

LAWS FOR WOMEN EMPOWERMENT: CHALLENGES ROAD BLOCKS AND THE WAY FORWARD

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Abstract: This paper is an effort to emphasize the fact that Indian laws for women empowerment are misused for personal benefit. As is the popular Indian legal debates goes along the lines “It is not the law that is the problem, it is its misuse.” this paper brings out various scenarios where the laws made for the protection of women are misused by them against men, as they find it hard to resist the temptation to “teach a lesson” to their spouse and his relatives, they file frivolous and false cases. As per the statistics maximum cases are hallucination of woman's brain to meet their selfish motto. This paper bring out some real incidents where men were put to stake for no fault of theirs, such as the Rothak case where two sisters Pooja and Aarti became an overnight sensation after a video that showed them beating up men. They claimed that they were harassed on a moving Haryana Roadways bus, three accused had been arrested and charged under the Section 354 (assault or criminal force with intent to outrage woman's modesty) and Section 323 (voluntarily causing hurt) of the Indian Penal Code, which turned out to be a false case. Another important law, the anti-dowry law under Section 498(A) is misused when a woman want to get out of marriage drawing out money spent by her parents in her marriage and file these false cases to black-mail her husband and his family. Many such laws are violated for monetary benefits.

The mindset of the society is such that they are not able to comprehend the fact that men can also be abused by their counterparts. Society has to change its perception about men and work towards achieving gender equality in the country. I being a female should support women empowerment and feminism, yes, I do support women and I am a feminist but before that I am a human being. This is only an effort to make the law makers realize the fact that laws should be made neutral and they should not be gender biased. In the end, as the constitution says, every man has the fundamental right to equality and to be treated as equal citizens of India.

Keywords: Women Empowerment, Misuse Of Laws, Rothak Case Under Section 354, Anti-Dowry Under Section 498(A), Problems Faced By The In-Laws, Fundamental Rights.

Introduction: This paper is an effort to emphasize the fact that Indian laws for women empowerment are misused for personal benefit. As is the popular Indian legal debates goes along the lines “It is not the law that is the problem, it is its misuse.”

Some real incidents are brought out where men were put to stake for no fault of theirs, such as the Rothak case where two sisters Pooja and Aarti became an overnight sensation after a video that showed them beating up men. They claimed that they were harassed on a moving Haryana Roadways bus, three accused had been arrested and charged under the Section 354 (assault or criminal force with intent to outrage woman's modesty) and Section 323 (voluntarily causing hurt) of the Indian Penal Code, which turned out to be a false case. Another important law, the anti-dowry law under Section 498(A) is misused when a woman want to get out of marriage drawing out money spent by her parents in her marriage and file these false cases to black-mail her husband and his family. Many such laws are violated for monetary benefits.

Indian society becomes judgmental by seeing only one side of the narrative and penalizes the male partner. A woman in India needs only to file a dowry or domestic violence case, an FIR or a rape case against the husband's family and it is the encumbrance on

the man and the family to prove it wrong. They do not get a chance to prove their side of the story.

Many women are using the laws to satiate their greed for money. They use the law to extract money from the husband and in-laws. In fact, the law is being used by women against women. Old mothers and pregnant sisters have been sent to jail on the basis of mere allegations. I being a female should support women empowerment and feminism, yes, I do support women and I am a feminist but before that I am a human being. And, "I am not against the law but I am against its misuse". There are many laws to safeguard the interest of women. How many such laws do we have for men? Even they need legal protection. As per the statistics a total of 63,343 married men committed suicide in 2012, with a fair amount of them having faced domestic problems. As many as 31,292 cases of alleged cruelty by husbands and in-laws, filed by women under Section 498A of the IPC between 2011 and 2013, were found false or mistake of fact or law after police investigation, in the Lok Sabha in July, 2015. Similarly, a total of 1,207 cases of insult to the modesty of women (Section 509 of the IPC) were found untrue after police investigation. The number of cases under Section 509 has also increased from 386 in 2011 to 482 in 2013, and more than 600 by 2015.

Ministry of home affairs had issued two advisories to the states to curb misuse of Section 498A of the AIPC. Recently four sexual harassment cases examined by Central Administrative Tribunal were found to be false and motivated. This compelled CAT judges KB Suresh and PK Pradhan to question certain provisions of the Sexual Harassment of Women at Workplace Act, 2013 which encouraged biased outcome against men rather than neutral fact finding. Judges were critical of Section 4 and 7 of the Act terming these unconstitutional as it encouraged premeditated bias against men! There is no law under which these suicides can be segmented and there is never a debate as to why so many men are dying. No one realizes that there is little option left. A false dowry case leads to arrest of not only the man but his entire family - his old parents, married/unmarried sisters, brothers, and distant relatives - long years of trial and dates after dates leave little in his profession - and then demands of money/property drain him of whatever is left.

Sex before marriage is not a crime. But let that be true for both men and women. If sex after marriage is not a crime - let that be true for both too. Today, section 497 of IPC does not hold a married woman guilty of adultery. So what happens if a husband catches his adulterous wife and objects to it? He is slapped with a dowry case. What happens if the man is adulterous? He is again slapped with a dowry case. We have penalized wrong behavior of a man. Have we penalized wrong behavior of a woman? The answer is no. If breaking the marriage or promise of a marriage is a crime, why are women not punished for that crime? Why parents, who force their daughters into arranged marriage against her wishes, are not punished? Is it okay if a woman uses a man and then dumps him for a richer guy? Is it okay if a woman develops a physical relationship for personal gains of job, money, promotion and then later terms it as rape? Where do we draw the line as to what is right and what is wrong? It is very ironic that the government wants to add the Misuse clause in the Lokpal Bill but cares a zilch about these laws.

There is no provision/clause either in the dowry law or in the rape law to punish its mis-user. There is no way a man can prove his innocence as - in the dowry law, it is presumed that the man must have demanded dowry if a woman says so and in the rape law, it is presumed that she did not consent if she says so. I am reminded of an incident some years back where an old man implicated in a false rape case by his tenant committed suicide after staying in jail for months. The woman got only four years of Jail - that too after the intervention of the judge who thought it was prudent to punish her. Perhaps death of a falsely accused is the only means to punish a wrongdoer.

In some cases it has been found that the complaints were far from genuine. In one case, a young officer, who had just been recruited was alleged of harassing a woman. Detailed departmental inquiry by a senior woman officer found the married woman was smitten by this youth and the complaint was false. Many in corporate India, however, say there are no easy answers as the definition of sexual harassment is ever expanding and often ambiguous. Lawyers also cite several cases of false sexual harassment cases where women have been found to take the easy way out to defame a male colleague. Laws are meant to protect. The allegations have to be true. And nobody should have a complaint of being implicated in false cases. While the premise of the law often is used to its spirit, there are some which are often not used judiciously. It hurts one, damages reputation, and costs billions to the person as well as the employer and the society.

However, the truth is the changing mindset of law enforcement authorities and our own legal knowledge can minimize or eliminate misuse of anti-sexual harassment laws completely. The law aims to equip organizations to handle a workplace-related evil, not give women undue power or to put men in fear. It is true that women-friendly laws have been misused in the past, but courts and police have become sensitive to this and they are more careful now to check the genuineness of complaints before taking adverse action. It is not that a man will immediately be punished once a complaint is filed against him. Organizations are aware of the possibility of misuse and don't want to encourage it. Internal Complaints Committees (ICCs) are required to properly weigh relevant facts and exercise decision-making skills while deciding cases. Legally, the punishment for filing a false complaint can be as serious as the punishment for committing sexual harassment itself. The challenge, of course, is in having a mature ICC which is capable of performing this function.

Following are Some Example:

1. IPC 493 – Cohabitation caused by a man deceitfully inducing a belief of lawful marriage shall be punished up to ten years and fine. No such provision to punish women.
2. IPC 497 – Only men are found guilty of adultery and jailed but adulterous women are exonerated.
3. IPC 498 – Enticing, taking away or detaining a married woman with criminal intent. Punishment two years imprisonment for the man. No penalty for women committing the same crime.
4. IPC 498a – It is considered that only husband or relatives of husband can subject women to cruelty, cruelty is defined only for women but the same acts done by women are not considered as cruelty.
5. CrPC 198a – Women, according to local customs and manners, ought not to be appearing in public.

6. CrPC 198(2) – No person other than the husband of a woman (with some small exceptions) should be aggrieved under section 497. What about husband's family whose name is ruined in the society for adultery of their DIL.

This is only an effort to make the law makers realize the fact that laws should be made neutral and they should not be gender biased. In the end, as the constitution says, every man has the fundamental right to equality and to be treated as equal citizens of India.

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