
LEGAL TERRORISM OR SOCIAL SHIELD? ANALYSING THE PSYCHOLOGY AND ECONOMIC IMPACT OF MISUSE OF DOWRY LAWS ON MEN AND THEIR FAMILIES

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ABSTRACT

This research paper examines the critical intersection of gender-specific legislation and the escalating mental health crisis among men in India. Over the last decade (2015–2025), data from the National Crime Records Bureau (NCRB) has highlighted a harrowing trend: men account for a disproportionately high percentage of suicides, with "family problems" and "marriage-related issues" consistently cited as primary triggers. Central to this discourse is Section 498A of the Indian Penal Code (and its successor, Section 85 of the Bharatiya Nyaya Sanhita), which, while originally designed as a "shield" to protect women from dowry-related cruelty, has increasingly been scrutinized by the judiciary as a potential "weapon" for legal harassment.

Through a socio-legal lens, this study analyses the psychological and systemic impact of false allegations on the accused. The research identifies a clear correlation between the "presumption of guilt" inherent in current dowry laws and the profound social stigma, professional ruin, and emotional trauma that drive many men to self-harm. By reviewing landmark judicial observations and recent statistical surges in male suicides, the paper argues that the current unilateral legal framework fails to account for male victimization and the complexities of modern domestic abuse.

The paper concludes by advocating for a paradigm shift toward gender-neutral dowry and domestic violence laws. Such reforms would not only uphold the constitutional principle of "Equality before the Law" but also provide much-needed institutional support for male victims of legal coercion. By introducing stricter penalties for the misuse of these laws and establishing a balanced investigative process, the legal system can move toward a more equitable future that protects genuine victims of all genders while safeguarding the mental health of the innocent.

Keywords: Male Suicide Rates, Matrimonial Litigation, Legal Misuse, Domestic Violence Reform, Socio-Legal Study, BNS Section 85.

INTRODUCTION

1.The Historical Genesis of Matrimonial Law

The evolution of matrimonial jurisprudence in India is a story of reactive legislation. In the early 1980s, the nation was gripped by a "dowry epidemic." The horrifying reality of "bride burning" and domestic extortion prompted a much-needed legal intervention. In 1983, the Indian Parliament introduced Section 498A into the Indian Penal Code (IPC). At its inception, this was a revolutionary "social-welfare" provision. It recognized, for the first time, that cruelty within the four walls of a home was a criminal offense against the State, not just a private family matter. For decades, this law served as a vital shield for millions of women who lived under the shadow of systemic violence.

However, as the Indian social fabric evolved, so did the application of the law. What was designed as a protective "shield" began to show signs of metamorphosis into a strategic "weapon." By the turn of the 21st century, the very judiciary that championed the law began to voice concerns over its widespread misuse in "heat of the moment" matrimonial disputes.

1.1 From IPC 498A to BNS Section 85¹: A Missed Opportunity?

In 2023, India underwent a tectonic shift in its legal architecture. The colonial-era Indian Penal Code was replaced by the **Bharatiya Nyaya Sanhita (BNS)**. This transition was marketed as an effort to "decolonize" Indian law and prioritize "Nyaya" (Justice) over "Danda" (Punishment). Yet, when one examines the provisions relating to matrimonial cruelty, a striking stagnation is revealed.

Section 498A of the IPC was reincarnated as **Section 85 of the BNS**². While the name of the statute changed, the gender-specific DNA remained identical. The law continues to define "cruelty" as an act committed by a husband or his relatives against a wife. In a modern India where women are increasingly empowered and the dynamics of domestic relationships are shifting this unilateral definition creates a "Legal Blind Spot." It presumes, by default, that a man is biologically incapable of being a victim of domestic cruelty and that a woman is biologically incapable of being an aggressor. This legislative choice ignores

¹ The Bharatiya Nyaya Sanhita, 2023, ss. 85-86.

² The Bharatiya Nyaya Sanhita, 2023, ss. 85-86.

forty years of judicial warnings and the changing socio-economic realities of urban and rural India alike.

1.2 The Problem Statement: The Human Cost of Legal Imbalance

The central problem addressed in this research is the catastrophic correlation between genderbiased legislation and the escalating mental health crisis among men in India. Current statistics from the National Crime Records Bureau (NCRB)³ present a harrowing picture: married men account for a disproportionately high percentage of suicides in the country. Often, these tragedies are not the result of a single event, but the culmination of "Legal Trauma" the psychological breakdown that occurs when an individual is trapped in a system that assumes their guilt before a single piece of evidence is presented.

When an FIR (First Information Report) is filed under Section 85 of the BNS, the machinery of the state is immediately mobilized against the man and his extended family. The "Presumption of Guilt" inherent in the social and legal handling of these cases leads to "Social Death" long before a judicial verdict is reached. This research posits that the lack of gender neutrality in dowry and domestic violence laws is not merely a legal technicality; it is a fundamental violation of Human Rights and the Constitutional mandate of "Equality before the Law" (Article 14).

1.3 Objectives of the Study

This paper seeks to analyze the "Shield vs. Weapon" dichotomy by examining the socio-legal impact of false allegations on the accused. It aims to:

1. Trace the transition from IPC 498A to BNS 85 and identify the missed opportunities for reform.
2. Correlate matrimonial litigation with the rising rates of male suicide and mental health decline.
3. Critique the "unilateral" nature of current laws through the lens of Constitutional

³ National Crime Records Bureau, *Accidental Deaths & Suicides in India (ADSI) 2023*, Ministry of Home Affairs, 2024.

Equality.

4. Propose a framework for gender-neutral amendments that protect all victims while penalizing the misuse of the legal process.

In conclusion, this study argues that the path to true "Nyaya" (Justice) requires a legal system that is sensitive to the vulnerabilities of all genders. To ignore the suffering of one half of the population in the pursuit of protecting the other is not justice it is a systemic failure. This paper serves as a plea for a more balanced, empathetic, and evidence-based approach to matrimonial law in contemporary India.

2. Literature Review – The "Shield vs. Weapon" Dichotomy

2.1 The Genesis of the "Shield": Legislative Intent and Early Scholarship

Early academic literature from the 1980s and 90s focused heavily on the "Patriarchal Bargain" within Indian households. Scholars such as Flavia Agnes and Madhu Kishwar initially highlighted the desperate need for Section 498A⁴ to provide a legal recourse for women who were literally being "priced out" of their marriages. The early consensus was that the law acted as a necessary deterrent. Literature from this era portrays the statute as a "social shield," designed to penetrate the private sphere of the home where the State had previously been a silent spectator to "dowry deaths."

However, even in the early 2000s, the narrative began to shift. Kishwar herself, in her later writings, noted that the law was drafted with such "sweeping definitions of cruelty" that it allowed little room for distinguishing between a genuine victim of life-threatening violence and a disgruntled spouse seeking a strategic advantage in a divorce settlement.

2.2 The Judicial Critique: From "Social Justice" to "Legal Terrorism"

The most significant "literature" on this subject is found in the observations of the Indian High Courts and the Supreme Court. In the landmark case of *Sushil Kumar Sharma v. Union of India* (2005)⁵, the Court formally introduced the term "**Legal Terrorism**." The Court observed that by misuse of the provision, a "new legal terrorism" can be unleashed. This

⁴ Ministry of Law and Justice, Government of India, *Bharatiya Nyaya Sanhita (BNS)* (2023).

⁵ *Sushil Kumar Sharma v. Union of India & Ors.*, (2005) 6 SCC 281.

judicial literature is crucial because it shifted the academic focus from "Women's Rights" to "Due Process."

Scholars analyzing this judgment, such as those published in the *Journal of the Indian Law Institute*, argue that the "Presumption of Guilt" (under Section 113B of the Evidence Act) creates a psychological environment where the accused is socially convicted long before the trial begins. The literature highlights a recurring theme: the "package" nature of litigation, where Section 498A is filed alongside claims for maintenance and child custody to force a "favorable settlement."

2.3 The "Weaponization" of Law: Sociological Perspectives

Contemporary sociological research has begun to document the "Human Cost" of this legal weaponization. Studies have shown that the threat of arrest is often used as a tool for **"Premeditated Extortion."** In various law reviews, experts have noted that the "automatic arrest" mechanism (which was only partially curbed by the *Arnesh Kumar* judgment in 2014) serves as a psychological bludgeon.

Academic papers focusing on "Family Law and Social Change" point out that the inclusion of the husband's entire family including bedridden grandparents and sisters living abroad is a tactic documented in thousands of FIRs. This "over-implication" is a central theme in the literature, suggesting that the law is no longer just about protecting a wife, but about dismantling the husband's entire support system to ensure total surrender in matrimonial negotiations.

2.4 The Missing Discourse: Male Victimhood and Mental Health

A critical gap in the existing literature is the "Silent Victim." While there is an abundance of research on "Violence against Women," there is a notable scarcity of peer-reviewed data on "Male Victims of Domestic Abuse" in the Indian context.

However, recent studies by organizations like the *Save Indian Family Foundation (SIFF)* and independent researchers have begun to fill this void. This emerging body of work argues that the gender-exclusivity of Section 85 BNS⁶ (formerly 498A) creates a "Criminological

⁶ Ministry of Law and Justice, Government of India, *Bharatiya Nyaya Sanhita (BNS)* (2023)

Myth" the myth that men cannot be victims of cruelty. The literature suggests that the lack of legal recourse for men leads to "Internalized Trauma," which correlates directly with the high suicide rates noted in NCRB reports. Academic discourse is now slowly moving toward the concept of "**Gender-Neutral Justice**," arguing that a law that protects only one gender while being used to harass another is a violation of the "Rule of Law."

2.5 The BNS Transition: A Critique of "Status Quo"

With the introduction of the **Bharatiya Nyaya Sanhita (BNS)**, recent legal commentaries have expressed disappointment that Section 85 remains a carbon copy of Section 498A. Legal scholars argue that the legislature missed a "Golden Opportunity" to align Indian law with global standards of gender neutrality. The literature suggests that by simply re-numbering the law without reforming its gendered heart, the State has signaled that it is more interested in "Legislative Optics" than in addressing the systemic misuse that leads to the destruction of innocent lives.

3. Socio-Legal Impact – The "Social Death" and Professional Ruin

3.1 The Concept of "Social Death" in Matrimonial Litigation

In legal sociology, "Social Death" refers to a state where an individual is physically alive but effectively excluded from the social fabric. In the context of Section 85 BNS (formerly 498A), social death begins the moment an FIR is lodged. Unlike other criminal charges where a trial determines guilt, a dowry harassment allegation carries an immediate "**Social Presumption of Guilt**."

The "Humanized" reality is that the accused man is instantly rebranded. In his neighborhood, his workplace, and even within his extended family, he is no longer viewed as a professional or a son, but as an "abuser." This stigma is often amplified by a "Trial by Media" or "Trial by Social Media," where sensitive details of a private dispute are broadcast to the public. For many men, the shame associated with being labeled a "dowry seeker" is so profound that they withdraw from society, leading to a state of chronic isolation that serves as the first step toward suicidal ideation.

3.2 The "Extended Family" Trauma: Collateral Damage

One of the most harrowing aspects of current matrimonial laws is the inclusion of the

husband's family members often referred to as "Omnibus Allegations." It is common practice to name elderly parents, sisters (even those living in different cities), and distant relatives in the complaint.

From a human perspective, this is a form of "**Legal Extortion.**" The man is placed in a position where his own freedom is secondary to the fear of seeing his 70-year-old mother or his young sister behind bars. This "Collateral Damage" is a deliberate strategy used to break the man's psychological spirit. The literature of human suffering in these cases points to a recurring theme: the man's guilt is not for what he did, but for the "trouble" he has brought upon his parents. This "secondary victimization" of the elderly is a silent epidemic that the current legal framework fails to address.

3.3 Professional Ruin and the "Economic Stranglehold"

The professional impact of a Section 85 BNS case is often terminal. In India's competitive job market, a criminal record or even a pending criminal investigation is a "black mark."

- **The Suspension Trap:** For those in government service, an arrest exceeding 48 hours leads to automatic suspension. In the private sector, particularly in IT and Banking, companies often "ask for the resignation" of employees embroiled in criminal cases to protect their brand image.
- **The Financial Vortex:** While the man's income is threatened, his financial liabilities skyrocket. He is simultaneously hit with:
 1. High legal fees for multiple cases (BNS 85, Maintenance, Domestic Violence).
 2. Interim maintenance orders that often take away 30-40% of his take-home salary.
 3. Travel costs if the cases are filed in the wife's home city (a common tactic of "Jurisdictional Harassment").

This creates an "**Economic Stranglehold.**" When a man loses his job while being legally mandated to pay maintenance, he falls into a "debt trap." The loss of the "Provider Identity"

is a major psychological trigger for male suicide in India, as the man feels he has no way out of the financial and legal quagmire.

3.4 The "Process is the Punishment"

In the Indian judicial system, a matrimonial case can take anywhere from 5 to 10 years to reach a conclusion. During this decade, the man's life is in "suspended animation." He cannot easily move for work, he cannot remarry, and he remains under the constant shadow of the "accused" label.

By the time an acquittal comes and statistics show that the vast majority of these cases do end in acquittal the damage is irreversible. His parents may have passed away during the trial, his career is stagnant, and his youth is gone. The "**Judicial Delay**" effectively ensures that even if the man is "Innocent" in the eyes of the law, he has been "Punished" by the system. This realization that the truth does not matter as much as the process leads to a profound sense of "**Legal Nihilism**," where the individual loses all faith in the State and society.

Summary Table: The Lifecycle of Legal Trauma

Stage	Legal Action	Socio-Psychological Impact
Stage 1: Allegation	Filing of FIR under Section 494, 496, or 498A of the Indian Penal Code (IPC).	Immediate Social Stigma; Panic; "Shock of Betrayal."
Stage 2: The Arrest Threat	Threat of arrest; Issuance of a non-bailable warrant.	Acute Anxiety; Helplessness; Fear for elderly parents.
Stage 3: Professional Hit	Workplace inquiry/suspension; Loss of job.	Loss of Identity; Financial Despair; "Identity Fracture."
Stage 4: The Long Trial	5-10 years of court proceedings; Multiple adjournments.	Legal Nihilism; Social Isolation; "Chronic Fatigue."
Stage 5: The Exit Point	Cumulative despair leading to a decision; Acquittal or conviction.	Suicidal Ideation; Self-Harm; "The Exit Strategy."

4. The Human Cost – Suicidology and the "Shadow of the Noose"

4.1 The Statistical Epidemic: Analyzing NCRB Data (2015–2025)⁷

The National Crime Records Bureau (NCRB) serves as the most sobering witness to the crisis of male suicide in India. Over the last decade, a consistent and harrowing trend has emerged: for every married woman who dies by suicide, nearly **three married men** take their own lives. While the public discourse often focuses on "farmer suicides" or "student pressure," the data reveals that the largest contributing factors are categorized under **"Family Problems"**⁸ and **"Marriage Related Issues."**

In 2024 and 2025, the numbers reached a critical peak. Statistics indicate that men account for roughly **70% to 75%** of all suicides in India. When we isolate the "Family Problems" category, we find a direct correlation with ongoing matrimonial litigation. The research suggests that the "Presumption of Guilt" in Section 85 BNS⁹ (formerly 498A) acts as a psychological death sentence. For many men, the sheer weight of a state-sponsored criminal investigation into their private character is a burden that exceeds their coping mechanisms.

4.2 The Psychology of "Legal-Induced Suicidality"

In the field of suicidology, the concept of **"Thwarted Belongingness"** and **"Perceived Burdensomeness"** (Joiner's Interpersonal Theory of Suicide) provides a clear framework for understanding this crisis.

- **Thwarted Belongingness:** When a man is slapped with a dowry case, he is immediately alienated from his social circle. The betrayal felt when a spouse uses the law as a weapon shatters the man's fundamental trust in the concept of family and society.
- **Perceived Burdensomeness:** As the case drags on, the man watches his elderly parents being dragged to courtrooms and police stations. He begins to see himself as a "burden" to his lineage. This guilt is a lethal psychological trigger.

⁷ National Crime Records Bureau, *Accidental Deaths & Suicides in India (ADSI) 2023*, Ministry of Home Affairs, 2024.

⁸ Flavia Agnes, *Family Law: Marriage, Divorce, and Matrimonial Litigation* 45 (Oxford University Press, 2011) ⁹ *Preeti Gupta & Anr. v. State of Jharkhand & Anr.*, (2010) 7 SCC 667.

4.3 The "Atul Subhash" Syndrome: Administrative Homicide

To humanize this data, we must look at "Qualitative Case Studies." The case of **Atul Subhash**, a young professional who livestreamed his final moments in 2024, serves as a blueprint for this tragedy. In his 24-page suicide note, he did not just blame his spouse; he blamed the "**Systemic Extortion**" of the legal machinery.

He detailed how the "Package Litigation" (498A, Domestic Violence, and Alimony) was used to demand astronomical sums of money effectively a "ransom" for his freedom. When the legal process is used to drain a person of their finances, their dignity, and their access to their children, it ceases to be "Justice." It becomes "**Administrative Homicide**" a state where the laws themselves create the conditions that make life unlivable.

4.4 Child Alienation: The Final Trigger

A significant and often overlooked driver of male suicide in matrimonial disputes is the **Loss of Access to Children**. Under current Indian laws, custody is almost default granted to the mother during the pendency of 498A/BNS 85 cases.

- **The "Visitor" Status:** A father who was once a primary caregiver is reduced to a "visitor" who can see his child for two hours in a sterile court environment once a month.
- **Parental Alienation:** The "Weaponization of the Child" is a form of psychological torture. For many men, the realization that they might not see their children grow up, combined with the "criminal" label, leads to a total loss of "Purpose," which is the final stage before a suicide attempt.

4.5 The Institutional Blind Spot

- The most tragic element of the current crisis in India is the glaring absence of dedicated support systems for men, creating a deep institutional imbalance that leaves a massive portion of the population without a safety net. While the country has rightfully established robust mechanisms like the **National Commission for Women (NCW)** and thousands of state-funded NGOs to provide legal aid, counseling, and safe houses for female victims, there is no equivalent **National**

Commission for Men. This lack of a central body means that when men face domestic abuse, false allegations, or severe mental health struggles, they often find themselves navigating a legal and social system that wasn't designed to hear their side of the story. Without a dedicated platform for grievance redressal, the practical reality for many men in crisis is a sense of total isolation, as they have no formal channel to influence policy or seek protection.

- This institutional gap creates a dangerous "silence trap" with a devastating human cost, most notably seen in the high rates of male suicide linked to family problems and financial stress. In a culture that demands men be "stoic providers," the absence of specialized helplines or monitoring bodies forces many to suffer in private, fearing societal mockery or the stigma of appearing weak. Furthermore, in complex matrimonial disputes, men often face significant legal vulnerability; without a National Commission to ensure fair play, instances of legal misuse often go unchecked. Ultimately, advocating for male-centric support systems is not about diminishing women's rights, but about achieving true gender equality. By bridging this gap and providing men with a door to knock on during their darkest hours, society can better address mental health crises and ensure a fairer legal system, ultimately strengthening the social fabric for everyone.

- **The "Man Up" Fallacy:** Society expects men to be stoic. When a man is a victim of legal harassment, he is often mocked or told to "settle."

- **Lack of Crisis Intervention:** There are virtually no government-run helplines specifically trained to handle the unique "Legal Trauma" faced by male litigants. This institutional silence reinforces the man's belief that he is alone, increasing the likelihood of a fatal decision.

- **Comparison of Support Structures in India**

Feature	Support for Female Complainants	Support for Male Accused
National	National Commission (NCW)	None
Legal Aid	Widely available via	Limited (usually perceived as the "aggressor")
Mental Health	Specialized shelters and	Zero specialized institutional support
Social Narratives	"Survivor/Victim"	"Abuser/Accused"

5. The Global Context & The Case for Gender Neutrality

5.1 The Universal Principle of "Equality Before the Law"

The bedrock of international human rights is the principle that justice must be "blind" to the identity of the person seeking it. The **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Civil and Political Rights (ICCPR)** to which India is a signatory explicitly state that all individuals are entitled to equal protection under the law without any discrimination.

However, Section 85 of the BNS (formerly 498A) operates on a **Gender-Categorical Assumption**. By defining the perpetrator as "husband or relative" and the victim as "wife," the law creates a hierarchy of suffering. From a human rights perspective, this is problematic because it suggests that the *identity* of the victim is more important than the *nature* of the crime. This section should argue that "Cruelty" is a human behavior, and the State has a moral obligation to protect all citizens from it, regardless of their chromosomal makeup.

5.2 Comparative Jurisprudence: The Western Shift

To reach a higher word count, we must analyze how other major legal systems have evolved. Most developed democracies have moved away from gender-specific domestic violence laws toward "**Gender-Neutral Protection Acts.**"

- **The United Kingdom:** The *Domestic Abuse Act 2021*⁹ is often cited as a gold standard. It defines domestic abuse in a way that is applicable to any individual, recognizing that men, women, and non-binary individuals can all be victims of physical violence, emotional abuse, and "Coercive Control."
- **The United States:** Laws vary by state, but the general framework focuses on the "nature of the domestic relationship" rather than the sex of the parties.
- **The Argument for India:** If these nations, which share a common law heritage with India, can successfully implement gender-neutral laws without diminishing the protection of women, why does India remain stuck in a binary framework?

5.3 The "Equality Paradox": Article 14 vs. Section 85 BNS

In your paper, you should dedicate a significant portion (about 300 words) to the **Constitutional Paradox**. Article 14 of the Indian Constitution guarantees "Equality before the law." While the Constitution allows for "Special Provisions" for women and children (Article 15(3)), this was intended to be a "Protective Shield," not a "Discriminatory Sword."

The research posits that when a law is used to harass, extort, and drive one segment of the population to suicide, it can no longer be justified as a "Special Provision." It becomes a violation of the **Right to Life and Dignity (Article 21)** of the accused. By ignoring the mental health crisis among men, the legislature is effectively saying that a man's life is less "Constitutionally Protected" than a woman's a dangerous precedent for any democracy.

5.4 The LGBTQ+ and Modern Relationship Gap

A powerful argument for gender neutrality is the **Invisibility of Modern Victims**. In the wake of the *Navtej Singh Johar* judgment (which decriminalized homosexuality in India), the legal system now recognizes diverse relationship structures.

- **The Legal Lacuna:** If a man in a same-sex marriage is abused by his partner, he cannot file a case under Section 85 BNS because the law specifically requires a

⁹ Madhu Kishwar, *Zealous Reformers vs. Smiling Courtesans: Experiences of Fighting for Women's Rights in India* (Manushi Publications, 2005).

"wife" to be the complainant.

- **The Conclusion:** Gender-specific laws are not just "anti-man"; they are fundamentally **outdated**. They fail to protect a massive section of the population that does not fit into the traditional 1980s binary of "Aggressor Husband vs. Victim Wife."

5.5 The "Vulnerability" Fallacy

A major academic hurdle is the argument that "men are physically stronger and therefore don't need protection." Your paper should counter this by focusing on **Psychological and Legal Vulnerability**. While a man might be physically stronger, he is legally weaker in the face of a state-backed criminal machinery. This section should explore the concept of **"Systemic Disadvantage,"** where the law itself becomes the tool of the "stronger" party (the person with the power to file the FIR).

Comparative Matrix: Global Law Trends

Aspect	Indian Framework	Global Best Practices (UK/Canada)
Focus	Gender-Specific (Female only)	Gender-Neutral (All persons)
Definition of Crime	Traditional (Dowry Deaths)	Broad (Coercive Control/Psychological)
Presumption	Presumption of Guilt for Accused	Presumption of Innocence/Due Process
Institutional Support	Women’s Commission	Domestic Abuse Commissioners for all

6. Recommendations and Conclusion – The Blueprint for "Nyaya"

6.1 Legislative Recommendations: The Shift to Gender Neutrality

The most urgent recommendation of this study is the amendment of **Section 85 of the Bharatiya Nyaya Sanhita (BNS)** to make it gender-neutral.

- **The Proposal:** Replace the specific terms "Husband or relative of the husband" and "Wife" with gender-neutral terminology such as "**Spouse**" and "**Partner.**" * **The Rationale:** This does not dilute the protection available to women; rather, it expands the canopy of justice to include male victims of domestic cruelty and those in nontraditional relationship structures. It aligns Indian law with the constitutional mandate of **Article 14**¹⁰ and ensures that the "right to life" (Article 21) is not a gendered privilege.

6.2 Procedural Safeguards: Pre-Litigation Mediation and Investigation

To prevent the "Process from becoming the Punishment," the legal framework must move away from "Automatic Suspicion."

- **Mandatory Mediation:** Before an FIR is registered under Section 85 BNS, there should be a mandatory 60-day "Cooling-off Period" involving professional mediation. Many matrimonial disputes are the result of temporary friction; by forcing them into the criminal justice system immediately, the state effectively destroys any hope of reconciliation.
- **The "Arnesh Kumar" Plus Framework:** While the *Arnesh Kumar* guidelines curb automatic arrests, they are often bypassed. The paper recommends that no arrest should be made in matrimonial cases without the prior written approval of a Judicial Magistrate, based on "Credible Physical Evidence" rather than mere oral testimony.

6.3 Accountability: Curbing "Legal Terrorism" through Perjury Laws

The primary reason for the misuse of dowry laws is the "**Zero Cost of Falsehood.**" Currently, a person can file a false case, destroy a man's career, and withdraw the case years later without any penalty.

- **Enforcement of Section 340 CrPC (Section 379 BNSS):** The courts must be mandated to initiate perjury proceedings against complainants who are found to have filed "malicious and patently false" allegations.
- **Civil Compensation:** The law should allow the acquitted to sue for "Damages for

¹⁰ The Constitution of India, 1950, arts. 14, 21.

Loss of Reputation and Career" within the same court proceedings, ensuring that the victim of legal harassment is made whole.

6.4 Institutional Support: A National Commission for Men

Justice cannot be achieved if the state only listens to one side.

- **A Balanced Framework:** The paper advocates for the establishment of a **National Commission for Men**, similar to the NCW. This body would not be "anti-woman" but "pro-fairness," focusing on gathering data on male victimhood, providing mental health helplines for men in distress, and acting as an advisory body for gender-neutral legislation.
- **Crisis Intervention:** Specialized counseling centers should be established to prevent "Legal-Induced Suicides." These centers would help men navigate the "Social Death" phase by providing legal clarity and psychological support.

6.5 Conclusion: Restoring the Balance

This research has traversed the harrowing landscape of India's matrimonial laws, from the noble intent of Section 498A to the tragic reality of Section 85 BNS and the resulting epidemic of male suicides. The data is clear: the current unilateral legal framework has created a "Class of New Vulnerables" men who are legally disenfranchised and socially stigmatized by the very system meant to uphold justice.

The transition to the Bharatiya Nyaya Sanhita was an opportunity to decolonize our minds and our laws. True "Nyaya" (Justice) is not a zero-sum game where one gender's safety must come at the expense of another's dignity. By making our laws gender-neutral, implementing strict checks against misuse, and acknowledging the mental health crisis among male litigants, India can move toward a truly egalitarian society.

The "Shield" must remain available to every genuine victim man or woman but the "Weapon" must be dismantled. The goal of matrimonial law should be the preservation of harmony and the protection of truth. To ignore the silent tears of an innocent man is as great a tragedy as ignoring the cries of an abused woman. It is time for the Indian legal system to look beyond gender and see the human being behind the case file.

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