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HOW MISUSE OF GENDER LAWS CAN REINFORCE GENDER BIAS AND IRREGULARITY IN SOCIETY.

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Introduction.

In India, women have come a long way in achieving their rights and gaining equal opportunities. In antiquity, during the 19th century, women had no basic rights, education and equality were denied to women. Early marriage, no equal rights like men, no education, was the unsaid fate of a woman in India.

With changing times, the situation changed; the founding fathers of the Constitution ensured the right to equality, the right to education, the right to equal opportunities, and basic human rights, along with many rights to maintain a just society. The Constitution of India ensured equality and no discrimination. The penal laws and other provisions ensured women's safety and accountability for crimes related to women.

The laws that provide women with safety are specifically made for this purpose, the women-centric laws in India are more than just legislative texts.-they represent the collective aspirations, struggles, and victories of millions of women seeking dignity and justice in a challenging social landscape.

These laws were introduced so that they can help a women and act as a shield against the violence a woman has to face in our society. These legal tools not only seek protection but also rebuild her life with dignity.

For instance, a woman facing a violent behaviour at her In-Laws after marriage has protection of women from Domestic Violence Act, 2005.

A working professional facing sexual harassment at her workplace is protected with the Sexual Harassment of Women at Workplace Act, 2013, which also empowers her to demand respect and equality.

These laws had offered a hope and recourse to many families for decades. But, now the changing pace of society, we have witnessed a drastic and unimaginable change towards the use of gender bias rules. The women today are seen misusing the laws. Misuse, refers to situation where legal provisions aimed at protecting women are now used for wrongful personal gain, resulting in harm to innocent individuals and an erosion of legal trust.

Some of the most frequently cited examples are- false dowry harassment cases, false sexual harassment cases etc. Misuse of gender centric laws has increased the greedy and insensitive nature of women.

These episodes of self-centered behaviour and moving to court for false cases has already destroyed many families -emotionally, mentally and financially. Men in these type of cases not only face financial instability but also mental harassment both from their own family and from the society as well. This tension pose a critical challenge to constitutional equality.

Numerous reports and documented cases where they have been misused- to settle personal issues extract money, to harass innocent individuals usually men and their families. Although these instances are not going unnoticed, court has acknowledged multiple times. the misuse of these laws although very ironic, the imbalance it has created.

This study will take note of all these emerging social evil but, also will focus on the constitutional instability which challenge the constitutional equality and will focus on the possible solutions .this study intends to contribute to foreseeable possibilities of combating the misuse of gender centric laws.

Misuse of various women centric laws

The Indian Constitution's fundamental values are justice, liberty, equality, and dignity. Building a welfare state that guarantees "equality before the law" and "equal protection of the laws" for all citizens requires these components. However, it is regrettable that gender-specific regulations passed under the pretence of advancing women's welfare still negatively impact males.

➤ Dowry prohibition Act 1961 and Section 65 of BNS

The original goal of the Dowry Prohibition Act, 1961 [4] was to safeguard married women's

rights and safety by giving them legal protection against abuse by their spouses and in-laws. The Bhartiya Nyaya Sanhita's Section 84 defines "cruelty" in more detail and aims to protect wives from abuse by their husbands or family members. In order to address the grave problem of dowry-related violence, including dowry fatalities, this clause was included. Nevertheless, it solely offers solutions to women and does not apply to husbands. Unfortunately, some women are increasingly abusing these provisions—not for self-defense, but rather as a means of retaliation, extortion, or causing pain to their spouses and in-laws.

Indian youth's worldview has been negatively impacted by the rise in bogus dowry accusations, which makes them fearful and discourages them from getting married. Legislation that provides equal protection for males against the abuse of dowry laws is desperately needed in the current social situation. When these legal protections are abused, their original purpose and legitimacy are compromised. These should take into account the experiences of males as well, rather than only being a practical solution for women, as cruelty in married households is no longer exclusive to women.

Domestic violence act 2005

The act was initially introduced to safeguard women who face cruelty and violence at their matrimonial homes or with their in-laws. Over time, some people have abused it as a weapon against their in-laws, which results in the filing of fictitious domestic abuse charges against their spouses and families. Such false accusations are frequently motivated by extramarital affairs or claims to the husband's belongings. While the law is essential for safeguarding women who actually endure cruelty and domestic abuse in their married homes, it is also critical to recognise the harm that may result from its abuse. Innocent males frequently experience reputational harm, which can lead to social exclusion, lost employment prospects, and even the inability to get married again or start over. In addition to undermining the law's objective, this abuse poses serious problems for males who have been falsely charged.

➤ **The sexual harassment of women at the workplace [Prohibition, Prevention and Redressal] at 2013**

Although it is vital to provide all necessary help to victims of sexual harassment, there have also been some cases of false allegations of rape being made. Such an allegation may ruin a person's life, career and reputation altogether. Some people have used these false allegations to sort out their personal scores through blackmail or for winning in legal proceedings. In the same manner, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act was brought into being to ensure safe working conditions for women. But then

there have been some cases where this Act has been misused by some women making baseless accusations against their employers or colleagues.

Not only do such false claims ruin reputations but they also destroy careers. The underlying reasons for taking such steps may range from personal animosity, financial gain, and even gaining an upper hand in a professional situation. While the issue of women's safety needs to be emphasized, such cases clearly bring out the fact that there is a certain weakness present among men when it comes to fighting back against false allegations. Using such laws can cause a lot of harm in terms of psychological damage, career damage, and life as a whole.

Court's acknowledgement

Indian courts have multiple times acknowledged and looked into the increasing cases of misuse of laws. It is not that other laws are not misused; the increasing instances of misuse will not only create a lack of trust in these laws, but it will be difficult for laws to provide safeguards to genuine and real victims.

Some of the recent caselaws are-

In Sushil Kumar Sharma v. Union of India (2005)- the Supreme Court affirmed the constitutionality of Section 498A IPC but notably referred to the manufacture of bogus dowry cases as "legal terrorism," emphasising that laws intended to serve as a safeguard shouldn't be used as a tool for intimidation. The Court acknowledged that the clause is increasingly being abused, but pointed out that this does not make a statute invalid. The Court acknowledged that Section 498A was designed to prevent dowry killings and other forms of abuse against women by spouses and in-laws. To prevent abuse and safeguard the innocent, it did, however, highlight the necessity of prudence on the part of investigative authorities and judges.

In Preeti Gupta & Anr. v. State of Jharkhand (2010) the Supreme Court observed a notable propensity to involve all of the husband's near relatives in marital conflicts and advised courts to exercise utmost caution while examining broad and inflated accusations.

Rajnish v. Neha (2020): Contradictory or concealed income claims were often the result of several overlapping maintenance claims in criminal, civil, and family courts. The ruling: By requiring both spouses to provide thorough asset and liabilities disclosure affidavits, the Supreme Court instituted a stringent overhaul of judicial procedures. Guesswork and income hiding during maintenance hearings were removed as a result.

Strategic legal and procedural actions

Achieving a highly balanced approach is essential to prevent the misuse of gender-centric laws in India while maintaining vital protections for genuine victims. The Indian Supreme Court has consistently emphasized the necessity of curbing legal exploitation. Achieving equitable justice requires a comprehensive strategy that encompasses structural, evidentiary, and procedural reforms.

A strict preliminary inquiry is required, mandating police verification before registering an FIR in matrimonial disputes to filter out vexatious complaints. Mediation forums mandated by law require that court-annexed mediation and alternative dispute resolution (ADR) avenues be utilized before criminal proceedings can escalate.

Enforce the provisions of the Bharatiya Nyaya Sanhita (BNS) with strict rigor to ensure that willful perjury and malicious prosecution are duly punished. Employ objective evidentiary standards by relying on digital footprints, forensic logs, and financial records instead of vague, uncorroborated oral allegations.

End Arbitrary Automated Arrests: Strictly enforce the *Arnesh Kumar v. State of Bihar* to prevent the immediate arrest of an entire extended family without solid prima facie evidence. Over time, revise the statutory language in relevant welfare statutes to encompass all vulnerable individuals, irrespective of gender. Accelerated processing.

Summary Set-Up Dismissals: Implement specific judicial filters to rapidly review and completely dismiss entirely baseless or retaliatory complaints at the earliest possible stage.

Develop Mental Health Frameworks: Establish legal aid units and crisis counseling services to support individuals experiencing mental distress as a result of unjust legal involvement.

Key procedural reforms in courtrooms:

Indian court procedure reforms have underscored the necessity of transforming the judiciary's role from that of a passive observer to an active investigator. By implementing rigorous verification protocols, courts can systematically dismantle fraudulent cases before they inflict severe personal and financial trauma on innocent individuals. In a prima facie evaluation, judges are required to hold a preliminary screening hearing prior to the formal framing of

criminal charges. Under the Bharatiya Nagarik Suraksha Sanhita (BNSS), courts possess the authority to dismiss frivolous complaints. A complaint exhibiting purely retaliatory or pecuniary motives may be dismissed immediately. In many instances, courts are dealing with "omnibus allegations" that name an entire extended family—including married sisters-in-law residing in other cities—in a single complaint. If the complaint lacks specific, localized allegations against distant relatives, pre-trial filters can immediately dismiss their names. Historically, courts have been hesitant to impose strict penalties for perjury and fabricated evidence, fearing that doing so might delay the main trial. Procedural reform mandates that the court promptly file a legal action against the responsible party once a document, digital message, or medical report is established as having been intentionally forged. Exemplary Costs for Retaliation: The imposition of severe, court-ordered fines to compensate the wrongfully accused party for their lost time and legal expenses.

Institutionalisation of Independent Panels Court

Institutionalisation of Independent Panels Court Instead of relying on biased, private expert testimony in custody disputes or cases involving claims of severe psychological abuse, courts should depend on impartial, state-certified psychologists. Parental Alienation Assessments: In modern family courts, staff are increasingly being trained to identify parental alienation, a tactic where one parent intentionally manipulates a child against the other. Early detection allows courts to render impartial decisions centered solely on the best interests of the child.

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