

Balancing Rights and Responsibilities: Misuse of Women-Centric Laws in India

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Abstract

Women-centric laws in India, such as Section 498A of the Indian Penal Code, the Protection of Women from Domestic Violence Act (PWDVA), the Dowry Prohibition Act, and the Sexual Harassment of Women at Workplace Act, have been pivotal in addressing gender-based injustices and empowering women in a patriarchal society. These laws were created to safeguard women from domestic violence, dowry harassment, sexual harassment, and other forms of abuse. However, the misuse of these laws has emerged as a significant concern.

Instances of false dowry harassment cases under Section 498A are a prominent example, where baseless allegations have been used to harass spouses or in-laws, often for financial gains or personal vendettas. Similarly, the misuse of the PWDVA has led to fabricated accusations of physical or psychological abuse to gain leverage in divorce or custody disputes. False rape allegations, though rare, have also been reported, causing irreparable harm to the accused's reputation, career, and mental health. Moreover, anti-dowry laws, including the Dowry Prohibition Act and Section 304B of the Indian Penal Code (dowry death), have been weaponized to settle personal scores.

The misuse of the Sexual Harassment of Women at Workplace Act has also drawn attention, where unfounded accusations have tarnished careers and reputations of coworkers or superiors. While these instances do not represent the majority, they highlight the potential for legal exploitation, eroding public trust in the justice system and diminishing the plight of genuine victims.

To address this issue, there is a need for balanced legal reforms. The inclusion of gender-neutral laws, stricter penalties for filing false complaints, and better mechanisms for preliminary investigation can deter misuse without diluting the protections for women. A more equitable framework can ensure justice for all, maintaining the integrity of these critical laws while upholding their original intent to safeguard women's rights.

Keywords: Women-centric laws, Cruelty, Rape, Dowry, False cases, Gender-neutral laws

Sociological and Psychological Theories

Sociological literature survey highlights four dominant theoretical perspectives on the genesis of crime, namely, biosocial theories which situate the criminal tendencies in biological traits in interaction with environmental factors predisposing individuals to crime. Sociological theories that focus on how social environment intersects with individual personality factors. In addition to the biological and sociological theories, psychological perspectives account for violence through micro-level intra-individual factors, lastly, Gender Studies explain causes of violence against women in the context of patriarchal social structures, cycle of violence, and hegemonic masculinities.

Biosocial: Biosocial theories are a contemporary development of earlier biological theories. The earlier biological theories ascribed certain biological/ physical traits with propensity to crime. The contemporary biosocial theories go beyond the crude biological determinism by talking of an interplay between biological traits and social environment. In contrast to earlier theories, contemporary biosocial theories argue that adolescent thought and behaviour have both biological and social bases. Such theories suggest that the interface between a person's inborn characteristics and those found in his/ her social environment is extremely important in determining the likelihood that a deviant mode of conduct will emerge. For example, Eysenck genetic theory of personality proposed that the nature of an individual's biology is a determinant of his/ her personality make-up, but the actual way in which the crime is carried out is subject to the studies of everyday life. Despite their apparent move away from strict biological determinism, such theories still seem to hold a strong deterministic implication, as they may imply that conducive social environment for crime only pushes those who are already biologically programmed for it. The biological theories do not necessarily explain the precipitating factors of crime but only the predisposition to it. Although these theories offer the possibility of quick fix solutions to crime through early identification of potential criminal behaviour, the exact modalities of this can be accomplished is not validated empirically through rigorous scientific studies, Furthermore, this perspective also contests the dominant human rights perspective in the area of contemporary criminal justice. Their underlying assumptions may in turn lead to regressive policing practices and reform measures, and may have long term discriminatory influence.

Sociological: Sociological theories of crime seek to explicate the occurrence of crime and the development of the criminal personality in terms of factors such as urbanization, social disorganization, deviant subcultures, anomie and labelling. In the 1940s, the Chicago School pioneered work in urban sociology showing how social environment intersected with individual personality factors in the genesis of social problems. Within sociological theories, factors such as social relations, community conditions and level of violence, poverty and racial disparity are seen as causing major impact. A few of the most prominent strands in

such sociological explanations are in the form of social disorganization theory, social reaction theory and strain theory.

Feminist and Gender-Based Studies Feminist theorizations about delinquency often argue that men are more prone to delinquency in patriarchal social set-ups, though various strands of feminism differ in the specific reasons they attribute far greater probability of male delinquency in contemporary situations. Liberal feminists hold the view that the low rate of female delinquency in comparison to male delinquency is due to the fact that their social opportunities provide fewer opportunities to commit crimes, and as and when the roles of women would become more similar to that of men, male and female crime patterns would also converge. Critical feminists argue that criminality is an effect of power, which under capitalist patriarchy, is manifested through a mix of 'misguided masculinity' ¹ failure of some men to function well within the parameters of capitalist societies. Those men who cannot do well in life are prone to crime in such circumstances. Women are inherently powerless in such societies. The critical feminists also develop a 'power-control' theory, according to which class/ parental role division influences delinquency by controlling the quality of family life. While in typical paternalistic families with male bread-winners daughters are prepared for 'domesticity' leading to less possibility of engagement in delinquent behaviour in comparison to sons in the same family who are granted greater freedom of choice and movement especially outside the home. In egalitarian families where husbands and wives share similar roles and positions at work and home, and also in families with absent fathers, the probability of delinquency of sons and daughters are similar.

Feminist theories have tried to explain causes of violence against women in the context of patriarchal social structures. Dobash were the first to suggest that the fundamental causes of violence against wives are to be found in "a patriarchal society". The "cycle of violence" theory, which emerged from the research conducted by Lenore Walker (1979) on battered wives, is based on the premise that women are not constantly being abused, and that their willingness to remain in an abusive relationship is related to cyclical fluctuations between periods of abuse and relatively peaceful coexistence. It is thought that the interchange between caring and abuse keeps the abused wife from leaving the relationship and the abuser from changing his behaviour. Another way of bringing violence against women and girls into focus is through an examination of masculinities. Such theories suggest that men are socialised to be violent, and at times are forced to resort to violence. An idealized construction or dominant model of what a man should be like operates in most societies, and some shared characteristics of such dominant masculinities around the world describe men as strong, the breadwinner, attractive, the protector and leader, the decision-maker². Such ideals often place men in a superior position to women and legitimize violent actions by men.

¹ Messerschmidt discussed in Siegel and Welsh, 2010

² Connell, 1995; Connell and Messerschmidt, 2005

Power and socialisation within patriarchal society emerge as the key variables in feminist and gender-based perspectives on crimes against women. As with the case of sociological perspectives, change can only happen longitudinally but unlike purely sociological and psychological perspectives, they provide leads on instilling behavioural change particularly in boys and young men in viewing girls and women as equals rather than as subordinates. Consequently, they can offer recommendations for modifying school curriculum to be more gender-just and family counselling to reduce the stranglehold of patriarchy and hence change the gender dynamics within the domestic space from the very onset of socialisation.

Perpetrators of Gender-Based Crimes in India.

In Indian society many myths around consent are part of the rape culture. Some acts of gender based violence are normalized in the culture, tradition, religion, patriarchal structures as well as the unequal power relations between women and men in a particular society. Most of this violence takes place within the four walls of the family and is committed by intimate partners. The family which is supposed to be the place where an individual seeks comfort and protection from the outside world, has become 'the cradle of violence'. Due to the social stigma and shame, a woman maintains complete silence over it which makes the matters worse.

Long-term structural changes in the societal and legal systems that challenge the community norms on violence and holding perpetrators accountable are the only way to prevent this problem. Law is one way through which such changes can be brought forth. Prevention of rape is a legal matter rather than a cultural artefact. Definitions of rape and obligation of police to register a case on receipt of a complaint from the victim are based on norms and values of modern Indians who are urbanized and educated. These norms and values are not shared by people living in rural areas and by those who are uneducated and attached to traditional practices and values, wherein rights of individuals, particularly women and girls, are different from what is envisaged in the legal system adopted by modern India.

Perspectives of Perpetrators of Crimes against women .

While multiple social cultural and economic factors play an important role in crimes against women, ultimately it is issues of power, aggression and control that underlie such acts. Patriarchal viewpoints configured the narratives of the boys and men interviewed in the study; and the dominant trope seems to be the allurements by the woman, lack of control over impulsive sexual acts and being a perpetrator said that they were falsely 'framed' by the woman or her family or were the victims of their own sexual impulses. Most juvenile offenders talked about the sexual relationship being consensual in nature including elopement and the girl's family having them charged for kidnapping, abduction and rape with the help of police. Rukmini Srinivasan has explored this issue in detail in her series of newspaper articles in the Times of India and our research corroborates her observations as far as teenage sexuality in urban areas like Delhi is concerned. Young people are sexually active from all social strata. It is just that those belonging to the lower classes, many of whom are migrants who come to the city for better economic opportunities, do not have the

economic resources and social capital to avoid or escape from the criminal justice system. That is why prisons and observation homes are largely populated by the poor and migrant groups. It does not mean that the rich and affluent are not involved in sexual crimes.

Even in the case of adult offenders, it was the woman and her family who was in some way involved in their plight. Even in the case of admission of guilt, the perpetrator framed his narrative as victim driven to or in some way implicated in the act without actually committing it as a volitional act for which sole he was responsible. From this different and not so different ways in which offenders articulated the circumstances which brought them in contact with the law, the subtext of sexuality is prominent. Men are confused about how to handle their sexual urges because the unquestioned privileges of masculinity of yore are being challenged today by discourses of gender equality, women's greater presence in the public sphere and a certain equation between modernity and sexual autonomy largely propagated in the media.

At the same traditional values of chastity, family honour and women's subordination are very much part of everyday life particularly of the marginalized groups. This creates great confusion and anomie for boys and men as they are given mixed messages. And we as a society have not yet found the means to respond to these contradictory challenges.

Gender sensitisation of Perpetrators in Penal Institutions

One way to resocialise perpetrators into the changing gender norms of society is through conducting gender sensitisation workshops with outside experts as part of the reform programme in penal institutions. Gender rights experts and psychologists either singly or in combination could be brought in to conduct such workshops. But before undertaking this work, the experts also need to be oriented to the criminal justice system in general and the case histories of the workshop participants. This plan would raise ethical concerns of confidentiality and informed consent particularly in the case of juvenile offenders which need to be resolved before conducting the actual workshops.

INSTANCES OF ABUSE OF WOMEN-CENTRIC LAWS :

The following are a few instances and illustrations of how women-centric legislation are abused in India:

Cases of False Dowry: The Indian Penal Code's Section 498A, which deals with false dowry cases, is one of the most cited examples of abuse. This provision aims to protect married women from harassment and abuse related to dowries. Women and their families have occasionally manufactured up instances to harass their spouses and in-laws or to get money from them. The National Crime Records Bureau (NCRB) reports that many Section 498A dowry accusations are baseless or fraudulent.

Domestic Violence Misuse of Act: The Protection of Women from Domestic Abuse Act (PWDVA) is a major piece of legislation to combat domestic violence. But there have also been cases where women have misused the court system to make up accusations against

their in-laws or partners. Creating false allegations of physical or psychological abuse, attempting to obtain financial gain, or gaining an advantage in custody and divorce cases are a few instances.

False Rape Allegations: Although it is critical to support and shield victims of sexual assault, there have also been instances of unfounded rape claims. False accusations have the power to ruin a person's life, career, and reputation. There have occasionally been instances of false accusations being filed to further personal grievances, extortion schemes, or to gain an edge in legal proceedings. Other anti-dowry laws, like the Dowry Prohibition Act and Section 304B of the Indian Penal Code (dowry death), have also been misused in addition to Section 498A, in the past. False allegations of dowry demand, harassment, or dowry killings have been made to settle personal scores or obtain the upper hand in marital disputes.

Sexual harassment laws misused: The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act seeks to provide a safe environment for women to work in. But there have been instances where women have misused this regulation by accusing bosses or coworkers based on false information, damaging their reputations and careers.³

LANDMARK CASES

It is crucial to remember that, while there are cases of abuse, they are insignificant in comparison to the general goal and success of these laws in defending women's rights. A few instances that have drawn notice are as follows:

Bhajan Lal v. State of Haryana (1992)⁴ : When talking about the abuse of Indian Penal Code (IPC) Section 498A, which addresses cruelty toward married women, this case is frequently brought up. To prevent abuse of this clause, the Supreme Court of India issued instructions and underlined the importance of distinguishing between real situations and fake or exaggerated ones.

Manav Adhikar v. Union of India Social Action Forum (2018)⁵ :The Supreme Court acknowledged the abuse of Section 498A in this case and observed that it was frequently being used as a tool for harassment. To avoid making arbitrary arrests, the court ordered the police to adhere to the directives given in the previously stated Bhajan Lal case.

State of Bihar v. Arnesh Kumar (2014)⁶ : This case involved the abuse of Section 498A and brought attention to the problem of accusers being detained and arrested without adequate research or proof. According to the Supreme Court, arrests in these kinds of situations ought to be made only following a careful investigation and with sufficient justification.

³ file:///C:/Users/sanah/OneDrive/Desktop/AANCHAL%20GUPTA.pdf

⁴ Bhajan Lal v. State of Haryana, 1992 AIR 604, 1990 SCR Supply (3) 259

⁵ Manav Adhikar v. Union of India Social Action Forum (2018) Lrs.: (1989). 2 SCC 754

⁶ State of Bihar v. Arnesh Kumar (2014) AIR 2014 SC 2756

Union of India v. Independent Thought (2017)⁷. The misuse of the Protection of Children from Sexual Offences (POCSO) Act was the focus of this case. The Supreme Court ruled that consenting to sex with a juvenile where both parties were intimate age, ought not to be regarded as crimes under the statute.

Law Commission of India in its 237th report on 'Compounding of IPC offences' highly recommended that Section 498A, Indian Penal Code, 1860 should be made compoundable with permission of Court. This is not the first time; the same recommendation was by Law Commission on its 154th report on 1996 and 177th report on 2001 respectively. Apart from the Law Commission, Justice Malimath Committee's report on 'Reform of Criminal justice System' had also suggested to bring Section 498A under purview of compoundable offence. There was a constant demand for the flexibility of this provision from Apex Court's in numerous cases. In **Preeti Gupta v. State of Jharkhand**⁸, wherein complainant filed complaint before Chief Judicial Magistrate, Ranchi under Sections 498-A, 406, 341, 323 and 120-B, Indian Penal Code read with sections 3 and 4 of the Dowry Prohibition Act against all the immediate relations of her husband like father-in-law, husband, mother-in-law, unmarried brother-in-law and Preeti married sister-in-law. Since the Appellants never lived with complainant, Apex Court came to conclusion that their implication in the complaint is meant to harass and humiliate the husband's relatives.

Supreme Court while dealing with Writ Petition pertaining to the Constitutional Validity of Section 498A expounded that, "A serious re-look of entire section 498A of Indian Penal Code is needed. Merely because the provision was constitutional and intra vires, did not give a license to unscrupulous persons to wreck personal vendetta or unleash harassment. It has been very properly discussed that how sister-in laws become victim of section 498A without having any nexus with cruelty. Not only that but there are many practical examples where 498A was charged against remote relatives, friends, match makers or even priest also". The rapid increase of matrimonial litigations according to Supreme Court demonstrates the discontent and unrest in family life of a large number of people of the Society. Even false charge of cruelty under the Criminal Law has become a ground of cruelty for the matrimonial relief. False cases of bigamy against the Husband or under the Dowry Prohibition Act, 1961 as well as the Indian Penal Code are also amount to cruelty as decided by the various High Courts. Apex Court expounded that the object was to strike at roots of the dowry menace. But by misuse of the provision a new legal terrorism can be unleashed.

MAINTENANCE OF THE WIFE BY THE HUSBAND

As per the Code of Criminal Procedure, 1973, Section 125, an individual is obligated to provide support to their spouse, children, and parents who are unable of providing for

⁷ Union of India v. Independent Thought (2017) 10 SCC 800

⁸ 2010 CRI. L. J. 4303, 2010 (7) SCC 667 2010 (8)

themselves. Even if the wife works, her pay is not enough to support her, thus her husband must fulfil her needs.⁹

Section 37 of the Special Marriage Act states that following a divorce, the husband must provide for his wife out of his property until her circumstances change, like being married again or becoming immoral.¹⁰The Hindu Adoption and Maintenance Act, Section 18, states that a Hindu wife is entitled to lifetime maintenance from her husband.¹¹

In accordance with Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986, a divorced Muslim woman has a right to support from her ex-husband throughout the iddat period.¹²

Section 37 of the Divorce Act of 1869 states that the husband must support his wife for the rest of her life if a decree of divorce or judicial separation is granted. No mention is made of a husband being supported by his wife in any of the laws that have already been discussed that require a wife to be supported by her husband. The regulations do not specifically state this obligation, although there may be situations in which the husband also needs upkeep. A woman is assisted by family law in terms of divorce and maintenance. If the husband is unable to provide for his wife, a recovery warrant may be issued against him in accordance with Section 125 of the Criminal Procedure Code. Even though if the wife is granted custody of the children, it is preferable, at least for those under five. In adoption circumstances, a single guy is also prohibited from adopting a female child. All these laws have shortcomings that have a serious adverse effect on men.

Gender-Neutral Rape Laws in India: Limitations of the BNS.

Section 375 of the Indian Penal Code ('IPC') defined rape and specified that a perpetrator can only be a man and the victim a woman, clearly indicating a gender-specific law. This legislative stance does not acknowledge male victims of sexual violence nor does it cater to the LGBTQIA+ community. Even the only gender-neutral rape law in Section 377 trivialised and downplayed the gravity of the offence by relegating it to sodomy. Moreover, it failed to account for other forms of sexual offences like rape, voyeurism and stalking. Furthermore, in these instances, Section 377 places the burden of proof on the victim rather than the accused. In contrast, under Section 375, it is the responsibility of the accused to prove consent.

While the IPC has historically been gender-specific in its definitions and protections, there has been a growing movement towards gender neutrality in legislation. The Bharatiya Nyaya Sanhita ('BNS'), aimed to address some of these issues by proposing gender-neutral language in many of its provisions. However, as it stands, the bill has not extended victim rights to men or the LGBTQIA+ community. Instead, there is concern that

⁹ Code of Criminal Procedure, 1973, § 125, Acts of Parliament, 1973 (India)

¹⁰ Special Marriage Act, 1954, § 37, Acts of Parliament, 1954 (India)

¹¹ Hindu Adoption and Maintenance Act, 1956, § 18, Act No. 78 of 1956

¹² Muslim Women (Protection of Rights on Divorce) Act, 1986, § 3, Act No. 25 of 1986 Divorce Act, 1869, § 37, Act No. 4 of 1869

the removal of Section 377 could leave the community without recourse for sexual offences under the Indian penal system. The initial iteration of the bill faced widespread criticism leading to it being withdrawn and reintroduced after recommended changes. One of these was keeping Section 377, hence offering some respite to male and LGBTQIA+ victims of sexual assault.

Men and individuals from the LGBTQIA+ community do experience sexual violence and by not providing legal recourse or acknowledging such instances through the language of the law, a significant proportion of the population is left vulnerable and without proper legal recourse. This lack of recognition in the legal framework can lead to continued stigma and an under-reporting of such crimes, as victims may feel that the legal system does not validate their experiences. Legally recognising survivors of all genders will challenge the problematic notion that only women get raped. Male and LGBTQ survivors often lack voice and recourse. Gender-neutral laws will be inclusive of diverse sexual violence experiences that the law has ignored for a long time. It will provide validation and visibility to marginalised victims. Irrespective of gender identity, rape and sexual assault are violations of a person's bodily autonomy and dignity. The law must prioritise equal protection for survivors across the gender spectrum. Gender-neutral provisions can enable easier reporting of sexual crimes for male, trans and non-binary victims who often fear stigma. It will build their trust in getting justice. Progressive gender-neutral legislation will shift societal attitudes and perceptions over time. It will foster an understanding that sexual violence has no gender bias and can impact anyone.

There is a tendency in society to dismiss or ridicule male sexual victimisation due to stereotypes that men cannot be overpowered or that experiencing rape makes them weak or less masculine. Such flawed attitudes deter male survivors from reporting rape. They fear shame, disbelief or humiliation if they come forward. Gender-neutral laws can help remove this barrier. Gender neutrality in law will acknowledge that sexual violence is not inherently gendered and can affect anyone. This can catalyse change by acting as a powerful lever to transform societal perceptions.

More male survivors may be encouraged to report and seek justice if they know the law recognises them equally as victims without judgement. Thus, with more male cases reported, public awareness and understanding of male sexual victimisation will increase, creating a more supportive environment. The possibility of legal recourse will embolden more male victims to come forward as they no longer need to suffer in silence due to flawed patriarchal societal notions of manhood. The current and proposed laws both overlook male and LGBTQIA+ victims, denying them legal recourse to even register cases of sexual violence. This enables impunity for perpetrators. Moreover, when the law does not recognise certain categories of survivors, it renders their trauma and experiences invisible. It implies they are unimportant and undeserving of justice.

THE STRUGGLE FOR GENDER-NEUTRAL RAPE LAWS

Arguments for a gender-neutral rape law can be traced back to 1996 in the case of

Sudesh Jhaku v K.C. Jhaku¹³ where Justice Jaspal Singh of the Delhi High Court said-

“Men who are sexually assaulted should have the same protection as female victims, and women who sexually assault men or other women should be as liable for conviction as conventional rapists. Considering rape as a sexual assault rather than as a special crime against women might do much to place rape law in a healthier perspective and to reduce the mythical elements that have tended to make rape laws a means of reinforcing the status of women as sexual possessions.”

This was the first notable case where there was a call for the offence of rape to be redefined in gender-neutral terms. The court also went on to note that such change could not be brought through judicial intervention but legislative change. ***Sakshi v Union of India***¹⁴ also advocated for gender-neutral rape laws which ultimately led to the 172nd Report of the Law Commission of India which recommended the substitution of ‘rape’ for a completely gender-neutral offence of ‘sexual assault’. This culminated in the Criminal Law (Amendment) Bill, 2012 which proposed a completely gender-neutral definition of rape. The Nirbhaya rape case however threw this for a loop leading to the establishment of the Justice Verma Committee (The Committee). The Committee then went on to recommend that the rape victim be made gender-neutral, but not the perpetrator. It advocated that the perpetrator would be assumed to be male except in cases of custodial rape or rape in the context of a clear power-differentiated situation. These exceptional cases were defined as women in authority or with custody over others who could be accused of sexual assault or rape.

Key Judicial Rulings Supporting Men in False Accusation

Cases Indian courts have dealt extensively with improper usage of the laws such as Section 498A and 306 IPC. Some landmark rulings have not only provided relief to harassed spouses who were wrongfully accused, but they have also established significant precedents for similar instances in the future. In ***Sushil Kumar Sharma v. Union of India***¹⁵, decided in 2005, the Supreme Court recognized the misuse of Section 498A and demanded protections against baseless charges. Another notable case in which the Supreme Court ordered the cessation of arbitrary arrests under Section 498A was ***Arnesh Kumar v. State of Bihar***¹⁶(2014). Before acting, the magistrates and police officers had to thoroughly examine the complaints. These guidelines have significantly curtailed the misuse of this provision, although some issues still persist. Additionally, the High Courts have rendered a number of decisions in support of wives who are the targets of false claims. The Bombay High Court, for

¹³1998CRILJ2428, 62(1996)DLT563, 1996(38)DRJ22

¹⁴ Writ Petition (Crl) No33, 1997, with SLP (Crl) Nos 1672-1673, 2000;

¹⁵ AIR 2005 SUPREME COURT 3100, 2005 (6) SCC 281

¹⁶ (2014)8 SCC 273

instance, emphasized the necessity for legislative reform in **Preeti Gupta v. State of Jharkhand**¹⁷(2010) to address the misuse of Section 498A, highlighting the psychological pain suffered by families falsely accused of dowry harassment without adequate evidence. The Supreme Court provided some extra guidelines in **Rajesh Sharma v. State of Uttar Pradesh**¹⁸ (2017) to help stop Section 498A from being misused. It recommended formation of family welfare committees to make a preliminary analysis of the complaints before the courts admit them. This would also give an impartial assessment to the allegations made, hence the chances of false cases reaching the court would become very low. In such cases, the courts strive hard to ensure equal justice for both parties, and more can be done by the judiciary to ensure the rights of all parties concerned are preserved without compromising the law's integrity. More to that, these judgments imply more than individual cases. It sets precedents for later litigations and the judiciary's intent to ensure justice in a manner that would not compromise before social or political pressures.¹⁹

Conclusion

While women-centric laws in India have been instrumental in safeguarding women's rights and addressing injustices, their misuse cannot be ignored. False allegations under provisions like Section 498A, the Domestic Violence Act, and sexual harassment laws undermine the credibility of genuine cases, leading to legal complications and societal mistrust. Recognizing these instances of abuse calls for stricter procedural safeguards to prevent harassment of innocent individuals while ensuring justice for victims.

Furthermore, the absence of gender-neutral rape laws highlights the need for legislative reforms to acknowledge and protect male and LGBTQIA+ victims of sexual violence. Incorporating gender-neutral provisions can dismantle stereotypes, reduce stigma, and ensure that the legal system upholds the principle of equality for all individuals, irrespective of gender identity.

Balancing the effective implementation of women-centric laws with safeguards against their misuse and advancing inclusivity through gender-neutral legislation will strengthen India's commitment to justice and equity in its legal framework.

¹⁷ [2010] INSC 632 (13 August 2010)

¹⁸ (2017) 3 SCC 821

¹⁹ <https://www.lawyersclubindia.com/articles/the-subhash-atul-suicide-case-a-legal-and-social-analysis--17269.asp>