

---

**INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH**

---

**WOMEN-CENTRIC LAWS IN INDIA: BENEFICIAL OR INIMICAL**- Aman Rai<sup>1</sup>**Abstract:**

*Our past is a shred of evidence that had seen women as sex objects treated by men. Women in Indian society have been characterized as emblems of mental and physical sacrificing of nature's fortitude. Problems like poverty, illiteracy, and sexual violence against women have been seen in various parts of the world. Every woman has been a victim of sexual abuse at least once at educational institutions, at the workplace, or at home by their friends or relatives; considering these aspects government of India has made women-centric laws to safeguard them, but nowadays, these laws are misused by women to satisfy their ego, to get money from husband or in-laws or both.*

*This paper aims to understand better some of the root factors of increased reporting of sexual violence in India and how the government of India is protecting its daughters from sexual violence and also to understand why women are abusing their laws, which were made to safeguard them. This research on **Women centric laws in India: Beneficial or Inimical** in Countries like India revolves around the problems and solutions and the measures taken hitherto to curb these problems.*

**Key Words:** Women, Violence, Rape, Safety, Crimes

**I. Introduction**

In India, People worship women as goddesses and yet burn them for dowry and Use them as Sexual objects. Women in Indian society have been characterized as emblems of the mental and physical sacrifice of nature's fortitude. It is the 21st century, and India is developing as a global

---

<sup>1</sup>Law student at Symbiosis Law School, Nagpur

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

power, but women in Indian Society are still considered weaker than men. Problems like poverty, illiteracy, and sexual violence have been seen in various parts of the world, especially in the case of women. While having a cup of tea in the morning, we see cases of sexual violence and sexual abuse in newspapers daily. Laws are made to maintain order, establish standards, protect liberties, and resolve disputes. India has been male dominating society for decades, and women are said to be less intense compared to men and oppressed sections of society. To overcome these crucial and Flagrant problems, the government of India developed various laws to protect women against sexual offenses<sup>2</sup>. They are keeping in mind that in this male dominating society, women will face a harsh situation leading to the creation of women-centric laws to protect them from sexual abuse, Torture by the community, and Torture by husbands and in-laws. “Article 15(3) of the Constitution of India makes it possible for the state to create special provisions for protecting the interests of women and children. The Laws, for instance, The Domestic Violence Act, 2005, protect against Mental and physical harassment of women from their husbands and in-laws”<sup>3</sup>. The Hindu Adaptation and Maintenance Act of 1956 helped the decent living of women after getting Divorced from their husbands. Women use above mentioned laws to shield themselves<sup>4</sup>.

The introduction of these laws has the fundamental objective of safeguarding women in the Indian male dominating society and bringing them to an equal footing as men by maintaining equality and stopping the mental and physical torture they face. But when these laws are being misused, it becomes very hazardous to the ety, as members of these societies start losing trust in the rules created to protect them from Injury. It is well said that when something is done in excess, it becomes hazardous, and the same is faced by Indian societies these days. The Centric laws created for women to safeguard them are being misused mainly by them, As excess freedom has been given to women from the flexible nature of women-centric legislation. In this Research Paper, The Author will talk about The women Centric laws, which help in protecting women from centric laws, and also the author will talk about laws that are very much rigid for

---

<sup>2</sup> The Domestic Violence Act, 2005

<sup>3</sup> Constitution of India

<sup>4</sup> The Hindu Adoption and Maintenance Act,1956.

men and much more flexible in nature for women and due to which women these days misuse their rights against men by putting them on false charges?

## II. STATEMENT OF PROBLEM

There is no kind of harassment that a man may not inflict on a woman. These offenses have been happening for decades, and even after so many laws and legislations, the protection of women is an issue that needs to be resolved. The patriarchal notion that has existed in society since its inception has played a significant role. Even in this modernized era, people still feel that women are made for household chores and that the man is the superior one to whom the woman has to serve. To overcome these flagrant problems, the government of India had made women-centric Laws to ensure the protection of Women against sexual offences, which are very much rigid for men and much more flexible in nature for women, and women these days misuse their rights against men by putting them on false charges.

## III. OBJECTIVES

- 1) This paper will discuss various Women centric laws which help in the protection of women against sexual offences.
- 2) This research paper will critically analyze what role patriarchy has played in the positioning of women.
- 3) This Paper, at the same time, will critically analyze women-centric laws and discusses the misuse of women-centric laws in India.
- 4) This paper will compare men's and women's positions and determine the factors responsible for the differences, especially socio-cultural ones.
- 5) The criminal psychology of people committing sexual offenses also plays a vital role in mapping out the reasons behind the commission of the crime; this research paper will also deal with this.
- 6) This paper will focus on laws and legislation protecting women from sexual offenses. It will also analyze how these laws are being misused at large today.

## IV. RESEARCH & METHODOLOGY

This research paper is limited to doctrinal/non-empirical research because it will be qualitative and include data gathered from various sources such as law reports, relevant law, books,

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

journals, essays, newspapers, articles, and statistics. Internet data will also be referred to for its value in keeping up with global events.

## V. WHY WAS THE NEED FOR WOMEN-CENTRIC LAWS?

Violence against women in India has been a problem for a very long and these problems are increasing with each passing day without a complete stop. In today's developing era, where India is emerging as a global power, women in Indian society still confront much trouble with their safety, self-respect, and dignity. These offenses faced by women every single day range from very mild teasing to rape. The issue of sexual violence has become so prevalent that even while having morning tea, we see cases of sexual violence and sexual abuse in newspapers every day and pass it like we couldn't do anything about it or this problem is incorrigible. "A woman is violated because of being a woman, which means her gender is why she is being violated. For example, if a woman faces domestic violence, it is because she does not follow the "Traditional role" of a wife." Problems like poverty, illiteracy, and sexual violence against them have been seen in various parts of the world. No place in this world is safe for women. They can't even raise their voices against sexual violence because of the apprehension that it would lead to their disrespect and relegation in society. Women of all religions, castes, and races face sexual harassment. These offenses against women in society make it very evident that even after being independent for more than seventy-five years, We still fail to provide the bare minimum that a human being can ask for. Since India is a patriarchal society, males are always dominant over women. Women in Indian society have always faced discrimination against men. Our past is a shred of evidence that had seen women as sex objects treated by men. Women in Indian society have been characterized as emblems of mental and physical sacrificing of nature's fortitude. Children, especially teenagers, get easily victimized as they are unaware of their rights. Violence against women restricts them within the boundaries of four walls and limits their ability to make choices about their lives. Women in India are subjected to many forms of abuse daily. Therefore, the authorities must take a stand and do all within their power to protect the rights and dignity of women in our nation<sup>5</sup>. To overcome these crucial and flagrant problems, the government of India developed various laws to protect women against sexual

---

<sup>5</sup> Liebster, L.. (2022). Protection against Sexual Offences.

offenses. Still, crime has continued at its own pace without any decrement<sup>3</sup>. Reducing these instances has become an issue of the utmost importance, and strict measures have become the need of the hour.

## VI. VIOLENCE AGAINST WOMEN

The year 2012 came as a turning point because of a gruesome crime that happened as the year ended. The violent rape of a 23-year-old student in Delhi outraged the whole nation. The girl was gang-raped on a running bus, and the Rapists had inserted a rod in her genitals, damaged her intestines, and led to her death. This crime made everyone in the country think these kinds of crimes prevail in our society because this kind of crime has rarely touched the lives of ordinary people. After this crime, people thought twice before sending their daughters, wives, and mothers out of their houses. This shook the conscience of everyone in Indian society. The female gender, irrespective of their ages, got petrified that they feared coming out of their four walls. Because they feared that any one of them could be the next after that girl. Our Indian society is so ironic in cases involving women that the girl who was raped and became the victim of such a heinous crime had her name ripped off for fear of being looked at by the people of society. At the same time, the accused were flaunted as if the girl was to be ashamed of the crime that happened to her. This crime made the government look at the laws of which one can take recourse if God forbid such an incident occurs to someone, and then they realized that these laws were not enough for such a spine-chilling act.

“The government constituted the Justice Verma committee and the Usha Mehra committee. These two committees proposed different legal reforms, and changes in the law were made accordingly, like widening the forms of rape, which consists of all types of oral, virginal, and anal sex, under the purview of Section 375 of IPC”. Punishment for gang rape became twenty years extending to a lifetime. “It also stated that section 376A could rigorously punish the offender for not less than 20 years in prison, life imprisonment, or the death penalty if the rape results in the woman’s death or leaves the woman in a vegetative state. If repeat offenders are convicted for offenses under 376A and 376D, they will be sentenced to life in prison or even death under 376E. Sections 376(1) and 376(2) of the IPC were amended to allow courts to reduce sentences. Section 166A of the IPC was added to punish public servants who fail to

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

record such information. Furthermore, Section 166B of the IPC made hospital treatment of rape victims mandatory. Voyeurism, disrobing women, stalking, and voluntarily throwing acid were also made punishable under various sections of the criminal amendment. Major rape cases, such as the Mathura rape, the Nirbhaya rape, the Aruna shaubug rape, the Priya Patel rape, and so on. have all led to changes in the rape laws that are currently in place through reformation and interpretation”<sup>6</sup>. Another significant change was made to section 114A of the Indian Evidence Act. “This action was done to safeguard women's moral character. As a result, Section 53A of the Indian Evidence Act was added, making it plain that in rape and sexual assault situations, the court will not consider any evidence about the victim's character or prior sexual experiences. Lastly, the amendment under Section 354 in The Indian Penal Code, in addition to The Sexual Harassment at workplace act 2013, enhanced the definition of rape. Even after so many developments, it took 12 years for the courts to punish the convicts”. There are still so many lacunas in the laws and society that one cannot even predict when all these will be reduced, let alone come to an end<sup>7</sup>.

Despite numerous harsh laws protecting women's safety intended to stop their precarious and deteriorating situation, incidences of violence against women, outraging their modesty, sexual harassment, rape, etc., are rapidly rising every day.

### 1) **Tuka Ram And Anr vs. the State of Maharashtra**

In this case, a teenage tribal girl was reportedly raped by two cops while in custody, resulting in the act of custodial rape. “The Sessions Court ruled in favor of the defendants and found them not guilty. Mathura was said to have given her consent willingly since she was used to intimate intercourse. The Bombay High Court heard the case and reversed the session court's conviction of the defendants after finding a vast difference between consent and passive submission. Later, the case went to the Supreme Court, where the court acquitted the accused and set aside the judgment passed by the Bombay High Court”<sup>8</sup>. The court said that since there were no signs of resistance, the SC took it as voluntary intercourse, which would not amount to rape.

---

<sup>6</sup> Mukesh and Anrs. Vs NCT Delhi(2017) 6 SCC 1

<sup>7</sup> Kaukinen, Catherine & Anderson, Kim & Jasinski, Jana & Mustaine. (2017). The Direction of Violence Against Women Research and Evaluation. Women & Criminal Justice. 28. 1-23.

<sup>8</sup> Tuka Ram And Anr vs State of Maharashtra,1979 SCC (2) 143

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

## 2) **Vishaka vs. State of Rajasthan and Ors.**

This case emerged as a turning point in defending female victims of workplace sexual harassment. “A lower caste social worker for Rajasthan's women's development program named Bhanwari Devi is accused of being gang-raped by five upper-class men in 1992 while trying to stop child marriage in her village. She went to the police station to report the offenders, but no in-depth investigation was done. According to Indian Constitutional Articles 14, 15, 19, and 21, sexual harassment of a woman at work violates her basic rights to gender equality, life, and liberty. The court concluded that the Act would be seen as violating women’s human rights. This decision prompted the Indian government to pass the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, which took effect on December 9, 2013. This Act superseded the Supreme Court of India's Vishaka Guidelines for the Prevention of Sexual Harassment”<sup>9</sup>.

## 3) **Mukesh & Anr. vs. State for NCT of Delhi & Ors.**

This is the case discussed above, known as Nirbhaya RAPE Kaand. Aside from the abovementioned changes, significant changes were made to the Juvenile Justice Act, which stated that if a minor committed any heinous crime, he would be treated as an adult. “If a minor commits a horrific crime and is apprehended after age 21, he will be tried as an adult and sentenced to imprisonment for seven years or more”<sup>10</sup>.

## 4) **State of Maharashtra vs. Madhukar Narayan Mardikar**

The High Court of Bombay ruled that the police inspector of Bindwandi could not be fired because Banubi was a woman of evil character. The court ruled that "she was an unchaste woman, so it would be dangerous to put that inspector's career in jeopardy based on an uncorroborated version of such a woman who makes no secret of her illicit intimacy with another person." The Supreme Court overturned the judgment and ordered his removal from

---

<sup>9</sup> Vishaka vs. State of Rajasthan and Ors., JT 1997 (7) SC 384

<sup>10</sup> Mukesh and Anrs. Vs NCT Delhi(2017) 6 SCC 1

service. According to the Supreme Court, "even a woman of easy virtue is entitled to privacy, and no one can invade her privacy whenever he wants."

### **5) Independent Thought vs. Union of India and Anr.**

In this case, the Supreme Court criminalized sexual intercourse with a minor wife between 15 and 18. Exemption 2 of Section 375, according to the Court, violates Articles 14, 15, and 21 of the Indian Constitution, which allow for intrusive sexual contact with a girl under 18 but over the age of 15 under the guise of marriage. An exclusion clause in Indian rape laws contradicts the Prohibition of Child Marriage Act's core intent, the age of consent, and other provisions of the Protection of Children from Sexual Offences Act (POCSO), to which India is a signatory.<sup>11</sup>

## **VIII. Critical Analysis of Women-Centric Laws in India**

While reading newspapers, we saw how women were torturing men by misusing the laws to safeguard them. There are ample cases in India where women have misused their laws to harass men, and most issues are related to domestic violence. Because there are no legal limitations for lodging a dowry suit, women file it after waiting a long time on their male counterparts and in-laws. Even after that, the wife is not required to prove it, and the husband has no proof to demonstrate his acquittal. In each scenario, when a woman is a victim, society assumes that the husband is at fault, whether the court proves this or not. When these women-centric laws were made by the government of India, the Government had not paid attention to its worst consequences, which resulted in the suffering of men. There are many loopholes<sup>12</sup> in these women-centric laws, due to which men suffer the most.

Males who struggle to prove their innocence attempt suicide to elude society's sarcastic comments. However, the law somehow doesn't recognize all this stuff. Even if a woman is detained, various warnings are given, and bail can be obtained quickly, but if a male is arrested, he is practically confronted with several horrors. But even though the implementation of women-centric laws has a valid reason in terms of women's situations, women's behaviors have

---

<sup>11</sup> Independent Thought vs. Union of India (2017) 10 SCC 800

<sup>12</sup> Anil Bharadwaj v Nimlesh Bharadwaj; MANU/DE/0293/1986 = AIR 1987 Delhi 111

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>

evolved with time. It sometimes becomes doubtful that it will result in a legal threat. When it comes to gender equality laws, both men and women should be treated equally. “If the government proposes regulations in favor of women, it must ensure that the implications do not hurt a man's whole life.

The most abused laws include sections 375, 376, 498-A of the IPC, the Domestic Violence Act, and the Dowry Prohibition Act, which have threatened men and their families. The government had enacted several laws favoring women but not a single direction defending males. Women had been abusing these laws to extort money and humiliate men. Sec. 125 mentions the maintenance of the wife, children, and parents, but nowhere does it say the care of the husband by a competent wife. Domestic violence perpetrated by a husband and his family is legal protection for women under the Domestic Violence Act. Still, if a male is harassed by his wife and in-laws, no special protection is guaranteed”<sup>13</sup>.

## IX. DISCRIMINATORY TO MALE GENDER

The DV Act, Section 498-A of the IPC, Section 304-B of the IPC, and the Maintenance Act are all oriented toward women. “The cases above demonstrate that, in terms of cruelty, dowry, and harassment, males are not always at fault and that women can also be perpetrators. It has been demonstrated that cruelty may originate from both partners in a marriage. As a result, instead of only measures that help one gender, this issue demands provisions that assist both men and women. Husbands and their families are being hauled into trials despite having no involvement in the wrongdoing of egoistic women with a criminal motivation. This is extremely unfair and discriminatory to males because there is no law that protects men from offenses of cruelty and abuse. Although the chance of males being assaulted by females is lower than vice versa, the preceding cases show there is still a possibility. Women-centric laws are also an indication of gender inequity. Regarding cruelty and harassment, regulations should be gender-neutral rather than solely favoring women. Regarding cruelty and harassment, regulations should be gender-neutral rather than favoring women solely. “These women-centric laws have also violated *Article 14 of the Indian Constitution*, which says, *Equality before law- “The state shall not deny to any*

---

<sup>13</sup> RiyaMishra, Gender Advantage, 2019, <https://timesofindia.indiatimes.com/readersblog/riyable/the-gender-advantage-women-who-misuse-it-men-who-bears-it-5475/>

*person equality before the law or equal protection of the laws within the territory of India.*” The Article mentions the words “equality before the law” and “equal protection of the laws.” Equal protection of laws is supposed to provide equal protection to every citizen of India, irrespective of their gender. But the women-centric laws violate the right to equality of the males. The laws should be gender neutral to balance the equal right and equal protection before the law”.By failing to provide cruelty and bullying laws for males, the state is implicitly breaching Article 14 of the Indian Constitution's fundamental rights.

Everyone can see the tears and pain from which women suffer, but when it comes to men, everyone becomes visually impaired. While having a cup of tea in the morning, we used to read in the newspaper that Section 498-A of IPC is heavily misused by women; now, genuine cases of domestic violence have become less in comparison to false cases of domestic violence. It is always considered that cruelty is always done by superior to inferior. Society always thinks, because of being strong as a husband, he is cruel to his wife. Although Chapter 20-A of the IPC covers cruelty performed by a husband and his family against his wife rather than cruelty committed by a person”<sup>14</sup>. There are no quantifiable criteria for husband cruelty, which has aided the woman, who can imprison her husband and her in-laws for up to three years and with a fine.

## **X. CASE LAWS AGAINST WOMEN-CENTRIC LAWS**

### **a. Sejalben Tejasbhai Chovatiya vs. State of Gujarat**

In this case, the petitioner (The wife) had committed perjury. The petitioner didn't inform the court that she is receiving 40,000 as income every month from the business. “She also mentioned that she did all of the domestic/household duties but never received any pay. as a result of her misleading evidence. The court stated that the provisions that often benefit women were abused by presenting false evidence, and for these reasons, the court dismissed the petition”<sup>15</sup>.

### **b. Anil Bharadwaj Vs. Nimlesh Bharadwaj**

---

<sup>14</sup> Soumya Vemulakonda, Misuse of women centric laws in India, 19<sup>th</sup> May 2021, <https://www.hellocounsel.com/misuse-of-women-centric-laws-in-india/>

<sup>15</sup>Sejalben Tejasbhai Chovatiya v. State of Gujarat, 2016 SCC OnLine Guj 6333.

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

In this case, The Appellant declared that she is not interested in life and also not in sexual intercourse. The Hon'ble court held that if the wife refuses to have sexual relations with her husband, it will amount to cruelty against the husband<sup>16</sup>.

### **c. Sushil Kumar Sharma v. Union of India and others**

The Hon'ble court stated that *“By the misuse of the provision, new legal terrorism is unleashed. The provision is intended to be used as a shield and not an assassin's weapon”*. These laws are meant to assist and protect individuals in need, rather than for an unethical and deceitful purpose. The court further emphasized that the court's responsibility is to find the truth in the situation and not to accept broad allegations without a thorough investigation by the investigative agency<sup>17</sup>.

### **d. Rajesh Sharma and Ors. v. State of Uttar Pradesh**

In this case, The court has given directions to deal with the misuse of Section 498 A of IPC. *“The judge mandated the formation of a social assistance committee in each district, composed of para-legal volunteers, officers' wives, social workers, and other citizen volunteers. The committee's members will be responsible for investigating matters involving Section 498-A of the IPC that are reported to police stations. The committees will deliberate on the problem and report to the authorities. The prosecution of the accused should indeed be suspended until the committee's report is read. The magistrate should review the aforementioned report. The court also authorized the legal services authority to give training to committee members on an as-needed basis”*<sup>18</sup>.

### **e. Kans raj v. State of Punjab & Jasbir Kaur vs. State of Haryana**

The Hon'ble Supreme Court held that *“there must be strict proof of indulgence of relatives in crime and they will not get arrested for the fault of husband”*<sup>19</sup> According to the facts, the court concluded that the petitioners would not be convicted. This was due to the divorced wife's attempt to include however many family members as possible in the case under Section 498-A of

---

<sup>16</sup> Anil Bharadwaj Vs. Nimlesh Bharadwaj AIR 1985 All 253

<sup>17</sup> [1997] 5 SCC 536

<sup>18</sup> 2017 SCC 821

<sup>19</sup> (2000) 5 SCC 207

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

the IPC. As a result, the court determined that prosecuting the petitioners would be an abuse of the proceedings”<sup>20</sup>.

#### **f. Saritha v R. Ramachandran**

The “court stated on record that literate women seeking divorce also begin cases against their in-laws (who did not expose the women to cruelty) under Section 498-A of the Indian Penal Code, which is a clear abuse of the laws intended to help women. This is nothing but abuse of beneficial provisions intended to save the women from unscrupulous husbands”.

#### **g. Savitri Devi v Ramesh Chand & Ors**

In this case, “The court had stated that the women centric laws are meant for the protection of women from domestic and sexual violences. However, such laws have been abused by bringing in distant cousins of the spouses, including minors and grandparents. Women are filing suits against 10 to 15 individuals all at once. When cruelty or an offense is perpetrated by simply the spouse, in-laws, or both, the case should be filed against those individuals and not the accused's whole family”<sup>21</sup>.

### **XI. CONCLUSION**

To solve violence against women and to prevent laws from being misused, we need more than just criminal reforms. Although rape laws have advanced significantly, some problems still need to be resolved, like the gender neutrality requirement in the IPC that states a man cannot be a rape victim. The idea of marital rape is only limited to a woman and not otherwise. The rape laws must function entirely, and the necessary modifications must be made according to the requirements. While rules are dynamic and change with time, the main problem with rape laws is that the law is only altered when one of us suffers. Misuse of Women Centric laws is an abuse to legislations and purpose of the laws.

Changes can be brought up by court officers (Lawyers), “who have the power to argue in the court on the demerits of not making these laws gender neutral. They have the potential to start

---

<sup>20</sup> (2003) 7 SCC. 484

<sup>21</sup> Savitri Devi v Ramesh Chand & Ors, 2008 ACJ 210

the transformation and prevent egoistic women from destroying the institution's integrity by abusing the laws that are designed to protect them. Prior to actually making significant amendments, a solution to this problem should be determined. The court should establish required guidelines for the misuse. Before arresting the man, every lawyer must follow these criteria to ensure that no abuse occurs. If the remedy is less well proportionate and forceful to stop the misuse, the only option is to amend.

Underneath the law, both genders are entitled to equal shelter. There must be laws that grant relief to males as well. Because there are no laws for males, they have no way of obtaining legal protection. Even if males seek the courts, the judges are generally biased in favor of women from the start of the proceedings due to our country's domestic violence history. Apart from the redressal mechanism, we must provide the victims with a safe and protective environment. Several instances have revealed the ambiguity and inconsistency of court rulings". Many crimes go unreported because victims are afraid of social repercussions. Victims are harassed at every turn, from police stations to courtrooms. Every stage of the victims' fight for justice adds to their anguish, from the inadequate healthcare system to the criminal justice system. Our society plays a significant role in the construction of barriers to justice. As a result, the impact of the laws will never be fully realized unless and until social change occurs concurrently with legal reforms.

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>