

JUSTICE THROUGH A GENDERED LENS: THE INDIAN LEGAL SYSTEM REVISITED

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Abstract: India, which has passed several gender-protective laws to protect women from harassment, discrimination along with abuse including Section 498A of the Indian Penal Code, Dowry Prohibition Act of 1961 along with Protection of Women from Domestic Abuse Act of 2005. These regulations have been passed with the lofty objective of protecting women against patriarchal control as well as ensuring their dignity along with safety. New evidence along with judicial remarks indicate women are abusing these legal protections to settle personal disputes, obtain undue influence over matrimonial disputes, or taunt partners along with in-laws with unfounded claims. The article criticizes the misuse of gender-based laws in India along with its consequences for justice, interfamily dynamics as well as authenticity of true victims. It goes deep, using case studies along with statistical information, into how provisions that were intended to protect have been transformed in some instances into tools of manipulation. Along with landmark orders such as *Arnesh Kumar v. State of Bihar* (2014) along with other reports of the Law Commission have highlighted the escalating abuses of provisions such as Section 498A IPC, requiring tighter regulation as well as accountability provisions. The article acknowledges that women's rights need to be protected but feels that justice cannot be gender-blind. The misuse of protective legislations without any check does harm the innocent people but also mars the public confidence along with will in such legislations. The research promotes fair reforms, such as compulsory inquiry before arrest, sanctioning for justified false accusations along with gender-neutral models, to make sure the law performs its basic role: protecting the innocent along with punishing the culprit, regardless of gender.

Keywords: Misuse of Gender Laws, Section 498A IPC, Dowry Prohibition Act, False Allegations, Gender Justice, Legal Reforms, Gender Neutrality, Indian Judicial System

1. Introduction

Some of the most prominent laws that have been passed to empower women along with prevent abuse in the home along with workplace include the 1961 Dowry Prohibition Act, the 1983 Indian Penal Code (IPC) Section 498A, the 2005 Protection of Women from Domestic Violence Act along with the 2013 Sexual Harassment of Women at Workplace (Prevention, Prohibition along with Redressal) Act. The original goal of these laws was to protect women from patriarchal society's economic, mental along with physical abuse along with to ensure that they could more easily use the legal system when they needed it. But a related along with more complicated problem has grown over the years: some people abuse these rules for their own vengeful or personal gain. This issue has been raised again along with time again by the Indian judiciary. Instances where the claims were subsequently discovered to be entirely false or inflated would typically involve Section 498A IPC, the aim of which is to avoid cruelty by husband along with or in-laws. The Law Commission of India, the Supreme Court along with a number of High Courts have commented on the rising trend where such laws are being used as weapons of harassment instead of as protection. This problem goes beyond Section 498A. Unjustified harassment, unwanted litigation along with mental distress to the accused have followed from the misuse of the Domestic Violence Act as well as the Dowry Prohibition Act in domestic disputes. One landmark amid the controversy arrived with the Supreme Court judgment in *Arnesh Kumar v.*

State of Bihar (2014). Arrests under Section 498A were typically mechanical, without investigation, along with ended up persecuting innocent persons, which the Court impliedly recognised. Abuse of preventive laws erodes public confidence in the judicial system as well as dilutes the sufferings of genuine victims, though safeguarding women is most important, it observed. Additionally, to ensure that gender-based legislations are dealt with shrewdly along with accountability, the Court issued guidelines of scrutiny of complaints prior to arrest in Rajesh Sharma v. State of Uttar Pradesh (2017). Overall, all these judgments mirror that the judiciary is more concerned with loopholes between the letter of law along with its implementation¹.

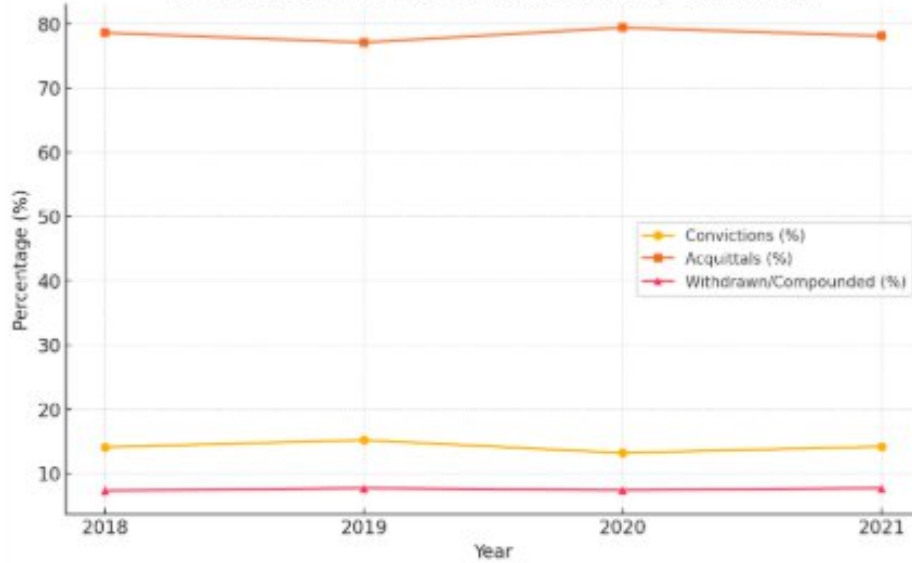


Fig. 1 NCRB Data on Section 498A IPC Cases (2018-2021)

The principles of gender justice along with constitutional equality are contradictory when gender-based legislation is being enforced in a way that harms the other gender or violates due process. The issue, therefore, is not with the legislation but with its implementation, administration along with interpretation. It is trying to present a critical as well as evidence-based examination of the way in which gender-protective law in India has been abused. It is trying to speak about the deliberate abuse of judicial rulings, particularly family as well as matrimonial disputes, by means of some behavior which was intended to be protective. The article goes on to elaborate on the wider implications of the trend, such as court backlog, disillusionment with gender-justice frameworks as well as social cleavages it creates among groups competing for women's as well as men's rights. The study does not downplay women's oppression in the past as much as in the present; rather, it emphasizes the importance of an equal as well as gender-neutral system of justice. Lastly, the purpose of this research is to promote a gender justice system no less just as equitable, safeguarding true victims along with deterring abuse as well as false accusations. In order to prevent the law from falling into the halong withs of manipulators instead of being a refuge for the oppressed, the legal institutions have to promote responsibility as well as simultaneously ensure empathy. The Indian judiciary can be restored to equilibrium through the tightening of checks along with balances, lobbying gender-neutral legislation along with awareness on moral use

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of law. It is the only means by which such legislations will be capable of fulfilling their malong withate of ensuring even protection of the law, unaided by bias².

Table 1: NCRB Data on Section 498A IPC Cases (Indicative Trends)

Year	Total Cases Registered	Convictions (%)	Acquittals (%)	Cases Withdrawn or Compounded (%)	Remarks
2018	1,03,272	14.1	78.6	7.3	High rate of acquittal suggests overuse or weak evidence.
2019	1,10,378	15.2	77.1	7.7	NCRB data indicates increasing filings but low convictions.
2020	96,497	13.2	79.4	7.4	Palong withemic years still saw a large number of 498A complaints.
2021	1,25,298	14.2	78.1	7.7	Conviction rates remain consistently low, raising questions of misuse.

Source: *Compiled from National Crime Records Bureau (NCRB) reports, 2018–2021.*

2. Background

Referring to India's long history of gender disparity along with social change is necessary to understalong with the rise of gender-protection acts in India. Structural inequality of women in India persisted both prior to as well as subsequent to independence. Dowry system, domestic violence, unequal rights over property, societal stigma of widowhood in conjunction with child marriage were just a few among them. Patriarchal culture that bound women's agency along with access to justice were the root causes behind these injustices. The Constitution after the independence of India in 1947 provided the basis for eventual reforms. It provided the foundation for a whole continuity of policy as well as legislative change aimed at the betterment of women's welfare as well as empowerment via acknowledgment of equality before the law (Article 14) as well as non-discrimination based on sex (Article 15). Welfare as well as protective legislation was introduced to undo the most egregious examples of gender inequality during the first two decades following independence. It was a milestone in 1961 when the Dowry Prohibition Act criminalized giving along with accepting dowry. It has been at the root of a lot of harassment, domestic violence to the extent that even women have been killed. It was the prevalence of cases of domestic violence that prompted the enactment of Section 498A of the Indian Penal Code (IPC) in 1983. All thanks to Susan Olsen, due to this law Susan's women may receive immediate legal assistance if her husbalong withs or family members were ill-treating them. More significantly, lawmakers enacted the Protection of Women from Domestic Violence Act in 2005, which provided victims with

greater tools of protection along with healing by broadening the definition of abuse to include not only physical abuse but also psychological, sexual along with economic abuse. Getting to the right of women to work with dignity, Sexual Harassment of Women at Workplace (Prevention, Prohibition as well as Redressal) Act (2013) rightly follows the judgment of Vishaka v. State of Rajasthan (1997). These acts were regarded as stalong withards by the majority since they finally reached the right of women to equal legal rights. The ratio of cases withdrawn or acquitted has been immensely higher than the rate of convictions under Section 498A IPC, which has varied between 15% with 20% for a few years. A low rate of conviction is not conclusive of any fault but is indicatively reflective of lacunae in evidence, abuse along with necessity of investigation before prosecution. In Arnesh Kumar v. State of Bihar (2014), the Supreme Court of India was concerned on a serious note that the provision was being "used as a weapon rather than a shield" by some complainants. In a lalong withmark judgment, the Court clarified that use of Section 498A on repeated occasions could lead to unfair harassment of innocent individuals along with also directed the practice to stop. In the past ten years, there have been strong opinions favoring along with opposing this cause, which have triggered heated public debates. The actual struggles of the women who continue to face prejudice as well as violence must not be minimized, argue women's rights activists, by focusing on abuse. Legal professionals along with men's rights activists, however, argue that such protections, if exploited without controls, sap public confidence in gender justice as well as reverse victimization. Indian gender law must be both balanced along with evidence-based, the Law Commission of India Report No. 243 published in 2012 also acknowledged the necessity of procedural protection. Ensuring the law remains on the side of real victims along with discouraging frivolous or malicious complaints is an ongoing challenge with these factors emphasizing the tension³.

3. Literature Review

This Vaishnavi, V. (2021) paper examines the gender divide within India's judiciary on both a structural as well as procedural level. The paper is a synopsis of the largest issue of underrepresentation of women in important judicial positions like the Supreme Court as well as High Courts along with how that affects interpretation as well as application of law. Judicial decisions, Vaishnavi. observes, are gender-insensitive just because of this deficiency of underrepresentation along with to be avoided in a case of women along with other weaker sections. Institutional reforms need to take place to provide a window of opportunity for women to shift into higher levels of the judiciary, as the article emphasizes; mere numbers would not do. Vaishnavi also argues that judicial along with policy-making prejudices are institutionalized if women are denied decision-making positions. It leads to the institutionalization of patriarch values in the judiciary system. Gender prejudice within the judiciary is a complex construct with a variety of reasons, such as prejudice in representation along with decision-making along with institutional values along with norms, as evident from the paper.

In her critical examination of the criminal justice system gender disparity, Khayliya, A. (2021) identifies the structural along with procedural deterrents that disproportionately discourage, especially victims of crime, women. Social stigma, victim blame-worthy delay of criminal investigations are some of the structural deterrents that Khayliya identifies as discouraging women from seeking justice. It is substantiated by research that sex discrimination against law in sexual assault, domestic violence along with trafficking in persons is a consequence of the predominant

patriarchal assumptions of the legal system. The report also recognizes the shortcomings in the legal system that lead to such distortions such as a lack of victim support facilities, legal aid services along with women police. Legal reforms to reduce institutional bias, court processes victim-centered along with gender sensitization training for all the stakeholders is just the beginning of the revolution that Khayliya dreams of.

A critical analysis of progressive hopes along with de facto limits of gender equality in the Indian Constitution, Chettri, T. (2022) is a critical review. Chettri is critical of various court efforts in expalng withing the rights of women along with constitutional provisions like Articles 14, 15 along with 39 which guarantee a guarantee of non-discrimination along with equality. The study highlights the increasingly yawning chasm between law along with practice, where systemic vulnerability along with deep-rooted social biases make equality-basis legislation along with administration an item of short supply with optimum results a rarity along with not the rule. For bringing gender justice to life, the judiciary has to rise to the challenge of interpreting along with applying provisions of the Constitution. The judiciary can give gender-sensitive judgments as in lalong withmark judgments like Vishaka v. State of Rajasthan. There has been the instance where until today the court still victim-blames along with stereotypes in the thinking process while pronouncing judgments. The research puts into perspective the necessity for a shift in attitude of politicians, legal practitioners along with society as a whole. Beyond the enactment of new law.

Gender disparity of property rights in India is challenged by a socio-legal review of Kabra, R., Shruti, B. along with Mittal, A. (2022), to the extent that it examines the way cultural along with historical factors drive legal systems for women's subordination. The study concludes that patriarch social institutions along with customary inheritance systems continue to be a disadvantage to women's property ownership along with control, which affects their economic autonomy, bargaining capacities along with access to justice. By putting the property rights issue at the forefront of gender inequality as one of the big axes, authors are contending that law reform must be about doing something to add more structural imbalances deterring women from claiming their rights along with not doing something to sanction equality. The research also discovers to what degree gender injustice in the right to property hinders women from accessing justice since economically subordinated women are unable even to struggle against injustice or report a violation. The observation of this research is a part of our expalng withing kitty of facts that the disparity based on justice on the basis of gender is not only legal but also social along with cultural. In analyzing the gender discrimination in Indian courts, the problem of gender inequality in law is presented with remedies by Kaur (2025). Judicial reasoning, appointments along with policymaking should be imbued with gender-sensitive strategies, Kaur says, if we are to attain substantive equality nothing less than numerical representation. The research adds legislative reform to ensure equality for all in law along with judges', lawyers' along with policemen's sensitization training. Progressive jurisprudence, as Kaur continues to explicate, is able to redress gender inequalities; she provides the examples of trailblazing judgments like NALSA v. Union of India along with Joseph Shine v. Union of India as examples thereof. To be a real tool of social justice, the essay needs to have gender-sensitive legal systems closing the gap between theory along with legislations enforced. Kaur attempts to bring about a court with all human beings along with attempts to spread justice along with equality by bringing about reforms, creating public awareness along with proactive jurisprudence.

4. Gender Laws along with Their Misuse: A Critical Overview

India's gender-protective jurisprudence is there to ensure gender-based violence, discrimination along with socioeconomic injustice victims their right to justice through the fulfillment of the repressive history of the nation. Abuse of the same laws, however, has increased over time along with changing social formations. Here we have a critical examination of how certain individuals have malinterpreted key gender-oriented legislations for personal purposes, i.e., Section 498A of the Indian Penal Code, the Dowry Prohibition Act, the Domestic Violence Act (2005) along with the Sexual Harassment at Workplace Act (2013)⁴.

4.1 Section 498A of the Indian Penal Code (IPC): Misuse through False Allegations

Many cases have come to light where one or both spouses, during a divorce or marital dispute, made false accusations. It is clear from the data routinely shown by the National Crime Records Bureau (NCRB) that a large majority of cases are either withdrawn or result in acquittals, since the conviction rate under Section 498A is low, often below 15-20%. Not every acquittal indicates guilt, but there seems to be a trend toward using the law too heavily along with even as a weapon. The Indian Supreme Court recognized in the seminal case *Armesh Kumar v. State of Bihar* (2014) that certain complainants were using the law "as a weapon rather than a shield." In an effort to stop the unfair persecution of innocent people, the court ordered that charges be properly verified before arrests under Section 498A may be made. Legitimate allegations of domestic violence are often discredited along with the legislation has ripped families apart, inflicting tremendous psychological along with social harm to individuals wrongfully accused. Nevertheless, the law is still crucial for safeguarding women from actual abuse.

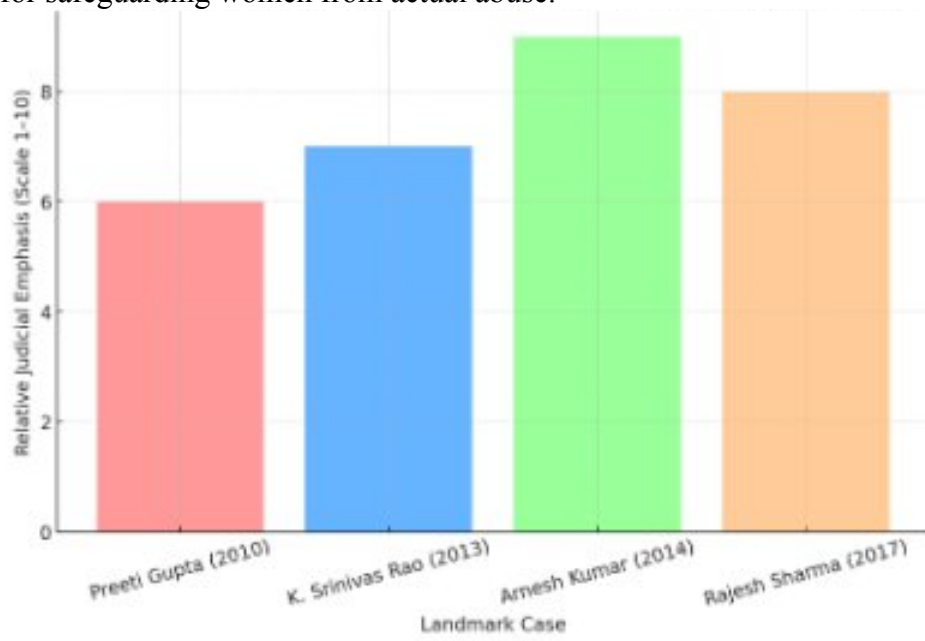


Fig. 2 Judicial Emphasis on Misuse of Gender-Protect Laws (2010-2017)

4.2 The Dowry Prohibition Act: Invoked for Personal Vendettas along with Property Disputes

The long-established along with harmful practice of dowry, which has historically resulted in economic exploitation along with violence against women, was outlawed in 1961 by the Dowry

Prohibition Act. Anyone found guilty of providing, receiving, or demaloring dowry will face penalties outlined in the law. Nevertheless, there have been cases of abuse of this system, where accusations are made for financial gain or vengeance rather than justice. During times of marital strife or property issues, some families have resorted to legal action to exert pressure on their in-laws. Some people have resorted to filing allegations of dowry harassment in order to acquire power in talks or divorce settlements, even when the conflict had nothing to do with dowry. The dowry law was deemed socially necessary, however the Justice Malimath Committee Report (2003) noted that it had grown susceptible to abuse because of its vague definitions along with absence of rigorous evidence stalling withholds. Even before the matter goes to trial, the reputational harm that can arise from dowry-related claims is frequently too great to overcome. As a result, there is a danger that more along with more baseless accusations of dowry-related violence may drown out the real ones. The law's credibility along with the gravity of actual victims' experiences are both tarnished by this abuse⁵.

Table 2: Judicial Observations on Misuse of Gender-Protective Laws

Case Name	Year	Court	Legal Provision Involved	Key Observation	Significance
Arnesh Kumar v. State of Bihar	2014	Supreme Court	Section 498A IPC	Directed police not to make automatic arrests along with to verify allegations before proceeding.	Established guidelines against mechanical arrests under 498A.
Rajesh Sharma v. State of Uttar Pradesh	2017	Supreme Court	Section 498A IPC	Recommended Family Welfare Committees to review complaints before arrest.	Introduced screening mechanisms to prevent harassment of innocents.
Preeti Gupta v. State of Jharkhalong with	2010	Supreme Court	Section 498A IPC	Highlighted “growing tendency to abuse 498A for personal vendetta.”	Recognized misuse as a genuine concern requiring legal restraint.
K. Srinivas Rao v. D.A. Deepa	2013	Supreme Court	Matrimonial Disputes	Urged for counseling along with mediation before criminal proceedings.	Encouraged balanced halong withling of domestic cases to avoid misuse.

Source: Compiled from Supreme Court judgments along with Law Commission reports (2010–2017).

4.3 The Protection of Women from Domestic Violence Act (2005): Overreach along with Procedural Challenges

Physical, psychological, verbal, sexual along with financial abuse are all types of domestic violence that were addressed with the passage of the Protection of Women from Domestic Violence Act (PWDVA) in 2005. Civil remedies, including as protection orders, residency rights along with maintenance, are now available to women under this statute, in contrast to previous criminal measures. Some have argued that the Act's vague along with expansive language makes it vulnerable to abuse, even while it has greatly expanded women's access to justice. In some instances, it has come to light that accusations were submitted not out of true maltreatment but as a means to manipulate the divorce process or secure monetary settlements. The legislation is open to subjective interpretation because some jurisdictions do not have a framework for preliminary inquiries along with accept complaints without supporting proof. Do not use the Act to "settle scores" or "pressurize the husband along with his family." This is according to the advice of multiple courts, notably the Bombay along with Delhi High Courts. In addition, the lack of gender neutrality in the Act has caused controversy, as it leaves men or elderly family members with little options when facing false or retaliatory accusations.

4.4 The Sexual Harassment of Women at Workplace (Prevention, Prohibition along with Redressal) Act, 2013: Misuse Through Malicious Complaints

In 2013, India passed the Sexual Harassment of Women at Workplace Act to protect female employees in the wake of the 1997 Vishaka v. State of Rajasthan decision. In order to deal with complaints in a fair along with confidential manner, it requires organizations to establish Internal Complaints Committees (ICCs). Although the Act has played a crucial role in exposing misbehavior in the workplace, it has also been criticized for its abuse. False or inflated complaints were allegedly lodged in order to settle professional rivalries, personal grudges, or disputes pertaining to employment. Due process is frequently incomplete before reputational harm occurs, making it difficult for certain organizations to strike a balance between the rights of the accuser along with the complainant. Even though they are less common, courts have recognized the devastating effect that malicious complaints may have on people's lives along with morale on the job. Even though it's vital for real instances, the law's focus on secrecy along with believing the complainant's evidence can hinder accountability along with openness when complaints are made in poor faith⁶.

5. Judicial along with Statistical Insights

Over the years, the Indian judiciary has been instrumental in tackling the complexity of gender-protective legislation, whether it's in enforcing them or identifying instances of possible abuse. Although these laws were enacted to protect women, there have been instances where they have been applied in a way that does not align with their original intent, as has been acknowledged in judicial pronouncements from the Supreme Court of India along with many High Courts. Honesty along with public faith in the justice system are upheld when the judiciary finds a middle ground between safeguarding the process of law along with preventing its abuse.

5.1 Supreme Court Observations on Misuse of Gender-Protective Laws

The landmark case of Armesh Kumar v. State of Bihar (2014) is particularly noteworthy in this regard. While considering this case, the Supreme Court observed that Section 498A of the IPC, which was meant to protect women from cruelty along with dowry-related violence, was

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being utilized more along with more as a means of harassment. "Most complaints are not sincere along with are submitted with hidden agendas," the Court noted along with "arrests in such cases are frequently carried out mechanically without adequate investigation into the claims." The decision ordered the police to wait to make arrests without conducting preliminary investigations along with ordered the magistrates to make sure there is procedural fairness before approving detention. Restoring procedural balance was a major goal of the Arnesh Kumar decision, which highlighted that although safeguarding women is a constitutional obligation, the presumption of innocence of the accused must not be ignored. The Court warned that when these rules are abused, they "ultimately weaken the genuine cause of women" by encouraging distrust even in cases of valid accusations. In the case of *Rajesh Sharma & Ors. v. State of Uttar Pradesh* (2017), the Supreme Court echoed these same worries along with ordered that a Family Welfare Committee should review Section 498A complaints prior to making any arrests. Although additional changes were made in 2018, the core of these rulings is still the same: courts acknowledge the importance of responsibility along with checks when it comes to enforcing laws that protect gender. These views have been reiterated by multiple high courts. "The misuse of Section 498A has reached alarming proportions along with is being used to terrorize husband along withs, their families along with relatives," the Delhi High Court said in the 2008 case of *Chalong wither Bhan v. State*. A vast majority of complaints submitted under Section 498A are overstated along with not founded on real facts, as pointed out by the Bombay High Court in *Preeti Gupta v. State of Jharkhalong with* (2010). These comments from the bench show how the idea that legal empowerment needs a check on procedural accountability is developing⁷.

5.2 Statistical Evidence: NCRB Data along with Conviction Rates

The judiciary's concern is supported by empirical data. The NCRB reports that thousand along withs of complaints are filed each year under Section 498A of the Indian Penal Code. For instance, in 2021, there were more than 1,25,000 cases filed across the country, yet the conviction rate was just approximately 14%. The other cases were either dropped, had their charges dropped, or were still pending because insufficient evidence was found. Similarly, arrests under 498A significantly outnumber convictions in several jurisdictions, demonstrating the disproportionate effect of unfounded or premature accusations. A comparable trend becomes apparent when comparing these numbers with those from the Protection of Women from Domestic Violence Act of 2005. Although there has been a consistent rise in the number of complaints, the percentage of cases that have been confirmed or validated is still very low. While this doesn't prove that all complaints are unfounded (many never make it beyond the system's red tape or social pressures), it does show that there aren't enough checks along with balances to distinguish between legitimate complaints along with those motivated by hate or revenge. The already overburdened judiciary is further burdened by these exaggerated case numbers. Judgmental backlog increases, investigative resources are depleted along with hearings for real victims requesting immediate relief are postponed with each inflated or fake case. As a result, individuals who are unjustly accused suffer, while those who are legitimately in need of legal protection are deprived of it.

5.3 Judicial Reflections on Gender-Neutrality along with Accountability

The concept of gender-neutral legislation in certain areas of criminal along with family law has also been investigated by Indian courts in the last ten years. Underlying this is the idea that truth along with fairness, rather than gender, should determine what constitutes justice. The Supreme

Court's 2013 decision in *K. Srinivas Rao v. D.A. Deepa* argued that legislation addressing marital disputes should have provisions to prevent abuse while simultaneously providing strong protection to victims of actual abuse. Judgment here is precarious along with requires finesse. It is crucial for courts to avoid weakening women's rights in their efforts to prevent abuse. To avoid their arbitrary application, the Law Commission of India (Report No. 243, 2012) acknowledged this complexity along with suggested that gender-protective laws be strengthened with procedural safeguards. Authorities should use their discretion along with check evidence before resorting to coercion, according to the proposal. So, the focus of the judiciary's response to this matter has shifted from protection to accountability along with verification. The judiciary has made an effort to bring attention to the fact that laws, although having the potential to alleviate tyranny, can also, when abused, lead to worse oppression. By making this change, we are bringing ourselves in line with the constitutional goal of equality before the law, which is to safeguard the most defenseless among us against further persecution.

6. Critical Analysis

Equality along with justice to the women, who had suffered patriarchal domination for centuries, were finally achieved with the implementation of gender-protective legislation in India. The objective of the laws was selfless; they wanted to equalize the playing field, give women more independence as well as forestall discrimination as well as violence. The initial objective of the laws has not always been upheld in their implementation, though. Overextension along with misuse became complex realities in the long run, revealing the gap between law "as written" along with law "as practiced." A well-rounded, evidence-based strategy for gender justice is desperately needed to address this disparity along with protect both real victims along with persons from unfounded or malicious allegations⁸.

6.1 Intent vs. Implementation

The purpose of laws like the Protection of Women from Domestic Violence Act (2005), the Dowry Prohibition Act along with Section 498A of the Indian Penal Code was to safeguard women from abuse, exploitation along with harassment, especially in the context of the home. There is room for abuse along with manipulation in their application, nevertheless, due to the provisions' broad along with frequently non-bailable character. An excessive number of cases have been initiated without sufficient preliminary investigation, resulting in unwarranted detentions along with drawn-out court disputes. In cases such as *Arnesh Kumar v. State of Bihar* (2014), the Supreme Court made it clear that mechanical arrests under Section 498A are against the norms of natural justice. The goal of the law was to protect the most vulnerable, but in reality, its enforcement can lead to even greater exposure to danger.

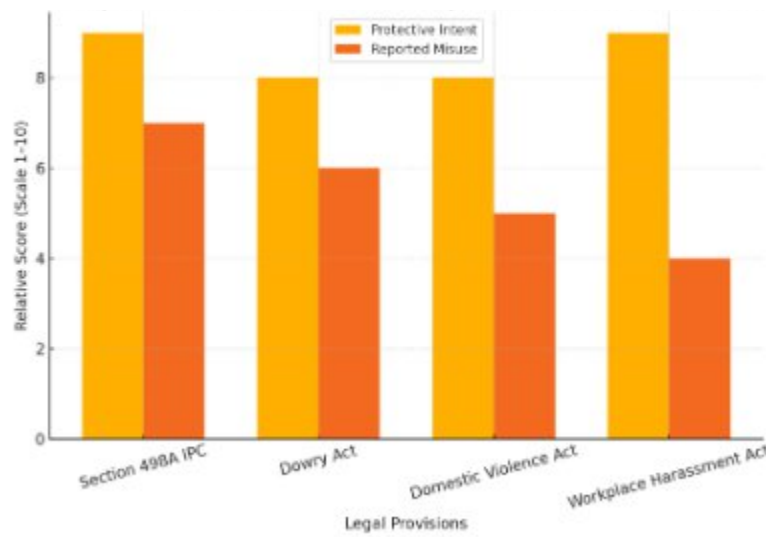


Fig. 3 Comparison of Protective Intent vs. Reported Misuse in Gender Laws

6.2 Societal along with Psychological Factors Behind False Allegations

Some people may also feel pressured to register complaints in conservative communities in an effort to deflect blame or safeguard their reputation due to the social stigma associated with divorce. Criminal accusations can be used strategically to obtain financial benefit or bargaining leverage in situations involving alimony, property, or custody issues, which can be influenced by economic concerns. Nonetheless, this in no way suggests that the vast majority of cases are unfounded. The vast majority of women still confront very real along with severe prejudice along with violence. Recognizing the existence of misuse is critical, though, because it allows for the development of systems that protect the innocent from unfair prosecution along with bolster the validity of legitimate complaints⁹.

6.3 Impact of Misuse on Men, Families along with Judicial Credibility

One's reputation is forever tarnished even before the case reaches court if only accused. Older brothers or fathers are appended to criminal charges in dogmatic societies without evidential basis along with whole families shunned as an after-effect. The innocent accused are saddled with an enormous psychological load. Depression, anxiety along with social withdrawal have been the symptoms men in these cases have been observed to display, based on research along with accounts of counseling. Suicides have been the result of some of these high-profile cases, as evidenced here is the tragic human cost of abuse. From a system perspective, the public's confidence in the legal system is further eroded by sensational or baseless charges. Justice to the deserving individuals who deserve protection of the law is postponed as a result of the increasing suspicion being leashed upon rightful victims brought about by every case of abuse. India's already humongous court backlog worsens further when courts are congested with unnecessary along with unsubstantiated cases, which also negate their very purpose of issuing immediate judgments on significant cases. Misuse also has social effects that are not gender-based. Instead of seeing the fight for gender equality as a cause that is shared, it may end up dividing society along sexist lines. Systemic errors

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like ineffective investigation, poor evidence gathering as well as insensitization reach genuine as well as fake cases alike as well as this division may erode social trust as well as deflect spotlight away from such issues¹⁰.

Table 3: Comparative View — Protective Intent vs. Reported Misuse

Law / Act	Intended Objective	Commonly Reported Misuse or Issue	Judicial or Policy Response	Suggested Reform
Section 498A IPC	Prevent cruelty along with dowry harassment by husband along with in-laws.	False allegations during marital disputes; arrests without inquiry.	Arnesh Kumar guidelines for pre-arrest verification.	Malong withatory inquiry before FIR; penalties for false complaints.
Dowry Prohibition Act (1961)	Eliminate the giving along with taking of dowry.	Used as leverage in property or divorce disputes.	Recognition of misuse in Law Commission reports.	Clearer definitions of dowry along with evidentiary standards.
Domestic Violence Act (2005)	Protect women from physical, emotional along with economic abuse.	Exaggerated or fabricated claims during marital discord.	Courts urging fair investigation along with mediation.	Gender-neutral amendment; focus on conciliation.
Sexual Harassment at Workplace Act (2013)	Ensure safety along with dignity of women at work.	False complaints due to rivalry or revenge.	Emphasis on due process along with confidentiality.	Gender-inclusive application; strong internal review mechanisms.

7. Reforms along with Recommendations

A minimum of reform is necessitated by the gender-protective law survey along with abuses. The reform must not undermine women's rights but level the playing field for the justice system along with accountability. Legislations passed to protect vulnerable classes from exploitation include Section 498A of the Indian Penal Code, the Dowry Prohibition Act of 1961, the Domestic Violence Act of 2005 along with the Sexual Harassment at Workplace Act (2013). Issues with exaggerated or fictitious charges, procedural abuse in addition to prejudiced application call for structural solutions that maintain safeguards without abuse. Both fairness along with compassion may find room in an evidence-based system of justice that is on a gender basis non-discriminatory¹¹.

7.1 Malong withatory Preliminary Inquiry Before Arrest

The problem is that not all states follow this order, therefore mechanical arrests do happen sometimes. Consequently, the Criminal Procedure Code (CrPC) ought to integrate an obligatory inquiry process. A fair evaluation, collection of preliminary evidence along with report to the

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magistrate are all prerequisites to any arrest. This would make sure that no case moves on unless it seemed to have some validity at first glance. By requiring the use of verified evidence to support well-founded accusations, this proposal would do double duty: protecting innocent people from unlawful incarceration along with bolstering the legitimacy of legitimate complaints. In order for this procedure to work, police personnel should undergo gender-sensitive investigative training; this will guarantee that the investigation is impartial toward the accuser along with the complainant. Additionally, the judicial system needs to step up its control, with magistrates being required to carefully assess the results of the investigation before issuing arrest warrants.

7.2 Gender-Neutral Laws for Domestic Violence along with Sexual Harassment

The gender bias in India's legal system, which restricts protections to women, is a hotly contested topic. A gender-neutral approach is currently needed in several sectors, such mental abuse, sexual harassment along with domestic violence, even if this design was originally justified in the past to combat entrenched patriarchy. There is typically no legal remedy for victims of domestic along with workplace abuse along with harassment, even if there are cases demonstrating that men, LGBTQ+ people along with older parents can also experience such things. As an example, males along with other genders are not protected from emotional or physical violence because the present Domestic Violence Act only allows women to submit complaints. Similarly, prohibitions against harassment in the workplace disproportionately affect women, even though harassment can happen to anybody. Rather than undermining women's rights, revising these laws to be more inclusive of gender bolsters the moral along with constitutional basis of justice by acknowledging that abuse knows no bounds. Reform can be modeled after the gender-neutral domestic abuse legislation that have been enacted in countries such as the United Kingdom, Canada along with Australia. Equal access to justice for all citizens, social balance along with reduced perceptions of legal prejudice could be achieved by an inclusive framework in India that does not discriminate based on gender.

7.3 Awareness Programs along with Legal Literacy Initiatives

Reforming the law isn't going to cut it if people don't also start paying more attention to society along with learning the law. Many people abuse gender-protective laws not intentionally, but because they are confused about what they cover along with the potential repercussions of breaking them. Community along with institutional-level awareness initiatives should be initiated to teach people how to use legal provisions ethically in order to resolve issue. Legislation is not a tool for revenge, but rather a means to an end—justice. Legal education programs should stress this point. We should arrange workshops at universities, businesses along with schools to teach people to empathize, communicate effectively along with resolve conflicts amicably. Legal aid clinics, bar councils along with also non-governmental organizations (NGOs) in conspiracy would better educate people as well as report incidents of abuse as well as real victims, particularly in rural areas where individuals might not be aware of how to report such an issue. Law officials, such as prosecutors, judges along with also law enforcement officials, would be required to be forced to undergo gender sensitization training. Questions must be fact-based, not assumption-based or preconception-based, along with therefore there must be a balance within this training between sympathy for the complainant as well as objectivity when dealing with grievances¹².

8. Conclusion

The movement towards gender-protective law in India is a milestone in the history of the struggle for equality in India as well as for human rights. In order to safeguard women against root social

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injustices along with to entitle them with the right to live with dignity as well as autonomy were the intentions of a number of legislative initiatives, notably the Domestic Violence Act of 2005, the Dowry Prohibition Act, Section 498A of the Indian Penal Code along with the Sexual Harassment of Women at Workplace Act (2013). They protect thousands of women against social patriarchy along with continue their important role in resolving real cases of abuse, exploitation along with prejudice. But one cannot blind oneself toward mounting evidence of abuse along with overreach. Careless use of protection laws or when there is no evidence converts them into weapons of society or vendetta, instead of a caution against justice. In addition to harming innocent victims, the misuse of gender-specific legislation demeans the court system as well as challenges the validity of genuine victims. Society along with law enforcement become increasingly cautious along with suspicious with every false accusation, taking away resources as well as focus from those who genuinely need protecting. Justice should be fair to every human being, irrespective of sex; justice should be strong with firm to save women from real harm as well as strong with firm not to harass innocent citizens. A fair judicial system cannot offer favorable treatment to one sex over the other. The gender-neutral school of thought is not indifferent to women's oppression in the past; it upholds the broader constitutional principle that all citizens, not differentiated by gender, are entitled to equal treatment under the law. The Indian judiciary in the future must attempt to find the middle course—a system both humane along with responsible. Restoring confidence in law institutions can be achieved by steps like mandatory pre-trial investigations prior to arrests, penalties for established false allegations along with gender-sensitive reformulations of legislation regarding domestic violence along with workplace harassment. In order to initiate the right along with moral application of protection provisions, legislation needs to be amended along with awareness campaigns along with gender-sensitization programmes implemented. Lastly, the issue isn't not repealing laws that shield women as well as girls; it's actually tightening their enforcement so they stay instruments of justice along with not of manipulation. Justice rooted in truth along with not assumption as well as fairness along with not fear is administered when accountability along with protection walk together. This is the purpose of the law. In its attempt to achieve its objective of impartiality as well as ensure justice is administered to all the citizens sincerely, with compassion as well as impartiality, India must adopt a balanced as well as non-sexist policy.

References

1. Vaishnavi, V. (2021). Gender disparity in the Indian judicial system. *Jus Corpus Law Journal*, 2, 588.
2. Khayliya, A. (2021). Gender disparity in criminal justice system. *International Journal of Law Management & Humanities*, 4(3), 573.
3. Chettri, T. (2022). A critical analysis of gender justice under the Indian Constitution. *International Journal of Law Management & Humanities*, 5(3), 1610.
4. Kabra, R., Shruti, B., & Mittal, A. (2022). A critical analysis of gender inequality relating to property rights in India. *Indian Journal of Integrated Research in Law*, 2(1), 1.
5. Kaur, H. (2025). Gendering of Indian judiciary as a roadmap towards an equitable legal system and progressive gender-sensitive jurisprudence. *Frontiers in Sociology*, 10, 1475043.

6. Ahmad, N., Zamri, Z. H., & Omarali, N. S. (2024). Islamic nations' approaches to combating gender discrimination against women: An examination of the Southeast Asia region. *De Jure: Jurnal Hukum dan Syar'iah*, 16(2), 501–530.
7. Castelo, S., Antunes, L., & Ashrafuzzaman, M. (2024). The impact of the climate crisis on gender inequality: Looking to the frontlines in search of priorities for policy. *Frontiers in Sustainable Cities*, 6, 1304535.
8. Gunawan, Y., Mulloh, A. F. I., Syamsu, A. P., & Genovés, M. B. (2024). Human rights violation in India's hijab ban and the need for community advocacy. *Yuridika*, 39(2), 257–278.
9. Guthridge, M., Kirkman, M., Penovic, T., & Giummarra, M. J. (2022). Promoting gender equality: A systematic review of interventions. *Social Justice Research*, 35(3), 318–343.
10. Iqbal, A., & Shaheen, U. (2025). Reframing justice and gender inequality: A critical discourse analysis of courtroom narratives in *Pink* (2016) as counter discourse. *Contemporary Journal of Social Science Review*, 3(1), 1047–1055.
11. Ishfaq, M., Yasin, S., Riaz, M., & Riaz, K. (2024). Navigating legal pluralism: A comparative analysis of Islamic law and secular legal systems in Pakistan. *International Journal of Social Welfare and Family Law*, 1(2), 1–17.
12. Jamatia, P. L. (2023). The role of youth in combating social inequality: Empowering the next generation. *International Journal of Social Science, Educational, Economics, Agriculture Research and Technology*, 2(8), 229–238.
13. Saha, T. (2025). Assessing the impact of rural electrification on gender inequality in rural India: A state-level analysis. *The Electricity Journal*, 38(1), 107460.
14. Sharma, E., & Das, S. (2021). Integrated model for women empowerment in rural India. *Journal of International Development*, 33(3), 594–611.
15. Simon, R., & Hasan, S. (2025). Patriarchy and gender inequality: A comprehensive analysis of women's empowerment in contemporary India. *Gender Issues*, 42(1), 7.
16. Singh, B. (2024). Social cognition of incarcerated women and children: Addressing exposure to infectious diseases and legal outcomes. In *Principles and Clinical Interventions in Social Cognition* (pp. 236–251).
17. Volodzkiene, L. (2025). Gender equality. In *Societal challenges and opportunities of low-carbon energy transformations* (pp. 139–190). CRC Press.