
THE INDIAN PERSPECTIVES ON MISUSE OF WOMEN LAWS

DR. NEHAL B. TRIVEDI¹

Abstract

Introduction

In the World there are many country has been a male dominated country, The India also has been a male dominant country for decades, which led to creating new women centric laws. The new laws provide protection to married women from cruelty and dowry harassment from her husband or any relatives of the husband. The IPC also benefits women against assault or criminal force and sexual harassment. Women centric laws as aforementioned are indispensable to protect the interests of women, there are instances where these laws have been misused by women for their own benefits. For this study followings are the objectives:

Objectives:

1. To study about which are the women Centric laws applicable in India
2. To study about how are women centric laws misused.

Discussion and Out Comes of the Study:

The laws discussed in this study were made in the years 1860, 1956, and 1983 - a time when women could not say much about anything. At that time, men were considered superior to women. That must have been the reason why all these laws were so important to women. This issue requires gender-based alternatives instead of same-sex benefits. Men and their families are being dragged to court without having to share in the evils committed by women who consider themselves to be illegal.

Conclusion:

Misuse of these rules is a violation of the law and the purpose of these laws. Changes to these rules may be brought by attorneys. Lawyers have the power to challenge a court case for failing to comply with gender-neutral laws. They have the opportunity to initiate change and prevent self-centered women from harming the cleanliness of the institution by neglecting the rules that should serve as a shield. Before making amendments, a solution to this issue must be created.

Keywords: Women, Rules, abuse, centric.

¹ Coordinator, P. G. Center of Social Work, Nandkunvarba Mahila College

Introduction

Incidents of violence against women continue to be reported daily in the press and in the media. When we think deeply about this, we are meeting our ideas for its origin. According to our history, India has been a male-dominated country for decades, leading to the creation of new laws focused on women. New laws, for example, the Domestic Violence Act, 2005 were enacted to protect women who have been traumatized mentally and physically and have been abused in Indian society for years. The Hindu Adoption and Maintenance Act, 1956 is another such act that has helped women to live well after divorce. Section 498-A of the Indian Penal Code, 1860 was introduced in 1983. This section provides protection for married women from cruel and inhumane treatment of her husband or any of her relatives. The laws mentioned above helped many women by giving them justice and peace. But sometimes in our area when we look at the media we find that not only women are being abused but men can also be exploited through laws to protect women.

Women-Related and Effective Laws:

For centuries the Indian patriarchal society has been a victim of oppression of women in their in-laws. Women are the victims of physical and mental abuse and cruelty. What is important is that people do not see that this cruelty is a crime under the Indian Penal Code. Domestic violence affects not only women but also their children. According to research Children are emotionally affected by domestic violence. Prior to 2005, women were free to go to court under section 498-A, I. The section above refers only to married women. Thus, the need for a Domestic Violence Act arose for the above reasons. The purpose of this law is to protect women, children from violent husbands and relatives. The Indian Penal Code was introduced in 1983. The purpose of this section is to protect women from the bodies of their husbands and relatives. According to Section 498-A, violence includes illicit sexual relations with women which may lead to suicide. This category includes the death of lobola. It also includes harassing, harassing, harassing a woman or her relative and forcing them to make an illegal husband's claim related to property or any other important thing.

Other Examples of Misuse of Laws:

If we look at the abuse of this law by women or their relatives in India now after the laws focusing on women to protect women,

1. Sejalben Tejasbhai Chovatiya vs. State of Gujarat (MANU / GJ / 3099/2016), the applicant (wife) did not state in fact that she was earning Rs. 40,000 per month from the business. He also said that he did all the housework / homework but never got any money in exchange. Because of the false evidence presented by the petitioner, he had sworn falsely. The court ruled that the laws that normally favor women were misused by giving false evidence and that for the above reasons, the court rejected the application.

2. Savitri Devi v Ramesh Chand & Ors (II (2003) DMC 328), the judge said, are women-centered laws designed to help women who are victims of domestic violence and other violence against women, but these rules. have been abused by dragging distant husband's relatives to trial, even young children and grandparents. The women opened a case against 10-15 people at a time. If the atrocity or the crime was committed only by the husband or in-laws or both, the case should be opened to those individuals only and not the whole family of the accused.

3. Kanaraj vs. State of Punjab (2000 CriLJ 2993), in which a judge stated that relatives of the husband would not be involved in the case unless the accusation was substantiated. If this cannot be proved the relatives of the husband cannot be prosecuted because of the husband's fault. The judge also said that in order to obtain justice for lobola death, the deceased's family usually included as many family members as possible. This action may affect the prosecutor and may weaken the criminal case against him.

4. Narayan Ganesh Dastane v. Sucheta Narayan Dastane (1975 AIR 1534), the defendant, namely, Susueta Narayan Dastane, the applicant's wife has been charged with harassing the plaintiff, her husband. The facts of the case prove that cruelty can be perpetrated only by a man and a woman. The wife may touch the man's mind.

5. Saritha v R. Ramachandran (I (2003) DMC 37 [DB]), the court stated historically that educated women seeking divorce also initiated cases against husbands (who had not abused women) under the age of 498. -A of the IPC, which is a completely reckless use of services designed to help women. The court also ruled that "this is nothing but misuse of beneficial terms intended to save women from immoral husbands".

6. Jasbir Kaur vs. State of Haryana ([1990] 2 Rec Cri R 243), the court stated that in reality, it does not appear that applicants could be convicted. This was because a different wife tried to sue as many family members as possible under Section 498-A of the IPC. Therefore, the court ruled that the prosecution of the applicants would be an abuse of justice.

7. Sushil Kumar Sharma v. Union of India et al. (JT 2005 (6) 266), the court stated, "By the misuse of the provision, a new legalized terrorism is being exposed. The donation was intended to be used as a shield and not as a killer weapon." From this speech, the honorable judge intended to say that these provisions are used to help and protect those who need them and not to be used for dirty and deceitful motives. The court also ruled that the court's job was to find the truth in the matter and not to take the allegations too seriously without considering the matter properly, the investigating unit said.

Some reasons of misuse of law

Considering the above examples and the beliefs prevalent in the society for men from the earliest times, it can be said that there is no abuse of law by women. But if we look at some of the reasons here, it seems to be a fact.

First of all, since the time of "**Manusmriti**", women have been adorned with "**ABALA**". Men are therefore entrusted with the responsibility of protecting them. One point is clear from this matter that if a woman is weak then why atrocities on her? Violence against women is not new. Women are victims of violence when they demand equality. But do all the women become victims of violence in this way? No. Who really uses these laws designed to protect vulnerable, disadvantaged women? A recent survey conducted in November 2021 asked women in tribal areas about being beaten by their husbands. She has no complaints against her husband. Social organizations and NGOs, FEMINISM activists find all this unfair. In fact, economically affluent and educated women abuse the law against men by resorting to this law to persuade them.

Secondly, the awareness that should be spread in your society by the government and institutions to use the laws and schemes in the true sense does not come. Thus laws enacted for the benefit of women are detrimental to society.

Thirdly, the role of women in instilling negative thoughts towards men in the society also plays an important role in this problem.

Need for change in laws with change in Society

After much discussion, what can be done about it now?

The laws discussed in this study were made in the years 1860, 1956, and 1983 a time when women had no say in anything. At that time, men were considered superior to women. That must have been the reason why all these laws were so important to women. But laws should always be flexible and in harmony with the evolving social environment. In today's world, women are often the target of bullying and inhuman treatment; as it has already been suspended. The laws should be amended according to the needs and current situation in India. In India, for example, homosexuality was relatively uncommon within the last 100 years. However, people are aware of this issue and change their view of sexuality. As a result, and accordingly, the Supreme Court of India ruled in favor of same-sex marriage and homosexuality in 2018. In the same way, the public and the legislature should be aware of the brutal crimes and abuses perpetrated against men (especially married. Men). We may have many amendments like these in the future and because over time, the way people think changes and with these changes, changes in the law become inevitable. If changes in the law did not happen, our social status and laws would not be in line. Laws and society must always be united. With the change of one, the transformation of the other becomes important.

Conclusion

The First Solution: Misuse of these laws is a violation of the law and the purpose of these laws. Changes to these rules may be brought by attorneys. Lawyers have the power to challenge a court case for failing to comply with gender-neutral laws. They have the opportunity to initiate change and prevent self-centered women from harming the cleanliness of the institution by neglecting the rules that should serve as a shield. Before making amendments, a solution to this issue must be created. The court must create binding guidelines for misuse. These guidelines should be followed by all attorneys before prosecuting a man and making sure that no abuse occurs. The solution is uneven and strong enough to stop the abuse, the only way to fix it. How would we react if this situation were not for women who did not have laws to support and protect them from domestic violence? If roles were postponed, the legislature would surely work to provide for the protection of women. Therefore, by understanding the current situation and considering the cases mentioned above, the public is looking forward to some of the most important amendments especially to Section 498-A of the Indian Penal Code.

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