have been instances where this law has been misused, with women levelling baseless accusations against bosses or colleagues. These false claims not only tarnish reputations but also derail careers. The motives behind such actions can include personal vendettas, monetary gain, revenge or seeking an upper hand in professional scenarios. While the focus on women's safety is crucial, these instances highlight a significant vulnerability faced by men who often have limited recourse against false accusations. The misuse of such laws can leave men with damaged mental well-being, professional standing and personal lives. This underscores the need for a balanced approach that protects genuine victims while also addressing the rights and vulnerabilities of men to prevent exploitation of legal safeguards.

### **Misuse of Maintenance and Alimony Rights**

The issue of the misuse or exploitation of the right to maintenance by certain individuals, particularly women is a sensitive and multifaceted matter. While it is important to acknowledge that false claims or exaggerations may occur, it is equally essential to avoid generalizing or assuming malicious intent without evidence as this can reinforce harmful stereotypes and overshadow the genuine needs of many women. In India, as in other countries, the right to maintenance is enshrined in various laws and regulations to ensure that individuals, particularly spouses and children who receives financial support to meet their basic needs. This provision is particularly significant in cases where one spouse, often the wife, has been financially dependent on the other during the marriage. However, there has been instances where this right was exploited for personal gain or with malicious intent. The misuse of divorce and alimony laws often involves individuals making inflated or false claims to gain financial benefits. This practice, commonly termed "legal extortion," has significantly affected families, individuals, and society as a whole. Some individuals may exaggerate their financial requirements or lodge false claims to extract greater sums of money from their spouses which leads to unnecessary hardship for the other party and their family. Such misuse can result in significant financial, emotional and social repercussions for all parties involved. Addressing the misuse of the right to maintenance requires a balanced approach, one that ensures protection against false claims while safeguarding the access of those who genuinely need financial assistance.

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<sup>8</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, No. 14, Act of Parliament, 2013 (India).

## CASE LAWS

### **Dara Lakshmi Narayana & Others vs State of Telangana & Another**

The bench comprising Justices B.V. Nagarathna and N. Kotiswar Singh observed that the provision of Section 498-A IPC has become the legal weapon for the wives/ her relatives to settle scores with the husband/ his family without understanding the true purpose of the provision brought to curb cruelty inflicted on a woman by her husband and his family.<sup>9</sup>

### **Sushil Kumar Sharma vs Union Of India And Ors**

In the Case the Supreme Court had relayed emphasis on the reason behind enacting the Section 498-A. The avowed object is to combat the menace of dowry death and cruelty. The Honourable Supreme Court addressed this issue as well, concluding that section 498A was introduced with the intention of eradicating the curse of dowry killing and other associated crimes committed in the marriage household and that it could not be utilised as a tool to further any hidden agendas.<sup>10</sup>

### **Poonam Bansal vs State of Haryana**

A single Judge bench comprising of Justice Harpreet Singh Brar, has pronounced his strong opinions on the issue of women filing false sexual harassment cases under section 354 IPC. The court observed that “Such an unscrupulous and unethical practice of initiating criminal prosecution in order to extort money from unsuspecting victims must be taken note of and strictly condemned to ensure that the judicial process is not used as an instrument of oppression and harassment”. Stooping to such practices indubitably has wider ramifications on society as it becomes increasingly difficult to distinguish between genuine and false cases.<sup>11</sup>

### **Rinku Baheti v. Sandesh Sharda**

The petitioner has lodged complaints under various criminal offences including rape, domestic violence, IT Act violations, etc, against the Respondent. The court observed under the plea for permanent alimony filed by the petitioner (wife) that the divorced wife cannot seek permanent alimony just to reach the same wealth status of the ex-husband. Expressing grave concern over the practice of seeking alimony as means to attain wealth equilibrium. The court has also

<sup>9</sup> Dara Lakshmi Narayana & Others v. State of Telangana & Another, 2024 INSC 953.

<sup>10</sup> Sushil Kumar Sharma v. Union of India & Ors., Writ Petition (Civil) 141 of 2005 (19 July 2005).

<sup>11</sup> Poonam Bansal v. State of Haryana & Others, CRM-M-60168-2023 (16 July 2024).

observed and re-iterated its stance on Hindu Marriages to not be treated as a commercial venture.<sup>12</sup>

### **Manoj Kumar Arya v. State of Uttarakhand & Anr**

The court in the present case observed Women in modern society are increasingly taking advantage of the provisions of Section 376 of the Indian Penal Code as a means of exerting pressure or to settle personal conflicts with male counterparts, often for reasons left undefined. This does raise very pertinent questions about the gross misuse of the statute.<sup>13</sup>

## **SUGGESTIONS**

Laws must remain flexible and adapt to the changing dynamics of society. While many current laws favour women, they were originally enacted with the sincere intent of safeguarding women's rights during a time when violence against women in Indian society was at its peak particularly in the 1970s and 1980s. However, an overview of these laws today reveals that the balance has tipped excessively in favour of women, creating unintended consequences. Although the judiciary has stepped in to protect men who have been falsely accused under pro-women laws, it is crucial for the legislature to proactively address the misuse of such laws. The introduction of the Bhartiya Nyaya Sanhita, 2023, to replace the Indian Penal Code brought hope for reforms that would include men's rights alongside women's. However, this expectation remains unfulfilled, leaving men vulnerable to the misuse of gender-specific laws. Gender-specific laws such as the Protection of Women from Domestic Violence Act, 2005, and anti-dowry legislation were designed to empower women but are now being exploited by manipulative individuals to harm innocent men, leaving them without effective legal or societal recourse. This highlights the urgent need for a balanced approach that ensures justice for both victims and alleged perpetrators. To address these issues, stricter guidelines should be implemented to determine maintenance payments and support services should be made available to enhance financial literacy and independence. Promoting mediation and alternative dispute resolution mechanisms can also help resolve conflicts amicably. Additionally, if a woman is found guilty of misusing these provisions, stringent penalties must be enforced to deter such behaviour in the future and preserve the integrity of the legal system. Finally, it is vital to remember that the empowerment of one gender should not come at the expense of the

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<sup>12</sup> Rinku Baheti v. Sandesh Sharda, 2024 INSC 1014.

<sup>13</sup> Manoj Kumar v. State of Uttarakhand, Criminal Jail Revision No. 4 of 2023.

other. Justice must strive to achieve equality, ensuring that the rise of one does not lead to the fall of the other.

## CONCLUSION

The evolution of gender-specific laws in India reflects an effort to address historical injustices and protect the rights of women in a patriarchal society. However, as society progresses, it becomes essential to evaluate these laws in light of emerging challenges and evolving gender dynamics. The judgment in *Achin Gupta vs. State of Haryana & Anr.* underscores these concerns, particularly the misuse of Section 498A of the Indian Penal Code, which was intended to protect married women from cruelty. Recognizing the potential for exploitation, the Supreme Court highlighted the need for legislative reforms to strike a balance between protecting women and safeguarding men from wrongful allegations. The Court's recommendation to the Parliament for amendments to the Bhartiya Nyaya Sanhita, 2023 (BNS), reinforces the importance of creating a legal framework that is equitable and just for all individuals. To address these challenges, it is imperative for the legislature to adopt a nuanced approach that upholds the principles of justice and equality. Stricter guidelines for maintenance payments, enhanced financial literacy programs and the promotion of mediation and alternative dispute resolution mechanisms can help mitigate conflicts amicably. By addressing the concerns of misuse while continuing to protect genuine victims, India can pave the way for a more balanced and inclusive legal system.

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