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GENDER BIAS IN LAW ENFORCEMENT

INTRODUCTION:

What is Feminism if that doesn't recognise the equality and full humanity of women as well as men?

There's this saying that "men of quality respect women's equality" which stands to be the truth to some point that is non-debatable but Gender equality is not about women, and it is not about men- it is about making workplaces comfortable and provide the right kind of environment that is safe, secured and friendly for everyone. Together, we can fix work, not women.

The reason why I began my blog questioning about what Feminism actually is because I want to highlight what exactly is going on in the name of feminism in today's world and how today's feminists actually execute their propaganda. So, I'm here to share my opinion with the viewers on *The Misuse of Women Centric Laws India*.

Let's start by giving "Gender Biased Laws" a definition: a term acquainted with capturing those laws that are knowingly or unknowingly entrenched with the concepts of gender stereotypes, have a discriminatory and disproportionate impact on women, and subject women and LGBT people to harassment, violence, molestation, adultery, dowry deaths, unequal pay, etc.

If one had to anticipate such a definition, they might have found it satiable or trendy i.e. it is justifiable, considerate and in favor of the public especially women. What we never do is spotlighting the issues faced by the men to which the society by and large, is turning a blind eye to. Everyone tends to neglect how men are in a worse position than women. They are disadvantageously impacted by a number of laws and are frequently caught up in fictitious cases. These laws are affecting the rights of the males who are being harassed by false charges against them.

“To be born a man in India is a crime. And to marry an Indian girl is a heinous crime.”

Indian feminists and society think that only men are perpetrators of a heinous crime like rape and they don't realise that even women are capable of raping a man. There's nothing new in India getting called out often for how miserably the women of Indian society are being treated and never gave a thought about women harassing a man. When a boy comments on a girl, law considers it as eve-teasing and society goes up to his family background and his type of nourishment but if a girl does the same no one is there to condemn her act. I think this is the reason why legislation for marital rape is still a debatable topic.

The misuse of law by women in India is primarily seen in cases of domestic violence and dowry related issues and are punishable by law. This misuse of law not only undermines the value of law but also denies men their due rights. Moreover, in cases of domestic violence, police officers often refuse to file complaints or take action against the alleged offenders, thus allowing the perpetrators to go unpunished.

Instances where Law has been repeatedly abused by Women: not only unethical but unprofessional

A. Misuse of Section 498A-

The misuse of Section 498A has been a subject of debate in India for several years. In some cases, individuals have been accused under false or exaggerated complaints to settle personal scores, gain leverage in divorce proceedings, or extort money.

Landmark Case Law: Arnesh Kumar v. State of Bihar (2014):

In this landmark judgment, the Supreme Court of India addressed concerns regarding the misuse of Section 498A IPC. The court acknowledged that innocent family members were often being roped into cases without any concrete evidence. The court emphasized the need for the police to conduct a thorough investigation before making arrests, to avoid unnecessary harassment of the accused.

Rajesh Sharma & Ors. v. State of U.P. & Anr. (2017):

In this case, the Supreme Court highlighted the misuse of Section 498A and laid down guidelines to prevent arbitrary arrests. The court emphasized the importance of counseling and mediation in resolving marital disputes and encouraged the involvement of family welfare committees before making arrests.

Sushil Kumar Sharma v. Union of India & Ors. (2005):

In this landmark case, the Supreme Court acknowledged the misuse of Section 498A IPC and stated that the provision was being used as a weapon rather than a shield by some women. The court emphasized that such misuse causes social unrest and also leads to the loss of faith in the judicial system.

As per the report of NCRB (National Crime Record Bureau), 2020. The total number of cases registered under section 498 A were 1,11,549 out of these 5,520 were considered as false by police and 16,151 cases were closed due to mistake of false fact or law, Insufficient Evidence, Mistake or Civil dispute.

Taking advantage of section 498 A of IPC, women misuse the law by harassing husbands and their family members, especially when it causes trouble to an elderly couple who are lying on the bed. In today's modern era, despite being educated are unable to understand 498 A is being used as a weapon against men.

B. Misuse of Domestic Violence Act-

The Madras High Court Bench here has observed that Protection of Women from Domestic Violence Act, 2005 suffers from inherent flaws which tempt women to misuse their provisions and men to dread being prosecuted under the law without any rhyme or reason. Dismissing a writ petition, Justice S. Vaidyanathan said: "The notable flaw in this law is that it lends itself to such easy misuse that women will find it hard to resist the temptation to teach a lesson to their male relatives and will file frivolous and baseless. cases.

Most people in their right state of mind would agree that domestic violence in a relationship is not acceptable. It is only fair that for their own mental and emotional health and for the well-being of the children, that the victims be protected from abusive partners. The law appears to be a blessing for people in abusive or violent relationships but, after due diligence it has been revealed that, under the ploy of "women and children welfare", this law is yet another misguided attempt to enact legislation to grant women legal supremacy over men and to create a society where men are deprived of their rights.

There are three fundamental problems with this law – a) it is overwhelmingly gender biased in favor of women, b) the potential for misuse is astounding and c) the definition of domestic violence is too expensive. The DV act singles out men as perpetrators of domestic violence and

assumes that only women are victims. As per this law, only a woman can file a complaint against her male partner. A man, who is a victim of domestic violence, has no rights under this law.

There are numbers of cases which prove that there is a misuse of the Domestic Violence Act:

1. In the case of **Major Singh & Anr. v. Sarabjit Kaur**, the wife filed a false complaint against her husband because she was having an extramarital affair. She tried to threaten her husband but her husband filed for divorce. The judgment passed by the Punjab High Court was that Protection of Women from Domestic Violence Act is being misused to terrorize the spouse, their families and distant relatives and this phenomenon has now acquired the name of 'legal terrorism'.

2. In the case of **Smt. Geetanjali v. Sri B.B. Anantha**, Metropolitan Magistrate, Bangalore passed the judgment by stating that, it is noted that testimony of the complainant woman throws light on the conduct of the complainant and the extent, to which she has falsified and concocted various allegations and has suppressed important facts in order to harass her husband and parents-in-law and had misused the Protection of Women from Domestic Violence Act 2005 as a tool to extort unjustified money from her husband for unjustified for personal gain.

According to the former President of India, Pratibha Devisingh Patil, "Another disquieting trend has been that women themselves have not been innocent of abusing women. At times women have played an unsavory, catalytic role in perpetrating violence whether against the daughter-in-law, the mother-in-law or female domestic help. Instances exist whereby protective legal provisions for the benefit of women have been subjected to distortion and misuse to wreak petty vengeance and to settle scores. Some surveys have concluded that 6 to 10 percent of dowry complaints are false and were registered primarily to settle scores. It is unfortunate if laws meant to protect women get abused as instruments of oppression. The bottom-line, therefore, is the fair invocation of legal provisions and their objective and honest implementation."

Some women are file false cases of Section 304-B for various reasons, such as:-

- **Revenge:-** In some cases, a woman may falsely accuse her husband or in-laws of dowry-related violence as an act of revenge or to get back at them for some reason.
- **Pressure from family:-**In some cases, the woman's family may pressure her to file a false case of dowry-related violence to extract money or property from the accused.
- **Malice:-** Some women may file false cases out of malice or to defame the accused.
- **Misunderstanding:** In some cases, a woman may genuinely believe that he is a victim of dowry- related violence, but her allegations may not be true.

D. False Rape Allegations-

1. A women has been sentenced to 10 years of rigorous imprisonment for filing a false rape case against a relative. The convict, Seema Bai, was found guilty of trying to falsely implicate her nephew-in-law to seize property. The court found the accusation to be false and that she had produced wrong evidence during the trial. The woman was immediately taken into custody following the verdict.

2. Recently there is news of fake rape charges by women in Madhya Pradesh. Women are part of an alleged gang where even lawyers and police personnel are supposedly involved. These women have allegedly lodged 4-5 FIRs against men to get the compensation provided by the government in case the women are from ST/SC group. Otherwise, in the name of compromise and out of settlement a hefty monetary package is sought from the men or the women turn hostile in court.

E. Filing false Complaint under section 14 of POSH Act-

1. Anita Suresh vs. Union of India & Others, 2015

Here, in this case, the High Court of Delhi rejected the writ petition which was filed by a complainant since it was proved that the complaint was made for misusing the provisions of

the Posh Act. It is a false complaint and hence the complainant has to pay a reasonable amount for it. The High Court held that the complainant has to pay a fine of Rs. 50,000 for trying to take advantage of the law and misusing it.

2. Union of India vs. Reema Srinivasan Lyengar, 2019

In this case, the High Court of Madras held that we know that the Posh Act, (Prevention, Prohibition & Redressal) Act was created in 2013 for giving equal right to women at the workplace and preventing them from the sexual harassments which are caused to the women at the workplace and make them live their life with dignity and self-respect. But this doesn't mean that they are allowed to misuse such law & bring fake allegations upon someone & hamper their self-respect.

CONCLUSION:

The misuse of law by women in India is a serious issue that has been receiving increased attention in recent years. The Indian Constitution does not explicitly guarantee gender equality. Women rights are given for protection and these days women are using it as a shield to make the victim sound as their culprit. Indian society laughs on a man when he says he has been raped. India ridicules any complaint about male rape. Kindly understand that gender equality is a human issue.