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# THE NEGATIVE ASPECT OF GENDER JUSTICE: ANALYSING INDIA'S ABUSE OF PROTECTIVE LAWS AGAINST MEN

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## ABSTRACT

*India has made significant progress in creating legal protections against discrimination and violence against women. The abuse of these very laws against men is a reality that is less talked about but is becoming more significant. Even if they have their roots in valid social concerns, laws such as the Sexual Harassment of Women at Workplace Act, the Domestic Violence Act, and Section 498A of the Indian Penal Code have occasionally been to falsely implicate men. Using judicial rulings, empirical evidence, and legislative trends, this article acknowledges the scope and consequences of this misuse.*

*The article historical necessity of gender-sensitive protections without diminishing the lived experiences of women. Rather, it advocates for a nuanced strategy that strikes a balance between procedural justice and protection, and where necessary, it promotes gender-neutral<sup>1</sup> reform. In order to improve the legitimacy, efficacy, and equity of gender justice in India, policy recommendations are made at the end of the discussion.*

*The abuse of gender-protective laws in India, specifically Section 498A IPC<sup>2</sup> and the Domestic Violence Act, 2005<sup>3</sup>, is critically examined in this article. The goal of these laws is to protect women from abuse, their unchecked implementation has led to men and their families being falsely accused and*

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<sup>1</sup> Malvika Rajkotia, Essays on Gender and Law in India, Oxford University Press (2017).

<sup>2</sup> Section 498, IPC

<sup>3</sup> The Domestic Violence Act, 2005

*subjected to legal harassment. In order to demonstrate how such abuses compromise the constitutional ideal of equality, the article examines NCRB data, court rulings, and legislative gaps.*

**KEYWORDS:** Men's rights in India, 498A IPC, domestic abuse, false accusations, gender-neutral legislation, and legal abuse.

## INTRODUCTION

India's legal system has developed over time to end patriarchal oppression and empower women. With the admirable goal of reducing domestic abuse and cruelty associated with dowries, laws like the Dowry Prohibition Act, 1961<sup>4</sup>, and Section 498A of the Indian Penal Code (IPC) were passed. However, a parallel story has surfaced in recent years, alleging that men and their families are being unfairly harassed by the abuse of these protective laws.

The issue occurs when laws meant to provide protection are applied maliciously. Innocent people are frequently subjected to psychological, social, and legal harassment as a result of false complaints being filed without prompt investigation due to procedural leniency and the lack of gender neutrality in several laws.

This piece seeks to:

- Analyse the alleged abuse of laws intended to protect women against men.
- Examine data and case laws that demonstrate misuse.
- Make recommendations for legal reform that balance accountability and protection.

Even though gender-specific laws have improved the rights of women, their abuse is a type of legal injustice that calls for gender neutrality and checks and balances. The discussion of legal abuse is a call for reflection on the presumption of innocence and equality before the law, not an effort to undermine the legitimacy of real women's complaints. India must recognise the murky underbelly of abuse while simultaneously bolstering and strengthening its commitment to shielding women from discrimination and violence. Fairness, honesty, and accountability must be given top priority in legal reform. Laws that are gender-neutral shouldn't turn into tools that discriminate against women. Adopting inclusive, well-balanced legal frameworks based on the ideas of justice for all is the way forward.

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<sup>4</sup> Dowry Prohibition Act, 1961

The ramifications of such abuse are examined in this article, which also raises concerns about whether India's gender justice system actually preserves the fundamental values of equality and justice for all people, regardless of gender.

## LITERATURE REVIEW

The problem of legal misuse is acknowledged in a number of studies and Law Commission reports. The Malimath Committee Report<sup>5</sup> from 2003 acknowledged that laws such as Section 498A IPC are frequently abused and suggested making them subject to bail and compounding. While abuse does happen, according to academics like Flavia Agnes<sup>6</sup>, it is frequently exaggerated by the media and does not excuse weakening of laws protecting women. On the other hand, statistics from the National Crime Records Bureau (NCRB)<sup>7</sup> that demonstrate a high rate of acquittal in cases filed under Section 498A IPC are cited by men's rights organisations and advocates as evidence of abuse.

In **Rajesh Sharma v. State of U.P. (2017)**<sup>8</sup>, the Supreme Court recognised the abuse of Section 498A and ordered the establishment of Family Welfare Committees to examine such complaints prior to making an arrest. But later, this was watered down, in **Social Action Forum for Manav Adhikar v. Union of India (2018)**<sup>9</sup>, which stressed judicial discretion while maintaining the necessity of procedural safeguards.

The heteronormativity of personal laws and the patriarchal overtones of Indian criminal law have been criticised by academics such as Arvind Narrain and Ratna Kapur<sup>10</sup>. Gender-neutral rape laws were suggested in the 172th Law Commission Report<sup>11</sup>, but they have not yet been put into effect. There is a growing awareness of intersectionality and queer theory in academic discourse. However, the majority of statutory texts still use gendered pronouns and presume heterosexual, cisgender norms. For example, the Indian Penal Code (IPC) defines rape as a crime committed by a man against a woman.

The Supreme Court has advanced legal recognition through its rulings in **NALSA v. Union of**

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<sup>5</sup> Malimath Committee Report on Reforms of Criminal Justice System (2003).

<sup>6</sup> Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford Univ. Press 2001).

<sup>7</sup> National Crime Records Bureau, *Crime in India 2020*, Ministry of Home Affairs, Govt. of India.

<sup>8</sup> *Rajesh Sharma v. State of U.P.*, (2017) 8 S.C.C. 746.

<sup>9</sup> *Social Action Forum for Manav Adhikar v. Union of India*, (2018) 10 S.C.C. 443.

<sup>10</sup> Ratna Kapur, *Gender Justice, Human Rights and the Supreme Court*, 12 S.C.C. (Jour.) 1 (2002).

<sup>11</sup> 172th Law Commission Report

**India (2014)<sup>12</sup> and Navtej Singh Johar v. Union of India (2018)<sup>13</sup>**, these developments are judicial in nature rather than legislative.

## METHODOLOGY

The doctrinal legal research approach used in this article is based on:

- analysis of gender-centric laws in statutes.
- historic court rulings.
- NCRB<sup>14</sup> reports' empirical data.
- secondary sources such as government notifications, reports, and articles in law journals.

Using primary and secondary sources, this study employs a doctrinal and analytical legal research methodology to assess how India's gender-protective laws are being abused against men. The study's foundation is the examination of legal provisions like the Dowry Prohibition Act of 1961, the Protection of Women from Domestic Violence, Act of 2005, and Section 498A of the Indian Penal Code. To evaluate how courts have interpreted, recognised, and attempted to address the misuse of these laws, judicial decisions from the Supreme Court and several High Courts have been critically examined.

To show patterns and bolster the claim of frequent abuse, empirical data from National Crime Records Bureau (NCRB) reports specifically, conviction and acquittal rates under Section 498A—has been included.

Journal articles, scholarly commentary, and reports by legal experts and rights organisations are examples of secondary sources that provide information on the legal and societal ramifications. This thorough approach guarantees an impartial, fact-based analysis of gender-biased legal practices in India.

## RESULTS: DATA & JUDICIAL RECOGNITION OF MISUSE

Gender-protective laws are frequently misapplied, according to an increasing amount of empirical and judicial evidence:

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<sup>12</sup> NALSA v. Union of India, (2014) 5 S.C.C. 438.

<sup>13</sup> Navtej Singh Johar v. Union of India, (2018) 10 S.C.C. 1.

<sup>14</sup> National Crime Records Bureau, Crime in India 2020, supra note 4.

- NCRB Data: 15.4% conviction rate under Section 498A IPC in 2020
- Rate of acquittal: greater than 80%<sup>15</sup>
- Whole families are frequently involved, including young siblings and ageing parents.

In India, gender-protective laws—specifically, Section 498A of the Indian Penal Code—are increasingly being abused, according to an unbiased review of the data that is currently available and court rulings. In 2020 alone, more than 1,11,000 cases were filed under Section 498A, according to the National Crime Records Bureau (NCRB). However, the majority of those accused were found not guilty, and the conviction rate remained pitifully low at 15.4%, underscoring the high frequency of fabricated or overstated complaints. The abuse of these provisions has been acknowledged by the courts and is not just statistical. The Supreme Court observed in **Rajesh Sharma v. State of U.P.**<sup>16</sup> that unhappy wives have a "growing tendency" to accuse not only their husbands but also members of their extended family, such as ageing parents and distant relatives, without providing strong proof. Similar to this, the Court stressed the necessity of legislative scrutiny in **State of Jharkhand v. Preeti Gupta**<sup>17</sup> because of the pervasive misuse.

These results highlight a structural issue. The existing legal system assumes male guilt and provides few options for those who are wrongfully accused. The repercussions include psychological distress, protracted litigation, and harm to one's reputation. The lack of statutory protections and gender-neutral provisions continues to negatively impact thousands of innocent people nationwide each year, despite court orders to prevent abuse.

## CASE LAW HIGHLIGHTS

1. In **Sushil Kumar Sharma v. Union of India, (2005) 6 SCC 281**<sup>18</sup>, the Supreme Court ruled that disgruntled wives were harassing their in-laws by misusing Section 498A as a "weapon" rather than a "shield."
2. **State of Jharkhand v. Preeti Gupta, (2010) 7 SCC 667**<sup>19</sup>: The Court noted that since many of the complaints were not legitimate and were meant to settle personal scores, a thorough review was required.

<sup>15</sup> National Crime Records Bureau, Crime in India 2020, supra note 4.

<sup>16</sup> **Rajesh Sharma v. State of U.P.**, (2017) 8 S.C.C. 746.

<sup>17</sup> **State of Jharkhand v. Preeti Gupta**, (2010) 7 S.C.C. 667.

<sup>18</sup> **Sushil Kumar Sharma v. Union of India**, (2005) 6 S.C.C. 281.

<sup>19</sup> **State of Jharkhand v. Preeti Gupta**, (2010) 7 S.C.C. 667.

3. **Rajesh Sharma v. State of U.P., (2017) 8 SCC 746<sup>20</sup>**: The Court noted widespread abuse and tried to establish guidelines for the accused's arrest under Section 498A.

## DISCUSSION

### Provisions of the Law under Scrutiny:

- **Section 498A, IPC:** It was enacted in 1983 and penalises husbands or their family members who treat their wives cruelly. While having good intentions, its non-bailable and cognisable nature has resulted in excessive harassment and arrests without a preliminary investigation.
- **The 2005, Domestic Violence Act:** In Spite of the fact that statistics and anecdotal evidence indicate that men can also experience emotional and physical abuse, this law, which was created to protect women from domestic abuse, does not apply to men.
- **The 1961, Dowry Prohibition Act:** Families who have no direct involvement are often named in cases of dowry harassment. Even if an acquittal occurs after the FIR is filed, the stigma endures.

### Legislative silence on male victims:

India lacks particular legislation to handle false accusations or male victims of domestic violence. Article 14<sup>21</sup> guarantees equality, yet most gender laws are written with an eye towards only female victims.

**Legal Push for Equilibrium:** In *Lalita Kumari v. Govt. of U.P.*, (2014) 2 SCC 1<sup>22</sup> the Court underlined the need for preliminary investigation prior to FIR registration in matrimonial conflicts. But without legislative change, such court activism is constrained.

India's legal framework for gender justice, which primarily protects women from cruelty, domestic violence, and harassment related to dowries, reflects a significant social evolution. However, when these protective laws are abused to harass men and their families, the good intentions behind them have resulted in unexpected consequences. The main issues are not the

<sup>20</sup> *Rajesh Sharma v. State of U.P.*, (2017) 8 S.C.C. 746.

<sup>21</sup> India Const. art. 14.

<sup>22</sup> *Lalita Kumari v. Govt. of U.P.*, (2014) 2 S.C.C. 1.



protection provided, but rather the absence of safeguards against unfounded accusations and the lack of provisions for victims who are men.

Despite being enacted to protect women from cruelty, Section 498A of the IPC is now frequently abused. Because it is cognisable and non-bailable, arrests can be made right away without a preliminary investigation. This was recognised by the Supreme Court in *Sushil Kumar Sharma v. Union of India*<sup>23</sup>, which noted that the clause is frequently applied as a "weapon rather than a shield." Similarly, the Domestic Violence Act of 2005 only applies to women, depriving men in abusive relationships of justice.

In addition to causing irreversible damage to one's reputation, false accusations can lead to family dissolution, financial hardship, and psychological distress. Complaints often name elderly parents, siblings, and even minors without providing sufficient proof. The fact that only 15% of cases are found to be valid under Section 498A, according to NCRB data, supports the claim that many cases are without merit.

India does not have a gender-neutral legal framework for marital cruelty or domestic abuse, despite these concerning trends. Indian statutes assume female victimhood, in contrast to countries like the UK and Canada where laws are inclusive of all genders. Statutory amendments are still required even though courts have issued guidelines to reduce misuse. Therefore, the fact that abuse is not gender-specific must be acknowledged in any fair discussion of gender justice. By adopting a gender-neutral and equitable approach to family law and criminal jurisprudence, the legal system must be reoriented to protect the rights of all people and guarantee that protective laws serve justice rather than prejudice.

## CONCLUSION

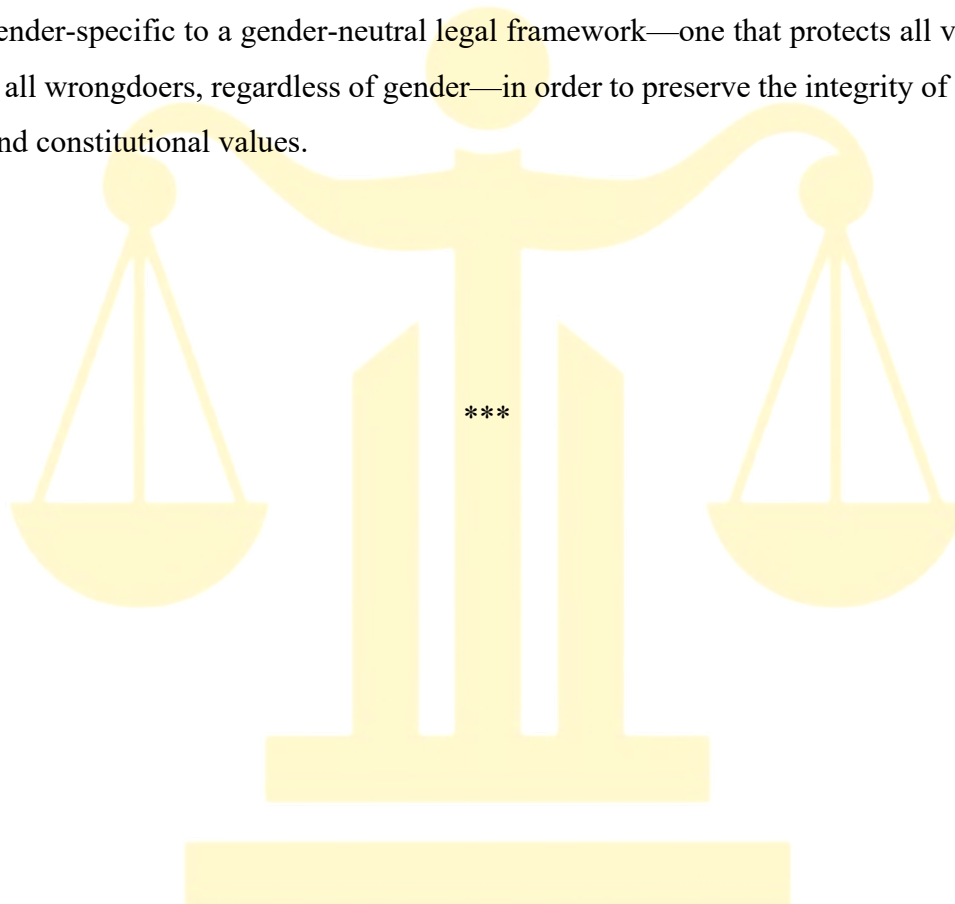
India's gender justice system was meant to shield women from systematic violence, its one-sided approach has resulted in notable abuse, especially of laws like Section 498A IPC and the Domestic Violence Act, 2005. Lack of protections against false allegations has resulted in a legal environment whereby men often innocent face arrest, social stigma, and protracted litigation without sufficient defence or remedy.

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<sup>23</sup> *Sushil Kumar Sharma v. Union of India*, (2005) 6 S.C.C. 281.

Also the judicial rulings have admitted this abuse, legislative inertia keeps significant reform from happening. Article 14 of the Constitution guarantees equality before the law; this selective approach to justice runs counter to that. True gender justice cannot be attained by favouring one gender over another; it must be based in justice, neutrality, and equity.

The need for immediate reforms, such as making some provisions of protective laws subject to bail, enacting gender-neutral domestic violence laws, and punishing false complaints, is highlighted by the increasing abuse of these laws. Resolving this issue is a step towards a more equitable and inclusive legal system, not a rejection of women's rights. India must transition from a gender-specific to a gender-neutral legal framework—one that protects all victims and punishes all wrongdoers, regardless of gender—in order to preserve the integrity of our justice system and constitutional values.





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16. National Crime Records Bureau, Crime in India 2020, supra note 4.
17. India Const. art. 14.
18. See, e.g., Domestic Violence, Crime and Victims Act 2004, c. 28 (U.K.); Canadian Criminal Code, R.S.C. 1985, c. C-46 § 264.