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CRITICALLY EXAMINING THE MISUSE OF LAWS BY WOMEN FOR THE NEED OF FAIR LEGAL SYSTEM

AUTHORED BY: ARUSHI GOEL & DR. EKTA GUPTA

Abstract

India was a male-dominated country for decades, which led to the establishment of new Laws to protect women from society. Husbands used to mistreat their wives, and the women were restricted to just the kitchen or household work. They were not allowed to work or study much, and they were married off at an early age. So, to battle with the male-dominated society or to uplift women in society, many laws were created. For instance, The Domestic Violence Act, 2005, was enacted to protect women from violence such as verbal, sexual, emotional, and physical. The Dowry Prohibition Act, 1961 was enacted which banned the giving or taking of dowry. Section 498-A was also added to the Indian Penal Code, 1860 which gives protection to married women from cruelty by their husbands or their relatives for dowry or any unlawful demand. There were many more sections which were created like sections 354, 354-A, 354-B, 375, etc. for the benefit of women and to provide them justice and peace.

But today, we are witnessing that women are misusing these laws and their rights for their own benefit or to harass husbands and their families.

In this exploration, we are going to talk about the laws that were exploited by the women for their benefit. This paper will also highlight:

- A. How male and their families get affected by these false allegations or accusations?
- B. What kind of changes should be made in the laws so that false accusations can be eliminated?

Keywords: Gender Dynamics, Male-Dominated, Legal Protection, Women's Rights, Law Misuse

Introduction

It is essential to acknowledge that discussions surrounding the misuse of laws by women must navigate a delicate balance, avoiding the perpetuation of harmful stereotypes or undermining legitimate struggles for gender equality and justice. This study seeks to approach the topic with sensitivity and nuance, recognizing the complexities inherent in gender dynamics within the legal system.

The significance of examining this issue lies in its profound impact on individuals, families, and society as a whole. False accusations and malicious legal actions can have devastating consequences, including reputational damage, financial loss, and psychological trauma. Moreover, such misconduct undermines the integrity and effectiveness of the legal system, eroding public trust and confidence in the pursuit of justice.

By critically examining the misuse of laws by women, this study aims to shed light on its underlying causes, societal implications, and potential avenues for prevention and redress. Through a comprehensive analysis of existing The legal system is a cornerstone of any society, intended to ensure justice, fairness, and protection for all individuals. However, in recent times, there has been growing concern and debate surrounding the misuse of laws by women.

The misuse of laws by women refers to instances where legal provisions are exploited for personal gain, often resulting in unjust consequences for others. This phenomenon encompasses various forms of misconduct, including false accusations, manipulation of legal processes, and abuse of protective laws. While the misuse of laws by any individual is a cause for concern, the focus on women in this study is particularly pertinent due to the broader societal dynamics and gender-related literature, empirical data, and legal frameworks, it seeks to contribute to a deeper understanding of the complexities surrounding this issue and stimulate informed discourse on the need for a fair and equitable legal system.

In conclusion, the examination of the misuse of laws by women represents a critical endeavor in the quest for a fair legal system. By interrogating this issue with rigor and sensitivity, this study endeavors to contribute to ongoing discussions on gender equality, justice, and legal reform, ultimately striving towards a society where the principles of fairness, equity, and integrity are upheld for all individuals, regardless of gender.

Some laws that provide preferential treatment to women

Women are always considered weak as compared to men in our society, so various women-centric laws are implemented to protect them. But today laws that were enacted for the empowerment or benefit of women are now used by them for their own advantage interfering with the rights of men.

Now let's look at the laws which give women the edge over men:

Section 498-A: it says that whoever, being the husband or the relative of the husband of a woman subjecting such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.¹

Now as we can see this section only talks about women subjected to cruelty by their husbands and their relatives but nowhere mentions cruelty towards men. This is the most misused section of the Indian penal code, 1860 by women. When women complaints against the husband or his relative under this section immediate action is taken by the police sometimes without hearing the side of the husband and his relatives. There are many false cases of domestic violence are being lodged and many people put behind bars. Families have to face humiliation in society and many commit suicide because of these false allegations.

Section 375: this section of IPC talks about rape. Whenever we talk about rape everyone thinks that only a man can commit rape. The language of this section is also women-centric which says that “a man is said to commit rape who has sexual intercourse with a woman against her will or without her consent”. This section does not give any protection to man against sexual intercourse without his will. This is true that in most cases, only women are victims but that does not mean that a man cannot be the victims of forced sexual intercourse.

According to the Centers for Disease Control and Prevention over half of women and one in three men have experienced sexual violence involving physical contact during their lifetimes.² One in women and about 1 in 26 men have experienced completed or attempted rape.³

According to the report of the Delhi Commission of Women, it says that between April 2013 and July 2014, of the 2753 complaints of rape, only 1287 cases were found to be true, and the

¹ Indian Penal Code 1860, s 498A

² 'Fast facts' (*Centers for Disease Control and Prevention*)

<<https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html>> accessed 27 August 2023

³ ibid



remaining 1,464 cases were found to be false.⁴ Many women file false cases to harass men, and the most common reason for this is to take revenge.

Section 304-B: This section of IPC is also a women-centric or gender-biased section. It says that if a woman passes away within seven years of her marriage and her husband or in-laws were seeking dowry, then they will be held accountable for her death.⁵ But why we have not made any law that if a husband dies within seven years of his marriage and his wife is harassing or torturing him then the wife will be held accountable for his death? Why do only husbands or in-laws have to face such consequences? The law has to be equal for everyone whether it is men or women. Also, a proper inquiry should be conducted by the police in such cases rather than directly blaming the husband or in-laws.

The above-mentioned sections are the most misused sections which are used by the women for their own benefit or to take revenge on their partner. These sections are gender biased and only favor women and give them an undue advantage over men.

Other sections or laws

Sections 354, 354A, 354B, 354C, and 354D of IPC are the sections that are also misused by the women for their ulterior motives. Women file false cases of sexual harassment on men for taking revenge or to blackmail them for some reason like for taking possession of disputed property, to compel the person to withdraw his complaint, etc...

Dowry Prohibition Act, 1961 which aims to prohibit the giving and taking of dowry, custody, and maintenance laws like section 125 of CRPC, section 36 of the Special Marriage Act, 1954, etc., and the Domestic Violence Act, of 2005 which aims to protect women from physical, emotional, sexual, and economic abuse within their domestic environments are some of the acts which are also misused by the women.

Challenges in Addressing Law Misuse

Despite the existence of legal protections and mechanisms, addressing law misuse remains a significant challenge due to various factors. One challenge is the underreporting and lack of awareness of legal misconduct, particularly in cases involving intimate partner violence,

⁴ '53.2 per cent rape cases filed between April 2013-July 2014 false, says DCW' (*India Today*, 29 Dec 2014) <<https://www.indiatoday.in/india/north/story/false-rape-cases-in-delhi-delhi-commission-of-women-233222-2014-12-29>> accessed 28 August 2023

⁵ Indian Penal Code 1860, s 304B

coercion, or manipulation. Survivors may hesitate to come forward due to fear of retaliation, stigma, or disbelief, while perpetrators may exploit power imbalances and institutional barriers to evade accountability.

Furthermore, systemic biases and inequalities within legal systems can hinder efforts to address law misuse effectively. Gender, race, class, and other identity factors can influence legal decision-making processes, leading to disparities in treatment and outcomes for individuals within legal contexts. Additionally, limited resources, capacity constraints, and inadequate training for legal professionals may impede efforts to respond effectively to instances of law misuse and provide support for survivors.

Addressing law misuse presents numerous challenges, stemming from various factors that complicate efforts to ensure accountability and fairness within legal systems. One significant challenge is the underreporting and lack of awareness surrounding instances of law misuse. Survivors of legal misconduct may hesitate to come forward due to fear of retaliation, stigma, or disbelief, while perpetrators may exploit power imbalances and institutional barriers to evade accountability. This underreporting perpetuates a cycle of impunity, allowing perpetrators to continue their misconduct without consequences and further eroding trust in legal systems.

Moreover, systemic biases and inequalities within legal systems can hinder efforts to address law misuse effectively. Gender, race, class, and other identity factors can influence legal decision-making processes, leading to disparities in treatment and outcomes for individuals within legal contexts. Discriminatory attitudes and practices may result in victim-blaming, minimized credibility for certain groups, or unequal access to legal remedies and support services.

Furthermore, the complexity and ambiguity of legal processes and procedures can pose significant challenges for survivors of law misuse, particularly those navigating legal systems without adequate support or resources. Legal proceedings may be intimidating, time-consuming, and costly, deterring individuals from seeking redress for legal wrongs. Additionally, the adversarial nature of legal systems can exacerbate power imbalances and retraumatize survivors, further hindering their ability to access justice.

Additionally, limited resources, capacity constraints, and inadequate training for legal professionals may impede efforts to respond effectively to instances of law misuse and provide support for survivors. Legal systems may lack specialized expertise or protocols for addressing specific forms of legal misconduct, such as coercive control, gaslighting, or manipulation of legal processes. This can result in inadequate responses or dismissive treatment of survivors, further undermining their trust in legal institutions.

Furthermore, legal frameworks and responses to law misuse may fail to adequately address the root causes of legal misconduct, including underlying power dynamics, social norms, and institutional practices. Legal reforms focused solely on punitive measures or procedural changes may overlook the broader systemic inequalities and injustices that contribute to law misuse. Addressing these challenges requires holistic approaches that encompass prevention, intervention, and systemic change within legal systems and society at large.

Moreover, the intersectionality of identities and experiences further complicates efforts to address law misuse effectively. Women from marginalized or disadvantaged backgrounds may face intersecting forms of discrimination and oppression, compounding the challenges they encounter within legal contexts. Legal responses to law misuse must consider the diverse needs and experiences of survivors, including those from marginalized communities, and ensure that support services and remedies are accessible and culturally responsive.

Additionally, societal attitudes and norms surrounding gender, power, and authority play a significant role in shaping responses to law misuse. Patriarchal attitudes may minimize or dismiss women's experiences of legal misconduct, perpetuating myths and stereotypes that blame victims and excuse perpetrators. Challenging these attitudes and promoting cultural shifts towards greater accountability and respect for survivors' voices are essential for creating environments where law misuse is taken seriously and survivors are supported in seeking justice and healing.

In conclusion, addressing law misuse requires comprehensive and multifaceted approaches that address systemic inequalities, empower survivors, and promote accountability within legal systems and society. By acknowledging the complexities and challenges inherent in addressing law misuse, societies can work towards creating more just, equitable, and responsive legal frameworks that uphold the rights and dignity of all individuals, regardless of their experiences of legal misconduct.

Furthermore, addressing law misuse requires a multifaceted approach that involves collaboration among various stakeholders, including legal professionals, policymakers, community organizations, and survivors themselves. By working together, these stakeholders can develop comprehensive strategies that address the underlying factors contributing to law misuse and promote accountability and justice for survivors.

One crucial aspect of addressing law misuse is improving access to legal remedies and support services for survivors. This includes ensuring that survivors have access to legal aid services, counseling, advocacy, and other forms of support to help them navigate legal processes and seek redress for legal wrongs. Legal aid programs can provide crucial assistance to survivors who may otherwise be unable to afford legal representation, ensuring that they have equal access to justice regardless of their financial resources.

Moreover, training and capacity-building initiatives for legal professionals are essential for enhancing responses to law misuse. Legal professionals, including judges, lawyers, and law enforcement officials, need training on recognizing and responding to instances of law misuse, including understanding the dynamics of coercion, manipulation, and psychological abuse. Training programs can also raise awareness of the intersectional nature of law misuse and the importance of adopting survivor-centered approaches that prioritize safety, autonomy, and empowerment.

Additionally, strengthening accountability mechanisms within legal systems is critical for addressing law misuse and holding perpetrators accountable for their actions. This includes improving mechanisms for reporting and investigating allegations of legal misconduct, ensuring that disciplinary processes are transparent and effective, and imposing meaningful sanctions on perpetrators when misconduct is substantiated. Accountability measures send a clear message that law misuse will not be tolerated and help to restore trust and confidence in legal institutions.

Furthermore, promoting prevention and education efforts is essential for addressing the root causes of law misuse and changing societal attitudes and norms surrounding gender, power, and authority. Prevention programs can promote healthy relationships, consent, and respect for boundaries, helping to prevent instances of law misuse before they occur. Education initiatives can also challenge myths and stereotypes surrounding law misuse, raise awareness of survivors' rights, and encourage bystander intervention to support those at risk.

Moreover, fostering collaboration and coordination among different sectors, including legal, healthcare, social services, and education, is essential for providing comprehensive support to survivors and addressing the complex needs associated with law misuse. Interdisciplinary approaches that involve collaboration among professionals from diverse fields can help to identify and address the intersecting factors contributing to law misuse and ensure that survivors receive holistic and coordinated support.

In conclusion, addressing law misuse requires a multifaceted and collaborative approach that involves improving access to legal remedies and support services, enhancing training and capacity-building for legal professionals, strengthening accountability mechanisms, promoting prevention and education efforts, and fostering collaboration among different sectors. By working together to address the root causes of law misuse and promote accountability and justice for survivors, societies can create safer and more equitable communities for all individuals.

CASES

In **Sejalben Tejasbhai v state of Gujrat**⁶, the petitioner (wife) stated that she had no source of income and only did household work while her income was 40,000 per month from business which she did not reveal and hence committed perjury. The court stated that the laws which are in Favor of women are often misused by them by suppressing the material aspect. The court dismissed the case.

In **Rajesh Sharna & Ors v state of UP**⁷, the petitioners argued that section 498A of the Indian penal code is misused by women to harass their husbands and in-laws. They also argued that women filed false cases under section 498A and that police make an arrest without proper investigation. In this case, the court issued guidelines to prevent such misuse and to set up family welfare committees in every district to review complaints of dowry harassment before any arrests were made.⁸

⁶ *Sejalben Tejasbhai Chovatiya v state of Gujrat* 2017(3)RCR(criminal)477

⁷ *Rajesh Sharna & Ors v state of UP* (2017) 3 SCC 821

⁸ 'Rajesh Sharma v. State of U.P.' (*Legal Vidhiya*, 7 May 2023) < <https://legalvidhiya.com/rajesh-sharma-v-state-of-u-p/> > accessed 29 August 2023

In **Rajan v State of Madhya Pradesh**⁹, The Madhya Pradesh high court also recently commented on the misuse of section 498A (cruelty to women) of IPC, noting the current trend, it is evident that the wife is submitting a package of five cases against the husband and his relative in various courts.

In Vishaka v. State of Rajasthan: In this case, the Supreme Court of India laid down guidelines to prevent sexual harassment of women in the workplace. The court held that sexual harassment violated the fundamental rights of women under Articles 14, 15, and 21 of the Indian Constitution. The Vishaka Guidelines established a framework for employers to address and prevent sexual harassment at work.¹⁰

In State of Maharashtra v. Madhukar Narayan: This case dealt with the offense of perjury under Section 191 of the Indian Penal Code (IPC). The Supreme Court emphasized the importance of truthfulness in judicial proceedings and held that making false statements under oath constitutes perjury, punishable under the law.¹¹

Conclusion

In conclusion, we can state that laws designed to ensure women's safety are now being manipulated by some for their own personal motives. The misuse of laws has led to men facing undeserved suffering and profound injustices. There should be no place for discrimination in the legal framework, and everyone should be treated with equal importance. The principle that a person is innocent until proven guilty should also be upheld in these cases, because in most instances, society or the court tends to support women, often without hearing a man's side. It is imperative for either the courts or lawmakers to find a solution, whether through legal precedents or amendments to existing laws, in order to establish a balance between women's rights and the prevention of misuse of these laws.

Key strategies and suggestions for addressing law misuse include-

⁹ *Rajan and Anr v State of Madhya Pradesh and Anr* (Crl) 35596/2018

¹⁰ *Vishaka v. State of Rajasthan* (1997) 6 SCC 241

¹¹ *State of Maharashtra v. Madhukar Narayan* (1991) 1 SCC 57

1. **Prevention through Education:** Implement comprehensive education and awareness programs to promote understanding of legal rights and responsibilities, challenge harmful attitudes and stereotypes, and foster respectful and equitable relationships.
2. **Enhanced Legal Protections:** Strengthen legal frameworks and mechanisms to provide greater protection for survivors of law misuse, including robust enforcement of existing laws, enactment of new legislation where necessary, and development of specialized support services.
3. **Accountability and Justice:** Ensure accountability for perpetrators of law misuse through fair and transparent legal processes, effective investigation and prosecution of offenses, and appropriate sanctions for misconduct.
4. **Support for Survivors:** Expand access to support services for survivors of law misuse, including counseling, legal aid, emergency accommodation, and other forms of assistance to help survivors navigate legal processes and rebuild their lives.
5. **Capacity Building and Training:** Provide training and capacity-building initiatives for legal professionals, law enforcement officials, and other relevant stakeholders to improve responses to law misuse, including recognition of signs and dynamics of abuse, trauma-informed approaches, and survivor-centered advocacy.
6. **Community Engagement and Collaboration:** Foster collaboration and partnership among diverse sectors, including legal, healthcare, social services, and education, to address law misuse holistically and ensure coordinated responses that meet the needs of survivors and promote prevention and accountability.
7. **Research and Data Collection:** Conduct research and data collection initiatives to better understand the prevalence, impact, and effectiveness of interventions related to law misuse, and use evidence-based approaches to inform policy and practice.

By implementing these suggestions and strategies, societies can work towards creating legal systems that are fair, equitable, and responsive to the needs of all individuals, while also promoting accountability, justice, and respect for human rights.