

Weaponization of Laws by Women in India

(A Hundred Culprits May Get Acquitted But One Innocent Should Not Be Convicted)



*Tarun Kaushik**

The purpose of any legislation is to protect and promote the rights of individuals in a civilized society. India has made significant progress in gender equality and women's empowerment over the years, with various laws and regulations to protect women's rights and ensure social, political and economic justice. However, an unintended consequence of these legal safeguards has been the misuse of specific laws by a small fraction of women. This misuse may be referred to as the 'weaponization of laws' to threaten their male counterparts to fulfill their unethical/immoral demands. Subsequently, this has raised concerns about the credibility of such legislation and highlights the need for a balanced approach to protect the rights of all individuals.

There are thousands of cases where the court has found that the allegations were malafide. In one of the cases, Shivam Kumar Pal Vs. State of Uttar Pradesh, a woman from Prayagraj was fined Rs 10,000 for misusing the judicial and legal system after she filed a false complaint against her husband.

In another case, a special Pocso Court in Ajmer noted that the woman used her own daughter to frame the false charges against two men of raping her minor daughter to take revenge for filing a case against her husband. The court observed that when such false cases in a sensitive matter like rape are filed, even genuine cases were seen with suspicion wasting their valuable time. Hence sentenced her to 6 months in jail and imposed a fine of Rs 10,000.

Similarly, the court, in another case related to domestic violence, held that generally women are at the receiving end of domestic violence and the Act is created solely with a view to providing relief to the victims of domestic violence and not to the perpetrators. However, the testimony of the complainant (woman) throws light on the

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conduct of the complainant and the extent, to which she has falsified and concocted various allegations, suppressed important facts, in order to harass the respondents (husband and parents-in-law) and misused the PWDV Act as a tool to extort unjustified money from respondent no 1 (husband) for unjustified personal gain." It is a fit case which calls for the imposition of exemplary cost on complainant so that like-minded people are dissuaded from resorting to such mala fide practices," the court said while dismissing the woman's complaint with a cost of Rs one lakh, to be deposited in the account of Blind Relief Association. "The imposition of cost is in furtherance of the principle that wrongdoers should not get benefit out of frivolous litigations," it said.

In another case, A woman was fined Rs. 5 Lakh for implicating false sexual harassment allegations against a Railway Officer.

'Rape survivor' says she lied, faces action

TIMES NEWS NETWORK

Jaipur: A special PcoSo court in Rajasthan's Jhunjhunu district has acquitted a man accused of raping a child and issued notices to the "survivor" and her mother for allegedly presenting "false evidence", including lying about her age.

Special public prosecutor Lokendra Singh Shekhawat said the girl and her mother retracted their statements during the course of the trial, telling the court that the accused never assaulted her. Claiming to have brought the rape allegation at the behest of some people from their village, the girl dropped another bombshell: she was above 18.

In her initial statement, the girl had said she was a minor and that the accused had abducted and raped her on January 1, 2018. Her mother said the accused waylaid her daughter when she was on her way to Gudha town.

The court issued an or-

"A PcoSo court has directed that if any action needs to be taken against the girl, she should be treated as above 18 years of age"

LOKENDRA SINGH SHEKHAWAT
Special public prosecutor

der on November 1 acquitting the man in the dock and taking "serious cognisance" of the mother-daughter duo altering their statements after charges had been framed.

The court also directed the district collector to inform it if any compensation had been granted to the alleged rape survivor. "The girl and her mother will have to submit their responses to the court. The court has directed that if any action needs to be taken in the future against the girl, she should be treated as above 18 years of age," Shekhawat said.

GIRL'S FATHER, BROTHER ACQUITTED OF CHARGE OF RAPE

Press Trust of India

NEW DELHI: A Delhi court has acquitted the father and the brother of a girl of the charge of repeatedly raping her, stating it was "improbable" that she would have been reporting the presence of several family members.

The court also tossed the acquittal order with a "big delay" in the registration of the FIR by the girl.

The girl, who was arrested after the case of the alleged rape in 2013, had claimed she had been repeatedly raped by her father and brother for months, while living with them under a single-roof house.

Additional Sessions Judge Usaid Shafi Grewal said the girl, who had alleged that she was threatened not to disclose the incident to anyone, had every opportunity to tell about it to her family members living in the same house where she used to stay.

"About 8-10 persons of the family members of the victim and accused used to sleep together without any partition. None of them was injured in the investigation by the police. It is improbable that father and son would rape the victim in the presence of so many persons of their family," the court said, acquitting the father-son duo.

The court also termed the alleged victim's evidence as "suffering from infirmities" as the girl gave different dates and months of the incident during her deposition.

"The prosecutrix (girl) gave different times and months of the incident. There is a big delay in the registration of the FIR. Her evidence is improbable and is suffering from infirmities for which corroboration is required which is not coming from anywhere," the court said.

It said the girl admitted in her cross-examination that her family members used to run a grocery shop and she also used to sit in that shop to sell groceries.

"So, she is not correct in deposing that she was not allowed to go anywhere and due to that, she could not tell about the incident to anybody," it said.



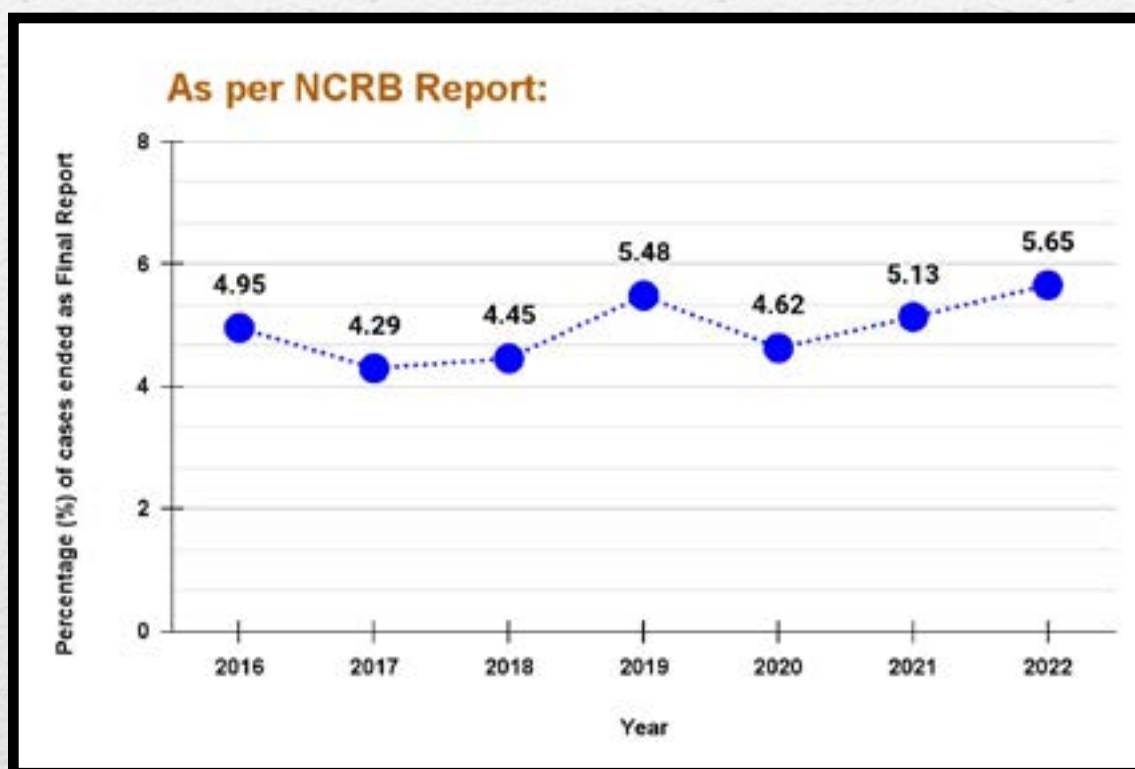
Misuse of Laws

Laws that have been found being misused are as follows:

1. **Dowry Laws:** While designed to combat dowry-related harassment, Section 498-A of the Indian Penal Code has often been used as a tool for extortion and false accusations against husbands and their families. Many argue that the lack of stringent penalties for false complaints has encouraged its misuse.
2. **Domestic Violence Act:** The Domestic Violence Act was enacted to provide protection to women facing domestic abuse. However, it has also been misused to harass innocent family members, including elderly parents and distant relatives, in domestic disputes.
3. **Sexual Harassment Act:** The Prevention of Sexual Harassment at Workplace (POSH) Act was enacted to create safe workplaces for women. Some cases have emerged where women have falsely accused colleagues or superiors for settling personal scores.
4. **Rape Laws:** Although stringent rape laws are essential to protect women against sexual violence, there have been instances of false accusations for personal vendettas or financial gains.
5. **Misuse of Child Custody Laws:** In cases of divorce and child custody battles, some women misuse laws favoring mothers to gain sole custody of children, regardless of the child's best interests.

Number of cases ended as final report False as per NCRB Data

Year	Total Cases for Investigation	No. of Cases Ended as Final Report False	Percentage (%) of Cases Ended as Final Report False
2016	497482	24620	4.95
2017	529917	22716	4.29
2018	554936	24716	4.45
2019	591155	32497	5.48
2020	573049	26449	4.62
2021	631052	32345	5.13
2022	650033	36715	5.65

**Key Observations**

- Trend in Total Cases for Investigation:** There's an overall increasing trend in the total number of cases for investigation from 2016 to 2022. This could indicate an increase in the number of reported incidents over these years.
- Trend in Cases Ended as Final Report False:** The number of cases that ended as "Final Report False" also shows an increasing trend over these years, both in absolute numbers and as a percentage of total cases investigated.

3. **Percentage of Cases Ended as Final Report False:** The percentage of cases ending as "Final Report False" has fluctuated but generally increased from 4.95% in 2016 to 5.65% in 2022. This gradual increase might indicate a slight rise in the proportion of cases found to be falsely filed, suggesting a trend that could be of concern, indicating the potential misuse of laws.
4. **Year-on-Year Analysis:** The most significant year-on-year increase in the percentage of false reports occurred between 2018 and 2019, where the percentage jumped from 4.45% to 5.48%. This could warrant a deeper investigation to understand the factors contributing to this spike. Although there are fluctuations, the trend from 2019 onwards is generally upward in terms of both absolute numbers and percentages, indicating growing concerns around the misuse of laws.

Sub-Analysis for the NCRB Data 2022

The following table shows some major crime heads and percentage of cases that ended as false as per the final report:

<i>Crime Head</i>	<i>Total Case for Investigation</i>	<i>Cases ended as Final Report False as per NCRB Report 2022</i>	<i>Percentage</i>
Cruelty by Husband or his relatives	195393	7076	3.62
Rape	44785	4340	9.69
Attempt to commit rape	4990	760	15.23
Assault on Women with intent to Outrage her Modesty	115091	6821	5.93
Insult to the Modest of Women	14124	449	3.17
Dowry Prohibition Act	22714	356	1.57
Domestic Violence Act	870	11	1.26
Total Crime against Women	650033	36715	5.65

According to the NCRB 2022 report, the combined false cases for three specific crimes of similar nature viz. Rape, Attempt to commit rape and Assault on Women with intent to Outrage her Modesty - account for 7.23% of the total false cases reported. Thus, taken together, out of 164866 active cases in 2022, under these three heads, 11921 cases were found false.

Factors Contributing to Misuse- Though, there can be numerous personal factors but some of the major factors are:

1. **Lack of Legal Consequences:** The absence of severe penalties for those found guilty of filing false cases has created an environment conducive to misuse.
2. **Societal Pressure:** Social stigma and pressure on authorities to act in favour of women sometimes lead to bias against the accused.
3. **Economic Motives:** In some cases, misuse is driven by financial gains, such as extracting alimony or property.
4. **Emotional Turmoil:** Emotional distress during disputes can lead individuals to misuse legal provisions out of anger or vengeance.
5. **The person who institutes the case based on false allegations knows that the burden of proof will lie on the accused person and it is quite difficult for him to provide evidence to prove his innocence in a court of law and this will ultimately lead to wastage of time, money & mental stability. Therefore, they use the law as a weapon to harass the defendant. But as we have cited some of the cases, the courts have penalized the person who has filed false cases against the defendant.**

It is not difficult to understand that the psychological torment inflicted on a man due to falsely registered cases against him is immeasurable and profoundly impacts his mental health. This distress can lead to drastic changes in his psychological state, potentially driving him to commit acts of revenge. Human dignity and respect are foundational to one's sense of self; once these are eroded in the eyes of society, reintegrating into a normal life becomes a monumental challenge. The social stigma faced by the accused not only affects him but can also endure for generations, abruptly stripping him of all respect.



'Our lives are over... can't make up for years lost'

The objective of any legislation is to protect and promote the interests, and rights of an individual to ensure justice in a civilized society. Those who misuse the legal system by filing cases based on false allegations need to be handled with strictness. Though, our legal system protects the rights of the individual but at the same time needs to punish the person who files the cases on the basis of false allegations. The misuse of laws by a small fraction of women in India is a complex issue that requires

a balanced approach. While protecting women's rights is crucial, it's equally important to safeguard against false accusations and ensure that justice is served for all. Legal reforms, public awareness, expedited processes and a more empathetic approach to handling such cases can contribute to a fairer and more just society for everyone.

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