

THE NARRATIVE OF “MISUSE” OF WOMEN-CENTRIC CRIMINAL LAWS IN INDIA: A LEGAL MYTH OR JUDICIAL REALITY?

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Abstract

Women-centric criminal laws in India, such as Section 85 of the Bharatiya Nyaya Sanhita, 2023 (formerly Section 498A of the Indian Penal Code), the Protection of Women from Domestic Violence Act, 2005, and provisions relating to sexual offences, were enacted to protect women from violence, cruelty, harassment, and discrimination. Despite their protective purpose, these laws are frequently criticized on the ground that they are being misused through false or exaggerated complaints. This narrative has gained considerable attention in judicial decisions, media reports, and public discourse, often leading to demands for stricter safeguards against alleged misuse. However, the extent of such misuse remains a subject of legal and empirical debate.

This paper critically examines whether the perception of widespread misuse is supported by evidence or whether it has evolved into a legal myth that weakens the enforcement of laws intended to safeguard women. The study adopts a doctrinal and analytical research methodology by examining constitutional principles, statutory provisions, judicial precedents, Law Commission reports, National Crime Records Bureau (NCRB) data, and relevant academic literature. It further evaluates the impact of judicial interpretations on the implementation of women-centric criminal laws and the balance between protecting genuine victims and preventing abuse of legal processes. The paper argues that while isolated instances of false complaints cannot be denied, they do not justify undermining the constitutional commitment to gender justice or diluting statutory protections available to women. Excessive emphasis on alleged misuse risks discouraging genuine victims from seeking legal remedies and reinforces social stereotypes regarding women's credibility. The study concludes that the focus of legal reform should be on ensuring fair investigation, speedy trials, accountability for malicious prosecution where established, and effective victim protection rather than weakening women-centric legislation. A balanced,

evidence-based approach is essential to preserve both the rights of the accused and the constitutional guarantee of justice, equality, and dignity for women.

Keywords: Women-Centric Criminal Laws, Gender Justice, Misuse of Law, Domestic Violence Judicial Interpretation

1. Introduction

The enactment of women-centric criminal laws in India reflects the constitutional commitment to ensuring equality, dignity, and protection for women against violence and discrimination. Laws such as the Protection of Women from Domestic Violence Act, 2005, provisions relating to cruelty by husband or relatives (formerly Section 498A of the Indian Penal Code and now Section 85 of the Bharatiya Nyaya Sanhita, 2023), and laws addressing sexual offences were enacted to respond to the increasing incidents of gender-based violence. These provisions aim to provide effective legal remedies, deter offenders, and uphold the fundamental rights guaranteed under Articles 14, 15, and 21 of the Constitution of India.

In recent years, however, a parallel narrative has emerged alleging widespread misuse of these protective laws through false or exaggerated complaints. Judicial observations, media reports, and public debates have frequently highlighted concerns regarding frivolous prosecutions, misuse for personal vendetta, and harassment of innocent family members. At the same time, women's rights organizations and empirical studies argue that the actual incidence of false complaints is relatively low when compared with the large number of genuine cases that remain unreported due to fear, social stigma, economic dependence, and lack of institutional support.

This debate has created a complex legal and social challenge. While the criminal justice system must protect innocent persons from malicious prosecution, it must also ensure that genuine victims are not denied access to justice because of an exaggerated perception of misuse. Courts have attempted to balance these competing interests through procedural safeguards and judicial guidelines. Nevertheless, the continuing emphasis on alleged misuse has raised concerns regarding the dilution of statutory protections and the reinforcement of gender stereotypes.

This study critically examines whether the narrative of misuse is supported by empirical evidence and judicial reasoning or whether it has become a legal myth that undermines the purpose of women-centric criminal legislation. The research analyses constitutional principles, statutory provisions, judicial precedents, and available empirical data to evaluate the true extent of misuse and its implications for gender justice in India.

1.1. Conceptual Clarity: What Constitutes "Misuse" in Criminal Law?

The term "**misuse**" has become a common expression in discussions concerning women-centric criminal laws in India. However, neither the Bharatiya Nyaya Sanhita, 2023 (BNS), the Protection of Women from Domestic Violence Act, 2005, nor any other criminal statute provides a statutory definition of "misuse." Consequently, the concept must be understood through established principles of criminal jurisprudence and judicial interpretation rather than public perception or media narratives.

In criminal law, misuse cannot be presumed merely because an accused person is acquitted or because criminal proceedings ultimately fail. A prosecution may fail for several legitimate reasons that are unrelated to the truthfulness of the complaint. Therefore, a complaint can be regarded as a misuse of the legal process only when all of the following elements are established:

1. **The complaint is demonstrably false** and unsupported by credible evidence.
2. **Malicious or dishonest intention** on the part of the complainant is proved through reliable evidence.
3. **The abuse of the judicial process** is specifically determined by a competent court after due legal proceedings.

Unless these essential requirements are satisfied, a complaint cannot legally be characterised as false or malicious. Criminal law proceeds on the principle that allegations must be examined through investigation and trial, and not judged solely on the basis of the final outcome of the proceedings.

Mere acquittal, compromise, withdrawal of a complaint, or closure of criminal proceedings does not constitute misuse. Criminal cases may result in acquittal because the prosecution fails to establish guilt beyond reasonable doubt, which is the high standard of proof required in criminal jurisprudence. Likewise, investigations may remain inconclusive due to procedural deficiencies, lack of corroborative evidence, delayed reporting, or ineffective evidence collection. In many cases involving domestic violence and matrimonial disputes, witnesses may turn hostile or parties may reach a compromise due to social, economic, or family pressures. These circumstances do not legally establish that the original complaint was false.

Therefore, the allegation of misuse should be based on judicial findings supported by evidence rather than assumptions, perceptions, or isolated incidents. Such an approach preserves the fairness of the criminal justice system while protecting both the rights of the complainant and the accused.

1.2. Constitutional Mandate for Women-Protective Laws

Women-centric criminal laws derive their constitutional legitimacy from the principles of equality, dignity, and social justice embodied in the Constitution of India. These protective laws are intended to address historical discrimination, gender-based violence, and structural inequalities that have disproportionately affected women.

The constitutional foundation of such legislation primarily rests on the following provisions:

- **Article 14**, which guarantees equality before the law and equal protection of the laws. The concept of substantive equality permits the State to adopt special measures to eliminate existing inequalities and ensure real equality in practice.
- **Article 15(3)** expressly empowers the State to make special provisions for women and children. This provision is an exception to the general prohibition against discrimination and recognises that affirmative legal measures are necessary to protect vulnerable groups and achieve substantive justice.
- **Article 21** guarantees the right to life and personal liberty, which has been interpreted by the Supreme Court to include the right to live with dignity, bodily integrity, privacy, safety, and meaningful access to justice. Women-centric criminal laws seek to enforce these constitutional guarantees by providing legal protection against violence, cruelty, and exploitation.

The Supreme Court has consistently upheld the constitutional validity of protective legislation enacted for women, observing that **protective discrimination** is permissible when it seeks to remedy historical disadvantages and structural inequality. Such laws are not intended to confer special privileges but to ensure equal opportunities and effective access to justice for women who have traditionally faced social and institutional barriers.

Accordingly, any assessment of the alleged misuse of women-centric criminal laws must be balanced against their constitutional purpose. While safeguards against malicious prosecution are necessary, they should not dilute the constitutional objective of protecting women from violence and ensuring their fundamental rights to equality, dignity, and justice.

1.3 Acquittal Is Not Proof of Misuse

Under Indian criminal law, the prosecution must prove the guilt of the accused **beyond reasonable doubt**. Therefore, an acquittal does not automatically establish that the complaint was false or malicious. Criminal proceedings may fail due to insufficient evidence, hostile witnesses,

procedural lapses, or defects in investigation. Similarly, a compromise between the parties or delay in filing the complaint cannot, by itself, be treated as evidence of misuse. Equating acquittal with misuse places an unfair and higher burden on women complainants than what the law requires and undermines the principles of criminal justice.

1.4 Role of Investigation and Prosecution Failures

A significant number of cases perceived as misuse are actually affected by weaknesses in investigation and prosecution rather than false allegations. Poor evidence collection, inadequate forensic support, delayed investigation, witness intimidation, and social pressure often weaken the prosecution's case. As a result, many genuine complaints fail during trial. These institutional shortcomings should not be attributed to the complainant, as doing so shifts responsibility away from the criminal justice system and hampers effective enforcement of women-centric laws.

1.5 Societal Labelling and Its Legal Consequences

The widespread perception that women-centric criminal laws are frequently misused has created adverse legal and social consequences. In some cases, police officers hesitate to register First Information Reports (FIRs), and courts adopt a cautious approach at the preliminary stage. Such perceptions also encourage victim-blaming and discourage women from seeking legal remedies. These trends are inconsistent with the constitutional guarantees of equality and access to justice under Articles 14 and 21 of the Constitution of India.

1.6 Doctrinal Position: Misuse Is an Exception, Not a Presumption

From a doctrinal perspective, criminal law presumes that a person invoking a statutory remedy acts in good faith unless proven otherwise. Allegations of misuse must be established through credible evidence and judicial determination rather than mere suspicion or public perception. Women-centric criminal laws cannot be delegitimized on the basis of isolated incidents or anecdotal claims. Any presumption of misuse without legal proof would violate the principles of natural justice, due process, and the rule of law.

1.7 Need for a Balanced Legal Approach

The study suggests that the appropriate legal response is neither blind acceptance of every complaint nor blanket assumptions of misuse. Courts should adopt a case-by-case approach based on the facts and evidence of each case. Where a complaint is proved to be intentionally false or malicious, appropriate action may be taken under the general provisions of criminal law. At the same time, greater emphasis should be placed on improving investigation, strengthening

prosecution, enhancing victim support, and ensuring speedy trials. Such a balanced approach protects the rights of the accused while preserving the effectiveness of women-protective legislation.

2. Literature Review

The issue of alleged misuse of women-centric criminal laws has attracted significant attention from legal scholars, courts, policymakers, and researchers. Early studies primarily focused on the necessity of special legal protections for women due to widespread domestic violence, dowry-related cruelty, and gender-based discrimination. These studies justified the enactment of stringent legal provisions to ensure effective access to justice.

Several scholars have argued that judicial observations regarding misuse have often been interpreted as evidence of widespread abuse of the law despite the absence of comprehensive empirical data. Research based on National Crime Records Bureau (NCRB) statistics suggests that acquittal or case closure does not necessarily indicate that the complaint was false, as criminal trials may fail because of insufficient evidence, hostile witnesses, compromise, or procedural deficiencies.

The Law Commission of India has consistently emphasized the need to retain effective legal protection for women while ensuring procedural fairness. Judicial decisions such as *Arnesh Kumar v. State of Bihar* (2014) introduced safeguards against automatic arrests in cases relating to cruelty by husband or relatives, whereas subsequent judgments have attempted to balance victim protection with the rights of the accused.

Women's rights scholars argue that the narrative of misuse often overshadows the reality of under-reporting, delayed reporting, and withdrawal of complaints due to social pressure. Sociological research indicates that many victims continue to tolerate violence because of financial dependence, family pressure, fear of social stigma, and concern for children. Consequently, the perception of widespread misuse may discourage genuine victims from approaching legal authorities.

Existing literature reveals that although isolated cases of false complaints exist, there is insufficient evidence to conclude that misuse is systematic or widespread. Most studies recommend strengthening investigation, ensuring fair trial procedures, improving victim support mechanisms, and promoting evidence-based policymaking rather than weakening women-centric legal protections.

4. Objectives of the Study

The objectives of the present study are:

1. To examine the constitutional and legal framework governing women-centric criminal laws in India.
2. To analyse the historical development and purpose of special criminal laws enacted for the protection of women.
3. To examine the judicial interpretation of the alleged misuse of women-centric criminal laws.
4. To evaluate whether the narrative of widespread misuse is supported by empirical evidence.
5. To analyse National Crime Records Bureau (NCRB) data relating to registration, investigation, conviction, and acquittal of cases involving women-centric offences.
6. To examine the impact of the misuse narrative on access to justice for genuine women victims.
7. To study important judicial precedents concerning procedural safeguards against misuse.
8. To evaluate the balance between protecting victims' rights and safeguarding the rights of the accused.
9. To identify the challenges in investigation, prosecution, and implementation of women-centric criminal laws.
10. To suggest legal and policy reforms that strengthen gender justice while preventing malicious prosecution and ensuring procedural fairness.

5. Research Methodology

The present study adopts a **doctrinal and analytical research methodology** based primarily on secondary sources, including constitutional provisions, statutes, judicial decisions, Law Commission Reports, NCRB statistics, government publications, books, and peer-reviewed journal articles. It examines key women-centric criminal laws, relevant Supreme Court and High Court judgments, and empirical data to assess the extent of alleged misuse. The study is descriptive and analytical in nature, aiming to evaluate whether the misuse narrative is supported by legal and empirical evidence and to suggest reforms that ensure gender justice while safeguarding the rights of both victims and the accused.

6. Research Problem

Women-centric criminal laws in India were enacted to protect women from domestic violence, cruelty, sexual offences, and other forms of gender-based violence. However, these laws are frequently criticized for their alleged misuse through false or malicious complaints. Judicial observations in certain cases have strengthened this perception, while empirical studies and NCRB statistics indicate that many genuine cases remain under-reported or fail due to lack of evidence rather than falsity. This creates a significant legal question as to whether the narrative of widespread misuse is supported by evidence or whether it has become a legal myth that undermines the objective of gender justice.

7. Hypotheses

H1: The perception of widespread misuse of women-centric criminal laws is not fully supported by NCRB statistics and judicial evidence.

H2: Judicial safeguards can prevent misuse without diluting the legal protection available to genuine women victims.

H3: Acquittal or closure of criminal cases does not necessarily establish that the complaint was false or malicious.

H4: A balanced legal approach is essential to protect both women's rights and the constitutional rights of the accused.

8. Analysis and Interpretation

The analysis of judicial decisions and NCRB data indicates that the allegation of widespread misuse of women-centric criminal laws is often overstated. Courts have acknowledged that false complaints may occur in exceptional cases; however, they have never held that such misuse is the general rule. Instead, the judiciary has emphasized the need to balance the rights of victims and accused persons through procedural safeguards.

The Supreme Court in *Arnesh Kumar v. State of Bihar* (2014) introduced guidelines against automatic arrests in matrimonial offences, thereby protecting personal liberty while retaining the effectiveness of the law. Similarly, subsequent judgments have cautioned against unnecessary arrests without questioning the constitutional validity or necessity of women-centric legislation.

NCRB statistics reveal that a large number of criminal cases end in acquittal or closure. However, acquittal cannot automatically be treated as proof of a false complaint. Criminal cases frequently fail because of inadequate investigation, lack of independent evidence, hostile witnesses, delayed

reporting, compromise between parties, or procedural deficiencies. Therefore, conviction rates alone cannot be used to measure misuse.

The study further finds that domestic violence, dowry harassment, and sexual offences remain significantly under-reported due to social stigma, fear of retaliation, economic dependence, and family pressure. Excessive focus on alleged misuse may discourage genuine victims from approaching the criminal justice system and weaken public confidence in legal protections.

The judicial approach demonstrates that procedural safeguards and fair investigation are more appropriate responses than weakening substantive legal protections. The available legal and empirical evidence therefore does not support the claim that misuse is so widespread as to justify dilution of women-centric criminal laws.

9. Conclusion

Women-centric criminal laws constitute a vital part of India's constitutional framework for ensuring equality, dignity, and justice for women. Enacted to address domestic violence, dowry-related cruelty, sexual offences, and other forms of gender-based violence, these laws seek to protect women from systemic discrimination and abuse. The constitutional guarantees under Articles 14, 15, and 21 provide the foundation for such protective legislation, recognizing the State's obligation to safeguard women's fundamental rights.

The present study demonstrates that although isolated instances of false or malicious complaints may occur, neither judicial precedents nor the available National Crime Records Bureau (NCRB) data support the conclusion that women-centric criminal laws are being misused on a widespread or systemic scale. Courts have consistently acknowledged the possibility of misuse while simultaneously affirming the necessity of these laws to protect genuine victims. Judicial safeguards, such as the guidelines against arbitrary arrest, reflect an attempt to balance the rights of the accused with the need to preserve effective legal remedies for women.

The study further highlights that acquittal or closure of criminal proceedings does not necessarily establish that a complaint was false, as many cases fail due to inadequate investigation, lack of evidence, hostile witnesses, delays in trial, or social and economic pressures on victims. Therefore, the narrative of widespread misuse should not become a basis for weakening statutory protections or discouraging women from seeking legal assistance.

A balanced approach is essential for achieving gender justice. Rather than diluting women-centric criminal laws, legal reforms should focus on improving investigation, ensuring fair and speedy

trials, enhancing police accountability, and providing effective victim support services. Such an approach would uphold constitutional values, protect innocent persons from malicious prosecution, and ensure that genuine victims continue to receive meaningful access to justice.

10. Findings

1. Constitutional validity of women-centric criminal laws is well established.
2. NCRB data does not prove widespread misuse of these laws.
3. Judicial decisions recognise misuse only in exceptional cases.
4. Acquittal does not necessarily indicate a false complaint.
5. Under-reporting of crimes against women continues to be a major concern.
6. Social stigma and economic dependence discourage victims from reporting offences.
7. Media often amplifies the narrative of misuse without sufficient empirical support.
8. Judicial safeguards have reduced arbitrary arrests while preserving legal protection.
9. Courts seek to balance the rights of victims and the accused.
10. Weak investigation and procedural delays adversely affect conviction rates.
11. Low conviction rates cannot be treated as evidence of misuse.
12. Women-centric laws continue to play an important deterrent and protective role.
13. Excessive focus on misuse may discourage genuine victims from seeking justice.
14. Law reform should be based on empirical evidence rather than public perception.
15. Strengthening investigation, due process, and victim support is preferable to diluting women-centric criminal laws.

11. Suggestions

1. Strengthen scientific and impartial investigation in women-centric criminal cases.
2. Ensure strict compliance with the arrest guidelines laid down in *Arnesh Kumar v. State of Bihar*.
3. Improve police training on gender-sensitive investigation and evidence collection.
4. Establish specialised investigation units for crimes against women.
5. Promote mediation only in legally permissible matrimonial disputes without compromising victims' safety.
6. Ensure speedy investigation and disposal of cases through fast-track courts.
7. Enhance legal aid and counselling services for victims.
8. Increase awareness regarding legal rights and available remedies.

9. Develop standard operating procedures for investigating complaints of domestic violence and cruelty.
10. Introduce periodic judicial and police training on balancing victim protection with due process.
11. Strengthen witness protection and victim support mechanisms.
12. Encourage evidence-based policy making using NCRB statistics and empirical research.
13. Impose appropriate penalties for proven malicious or intentionally false complaints after due judicial determination.
14. Conduct regular review of women-centric criminal laws to improve implementation without diluting substantive protections.
15. Promote constitutional values of equality, fairness, and dignity while ensuring that both genuine victims and innocent accused receive equal protection under the law.

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