

MISUSE OF WOMEN-CENTRIC LAWS IN INDIA: A CRITICAL LEGAL ANALYSIS**Pankaj¹, Dr. Reetika Bansal², Mukul³, Sanjana Aggarwal⁴, Herprit Singh⁵, Monu Malhan⁶, Vishvesh⁷**¹ Ph.D. Research Scholar, Department of Law, Maharishi Markandeshwar (Deemed to be University), Mullana, Ambala, Haryana, India.² Professor, Department of Law, Maharishi Markandeshwar (Deemed to be University), Mullana, Ambala, Haryana, India.³ Ph.D. Research Scholar, Department of Law, Maharishi Markandeshwar (Deemed to be University), Mullana, Ambala, Haryana, India.⁴ Ph.D. Research Scholar, Department of Law, Maharishi Markandeshwar (Deemed to be University), Mullana, Ambala, Haryana, India.⁵ Ph.D. Research Scholar, Department of Law, Maharishi Markandeshwar (Deemed to be University), Mullana, Ambala, Haryana, India.⁶ Ph.D. Research Scholar, Department of Law, Maharishi Markandeshwar (Deemed to be University), Mullana, Ambala, Haryana, India.⁷ LL.M. Student, National Law University, Jodhpur, Rajasthan, India.**ABSTRACT**

Women-centric legal protection has widened in response to the long-term gender inequality and continued happening of violence against women in India. Legislative measures such as Section 498A IPC, the Protection of Women from Domestic Violence Act, 2005, and the Sexual Harassment of Women at Workplace Act, 2013, have played an important role in providing justice and legal remedies. However, with its growing use, misuse or strategic use of these provisions have concerned judiciary, particularly in matrimonial and interpersonal issues.

The paper critically examines the nature, extent, and implications of such misuse, taken from recent statistical data, judicial judgments, and current legal scholarships. While official data tells that crime against women are high, challenges such as low conviction rates and high case withdrawals, have contributed to debates on its misuse. The study deals with Supreme Court key judgments such as *Arnesh Kumar v. State of Bihar* (2014) and *Rajesh Sharma v. State of UP* (2017), which acknowledge concerns related to procedural abuse. The paper adopts a balanced legal and analytical approach. It evaluates the impact of alleged misuse on accused individuals, judicial efficiency, and reliability of real claims. The paper concludes after proposing reforms which aims to ensure procedural fairness and institutional accountability.

Keywords: Protection of women, Sexual harassment of women, Misuse of laws, Women-centric legal protection.

I. Introduction

The expansion of women-centric legal protection in India has shown development in the long-term gender inequality that's been happening since ages. Legislative actions such as Section 498A IPC, the Protection of Women from Domestic Violence Act 2005, and the Sexual Harassment of Women at Workplace Act 2013, were made to provide justice against domestic abuse, harassment, and discrimination. These provisions broke the structural barriers, including the underreporting of crimes, socio-economic dependency, and limited access to legal remedy for women (Jumi Aktarun Islam..., 2025).

Recent empirical data shows that crime against women continues to be a serious concern. According to the National Crime Records Bureau (NCRB, 2024), India reported 4,45,256 cases of crimes against women. There's been 4% increase in crimes from previous year, on an average of 51 complaints per hour. While this figure tells the importance of existing laws, possible misuse of such laws has been a topic of debate in recent years. However, the misuse is not in a direct way. Judicial observations have showed that some provisions, particularly related to matrimonial disputes, may be used in ways that are beyond their scope. In *Arnesh Kumar v. State of Bihar* (2014), the Supreme Court warned against the routine arrest of accused persons under Section 498A, highlighting that such practices could lead to unwanted harassment and misuse of criminal process (*Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273). Also, in *Rajesh Sharma v. State of U.P.* (2017), the court recognized the growing concern related to misuse of matrimonial provisions and recommended safeguards to prevent random legal actions (*Rajesh Sharma v. State of U.P.*, (2017) 8 SCC 746). Earlier judicial judgment in *Preeti Gupta v. State of Jharkhand* (2010) seen the possibility of involving family members in certain complaints, therefore raising concerns on overstated allegations (*Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667). In this context, the present study seeks to examine the misuse of women-centric laws in India via a structured legal analysis. It focuses on identifying patterns of alleged misuse, evaluating judicial responses, and assessing the wider implications for the criminal justice system. By seeing the recent statistical data and judicial judgments, the paper aims to have a balance in between recognizing the indispensable role of these laws in protecting women and addressing concerns regarding their potential misuse. It is essential to ensure that legal safeguards remain effective in protection and fair in application, thus maintaining the integrity of the judicial system.

II. Legal Framework and Context of Misuse

The discussion on misuse of women-centric laws in India is also linked to the structure and operation of legal provisions. These laws were formed to provide effective remedies to women facing abuse and discrimination. But certain procedural features, such as cognizable offences and immediate police involvement, have contributed to debates regarding their misuse in some contexts, particularly matrimonial and workplace disputes.

1. Section 498A of the Indian Penal Code: Section 498A of IPC is the mostly used and debated provisions in this context. It was introduced in 1983 to criminalize cruelty by husband or his relatives, including both physical and mental harassment, particularly related to dowry demands. The provision is cognizable and non-bailable, thus enabling immediate police action after filing the complaint. According to the NCRB report, cases registered under "cruelty by husband or his relatives" accounts for one-third of total case, thus being the largest category of crimes against women. However, the same dataset shows lower conviction rates which have been cited in debates concerning misuse.

2. Protection of Women from Domestic Violence Act, 2005: The Protection of Women from Domestic Violence Act, 2005 (PWDVA) shows a shift from criminal remedies to a civil law framework providing immediate relief, including protection orders, residence rights, and monetary compensation. Its wide definition of domestic relationship and domestic violence, allows for comprehensive coverage of various forms of abuse including emotional and economic harm as well. However, its wide scope has led to concerns regarding its application in matrimonial issues. Judicial and academic discussions on family litigations under women-centric laws show that the act is sometimes used along with criminal proceedings in matrimonial disputes, particularly where parties simultaneously pursue remedies under many legal laws such as Section 498A IPC and civil family law proceedings. At the same time, official data shows that the PWDVA is a protective mechanism for women wanting immediate relief from domestic abuse (Ministry of Women and Child Development, Gov of India, Annual Report 2023-24).

3. Sexual Harassment of Women at Workplace Act, 2013: The Sexual Harassment of Women at Workplace Act, 2013 (POSH Act) was made to ensure a safe working environment for women and provide a structured mechanism to address complaints via Internal Committees. The law adopts a broad definition of sexual harassment, involving both physical and mental conduct, therefore having international standards on workplace. In recent years, there has been misuse of the laws in workplaces, especially in cases having professional rivalry and interpersonal conflicts. Overall, the legal framework governing women-centric protection in India shows a progressive response to social realities. However, its operations profile reveals areas where concerns regarding misuse have emerged. The next section will see over the nature and forms of misuse, thus providing an understanding of how such concerns are used in practice.

III. Nature and Forms of Misuse

The question of misuse of women-centric laws in India becomes more stronger when it is examined via specific patterns where such misuse is meant to occur. Rather than being uniform and systematic, legal and judicial discourse says that misuse tends to arise in some contexts such as matrimonial disputes, relationship breakdowns, and workplace conflicts. Understanding these patterns is important to have more evidence-based analysis.

1. False or Exaggerated Complaints: One of the most frequently used form of misuse is filing of false or exaggerated complaints, particularly under Section 498A of IPC. Courts have observed that complaints may contain overstated allegations and generalized accusations without having evidence against each individual. In *Preeti Gupta v. State of Jharkhand* (2010), the court noted that there is a possibility of involving family members into the case with false allegations, which complicate the investigation. While such observations do not say that all complaints are false, but they show a pattern that legal provisions can be used more broadly than the actual facts of the case.

2. Use of Criminal Law in Matrimonial and Civil Disputes: A significant form of misuse arises from the conversion of civil or matrimonial disputes into criminal proceedings. Laws meant to address cruelty or violence are sometimes used in situations involving marital discord, divorce negotiations, and maintenance disputes. This was noted in *Rajesh Sharma v. State of UP* (2017), where the court saw that criminal complaints are sometimes used as a means to put pressure in matrimonial issues.

3. Multiple Proceedings and Legal Pressure Tactics: Another identified pattern involves the initiation of multiple legal proceedings simultaneously, such as criminal complaints under Section 498A, proceedings under the Protection of Women from Domestic Violence Act, 2005, and maintenance claims. While it legally works, the simultaneous use of multiple remedied against the accused puts extra pressure on him. It is important to see that accessing multiple remedies is not a inherent misuse, but arises concern on actions which are strategically excessive.

4. Misuse in Workplace Harassment Complaints: In the context of the Sexual Harassment of Women at Workplace Act, 2013, allegations of misuse have been raised related to workplace conflicts and professional rivalries. Some studies say that complaints may be filed because of interpersonal disputes rather than being genuine. However, such claims are limited as it is difficult to establish such harassment. The act also has provisions for action against false or malicious complaints, thus showing legal awareness of this possibility therefore maintaining a good approach. Overall, the patterns discussed above show that misuse, wherever it occurs, is situational and vary from contexts. It is sometimes linked to breakdown of personal relations, legal strategy in disputes, or procedural vulnerabilities within the legal system.

IV. Judicial Responses and Case Law Analysis

Judicial interpretation has played an important role in shaping the discourse on misuse of women-centric laws in India. The legislature has made these provisions to ensure protection of women and the judiciary has maintained a balance in the society by addressing the concerns of procedural abuse without losing the objective. The court has adopted a measured and corrective approach rather than denying the existence of misuse or accepting it as a generalized process.

1. Recognition of Misuse and Need for Safeguards: A turning point in judicial process was with *Arnesh Kumar v. State of Bihar* (2014), where the Supreme Court acknowledged the misuse of Section 498A IPC. The court saw that automatic arrests in such cases should not be made in a routine manner. To address this, the court issued binding guidelines requiring police officers to justify arrests based on necessity and magistrates to study detention carefully. This judgment ensured that the criminal law is not used in a manner which can lead to unwanted harassment of the accused.

2. Misuse in Matrimonial Litigation: The issue of misuse in matrimonial disputes was further examined in *Rajesh Sharma v. State of UP* (2017). The Supreme Court observed the growing tendency of involving family members leading to unwanted arrests and harassment. The court suggested to make Family Welfare Committees to study complaints before any action is being taken.

3. Balancing Misuse Concerns with Protection of Women: While dealing with misuse, the judiciary has consistently warned against the undermining purpose of protective laws. In *Social Action Forum for Manav Adhikar v. Union of India* (2018), the Supreme Court revisited its statement in *Rajesh Sharma* and clarified that the safeguards against misuse must not weaken legal protections for women and courts must avoid creating any barriers that discourage genuine victims from having justice (*Social Action Forum for Manav Adhikar v. Union of India*, (2018) 10 SCC 443).

4. Judicial Approach in Sexual Offence Cases: In cases involving rape under Section 376 IPC, court have adopted a cautious move by stressing that false cases cannot be presumed from acquittals and underreporting in such offences must be considered. Recent High Court and Supreme Court observations shows that misuse arguments should not be used to delegitimize genuine complaints, thus maintaining the seriousness of sexual offences within the legal law.

Overall, judicial responses show a measured and evolving approach to the issue of misuse. Rather than having extreme positions, the court have refined the application of the law via safeguards, guidelines, and interpretative clarity.

V. Statistical and Empirical Analysis: The debate on misuse of women-centric laws in India is often driven by statistical interpretations, particularly crime data, conviction rates, and case outcomes. However, a careful and methodologically sound reading of data is important, as unsupported figures do not establish misuse. This section examined recent empirical data with contemporary legal scholarship to see the extent and limitations of such claims.

1. Overview of Crimes Against Women: Recent Data: The analysis of crimes against women in India shows that matrimonial and domestic violence-related offences form a good proportion of total registered cases. According to the NCRB Crime in India Report 2023, there has been a pattern where offences such as cruelty by husband or relatives, kidnapping, assault, and sexual offences constitute major categories of reported crimes against women. These figures are important to understand the context in which women-centric laws operate and are generally debated. Among all the categories, offences under matrimonial cruelty, particularly those under Section 498A IPC, continue to account for large number of cases. However, this must be cautiously dealt with, as it shows the happening of domestic disputes and the increasing awareness and reporting of such cases.

Category of Crime	Number of Cases	Percentage Share
Cruelty by husband or relatives (Sec 498A IPC)	1,33,676	29.8%
Kidnapping & Abduction	88,605	19.8%
Assault on women (outraging modesty)	83,891	18.7%
Rape (Sec 376 IPC)	29,670	6.6%
Dowry Deaths	6,156	1.4%
Other crimes	Remaining	23.7%

Table 1: Major Crimes Against Women in India (NCRB 2023)

The above distribution shows that cruelty by husband or relatives constitutes the largest category of crimes against women in India. This tells the continued happening of domestic and matrimonial conflicts within women-centric legal frameworks. However, such data should not be interpreted alone, as reporting patterns, social awareness, and legal accessibility influence these figures in a good amount.

2. Conviction Rates and Their Interpretation: An important argument in debates related to misuse is the low conviction rate in cases registered under Section 498A. NCRB data (2024) shows that conviction rates in such cases lies in the range of 12-20%, depending upon the year and jurisdiction. These figures are sometimes taken as evidence of widespread false cases. Conviction rates are influenced by many factors such as lack of documentary or medical evidence, hostile witness, and out-of-court settlements.

2. Charge-Sheeting and Pendency Trends: Another indicator is the charge-sheeting rate, which shows the proportion of cases where police have sufficiency evidence to proceed further. NCRB reports high charge-sheeting rates of above 70% in cases under Section 498A. This tells that in majority of the cases, investigating agencies find prima facie material to support the allegations. At the same time, pendency rates are high. Delays in judicial proceedings contribute to long-term litigation, increased likelihood of settlements, and weakening of evidence over time. These factors further complicate the final outcomes.

3. Withdrawals, Settlements, and Compounding Effects: A commonly seen feature in matrimonial disputes is the frequency of settlements and case withdrawals. Many cases initiated under the Protection of Women from Domestic Violence Act, 2005 or Section 498A IPC are over-the-time settled privately, resolved through mediation, or withdrawn after divorce agreements. Recent studies show that such outcomes are often driven by social pressure, economic considerations, and long process.

4. Data on False Cases: A Limited Indicator: One of the most cited indicators of misuse is the classification of cases as "false" in police records. However, NCRB data shows that the proportion of cases officially categorized as false remains low compared to the total registered cases and the criteria for labelling a case as false are themselves subjected to investigative limitations. This tells that though instances of false complaints exist, they do not necessarily constitute majority of the cases.

5. Workplace Harassment Data and Trends: In relation to the Sexual Harassment of Women at Workplace Act, 2013, empirical data is more fragmented, as reporting largely occurs within organizational frameworks. Recent corporate studies show an increase in reporting of workplace harassment cases and low proportion of complaints that are found to be evil.

6. Limitations of Statistical Evidence: It is essential to know that the statistical data alone cannot capture the intention behind legal action. Quantitative data records outcomes and cannot differentiate between strategic litigation and genuine grievances. Therefore, any claim regarding misuse must be supported by judicial analysis and not only based on statistics.

The empirical evidence tells that the concerns regarding misuse are overstated when based solely on selective interpretation of data. Misuse, wherever it occurs, shows a fraction of a broader and complex legal reality, rather than a defining characteristic of women-centric laws.

VI. Impact of Misuse: Though the issue of misuse of women-centric laws is limited, it carries an important legal, social, and institutional consequence. Its impact extends beyond individual cases, influence thinking of justice, functioning of the legal system, and effectiveness of protective legislation. An exact understanding of these effected is important to find the implications of misuse within the legal framework.

1. Impact on the Accused

One of the immediate consequences of alleged misuse is borne by the accused individual, particularly in cases involving Section 498A of IPC.

- Arrest and detention: Based on the cognizable nature of the offence, accused person may face arrest at an early stage of the complaint. Although judicial safeguard in *Arnesh Kumar v. State of Bihar* (2014) have regulated the process, instances of pre-trial hardship continue to be reported.
- Social stigma and reputational harm: allegations related to domestic cruelty and harassment carry strong social harm. Even before trial, the accused may face loss of social standing, strained personal relations, or professional consequences.
- Financial and legal burden: Long-term litigation often results in legal expenses, compounded by proceedings such as maintenance claims or civil disputes.

2. Impact on the Legal System: Misuse, or even thinking of misuse, has broader connection for the efficiency and credibility of the justice system.

- Increased litigation burden: Courts deal with high pendency and may face additional strain when cases involve multiple accused, overlap of civil and criminal proceedings, and long-term trials.
- Diversion of resources: Investigative and judicial resources may be diverted toward cases which need larger study to find their validity, thereby affecting the timely resolution of genuine cases.
- Procedural delays: Complex matrimonial disputes involving negotiations, settlements, and adjournments leads to delay and backlog.

3. Impact on Genuine Victims

The most critical consequence of misuse has its effect on genuine victims of abuse.

- Erosion of credibility: Repeated narrations of misuse may create a doubt toward complaints, making it more difficult for genuine victims to be believed.
- Hesitation in reporting: fear of being seen as misusing the law may discourage victims to approach legal authorities, particularly in conservative or high-pressure social environment.
- Stricter study: Though procedural safeguards are necessary, excessive doubts can lead to delayed protection and higher evidentiary burdens at initial stage.

4. Institutional and Workplace Impact

In the context of misuse of laws at workplace, allegations may have specific organizational consequences:

- Workplace tensions: complaints, whether genuine or fake, can create divisions within teams and affect morale of the organization.
- Reluctance in decision-making: Employers may take overly cautious approach which can lead to reputational risk management rather than a fair inquiry and informal bias in workplace interactions.

5. Long-Term Legal Implications: Over time, concerns regarding misuse have led to arrest procedures, increased focus on mediation, and calls for legal reform and procedural safeguards. While these developments improve fairness, there is still a risk that over-correction may dilute the effectiveness of protective laws, if not carefully seen. The impact of misuse of women-centric laws is therefore multi-dimensional. While instances of misuse may affect the rights of accused, over-focus on such instances undermines the protection available to genuine victims.

VII. Safeguards Introduced by Courts

To respond to the growing concerns related to the misuse of women-centric laws, the Indian judiciary has developed a set of procedural safeguards which aims at preventing abuse and preserve the protective objective of such legislation. Rather than advocating for repeal, courts have focused on regulating implementation, thus ensuring a balance between individual liberty and victim protection.

1. Guidelines Against Automatic Arrest: An important point was made in *Arnesh Kumar v. State of Bihar* (2014), where the Supreme Court addressed the issue of routine and mechanical arrests under Section 498A IPC. The court mandated that arrest should not be automatic upon registration of an FIR, police must satisfy the criteria under Section 41 CrPc, and magistrates must independently study the justification for detention. These changed the police practice by introducing responsibility, thus reducing the scope for arbitrary action.

2. Scrutiny of Complaints Before Coercive Action: In *Rajesh Sharma v. State of UP* (2017), the Supreme Court proposed the making of Family Welfare Committees (FWCs) to see over complaints before arrest or important measures were initiated. Although it was later modified in Social Action Forum for *Manav Adhikar v. Union of India* (2018), the core idea was the need for preliminary study and prevention of fast or non-uniform police action.

3. Emphasis on Individualized Liability: Courts have stressed that criminal liability must be evidence based and individualized rather than collective. In *Preeti Gupta v. State of Jharkhand* (2010), the Supreme Court highlighted the issue of involving relatives, particularly in matrimonial issues. The court asked for careful examination of allegation against each accused and avoid unwanted complaints.

4. Protection Against Misuse Through Procedural Law: The judiciary also relies on principles of criminal procedure to protect against misuse, including the anticipatory bail provisions and discharge mechanisms at preliminary levels. These remedies allow courts to interfere where complaints appear suspicious and unsupported by evidence.

5. Safeguards within Statutory Frameworks: Certain laws themselves include protection against misuse. For example, the Sexual Harassment of Women at Workplace Act, 2013 provides for inquiry by internal committee, principles of natural justice, and action against false complaints. These provisions show legislative awareness of potential misuse and maintain a victim-centric structure.

Judicial protection has played an important role to mitigate the risk of misuse without undermining the legislative intention. By focusing on procedural discipline, courts have ensured that women-centric laws operate within the framework of fairness and responsibility.

VIII. Suggestions and Reforms

Addressing concerns regarding the misuse of women-centric laws in India needs a calibrated approach. The objective should not be to dilute the existing framework, but to enhance procedural fairness, improve implementation, and ensure responsibility. Based on recent data, the following reforms are proposed:

1. Strengthening Preliminary Scrutiny Mechanisms: One of the key concerns in judicial decisions such as *Arnesh Kumar v. State of Bihar* (2014) is the absence of appropriate survey at the initial stage. Introduction of structured preliminary inquiry protocols in matrimonial disputes, ensuring compliance with arrest guidelines under CrPc, and developing Standard Operating Procedures (SOPs) for police handling of complaints under Section 498A IPC, would help reduce arbitrary arrests and preserve the complainant's right to seek protection.

2. Clear Distinction Between Civil and Criminal Remedies: A continued issue is the overlap of civil disputes and criminal proceedings. Encouraging early-stage legal classification of disputes, promoting use of civil remedies such as maintenance and divorce in certain areas, and limiting criminal prosecution to cases involving elements of cruelty or violence, could prevent over-criminalization of matrimonial issues.

3. Penal Consequences for Proven False Complaints: Most laws provide actions against false complaints but still enforcement is limited. Strengthening provisions for penal action in cases of bad intention and ensuring that penalties are applied carefully and only after judicial determination, avoids discouraging genuine complaints. For example, the Sexual Harassment of Women at Workplace Act, 2013 includes safeguards against false complaints, which can be implemented more smoothly.

4. Enhancing Investigation Standards: Misuse concerns are often due to poor investigation practices. Police officers should be trained in evidence-based investigation techniques, specific allegation on each individuals should be required before proceedings against multiple accused, and use of digital and forensic evidence should be promoted, which leads to better investigation and reduce wrongful prosecution.

5. Promoting Mediation and Alternative Dispute Resolution (ADR) Except in cases involving serious violence, mandatory mediation at preliminary stages in matrimonial cases, strengthening of family courts and mediation centres, and encouraging time-bound settlement mechanisms, should be introduced.

Women-centric laws remain essential in addressing structural inequalities and protection individuals. At the same time, targeted reforms focusing on procedural safeguards, responsibility, and institutional efficiency can address concerns of misuse without weakening the laws.

IX. Conclusion

The issue of misuse of women-centric laws in India shows a nuanced legal challenge rather than a uniform or systematic problem. While judicial observations in cases such as *Arnesh Kumar v. State of Bihar* (2014) acknowledge instances of procedural misuse, statistical analysis shows that such concerns must be dealt properly and within context. Laws such as Section 498A of IPC and the Protection of Women from Domestic Violence Act, 2005 remains important to protect women against genuine harm. The issue lies not in the existence of the laws but in their implementation and procedural application. Therefore, the focus must be on strengthening safeguards, improving investigation, and ensuring balanced enforcement.

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