



2025

**Misuse of Legal Provisions Favours
Women in India: A Critical Analysis**

Rishitha B.

Recommended Citation

Rishitha B., *Misuse of Legal Provisions Favours Women in India: A Critical Analysis*, 4 IJHRLR 111-118 (2025).

Available at www.humanrightlawreview.in/archives/.

This Article is brought to you for free and open access by the International Journal of Human Rights Law Review by an authorized Lex Assisto administrator. For more information, please contact info@humanrightlawreview.in.

Misuse of Legal Provisions Favouring Women in India: A Critical Analysis

Rishitha B.

Law Student, School of Law, CHRIST (Deemed to be University)

Manuscript Received
15 Mar. 2025

Manuscript Accepted
17 Mar. 2025

Manuscript Published
18 Mar. 2025

INTRODUCTION

India is a country in which the existing laws discriminate men and women and have made certain laws favoring women in the name of protection.¹ These laws which are made with the intention to protect women are being exploited and are used as weapons to abuse and harass men. Considering the current societal conditions, the fact that there is necessity for such legal framework to protect women is agreed. However, these laws are of the nature which in-turn jeopardize the rights of men, and their protection is unguaranteed. The repercussions of such impropriety reach far beyond isolated incidents, fostering a widespread climate of distrust between genders. This situation not only compromises the fundamental principles of legal protection but also creates a social stigma for men who genuinely seek assistance. When legal structures are predominantly designed to protect one demographic, the other often finds itself defenseless, facing limited options in the face of baseless accusations.

Additionally, the prevailing societal narrative often frames women as the sole victims of abuse, which masks the reality that men can equally suffer from unfounded claims. This disparity cultivates an environment where men's concerns are frequently overlooked or minimized, intensifying feelings of isolation and despair. Many men are hesitant to voice their experiences due to the fear of social backlash or additional legal complications. Given such inequalities, the pressing need for substantial legal reforms becomes clear. Strengthening protections for men and guaranteeing fair treatment within the justice system would not only uphold their rights but also reaffirm the integrity of laws meant to assist all vulnerable individuals². This article will investigate particular case studies and statistical data to shed light on the tangible effects of legal misuse, laying the groundwork for further discussions on the necessary reforms to foster a more just and equitable legal framework.

¹ Vishakha Jaiprakash Thanvi, *An Analysis on the Misuse of Law by Women in India*, 4 INDIAN J.L. & LEGAL RSCH. 1 (2022).

² Nancy Levit, *The Gender Line: Men, Women, and the Law* (N.Y.U. Press 1998).

HISTORICAL BACKGROUND - MEN'S RIGHTS MOVEMENT IN INDIA

The Indian men's rights movement emerged towards the end of the 1990s due to perceived gender disparities and misuses of law that favored women. The movement was started in 1998 by Supreme Court Advocate Ram Prakash Chug with the objectives of promoting the rights of men through issues relating to false claims and discrimination by the legal framework. Central to its mission is the critique of "pro-women" legislation, specifically Section 498A of the Indian Penal Code, that activists claim is exploited for extortion. Several organizations such as the Save Indian Family (SIF) have existed over the years to offer legal assistance and support to men going through familial or legal trouble.³ Despite facing challenges in challenging misconceptions and advocating for gender-neutral laws, the movement has gained some traction among men seeking recognition of their issues.

RESEARCH OBJECTIVE

The research objective is to highlight how personal laws which were originally meant to protect women, might be misused in ways that harm men. These areas of laws, covering marriage, divorce, alimony, dowry and domestic violence, were created to address long-standing gender inequalities and protect women from abuse. However, there's growing concern that some women may take advantage of these protections, leading to unfair consequences for men which is a rising contemporary issue in the realm of family law. This research will go through such statutes and provisions addressing the same. The research also points out that men don't have enough legal protection and highlights the need for laws that safeguard their rights. With growing reports of personal laws being misused by some women, it's clear that there's a need for a fairer system that protects both men and women. Creating a more balanced legal framework would help ensure that men aren't unfairly targeted, while keeping vital protections for women in place. This would promote fairness and equality for everyone involved. In recent times, one of the majority instances are in which women are bothering men to secure unfair financial gains rather than seeking actual bonafide support by misusing the provisions which is prominently seen in divorce, alimony, domestic violence, sec 498 A of the IPC – cruelty against women and in many other matters that fall under the purview of family law.

THE IMPACT OF FALSE ACCUSATIONS IN DIVORCE CASES

False accusations in divorce cases, particularly those against men, present a deeply troubling and complex issue. These allegations can arise in various contexts, often portraying the accused as wrongdoers. In many heartbreaking instances, claims of domestic violence, emotional abuse, or infidelity are made without any basis in truth. Such tactics are sometimes employed by one spouse seeking to gain an upper hand during divorce negotiations, particularly regarding child custody and financial settlements like alimony. The emotional toll of being

³ Thakur, Yogesh. "Men's Right in India." *Supremo Amicus* 26 (2021): 602.

falsely accused can be profound and long-lasting. Individuals labeled as abusers or wrongdoers may experience significant stress, anxiety, and considerable damage to their reputations. The emotional scars from these accusations can linger even after the legal disputes are resolved. Compounding this challenge is the societal stigma surrounding domestic violence, which can make it extremely difficult for the accused to mount a credible defense, even when the allegations are entirely unfounded⁴.

Financially, the repercussions of false accusations can be dire. The accused often find themselves embroiled in expensive legal battles as they fight to defend both their rights and their personal integrity. Legal fees can escalate quickly, and should the court rule in favor of the accuser, the financial consequences could be severe leading to hefty alimony or child support payments based on mere allegations rather than the truth. In defending against such unjust claims, it is essential for the accused to take proactive steps. Documenting all interactions and gathering evidence to support their position is crucial in countering false allegations effectively. Enlisting the help of a qualified attorney who specializes in divorce law and has experience with false accusations can provide invaluable support during this challenging time. By maintaining composure and strategically navigating the legal landscape, individuals can work towards protecting their rights and striving for a just outcome in what is often a highly emotional and contentious situation.

THE POTENTIAL MISUSE OF ALIMONY CLAIMS IN DIVORCE PROCEEDINGS

Alimony, intended to provide financial support to a lower-earning spouse post-divorce, can be misused when claims are inflated or fabricated. Some women may assert excessive alimony demands based on exaggerated financial needs, leveraging the legal framework to gain undue advantages. This misuse often manifests through misrepresentation of expenses, overstated claims of emotional distress, or even false allegations of abuse to influence court decisions. Such actions not only burden the accused husbands financially but can also stigmatize genuine claims for support⁵. Moreover, the legal system, while designed to protect victims of domestic abuse, occasionally enables these manipulative claims, allowing some individuals to exploit alimony laws for personal gain.

ADDRESSING GENDER BIAS IN SECTION 304B OF THE INDIAN PENAL CODE: THE NEED FOR EQUITABLE PROTECTIONS FOR MEN

This research is not only highlighting the misuse of laws by women but

⁴ Senthil, Negha, and Jayanthi Vajiram. "The misuse of law by Women in India-Constitutionality of Gender Bias." *arXiv preprint arXiv:2307.14651* (2023).

⁵ Ananya, Ajita. "Alimony: Weapon for Male Destruction-A Case Study on Indian Perspective." *Issue 1 Indian JL & Legal Rsch.* 5 (2023): 1.

also focuses on the lack of laws made for the protection of men. This research acknowledges the necessity for robust protections for women due to prevailing societal issues; however, this cannot justify the neglect of protections for men. Section 304B of the Indian Penal Code (IPC) is designed to protect women from dowry harassment perpetrated by their husbands and in-laws. According to this provision, if a woman dies within seven years of her marriage and there are demands for dowry from her husband or relatives, they can be held criminally responsible for her death. While this section provides specific protections for women, it raises the question of the protections available for men. There could be high chance that the cause of death of the husband could be by any criminal act of the wife, or the husband could be subject to high level torture from the wife which resulted in death of the husband which should also be recognized in the eyes of law. And as a suggestion from this article there could be burden of proof placed on both the parties in question to prove that the death of their close ones was due to the action of the spouse of the deceased⁶.

Currently, there are no legal measures that hold a wife accountable if her husband dies within the same seven-year period. It is imperative for the law to ensure the rights of all individuals, rather than favour just one group. Furthermore, an extensive investigation into the circumstances surrounding such deaths is crucial. It is essential that accusations against a spouse or mother-in-law are made cautiously and based on concrete evidence, rather than assumptions.

FALSE ALLEGATIONS OF ABUSE: A THREAT TO JUSTICE FOR ALL

Domestic violation and instances of growing false accusations have become a major problem in handling of domestic violence suit where any error in consideration of facts would be put to irreparable damage. While most domestic violence reports are legitimate, a growing body of research suggests that some women misuse the legal system to gain an advantage in child custody disputes⁷, exact revenge, or control their partner's behavior. This phenomenon has serious consequences, not only for the falsely accused men but also for genuine victims of abuse. False allegations can have devastating effects on the accused, leading to loss of reputation, employment, and even freedom. A study by Koelb and Potoczny (2011) found that 21% of participants in a domestic violence support group for men reported being falsely accused. These findings align with a review by Fekete et al. (2011), which estimated that up to 20% of domestic violence restraining orders⁸ involved fabrication

⁶ Das, Ankita. "Whether the Plugging of the Key Loophole" Soon before Her Death" in Section 304B of the Indian Penal Code by the Supreme Court of India Will Have an Impact in Curbing the Soaring Bride Burning Cases in Kerala?." *Supremo Amicus* 26 (2021): 66.

⁷ Jain, D., Dikshabhumii Campus, and Katni MP Adharkap. "Misuse of Women Empowerment by Women in Modern Society." *International Journal* (2018).

⁸ Michael Flood. "False Allegations of Sexual and Domestic Violence: The Facts | Wwww.Xyonline.Net." *xyonline.net*, September 22, 2024. <https://xyonline.net/content/false-allegations-sexual-and-domestic-violence->

or manipulation.

The motivations behind such false allegations vary. One common scenario arises during contentious divorces. In a study of 367 divorce cases, Braun (2009) found that 47% of domestic violence allegations were deemed false or unsubstantiated⁹. These findings suggest that some women may exploit the legal system to gain an upper hand in child custody disputes, knowing that domestic violence allegations can significantly influence custody decisions. Beyond the damage to individual men, the misuse of domestic violence provisions undermines the legitimacy of the legal system and may make it more difficult for true victims to receive justice. When resources are diverted to address false allegations, there may be fewer resources available to protect genuine victims. Furthermore, high-profile cases of false allegations can contribute to a climate of skepticism, potentially causing law enforcement and courts to be less responsive to all allegations of abuse. It is essential to approach this issue with nuance. The problem of false allegations should not overshadow the very real epidemic of violence against women. However, ignoring the problem of false allegations is also not the solution. Instead, the legal system must implement safeguards to deter false allegations while remaining responsive to true victims. This may involve imposing penalties for false allegations, improving investigations to weed out fabrication, and providing support for both male and female victims of abuse¹⁰.

While domestic violence remains a largely gendered problem, the legal system must remain vigilant to the possibility of false allegations. By taking steps to address this issue, we can promote justice, protect the rights of all parties, and ultimately prevent abuse in all its forms.

CASE STUDIES: SUBSTANTIATING THE ISSUE OF MISUSE OF LAWS BY WOMEN

In the case of *Sejalben Tejasbhai Chovatiya v. State of Gujarat*, the petitioner (the wife) failed to disclose that she was earning a monthly income of Rs. 40,000 from her business. She also claimed she performed all the household duties without compensation. However, it was found that the petitioner had submitted false evidence and lied under oath. The court noted that the laws designed to protect women had been misused through the submission of fabricated evidence, leading to the dismissal of the petition¹¹.

In the case of *Saritha v. R. Ramachandran* (I (2003) DMC 37 [DB]), the

facts.

⁹ Terry, Gareth, Nikki Hayfield, Victoria Clarke, and Virginia Braun.

"Thematic analysis." *The SAGE handbook of qualitative research in psychology* 2, no. 17-37 (2017): 25.

¹⁰ Ancis, Julie R. "Women and Family Court." *Gender, psychology, and justice: The mental health of women and girls in the legal system* (2017): 23-47.

¹¹ Misuse of women centric laws in India published on Hello Counsel on 19 th May 2021, <https://www.hellocounsel.com/misuse-of-women-centric-laws-in-india/>

Hon'ble Court ruled that educated women seeking divorce often misuse Section 498-A of the Indian Penal Code by filing cases against their in-laws, even when the in-laws had not subjected them to cruelty. The court recognized this as a severe misuse of provisions intended to protect women¹².

In the case of *Dr. N.G. Dastane v. S. Dastane*, the Supreme Court held that, contrary to the common assumption that physical cruelty is typically inflicted by the stronger party, such as a husband towards his wife, this is not always true. The court emphasized that both men and women are equally capable of causing mental cruelty to their spouses¹³.

By analyzing these cases, the judiciary has developed measures to tackle false accusations in family law, ensuring that both parties are treated justly. Ethical conduct is essential for maintaining fairness within the legal process concerning family matters.

BATTERED WOMAN SYNDROME AS SELF-DEFENSE: SHOULDN'T MEN ENJOY LEGAL PROTECTION AS WELL?

Battered Woman Syndrome can justify a claim of self-defense if a woman reasonably employs force to defend herself against abuse, but it is not an independent criminal defense. Referring to the chronic domestic abuse, the majority of women utilize this defense to justify their actions against their abusers in court. For protection, they can use restraining orders as well. Conversely, men who become victims of marital emotional or psychological abuse hardly receive any legal recognition or protection at all. Although violence-dependent abuse is prevalent, males more and more experience psychological and emotional manipulation or harassment at the hands of their wives, which too is often not given much credence, losing them the very same legal avenue or social solidarity. Battered Suzanne K. Steinmetz's article "The Battered Man Syndrome" ²⁶ has researched the condition in which husbands are abused by their wives but never reported due to some delusions regarding the position of a man in a family. The author has quoted several examples from history as well as comic strips that show the common beliefs that domestic violence is not uncommon. More reading of this article brings out the necessity for a more complete approach to the study and treatment of spousal violence, considering it as another expression of a violent society in general and not as a phenomenon specific to one gender¹⁴.

CONCLUSION

Allegations related to domestic violence, dowry, and divorce can severely damage a man's reputation, often leading to swift societal condemnation

¹² Saritha v. R. Ramachandra, (2002) 4 ALT 592 (AP HC).

¹³ Hiranmaya Nanda, *Cruelty as a Ground for Divorce: A Sword or Shield*, 4 Global J. for Rsch. Analysis 111 (2015).

¹⁴ Shailja N. Vyas, *A Legal Study on Innocent Masculinity Falling Prey to Women-Centric Domestic Abuse Laws* (2021) (LL.M. Dissertation, Inst. of L., Nirma Univ.) (on file with the Inst. of L., Nirma Univ.).

without a thorough investigation of the facts. When complaints are made, there is typically an outpouring of sympathy for the woman and calls for strict repercussions against the man, creating a challenging environment for the judiciary, which must discern the truth amid potential false evidence and misuse of laws aimed at protecting women. Instances arise where women exploit these legal protections not only for financial gain, such as demanding exorbitant alimony during divorce proceedings, but also due to personal grievances, undermining the integrity of the legal system. While it is crucial to have laws for the protection of women, it is equally important to ensure that these laws do not lead to the unjust ruin of innocent men's lives; thus, a balanced approach that considers the rights of all parties involved is essential. The existing framework surrounding dowry laws often punishes only those who demand dowry, neglecting to hold accountable those who might provide it, and this imbalance can exacerbate tensions between families. Numerous cases have been reported where laws concerning domestic violence and dowry are misused, highlighting the need for reform to ensure fairness. Although sexism against women remains a significant issue, it is important to recognize that sexism against men exists and should not be overlooked in the ongoing discourse about equity and justice in family law¹⁵.

¹⁵ See supra note 1.