DECLARATION

This is to certify that the material embodied in the present work entitled “Harassment of Men vis-a-vis Protective Laws for Women in India” is based on my original research work. It has not been submitted in part or full for any other diploma or degree of any University. My indebtedness to other works has been duly acknowledged at the relevant places.

Dated: Hemant Kumar Yadav
Research Scholar
ACKNOWLEDGEMENT

The whole process of the research is a great learning experience, because the techniques used in the research work and the aspects on which the research has been done, are so interesting that creates the curiosity in my mind. The research work also assisted me to learn the relations between different persons. Sometimes, it was hard to receive the exact details of the case, but the dedication towards the research works led to the best results.

This is one aspect of the research work. On the other hand, I found the hands for assisting me in the research work. I received a lot of assistance from my teachers, colleagues, relatives and near and dear ones, who showed their interest in my research work. It was immaterial for them that they had not full knowledge of all the matters of the research work. Some persons did not bother to share their observations and study with me regarding the judicial system and the government.

Such human relation during the whole research work bind me to show my heartily thanks to several persons, who were besides me all the time in one way or the other. When I remind back the whole process of my research work, I find that it was impossible to reach to this point, if there was no assistance from all those persons.

Firstly, I would like to express my sincerest gratitude to Dr. Kavita Dhull, Department of Law, MDU, Rohtak (HR), my supervisor for Ph.D., for all the help, support and guidance; she gave me beyond limits throughout the research period for the completion of this thesis. This thesis is completed due to her wide range of knowledge, regarding the topics related to this research work. I also thank her for the all time assistance without any hurry and conditions. She taught me various topics and cleared the principles related to law. When I was in some difficulty, I found my supervisor always a call away for removing my doubts with the help of her long experience. She shared with me her experience regarding the research work, which made me strong and confident. I am thankful to her that that she gave me opportunity to work under her supervision.

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Without naming each and every person individually, I wish to acknowledge my grateful thanks to all of them.

Finally, I hope this research work would inspire the society and the government to follow the suggestions provided in this thesis to resolve the multi-dimensional problem of misuse of special laws by women against men, so that the sacrament relation of marriage will sustain happily and peacefully.

Last but not the least, I would like to thank God for stooping on me everytime!
PREFAE

An overview of present scenario reveals that India serves as a source, transit and destination of the harassment of men by women. The collaborated and protected system in India further makes it a complex, multi-layered and multi-dimensional problem. This thesis involves various types of studies, as examination of various decided Supreme Court cases, news published in various newspapers and library method. Men are being charged by women in numerous of cases by misusing the special laws for women. Violation of section 498-A, IPC, its goals and its aims is on the rise with the woman frivolously making false allegations against their husbands with the purpose of getting rid of them or simply hurting the family. The abuse of this section is rapidly increasing and the women often well-educated know that this section is both cognizable and non-bailable and impromptu works on the complaint of the woman and placing the man behind bars. When women accuse their husbands under s. 304-B and s. 498-A, IPC by making the offence non-bailable and cognizable, if the man is innocent, he does not get a chance quickly to get justice and “justice delayed is justice denied”. Therefore, the lawmakers must suggest some way of making this section non-biased to any individual such that the guilty is punished and the person wronged is given justice.

The educated woman of today must agree with the mantra of equality and demand the same, but the trend is slowly getting reversed. Women are taking due advantage of the fact that they are referred to as the ‘weaker sex’ and on the foundation of rights ensured to them are violating others’ (men’s) rights. The thesis deals with international framework of laws that criminalizes misusing of laws by women against men, with a special focus on contemporary legislations in India and legal measures taken by the states against misuse of laws by women against men. Finally, this thesis tries to provide some conclusions and suggestions after analyzing all the study, for curbing the problem of misuse of special laws by women against men. It provides that how the present scenario can be rectified without disturbing the judicial system and the rights of women.

As the misuse of the laws relating to the prohibition of harassment for dowry is on the high, same is the position of the laws relating to rape and eve teasing. A number of false cases are filing daily in the country. There is an old proverb that woman becomes the enemy of
woman. The power given to women is needed to be handled; otherwise one should not be wondered if the right points of women will be ignored. The government has executed the laws very strictly in relation to that matter after the brutal incident of Damini at Delhi. The effect of those laws is seems to be in force. Those laws give such a power to women that no one can escape from them. But, many cases come before the police and courts, in which these strong laws are heavily misused. We should have to seriously think over it before the time lapses.

There are innumerable precedents dealing with the term “cruelty”, which may be read here. But, what’s the use of them. There is no strict meaning of the term “cruelty”, and it is also not possible because one act or conduct may be considered as cruelty in some case and it may not be considered as such in some other case. Mental cruelty may be considered as when either the husband or the wife gives mental pain, pressure, agony or suffering of such an extent that it divides the wife or the husband. It is clear that if one party makes wild and reckless allegations as regards to the character of the other party or any near relative of the other party and such allegations remain unsubstantiated, they amount to causing cruelty within the meaning of the sections under the Hindu Marriage Act.

S. 498A was enacted to empower women against harassment for dowry and domestic violence. Now-a-days, the cases of misuse of this provision have become a daily routine. It is sad to say that the Supreme Court in the historical case of Sushil Kumar Sharma v. Union of India 2005 (6) SC 266, has condemned s. 498A as ‘Legal Terrorism’. In 1985, amendments were made in Indian Penal Code and Criminal Procedure Code in relation to dowry. The object of those amendments was to empower women and to stop the bad consequences relating to the dowry. The government got the success to some extent in its object. Women became aware when the dowry lovers got punishment. Due to the strictness in the law, two changes came into effect. First, women were not murdered and harassed for the want of dowry, and the second was the awareness relating to the dowry prohibition laws. Women became understanding their rights. But, the situation today has totally changed. Women started to misuse their awareness to such extent that hundreds of cases are getting filed every month in the country. The fake cases, filed by women, bound a lot of families to live the life of hell. Thousands of cases are pending before the family courts in India. No one ever imagined that the laws for the protection of women may be misused in such a way. That was the reason that an appeal was filed before the Supreme Court
of India for reviewing the dowry related laws. Although that appeal was dismissed by the Supreme Court, but with the passing of the time, demand for reviewing the powers given to women is raising.

The word “life” under article 21 of the Constitution of India does not means the life of animals, rather it means the life of human beings, and it has not only physical existence, but spiritual existence also. The right to life is not limited to the mere protection of the body parts, rather it also includes right to live with full dignity, which is necessary for making complete the human life. The incidents, where woman misuses the liberty provided by law to her and file a case of cruelty for the demand of dowry only because the marriage has taken place within past 7 years or the incidents, in which woman report the fake case of rape or its attempt against some man, are said to be the direct assault over the dignity and the right to life and liberty of the man. The side of woman is also generally strong in the court, as she is prima facie deemed to be innocent in all the cases. It is also considered that woman never takes the steps to lodge the complaint, which ultimately affects the interests of man in the case. If in any case, there is lack of evidences and witnesses from both husband and wife, then soft nature of court towards woman, create problem for man.

The law should seriously make the arrangements for both the parties for the purpose of resolution of the matter, otherwise men will have to forget that they have also the right to live with full dignity in this country. It is unfortunate to say that the women are misusing the laws in the wrong ways, which are provided to them for the protection of their interests.
## ABBREVIATIONS

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<td>A.C.</td>
<td>Appeal Cases</td>
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<td>AIR</td>
<td>All India Reporter</td>
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<td>All.L.J.</td>
<td>Allahabad Law Journal</td>
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<td>BAI</td>
<td>Bhopal Against Injustice</td>
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<td>Bomb.L.R.</td>
<td>Bombay Law Report</td>
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<td>Bombay Law Report Journal</td>
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<td>Bomb.</td>
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<td>CA</td>
<td>Chartered Accountant</td>
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<td>Cal.W.M.</td>
<td>Calcutta Weekly Magazine</td>
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<td>Cal.</td>
<td>Calcutta</td>
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<td>CAW</td>
<td>Crime against Women</td>
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<td>Cha./Chap.</td>
<td>Chapter</td>
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<tr>
<td>CEDAW</td>
<td>Convention on Elimination of All Forms of Discrimination against Women</td>
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<td>CIA</td>
<td>Crime Investigation Agency</td>
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<td>Civ.L.J.</td>
<td>Civil Law Report</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<td>I.G.</td>
<td>Inspector General</td>
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<td>I.L.R.</td>
<td>Indian Law Report</td>
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<td>I.P.C.</td>
<td>Indian Penal Code</td>
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<td>J.</td>
<td>Justice</td>
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<td>J.M.F.C.</td>
<td>Judicial Magistrate – Class I</td>
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<td>Karnataka</td>
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<td>LL.B.</td>
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<td>M.L.J.</td>
<td>Madras Law Journal</td>
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<td>NBW</td>
<td>Non-Bailable Warrant</td>
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<td>N.C.M.</td>
<td>National Coalition of Men</td>
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<td>NCRB</td>
<td>National Crime Records Bureau</td>
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<td>NGO</td>
<td>Non-Government Organisation</td>
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<td>Nov.</td>
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<td>NRI</td>
<td>Non-Resident of India</td>
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<td>Ori.</td>
<td>Orissa</td>
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P. & H.  Punjab and Haryana
Ph.D.  Doctorate in Philosophy
PIL  Public Interest Litigation
P.L.R.  Punjab Law Reporter
Punj.  Punjab
R.C.R.  Recent Criminal Reports
Raj.  Rajasthan
S./Sec.  Section
S.C.  Supreme Court
S.C.C.  Supreme Court Cases
S.C.J.  Supreme Court Journal
S.C.R.  Supreme Court Reports
Sep.  September
SHO  Station House Officer
S.I.  Sub-Inspector
SIFF  Save Indian Family Foundation
UAE  United Arab of Emirates
UK  United Kingdom
UNDP  United Nations Development Programme
UNO  United Nations Organisation
UP/U.P.  Uttar Pradesh
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<tr>
<td>US</td>
<td>United States</td>
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<tr>
<td>USA</td>
<td>United States of America</td>
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<td>USD</td>
<td>United States Dollar</td>
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