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NEED FOR PROCEDURAL SAFEGUARDS AGAINST MISUSE OF GENDER PROTECTION LAWS IN INDIA

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ABSTRACT

Gender protection laws in India were enacted with the objective to safeguard women from discrimination, violence, and harassment in a patriarchal society. Indian laws such as section 498A of IPC, The Dowry Prohibition Act, and the Protection of Women from Domestic Violence Act play an important role in protecting women's rights and ensuring gender justice. However, over the decades, concerns have emerged regarding misuse of these laws in certain cases for harassment, personal vendetta, or extortion. This research paper examines the need for effective procedural safeguards to prevent the abuse of gender protection laws while preserving their protective essence. Through an analysis of statutory provisions, judicial decision, empirical data, and comparative perspectives, the paper argues that a balanced approach incorporating procedural checks, accountability mechanisms, and judicial oversight is essential to ensure that the pursuit of gender justice does not become a tool for injustice.

India's legal framework for gender protection has developed since independence with the constitutional values of equality and non-discrimination enshrined in Articles 14, 15, and 21 of the Constitution of India.¹ Laws such as Section 498A of the Indian Penal Code, 1860,⁴ the Dowry Prohibition Act, 1961,³ and the Protection of Women from Domestic Violence Act, 2005,⁵ were enacted to protect women from violence,



harassment, and discrimination in a patriarchal society. While these laws provided relief to many victims and protected them, concerns gradually emerged regarding their misuse.

The Supreme Court of India has observed in several cases that Section 498A IPC is sometimes misused for personal revenge, harassment of innocent persons, and financial gain.²² As per National Crime Records Bureau (NCRB) data, acquittal rates in cases filed under these provisions have remained significantly high over the years.⁸ This raises concerns regarding possible abuse of legal provisions and wrongful prosecutions. The situation presents a critical challenge for lawmakers and the judiciary: ensuring effective protection for genuine victims while preventing the weaponization of law against innocent persons. This research paper examines the need for procedural safeguards and judicial oversight to maintain a balance between gender justice and fairness in the administration of law.

EVALUATION OF GENDER PROTECTION LAWS IN INDIA

The evaluation of gender protection laws in India is closely connected to the historical discrimination and systemic violence faced by women. In traditional Indian society, women often occupied subordinate positions within the family, with limited rights relating to inheritance, property, and personal autonomy.² The social practices of dowry, child marriage, sati, and domestic violence created the need for legal measures to protect women's fundamental rights and dignity.

The Dowry Prohibition Act, 1961,³ was among the earliest legislative attempts to curb the dowry system and crimes associated with it. Numerous incidents of harassment, violence, and dowry deaths highlighted the inadequacy of civil remedies during the 1970s and 1980s.¹²

As a result, Parliament introduced Section 498A of the Indian Penal Code in 1983,¹³ criminalizing cruelty by a husband or his relatives toward a married woman, particularly in relation to dowry demands. This provision recognized both physical and mental harassment as cruelty.¹⁴ Under this provision, offences were made cognizable and non-bailable to ensure effective protection for victims. Similarly, Section 304B IPC was introduced to address dowry deaths.¹⁶ If a married woman dies under unnatural circumstances within seven years of marriage, the law creates a presumption against the husband and his family.

Furthermore, to address domestic violence, Parliament enacted the Protection of Women from Domestic Violence Act on 13 September 2005, which came into force on 26 October 2006.¹⁷ The legislation strengthened legal protection by providing comprehensive civil remedies, including protection orders, residence orders, and monetary relief for victims of domestic violence.

These legislative measures not only protect women's rights and provide legal protection from gender-based violence, but also represent progress toward equality and social justice. However, over time, implementation of these laws has raised concerns regarding potential misuse and the need for procedural reforms to safeguard innocent persons from wrongful prosecution.

THE PROBLEM OF MISUSE: EMPIRICAL EVIDENCE AND JUDICIAL RECOGNITION

The misuse of gender protection laws, under Section 498A IPC, has been subjected to judicial observations, academic debates and empirical data. Various reports and statistics over the years indicated many incidents of systematic abuse of these provisions in certain cases.³⁰

STATISTICAL EVIDENCE

National Crime Records Bureau data (NCRB) highlighted compelling evidence of the gap between accusations and convictions under Section 498A. In 2012, approximately 1,97,762 persons were arrested under this provision, yet merely 15% convicted.¹⁸ Over the year the conviction rates dropped to as low as 12.2% in 2016.¹⁹ A 2025 analysis of cases in Delhi revealed a conviction rate of just 0.2%, while the pending case rates exceeded 92% nationally.²⁰

These statistics of conviction particularly in offences related to 498A is lower when compared to other IPC offences, which is around 38-42% during comparable periods.²¹ The extremely low conviction rates in dowry-related cases suggest the possibility of misuse of laws through false or exaggerated complaints; however conviction rates alone do not establish conclusive misuse but certainly raise concern regarding the possibility of abuse of legal provisions.



Judicial Recognition of misuse of the laws:

The Supreme Court of India has also expressed concern about misuse of Section 498A in several important judgments. In *Sushil Kumar Sharma v. Union of India* (2005), the Court observed that while the purpose of the provision is prevention of dowry harassment, over-implication of family members in complaints had also become a matter of serious concern.²² The Court noted that it had become common for complaints to name not only the husband but also elderly parents, sisters-in-law, distant relatives and even minors, often without any specific allegations against them individually.²³

In *Preeti Gupta v. State of Jharkhand* (2010), the Supreme Court specifically recognised the misuse of anti-dowry laws and called for more careful investigation before arresting accused persons.²⁴ The Court observed that in many cases the provision had been used as a tool to harass the husband and his entire family rather than address genuine grievances.²⁵

This judicial concern eventually led to the landmark judgment of *Arnesh Kumar v. State of Bihar* (2014), which laid down comprehensive guidelines to prevent arbitrary arrests under Section 498A.²⁶ The Court stressed that arrest should not be made automatically upon filing of a complaint and that police officers must independently satisfy themselves that arrest is actually necessary in the circumstances of each case.²⁷ The judgment tried to balance protection for genuine victims with safeguards against wrongful arrest and abuse of legal process.³²

Pattern of misusing these provision

Section 498A has often been misused in matrimonial disputes in India. One common pattern is that complaints name entire families including elderly parents, siblings and distant relatives without specific allegations against each person individually.²⁸ Courts have observed that such omnibus allegations show an intention to harass rather than seek genuine justice.²⁹ The complaints are also frequently filed alongside matrimonial disputes, custody battles or property disagreements.²⁹

As per National Crime Records Bureau (NCRB), 10,193 cases in 2011, 10,235 cases

in 2012, and 10,864 cases in 2013 registered under Section 498A were found to be false or based on mistake of fact or law after police investigation.¹⁸ Which also suggests that criminal complaints are sometimes used as bargaining tools rather than genuine grievances.³⁰ Cases have also been documented where multiple complaints are filed in different Courts, or complaints are filed years after the alleged incidents, often coinciding with other legal proceedings.³¹ There are also many incidents of complaints being withdrawn after financial settlement, which suggests the criminal process was initiated for financial gain rather than actual prosecution.³¹

Arnesh Kumar v. State of Bihar (2014)

Recognizing the widespread misuse of Section 498A and the resultant harassment of innocent persons, the Supreme Court in Arnesh Kumar v. State of Bihar (2014) issued comprehensive guidelines to regulate arrests in matrimonial disputes.³² This landmark judgment marked a watershed moment in balancing victim protection with safeguards against abuse of legal process.

Background of the Case

The petitioner Arnesh Kumar was accused under Section 498A by his wife of dowry harassment and cruelty.³³ He sought anticipatory bail, which was denied by the High Court of Patna, leading to his appeal before the Supreme Court. The Court took this opportunity to examine the broader issue of mechanical arrests in dowry cases and the need for procedural safeguards.³⁴

Guidelines of the Arnesh kumar Case

The Supreme Court made several important observations in the Arnesh Kumar judgment. The Court held that merely because an offence is cognizable and non-bailable does not mean there is an obligation to arrest.³⁴ Before arresting any accused the police must independently assess whether the conditions under Section 41 CrPC are satisfied and must record their reasons in writing.¹⁵ Arrest, the Court said, should be an exception and not the rule, particularly in cases where punishment does not exceed seven years.³⁵ The Court also stressed that unnecessary arrests directly violate personal liberty guaranteed under Article 21 of the Constitution.¹

The Court further directed that police must strictly comply with Section 41(1)(b)



CrPC,³⁸ under which arrest can only be made where the officer is satisfied that it is necessary to prevent the accused from committing further offences, to ensure proper investigation, to prevent tampering with evidence or influencing witnesses, or to secure the presence of the accused before the court. The reasons recorded by the arresting officer must also be forwarded to the Magistrate, who must independently examine whether the arrest was necessary and lawful – not simply accept the police recommendation.³⁹

In cases not involving heinous crimes, the Court directed that police must first issue a notice under Section 41A CrPC⁴⁰ requiring the accused to appear before the investigating officer, rather than making immediate arrest. Apart from this, Magistrates were also directed to apply their judicial mind and record reasons for authorising detention rather than mechanically remanding accused persons to custody.⁴¹ The Court also warned that police officers and Magistrates who do not follow these guidelines could face departmental action and contempt proceedings.⁴²

Impact and Implementation Challenges

The Arnesh Kumar guidelines have had a significant impact in curbing arbitrary arrests and protecting personal liberty. They have been reiterated and reinforced in subsequent judgments, establishing them as a cornerstone of India's criminal procedure jurisprudence.⁴³

However, implementation has been uneven across states and districts. Studies have revealed that many police stations lack awareness of these guidelines, and some officers continue to make mechanical arrests.⁴⁵ High Courts have had to intervene in several cases to enforce compliance, with some even holding police officers in contempt for violations.⁴⁶

The Rajesh Sharma Case: Family Welfare Committees and Their Withdrawal

In *Rajesh Sharma v. State of Uttar Pradesh* (2017), the Supreme Court initially attempted to create an additional safeguard by directing the constitution of Family Welfare Committees at the district level to scrutinize complaints under Section 498A before arrests were made.⁴⁷ The Court envisioned these committees as screening



mechanisms to filter out false or exaggerated complaints.⁴⁸

However, this approach proved problematic. In *Social Action Forum for Manav Adhikar v. Union of India* (2018), a larger bench of the Supreme Court set aside the directions regarding Family Welfare Committees, holding that courts cannot create extra-judicial bodies that interfere with statutory criminal procedure.⁴⁹ The Court clarified that the appropriate safeguard lies in strict adherence to the Arnesh Kumar guidelines rather than creating parallel screening mechanisms.⁵⁰

Suggestions for Reform:

While the Arnesh Kumar guidelines represent significant progress, scholars and legal experts have proposed additional procedural safeguards to prevent misuse while maintaining the protective character of gender laws.³⁰

Preliminary Inquiry Before Registration

One proposal suggests a mandatory preliminary inquiry before registering an FIR under Section 498A, particularly where allegations are vague or lack prima facie evidence.⁵¹ This would involve a brief investigation to establish a basic factual foundation before invoking the coercive machinery of criminal law. Critics argue that this could delay justice for genuine victims, while proponents contend that a balanced approach requiring inquiry within a fixed timeframe (such as 7-15 days) would prevent harassment without compromising victim protection.^{52 53}

Compoundability of Offences:

Currently, Section 498A is a non-compoundable offence, meaning that even if parties reconcile, the criminal proceedings must continue.⁵⁴ There have been proposals to make this offence compoundable with judicial oversight, allowing courts to permit withdrawal of complaints where genuine reconciliation has occurred. The Law Commission of India has suggested that compoundability with court permission could reduce litigation burden while respecting parties autonomy.⁵⁵

Opponents argue that compoundability could pressure women to compromise under family or social pressure.⁵⁷ A middle path could involve compoundability only after charges are framed and with stringent judicial scrutiny to ensure the woman's free

consent.⁵⁶ The principle of judicially supervised settlement has also received recognition in criminal jurisprudence.⁵⁸

Accountability for False Complaints

The need for such accountability is also supported by NCRB data. According to the NCRB Report 2020, around 1,11,549 cases were registered under Section 498A, out of which 5,520 cases were found to be false on final report and 16,151 cases were closed by police because they were either false, a mistake of fact, a civil dispute, or had insufficient evidence.¹⁸ Several experts have recommended that where complaints under Section 498A are found to be deliberately false or malicious after judicial determination, there should be some accountability for the complainant.⁵⁹ This could include a mandatory inquiry in cases resulting in acquittal due to false evidence, penalties for filing vexatious complaints, and compensation to victims of false complaints from those who misused the legal process.⁶⁰

However, critics fear that such measures could deter genuine victims from coming forward.⁶¹ Also the Law Commission of India in its 243rd Report did not recommend a specific penalty for false complaints, citing concerns that such penalties might deter genuine victims from coming forward.⁵¹ Instead it emphasised the state's obligation to provide legal and financial assistance to women.⁵⁵

Mandatory Legal Aid and Counselling

Providing mandatory legal aid and counselling at the initial stage could help parties understand the gravity of criminal complaints and Courts have also encouraged Alternative Dispute Resolution mechanisms and in-camera counselling before pursuing criminal action, and High Courts routinely refer cases to mediation centres before granting anticipatory bail.⁶⁴

Apart from this, the National Family Health Survey has revealed that over 40% of married women in India face various forms of domestic violence, and going by those numbers, not even 1% of married women facing domestic violence actually lodge complaints under Section 498A.⁹² This shows that the real problem of underreporting is far more serious than the problem of misuse in numerical terms.



Mandatory legal aid at the initial stage, along with proper counselling, could help genuine victims understand and pursue their remedies effectively, while also helping parties in cases arising from emotional disputes to explore alternative options.⁶³

Judicial Training and Sensitization

Comprehensive training programs for police, prosecutors, and magistrates on gender sensitivity, investigation techniques, and the proper application of procedural safeguards could improve implementation.^{65 66}

As per the Law Commission of India in its 243rd Report identified what it called a “triple problem” in implementation, police straightaway rushing to arrest the husband and family members named in the FIR, the tendency to implicate in-laws and relatives with little or no justification, and the lack of a professional, sensitive and empathetic approach on the part of police toward women under distress.⁵¹

The Supreme Court in *Arnesh Kumar* also specifically warned Magistrates against mechanical remand without applying judicial mind.⁴¹ However as studies show, many police stations still lack awareness of even basic procedural requirements.⁶⁵ Without proper and regular training, guidelines issued by courts remain on paper only. The Law Commission in its 243rd Report acknowledged the misuse problem but also cautioned against weakening the provision to the extent that it loses its deterrent effect, and recommended statutory safeguards rather than dilution of the law.⁷⁷

Comparative Perspectives: International Approaches

Other jurisdictions have managed to balance victim protection with procedural safeguards. The UK emphasises evidence-based prosecution and thorough investigation before charges are filed, with consequences for proven false allegations.^{67 68 69} Several US states have implemented mandatory investigation requirements and evidence standards for protection orders, alongside sanctions for false allegations.^{70 71} Australia's family law system emphasises mediation and counselling alongside criminal remedies, with preliminary assessment of allegations particularly where custody disputes appear to be the underlying driver.^{72 73} These

examples show that victim protection and procedural fairness are not competing objectives, a framing that India's reform debate would benefit from adopting.

The Way Forward:

Protecting the Purpose of the Law

Preventing misuse of Section 498A while also protecting genuine victims is not a simple problem and requires changes at multiple levels. NCRB data consistently shows high numbers of crimes against women, and many cases also go unreported because of social stigma and fear.⁷⁴ Therefore the protective purpose of gender laws must remain the most important consideration in any reform.⁷⁵

Procedural safeguards can help maintain strong protection for genuine victims while also preventing misuse, without weakening the law itself. However, such safeguards should not create impossible barriers for genuine victims, should work quickly enough so that parties are not left in prolonged uncertainty, should include judicial oversight at every stage, and should also build accountability for both false complainants and investigating agencies that do not follow proper procedure.

Legislative Reforms

Several legislative changes could help strengthen proper procedure around Section 498A without weakening its protective purpose.

One important suggestion is making Section 498A compoundable with permission of the court after charges are framed. Currently even where parties genuinely reconcile, criminal proceedings must still continue because the offence is non-compoundable.⁵⁴

The Law Commission of India in its 243rd Report recommended making Section 498A compoundable with court permission to allow reconciliation in appropriate cases, while also suggesting checks prior to arrest such as preliminary police inquiries.⁷⁷ However it also cautioned that compoundability should not become a tool to pressure women into withdrawing genuine complaints.⁵⁵ A possible middle path is allowing compoundability only after charges are framed and only where the court is satisfied that the woman's consent is free and not obtained under any



pressure.⁵⁶

Apart from this, the Arnesh Kumar guidelines still depend on individual awareness and compliance at the police station and court level. NCRB data from 2018 showed only about 13% conviction rates under Section 498A with over 90% of cases still pending.¹⁹ This shows that the problem is not just about arrests but also about how long cases remain in the system without resolution. Directly putting the Arnesh Kumar guidelines into the CrPC as a statutory provision would make them binding across all states and remove dependence on individual awareness of a judgment.⁷⁶

Also there should be specific statutory provisions for accountability in cases where a court determines after proper judicial process that a complaint was deliberately false. This is different from treating every acquittal as proof of a false case. The average time for a Section 498A case to reach its conclusion is six to eight years, which means accused persons who are eventually acquitted spend years under the shadow of criminal proceedings. Where deliberate falsehood is specifically established by a court, some accountability is reasonable.⁷⁸ However it must be worded carefully enough not to discourage genuine victims from coming forward.⁷⁹

Finally, fixing a timeframe of around ninety days for completion of investigation would also help reduce prolonged harassment of all parties involved.⁸⁰

Role of Magistrates and Courts

Magistrates and judges must actively apply their judicial mind rather than mechanically accepting police recommendations in Section 498A cases.⁴⁴ A Delhi District Court study covering 2021 to 2025 revealed that of 9,950 trials, only 0.2% ended in convictions, with nearly half of cases quashed before trial itself.²⁰ This shows that courts at the trial stage are already recognising weakness in many complaints – however by the time quashing happens, accused persons have already suffered arrest, remand and years of litigation. The problem therefore needs to be addressed earlier, at the stage of remand and pre-trial detention itself.

The Supreme Court in Preeti Gupta also observed that a criminal trial leading to eventual acquittal inflicts serious harm on the accused and such situations ought to



be discouraged, particularly where no specific allegations are made against individual family members.²⁵

This means Magistrates must carefully check whether allegations against each accused person are specific and individually made out, rather than general and omnibus. Also the principles of necessity and proportionality must be actively applied in pre-trial detention decisions.⁸¹ Apart from this, speeding up trials in Section 498A cases is also important because long pending trials work as punishment in themselves – accused persons lose jobs, reputation and years of their lives even before any verdict is given.

Better Implementation on Ground

Proper and regular training for police, prosecutors and judicial officers on gender sensitivity, investigation techniques and correct application of proper procedure is also necessary.^{65 66}

As the Law Commission in its 243rd Report identified, the triple problem of mechanical arrests, omnibus implication, and insensitive policing all exist at the same time and all are partly a result of inadequate training.⁵¹ Monitoring mechanisms to track compliance and departmental action against officers who violate proper procedure are also necessary.⁸² Public awareness about both available legal remedies and consequences of misuse would also help.

Role of Family Courts and Mediation

Strengthening family courts and mediation centers for matrimonial disputes could also reduce the pressure on criminal courts in these cases.⁸³ These should have enough resources to serve as genuine alternatives where the situation allows. Criminal complaints should be reserved for cases where violence or serious harassment is clearly established, not as a first step in every matrimonial dispute.

The Gender Neutrality Question

Another important issue raised in the debate around Section 498A is the question of gender neutrality. Critics argue that Section 498A creates a gender stereotype because it assumes women are always victims and men are always perpetrators,

while in reality men and other genders also face domestic violence in certain cases.⁸⁴ The Bharatiya Nyaya Sanhita 2023, which replaced the Indian Penal Code, has made some provisions more gender inclusive.⁸⁵ However provisions dealing with cruelty and dowry harassment under Section 498A still remain gender-specific.⁸⁶

Those who support keeping gender-specific laws argue that women face much higher levels of violence in Indian society and that making the law gender-neutral could weaken these protections and make it harder for women to actually use them.⁸⁷ On the other hand those who support gender-neutral provisions argue that such laws would prevent misuse, would acknowledge that domestic violence can affect any gender, and would also align better with the constitutional right to equality under Article 14.⁸⁹

Countries like the UK and Australia have already implemented gender-neutral domestic violence laws without weakening protection for women.⁹⁰ A possible middle ground could be keeping gender-specific provisions for offences where data clearly shows women are disproportionately affected, while also introducing separate gender-neutral provisions for other forms of domestic violence.⁹¹

Conclusions

Section 498A and other gender protection laws in India were introduced for an important reason – women faced serious violence, harassment and discrimination with very little legal protection. Section 498A, even with the concerns around its misuse, has helped many genuine victims of dowry harassment and domestic violence access the legal system.

However, empirical evidence, judicial observations and documented cases also confirm that misuse of these provisions does occur in certain cases, causing serious harm to innocent persons and affecting public trust in the legal system.

The Arnesh Kumar judgment showed that it is possible to add proper procedural checks to Section 498A without taking away its protective purpose.⁷⁶ What India needs now is not a weaker Section 498A but a better regulated one – with proper investigation timelines, judicial oversight at every stage, and stronger mediation



options for matrimonial disputes.

Section 498A was made to protect women from cruelty and dowry harassment and that purpose has not changed. However misuse of this provision has also caused serious harm to innocent persons. Therefore any reform should focus on strengthening the procedural framework rather than weakening the law itself. Without these changes, Section 498A will continue to face the same problem – genuine victims who cannot access justice, and innocent persons who suffer years of wrongful prosecution. Both outcomes defeat the purpose of the law.

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1. INDIA CONST. arts. 14, 15, 21.
 2. See generally UPENDRA BAXI, THE CRISIS OF THE INDIAN LEGAL SYSTEM (1982).
 3. Dowry Prohibition Act, No. 28 of 1961, INDIA CODE (1961).
 4. Indian Penal Code § 498A, No. 45 of 1860, INDIA CODE (1860).
 5. Protection of Women from Domestic Violence Act, No. 43 of 2005, INDIA CODE (2005).
 6. Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, ¶ 5 (India).
 7. Id. ¶ 6.
 8. NAT'L CRIME RECORDS BUREAU, CRIME IN INDIA 2012 STATISTICS (2013).
 9. See FLAVIA AGNES, LAW AND GENDER INEQUALITY: THE POLITICS OF WOMEN'S RIGHTS IN INDIA (1999).
 10. MADHU KISHWAR, OFF THE BEATEN TRACK: RETHINKING GENDER JUSTICE FOR INDIAN WOMEN (1999).
 11. Dowry Prohibition Act, No. 28 of 1961, INDIA CODE (1961).
 12. See generally RAJ KUMARI AGRAWALA, DOWRY AND FAMILY VIOLENCE (1997).
 13. Indian Penal Code § 498A, No. 45 of 1860, INDIA CODE (enacted 1983).
 14. Shobha Rani v. Madhukar Reddi, (1988) 1 SCC 105 (India).
 15. Code of Criminal Procedure § 41, No. 2 of 1974, INDIA CODE (1974).
 16. Indian Penal Code § 304B, No. 45 of 1860, INDIA CODE (enacted 1986).
 17. Protection of Women from Domestic Violence Act, No. 43 of 2005, INDIA CODE (2005).
 18. NAT'L CRIME RECORDS BUREAU, CRIME IN INDIA 2020 STATISTICS 85 (2013).
 19. NAT'L CRIME RECORDS BUREAU, CRIME IN INDIA 2016 STATISTICS 102 (2017).
 20. Analysis of Delhi High Court Data 2021–2025 (on file with author).
 21. NAT'L CRIME RECORDS BUREAU, CRIME IN INDIA 2016 STATISTICS (2017).
 22. Sushil Kumar Sharma v. Union of India, (2005) 6 SCC 281, ¶ 22 (India).
 23. Id. ¶ 23.
 24. Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667, ¶ 29 (India).
 25. Id. ¶ 30.
 26. Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 (India).
 27. Id. ¶ 7.
 28. Kahkashan Kausar v. State of Bihar, (2022) 6 SCC 599 (India).
 29. Geeta Mehrotra v. State of U.P., (2012) 10 SCC 741 (India).
 30. NEHA DAS & PRITHWISH GANGULI, Section 498A IPC: Balancing Protection and Misuse, 11 J. CRIM. L. 45 (2024).
 31. SAVE INDIAN FAMILY FOUNDATION, FALSE DOWRY CASES: A STUDY (2018).
 32. Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 (India).
 33. Id. ¶ 1.
 34. Id. ¶ 2.
 35. Id. ¶ 3.
 36. Id. ¶ 8.
 37. Id. ¶ 9.



38. Code of Criminal Procedure § 41(1)(b), No. 2 of 1974, INDIA CODE (amended 2009).
39. Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, ¶ 11 (India).
40. Code of Criminal Procedure § 41A, No. 2 of 1974, INDIA CODE (enacted 2009).
41. Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, ¶ 12 (India).
42. Id. ¶ 13.
43. Satendra Kumar Antil v. CBI, (2022) 10 SCC 51 (India).
44. Vijay Pal Yadav v. State of Haryana, 2025 SCC OnLine SC 1245 (India).
45. Study by Madhya Pradesh High Court, reported in (2021) 3 MPLJ 156.
46. Delhi High Court holds officer in contempt, reported in 2023 SCC OnLine Del 5183.
47. Rajesh Sharma v. State of U.P., (2018) 10 SCC 472 (India).
48. Id. ¶ 19.
49. Soc. Action Forum for Manav Adhikar v. Union of India, (2018) 10 SCC 443 (India).
50. Id. ¶ 35.
51. LAW COMM'N OF INDIA, REPORT NO. 243: AMENDMENTS TO CRIMINAL LAW (2012).
52. Id. at 42–43.
53. MALIMATH COMMITTEE, REPORT ON REFORMS OF CRIMINAL JUSTICE SYSTEM 158 (2003).
54. Indian Penal Code § 498A, No. 45 of 1860, INDIA CODE (1860).
55. LAW COMM'N OF INDIA, REPORT NO. 243: AMENDMENTS TO CRIMINAL LAW 44 (2012).
56. Id. at 45.
57. FLAVIA AGNES, Protecting Women Against Violence?: Review of a Decade of Legislation, 44 ECON. & POL. WKLY. 63 (2009).
58. Gian Singh v. State of Punjab, (2012) 10 SCC 303 (India).
59. SAVE INDIAN FAMILY FOUNDATION, RECOMMENDATIONS FOR LAW REFORM (2015).
60. Id. at 12–15.
61. ALL INDIA DEMOCRATIC WOMEN'S ASSOCIATION, POSITION PAPER ON GENDER LAWS (2016).
62. LAW COMM'N OF INDIA, REPORT NO. 243, supra note 51, at 47.
63. Protection of Women from Domestic Violence Act § 12, No. 43 of 2005, INDIA CODE (2005).
64. D.K. BASU, FAMILY COURTS IN INDIA: AN EVALUATION (2005).
65. BUREAU OF POLICE RESEARCH & DEV., TRAINING MODULE FOR GENDER SENSITIVE POLICING (2018).
66. NAT'L JUDICIAL ACADEMY, GENDER SENSITIZATION TRAINING FOR JUDGES (2020).
67. Domestic Violence, Crime and Victims Act 2004, c. 28 (U.K.).
68. MARIANNE HESTER, MAKING AN IMPACT: CHILDREN AND DOMESTIC VIOLENCE (2d ed. 2007).
69. Crown Prosecution Service, Domestic Abuse Guidelines for Prosecutors (2021).
70. Violence Against Women Act, 34 U.S.C. § 12291 (2013).
71. ANDREW R. KLEIN, PRACTICAL IMPLICATIONS OF CURRENT DOMESTIC VIOLENCE RESEARCH (2009).
72. Family Law Act 1975, s. 60CC (Austl.).
73. AUSTRALIAN LAW REFORM COMM'N, FAMILY VIOLENCE: IMPROVING LEGAL FRAMEWORKS (2010).
74. NAT'L CRIME RECORDS BUREAU, CRIME IN INDIA 2022 STATISTICS (2023).
75. UNITED NATIONS WOMEN, PROGRESS OF THE WORLD'S WOMEN 2019–2020 (2019).
76. Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, ¶ 14 (India).
77. LAW COMM'N OF INDIA, REPORT NO. 243, supra note 51, at 44.
78. LEGAL REFORMS FOR GENDER JUSTICE: A COMPENDIUM (2021).
79. Id. at 156–58.
80. Code of Criminal Procedure § 173, No. 2 of 1974, INDIA CODE (1974).
81. D.K. Basu v. State of W.B., (1997) 1 SCC 416 (India).
82. BUREAU OF POLICE RESEARCH & DEV., supra note 65.
83. Family Courts Act, No. 66 of 1984, INDIA CODE (1984).
84. MEN'S RIGHTS ACTIVISM IN INDIA: CONSTITUTIONAL & INTERNATIONAL LAW PERSPECTIVES (Deepika Jain ed., 2019).
85. Bharatiya Nyaya Sanhita, No. 45 of 2023, INDIA CODE (2023).
86. Id. § 85.
87. MADHAVI SUNDER, Cultural Dissent in Feminist Legal Theory, 28 HARV. J.L. & GENDER 1 (2005).
88. FLAVIA AGNES, supra note 57.
89. Navtej Singh Johar v. Union of India, (2018) 10 SCC 1 (India).
90. Domestic Violence, Crime and Victims Act 2004, c. 28, § 1 (U.K.).
91. LAW COMM'N OF INDIA, CONSULTATION PAPER ON GENDER NEUTRAL LAWS (2020).
92. NAT'L FAMILY HEALTH SURVEY (NFHS-5), INDIA REPORT 2019–21 (Ministry of Health & Family



Welfare, Gov't of India 2021).

