



WOMEN PROTECTION LAWS – A BOON OR A BANE?

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ABSTRACT

Gender equality ensures that every individual, regardless of gender, has equal access to rights, responsibilities and opportunities. India has historically functioned as a patriarchal society. Generations of social activists have worked to establish gender equality. Over the years, this has transformed the legal framework of India to include provisions for women's safety, protection and equality. Yet this progress raises a question – has this progress come at some cost to others?

Keywords: Section 498A, False Complaints, POSH Act, Judicial Reforms.

INTRODUCTION

In *Arnesh Kumar v. State of Bihar & Anr.*,¹ the Supreme Court addressed the rampant misuse of Section 498-A IPC, observing that the provision, though meant to protect married women from cruelty, was often deployed to harass husbands and their extended families. The appellant approached the Court after his anticipatory bail was denied by the Sessions Court and High Court, following his wife's allegations of dowry demands and expulsion from the matrimonial home. Relying on 2012 NCRB data showing a 93.6% charge-sheeting rate against a mere 15%² conviction rate, the Court found strong evidence of unsubstantiated complaints, and condemned the police practice of "arrest first, proceed with the rest" as a colonial relic causing irreversible harm to liberty and reputation.

This Paper argues the misuse of the laws that were brought into force to protect women. With growing violence and crimes against Men, India needs gender neutral laws.

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¹ AIR 2014 SC 2756 - <https://indiankanoon.org/doc/2982624/>

² NCRB REPORT - <https://www.ncrb.gov.in/crime-in-india-year-wise.html?year=2024>

STATUTORY / CONSTITUTIONAL BACKGROUND

Gender justice means equal access to rights, opportunities and protection for all genders, eliminating discrimination based on sex. India's legal framework for gender justice is anchored in the Indian Constitution, which promises and recognises gender justice both as a Fundamental Right and as a Directive Principle. The Indian Penal Code, 1860, the new Legal provision, Bharatiya Nyaya Sanhita, 2023; similarly, the Criminal Procedure Code, 1973 and Bharatiya Nagarik Suraksha Sanhita, 2023, have been tailored to include Women Protection Laws with the changing times and crimes against women.

New Legal Provisions/Acts such as Section 498A (Section 85 and 86 of BNS, 2023) which is for protection of women from dowry harassment was added through Criminal Law (Second Amendment) Act, 1983; The Protection of Women from Domestic Violence Act, 2005; The Dowry Prohibition Act, 1961; The Protection of Women from Sexual Harassment of Women at Workplace (POSH) Act, 2013.

However, are the laws that are meant to protect women being used according to their purpose? Let us see that further: According to the NCRB report released on 05.05.2026³ regarding the crimes in India in the year 2024, the total crimes against women registered were 4,41,534, in which the police, through investigation, disposed of 36,895 cases as false and as a mistake of fact/law or civil dispute; 39,646 were disposed of. The total of disposed cases as false and mistake of fact/law was 17.5%

CASE ANALYSIS

Misuse of Rape Provisions: Under the IPC Rape has been discussed under sections 375 and 376. In the new BNS, sections 63, 64, 65 and 70 discuss the Rape in detail. These provisions were included for the protection of women. Let us look at the cases below to understand the misuse of the provisions:

State v Sikander and Ors:⁴ In the above case, the prosecutrix and her father turned hostile, admitting she fabricated charges of kidnapping, drugging and gang rape against her cousin's family after fleeing domestic abuse.

³ Ibid

⁴ State vs. Sikander, and Others, Sessions Case (SC) No. 72/13 - <https://indiankanoon.org/doc/104630354/>

Vishnu v State of U.P.:⁵ The appellant was falsely accused of rape and spent 20 years in jail, 16 of which were due to the delay in appeal.

Misuse of 498A: Section 498A of the IPC (Sections 85 and 86 of BNS, 2023) was added through the Second Amendment in 1983 to protect women from domestic violence and dowry death. The provision is used against the husband and his family. Apparently, nowadays this provision is being misused by women for various reasons.

Geeta Mehrotra v State of U.P.:⁶ In this case, the complainant (wife) initiated criminal proceedings against her in-laws under sections 498A/323/504/506 IPC and also section 3/4 of the Dowry Prohibition Act. The in-laws also included her sister-in-law and brother-in-law, causing great mental agony to them, as there were no specific allegations against the brother and sister and also no active involvement in dowry harassment.

Misuse of POSH: The Protection of Women from Sexual Harassment at Workplace Act came into existence after the landmark case which laid down the Vishaka Guidelines.

Prof. Rasal Singh v University of Delhi & Ors.:⁷ In this case, the Prof. was falsely accused of sexual harassment at the workplace. Without following the proper statutory framework, the Prof. was suspended from work. Such a suspension would cause anyone a great loss of earnings, reputation and mental health.

ISSUES / PROBLEM AREAS

The legal and moral questions that arise from these incidents are simple. How do these false cases affect the Indian Judiciary and the accused? The rapid increase in false case complaints is imposing a great loss on the Indian Judiciary, contributing to the backlog of cases. They divert the judicial system from the actual serious cases. Simultaneously, the accused in such false cases are the de facto victims, suffering irreversible reputational, financial and social harm well before getting the acquittal orders from the court.

Are these statutory provisions for the protection and safeguards of women, or are these for personal gain? Although these statutory provisions are designed for the safeguard and protection of women, empirical and anecdotal evidence suggests a subset of complaints filed

⁵ AIR ONLINE 2021 ALL 103 - <https://indiankanoon.org/doc/33067099/>

⁶ (2012) 10 SCC 741 - <https://indiankanoon.org/doc/125470413/>

⁷ W.P.(C) 14760/2025 - <https://indiankanoon.org/doc/39528336/>

under these provisions may not reflect the legislative intent behind the law. In certain matrimonial disputes, what begins as simple routine divorce proceedings turns into a specific 498A case against the husband, his family and relatives, sparking a judicial debate over the balance of protective legislation and the risk of its procedural misuse.

JUDICIAL INTERPRETATIONS AND SAFEGUARDS

Though laws like rape provisions in the IPC/BNS, Section 498A and the POSH Act were put in place to protect women from actual abuse, the courts have seen many people misuse these laws for revenge, personal gain, or even to harass someone into giving them something they want. As a result, the courts have had to come up with ways to protect people who are wrongly accused while also punishing those who wrongly file a complaint. These cases below show how the courts have handled such issues.

Rape Provisions: In *State vs. Sikander* (2013), the Dwaraka Fast Track Court of Delhi acquitted the accused, stating that the courts must examine motive and third-party instigation behind allegations.

498A Provisions: *Geeta Mehrotra v. State of U.P.* and *Arnesh Kumar v. State of Bihar* together safeguard against 498A misuse at two stages. *Geeta Mehrotra* held that courts must find a prima facie case before allowing trial to proceed, quashing proceedings against peripheral relatives implicated on vague allegations. *Arnesh Kumar* addressed the arrest stage, ruling that arrest must never be automatic and directing police to assess necessity under Section 41 of Cr.P.C. Together, they mark a judicial shift toward evidentiary scrutiny at every stage of a 498A case, right from the FIR to trial.

POSH Provisions: In *Anita Suresh v. Union of India*,⁸ the Delhi High Court enforced Section 14 of the POSH Act and imposed a fine of ₹50,000 on the complainant when the allegations were found to be malicious. In *Prof. Rasal Singh v. University of Delhi*, the Delhi High Court ruled that employers cannot bypass statutory Internal Committee procedure with ad hoc inquiries and cannot suspend anyone before their guilt is proven.

⁸ AIRONLINE 2019 DEL - <https://indiankanoon.org/doc/98792027/>

RECOMMENDATIONS

The Indian judiciary needs to take a firm stance on malicious complaints by meting out exemplary punishment to deter people from misusing protective laws. At the same time, there is a need to bring in stringent preliminary investigations to weed out baseless cases of misuse of women-friendly laws before they escalate to trials. Besides the above two recommendations, here are a few more:

Preliminary Inquiry: A mandatory preliminary inquiry (as directed in the Arnesh Kumar case) should be made compulsory before registering an FIR in respect of certain offences (as has been done for dowry harassment cases) so that unsubstantiated, frivolous, and vindictive complaints can be weeded out at the initial stage itself.

Time-bound investigation and trial: Statutory timelines for investigation, trial and disposal of the cases must be set to prevent harm caused to the victims and accused (de facto victims) in case of false cases by delayed procedures.

Penalties for False Complaints: More provisions similar to Section 14 of the POSH Act must be enforced to ensure deterrent action is taken against malicious and false complaints.

Counselling and mediation for matrimonial disputes: The judiciary must encourage pre-litigation counselling and mediation in matrimonial matters to reduce the conversion of personal disputes into criminal complaints, particularly under Section 498A.

CONCLUSION

The protection, safety and equality of women remain legally and socially crucial; however, the laws enacted exclusively for their protection now warrant re-examination, particularly about safeguards against misuse. The data indicated a rising number of false accusations due to the procedural loopholes in these provisions. In a subset of cases, malicious intent is found under Sections 498A and 375 IPC, along with the Dowry Prohibition Act and the POSH Act.