

DE JURE NEXUS LAW JOURNAL

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B.A. LL.B. (Hons.), 1st Year.

ABUSE OF PRO-WOMEN PROVISIONS IN LAWS OF INDIA**INTRODUCTION**

“Power. How did such a good thing get a bad reputation? Many people have negative connotations about power. It corrupts, subjugates, controls and abuses others. But this not power. This is an abuse of power. Distilled down to its simplest definition, power is the ability to make happen what you need to happen without ever violating the rights of others.”

In order to understand this subject, we need to first know the concept of equality and equal rights provided by the constitution of India to its citizens. The article 14 of the Indian constitution provided for equality before law and equal protection of law. Article 15(3) of the Indian constitution is considered as an exception to the general rule of Article 14 which states, if there is discrimination in favor of a particular sex, it is permissible provided that the classification is the result of the other considerations beside the fact that the persons belonging to that class are of a particular sex. Similarly, Article 7 of Universal Declaration of Human Rights, 1948 states that all are equal before law and are entitled without any discrimination, equal protection of law. Again, Article 3 of the Covenant on Economic Social and Cultural Rights, 1966 and the Covenant in Civil and Political Rights, 1966 provides that states parties to these covenants undertake to ensure equal rights for men and women, given under these covenants. Still, there are laws that are made in the favor of women to safeguard their rights to fight the crimes committed against them.

In *Vijaylakshmi vs. Punjab University*, the case stated that preference given to a woman for being appointed as a principal of the government college for girls is held to be violative of Articles 14, 15 and 16 of the constitution of India. On the face of it, it appears that such reservation in favor of a woman for being appointed as principal of exclusive Girls college cannot be held to a violation of right to equality. It was held that as a result of joint operation of Article 15(1) and Article 15(3), the state may discriminate in favor of women against men if needed, but it may not discriminate in favor of men against women.

When it comes to analyzing the constitutional validity of the Section 498A of Indian Penal Code, 1860 which deals with cruelty and states, “*husband or relative of a husband of a women, subjects such women to cruelty shall be punished for imprisonment of a term which may extend to three years and shall also be liable to fine*”, it can be said that this section is ultra vires to the Article 14 of the Indian constitution.

PROVISIONS

There are certain laws for the protection of the rights of women guaranteed by the Indian Penal Code which can be briefly stated as follows: -

1. Rape (section 376 of IPC)
2. Homicide for dowry, dowry deaths of their attempts (section 302/304B of IPC)
3. Torture both mental and physical (section 498A of IPC)
4. Molestation (section 354 of IPC)
5. Sexual harassment (section 509 of IPC)
6. Kidnapping and abduction for different purposes (section 363-373)

There are certain special laws which have been made especially for the protection of women and their rights such as-

1. ***The Dowry Prohibition Act, 1961***, which prohibits the request, payment or acceptance of a dowry.
2. ***The Immoral Traffic (Suppression) Act (SITA), 1956***, which deals with the laws of the status of sex workers and states that prostitutes can practice their trade privately but cannot legally solicit customers in public.

3. *The Protection of Women from The Domestic Violence Act, 2005*, which is an Act enacted by the parliament of India to protect women from domestic violence.
4. *The Sexual Harassment of Women at Workplace (prevention prohibition and redressal) Act, 2013*, is enacted to seek to protect to women from sexual harassment at the place of their work, be it public or private.
5. *The Family Courts Act, 1954*, which mainly deals with the matrimonial issues and the custody of children, maintenance of wife etc.
6. *The Equal Remuneration Act, 1976*, which provides for equal remuneration to men and women workers of the same position and the prevention of discrimination.
7. *The Maternity Benefit Act, 1961*, which states that the woman shall receive maternity benefits and payment of medical bonus

There are many more laws and legislations but these were the main and significant ones. Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements.

It is evident that India is very much alarmed about the rights of women in the country, which is very fine but what if those rights are being misused? India regularly gets hauled over the coals for its shabby treatment of women but what if a man is being harassed by a woman?

There are men in the country as well who are the victims of Many prejudices and harassment by the women of the country. There is a need to give such men a voice too, just like the women victims. Recently, men's rights activists scored a significant victory in India where Supreme Court identified that men are being victims in say, domestic violence cases. It also stated that there are women who are filing false cases of domestic violence, harassment, rape, so on and so forth. Every person who is falsely implicated in a criminal complaint is sufferer. A false complaint has a far-reaching impact on social and economic prospects of accused. People see him as a criminal even if he is released with a clean chit. His reputation which gets tarnished never really recovers, he gets defamed. So, it is very necessary to correctly identify the and differentiate the false cases from that of the genuine ones.

In the case of *Sushil Kumar Sharma vs. Union of India*, the Supreme court observed that false complaints under section 498A of Indian Penal Code were being filed on the basis of personal vendetta and hence misuses this provided provisions.

In the case of *Chandrabhan vs. State (2008)*, the Supreme Court said and the Hon'ble Judge quoted "there is no iota of doubt that most of the complaints are filed in the heat of the moment over trifling fights and ego clashes. It is also a matter of common knowledge that in their tussle and ongoing hostility, the hapless children are the worst victims."

In the case of *Binod vs. Sophy*, the Kerala Hight Court has granted divorce to a man on observing that harassment of husband and his family for a substantially long time by filling false complaints by the wife which itself amounted to mental cruelty

There are many more cases as such where the women have accused the men with false complaints and allegations. All these case examples prove that there are women who are misusing the power of protective laws which are vested in favor of them. The object of the protective legal provisions was prevention of the crimes against women, but many instances have come to light where the complaints are not bonafide and have been filed with oblique motives. In such cases, only the acquittal of the accused does not and cannot compensate the suffering, let it be physical or mental, he has gone through. Every fifteen minutes a rape is recorded, every five minutes an incident of domestic violence is reported, a bride is killed for dowry even sixty-nine minutes but more than fifty percent of these cases are found to be false. The most effective way to stop false cases is to work towards rigorous prosecution of all false cases and all false pieces of evidence, including the investigation by police. The country needs to understand the fact that men are also vulnerable in the country, they are also subjected to discrimination and they are also the victims of many crimes.

Indian society mocks and laughs on a man when he says that he has been raped. Indian society thinks that only women are victims of such a heinous crime like rape and they don't get that even women can rape a man. This is severely discriminatory and owing to this a man cannot get justice for the crime committed towards him for the absence of such laws. One could enlist a great length of many problems that afflict men nowadays as well which even includes committing suicide because of the loss of reputation and harassment suffered because of the false complaints. Men, who be the victim of these malpractices practiced by the women are greatly harmed as a result of lack protection of their rights against such issues. However, there is one fundamental factor related to all these problems that the men had to face today, that is, there is a lack of mainstream acceptance by the people, the society that men can also be the victims of such heinous crimes and laws should be there to safeguard the rights of the men of the country as well. The male victims of say, violence,

harassment, cruelty etc. can be saved or helped by taking appropriate steps such as recognition of these crimes against men as social and public issues, just as it is recognized in case of women. There should be a helpline for the male victims as well who have been subjected to cruelty, violence, harassment, rape so on and so forth and due protection should be provided to them.

The false complaints against men is increasing day by day and the problem is known by everybody. Every person is aware of the fact that women also misuses the powers, to fulfill their unlawful demands. It is the need of the hour that people should understand this, that gender equality is a human issue and there should be equal rights and safeguard to the laws of the people and justice to the people of the nation irrespective of their gender. The point is not that the country should minimize the laws in favor of women or suspend such laws which helps women to raise voice against such crimes but to create laws for the safety and rights of the men as well, as we can see evidently that there are cases where men are also victims and most importantly, they are being victims of false cases as women are misusing the powers, the laws which are vested with them for their protection. Such culprits need to be punished with rigorous punishment and these victims are ought to get justice.

CONCLUSION

Law requires to be given a fresh look periodically. Law requires to be pruned as per needs. The academicians need to expose and reveal unnatural and unreasonable growth of law. Women protective laws has been justified in the past and older times but now the society has progressed to such an extent that criminality against women is highly recognized in the society and have certainly impacted the whole society but the repeatedly misuse of legal protection can lead to new legal terrorism. The protective laws have now become a handy weapon for women to blackmail, harass, humiliate, defame and wrongly and falsely implicate the innocent men just to seek out the advantage they were looking for. The solution does not lie in dismissing the existing laws but to create laws and raise voice for the men, who are being victims. As Deepika Narayan Bhardwaj, the 31-year-old male rights activist said "just as you don't have to be a woman to fight for women, similarly, you don't have to be a man to fight for men." It is not important that who is raising voice for whom, who is standing beside whom. The fact that is important is that people should stand up for the victims, for the people who needs the voice of the people to convey their cause, irrespective of the gender. It cannot be lost of the ultimate objective of legal system is to arrive at truth and to

punish the offender and protect the innocent. There is no scope for any pre-conceived notion. It is the duty of the judiciary to see that the innocent is not made to suffer on account of unfounded, baseless and malicious allegations. Justice should be delivered and the rights of the citizen of the country should be protected, irrespective of the gender.

