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THE SILENT STRUGGLE: MEN'S AND GENDER BIASED LAWS IN INDIA

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Abstract

In Indian society Men are always assumed to be strong by emotional and physical. Women treated as weak and to protect her from harassment there are many laws comparative to Men. Men's Rights are always neglected and forgotten in Indian Laws. As Laws has some Pros and Cons, In Modern Era most of Women are misusing Laws against Men by False Allegations of Rape, Sexual harassment, Dowry Demand and Domestic Violence. It leads to exploitation and harassment of Men. It also effect violation of Men's Rights and dignity in Society. Men's are facing very serious issues of Mental Health like Traumatic experiences, depression, losing self confidence and also suicides by False Allegations. But society and media are still silent. This research study is to raise voice for Men's Rights and Gender Neutral Rights should be given to both Men and Women without any discrimination of Gender.

Keywords: Men's Rights, Misuse of Law and False Allegations

Introduction

In India, as males are bodily more stronger than females, they are considered as nothing wrong can happen with them specially in matter of exploitation, harassment or assault. In contemporary discourse on gender equality and human rights, the focus often revolves around women's rights, while men's rights remain relatively underexplored (Srishti, 2024). On this norm only, Indian parliament has made no law or legislation for them (Surbhi Tyagi, 2024). It is to be noted that even the learned scholars who drafted the Constitution of India focused on protecting the rights of women and minorities and they clearly ignored the rights of men (Sonal Chaujar and Madhuri Bakshi, 2016). Despite being an integral part of society, men face various challenges, including custody battles, mental health stigma, gender,based violence, and sexual harassment (Shreshth Bhatnagar and Yutika Bhatnagar, 2024).

Men too are vulnerable and face various kinds of discrimination. In India many sexist practices are prevalent, which are against men. Some of them are fundamentally biased against men, others are subtle discrimination, which are enforced by the state and supported by the society (Ashish Virk, 2018). Most of the crimes committed against men are not registered and it is because of the sick mentality of people carried out by society. A man ¹suffers in silence because of many reasons (Jyoti Diwakar, 2016). Every human being has the right to be treated equally with dignity, no matter what caste, gender, creed, religion that person belongs to. Thus, gender neutral rights are very important in every country as it gives all the citizens of the country the right to be treated equally with dignity (Ditsha Dhar, 2020).

Gender neutrality is one of the most fundamental reforms and revisions that our existing legislation needs to make (Harleen Kaur *at el*,2022).If the laws are not Gender Neutral, the perpetrator can file a counter case against the victim in order to mislead the law (Srishti,2024). Gender neutrality does not mean that it will violate the rights of the other gender. It simply means that there should be no discrimination based on sex or the gender of the person (Shivanshi Gupta, 2020). Whenever a demand is made for making the laws gender neutral, the opposition has argued that due to India being a patriarchal society the same would harm the interest of the woman (Sonal Chaujar and Madhuri Bakshi, 2016).

Men's Rights in Indian Constitution

According to Oxford learners dictionary Gender neutral means suitable for or shared by people of both sexes; not making a difference between men and women (Rebecca Sara George,2024).Equality is a concept that becomes crucial in light of the well being of the society. The longest constitution that is the Constitution of India enshrines in its preamble (Surbhi Tyagi, 2020). Article 14 of the Indian Constitution guarantees equality before the law, prohibiting discrimination on the grounds of sex (Vartika Pandey and Shashank Shakhra, 2024). Equality means each and every person in the society has equal laws, norms, rights, regulations and duties. Despite of different race, caste, sex, religion or gender, everyone is equal in the eyes of law (Surbhi Tyagi, 2020). The women have been provided with large number of rights for their welfare and to be at par with the men, even according to Article 15(3)5, the State can make rights exclusively for their upliftment, hence making it a Fundamental Right (Eshan Singhal and Kamal Hasme, 2024). When you have the world's longest, written constitution and one of the world's most populous democracies, adhering to the country's

constitutional ideals is of utmost significance to its citizens (Harleen Kaur *at el*,2022) then why unfortunate it always neglect and forget about Men's Rights.

There are several gender biased laws in India that have been a subject of debate and criticism (Negha Senthil *at el*,2023). Taking advantage of the loopholes of the legislative provisions, certain women use law as the easiest and most powerful weapon against men to make them feel demeaned or to harass them (Salini Mohanty and Madhubrata Mohanty,2024). The law's inadequate response can also contribute to the recurrence of violence, undermining the fundamental goal of legal protection (Aditya Agarwal and Kriti Johri, 2024). The rights of men are not enunciated as compared to women (Gunjan and Sheetal Thakur,2018). There is a section of the Indian Constitution that guarantees men's basic rights no matter where they live or what they believe in (Harleen Kaur *at el*,2022). While there are some provisions that specifically address men's rights, they are often inadequate, and their effectiveness in providing protection and recourse is limited (Shreshth Bhatnagar and Yutika B,2024). This constitutes a grave miscarriage of justice, as men have no legal recourse in case their right to life and personal liberty get violated, owing to domestic violence or sexual abuse (Sannidhi Agrawal, 2020). The laws should be gender, sensitive but not gender blind (Tuka Ram and *anr vs. State of Maharashtra*, 1978) he state must protect the right of equality but ousting the men out based on gender is violative of their rights enshrined in our constitution (Shivanshi Gupta,2020).

Misuse of Laws on Men

As Indian society is a male dominating society, men do not supposed to cry as they considered to be strong, emotionless personalities (Surbhi Tyagi, 2020). Male are always criminals and females are always victim. These are some of the common concept of our society which are cultivated in children since their childhood (Rebecca Sara George, 2024). Males are also humans, they too suffer from trauma (Deepak Kumar Chaurasia, 2021). Men, too, are subjected to harassment (Harleen Kaur *at el*, 2022) there are instances where women may misuse these protective laws, making false allegations against their husbands for dowry harassment or demanding excessive alimony from their husbands (Devarajan B and Samyuktha V, 2025). According to honourable Justice Subramonium Prasad, false accusations may destroy the life and harmony of the accused leaving him with limited or no career opportunities (Desikan GV, 2022). Incidents of violence against men may be underreported or not as widely acknowledged (Vivek Kumar Gupta, 2024). Our Hippocratic society believes in women because of crocodile tears. Men are silent victims because they always considered as the perpetrator (Ekta Pandey,

2020).Laws should be strictly enforced to ensure that perpetrators of gender, based violence are brought to justice and that victims (Negha Senthil *at el*, 2023).

The purpose of any legislation is to protect and promote the rights of individuals in a civilized society (Tarun Kaushik, 2023). The way law has been moulded by the government over the years on the demand of the radical feminist, *prima facie* favours the women without even giving a fair chance to the accused of defending himself (Sonal Chaujar and Madhuri Bakshi, 2016). There is little to no media coverage when it comes to male victims and survivors of abuse (Sannidhi Agarwal, 2020) as well as society is silent. The Indian society has been largely patriarchal and various laws in the IPC have been made in the favour of women (Ashwani Chaudhary, 2020).In this process, women are vested with excess power in their hands as a result of which they started to misuse these laws against men to harass them (Salini Mohanty and Madhubrata Mohanty, 2024)

In Indian Penal Code some of SECTIONS like, Section 375 Rape,Section, 377 Unnatural Offences, Section, 498A Domestic Violence Section purely in favour of women. The Indian Penal Code (IPC), which has 511 sections, will be replaced by the Bharatiya Nyaya Sanhita (BNS) Bill with 356 provisions (Shrejal Jaiswal, 2024).The introduction of the BNS Clauses has further cemented the notion that the legal framework in India lacks provisions to protect men (Shviti Tagare, 2024).

False Rape Allegation on Men

Section, 375 of IPC states of Rape,

A Section which *prima facie* is gender discriminatory is Section 375 of the Indian Penal Code (Sannidhi Agarwal, 2020). A “man” is said to commit “rape”.....has sexual intercourse with any “woman”. Six descriptions have been provided in this regard. The section further highlights the importance of consent and will for sexual intercourse (Ashwani Chaudhary, 2020).Sometimes Law is Misused with False Rape Allegation on Men. People usually do not question the woman blaming the man for rape and sympathize with her. A person who is accused of rape loses his reputation and standing in society much before he is convicted in India(S Udayasree, 2023,).

As per this research paper we can study of Misuse of Section, 375 of IPC.

False Allegations against Men

The research of Shrinivasan into the 460 rape cases in a trial in New Delhi in 2013 revealed that “more than one, third turned out to be cases of couples having consensual sex outside marriage but, when the parents found out, they went to the police to end the relationship”(S Udayasree, 2023). According to the NCRB data of 2017, 2,556 out of 46,984 rape cases that were investigated in 2017 turned out to be fake. In 2017, the proportion of fabricated instances was 5.4%. While the number of actual rape cases has not increased significantly over the last five years, the number of falsely reported rape cases has increased by 55%.⁷ The National Crime Records Bureau (NCRB) Crime in India Report 2020 shows that less than 8 per cent of all rape cases that were under investigation turned out to be "false" (Safaque Shamim, 2024). According to NCRB reports, there were 28,046 registered cases of rape in 2020. Of these, 3375 cases were dismissed by police as being false, while 5015 cases in total were dismissed by police due to being false, factual, or legal errors, or civil disputes(S Udayasree, 2023) According to Mr. K.T.S. Tulsi, there is a pressing need for a more balanced perspective on sexual offenses. He argues that regulations should be adjusted to acknowledge that all sexual offenses are impartial (Vivek Kumar Gupta, 2024). Recently in 2021, a false rape allegation case surfaced over the social media, and it was questioned, what was his fault, he lost his entire family, and his life also ruins (Deepak Kumar Chaurasia, 2021). As per the National Crime Records Bureau (NCRB) statistics report, there was about 74% of rape cases resulted in acquittals out of which 40% of cases were filed by the girl's family as a result of the girl and boy eloping away and another 30% of the cases were filed by women who claim to have been in coitus due to reneged betrothal (Desikan GV, 2022). The authors, N. Senthil; Jayanthi Vajiram & V. Nirmala in their paper titled, “The Misuse of Law by Women in India, Constitutionality of Gender Bias” (2023) states, the misuse of women, centric laws by women in India impacts the social fabric by perpetuating gender bias (Salini Mohanty and Madhubrata Mohanty, 2024).

In 2017, Sanjiv Kumar had questioned the legality of existing rape laws which only consider men to be the perpetrator in Delhi High Court .The Law Commission recommended making laws to be gender neutral by substituting the word “rape” with “sexual assault”. The Union Government agreed to make legislation to be gender, neutral after the Nirbhaya incident. The Justice Verma in its report suggested using “person” instead of “women” to cover all forms of sexual violence. But Criminal Law (Amendment) Act ,2013 restored to the gender, specific definition after criticism from the feminist groups due to prevalent patriarchy present in the

society (Gunjan and Sheetal Thakur, 2018).

Impact of False Rape Cases

Sudesh Jhaku v KC Jhaku 7 case, Singh J. articulated his preference for the offence of rape to be redefined in gender, neutral terms and noted that the offence of rape as defined under Section 375 is the sole avenue as defined under criminal law for dealing with heinous acts of sexual assault (Sannidhi Agarwal, 2020).

Rajesh Sharma v. State of Uttar Pradesh (2017), the Supreme Court addressed the misuse of legal provisions in false rape cases. The Court noted the necessity of ensuring that legal processes are not exploited and recommended procedural changes to protect the rights of the accused (Supreme Court of India, 2017) (G Reethikaa, 2024).

A special PocsO Court in Ajmer noted that the woman used her own daughter to frame the false charges against two men of raping her minor daughter to take revenge for filing a case against her husband. The court observed that when such false cases in a sensitive matter like rape are filed, even genuine cases were seen with suspicion wasting their valuable time. Hence sentenced her to 6 months in jail and imposed a fine of Rs 10,000 (Tarun Kaushik, 2023).

It was the case of Vishnu Tiwari, who spent 20 years in Jail over false rape allegations. It is quite easy for a woman to make false complaint against the men, on the charges of rape or sexual harassment. How much that person suffered, his family was ostracized and destroyed, he was unable to attend the last rites of his family members (Deepak Kumar Chaurasia, 2021).

Woman fakes gang, rape story to marry boyfriend, A woman from Nagpur complained that she was raped by two persons at an isolated area in Nagpur. The police, after the due investigation, arrived at a conclusion that it was a made up story by the girl, which she had eventually accepted to, so that she can marry her boyfriend (Desikan GV, 2022).

Section, 498A of IPC states Domestic Violence

Section 498A of the IPC states that, "Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine." 16 A person held guilty under

this law faces up to 3 years in prison (Sannidhi Agarwal, 2020). The vital intention behind Section, 498A, IPC is to safeguard the women from cruelty by her husband and her in-laws or relatives (Salini Mohanty and Madhubrata Mohanty, 2024). If a woman is having some ulterior motives, she can fulfil them by filing different complaints under different sections like Section 498A, 406, 507, 3779, 38410 of the IPC, then Section 125 of the CrPC, then under the Domestic Violence Act (Sonal Arora, 2024).

Today, we say that the world is changing, people have become modern, but still it is really shocking that the mindsets of people haven't changed. We still believe in patriarchy and reject the fact that men are tortured at the hands of women (Pankti Surve, 2022). Our society doesn't easily accept Men can be Victim in Domestic Violence. As social media is always occupied by domestic violence on women but what about men. While changing the dynamics of power, men are sufferers too (Ekta Pandey, 2020). Many courts also commented on false allegations of domestic violence by women. Men are still not ready to speak of this violence against them and they are ignorant about any legal help (Sanjay Deshpande, 2019). It was also to note that former Secretary Steel, Government of India, Aruna Sharma, hitting on the 'narrow approach' to women's rights, says men are being falsely trapped in judicial maze and losing faith (R K Patni and Juhi Ojha, 2023). Due to False Allegations immediate arrest of husband and his old parents under this section leads to torture and harm dignity.

Impact of Domestic Violence on Men

IPC does not provide adequate protection for men who are victims of domestic violence. In *Vijay Kumar v. State of Haryana*, the Supreme Court held that men can also be victims of domestic violence, but this ruling has not been widely recognized (Shreshth Bhatnagar and Yutika Bhatnagar, 2024).

Prem Chandra Pandey vs Smt. Savitri Pandey Before and after the marriage, according to the wife's allegations, the husband's relatives sought dowry from the couple. The demands of the wife's father were not met, and so they tormented her. and she made up a bogus claim that he was married to another lady and married again to satisfy his needs. There was no truth to any of this. Thus, the court ruled that making false accusations of adultery constitutes cruel behaviour (Harleen Kaur *at el*, 2022).

Sumana Bhasin v. Neeraj Bhasin & Othrs. In this rare case of its kind, the court dismissed the

complaint of domestic violence filed by a woman residing in South Delhi area stating that she falsified and fabricated various allegations and concealed important facts so as to harass her husband and in laws (Sonal Chaujar and Madhuri Bakshi, 2016).

In Preeti Singh Case, the Apex court has recognized by observing the cases that there is need for reconsideration and modifications in the provisions of Section 498A of the IPC because in umpteen number of cases it has been found that there is an increasing tendency among women to implicate husband and all of his relatives and exaggerated version of facts is now become a common phenomenon (Eshan Singhal and Kamal Hasme, 2024).

In the year 2005, in a landmark case named Sushil Kumar Sharma vs Union of India and Ors.²⁷, the Supreme Court of India observed the misuse of Section 498A of the IPC as a 'legal terrorism'. It was said that "by misuse of the provision (Section 498A), a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not an assassin's weapon" (Sahil Arora, 2024).

False Allegation of Dowry Demand on Men

Women always discriminated in Indian society. To give her equality, many laws are made to protect her from harassment. There are numerous instances of women using the law to their advantage, often at the expense of men (Negha Senthil *at el*, 20??). In the case of Dowry Prohibition Law, section 498, A is something wives look forward to, but it is a curse on their husbands and in, laws (Swarana B and M H Krishnappa, 2024). Unfortunately, some women are using these laws to satisfy their ego against men or to take revenge of some enmity from men (Vivek Kumar Gupta, 2024). On the other hand males are not only deprived from exercising his rights to protect himself from violence against him, but the right to adequately defend himself was also taken away from him by the amendments in the Criminal Law (Sonal Chaujar and Madhuri Bakshi, 2016). The misuse of law by women in India is primarily seen in cases of domestic violence and dowry, related offences. In India, dowry, related offences are treated as criminal offences and are punishable by law. However, women often file false dowry harassment cases against their husbands or in, laws in order to gain an advantage in a divorce or property dispute (Negha Senthil *at el*, 2023). The Protection of Women from Domestic Violence Act, 2005 (PWDVA) provides protection to women from domestic violence, but there is no equivalent legislation for men (Shresth Bhatnagar and Yutika Bhatnagar, 2024).

The Supreme Court of India has observed the misuse of Section 498A of IPC in a case which addresses dowry harassment. It observed that it has become a source of harassment for the spouse and his family. In 1995 a sitting judge of the Bombay High Court, Justice P.K.Pendse agreed to the view that Section 498A is used to slander the innocent men (Sonal Chaujar and Madhuri Bakshi, 2016). In Arnesh Kumar case, the court noted that in numerous instances, the complaints submitted under Section 498A of the IPC were false and exaggerated, and were filed solely to harass the husband and his family (Eshan Singhal and Kamal Hasme, 2024). In 2018, a 3 Judge Supreme Court Bench led by CJI Mishra reversed its July 2017 judgment, and restored an immediate arrest provision in Section 498A of the IPC, with the rider that the persons arrested for alleged cruelty to a married woman over dowry can approach the Courts for bail. They held that the previous order, which was passed to prevent any arbitrary action by the authorities, was beyond the scope of the CrPC.²³ Further, the parties would now have to approach the High Court for quashing of the complaint; in contrast with Justice Goel's direction which would enable District judges to close dowry harassment cases if the parties settled out of court (Sannidhi Agarwal, 2020). In Suresh Kumar v. State of Haryana, 16 the Supreme Court held that false cases of dowry harassment are a serious concern, but this ruling has not been effectively implemented (Shresth Bhatnagar and Yutika Bhatnagar, 2024).

Psychological Impact of False Allegation on Men

In recent years, the mental health of men in India has come under significant strain due to perceived gender biases in legal system (Shviti Tagore, 2024). The psychological consequences of wrong accusations appear to affect the lives of those accused seriously, even after exoneration or overturning of convictions (Samantha K Brooks and Neil Greenberg, 2020). Due to false allegation men, slip into depression, develop anxiety, become hostile and insensitive towards the outside world. They feel that since nobody cared for them, they too need not care about anyone else (Shviti Tagore, 2024). All these comments, expressions, depressing and repressing atmosphere pushes the men employee towards the harsh or cruel consequences like suicide, murder or to any other crime (Surbhi Tyagi, 2020). Biases in legal frame work may lead to assumptions of guilt and a lack of proper due process, further deeping the emotional and psychological toll (Kunal Bhardwaj and Meera Raghavan, 2024). They also risk developing PTSD or a burn, out. Post, traumatic stress Disorder (PTSD) is a disorder that occurs after a person has encountered a scary, alarming, horrifying, or hazardous incident (S Udayasree, 2023).

NCRB REPORT ON SUICIDES

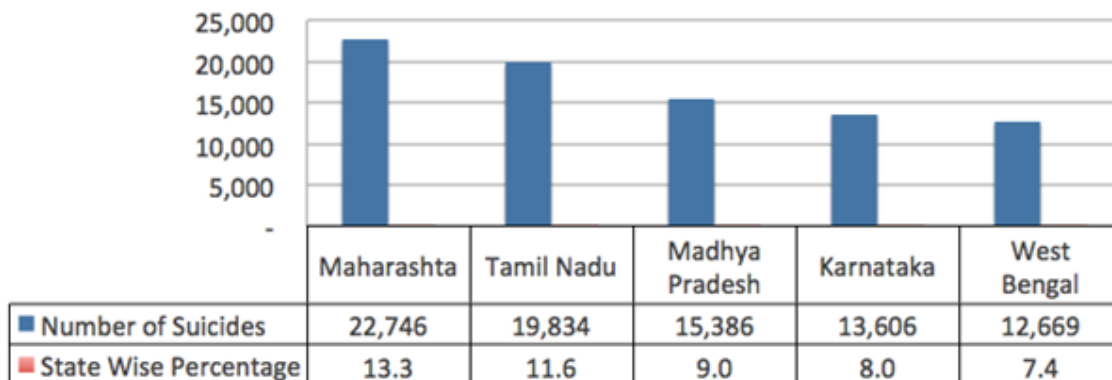
The NCRB report states overall numbers for the past five years **2018, 2022**. Unfortunately this number has been increasing year on year. A total of **1,70,924** suicides were reported in the country during **2022** which marked an increase of **4.2%** as compared to the numbers of total suicides in **2021**. The rate of suicides has increased by **3.3%** in the year **2022**

Total Number of Suicide (2022): Gender Wise

- Male: 1,22,724
- Female:48,172
- Transgender:28

NCRB SUICIDEREPOR 2022

Top 5 States: Suicide Numbers & Percentage Reported



Source: Arnaz Hathiram 2023

Let us also understand a comparison in suicide numbers and gender wise percentage in the past three years-2020-2021-2022.

The overall male: female ratio of suicide for the year 2022 was71.8:28.2, which is less as compared to year 2021(72.5:27.4). However the absolute numbers for both genders have on the rise.

Reasons for Suicide

- Men who are victims are left to battle against absolute gender biased matrimonial laws, along with loss of respect and dignity in society.
- India carries the tag of being patriarchal, however, this patriarchal has never spared the men either.
- Unfortunately, whenever man expresses his personal problems with his friends, colleagues or even his own parents or family member, he is giving one golden advice: “**Nibha lo, sab theek ho jayega**”(try to adjust, all will be fine)
- It is due to these situations where men feel completely trapped, have nowhere to go or speak to, which lead them to take such extreme steps (Arnaz Hathiram,2023)

Bharatiya Nyaya Sanhita

The BNS introduces reforms aimed at addressing these issues. According to the Law Commission of India's report on the BNS (2022), the new code includes updated procedural guidelines and alternative sentencing options to address concerns related to false accusations (Law Commission of India, 2022) (G Reethikaa,2024). Certain changes were made when BNS replaced IPC. It changed gender, centric terms such as ‘men’ to gender, neutral terms such as ‘whoever’ or ‘any person’ concerning crimes that primarily target women (Devarajan B and Samyuktha V, 2025). BNS 2023, which introduces multiple change. Revisions to laws on defamation, attempted suicide, sedition, and the death penalty for offenses including mob lynching and minor rape are among the BNS Bill, 2023's main features (Shrejal Jaiswal, 2024).

Conclusion

Women Protection Laws are necessary simultaneously there should be protection of Men's Rights too. The Legislature and Judicial system should balance the laws in society. Laws should always protect innocent irrespective of gender. Compassion and Justice are companions' not choice therefore Justice should always prevail at the end of fight irrespective of gender. There should be strict laws for false allegation. There should be Gender Neutral laws instead of Gender biased laws. Gender neutral doesn't mean to against women it's because to balance equality in society. Equal laws should provided like Human Rights irrespective of gender.

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