

PERCEPTIONS OF UNDERGRADUATE STUDENTS REGARDING THE RISKS AND MISUSE OF LAWS INTENDED TO SAFEGUARD WOMEN'S RIGHTS

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Abstract:

In the past, human rights had historically been conceptualized in a way that ignored the experiences of women, including violence, crime, discrimination, and various forms of abuse. Consequently, a necessity arose to incorporate specific measures aimed at safeguarding women, alongside other provisions. This research paper aims to examine the phenomenon of misusing laws meant to safeguard women's rights and its profound implications on the overall progress of gender equality. The result of this study will also help educators and researchers in future research. The findings are derived from the collective sentiments of undergraduate students regarding their attitudes towards the application of legal principles.

Keywords: *Women's Right, Misuse Of Laws, Gender Equality.*

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Introduction:

Women are using Section 498A of the Indian Penal Code to exploit protection laws, causing unjust victimization of innocent families. Women exploit the law to extract money from husbands and in-laws, leading to the imprisonment of elderly mothers and sisters. Families are enduring an exceptionally challenging period as a consequence. This highlights the need for legislation to safeguard men's rights and prevents incarceration of families. Resolving marital issues should not involve dragging families to court and incarcerating them (S. Swarnakar 2020)

• Some laws misused by women

1. Sexual Harassment

The surge and rapid dissemination of the issue of sexual harassment can be attributed to a multitude of reasons. Sexual harassment in India has increased due to lack of awareness and education. The country's laws are strict, but loopholes exist, making it difficult for male members to be held accountable without concrete evidence. This perpetuates the issue and leads to societal reproach (S. Pandey 2021).

2. Dowry Harassment

Dowry is an ancient Indian custom where the bride presents property or money to her husband on the wedding day, seen as a blessing and security for the woman. Concerns about misuse led the 2003 Malimath Committee to recommend changes to Section 498A of the IPC, which protects women in conflicts with their spouse and family, but is criticized for possible discrimination based on sexual orientation (S. Rm, April- 2023). The Indian anti-dowry law, originally intended to protect women, has been misused to harm husbands and their families, leading to false accusations, extortion, blackmail, and baseless claims. Addressing this issue is crucial for protecting women's rights and ensuring fairness for men (S. Chhetri- 2017).

3. Domestic Violence

The Domestic Violence Act has been criticized for allowing women to misuse it for extortion, exploitation, and threats to men. It makes provisions like residence and maintenance vulnerable to misuse, and even minor issues in marital relationships can be invoked. False complaints harm men's reputation and violate the presumption of innocence. The Act is frequently used by women to obtain divorce and maintenance, even without experiencing domestic violence, violating the presumption of innocence (A. Baisoya, M. Aggarwal- Oct- Dec 2022)

Literature Review:

- 1) **Dr. P. Jain (2018)** – In this research paper the researcher discusses about the cases regarding misuse of law by women & why it is being misused. Their findings were that misusing of these laws are done for extortion of money and many other reasons including forceful marriage, wanting nuclear family. They also acknowledge that irrespective of gender, if an individual, whether male or female, sustains harm, it is imperative for society to exhibit sensitivity towards both parties.
- 2) **Akshatha Prasad MD (2021)** – The researcher in this paper has studied about the misuse of Section 498 A of IPC and how this law was implemented to ease the life of women but eventually it became a curse for the society. The finding is that it can be easily manipulated.
- 3) **Inderakala T.B. & R. Chengappa (2023)** – In their research paper they addressed about misuse of Section 498a And 304b Of Indian Penal Code 1860, Dowry Prohibition Act 1961, Domestic Violence Act 2005 & Sexual Harassment And Prevention Of Sexual Harassment At Workplace. They found out that misuse of women protection laws has become common & they also had a great negative impact on the society and social welfare.

Statement of Problem:

This research focuses on the Risks and Misuse of Laws Intended to Safeguard Women's Rights. It could be because of lack of awareness, education, a technique to get rich quickly or maybe arrogance, psychological, emotional issues.

Limitations:

- This research is limited to the city of Mumbai.
- The sample size may not be a true representation of the population.
- Findings of the study are based on the assumptions that the respondents have given the correct information.

Objectives:

- To identify the risk associated with laws intended to safeguard women's rights
- To analyze the perception of undergraduate students Regarding the Risks and Misuse of Laws Intended to Safeguard Women's Rights.

Research Methodology:

This paper discusses on the Risks and Misuse of Laws Intended to Safeguard Women's Rights. The technique is used to identify, select and analyze the information gathered during the study are referred to as research methodology. This research incorporates both primary and secondary sources.

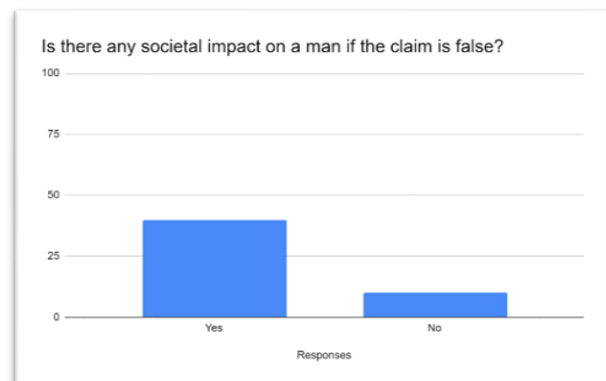
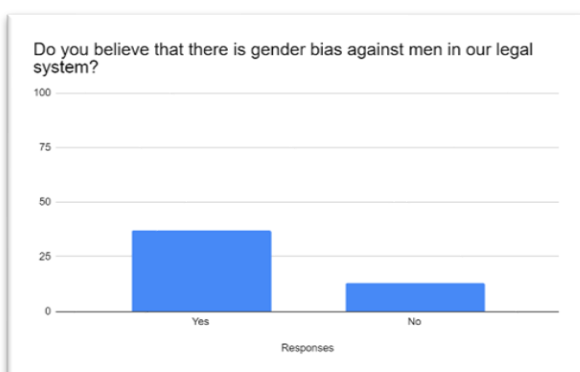
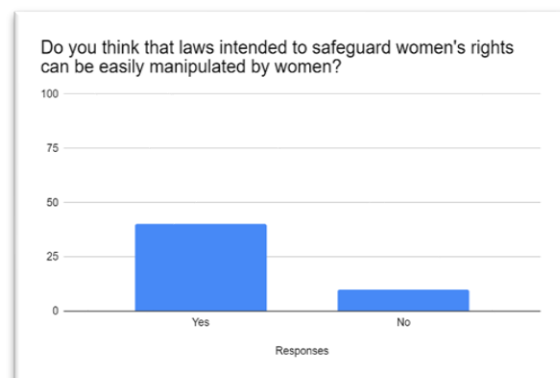
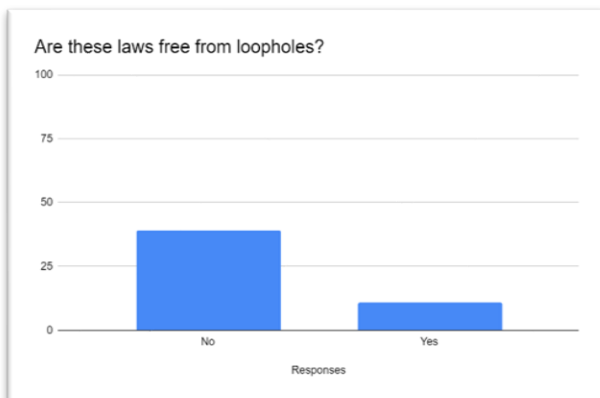
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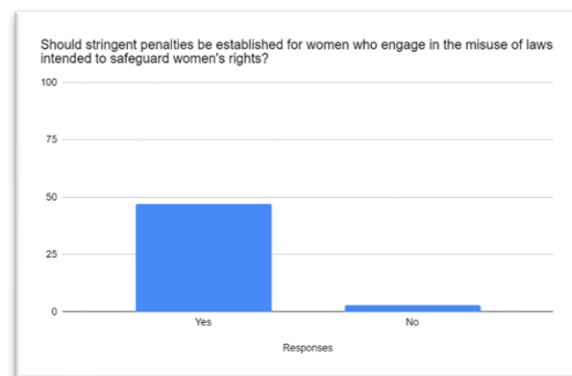
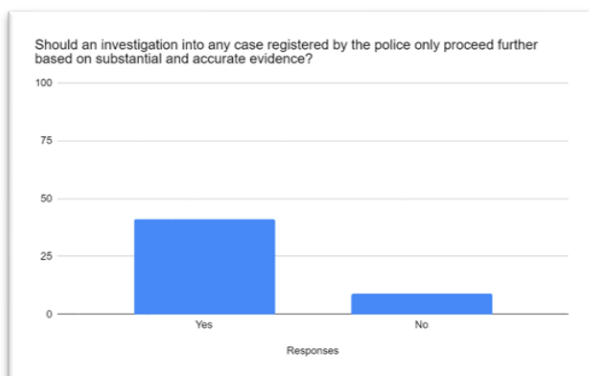
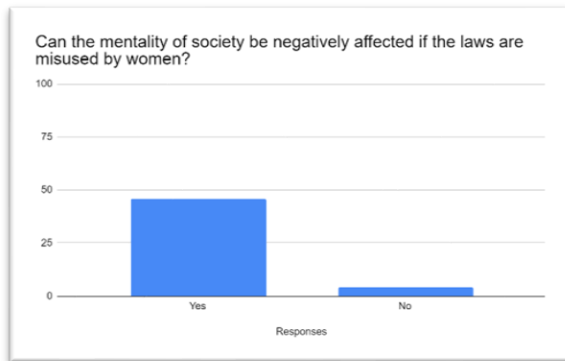
In this study, data was gathered through a structured questionnaire method & Dichotomous scale was used for the same. A self-designed questionnaire was used to collect data. The questionnaire was distributed through digital platforms such as WhatsApp and other social media. The questionnaire had in total of 50 respondents, and the survey was limited to Mumbai City.

Secondary data:

In this, the data is collected, compiled, organized, and published by others. The secondary data was collected with the help of the internet, newspapers and research papers.

Data Analysis & Findings:





A survey was conducted using a questionnaire method for the following research. The data collected and analyzed in accordance with the objectives.

- (70.6%) respondents were females and (29.4%) were males. All the respondents were above the age of 17.
- (21.6%) respondents disagree to that these laws aren't free from loopholes & (78.4%) agree to the statement.
- (80.4%) agree to the statement that the laws can be easily manipulated by women while (19.6%) people disagree to the statement.
- The graph shows that (74.5%) of respondents agree to that there is gender bias against men in our legal system & the rest (25.5%) disagree with the statement.
- The next question was about the societal impact on men if the claim is false, (80.4%) responded "Yes" & (19.6%) responded with "No".
- (92.2%) of people Agreed to the question that, If women abuse the laws, it will have a negative impact on society's mentality & remaining (7.8%) Disagreed.
- (86.3%) of respondent responded "Yes" to the question that if the laws are misused then it will undermine the credibility of genuine cases of women's rights violations & (13.7%) responded "No".

- (82.4%) of respondent responded “Yes” to the question, If an investigation into any case registered by the police only proceed further based on substantial and accurate evidence & (17.6%) responded as “No”.
- The last question was about, the stringent penalties to be established for women who engage in the misuse of laws intended to safeguard women's rights (94.1%) Agreed to the statement & (5.9%) Disagreed.

Suggestions:

- 1) Strict laws & punishments should be implemented on women’s who misuse these laws.
- 2) Proper education and awareness should be provided about what is sexual harassment, domestic violence, abuse etc.
- 3) Any case registered with the police should be only investigated with concrete evidences
- 4) Offer support and counseling to those who have been falsely accused of violating women's rights. Being wrongly accused can have severe psychological and social consequences, and support services can help mitigate these effects.
- 5) Encourage responsible reporting by the media, ensuring that they do not sensationalize or distort cases of women's rights violations.

Conclusion:

As per the findings & analysis we can conclude that, majority of the undergraduates think that the laws implemented for safeguarding women’s right can be manipulated and misused because of the loopholes present in the laws & our legal system. There is a perception that women could exploit these laws for their own benefits & personal gains. However, many respondents also expressed the need for stringent punishments and rules to be established to ensure the protection of these rights. While it was necessary to implement laws for the protection of women's rights, there are indeed challenges and potential risks associated with such laws. Nevertheless, the pursuit of gender equality remains essential. Rather than being biased towards any gender, we need to exercise greater consciousness and fairness when making judgments about others.

Bibliography:

- Shreya Rm (April, 2023)- Misuse Of Section 498A By Women Under The Indian Penal Code, 1860, Vol 3, Issue 2, pp 2-7.*
- Shreya Chhetri (December, 2017)- Misuse of Anti-Dowry Law by Women, Vol 3, Issue 12, pp 2-3.*
- Amit Baisoya, Mehak Aggarwal (October-December, 2022)- Remedies against the misuse of the Provisions of domestic violence act, Vol 7, Issue 4.*
- Inderakala T.B. & Rithwik Chengappa (2023)- A Critical Study on Misuse of Women Protection Law in India, Vol. 6, Issue 1.*
- Sumit Swarnakar (2020)- Misuse Of Legal Protection By Women” Seminar Paper On: Women And Law, pp 2-3.*

<https://lawcolloquy.com/publications/blog/misuse-of-gender-laws-in-india/212#:~:text=Sexual%20assaults%2C%20rapes%2C%20dowry%20harassment,a%20real%20problem%20in%20India>
Akshatha Prasad M D (July, 2021)- *Misuse Of Section 498a Of IPC: How Blessing Became A Curse To The Society*, pp 61- 62.
Dr. Paras Jain (April, 2018)- *Misuse Of Women Empowerment By Women In Modern Society*, Vol 9, Issue 4, pp 1-3.

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