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# **CRIMES BY WOMEN-ABUSE** **OF LAWS**

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## **ABSTRACT**

The topic of "Crimes by Women: Abuse of Laws" highlights the issue of false accusations and misuse of laws by women, particularly in cases related to dowry harassment and domestic violence. The abuse of laws such as Section 498-A of the Indian Penal Code has been a cause of concern, as it has been misused to harass innocent men and their families. The issue has gained attention from the judiciary, with several recommendations made to safeguard men against false accusations and prevent women from exploiting the laws protecting them. These recommendations include making marital offences bailable, allowing for compoundable offences, conducting investigations by civil authorities, and avoiding casual treatment of allegations by the courts and investigation agencies. The issue of misuse and abuse of laws by women is a complex one that requires a balanced and sensitive approach to ensure the protection of both men and women's rights.

Crimes committed by women and their misuse or abuse of laws designed to protect them have been a topic of debate and discussion in many societies. While laws have been enacted to safeguard women's rights and protect them against domestic violence, harassment, and discrimination, there have been instances where these laws have been misused to falsely accuse men or gain an advantage in legal proceedings. This has led to a growing concern over the misuse or abuse of laws by women and the need to balance the rights of both genders. This topic is complex and raises questions about gender biases, legal reforms, and societal Crimes committed by women are not new in society, and women have been convicted of various crimes throughout history. However, in recent times, there has been an increasing concern about the misuse and abuse of laws meant to protect women. Laws such as the Dowry Prohibition Act, Section 498-A of the Indian Penal Code (IPC), and the Protection

of Women from Domestic Violence Act have been designed to protect women from cruelty and harassment by their husbands and in-laws. But unfortunately, these laws have been misused by some women to implicate innocent men in false cases, leading to a miscarriage of justice.

The misuse of these laws has become a significant problem in India, with many men falsely accused and arrested without proper evidence. Women have been taking advantage of these laws to settle personal scores, extort money, or seek revenge. The misuse of these laws not only affects men but also undermines the credibility of the legal system and the rights of genuine victims of domestic violence.

It is crucial to recognize that women are equally capable of committing crimes, and their actions should not be dismissed solely because of their gender. However, it is equally important to ensure that laws meant to protect women are not misused or abused. There is a need for a balanced approach to addressing crimes committed by women, and measures should be taken to prevent the misuse of laws. The government, judiciary, and society as a whole must work together to ensure that justice is delivered without any bias, and the innocent are not punished for crimes they did not commit.

## **1. INTRODUCTION-**

The misuse of women-centric laws is a controversial and complex topic that refers to situations in which laws designed to protect and empower women are exploited for personal gain, revenge or other malicious motives. These laws are intended to provide women with greater legal protection against violence, harassment, and discrimination, as well as to promote gender equality and women's rights. However, in some cases, these laws have been misused by women themselves or by others to falsely accuse men of crimes or to seek undue advantage in legal disputes related to marriage, divorce, property, and inheritance. The misuse of these laws has been a subject of much debate, with critics arguing that it undermines the credibility and legitimacy of the laws, while proponents argue that such incidents are relatively rare and that the laws are necessary to protect women's rights.

Examples of women-centric laws that are often cited in discussions about misuse include the Domestic Violence Act, 2005, the Dowry Prohibition Act, 1961, and Section 498A of the Indian

Penal Code, which deals with cruelty towards married women. While these laws have been effective in providing legal recourse to women who have suffered abuse or discrimination, there have also been instances where they have been misused, leading to false allegations, wrongful arrests, and miscarriages of justice.

It is important to note that the misuse of women-centric laws is not limited to any particular country or culture. It is a global issue that requires careful consideration and balanced approach to ensure that the laws are not abused while also protecting the rights of women.

This issue of women misusing laws meant for their protection against men is a serious concern that cannot be ignored. It is important to acknowledge that while women have been historically oppressed and discriminated against, the misuse of laws meant to protect them is not acceptable and can lead to unjust outcomes.

Section 498A of the Indian Penal Code, which deals with cruelty towards married women, is often cited as an example of a law that is being misused by women. The law was enacted with the intention of protecting women from dowry-related harassment and abuse, but there have been instances where it has been used to falsely accuse husbands and their families of cruelty.

It is important to address this issue and ensure that the laws meant to protect women are not being misused for personal gain. This can be done through education and awareness campaigns to help women understand the proper use of these laws and discourage them from making false allegations. It is also important to have mechanisms in place to investigate and punish those who misuse these laws, while at the same time ensuring that the rights of innocent individuals are protected.

At the same time, it is crucial to address the underlying social and cultural factors that contribute to the oppression of women and promote gender equality. This can include efforts to challenge harmful traditional practices and stereotypes, promote education and economic opportunities for women, and create a supportive legal and social environment that values and respects women's rights.

It is true that the misuse of women-centric laws can lead to negative consequences for innocent



families and individuals, and this is a concern that needs to be addressed. However, it is important to recognize that the solution to this problem is not to create laws specifically for the protection of men, as this would only further deepen gender inequalities and undermine the progress made towards gender equality and women's rights<sup>1</sup>.

Instead, the focus should be on ensuring that existing laws are not being misused and that those who abuse these laws are held accountable. This can be achieved through improved implementation and enforcement of the laws, as well as through public education and awareness campaigns to help people understand the proper use of these laws and discourage misuse.

It is also important to provide support and resources to men who may be experiencing discrimination or abuse, as well as to challenge harmful stereotypes and promote gender equality in all aspects of society. This can include efforts to promote men's participation in caregiving and household responsibilities, as well as initiatives to address toxic masculinity and promote healthy and respectful relationships between men and women.

The field of criminal justice has historically focused on male perpetrators, neglecting the examination of crimes committed by women. However, it is essential to acknowledge that women can also be involved in criminal activities, and understanding their motives, patterns, and impact on society is crucial for a comprehensive understanding of the criminal justice system. This article explores the topic of crimes committed by women, highlighting instances where the law has been abused in the current scenario.

## **2. CONTEXUALISING WOMEN'S CRIMINALITY-**

While the overall crime rate is higher among men, women's involvement in criminal behavior should not be overlooked. Social and economic changes in recent decades have resulted in increased opportunities for women to participate in various spheres of life, including criminal activities. As women's roles and positions have evolved, so have their engagement and participation in unlawful actions.

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<sup>1</sup> Laws to protect women being misused: court, <http://www.thehindu.com>, February 05, 2016

## 2.1 Types of Crimes Committed by Women

Women engage in a wide range of criminal activities, although they are often more prevalent in certain areas. Some of the crimes commonly committed by women include:

- 1. Financial Fraud:** Women have been involved in various financial crimes, including embezzlement, identity theft, and money laundering. Their ability to gain trust and operate discreetly in positions of authority can facilitate these activities.
- 2. Drug Offenses:** Women have also been implicated in drug-related offenses such as trafficking, possession, and distribution. Their involvement may range from low-level roles to high-ranking positions within criminal organizations.
- 3. Domestic Violence:** While men are predominantly associated with domestic violence, women can also engage in abusive behavior within intimate relationships. This includes physical, emotional, and psychological abuse towards their partners or children.
- 4. Cybercrimes:** With the increasing reliance on technology, women have also ventured into cybercrimes. This includes online scams, hacking, and identity theft, among others.
- 5. White-Collar Crimes:** Women have been involved in various white-collar crimes, including bribery, corruption, and corporate fraud. Their involvement in these offenses can be attributed to their increasing presence in professional and managerial roles.

## 3. LEGAL PROVISIONS FOR PROTECTION OF WOMEN AND ITS MISUSE-

In recent years, societies worldwide have made significant strides in recognizing the need to protect and empower women. Governments and legal systems have responded by enacting legislation specifically aimed at safeguarding women's rights, addressing gender-based violence, and promoting gender equality. These legal provisions play a vital role in ensuring a safe and inclusive society for women. However, it is essential to acknowledge that, in some instances, these laws can be misused, leading to unintended consequences and challenges. Due to ever increasing evil of dowry deaths in the country the need was felt for inserting the stringent provisions in substantive and procedural criminal law which tend to deal effectively with sordid incidents of mental cruelty on helpless wives.

In 1983 certain amendments were made in Indian Penal Code, Code of Criminal Procedure and Indian Evidence Act on the recommendations of the 91st law commission<sup>2</sup>.

### 3.1 SECTION 498 OF INDIAN PENAL CODE, 1860-

Section 498A of the Indian Penal Code was enacted to protect married women from cruelty and harassment by their husbands or their relatives. However, over the years, there have been instances where this provision has been misused. Many cases have been reported where false allegations of cruelty and harassment have been made against husbands and their relatives for personal gain, revenge or to settle scores.

The misuse of Section 498A has been a subject of debate and concern in India. There have been instances where innocent individuals have been wrongly implicated, leading to their arrest, detention, and harassment. Some experts have also argued that the provision has been misused to extort money from husbands and their families.

The misuse of Section 498A has also been acknowledged by the judiciary. The Supreme Court of India, in several of its judgments, has acknowledged the misuse of the provision and has emphasized the need for preventive measures to ensure that innocent individuals are not implicated.

In recent years, the government and the judiciary have taken several steps to address the issue of the misuse of Section 498A. The courts have stressed the importance of conducting a thorough investigation before making an arrest and have also recommended counseling and mediation to resolve disputes between the parties. The government has also proposed amendments to the law to prevent its misuse and ensure that justice is delivered to the genuine victims.

In *Sushil Kumar vs. Union of India*<sup>3</sup> has upheld its constitutional validity, holding that possibility of misuse or abuse of a statutory provision of Law, which is otherwise valid, can't render it invalid.

In *Vinita Saxena vs. Pankaj Pandit*<sup>4</sup> It was held by the Apex Court that cruelty depends upon the type

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<sup>2</sup> 91st Law Commission Report, 10th August, 1983.

<sup>3</sup> AIR 2005 SC 3100

<sup>4</sup> AIR 2006 SC 1662.

of the life the parties are accustomed to or their economic and social conditions and human values. There are no parameters by which cruelty by wife against her husband and his relatives, can be measured. Wives are continuously taking advantage of this stringent provision under which husband or his relatives can be punished upto three years of punishment and fine.

In the case of *Anu Gill vs. State & Anr.*<sup>5</sup> the Delhi High Court referred to a previous judgment made by a judge in the Punjab and Haryana High Court. The judge had noted that it had become a common practice for complainants in cases of marital discord to implicate almost all of their in-laws' family members in the police report. This was often done either as an act of revenge or to negotiate a favourable settlement. The judge had strongly criticized this trend and emphasized that it should be discouraged.

### **3.2 DOWRY PROHIBITION ACT –**

Dowry Prohibition Act, 1961 is a law in India that prohibits the giving or receiving of dowry in any form. The Act was enacted to prevent the practice of dowry, which has been a longstanding problem in Indian society. Dowry refers to the transfer of property, money or other valuables from the bride's family to the groom's family at the time of marriage. Despite the existence of the Act for over six decades, the practice of dowry still persists in many parts of India.

One of the criticisms of the Act is that it is difficult to enforce. The Act relies on the willingness of the bride's family to report any demands for dowry, and the willingness of the police to take action against the offender. In many cases, the bride's family may not report demands for dowry, either out of fear of social stigma or because they may not be aware of their rights under the law. Even if a complaint is filed, it may take years for the case to be resolved, leading to frustration and disillusionment with the legal system.

Another issue with the Dowry Prohibition Act is that it has been misused by some women to falsely implicate their husbands and their families in dowry harassment cases. In many cases, these false allegations are made to extract money or other benefits from the husband's family. This misuse of the law has led to an increase in the number of false dowry harassment cases, which in turn has made it

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<sup>5</sup> 2001 (2) JCC (Delhi) 86

difficult for genuine cases to be taken seriously.

The misuse of the Dowry Prohibition Act has become a major concern for many families in India, particularly those with sons. In many cases, the mere threat of a false dowry harassment case is enough to force the husband's family to comply with the demands of the wife and her family. This has led to a situation where the husband's family is often seen as guilty until proven innocent, and where they have to go through a long and arduous legal battle to clear their name.

There have been several cases where the Dowry Prohibition Act has been misused by women to falsely implicate their husbands and their families. In some cases, women have filed dowry harassment cases even when they have not been subjected to any form of harassment. In other cases, women have exaggerated or fabricated incidents of harassment in order to strengthen their case. The misuse of the law has led to a situation where many innocent men and their families have been wrongly accused and punished.

The misuse of the Dowry Prohibition Act has also led to a growing distrust of women among some sections of society. Men are increasingly wary of entering into marriage, fearing that they may become victims of false dowry harassment cases. This has led to a situation where women are seen as untrustworthy, and where the gender divide has become even more pronounced.

The Dowry Prohibition Act needs to be reformed to prevent its misuse. One solution is to provide for harsher penalties for those who file false dowry harassment cases. This will act as a deterrent and discourage women from misusing the law for personal gain. Another solution is to create awareness among the public about the provisions of the Dowry Prohibition Act and the consequences of misusing it. This will empower women to fight against genuine cases of dowry harassment, while discouraging them from making false allegations. Despite the existence of the law, the practice of dowry has continued in many parts of India, especially in rural areas.

The Dowry Prohibition Act of 1961 was initially created with stringent provisions, but recent amendments and rules created by State governments have weakened its impact. It is unclear whether the Act was weakened due to the injustice caused by its stringent provisions, or if the cases filed under the Act led to a reconsideration of its provisions. The original purpose of the Act was to prohibit



the practice of giving and taking dowry, but a Bill introduced to amend the Act in 1984 acknowledged that the issue of dowry had become an increasingly concerning problem. The Act of 1984 made some amendments, but women's voluntary organizations felt that they were still insufficient. Therefore, the Amendment Act of 1986 made further changes to the 1961 Act, making it even more stringent. The 1986 Act introduced new sections 8-A and 8-B, which placed the burden of proof on the person charged with not committing the offense of giving or taking dowry or demanding dowry.<sup>6</sup>

In the case of *Balram Kumawat vs. Union of India*<sup>7</sup>, the Supreme Court ruled that a conviction cannot be based solely on presumptions and that the offense must be proven beyond reasonable doubt. The introduction of amendments and Section 498-A of the Indian Penal Code (IPC) was made with the assumption that only genuinely aggrieved women would lodge complaints and that they would tell the truth. However, some victims of false cases have formed associations to express concern over the arrest of accused husbands, their family members, and even remote relatives without proper investigation. There have been cases where the wife and her relatives have exploited the system for financial gain, which has led to suicides by many men.

### **3.3 Protection of Women from Domestic Violence Act 2005-**

Several laws have been enacted in India to protect women, who are considered the weaker sex, from cruelty and abuse. These laws include Section 498A of the Indian Penal Code, Section 113-A of the Evidence Act, Section 125 of the Code of Criminal Procedure, the Dowry Prohibition Act, and various provisions in the Indian Penal Code. The latest addition to these laws is the Protection of Women from Domestic Violence Act 2005, which was enacted in accordance with international accords and conventions adopted by the United Nations to protect women.

While the intention of these laws is to protect women from cruelty and torture, it has led to a situation where all protective legislation is seen as being enacted solely for the benefit and protection of women. As a result, male persons, and especially male spouses, have been left at the mercy of women who may misuse these laws to suit their own objectives. It should be noted, however, that this is not a blanket statement and such situations occur only from time to time<sup>8</sup>.

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<sup>6</sup> The Hindu, 14th December 2004.

<sup>7</sup> AIR 1996 SC 2184

<sup>8</sup> Taranga Pandit, "Domestic Violence/Cruelty to male and need for Legislation" Vol: 117, Cri. LJ,

Since India gained independence, significant progress has been made in various aspects of society, such as social, economic, cultural, and education. Moreover, advancements in science have propelled us forward. The women of the past are increasingly educated, informed, and self-sufficient, with the exception of some rural areas where there are still some issues. Women are benefiting from the overall advancements and upliftment's. Education has played a significant role in empowering women and allowing them to be self-sufficient. However, it has also created some challenges in terms of matrimonial rights between male and female partners. Women are now using legal provisions to cause distress and harassment to their male partners and their families over minor issues.<sup>9</sup>

The Protection of Women from Domestic Violence Act, 2005 is an important legislation aimed at safeguarding women from domestic violence. One of the key features of this act is that the term "aggrieved party" is always defined as "any woman." This means that any woman who has experienced any form of violence or abuse at the hands of her partner or family members can seek protection under this act. The act recognizes that domestic violence is a gender-specific issue that primarily affects women and provides them with legal recourse to protect themselves and their rights. This provision in the act has been instrumental in providing women with a means to seek justice and protection against domestic violence. It also sends a strong message that society will not tolerate any form of violence against women and will take all necessary measures.

The statement implies that the definition of "aggrieved party" under the relevant Act applies solely to women. The Act's preamble itself advocates for the "rights of women." Furthermore, the rules provide that protection officers and counselors should preferably be women. The definition of "respondent" under the Act pertains only to "adult male persons," meaning that a complaint cannot be lodged against a female. The speaker questions the fairness of this arrangement and whether it is discriminatory. The speaker also questions why there are no laws to protect husbands and asserts that the Act and its rules appear to be completely one-sided.

The statement raises a critical issue concerning the Protection of Women from Domestic Violence Act and its provisions, which pertain solely to women. While the act's objective is to protect women from domestic violence, some argue that it is discriminatory against men. They argue that the act fails

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<sup>9</sup> Ibid

to provide any provisions for men who may also be victims of domestic violence. Furthermore, the Act's definition of "aggrieved party" applies solely to women, which some may view as a one-sided approach.

However, it is important to note that the Protection of Women from Domestic Violence Act, 2005, is a gender-specific legislation aimed at addressing the prevalent issue of domestic violence against women. The Act recognizes that women are more vulnerable to domestic violence due to their social, economic, and cultural status. It aims to provide women with legal protection and recourse against domestic violence, which is a fundamental right under the Constitution.

Regarding the issue of discrimination, it is important to note that the Act does not discriminate against men. While the definition of "aggrieved party" applies only to women, men who experience domestic violence can still seek protection under other laws, such as the Indian Penal Code or the Criminal Procedure Code. Moreover, the Act provides for the protection of female family members, including mothers, sisters, and daughters, who may also be victims of domestic violence.

Section 32(2) of the Protection of Women from Domestic Violence Act, 2005, provides that the court may take cognizance of an offense under the Act solely based on the testimony of the aggrieved person. The provision has been included in the Act to provide speedy justice to women who are victims of domestic violence. However, some critics argue that this provision can be misused by women to make false accusations against their husbands or in-laws.

However, it is important to note that the provision in question is not absolute and is subject to the scrutiny of the court. The court must examine the testimony of the aggrieved person and evaluate its veracity before coming to a conclusion. Furthermore, the accused person has the right to present their version of events and defend themselves against the accusations made by the aggrieved party.

Additionally, the Act provides for the punishment of false accusations made by women against their husbands or in-laws. Section 26 of the Act provides that any person who makes a false complaint or gives false evidence under the Act shall be punished with imprisonment for a term which may extend to three years and a fine.

This provision creates a loophole for women to harass innocent men and turn the tables on their former partners. Even a woman who has betrayed her partner cannot be thrown out of the house, as she can easily threaten to bring false charges of domestic violence against her husband or in-laws. The act specifically mentions that in the absence of any other evidence, the sole testimony of the woman shall be relied upon by the magistrate in deciding the existence and extent of violence. This provision almost gives legal sanction to relationships that are not socially acceptable, such as live-in relationships.

In the present day society, where male domination is fast losing its ground, women are becoming more empowered and can also be perpetrators of cruelty. It is a well-established fact that men can be subjected to mental, emotional, and psychological abuse by women. The judicial system has recognized this fact and has held that women can be held accountable for cruelty and harassment just as men can be.

It is important to note that the definition of cruelty as pronounced by the courts is not limited to just physical violence. In fact, the courts have recognized that mental cruelty can be just as damaging as physical cruelty, and in some cases, it can be even more harmful. Mental torture or emotional abuse can leave deep psychological scars on a person, and it is no less cruel or abusive than physical violence.

Therefore, it is important to acknowledge that men are not immune to cruelty and harassment, and women can be just as responsible for it as men. The judicial system has recognized this fact and has provided provisions for men to seek protection under the law in cases of domestic violence and cruelty. It is the responsibility of the courts to ensure that justice is served, irrespective of the gender of the victim or the perpetrator. The concept of gender neutrality is crucial in ensuring that justice is served fairly and without discrimination.

This legislation is supposedly meant to provide protection, but in reality, it undermines the very institution of marriage by promoting intolerance and encouraging unnecessary litigation even for minor domestic disputes.

The law is completely gender-specific and discriminates against men. It gives women sweeping legal

powers without imposing any liability, while men are burdened with discriminatory liabilities and denied their rights. This is a clear case of legal discrimination based on gender, and it needs to be rectified.<sup>10</sup>

## 4. CONCLUSION-

Legal provisions for the protection of women have played a crucial role in addressing gender-based violence, promoting gender equality, and ensuring a safe environment for women. These laws have provided avenues for justice, support, and empowerment. However, it is important to acknowledge that misuse of these legal provisions can occur, leading to unintended consequences and challenges.

Instances of false accusations, manipulation of laws, and exploitation of gender biases can undermine the credibility of the legal system and cause harm to innocent individuals. To address this issue, it is essential to maintain a balanced approach that upholds the principles of justice, fairness, and due process for all parties involved.

Efforts should be made to raise awareness and educate individuals about the potential consequences of misusing legal provisions. This includes promoting an understanding of the importance of accurate reporting, fair investigations, and the presumption of innocence. Providing legal aid and support to both victims and accused individuals can ensure that justice is served and that the rights of all parties are protected.

Safeguarding the integrity of legal provisions for the protection of women requires a comprehensive approach that balances the need for justice with measures to prevent misuse. By addressing these challenges and striving for a fair and equitable legal system, we can continue to progress towards a society that truly values and safeguards the rights and well-being of all individuals, regardless of gender.

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<sup>10</sup> 50 Dr Avinash kumar, "Private violence, Public wrong & human reconceptualizing domestic violence in India, Cri, LJ, Vol:116, p.278,