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JUDICIAL TRENDS IN ADDRESSING MISUSE OF WOMEN'S PROTECTIVE LAWS IN INDIA

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Abstract

The abuse of India's laws protecting women has drawn a lot of attention from the legal community, prompting concerns about how to strike a balance between defending women's rights and avoiding their exploitation. To address serious injustices against women, legislation protecting them were passed, including the Protection of Women from Domestic Violence Act, the Dowry Prohibition Act, and Section 498A of the Indian Penal Code. However, there have been incidents where they have been abused by some people to settle personal grudges, which has been problematic because it has led to excessive harassment of the accused and damaged the legitimacy of legitimate cases.

By interpreting these rules to create a balance between protection and misuse prevention, the Indian judiciary has been instrumental in tackling this difficult issue. To prevent abuse and preserve the purpose of the legislation, courts have put in place protections such required preliminary investigations, sanctions for false charges, and encouragement of alternate conflict resolution procedures. Famous instances such as *Rajesh Sharma v. State of Uttar Pradesh*¹ and *Arnesh Kumar v. State of Bihar*² demonstrate the judiciary's efforts to guarantee the equitable administration of these laws without lessening their protective nature.

This paper analyses historic rulings and their effects on legislative reforms and public opinion in order to critically assess judicial trends in India's response to the abuse of women's protection laws. It emphasises the necessity of a balanced strategy that protects women's rights and addresses abuse cases, building judicial system credibility in the process. The study ends with suggestions for achieving a fair balance through societal awareness, legislative changes, and judicial restraint. **Keywords:** *Misuse of laws, women's protective laws, judicial trends, Section*

¹ AIR 2017 SUPREME COURT 3869

² AIR 2014 SUPREME COURT 2756

498A IPC, domestic violence, dowry prohibition, legal safeguards, false accusations, judicial reforms.

Introduction

India's dedication to gender equality and justice is reflected in its robust legal system, which protects women from exploitation, discrimination, and violence. In order to address the systemic injustices that women face, laws like the Protection of Women from Domestic Violence Act of 2005, the Dowry Prohibition Act of 1961, and Section 498A of the Indian Penal Code have been essential. A strong system for redress and deterrence against offences such as dowry harassment, domestic abuse, and cruelty in marriages has been established by these laws. But some people's abuse of these laws has created a serious legal and societal problem that calls for judicial review and action.

False accusations, inflated claims, or strategically motivated legal complaints intended to achieve financial or personal gain are common ways that women's protection laws are misused. Such abuse undermines the legitimate cases of victims who depend on these legal protections for justice, tarnishes the reputation and lives of the accused, and weakens the efficacy and legitimacy of these laws. The phenomenon has sparked an expanding discussion about how to balance women's rights with making sure that everyone is treated fairly and justly.

In resolving this issue, the judiciary has played a crucial role as the protector of constitutional rights and the interpreter of the law. In order to address abuse, Indian courts have developed a sophisticated strategy that carefully strikes a balance between protecting women's rights and avoiding the abuse of these laws. Important rulings like *Rajesh Sharma v. State of Uttar Pradesh*³ and *Arnesh Kumar v. State of Bihar*⁴ demonstrate the judiciary's proactive approach to enacting procedural safeguards, such as mediation procedures, pre-arrest investigations, and sanctions for false complaints. While defending the accused's rights, these judicial interventions seek to preserve the laws' legislative intent.

Setting the stage for a thorough examination of judicial trends in addressing the abuse of women's protection laws, this introduction highlights the judiciary's role in maintaining a fair and just legal system. The discussion aims to shed light on the future course for defending

³ AIR 2017 SUPREME COURT 3869

⁴ AIR 2014 SUPREME COURT 2756

women's rights without sacrificing the values of justice and fairness by looking at the legal, social, and ethical aspects of this problem⁵.

Historical Background of Women's Protective Laws in India

India's legal and sociocultural development is closely linked to the history of its laws protecting women. For centuries, Indian women have been marginalised in society due to systemic injustices, ingrained patriarchy, and discriminatory practices. The reality of their status was frequently characterised by oppression, violence, and lack of access to equal opportunities, education, and property, even though they were celebrated in some religious and cultural contexts. As Indian society changed, a number of protective laws and legal reforms were implemented to address these injustices and empower women.

Evolution of Women's Rights in Indian Legislation

1. Pre-Independence Era

During the colonial period, the plight of women in India drew attention, leading to social reform movements and legislative interventions. Reformists like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar advocated for the abolition of regressive practices such as sati and child marriage. This era witnessed the enactment of laws aimed at safeguarding women's rights:

- **Abolition of Sati (1829):** Led by Raja Ram Mohan Roy, the Bengal Sati Regulation was among the first legal measures to protect women from this inhumane practice.
- **Widow Remarriage Act (1856):** Championed by Ishwar Chandra Vidyasagar, this act encouraged widow remarriage, challenging societal norms.
- **Child Marriage Restraint Act (1929):** Known as the Sarda Act, it aimed to prevent early marriages by prescribing minimum marriageable ages for girls and boys.

2. Post-Independence Era

With independence in 1947, the Indian Constitution (1950) provided a foundation for gender equality, ensuring fundamental rights and principles of non-discrimination. Articles 14, 15, and 16 guaranteed equality before the law, protection from

⁵ Kahol Yudhishtira, Violence Against Women, Reference Press, New Delhi, 2003

discrimination, and equal opportunities for women. Subsequent legislative reforms further solidified women's rights:

- **The Hindu Marriage Act (1955):** Granted rights to women in marital relationships, including divorce and maintenance provisions.
- **The Hindu Succession Act (1956):** Recognized the inheritance rights of daughters, marking a significant step toward gender equality in property rights.

Key Protective Laws: Objectives and Significance

In independent India, a number of important protective laws were introduced to address the complex issues that women face. In addition to empowering women socially, economically, and politically, these laws sought to protect them from discrimination, exploitation, and violence.

The Dowry Prohibition Act (1961)

In order to combat the deeply ingrained social evil of dowries, which frequently resulted in the harassment, exploitation, and even death of women in matrimonial homes, the Dowry Prohibition Act, 1961, was introduced. The act's main goal was to make dowry giving and receiving illegal because it put an excessive financial strain on families and treated women as nothing more than transactional partners in marriages. The act's goals were to empower women, highlight their independence, and lessen the financial exploitation that comes with marriage negotiations by outlawing dowries. This law represented a major step in ending a damaging cultural norm and guaranteeing justice for victims of dowry-related violence, even though enforcement proved difficult⁶.

The Equal Remuneration Act (1976)

In order to address gender-based wage disparities in India, the Equal Remuneration Act of 1976 was a progressive piece of legislation. In order to advance economic justice and workplace equality, the act sought to guarantee that women were paid equally for equal labour. The law aimed to dispel myths that undervalued women's contributions to the workforce by clearly requiring non-discrimination in compensation-related matters. In addition to upholding women's economic rights, the act cleared the path for increased workplace equity and

⁶ Mishra Preeti. Domestic Violence Against Women, Deep and Deep Publication, Delhi 2006

inclusivity, promoting an atmosphere of dignity and respect for all workers⁷.

The Protection of Women from Domestic Violence Act (2005)

In order to address the widespread problem of domestic violence in Indian homes, the Protection of Women from Domestic Violence Act, 2005, was a landmark piece of legislation. Its goal was to acknowledge domestic violence in all of its manifestations, including physical, emotional, sexual, and financial, and to give women who were abused in their homes immediate relief and legal options. By guaranteeing their safety and dignity through protection orders, residency rights, and financial assistance, the act empowered women. The legislation recognised the intricate dynamics of domestic violence and aimed to provide survivors with all-encompassing support by reorienting the focus from punitive measures to victim-centric remedies.

Section 498A of the Indian Penal Code (1983)

Section 498A of the Indian Penal Code made cruelty by husbands or their family members illegal in response to the growing number of cases of cruelty against married women, especially those connected to dowry demands. This clause was intended to serve as a deterrent to abuse and give women a legal avenue for seeking compensation. It acknowledged the victims' physical, mental, and emotional suffering and sought to make their surroundings safer. Although the clause has been crucial in combating violence linked to dowries, worries about its abuse have spurred discussions about its application and equity in society and the courts.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (2013)

To protect women from sexual harassment in the workplace, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 was passed. Its goal was to establish a welcoming and secure workplace where women could work without fear or intimidation. The act required the establishment of Internal Complaints Committees (ICCs) in workplaces, defined sexual harassment precisely, and established procedures for complaints and redress. This law was important because it upheld women's right to equality and dignity at work by raising awareness, guaranteeing accountability, and creating gender-sensitive workplaces.

⁷ Shood Sushma (ed), Violence Against Women, Arihant Publishers, Jaipur 2000

The Maternity Benefit (Amendment) Act (2017)

A progressive approach to women's health and childcare was reflected in the Maternity Benefit (Amendment) Act, 2017, which significantly improved maternity leave benefits in India. The act increased the length of maternity leave for women employed by companies with ten or more employees from 12 to 26 weeks. In order to provide working mothers with a supportive environment, it also included provisions for childcare facilities and work-from-home options. Women's rights in the workplace were advanced by the legislation, which addressed women's dual responsibilities in the personal and professional domains, improved work-life balance, and promoted job security.

Understanding Misuse: A Socio-Legal Perspective

India's laws protecting women are essential for resolving gender-based injustices and guaranteeing justice. These laws are susceptible to abuse, though, just like any other legal system. Although the protection and empowerment of women is their main goal, intentional abuse of these provisions has sparked social and legal concerns. Maintaining the harmony between justice and protection requires an understanding of the nature, causes, and effects of such misuse.

What Constitutes Misuse of Women's Protective Laws?

The term "misuse of women's protective laws" describes situations in which laws intended to protect women from abuse and discrimination are used for selfish ends, retaliation, or other hidden agendas instead of pursuing true justice. This abuse frequently takes many forms, including the filing of false allegations, which are inflated or baseless complaints made in an attempt to harass or extort people. For instance, in order to settle personal scores in marital disputes, Section 498A of the Indian Penal Code is occasionally invoked, putting the accused through excessive hardship. Strategic legal actions, in which threats or cases are used as instruments of coercion, such as obtaining favourable divorce settlements or demanding excessive alimony, constitute another type of misuse. People frequently misrepresent the facts, purposefully changing events to conform to legal definitions of violence, cruelty, or harassment in order to influence results. Furthermore, laws lose their credibility and efficacy when they are applied in ways that are not consistent with their intended purpose. Even though the number of these cases is small in comparison to actual ones, they have a significant impact because they result in erroneous convictions, drawn-out court cases, and damaged reputations for those who are wrongfully accused. To ensure that the laws continue to protect those in need while

minimising their exploitation, addressing this misuse calls for a balanced approach.

Societal Factors Contributing to Misuse

The abuse of women's protection laws is caused by a number of societal factors, which draw attention to larger systemic problems that make the issue worse. Ironically, their abuse is also influenced by ingrained gender biases and patriarchal norms, which made protective laws necessary. Women have historically been viewed as victims in social and legal contexts, frequently eliciting instant sympathy in these settings. Because of this innate bias, accusations—even if untrue—are hard to deny, which can occasionally lead to opportunistic abuse.

The breakdown of marital relationships, which has grown more complicated due to rising divorce rates and strained familial ties, is another important factor. In situations of mutual discord, protective laws meant to protect women from actual harm are occasionally invoked, transforming legal protections into instruments of retaliation or leverage in conflicts. This weaponization undermines the main goal of these laws by intensifying rather than resolving conflicts.

Women are now more aware of their legal rights, which is a step in the right direction towards empowerment. However, misuse may result from this awareness if it is not combined with a sense of social and legal responsibility. Some people use protective laws as tactical tools rather than as tools of justice, taking advantage of their understanding of the law to obtain an unfair advantage in personal conflicts.

This problem is made worse by India's protracted legal system. Knowing that the drawn-out nature of court proceedings can serve as a form of punishment in and of itself, complainants may take advantage of procedural delays to harass the accused in an overworked and ineffective legal system.

Finally, the issue is made worse by the absence of strict procedures for handling counterclaims against unfounded accusations. Even though there are provisions to penalise false claims, they are frequently not enforced effectively, which permits people to abuse protective laws without suffering serious consequences. When taken as a whole, these elements highlight the necessity of a more effective and balanced legal system to reduce abuse and guarantee justice for actual

victims⁸.

Implications of Misuse

Misuse of the laws protecting women has serious and far-reaching effects on people, the legal system, and public trust. The decline in confidence in these legal provisions is among the most alarming consequences. When misuse cases are revealed, it gives the impression that accusations aren't always true. The very goal of these laws—to protect and empower women who are subjected to abuse and discrimination—may be undermined by this scepticism, which can hurt real victims by treating their claims with suspicion or contempt.

False accusations frequently result in legal harassment of innocent people. Severe financial, emotional, and social distress may arise from such situations. Even if the accused is ultimately found not guilty, they may still experience stigmatisation, reputational damage, strained relationships, and professional setbacks. This trauma is exacerbated by the protracted nature of court cases, which makes the legal system a source of pain rather than a tool for achieving justice⁹.

The strain that pointless cases put on the judiciary is another important consequence. Cases involving false accusations put additional strain on India's legal system, which is already struggling with backlogs and delays. The system's capacity to promptly resolve legitimate complaints is jeopardised by the diversion of judicial resources to handle these cases, delaying justice for those who need it¹⁰.

Furthermore, the larger women's rights movement could be jeopardised if protective laws are abused. It gives opponents of these laws more justification to argue that they are superfluous or unduly forgiving. This undermines the advancements made in the direction of gender equality and justice by supporting patriarchal narratives that cast doubt on the validity of women's rights and call for the dilution of protective measures. Resolving abuse necessitates a careful strategy that preserves these laws' integrity while guarding against abuse, guaranteeing that they continue to be useful instruments for justice and empowerment.

⁸ Chatterjee Soumi & Dr. Dwivedi Pankaj, Misuse of anti-dowry laws- a dark side of marriage, SCC Online.

⁹ K. Gupta Ankita, Crime of Rape and Laws: Need of Gender-Neutral Approach, SCC Online, 1.1 VSLR (2019) 59.

¹⁰ Harleen, Kaur, Meenakshi, Rani. (2023). Men's Rights in India-Gender Biased Laws. International journal of science and research, doi: 10.21275/sr22114163536.

In conclusion, even though the abuse of women's protection laws only accounts for a small portion of their overall use, the repercussions are severe and extensive. The abuse damages innocent people, puts a strain on the legal system, and jeopardises the larger movement for women's rights in addition to undermining confidence in these legal provisions. A sophisticated socio-legal strategy is needed to handle this complicated problem; it must guarantee that the fundamental goal of these laws, which is to protect women from harm, is maintained while simultaneously guarding against the abuse of the legal system.

Increasing judicial scrutiny is a crucial component of this strategy. In cases involving women's protective laws, courts must carefully evaluate the evidence to make sure the accusations are true and not driven by opportunism, personal grudges, or malice. Case resolution in a timely manner is equally crucial. Frivolous claims are allowed to persist due to the delays in India's overworked legal system, which causes the accused to endure protracted emotional, financial, and social suffering. The likelihood of abuse can be decreased by expediting investigations, streamlining the legal system, and guaranteeing quicker verdicts.

A more robust deterrent against making false claims is also required. Although false allegations are punishable under current law, these provisions are frequently not strictly enforced. Stricter punishments for wilful abuse of protective laws will serve as a deterrent and strengthen the integrity of the legal system. This increases public trust in the justice system's fairness while also guaranteeing that those who level unfounded charges face consequences.

By putting these safeguards in place, we can find a balance that keeps these laws' protective role intact while making sure they aren't used maliciously or for personal gain. In addition to giving actual victims the protection they require and avoiding the legal system being used as a weapon against innocent people, this will help guarantee that justice is served fairly for all parties¹¹.

Judicial Recognition of the Problem

The Indian judiciary has taken note of the problem of the abuse of women's protection laws. The issue has been brought to light by a number of noteworthy cases in which judges have acknowledged the abuse of laws intended to protect women. These cases serve as a reminder

¹¹ Dua Jasleen & R. Kahlon Neena, A critical analysis of the misuse of an Anti-Dowry Law, Asian Review of Social Science, The Research Publication, ISSN: 2249-6319, Vol 8 No. 2, 2019, pp 53-57.

of the fine line that needs to be drawn between defending women's rights and avoiding the abuse of legal systems for nefarious or selfish ends. The Supreme Court addressed the abuse of Section 498A of the Indian Penal Code (IPC), which addresses cruelty by husbands or in-laws, in the 2014 case of *Arnesh Kumar v. State of Bihar*¹². The court drew attention to the growing pattern of unfounded accusations under this clause, which harasses innocent people. In this historic case, the Supreme Court emphasised the necessity of a preliminary investigation to ascertain the veracity of complaints prior to making an arrest and issued guidelines to prevent the arrest of accused individuals in situations where the allegations are unfounded or overstated¹³.

*K. Verma v. Union of India*¹⁴, another noteworthy case, dealt with the abuse of the Protection of Women from Domestic Violence Act (2005). The court recognised that although the law was intended to help women who were abused, it had occasionally been abused, with false accusations made for private benefit like extortion or obtaining advantageous divorce settlements. In this instance, the judiciary emphasised how crucial it is to prevent such abuse from overshadowing the law's actual intent.

Because it draws attention to the consequences for the accused as well as the legal system, judicial recognition of the abuse of protective laws is essential. The courts have acknowledged that the abuse of these laws not only harms those wrongfully accused but also impairs the justice system's capacity to adequately handle legitimate complaints. It causes needless court cases, damages people's reputations, and postpones justice for those who actually need it. In order to guarantee that the legal provisions continue to fulfil their intended function without being abused, judicial pronouncements have called for reforms, such as stricter scrutiny of allegations and the imposition of penalties for filing false cases¹⁵.

Key Judicial Interventions and Landmark Judgments

In order to prevent dowry deaths and cruelty committed against a wife by a husband or his family, Section 498A IPC was added to the law book in 1983. It reads as follows and is classified as a cognisable, non-compoundable, and non-bailable offence:

¹² AIR 2014 SUPREME COURT 2756

¹³ N., Senthil., Jayanthi, Vajiram., V, Nirmala. (2023). The misuse of law by Women in India - Constitutionality of Gender Bias. doi: 10.48550/arxiv.2307.14651.

¹⁴ AIR 1954 Bom 358

¹⁵ Madhu, Kishwar. (2000). Laws against domestic violence: underused or abused?

“Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation - For the purposes of this section, "cruelty means"-

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or*
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”*

In *Sushil Kumar Sharma v. Union of India*¹⁶, the constitutionality of Section 498A IPC was contested in 2005; nonetheless, the Supreme Court maintained the ruling. In this case, the petitioner alerted the court to the widespread use of the clause by wives who had ulterior motives. The Court acknowledged this and stated that the legislature might need to determine how to deal with those who make baseless accusations or complaints. Courts would have to handle the matter within the current structure until that time, though.

The Court warned that abuse of Section 498A IPC could lead to "new legal terrorism" in this ruling, which was issued roughly 20 years ago. It further emphasised that the clause was not meant to be a weapon used by assassins, but rather to protect women from dowry pressure. The Court emphasised that authorities must work to prevent innocent people from suffering because of unfounded accusations, insofar as it was claimed that prosecuting authorities frequently approach such cases with a preconceived view that the accused are guilty.

“Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment....the role of the investigating agencies and the courts is that of watch dog and not of a bloodhound”, the Court said.

Protections from arbitrary detention through *Arnesh Kumar v. State of Bihar*¹⁷

The number of cases filed under Section 498A IPC increased between 2007 and 2013, although the conviction rates decreased throughout that time. According to sources, there were

¹⁶ AIR 2005 SUPREME COURT 3100

¹⁷ AIR 2014 SUPREME COURT 2756

approximately 2.67 lakh cases undergoing trial at the start of 2007; by the start of 2013, that number had risen to 4.66 lakh, representing an almost 75% growth in just 7 years. In 2014, as concerns about the abuse of Section 498A IPC grew, the Supreme Court issued a landmark ruling in a case involving a husband who had petitioned the court for protection from arrest after his wife filed a Section 498A IPC complaint. In essence, the Court issued instructions that, among other things, prohibited police personnel from making an automatic arrest of the accused in circumstances involving dowries.

The Court ordered all State governments to train their police officers to determine if an arrest is necessary rather than making one automatically when a case under Section 498A IPC was filed. This would help to avoid needless arrests and mechanical detention. Additionally, it was decided that all police officers must make out a check list with specific subclauses under Section 41(1)(b)(ii) and give it to the magistrate together with the reasons and supporting documentation for the arrest when bringing the accused before them for additional detention. After reviewing the police officer's report and prior to approving custody, the magistrate was required to document a satisfaction. Despite being published in a Section 498A IPC case, the instructions were deemed to be applicable to all offences with a maximum penalty of seven years (with or without a fine)¹⁸.

The Supreme Court also loudly declared that Section 498A IPC was being widely misused in this case. It mentioned that bedridden grandparents of spouses and sisters who had lived overseas for decades were being detained in several cases. Although almost 90% of charges were filed in these cases, the conviction rate was the lowest of all heads at 15%. The Court emphasised that filing a complaint under Section 498A IPC and having the spouse and family members detained was the easiest way for wives to torment their husbands. Therefore, it was advised that arrests be performed with extreme care and prudence due to the impact on citizens' freedom and liberty.

The National Commission for Women requested a review of the Arnesh Kumar¹⁹ ruling in 2015, arguing that: (i) an accused person could obtain bail from the trial court in the event of an erroneous arrest; (ii) the law established in the ruling could be abused by police; and (iii)

¹⁸ Sanjeev, Kumar., Viney, Dhiman. (2015). Gender Sensitization with Special Reference to Indian Law. International journal of innovative research and development.

¹⁹ AIR 2014 SUPREME COURT 2756

the ruling exceeded the statutory authority and granted police a broad range of authority when it came to making an arrest. The Supreme Court, however, rejected the same.

Creating Family Welfare Committees and conducting arrest checks through *Rajesh Sharma Vs. State of UP*²⁰

In 2017, the Supreme Court once more voiced worry over unhappy spouses abusing the anti-dowry law against their husbands and in-laws following the *Arnesh Kumar*²¹ ruling. To stop the abuse of Section 498A IPC, it released a new set of guidelines. Among these were the establishment of district-level Family Welfare Committees, which would investigate each complaint filed under Section 498A IPC and would be made up of paralegal volunteers, social workers, retired individuals, wives of serving officers, etc. After consulting with the parties, the Committee could report back to the body that referred the case to it within a month. No arrests could be made until the authorities received such a report²².

Additionally, this ruling made it possible to resolve marital conflicts before the District Sessions Judge (or any other senior judicial officer designated by the court). If a settlement could be reached, the aforementioned judge or officer could handle the processes, including criminal cases, that resulted from marital strife.

Notably, these guidelines indicated that the interest of justice, individual roles, the necessity of additional detention or custody, and the presumptive veracity of the accusations should all be taken into consideration when granting bail in marital conflicts.

However, in 2018—through the *Social Action Forum for Manav Adhikar v. Union of India*²³—a three-judge panel of the Court rescinded the order that Family Welfare Committees examine allegations under Section 498A IPC before police take further legal action. The Court ruled that the provision could not close legislative gaps, notwithstanding the fact that it was accepted that misuse of the clause had caused social discontent. This ruling also changed other directives made in *Rajesh Sharma*²⁴ case.

²⁰ AIR 2017 SUPREME COURT 3869

²¹ AIR 2014 SUPREME COURT 2756

²² Arora A.S, Law Relating to Cruelty to Husband, Third edition, Lawman's, Kamal Publication.

²³ AIR 2018 SUPREME COURT 4273

²⁴ AIR 2017 SUPREME COURT 3869

The husband's distant family must not be over-implicated.

Without any particular accusations, the husband's family members are frequently also linked to dowry and cruelty charges. In light of cases where women have over-implicated and overstated, the Supreme Court has occasionally emphasised the necessity for authorities to exercise caution in marriage disputes in order to avoid causing family members unnecessary pain based on nebulous accusations. Below are examples of a few of these cases.

The Supreme Court ruled in *Geeta Mehrotra and Anr. v. State of U.P.*²⁵ that a family member's name being mentioned in passing in a marriage dispute without an accusation of active involvement would not be sufficient grounds for pursuing action against them. The Court underlined that it is important to pay attention to the inclination of over implication, which is to involve every member of the home in the marital dispute, particularly when it occurs shortly after the wedding.

In this instance, the complainant-wife's unmarried sister-in-law and brother-in-law petitioned the Supreme Court to have the lawsuit against them dismissed. After reviewing the information, the Court noted that, aside from a passing mention of their names, the FIR had no specific allegations against the two. The Supreme Court itself cancelled the criminal proceedings rather than sending the case back to the High Court and prolonging the petitioners' misery. In the October 2024 case of *Yashodeep Bisanrao Vadode v. State of Maharashtra*²⁶, the Supreme Court overturned a man's conviction under Section 498A/34 IPC as the brother-in-law of a deceased wife, stating that there was no particular accusation or supporting evidence against him.²⁷

In a cruelty case, the appellant was charged with torturing and tormenting the dead in connection with a dowry claim, along with the deceased's spouse and sister-in-law. He challenged the High Court's decision to uphold his conviction, arguing that there was insufficient evidence to establish his guilt because, although the claimed dowry demand was made in January 2010, he married the deceased's sister-in-law in October of the same year. The appellant could not be found guilty simply because he was the deceased's sister-in-law's husband, the court said, finding "no scintilla of evidence" against him. Additionally, the

²⁵ AIR 2013 SUPREME COURT 181

²⁶ SC SLP (CrI.) No. 8245 of 2023

²⁷ Singh Verma Mahipal, Cruelty by wife, Chaudhury Law book Company, 2011 Edition

tendency to over-implicate individuals and the presentation of inflated versions in Section 498A IPC proceedings were raised with dismay. "the courts have to be careful to identify instances of over implication and to avert the suffering of ignominy and inexpiable consequences, by such persons", the Supreme Court stated.

The Supreme Court cautioned judges in *Payal Sharma v. State of Punjab*²⁸ November 2024 to make sure that a husband's distant relatives are not unnecessarily named in criminal charges brought under Section 498A IPC at the wife's request.

In this instance, shortly after the husband filed for divorce, the complainant—the wife's father—submitted a formal complaint. The FIR accused the husband's cousin brother and his wife of dowry harassment and abuse, in addition to the husband and his parents. The High Court denied the couple's request to have the case quashed, stating that the chargesheet had already been submitted.

In light of this, the case made it all the way to the Supreme Court. The top court criticised its methodology, ruling that the High Court had an obligation to investigate whether the husband's distant relatives' suggestion was a "exaggerated version" or a "over implication." The petitioners (the cousin brother and his wife) were living in a different city from the complainant's daughter's domicile, according to the case's facts.

Furthermore, it was noted that even though the term "relative" has not been defined for the purposes of Section 498A IPC, it should be interpreted in accordance with its usual usage. Specifically, it can be interpreted to encompass any individual's father, mother, spouse, son, daughter, brother, sister, nephew, niece, grandson, or granddaughter. Courts must determine if accusations made against someone who is not related by blood, marriage, or adoption are unfounded. "In such circumstances...the Court concerned owes an irrecusable duty to see whether such implication is over implication and/or whether the allegations against such a person is an exaggerated version", the judge stated.

The Supreme Court has requested Parliament to change the anti-dowry law.

The Supreme Court has occasionally urged the Parliament to consider the situation on the ground and change the legislation in response to the widespread use of Section 498A IPC by

²⁸ SC Special Leave to Appeal (Crl.) No(s). 3995/2022

spouses. The following are two instances where such a request was made:

In the 2010 case of *Preeti Gupta v. State of Jharkhand*²⁹, the Supreme Court expressed concern about inflated accounts of incidents in Section 498A IPC complaints and called on the legislature to amend the clause while taking public opinion and practical realities into account. “we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases”, In order for the Minister of Law & Justice to take the necessary actions in the greater good of society, the Court ordered the Registry to forward a copy of its ruling to the Law Commission and the Union Law Secretary.

In this instance, it was also mentioned that since the bulk of complaints are submitted either with the advocates' consent or on their advice, they must make sure that criminal complaints do not contain inflated accounts of minor incidents.

In *Achin Gupta v. State of Haryana*³⁰, the Supreme Court asked Parliament to consider amending Sections 85 and 86 of the Bhartiya Nyaya Sanhita, 2023 (similar to Section 498A IPC) in light of practical considerations and the abuse of the provision by irate wives prior to its provisions taking effect on July 1, 2024. With the exception of the Explanation to Section 498A IPC (which defines "cruelty"), which is now a separate provision (Section 86 of the BNS), the new provisions in the BNS are a clear copy of Section 498A IPC. In this instance, the spouse had petitioned the Supreme Court after the High Court had refused to dismiss a formal complaint against him under Sections 323/406/498A/506 IPC. The husband filed a divorce lawsuit against his wife, claiming cruelty, prior to the FIR.

In light of this, the Court noted that the High Court must use its inherent authority under Section 482 CrPC to halt the criminal proceedings if, after reading the FIR or complaint in its entirety, it is determined that the criminal proceedings were started obliquely to harass the accused. In addition to dismissing the current case, the court warned that police should not automatically apply Section 498A IPC to every wife complaint. It stated that courts must use a practical approach and read between the lines to determine whether the complainant-wife had an ulterior motive, even if the FIR or chargesheet reveals a crime that can be prosecuted.

²⁹ AIR 2010 SUPREME COURT 3363

³⁰ Criminal Appeal No. 2379 of 2024 (Arising out of SLP (CrI.) No. 4912 of 2022)

“The Police machinery cannot be utilised for the purpose of holding the husband at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends. In all cases, where wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323 of the IPC. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty.”

Misuse of Section 498A IPC

As determined in *Dara Lakshmi Narayana v. State of Telangana*, there is an increasing trend of Section 498A IPC being misused. The Supreme Court recently noted once more that wives are increasingly abusing Section 498A IPC, frequently involving husbands and their relatives in settlement negotiations and personal grudges. As a counterblast to the husband's petition for a dissolution of marriage, the wife had abused the clause, the Court noted, quashing the current case. As a result, it was advised (again) not to prosecute husbands and their relatives unless there was a strong prima facie case.

In light of Atul Subhash's passing away, a public interest lawsuit (PIL) has just been submitted to the Supreme Court, expressing similar concerns. The PIL asks for guidelines to guarantee that a spouse and his family members are not subjected to harassment in cases involving domestic abuse and dowry laws. In addition, petitioner-advocate Vishal Tiwari wants to organise an expert group made up of retired judges, distinguished solicitors and legal scholars to examine and amend current laws pertaining to dowries and domestic abuse and provide ways to stop their abuse.

Conclusion

In addition to the Supreme Court, the nation's High Courts have frequently expressed their concerns with the abuse of anti-dowry and anti-domestic abuse legislation. However, it is still true that the husband and his family must petition the jurisdictional High Court to have the cruelty case quashed once the wife files it. Even in cases where there are cross-complaints, the wife usually has the upper hand when negotiating settlement conditions. This is demonstrated by the overwhelming percentage of marital disputes that are resolved in High Courts under Section 482 CrPC following conditions that have been negotiated between the parties.

The fundamental question is what safeguards courts may implement to reverse the weaponization of Section 498A IPC (now superseded by Sections 85 and 86 BNS) without endangering the interests of actual victims, given the legislature's deafening silence on legal shortcomings.

First and foremost, it must be understood that the *Armesh Kumar*³¹ recommendations serve as a safeguard solely against arbitrary arrests; because anti-cruelty and anti-harassment legislation are inherently biased in favour of wives on other issues. For example, this goes beyond judges and other authorities being more lenient and understanding with them. Even if they are not personal, the biases are evident in the areas of child custody, trial location, police appearances, mediation rounds, etc.

When indirect intentions are involved, the husband's mental health suffers greatly due to the differences in how the two parties handle the situation. In actuality, the situation involving Atul Subhash is a severe illustration of what many husbands and their families endure. It draws attention to the daily challenges associated with matrimonial disputes, such as stigmatisation, a lack of negotiating leverage, being unable to see one's own child, having to travel great distances for a trial, etc.

It is time for the Supreme Court to establish guidelines to address the misuse of anti-cruelty and harassment laws, as previous rulings have acknowledged the shame that matrimonial cases entail and the fact that it cannot be erased even in cases of acquittals. These guidelines should address issues such as the accountability of wives in cases of false prosecution, the prevention of police officers and advocates abusing their positions, the education of mediators and judges, state-assisted counselling for couples and family members, etc.

³¹ AIR 2014 SUPREME COURT 2756