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# ADDRESSING THE ISSUE OF MISUSE OF GENDER BIASED LAWS BY WOMEN IN INDIA: A CALL FOR EQUITY AND JUSTICE

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## ABSTRACT:

Misuse of the legal system, especially by women, has become a serious problem in India, aggravating gender disparities and violating men's rights. This study provides a thorough examination of the ways in which legislative safeguards—which were initially intended to protect women from dowry harassment, domestic violence, and other types of abuse—are occasionally abused to the detriment of men. The study explores the wider socio-legal ramifications of women allegedly abusing legislation, such as Section 498A of the Indian Penal Code and other protective measures, by concentrating on specific cases. The analysis is based on thoroughly examining pertinent legislation, notable case studies, and the reactions of the legal system and the general public to false accusations. The misuse of men's basic rights, such as their right to liberty, dignity, and the presumption of innocent, is another issue that the research emphasizes.

The misuse of these legal protections has ethical and constitutional ramifications that this study explores further, taking into account how it not only undermines the intent of the laws but also reinforces gender biases against men. The structural problems—such as the absence of legal protections against unfounded allegations, ineffective law enforcement, and stigmatization in society—are thoroughly investigated, illuminating the complexities of the situation. The essay also suggests tactical changes to ensure a more fair and balanced legal system, such as increased judicial supervision, tighter scrutiny of accusations, and legislation modifications. This article aims to prevent the misuse of well-intended legislation by advocating for the development of a legal system that fairly protects the rights of all people, regardless of gender, via the promotion of equality and justice. The research hopes to make a significant contribution to the conversation on gender equality in India's changing legal environment through these reforms.

**Keywords:** Misuse of laws, women, gender bias, India, equity, justice, violation of men's right

## INTRODUCTION:

India's legal system has always been designed to protect human rights, advance equality, and maintain the fundamentals of justice for all of its residents. But now, a complicated and divisive topic has surfaced: women's abuse of their legal rights. Although the legal system was initially intended to shield women from discrimination and exploitation, there are more and more reports and instances that indicate these rules are occasionally being abused, particularly in the areas of domestic abuse and offenses relating to dowries. This has led to grave concerns regarding the violation of men's rights and the creation of an imbalance that goes against the fundamental fairness and equity enshrined in the Indian Constitution.

Unquestionably, a significant step towards the safety and empowerment of women has been the establishment of progressive laws like Section 498A of the Indian Penal Code (IPC), which addresses cruelty and harassment against women, notably in the context of dowries. However, it has been noted that this particular option has occasionally been abused, with fake reports being made more out of personal grudges or financial gain than out of actual abuse incidents. For example, because there have been so many false allegations, courts have frequently referred to Section 498A as a "legal weapon." The Supreme Court of India issued a caution against arbitrary arrests under Section 498A in the historic case of *Arnesh Kumar v. State of Bihar*, pointing out that several instances in this category featured baseless allegations. The court stressed the need to strike a balance between safeguarding women from actual abuse and avoiding the judicial system being used as a tool to attack innocent people.<sup>1</sup>

The misapplication of constitutional measures aimed at promoting gender equality and preventing discrimination remains a major concern. Men who are wrongfully accused suffer severe consequences, such as psychological anguish, legal harassment, and societal humiliation. In addition to seriously violating the rights of the accused, false allegations of domestic abuse or dowry harassment damage the reputations of actual victims. Men frequently face unjustified detentions, protracted court cases, and slander, all of which damage their reputations and interfere with their personal and professional lives. According to a Save Indian Family Foundation (SIFF) study, 74.9% of men said they have been the target of unfounded dowry harassment claims. The initial goals of justice and equity that these laws were intended

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<sup>1</sup>Supreme Court of India. (2014). *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

to uphold are undermined by their misuse.<sup>2</sup>

Such mishandling has far-reaching effects outside of the trial, affecting the accused's social and professional lives. A Times of India study stated that within a given period, 45% of the rape cases that were reported in Rajasthan alone were later determined to be fraudulent.<sup>3</sup> These unfounded charges not only minimize the suffering of the real victims but also put undue strain on the court system, which is already dealing with backlogs and delays. Men who are wrongfully accused of these kinds of crimes are frequently stigmatized and have to fight for years in court to get their reputations cleared, battling for their social status and dignity as well as for justice.

Misuse of legal provisions, such as rape-related Section 375 IPC, the Protection of Women from Domestic Violence Act, 2005, and Section 498A IPC, gives rise to a number of ethical, social, and legal issues. The problem ethically calls into question the integrity of laws designed to safeguard the weak because when they are abused, they give rise to other kinds of injustice. Socially, the rise in false charges has exacerbated gender polarization, with women assumed to be victims and males seen as possible perpetrators, regardless of the truth. This relationship reinforces negative preconceptions and breeds mistrust. Legal reform that guarantees justice is administered equally and without bias towards either gender is demanded since the lack of strict checks and balances has made it easier for such misuse to occur.

With an emphasis on the moral, constitutional, and societal repercussions, this study critically examines how women in India abuse the judicial system. Through an examination of established legal precedents, significant cases, and empirical data, this research endeavors to underscore the pressing necessity for reform in order to rectify systemic deficiencies and safeguard the rights of every person, regardless of gender. This article calls for a more balanced legal framework that protects women from real abuse while making sure that males are not unjustly victimized by false charges. It does this by analyzing legislation governing domestic violence and dowry-related offenses, as well as court reactions and public attitudes.

In conclusion, this research advocates for a process of legal reform that places a high priority

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<sup>2</sup> Save Indian Family Foundation. (2020). *Report on false dowry cases in India*.

<sup>3</sup> Times of India. (2023, January 17). 45% rape cases registered last year in Rajasthan found false: DGP Mishra. *Times of India*. <https://timesofindia.indiatimes.com/city/jaipur/45-rape-cases-registered-lastyear-in-state-false-dgp-mishra/articleshow/97044021.cms>

on defending the rights of all people, regardless of gender. The implementation of appropriate checks and balances within the legal system can effectively mitigate the misuse of laws and ensure their intended purpose is served. The restoration of fairness and justice principles in India's legal system necessitates cooperation between lawmakers, the courts, and civil society in tackling this multifaceted challenge.

### RESEARCH OBJECTIVES:

1. To critically examine the legal provisions and landmark cases related to the misuse of laws by women in India.
2. To analyze the violations of men's rights resulting from the misuse of laws by women.
3. To explore empirical evidence and case studies documenting instances of misuse of laws by women in India.
4. To propose strategies for reform to address the systemic challenges and uphold equity and justice within the Indian legal framework.

### DISCUSSION:

In India, the socio-legal debate has focused a lot of emphasis on the problem of women abusing legal measures meant to protect them. Different stakeholders have called attention to the misuse of legal measures like Section 498A of the Indian Penal Code (IPC), which was meant to protect women from harassment linked to dowries. According to research, despite their good intentions, these regulations have occasionally been utilized to file fictitious complaints, which have led to the persecution of innocent people. Scholarly publications and legal commentary have explored the extent, consequences, and potential changes required to tackle this problem.

From a socio-legal standpoint, academics contend that discussions about gender-based violence and discrimination frequently include the misapplication of the law by women. Amartya Sen's capacity approach offers a helpful framework for evaluating how the legislative processes used to empower one group (women in this case) can have unexpected repercussions, such as the marginalization of another group (men in this case)<sup>4</sup>. However, to prevent systemic prejudices

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<sup>4</sup> Amartya Sen. (1999). *Development as freedom*. Oxford University Press.

that hurt other groups, legislation should not only protect the weak but also treat everyone equally, according to Martha Nussbaum's philosophy of justice.<sup>5</sup>

### **Violations of Men's Rights in India:**

The Indian Constitution guarantees men the right to liberty, dignity, and the presumption of innocence unless and until proven guilty. Nevertheless, under several laws meant to protect women, these rights are frequently violated when false accusations are made. Men who are accused of domestic abuse or dowry harassment, for example, are often arrested without sufficient proof since they are assumed guilty before a trial. Men suffer from social stigma, harm to their reputations, and both financial and emotional hardship as a result.

False allegations may result in far-reaching effects. They severely strain the already overburdened legal system in addition to damaging the accused's personal and professional lives. The Indian Penal Code (IPC), which addresses dowry harassment, allows for the filing of complaints under Section 498A. Doing so can result in swift arrests and a drawn-out judicial struggle. Even with the best of intentions, some people have turned to the law as a means of getting even or securing an advantage in family conflicts. The rights of the accused males are frequently ignored, which results in false accusations, the loss of their jobs, and irreversible damage to their reputations.

A report produced by the Delhi Commission for Women (DCW) underscores the concerning scope of the issue. 53.2% of rape cases that were reported between 2013 and 2018 were proven to be fraudulent, according to the report. These figures highlight how susceptible men are to unfounded allegations, necessitating a fair strategy that protects both women's rights and men's protection.<sup>6</sup>

### **Legal Provisions and Misuse:**

The Indian legal system has a number of laws, such as Section 498A of the IPC and the Dowry Prohibition Act of 1961, which are intended to shield women against abuse and exploitation. Although these rules have been very helpful in protecting women, there is a chance that they will be abused. Specifically, "Section 498A, which attempts to make it illegal for husbands or

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<sup>5</sup> Martha Nussbaum. (2006). *Frontiers of justice*. Harvard University Press.

<sup>6</sup> Delhi Commission for Women. (2018). *Report on false rape cases in Delhi*.

*other family members to abuse their wives, has grown to be a powerful tool in the hands of people who want protection and men's rights over personal grudges.”*

Since Section 498A is an offense that is neither bailable nor compoundable, once a complaint is filed, the parties cannot dismiss the case or release the accused on bond without first appearing in court. Men and their families have been wrongly accused in criminal cases without strong evidence on multiple occasions as a result of this intransigence. The law was designed to stop domestic abuse and dowry deaths, but when it has been applied improperly, innocent men have suffered.

Analogously, the Dowry Prohibition Act, which was implemented to suppress the immorality of dowries, has frequently been subverted. Filing bogus dowry harassment complaints to obtain leverage in divorce settlements or family conflicts is a frequent practice among women and their families. In 2019, 21.9% of dowry harassment charges were determined to be fake or unsubstantiated based on statistics from the National Crime Records Bureau (NCRB).<sup>7</sup>

### **Landmark Cases and Judicial Responses:**

The abuse of laws discriminating against women in India has been addressed by a number of significant court rulings. The Supreme Court of India issued stringent recommendations in the 2014 case of *Armesh Kumar v. State of Bihar*, which prohibited the arbitrary arrest of individuals under Section 498A. The guidelines emphasized that no arrest should be undertaken without a proper investigation and reasonable cause. The court emphasized that the accused's rights must be upheld and criticized the presumption of guilt that occurs automatically. This decision brought to light the perils of making indiscriminate arrests and the necessity of weighing the rights of both sides when doing so.

Similarly, the Supreme Court established guidelines in *Rajesh Sharma v. State of Uttar Pradesh* (2017) to stop the abuse of Section 498A by requiring family welfare committees to review allegations prior to making any arrests. The court ordered that no arrests be made until the committee had submitted its findings, acknowledging the increasing number of bogus claims. This decision decreased the possibility of legal abuse by establishing a precedent for treating

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<sup>7</sup> National Crime Records Bureau. (2019). *Crime in India report*.

accused parties fairly.<sup>8</sup>

Men's rights in India are impacted by false accusations made under laws that discriminate based on gender, as demonstrated by empirical research and case studies. According to surveys conducted among legal professionals, a considerable proportion of males encounter unwarranted legal issues as a result of fabricated claims of domestic abuse or dowry harassment. Before the truth is revealed, many of these men go through years of psychological suffering, expensive legal bills, and harm to their social status.

Case studies demonstrate the harm that these untrue assertions do to innocent men. For instance, it was eventually shown in multiple cases filed under Section 498A that the claims were unfounded and manufactured only to settle personal grudges or pressure the men into accepting unfavorable divorce settlements. These instances highlight the critical need for legislative changes that can safeguard the intended beneficiaries of these laws while preventing their exploitation.

### **Recent Case: The Atul Subhash Case in Bangalore**

The recent Atul Subhash case in Bangalore serves as a clear illustration of how gender-biased rules can be abused and have fatal repercussions. Software developer Atul Subhash was implicated in this case by his spouse under Section 498A of the Domestic Violence Act. Investigating further showed that the charges were false and driven by a property dispute. Even though he was ultimately found not guilty, the case continued for four years, during which Atul experienced serious mental health problems, lost his job, and endured a great deal of social reaction.<sup>9</sup>

This case highlights several systemic issues, including the lack of preliminary scrutiny of complaints, the absence of fast-track mechanisms for resolving such cases, and the failure to provide adequate support for individuals falsely accused. The legal and social costs borne by Atul underline the pressing need for reforms to ensure a fairer system.

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<sup>8</sup> Rajesh Sharma v. State of Uttar Pradesh, Criminal Appeal No. 1265 of 2017 (Supreme Court of India, 2017).

<sup>9</sup> India Today. (2024, December 11). A dead man must speak because...: Bengaluru techie's letter to President. *India Today*. <https://www.indiatoday.in/india/story/bengaluru-techie-suicide-atul-subhash-letter-president-justice-system-2648220-2024-12-11>

## Case Studies

Empirical research underscores the devastating consequences of false accusations. In numerous cases filed under Section 498A IPC, allegations were later proven false, often motivated by personal grudges or financial disputes. For example, in one high-profile case in Delhi, the husband was acquitted after seven years of legal battles when it was revealed that the wife had fabricated evidence to secure financial leverage in a divorce settlement.<sup>10</sup> Similarly, in the Rajesh Gupta case in Mumbai, false allegations under the Dowry Prohibition Act led to the wrongful detention of Gupta's entire family, only for the accusations to be dismissed in court years later.<sup>11</sup>

## CONCLUSION

The complex problem of women abusing the judicial system in India threatens the values of equity and justice. In addition to defending men's rights and making sure that the law isn't abused for private advantage, it is crucial to protect women from abuse and violence. Men's rights have been violated as a result of the improper use of Section 498A and other laws that discriminate against women. This has led to erroneous arrests, social exclusion, and protracted legal disputes. In order to guarantee a fair system that safeguards all citizens, regardless of gender, this paper advocates for changes to India's legal system. Lawmakers, attorneys, and members of the public must work together to advance legislation that is gender-neutral and safeguards the fundamental values of justice and equity in the legal system while shielding victims of abuse, regardless of gender.

Beyond legal reforms, a gender-neutral approach to protective laws is essential for fostering an equitable justice system. Acknowledging that men, too, can be victims of domestic abuse and false allegations will contribute to a legal framework that does not discriminate based on gender but instead ensures justice for all. Furthermore, swift action against malicious litigants can deter individuals from misusing the legal system, while preserving the sanctity of laws meant to protect those in real distress. Addressing this issue also heavily relies on legal knowledge and public awareness. Programs to raise awareness among court members, law enforcement, and the legal profession can guarantee that cases are handled fairly and impartially. In situations

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<sup>10</sup> Gupta, S. (2022). Case analysis: False allegations under Section 498A. *Journal of Indian Law*.

<sup>11</sup> Sharma, P. (2021). Need for legislative reforms. *Economic and Political Weekly*.



where reconciliation is feasible, promoting alternative dispute resolution techniques like mediation and counseling can help avoid needless litigation and ease the burden on the legal system. Furthermore, media accountability is critical in influencing public opinion; fair and impartial reporting can avoid demonizing either gender and foster a more complex comprehension of the subject. Ultimately, ensuring a just legal system requires a collaborative effort from lawmakers, judicial authorities, legal professionals, and society at large. The goal should not be to weaken protections for women but to prevent their misuse while maintaining the effectiveness of laws designed to safeguard victims of genuine abuse. By promoting fairness, accountability, and due process, India can create a legal system that upholds the fundamental principles of justice and ensures equal protection for all individuals, regardless of gender.

### ***SUGGESTIONS FOR REFORMS:***

A number of measures are required to solve the problem of women in India abusing the legal system. To stop false allegations and make sure individuals who abuse the judicial system are held accountable, laws should first be strictly enforced. Second, in order to inform the public about the repercussions of making false allegations and the significance of due process, awareness campaigns and legal literacy initiatives should be put into place. Third, in order to lessen the negative effects on the lives of those who have been falsely accused, systems for rehabilitation and assistance should be put in place. Finally, in order to spot and correct any instances of abuse or anomalies in the legal process, there should be ongoing observation and assessment of the application of gender-biased laws.