

## Justice at the Crossroads: Women-Protective Laws and their Impact on Men and Society in Contemporary India

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### ABSTRACT

*In recent years India has witnessed intensified public debate around the dual phenomena of persistent violence against women and concerns about alleged misuse of laws enacted to protect women—especially in matrimonial and domestic contexts. This paper critically examines the societal and individual impacts of such alleged misuse on men and on broader social structures during 2024–2025. Drawing on official crime statistics, select judicial rulings, empirical studies, and media investigations, the study situates the controversy within evolving criminal justice practice and public discourse. It argues that while women’s protection laws (e.g., Section 498A IPC, Protection of Women from Domestic Violence Act, and related provisions) remain essential for redress and deterrence, credible evidence of their misuse—where present—produces real harms: reputational damage, economic loss, psychological trauma for accused men and their families, erosion of trust in legal institutions, and polarized gender discourse. The paper analyses how courts and policy actors have responded (including procedural safeguards and reminders about due process), synthesizes quantitative and qualitative evidence on prevalence and outcomes, and offers policy recommendations to preserve effective protection for victims while minimizing opportunities for abuse. The paper concludes that reform must be evidence-driven, protect due process, bolster victim support, and reduce adversarial escalation through mediation and stronger investigatory standards.*

**Keywords:** 498A, Domestic Violence, Misuse, False Allegations, Men’s Rights, India, NCRB.

### Introduction

Laws designed to protect women from domestic violence, dowry harassment, rape, and other gender-based crimes occupy a central place in India's legal architecture. Over the past decade these laws have been strengthened, and reporting of crimes against women has increased, reflecting both continuing victimization and greater willingness to seek justice. Yet alongside this important trend there is a contentious public conversation about the alleged misuse of certain women-protective laws—most prominently Section 498A of the Indian Penal Code (IPC) (dowry-related cruelty) and some provisions of the Protection of Women from Domestic Violence Act (PWDVA). Critics assert that a minority of complaints are exaggerated or false and are used as leverage in matrimonial disputes, causing severe consequences for the accused and their families. Supporters counter that claims of "misuse" are often overstated, and that systemic obstacles mean that genuine victims are still vastly under-served.

This paper addresses a neglected empirical and normative question: irrespective of the absolute prevalence of false allegations, what are the documented social and personal impacts on men and on society when laws intended to protect women are alleged to be abused? The focus period is modern

India—primarily 2024–2025—because these years show a combination of active judicial engagement, new data releases, and intense media debate. The paper is structured as follows: a brief review of literature and data sources; description of the legal framework and recent jurisprudence; empirical findings about prevalence, conviction and acquittal patterns; qualitative impacts on accused men and families; societal and institutional effects; policy responses and recommendations; and a conclusion.

### Literature Review and Data Sources

This paper synthesizes three evidence streams:

- **Official statistics** — Primarily the National Crime Records Bureau (NCRB) publications and government responses to parliamentary questions summarizing reported crimes against women, charge-sheet and conviction rates, and year-on-year trends (noting that the latest comprehensive published data during this study period relate to 2022–2023 reporting cycles).<sup>1</sup>
- **Judicial and doctrinal sources** — Leading Supreme Court and High Court decisions (e.g., *Armesh Kumar v. State of Bihar* (2014) and subsequent rulings that revisit arrest norms and safeguards in 498A cases), as well as more recent Supreme Court orders and benches that have quashed convictions where evidence was lacking. These judgments shape prosecutorial and policing practice.<sup>2</sup>
- **Empirical and qualitative studies** — Academic papers, NGO and think-tank analyses, as well as smaller qualitative studies interviewing men who report being victims of false allegations or domestic abuse themselves; media investigations and legal commentaries exploring trends and anomalies in conviction/acquittal rates.

The literature indicates two core challenges for researchers: (a) the absence of a single authoritative dataset tracking "false" complaints (because determinations of falsity are made only after full investigation or judicial processes), and (b) the political-moral sensitivity that makes objective, neutral inquiry difficult. Nonetheless, triangulating NCRB crime and conviction data with judicial pronouncements and qualitative studies permits a grounded assessment of impacts.

### Legal and Institutional Framework

Key provisions and instruments relevant to this paper:

- **Section 498A IPC (Cruelty by Husband or Relatives of Husband):** A non-bailable, cognizable offence enacted to combat dowry-related cruelty and harassment. Over time it has been a central focus in debates about both protection and alleged misuse.<sup>3</sup>
- **Protection of Women from Domestic Violence Act (PWDVA), 2005:** A civil and criminal hybrid statute providing protection orders, residence orders, maintenance, and other remedies. Complaints under this Act can be used to seek immediate civil relief and may lead to related criminal processes.
- **Arrest and Investigation Norms:** The Supreme Court in *Armesh Kumar* (2014) emphasized judicial oversight in arrests under Section 498A and similar statutes, instructing police not to make routine arrests without satisfaction of required conditions. Subsequent case law has repeatedly returned to the balance between victim protection and due process for the accused.

The institutional actors—police, lower courts, fast-track courts, and forensic and victim support services—play varying roles in how complaints translate into formal trials and outcomes.

### Prevalence and Outcomes: What the Numbers say (2022–2025 Snapshot)

Any empirical claim about prevalence of false allegations must be made cautiously. The NCRB data show rising absolute numbers of reported crimes against women in recent years, which is widely interpreted as reflecting both ongoing victimization and increased reporting. For instance, NCRB reports around 4.4–4.5 lakh crimes against women in recent reporting years (with slight year-on-year increases), and national charge-sheet and conviction rates vary significantly by state and crime type.<sup>4</sup>

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<sup>1</sup> <https://sansad.in>

<sup>2</sup> <https://blog.ipleaders.in>

<sup>3</sup> <https://www.scoonline.com>

<sup>4</sup> <https://www.newindianexpress.com>

Several important numeric patterns bear on the misuse debate:

- **Conviction rates** for many crimes against women have historically been low in India, though some states have reported improvements in conviction rates in recent periods—e.g., a noted rise in certain state convict rates during 2024–2025 due to investigatory and procedural reforms. Low conviction rates are interpreted differently by different scholars: some read them as evidence of poor prosecution and systemic failure to secure justice for victims; others point to them as suggestive that a sizable fraction of reported cases lack sufficient evidence.<sup>1</sup>
- **Quashing and Appellate Relief:** The Supreme Court and various High Courts have, from 2023 onward, increasingly scrutinized cases where allegations appear vague or unsupported; some high-profile quashings and acquittals (including 2024–2025 instances) have received media attention and fueled claims of misuse.<sup>2</sup>
- **Estimating false complaints:** Few rigorous, nationally representative studies quantify the rate of intentionally false complaints. Smaller studies and judicial compilations have found low proportions of formally identified 'false' cases among fully investigated matters (e.g., some studies report single-digit percentages in vetted samples), while other commentators cite high numbers of quashed cases in particular jurisdictions as indicative of misuse. The methodological disagreement is important: an acquittal is not proof of falsity; conversely, a conviction does not preclude earlier misuse.<sup>3</sup>

In short, the numbers do not support an assertion that misuse is rampant across India, but they do show that: (a) reporting is substantial, (b) conviction patterns are uneven, and (c) there are documented instances where prosecutorial or judicial review has found allegations to be unsubstantiated, contributing to public perceptions of misuse.<sup>4</sup>

#### **Personal and Familial Impacts on Accused Men and Families**

Even a small fraction of false or exaggerated complaints can cause outsized harm when complaints trigger arrest, stigma, economic disruption, and protracted legal battles. The following impacts consistently emerge in qualitative evidence and media reporting:

- **Reputational Damage and Social Stigma**  
Accusations under serious criminal statutes—particularly when reported publicly—can stigmatize accused men and their families in their local communities, workplaces, and social networks. This stigma often persists even if charges are later quashed or the accused are acquitted. Several recent judicial quashings (2024–2025) and media articles recount such long-lasting reputational harms.
- **Economic Harm and Employment Consequences**  
Arrests, court appearances, and the diversion of time and resources toward legal defence have direct economic costs. Small business owners or salaried employees may lose contracts, face suspension, or be unable to work during investigation—costs that may be irrecoverable even after exoneration. Qualitative interviews in recent studies document extortion threats and financial demands accompanying some complaints, and families report major financial strain.<sup>5</sup>
- **Psychological Trauma and Family Disruption**  
Men accused of domestic crimes frequently report anxiety, depression, and social isolation. The trauma is not confined to the accused: parents, children, and siblings often face harassment, school bullying, and marital discord. Studies documenting male victims of domestic violence also highlight that men sometimes experience both abuse and false accusations, complicating support needs.
- **Criminal Procedure Experiences**  
Routine early arrests—contrary to guidelines such as Arnesh Kumar—have, in some instances, led to unnecessarily punitive immediate experiences, including detention and police indignities. Judicial reminders have attempted to curb mechanical arrests, but enforcement varies across police jurisdictions.

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<sup>1</sup> <https://timesofindia.indiatimes.com>

<sup>2</sup> <https://www.scconline.com>

<sup>3</sup> <https://ijlmh.com>

<sup>4</sup> <https://sansad.in>

<sup>5</sup> <https://jchr.org>

These harms are real and measurable in individual cases. A humane and rights-respecting criminal justice system must attend to both victims and persons accused until their guilt is judicially established.

### **Broader Societal and Institutional Effects**

Beyond individual harms, the alleged or real misuse of women-protective laws exerts systemic effects:

- **Erosion of Trust in Institutions**

When high-profile acquittals and quashings attract attention, public faith in the police and prosecution may wane. Men who believe they may be unfairly targeted can be less likely to cooperate with police, potentially reducing the effectiveness of investigations in other matters. Similarly, victim-survivors may be discouraged by narratives that trivialize reporting. Balanced institutional trust is essential for crime reporting and adjudication.<sup>1</sup>

- **Polarization of Gender Discourse**

Media and online debates about “legal terrorism” and “misuse” have contributed to increasingly polarized gender discourse. Such polarization risks delegitimizing genuine victim claims and fosters adversarial framing (victim vs. accused) rather than a victim-centred, evidence-based approach. Analysts caution that sensationalist framings may obscure structural drivers of gendered violence.

- **Pressure on Legislative and Judicial Reform**

Public outcry and lobbying by various groups—men's rights organizations, women's rights organizations, legal reformers—have pushed courts and legislatures to consider safeguards (e.g., improved arrest protocols, mediation, penalties for frivolous complaints). The law-making and judicial apparatus thus becomes reactive, balancing competing public goods: protecting vulnerable persons and protecting due process rights. Recent Supreme Court pronouncements reflect this dynamic.

- **Resource Allocation and Case Overload**

High volumes of matrimonial and domestic complaints strain police, forensic teams, and courts. Fast-track courts and special police units can help but also require funding. Overburdened systems may generate delays that harm both complainants and accused. Public policy debates increasingly emphasize case management reforms.

### **Judicial Responses and Procedural Safeguards (2024–2025 Developments)**

The judiciary has been central to managing tensions between protection and misuse claims. Notable judicial tools and trends include:

- **Strictures on automatic arrest:** Following Armesh Kumar, courts have reiterated that arrest must not be automatic in non-heinous matrimonial offences; police should satisfy statutory thresholds and follow prescribed procedures. This reduces the immediate punitive impact of a complaint.
- **Quashing of proceedings in weak-evidence cases:** Appellate courts have quashed FIRs and convictions where allegations were vague, contradictory, or unsupported. Such decisions publicly signal judicial intolerance for frivolous criminalization, though they apply only after investigation or trial. Recent quashings in 2024–2025 received significant public attention.
- **Emphasis on investigation quality and victim support:** Courts have also called for better police training, gender-sensitive investigation, and preserving the balance between protecting complainants and preventing harassment of the innocent.

The judicial trend is toward procedural calibration: ensure victims can seek redress swiftly while embedding checks against abuse of criminal processes.

### **Policy Options and Recommendations**

The goal of policy should be to maximize protection for genuine victims of gender-based violence while minimizing opportunities for abuse of protective laws. The following recommendations flow from the evidence reviewed:

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<sup>1</sup> <https://www.theindiaforum.in>

- **Strengthen Investigatory Quality and Accountability**
  - Mandate and monitor adherence to arrest guidelines in matrimonial cases (reinforce training stemming from Arunesh Kumar and successors).
  - Invest in victim-sensitive investigation units with standardized evidence-collection checklists (photographs, medical records, chronology, witness statements).
- **Improve data transparency and research**
  - NCRB and other agencies should publish more granular, disaggregated data on complaint outcomes, time to disposal, and reasons for quashing to inform evidence-based policy. This would reduce speculation and polarizing narratives.
- **Expand access to mediation, counselling, and non-criminal remedies**
  - Promote mandatory early-stage counselling and family counselling mechanisms where appropriate, with safeguards for power imbalances and coercion. Civil remedies (maintenance, protection orders) may often resolve disputes without criminal escalation.
- **Provide legal and psychosocial support for accused families**
  - Create rapid legal-aid pathways and counselling services for families facing criminal complaints, recognizing that innocent accused also need support during investigations. This is consistent with due process and humane administration of justice.
- **Penalize deliberately false complaints—but cautiously**
  - Introduce or enforce penalties for proven malicious complaints, but do so cautiously to avoid chilling genuine reporting. Penalties should be the product of careful evidentiary findings, not routine countersuits that privilege resourceful respondents.<sup>1</sup>
- **Public education and media responsibility**
  - Promote public campaigns that convey both the seriousness of gendered violence and the norms of due process; encourage responsible media reporting that avoids sensationalizing allegations prior to adjudication.<sup>2</sup>

These policy options require political will, inter-institutional coordination, and sustained funding.

#### Limitations of Evidence and Unresolved Questions

- **Measurement problem:** Determining the true prevalence of intentionally false allegations is methodologically fraught; acquittals may reflect weak prosecution rather than falsity, and convictions may miss undetected falsehoods. More rigorous longitudinal research is needed.
- **Selection biases:** Media and activist reporting tend to highlight dramatic or high-profile cases, which may not represent broader trends. Conversely, many victim stories remain underreported due to stigma.
- **Heterogeneity across states:** India's large sub-national variation means national aggregates obscure important local differences in police conduct, courts, and social norms. Policy must be sensitive to state-level contexts.<sup>3</sup>

#### Conclusion

The debate over alleged misuse of women-protective laws in India is both legally and socially consequential. This paper does not argue that misuse is the overarching story of matrimonial law enforcement; rather, it shows that even limited instances of misuse can produce severe personal harms and broader societal costs—eroding trust, polarizing public discourse, and straining institutions. At the same time, the persistence of gender-based violence and the necessity of strong legal remedies remain undisputed.

Policy responses must therefore be twin-track: preserve and strengthen protections for victims of gendered violence while embedding procedural safeguards and supports that reduce the risk of unjust

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<sup>1</sup> <https://www.theindiaforum.in>

<sup>2</sup> <https://cjp.org.in>

<sup>3</sup> <https://www.newsclick.in>

victimization of the innocent. Evidence-driven reform—through better data, improved investigation, expanded mediation and counselling options, targeted legal aid, and responsible media—offers a pragmatic path forward that protects rights and reduces needless suffering on all sides.

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