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MISUSE OF WOMEN PROTECTION LAWS AGAINST MEN IN INDIA: AN ANALYSIS OF CAUSES, CONSEQUENCES, AND REMEDIES

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ABSTRACT

The enactment of women protection laws in India marked a significant milestone in combating gender-based violence and systemic discrimination. However, recent legal, social, and empirical studies have revealed growing concerns regarding the misuse of these protective statutes against men. This article explores the causes, consequences, and potential remedies concerning the exploitation of key legislations, including Section 498A of the Indian Penal Code, 1860³⁰⁰ (now Section 85 of the Bharatiya Nyaya Sanhita, 2023³⁰¹), the Protection of Women from Domestic Violence Act, 2005³⁰², and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013³⁰³. It examines landmark judicial decisions acknowledging misuse, analyses the psychological, social, and economic impacts on falsely accused men, and evaluates current socio-legal frameworks. Through a critical assessment of national crime data, existing literature, and judicial interventions, the article identifies recurring patterns of false accusations and their devastating consequences. Moreover, the study proposes comprehensive legal reforms such as mandatory preliminary inquiries, penal provisions against false complaints, the establishment of Family Welfare Committees, and the adoption of gender-neutral statutes. This article argues for a balanced legal approach that preserves the core objective of protecting genuine victims while instituting safeguards to prevent the misuse of laws. A recalibrated system that guarantees fairness to all genders is essential for upholding the constitutional principles of equality and justice.



³⁰⁰ The Indian Penal Code, 1860 (Second Amendment Act of 1983), s. 498A.

³⁰¹ Bharatiya Nyaya Sanhita, 2023, s. 85.

³⁰² The Protection of Women from Domestic Violence Act, 2005.

³⁰³ Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.

INTRODUCTION

India has long grappled with the challenges of gender-based violence and discrimination, leading to the enactment of significant legal frameworks aimed at empowering women and ensuring their safety. Statutes such as Section 498A of the Indian Penal Code, 1860 (now Section 85 of the Bharatiya Nyaya Sanhita, 2023), the Protection of Women from Domestic Violence Act, 2005, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, represent crucial efforts to protect women's rights. While these laws have been instrumental in addressing historical injustices and promoting a safer environment for women, concerns regarding their potential misuse have surfaced over time. Reports suggest that, in some cases, these protections are exploited to settle personal scores or harass men, undermining the spirit of gender justice and raising significant questions about maintaining fairness for all individuals.

This article explores the alleged misuse of women-centric protection laws against men in India. It seeks to bridge a critical gap by systematically examining the socio-legal factors that enable misuse and evaluating the real-world impact on accused men and their families. Despite growing anecdotal evidence, comprehensive empirical analysis on this phenomenon remains limited. Addressing this lacuna is crucial, as false accusations not only cause severe psychological, social, and economic harm but also threaten the credibility and effectiveness of genuine protections. The objectives of this article are to examine the extent and nature of misuse, identify socio-legal factors contributing to it, and assess its psychological, social, legal, and economic consequences. The key questions explored include: what types of misuse prevail; how sociocultural norms and legal ambiguities contribute; what shortcomings exist within the legal framework; and how effective current support systems are for falsely accused men.

While aiming to propose practical remedies such as legal awareness programs, specialized judicial training, support systems for falsely accused individuals, and gender-neutral reforms, this article acknowledges certain limitations. It relies primarily on secondary data, judicial pronouncements, and documented cases, with no primary empirical research conducted. Additionally, the sensitive nature of the issue may result in underreporting. Nevertheless, the article recognizes the continued necessity of women protection laws for safeguarding genuine victims, striving to foster a balanced discourse that ensures justice for all parties.

HISTORICAL BACKGROUND AND JUDICIAL RECOGNITION OF THE MISUSE OF WOMEN PROTECTION LAWS IN INDIA

Post-independence India saw the enactment of several women-centric protective law. These legislative measures aimed to eliminate systemic violence against women and safeguard their constitutional rights to equality, dignity, and life under Articles 14, 15, and 21 of Indian constitution.³⁰⁴ However, by the late 1990s and early 2000s, a growing body of judicial observations, police reports, and civil society critiques indicated that these laws, particularly Section 498A, were sometimes being misused to harass husbands and their families, settle matrimonial disputes, or exert undue pressure in personal conflicts. Given the cognizable, non-bailable, and non-compoundable nature of Section 498A, arrests were often made without preliminary investigation, resulting in hardship for entire families.

National Crime Records Bureau (NCRB) data revealed high acquittal rates under section 498A, suggesting that many cases lacked sufficient merit. Indian courts began taking cognizance of the issue. In *Sushil Kumar Sharma v. Union of India*³⁰⁵, the Supreme Court acknowledged that Section 498A, while enacted to counter dowry-related cruelty, had been

³⁰⁴ The Constitution of India, arts. 14, 15, 21.

³⁰⁵ AIR (2005) 6 SCC 281.

weaponized in some cases, causing immense suffering to innocent parties. The Court described the misuse as a form of "legal terrorism" and called for careful enforcement while upholding the constitutionality of the provision.

In *Preeti Gupta v. State of Jharkhand*³⁰⁶, the Court expressed deep concern over the increasing trend of making exaggerated and baseless allegations involving entire families of husbands. It recommended that serious legislative reforms be considered to curb frivolous litigations while maintaining the efficacy of genuine complaints.

The landmark ruling in *Arnesh Kumar v. State of Bihar*³⁰⁷, led the Supreme Court to introduce procedural safeguards against arbitrary arrests under Section 498A. The Court directed that arrests should be based on reasonable satisfaction after preliminary inquiry, and Magistrates were instructed to scrutinize justifications before authorizing detention, thus instituting systemic checks against misuse.

In *Rajesh Sharma v. State of U.P.*³⁰⁸, the Court proposed constituting Family Welfare Committees at the district level to examine complaints before any coercive action, recognizing that many complaints lacked bona fide intent and were filed with ulterior motives like extortion or revenge. Although later modified, the judgment highlighted the need for a preliminary inquiry to protect innocent parties from unwarranted prosecution.

On the other hand, the social consequences of misuse have been severe, including wrongful arrests, reputational damage, and emotional trauma to innocent individuals. It has also undermined genuine victims' credibility, creating skepticism within law enforcement and judicial circles. Reforms such as gender-neutral laws, stricter preliminary inquiries, and penalties for false accusations have been widely

suggested to strike a balance between protecting victims and preventing injustice.

ANALYSIS OF TRENDS, PATTERNS, AND PSYCHOLOGICAL CONSEQUENCES ON MEN AND THEIR FAMILIES

A considerable body of empirical work substantiates the claims of misuse of women protection laws. Data from the National Crime Records Bureau (NCRB) offers a critical starting point. The Crime in India 2021 report³⁰⁹ highlights that among cases registered under Section 498A of IPC, the conviction rate was merely 14.3%, with 85.7% resulting in acquittals or dismissals. This discrepancy indicates that a significant number of complaints either lacked evidentiary support or were unsustainable in court. Similar patterns are observed under the Domestic Violence Act, where many applications result in reconciliation, withdrawal, or failure to prove allegations, suggesting that while genuine grievances exist, a sizable portion may involve fabricated or exaggerated claims.

Further insights come from the Save Indian Family Foundation (SIFF), which conducted a 2018 survey³¹⁰ of 1,000 men accused under Section 498A IPC. Notably, 98% of respondents reported that extended family members, including senior citizens and minor children, were named as co-accused. 72% admitted that cases were withdrawn after monetary settlements, and 60% claimed false accusations followed disputes over divorce or custody matters. Such data points toward a strategic misuse of the law for financial or material advantage rather than genuine redressal. Institutional reports have also recognized the issue. The 243rd Report of the Law Commission of India (2012)³¹¹ acknowledged the rampant misuse of Section 498A IPC and suggested making the offence compoundable to enable reconciliation. The Justice Malimath Committee Report (2003)³¹² similarly noted that the law had

³⁰⁶ AIR (2010) 7 SCC 667.

³⁰⁷ AIR (2014) 8 SCC 273.

³⁰⁸ AIR (2017) 8 SCC 746.

³⁰⁹ National Crime Records Bureau, "Report on Crime in India" (2021).

³¹⁰ Save Indian Family Foundation, "Survey on Abuse of IPC Section 498A" (2018).

³¹¹ Law Commission of India, "243rd Report on Section 498A IPC" (2012).

³¹² Ministry of Home Affairs, Government of India, "Justice Malimath Committee Report" (2003).

often become a tool for harassment instead of protection and recommended its re-evaluation to balance justice for genuine victims with safeguards against misuse.

Patterns of misuse have been analytically discerned across various cases. One significant trend involves the mass implication of family members, where elderly parents and distant relatives are often named without specific allegations. Many complaints arise long after separation, typically after divorce negotiations or property disputes fail, to strengthen bargaining positions. Financial settlements outside court are common, indicating extortion-like practices. Section 498A is also frequently invoked during child custody battles to tilt proceedings in favor of the complainant. Urban areas, with greater legal awareness and resources, see a higher prevalence of such misuse.

Psychological and Social Impact-

The psychological toll on falsely accused men is devastating and often overlooked. According to a 2020 study by the Indian Journal of Psychiatry³¹³, 72% of men falsely implicated suffered from anxiety disorders, 65% developed major depressive symptoms, and 42% exhibited PTSD-like conditions. The prolonged legal battle, social alienation, and financial destruction exacerbate these mental health issues.

Social stigma compounds the problem even more. In India, where societal perceptions carry immense weight, mere allegations lead to irreparable reputational damage. Men face suspension from employment, professional blacklisting, and future employment hurdles solely based on accusations. A 2019 report by the Men's Welfare Trust³¹⁴ highlighted numerous instances where men lost jobs or faced disciplinary actions without any conviction.

Alarmingly, false accusations have been linked to increased suicidal tendencies. The Men's

Rights Association Report (2019)³¹⁵ documented that over 20% of falsely accused men experienced suicidal ideations, and around 10% attempted suicide during the trial period, driven by feelings of hopelessness and prolonged legal entanglement.

Current Socio-Legal Scenario-

Despite judicial interventions such as the Arnesh Kumar guidelines, arbitrary arrests continue, particularly in lower courts and rural areas. The concept of Family Welfare Committees, intended to screen complaints before FIRs are registered, remains inconsistently implemented. Judicial delays further punish the accused, turning the process itself into a form of harassment. Importantly, there is minimal accountability for filing false cases, and perjury prosecutions are rare. The prevailing media narrative, often portraying men as perpetrators without due inquiry, intensifies the social alienation of those falsely accused.

RECOMMENDATIONS AND CONCLUSION: "TOWARDS A BALANCED AND GENDER-JUST LEGAL FRAMEWORK"

The critical analysis undertaken throughout this article demonstrates the urgent need for systemic reforms in the framework of women protection laws to prevent their misuse. While preserving the integrity of legal safeguards for genuine victims, the law must also ensure that innocent individuals are not subjected to harassment and injustice.

First, before registering a First Information Report (FIR) under women-centric statutes like Section 498A of the IPC (now Section 86 of the Bharatiya Nyaya Sanhita, 2023), a mandatory preliminary inquiry should be conducted. Basic fact verification by the police would prevent mechanical arrests and reduce the trauma inflicted on falsely accused individuals. Second, there must be penal consequences for false or malicious complaints. Strengthening laws and introducing penalties, including fines or criminal

³¹³ Indian Journal of Psychiatry, Mental Health Effects of False Accusations in India, Vol. 62, Issue 3, 2020.

³¹⁴ Men's Welfare Trust Report (2019).

³¹⁵ Men's Rights Association, "Annual Report on Male Suicides in False Cases," (2019).

action, against proven false complainants would serve as a strong deterrent and reinforce accountability. Third, Family Welfare Committees (FWCs) must be institutionalized at the district level. It should be comprised of neutral experts such as psychologists, social workers, and retired judicial officers, these committees should examine complaints in a non-adversarial manner before any coercive action is initiated, offering a necessary layer of scrutiny. Fourth, the gender-specific nature of certain protection laws must be reformed. Moving towards gender-neutral drafting ensures that all victims of domestic violence, harassment, and cruelty, regardless of gender, receive equal protection under the law. Recognizing that men, too, can be vulnerable in matrimonial conflicts is essential for a truly balanced justice system. Fifth, time-bound disposal of cases involving matrimonial disputes and allegations under women protection laws must be prioritized. Specialized matrimonial benches in district courts could ensure efficient judicial processing and prevent prolonged emotional and financial distress for both parties. Sixth, mandatory psychological counselling for both complainants and respondents should be incorporated at the initial stages of litigation. Counselling could encourage reconciliation, minimize impulsive litigation, and address underlying psychological issues, leading to a less adversarial approach. Seventh, awareness and sensitization campaigns must be launched to educate citizens about the serious consequences of misusing women protection laws. Targeting young adults through colleges, workplaces, and community programs would help inculcate a culture of responsibility and respect for the true purpose of these protections. Finally, a statutory mechanism for compensating the falsely accused should be established. Courts must be empowered to award financial restitution for the mental, social, legal, and economic harm caused to innocent individuals, thereby restoring faith in the justice system and promoting restorative justice.

If implemented, these recommendations would reduce the incidence of frivolous and malicious cases, preserve the credibility of women protection statutes, and ease the burden on the police and judiciary. Societally, this would promote healthier relationships, protect the dignity of individuals, and foster a culture of balanced gender justice.

Throughout this article, my personal journey as a female law student has reinforced the importance of maintaining empathy for genuine victims while objectively recognizing emerging societal challenges. As I analyzed the historical context, it became clear that these laws were crafted at a time when women were overwhelmingly disadvantaged. Their enactment was not just necessary but vital for correcting centuries of systemic gender oppression. However, contemporary realities reflect a more nuanced society, where gender roles are evolving, and empowerment is not confined to one sex alone.

Judicial acknowledgments, especially in landmark cases like *Arnesh Kumar v. State of Bihar* and *Rajesh Sharma v. State of U.P.*, have recognized the misuse of protective laws for personal vendettas, a trend also corroborated by empirical data from organizations like the National Crime Records Bureau and Save Indian Family Foundation. High rates of acquittals and settlements, mass implication of family members, and mental health crises among falsely accused men reveal a hidden dimension of suffering that demands urgent attention.

False accusations can inflict deep psychological wounds, destroy reputations, and drive individuals to despair. Protection mechanisms, if unchecked, can themselves become instruments of injustice. True empathy demands that we recognize and address suffering wherever it occurs, irrespective of gender. Justice must not be selective; it must remain blind to gender and sensitive only to truth.

In conclusion, while women protection laws continue to serve an essential purpose, their

vulnerabilities have created systematic injustices against men and their families. A reformatory approach, rooted in gender neutrality, procedural safeguards, accountability for misuse, and restorative justice mechanisms, is the need of the hour. Only by recalibrating the law to reflect the realities of a changing society can we ensure that the ideals of fairness, dignity, and equality enshrined in our Constitution are truly realized for all citizens.

REFERENCES

1. The Indian Penal Code, 1860, s. 498A.
2. Bharatiya Nyaya Sanhita, 2023, s. 85.
3. The Protection of Women from Domestic Violence Act, (2005).
4. Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, (2013).
5. The Constitution of India, arts. 14, 15, 21.
6. Sushil Kumar Sharma v. Union of India, AIR (2005) 6 SCC 281.
7. Preeti Gupta v. State of Jharkhand, AIR (2010) 7 SCC 667.
8. Arnesh Kumar v. State of Bihar, AIR (2014) 8 SCC 273.
9. Rajesh Sharma v. State of U.P, AIR (2017) 8 SCC 746
10. National Crime Records Bureau, "Report on Crime in India" (2021).
11. Save Indian Family Foundation, "Survey on Abuse of IPC Section 498A" (2018).
12. Law Commission of India, "243rd Report on Section 498A IPC" (2012).
13. Ministry of Home Affairs, Government of India, "Justice Malimath Committee Report" (2003).
14. Indian Journal of Psychiatry, Mental Health Effects of False Accusations in India (2020).
15. Men's Welfare Trust Report (2019).
16. Men's Rights Association, "Annual Report on Male Suicides in False Cases," (2019).