

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Megha Middha



Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

THE UNHEARD CRIES OF GENDER NEUTRALITY

AUTHORED BY: PARIDHI MALIK,
(BA.LLB), Student at Vivekananda Institute Of Professional Studies,
GGSIU University, New Delhi

CO-AUTHOR: SUSHANT DABRAL
Assistant Professor of Law at Vivekananda Institute Of Professional Studies,
GGSIU University, New Delhi

ABSTRACT

Ensuring the protection of females' rights is undoubtedly imperative, but it is essential to avoid achieving fairness and justice by excluding avenues of justice for males. The notion that wrongdoing is exclusive to females, with males always cast as perpetrators, is overly simplistic.

It is disconcerting that our legal system provides no avenue for justice for males; justice seems confined solely to females. While many developed countries have embraced gender-neutral laws, India, both legally and societally, struggles to acknowledge male victims of domestic violence.

This preconceived bias not only fosters false cases and accusations by females against their partners but also neglects the potential psychological impact on male victims, which may detrimentally affect society in the long run. As societal acceptance of the LGBTQI+ community grows, opening doors to same-sex relationships, there is a potential for violence in such scenarios. Given the current sensitivity of this matter, the research paper underscores the necessity for gender-neutral laws, advocating for fairness in treating everyone and scrutinizing existing laws to ensure justice is meted out based on criminal actions, not gender.

Keywords: Domestic Violence, Domestic Violence against men, Social Factors, Gender Neutral Laws, Unreported Cases

“Insecurity is gender neutral. Insecurity comes at various levels with power and position.”—
Aparna Jain (Author of Like a Girl)

The same way crime is gender neutral as well.

1. RESEARCH METHODOLOGY

The Research Methodology in this research will be empirical. The nature of the research shall be descriptive. Research tools for collection of data will involve government sources, primary and secondary surveys and case studies. This list isn't exhaustive.

2. INTRODUCTION

“Domestic violence against men in India is not recognized by the law. The general perception is that men cannot be victims of violence. This helps women get away scot-free,” says Rukma.⁽¹⁾ The public enjoyed the iconic media trial John C. Depp, II v. Amber Laura Heard⁽²⁾ but no one talked about the failure of the laws for protecting everyone in an unbiased way. Crime doesn't differentiate on the basics of gender. It seems ironical that to uplift one gender we might be pushing the latter to domestically and socially downtrodden state. From the starting it has been depicted that the females are naïve, weak, and common victims of physical and mental harassment in cohabitating relationships. However, coming to the conclusion that only a particular sect of individuals can be targeted based on their gender is not reliable in a generation where fake profiles and fake cases can be easily made and filed regardless of the gender. The mere idea of a fair and just society doesn't restrain itself to a particular caste, class, or gender. Ensuring the well-being and safety of women is definitely the need of the hour but not at the cost of closing gates for justice to men. The pre-conceived notion that only a woman can be the victim and a man as accused, is a very unjust way of approaching towards such sensitive matters. The Indian police exploit domestic violence laws to unjustly extract money from innocent men. This not only pushes males to not report such cases but also there are some females who falsely accuse their romantic partners for domestic violence.

Domestic Violence or commonly known as Intimate partner violence refers to behavior within an intimate relationship that causes physical, sexual or psychological harm, including acts of physical

¹ Dhvani Desai, When Husbands are victims of Domestic Violence, available at: timesofindia.com

² John C. Depp, II v. Amber Laura Heard

aggression, sexual coercion, psychological abuse and controlling behaviors. This definition covers violence by both current and former spouses and partners.⁽⁴⁾

In a country like India, gender roles are deeply entrenched, with the majority of laws being based on long-standing customs and norms. This rigidity leads to the emergence of gender biases and stereotypical ideas. While there are numerous laws addressing domestic violence in India, there is a lack of exclusive legislation covering this issue for males. Surprisingly, there have been cases where wives are held accountable for this offense. The Indian Parliament passed the Protection of Domestic Violence against Women Act in 2005, which aims to safeguard women from intimate partner violence within marital relationships. This act provides protection to mothers, grandmothers, and females in live-in relationships. However, in a hypothetical scenario where a man is abused and falsely accused of domestic violence, he may be denied his fundamental right to obtain bail due to the courts' tendency to side with women, as most cases are alleged by wives against their husbands. Unfortunately, in such instances, the courts often overlook the principles of "beyond reasonable doubt" and "innocent until proven guilty." that the Indian Judiciary is dependent on. The Dowry Prohibition Act, 1961⁽⁵⁾, which is a criminal code that punishes the gift and receiving of dowry.

Section 498A of the Indian Penal Code, 1860⁽⁶⁾, addresses the issue of cruelty against women perpetrated by their husbands or husband's relatives. It is evident from the outset that the section specifically focuses on cruelty inflicted by husbands or their relatives on women, without mentioning instances of cruelty by women towards men. Regrettably, there have been numerous cases where Section 498A has been misused as a means of blackmail. This section empowers the police to arrest anyone accused by a married woman as a tormentor, making it susceptible to misuse for seeking revenge against entire families. Disturbingly, reports suggest that not only women, but also men and their relatives have been threatened with arrest by the police unless they pay substantial bribes, exploiting Section 498A's presumption of guilt. These negative consequences have hindered the effectiveness of Indian domestic violence laws in protecting women, contrary to the intentions of the Indian government. The Indian Penal Code (IPC), which has been in existence for 163 years, has now been replaced by the Bhartiya Nyaya Sanhita (BNS).

³ The Protection of Women from Domestic Violence Act, 2005

⁴ The Protection of Women from Domestic Violence Act, 2005

⁵ Dowry Prohibition Act, 1961

⁶ Indian Penal Code, 1860

The BNS continues to address crimes of a sexual nature only against women, such as rape, voyeurism, stalking, and affronting a woman's modesty, just like the IPC. However, it brings about some important changes. One significant change is that the BNS raises the age threshold for a victim to be considered a minor in cases of gang rape from 16 to 18 years. This ensures better protection for young victims. Moreover, the BNS introduces new provisions that criminalize sexual intercourse with a woman through deceptive methods or false promises.

The implementation of the Bhartiya Nyaya Sanhita marks a progressive step towards safeguarding the rights and dignity of women in India but men are still abandoned by the government and justice mechanisms. According to an article of NDTV in the year 2020⁽⁷⁾ (24th April 2020, in the midst of a nationwide lockdown aimed at combating the coronavirus pandemic, a woman from West Delhi, aged 35, has been charged with the tragic murder of her parents-in-law. In a recent report by Hindustan Times, a shocking incident unfolded in Ashok Vihar, northwest Delhi. It is alleged that a 35-year-old woman conspired with her friend to murder her husband on May 1, 2020⁽⁸⁾. According to police, she allegedly attempted to disguise the cause of death as Covid-19. These examples demonstrate that domestic violence is not exclusive to women, indicating that societal changes have an impact. Cruelty transcends gender and can stem from individuals filled with hate, revenge, and egocentrism. Unfortunately, the majority of domestic violence cases against men go unreported, making it difficult to obtain accurate statistics. While women who speak out against domestic violence are praised, men in similar situations are silenced and told to remain quiet, fearing societal judgment. They face shame from their own families and are ostracized by society. It is ironic that men now face the same challenges women faced when they first spoke out against domestic violence. Many men fear that biased laws may not provide them with the justice they need during difficult times. They often deny or choose not to openly discuss the issue. This paper examines the various aspects of gender-neutral laws for domestic violence victims, highlighting insignificant references and significant cases brought forward by male victims under judicial supervision. It aims to draw attention to the challenges faced by males when reporting their cases due to toxic masculinity.

The paper presents a survey on unreported cases and emphasizes the need for a just law that is accessible to all individuals, regardless of gender. Additionally, it compares the provisions available

⁷ Chhawla, West Delhi Double Murder: Women Allegedly Kills In-Laws, Husband Was At Home During Crime (ndtv.com)

⁸ Woman Kills husband, tries to pass death off as due to Covid; arrested| Latest News Delhi- Hindustan Times

in different developed countries. Lastly, it discusses the measures taken by male activists in addressing this issue.

3. Hypothesis

This research paper hypothesizes that the absence of specific legal provisions to protect men against domestic violence has resulted in underreporting of such incidents and eroded confidence in the justice system. The prevailing societal perception, coupled with the lack of gender-neutral laws, contributes to a climate where male victims hesitate to report domestic violence, perpetuating a cycle of silence and hindering the effectiveness of the justice system. The hypothesis suggests that addressing this legal gap and fostering an inclusive legal environment for male victims is crucial to encourage reporting and restore faith in the justice system's ability to address domestic violence against men.

4. Statement of Problem

The absence of specific legal safeguards for men facing domestic violence constitutes a critical issue, contributing to a significant problem in contemporary society. Currently, there exists a notable gap in the legal framework, as laws predominantly focus on protecting female victims. This deficiency has resulted in underreported cases of domestic violence against men, perpetuating a culture of silence and inhibiting the justice system's ability to address these issues effectively. The societal stigma surrounding male victimhood, coupled with the lack of gender-neutral laws, creates an environment where male victims are hesitant to report incidents, thus undermining the efficacy of the justice system in providing adequate protection and redress. This research aims to investigate and address this pressing problem, advocating for gender-inclusive legal measures to better protect men against domestic violence and restore confidence in the justice system.

5. What Domestic Violence means? Where does the current laws fail?

In simple terms, domestic violence refers to extremely aggressive and violent behavior that occurs within a household. It encompasses different types of abuse such as mental, sexual, economic, emotional, and physical, which are directed towards romantic partners and other family members. Intimate Partner Violence (IPV) is another term commonly used to describe this issue, where one person in an intimate relationship commits harmful actions against the other person. According to the World Health Organization (WHO), IPV includes any behavior within an intimate relationship

that causes physical, psychological, or sexual harm to those involved.

This includes acts of physical aggression, sexual coercion, psychological abuse, and controlling behaviors⁽⁹⁾ IPV is sometimes referred to simply as battery, or as spouse or partner abuse. In this section we will see various laws regarding the issue and comparing it with the laws available for the other genders.

5.1-Protection of Women from Domestic Violence Act, 2005:

It is also defined under Section 3 of the Protection of Women from Domestic Violence Act, 2005.⁽¹⁰⁾

Definition of domestic violence.—For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

- a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Explanation I.—For the purposes of this section,—

- (i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;
- (ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;
- (iii) “verbal and emotional abuse” includes—
 - (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and
 - (b) repeated threats to cause physical pain to any person in whom the aggrieved person is

⁹ Violence against Women

¹⁰ The protection of Women from Domestic Violence Act, 2005

interested.

(iv). “economic abuse” includes—

- (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
- (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and
- (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household. Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

5.2-Section 498A of The Indian Penal Code, 1950:

Section 498A of The Indian Penal Code⁽¹¹⁾ says:

Husband or relative of husband of a woman subjecting her to cruelty.—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. Explanation.—For the purpose of this section, “cruelty” means—

- (a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

¹¹ The Indian Penal Code, 1860

5.3-Dowry Prohibition Act, 1961:

The Section 4(12) of the act says:

Penalty for demanding dowry-- If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

The failure of the laws is that these provisions are only available for women. In the universe, nothing has just one side. Every object has two sides, no matter how small or thin they are. Carl Jung once said, "Wisdom knows that everything has two sides."

Now a days, false accusations of domestic violence are taken as a tool to fulfill the unlawful or not fulfilled needs of the female spouses. Not only women but the police have reportedly threatened to arrest many men and their relatives if they do not pay large bribes due to Section 498A's presumption of guilt. Indian domestic violence laws have not been able to protect women as the Indian government had hoped because of these negative effects. Even if the charges is proven false, the accused is humiliated by the society. Poor and uneducated women may have endured the torment of their husband's family, but many educated women now use this conduct for illegal motives. The legislations were rewritten, significantly weighted in favor of women, on the assumption that only really offended women would come forward to file a complaint and that they

would always speak the truth. Men are now seen as an oppressed group of people who are victims of domestic violence laws due to this conservative advocacy. These victimized imitation claims, however, have not been supported by any evidence and are most likely the product of exaggerated hearsay or rumor. Section 498A abuse is well-known to the judiciary. The Supreme Court described it as a form of legal terrorism. The judiciary, on the other hand, is powerless in the face of enormous pressure from feminist organizations. Amendments to Section 498A are awaiting consideration in the Rajya Sabha, where a bill has been introduced.

¹² Dowry Prohibition Act, 1961

5.4- New Provisions of Bhartiya Naya Sanhita:*

Punishment for rape, Sec 64: 1) Whoever commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than 10 years, but which may extend to imprisonment for life, and shall also be liable to fine. 2) Whoever being a police officer, public servant, armed force member, management or on the staff of a jail, hospital, being a relative, guardian or teacher, commits rape during communal or sectarian violence or commits rape on a woman knowing her to be pregnant or commits rape, on a woman incapable of giving consent; or being in a position of control or dominance over a woman, commits rape on such woman, commits rape on a woman suffering from mental illness or physical disability, while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman, commits rape repeatedly on the same woman. Shall be punished with rigorous imprisonment for a term which shall not be less than 10 years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Punishment for rape in certain cases, Sec 65: 1) **Whoever, commits rape on a woman under 16 years of age** shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine. Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim. Provided further that any fine imposed under this sub-section shall be paid to the victim.

2) **Whoever, commits rape on a woman under 12 years of age** shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death. Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim. Provided further that any fine imposed under this section shall be paid to the victim.

Punishment for causing death or resulting in persistent vegetative state of victim, Sec 66: Whoever, commits an offence punishable under sub-section 1) or sub-section 2) of section 64 and

*Bhartiya Naya Sanhita

in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life or with death.

Sexual intercourse by husband upon his wife during separation or by person in authority,

Sec 67: Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

Sexual intercourse by employing deceitful means, Sec 69: Whoever, by deceitful means or making by promise to marry to a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either 5 descriptions for a term which may extend to ten years and shall also be liable to fine. "deceitful means" shall include the false promise of employment or promotion, inducement or marrying after suppressing identity.

Assault or criminal force to woman with intent to outrage her modesty, Sec 73: Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will there by outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine. **Sexual harassment and punishment for sexual harassment, Sec 74:** 1) A man committing any of the following acts, shall be guilty of the offence of sexual harassment: (i) physical contact and advances involving unwelcome and explicit sexual overtures; (ii) a demand or request for sexual favors; (iii) showing pornography against the will of a woman; (iv) making sexually colored remarks,

2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both. 3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Voyeurism, Sec 76: Whoever watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Explanation 1: For the purpose of this section, “private act” includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim’s genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2: Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section.

Stalking, Sec 77:

1) Any man who has committed the below actions in subsections has committed the offence of stalking.

- i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman;
- ii) monitors the use by a woman of the internet, e-mail or any other form of electronic communication,

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

- i. it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
- ii. it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- iii. in the particular circumstances such conduct was reasonable and justified.

2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to 3 years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to 5 years, and shall also be liable to fine.

Word, gesture or act intended to insult modesty of woman, Sec 78:

Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object in any form, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.

5.4-Relevant Cases that Indian Judiciary came across:

- i. In *Loha v. The District Educational Officer*(13), the Court did not specifically address whether there was a violation of the Domestic Violence Act and other matrimonial offenses. However, upon careful examination of the affidavit, it is evident that the petitioner utilized the aforementioned provisions as a means to seek revenge against her husband and in-laws. It is worth noting that the petitioner's father-in-law is a Government servant, which made it even more convenient for her to target him in order to jeopardize his employment. By filing a complaint, she aimed to exert pressure on him to reach a settlement. Therefore, it is undeniable that there has been a misuse of the Act.
- ii. The case *Rajesh Sharma v. the State of UP*(14), the Supreme Court acknowledged the misuse of section 498A of the Indian Penal Code (IPC) and took measures to safeguard the human rights of honest and innocent individuals, while also preventing the abuse of feminist violence. The Court established the family welfare committee in each district, which would be responsible for hearing all dowry cases and granting special authority to the justice system. Any complaint received by a magistrate under section 498A should be referred to this committee. Furthermore, the judgement emphasized that only an authorized investigating officer from the respective area should handle complaints under this section. The Court recognized the importance of maintaining a balance between women's rights

¹³ *Loha v The District Educational Officer*, 2015

¹⁴ *Rajesh Sharma v The State of UP*

and the misuse of the law.

- iii. The Supreme Court of India has issued a ruling on Section 498A, stating that the mere possibility of misuse is insufficient to render it invalid. The concerns regarding widespread abuse have influenced the decision-making process regarding the implementation of the policy, as a consequence of the Supreme Court's ruling in the case of *Arnesh Kumar V. State of Bihar*.⁽¹⁵⁾, the Supreme Court's decision enabled the police to screen Section 498A complaints in order to determine if an offense has been committed. This decision was part of the guidelines set forth by the Court, which focused on arrests in cases of cognizable offenses that could result in a sentence of fewer than seven years. While Section 498A was a key aspect of these guidelines, the Court also considered other offenses. The Court deemed "matrimonial disputes/family disputes" as suitable for a preliminary inquiry conducted by the police. The purpose of these inquiries is to ascertain whether the information provided in the First Information Report indicates the commission of a criminal offense deserving criminal punishment.

The misuse of gender-specific laws not only results in injustice towards males but also undermines our constitutional values. The judiciary is well aware of the misuse of Section 498A, with the Supreme Court even referring to it as "legal terrorism." However, the judiciary itself faces significant pressures from feminist groups, which limits its ability to address this issue effectively. Currently, there is a bill awaiting consideration in the Rajya Sabha for the amendment of Section 498A. Justice Malimath, the former Chief Justice of Karnataka and Kerala High Courts, led a committee that provided a comprehensive report on necessary amendments to Criminal Laws. This committee recommended that Section 498A should be made bailable and compoundable. Unfortunately, feminist groups and their connections within Amnesty International have threatened to protest against this recommendation, creating further challenges in addressing the issue. ⁽¹⁶⁾. The pressure on families to take legal action against such horrifying acts and false accusations of 498A is immense. It is crucial that we not only sensitize society but also reform laws to ensure justice for all genders. Why should only women be labeled as victims when men can also find themselves in these situations? As laws are being changed to protect women, it is

¹⁵ *Arnesh Kumar v State of Bihar*, 2014

¹⁶ India: Report of the Malimath Committee on Reforms of the Criminal Justice System: Some observations- Amnesty International

equally important to reform laws and safeguard men who are victims of domestic violence. The increasing number of false cases related to dowry, cruelty, and domestic violence has caused emotional and mental pain for many men. It is time to reevaluate our societal, legal, and moral definition of a "victim" as it should not be based on gender.

Laws on domestic violence shall be gender neutral and should protect equally men as they womendo.

6. Why are Domestic Violence cases against Men unreported?

Not only are the laws responsible for preventing cases from being reported, but societal beliefs also contribute to the emergence of toxic masculinity. The consequences of such cases extend beyond physical harm and encompass societal harassment as well. The unreported and unnoticed violence against males can have profound effects on families, such as denial of acceptance, depression, and even thoughts of suicide in extreme cases. From childhood, we are ingrained with the idea that our fathers are superheroes or heroes, and even when we search for images of domestic violence, we are shown pictures of males hitting females. It has become reflexive for us to believe that only females experience cruelty, pain, and harassment, while males are portrayed as the villains, strong and cruel. Interestingly, it is observed that women think about suicide more often, whereas men are more likely to die by suicide. This phenomenon is known as the Gender paradox in society. Many times, men choose not to disclose the violence they face from their spouses or intimate partners. The reasons for domestic violence against men can be broadly categorized as sociocultural factors, such as low income, alcohol influence, and the nuclear family setup, as well as physiological factors, including short temper, workplace frustration, and unmet demands, which can lead to violent behavior.

Reasons why the cases are unreported are as follows:

- Many individuals experience discrimination and discomfort when it comes to speaking up and taking a stand against domestic violence. They fear being labeled as weak, feeble, disabled, or unmanly, which prevents them from addressing this issue. Unfortunately, the majority of people believe that domestic violence only affects women, leading to denial when they learn that men can also be victims. Consequently, there is a general reluctance to discuss this matter. It is disheartening that some men resort to joking about domestic violence against men and being beaten by their wives, instead of recognizing the

seriousness of these issues. It is crucial to understand and empathize with the sensitivity surrounding these matters, rather than making light of them.

- It is a widespread concern among adults in India to be the one responsible for breaking their family. Our cultural values have always emphasized the importance of family, making the thought of taking such steps not only unsettling for women but also for men. In some cases, this fear is heightened by the possibility of losing custody of their children. Many incidents go unreported, as both families prefer to keep the matter hidden to avoid societal humiliation. The pressure from society and family to conceal instances of violence stems from the prevailing stereotypes against a particular gender. Consequently, individuals feel ashamed to speak up about the violence they have experienced, believing that they have failed in their roles as protectors and nurturers of their families. Society also plays a significant role in perpetuating biased laws and stereotypes related to gender.
- Men often hold the belief that revealing instances of violence will lead to unnecessary troubles, and they are reluctant to confront legal repercussions due to the gender-biased or gender-specific laws outlined in our Constitution. They feel compelled to separate from their families, a process that can be time-consuming. Moreover, in numerous remote regions, the local communities are unaware of the laws designed to safeguard women. Consequently, comprehending the intricacies and legality of the process becomes exceedingly challenging for them, given their limited educational and financial resources.
- The impact of social media and the premature judgments made without any evidence can be detrimental, not only in this particular situation but in others as well. It exposes a large number of individuals to personal issues and opens the door for unnecessary, hurtful comments without considering the impact on the person on the receiving end. Many of us strive to protect ourselves from this social and emotional harm, which is why even men hesitate to report injustices they face.
- The immense pressure compels families to pursue legal action against such horrifying acts, and to avoid falling into the trap of false accusations under section 498A.
- The Toxic Masculinity, Patriarchy and Social Stigma gives birth to strong gender stereotypes, with such an upbringing that a man or a boy is always told to be strong and if he is being abused or assaulted by a woman, he is not only criticized but also considered weak to have it inflicted upon him,” said Jaipur based Divination Practitioner and energy healer Vibha Sharma.

In the famous Depp V. Heard Case⁽¹⁷⁾, has finally concluded, serving as a prominent example of the harsh reality and the profound impact a legal case can have on one's professional and emotional life. Although the jury held both Heard and Depp accountable for defamation in their respective cases, they reached a decision, Depp substantially got greater damages. There exists a misconception within our society that domestic violence exclusively affects women. However, statistics indicate that 40% or more of domestic violence victims are men. Identifying domestic violence against men in relationships is not a simple task. Initially, it may appear as care, concern, protection, and generosity. The relationship might seem attentive, but eventually, it can become controlling and frightening. In a society dominated by males, men often feel ashamed to admit that they are being abused by their wives or their wives' family members. It is crucial to reevaluate our societal, legal, and moral definition of a "victim." Gender should not determine who falls under this category. Laws addressing domestic violence should be gender-neutral and provide equal protection for both men and women. Society typically assumes that women are the primary victims of domestic violence, but this assumption is incorrect. Men can also experience domestic violence. India, being a patriarchal and male-dominated society, often finds it difficult to acknowledge that domestic violence can occur against men as well. Despite numerous shocking cases of male sexual abuse, the rape laws in the Indian Penal System do not adequately address the needs of male victims.

7. Analysis and Interpretation

7.1-Primary Source:

(a) Heterosexual Relationships

“I just believe that in the world with such widespread focus and demand for equality we should not forget that men deserves equal human rights too and they are humans too. Violence doesn't have a gender, doesn't see sex, and can be done against men too. Men are unable to voice their concerns or unable to speak up when they are victims of it due to societal pressure and insufficient laws to empower them against such an incident.”- an anonymous participant.

The relevancy of the facts stated below can be checked through a on field primary survey. People between the age group of 18-23 were targeted in it to look into the minds of the upcoming lawyers,

¹⁷ John C. Depp, II v Amber Laura Heard

judges, and lawmakers.⁽¹⁸⁾ The research was carried out in the North-West Region of New Delhi with a target of getting in touch the college students both males as well as females.

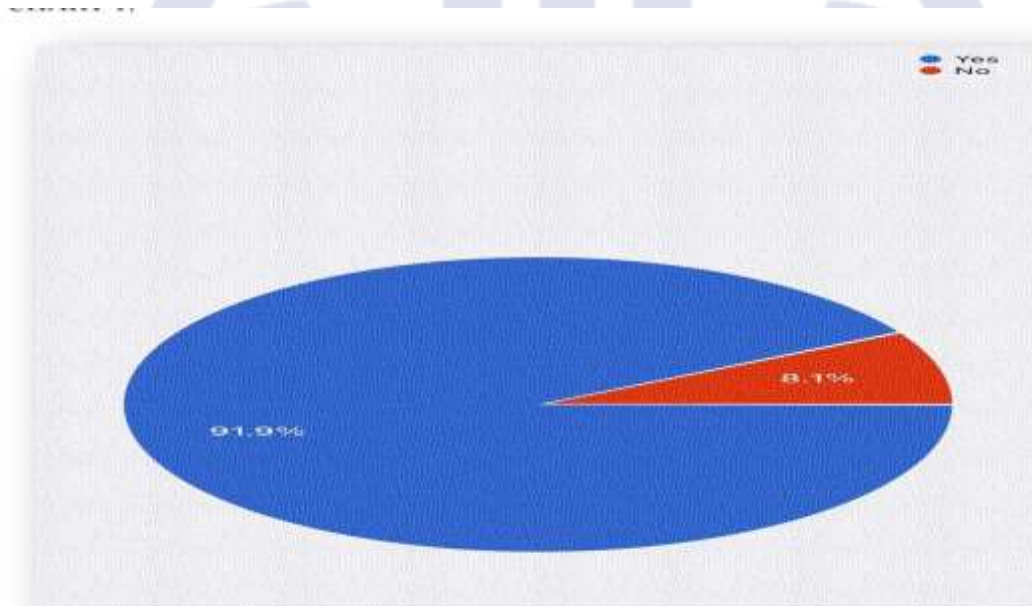
The field work took a week to generate genuine response by using the medium of Google Forms and at the end the sites were closed with 86 participants, their identities were concealed to prevent any altered responses due to the tag. As a result, many expressed their views fearlessly about the topic.

Question 1: Do you think men can be victims of Domestic Violence? Options: Yes/ No

Total Responses: 86

Answers: Yes-79(91.9%), No-7(8.1%)

CHART 1:



By analyzing Chart 1, we can realize that there are still many participants who are still haven't thought of the fact that men can also suffer from Intimate Partner Violence. Even though there is a

¹⁸

https://docs.google.com/forms/u/1/d/1SFU-Gh2ZRnyRzRAI_g1v9YXOwdZimGfM4w4P7j3VmpY/alreadyresponded?pli=1&pli=1

high percentage of participants being aware of this situation but it is still a taboo to the society.

Further, interpreting the field study there can be felt a sense of false virtue in the mindset, it is very easy to claim to be morally advanced when you are in modern society. Things gets quite complicated in real life situations. In my opinion the idea of violence against men by their spouse is taken as a joke widely in their circle by men and this results in the issue only being confined to solely the arena of cracking jokes which further result in the unawareness.

Question 2: What are the reasons for the cases of domestic violence against men to be unreported?

Total Responses:86

Options:

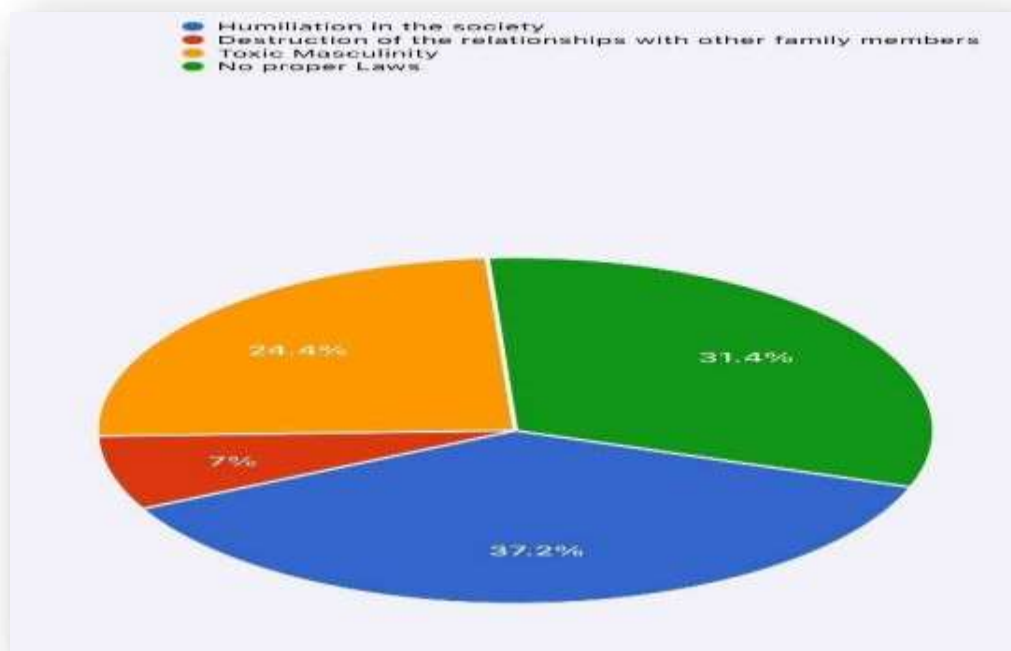
- (a) Humiliation in the society
- (a) Destruction of the relationships with other family members
- (b) Toxic Masculinity
- (c) No Proper Laws

Total Responses:86

Answers: Option

- (a) 32(37.2%) Option
- (b) 6(7%)
- (c) 21(24.4%)
- (d) 27 (31.4%)

CHART 2:



Studying the responses, there can be seen mixed opinions with different reasons to back their answers. There can be seen a close valuation between humiliation in the society(37.2%)and no proper laws(31.4%). The guilt of destruction in relationships(7%) can even be seen as a reason but not much chosen, lastly, the idea of toxic masculinity that gets the ego between this issue can also been seen with a decent percentage(24.4%)

Digging the responses further resulting in the interpretation, the society plays the main role in different spheres of this issue, whether it is engraving the idea of only women being the victim and men being the strong, violent, aggressive etc. We never realize that the people outside our home aren't the ones who are going to live with the trauma. Even toxic masculinity is a product of the society that has embedded the ideas.

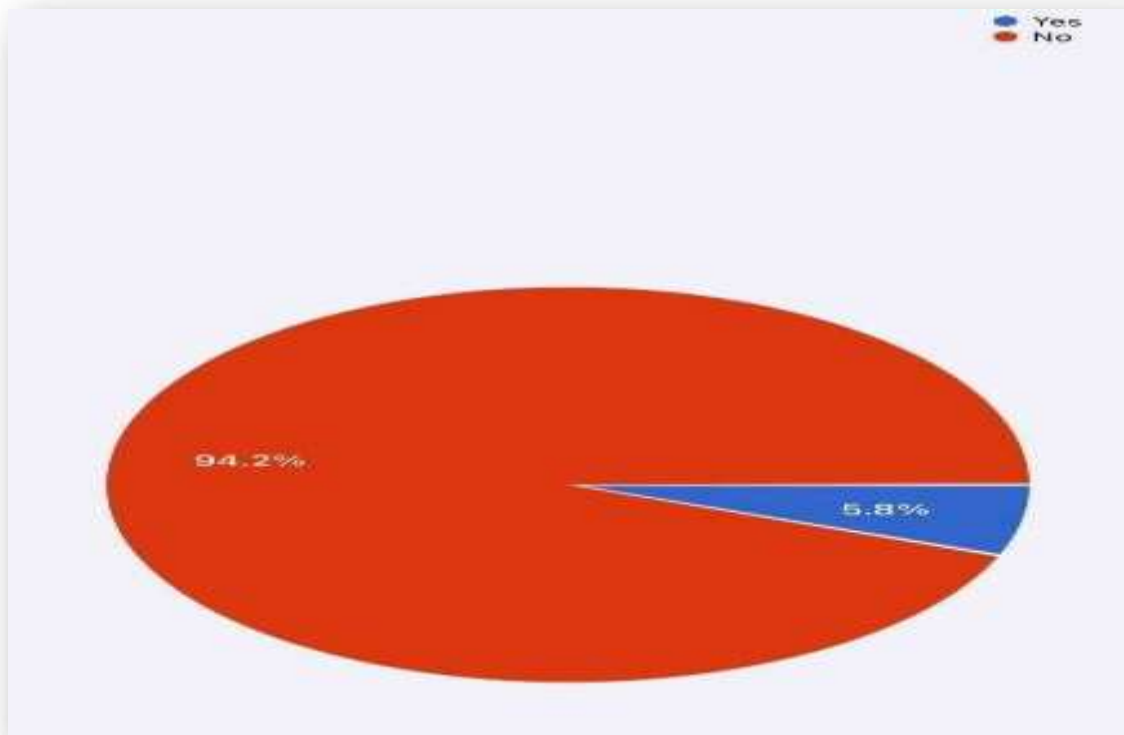
Question 3: Do you think that the current laws for protection of this matter is enough? Total

Responses: 86

Options: Yes/No

Answers: Yes- 81(94.2%), 5(5.8%)

CHART 3:



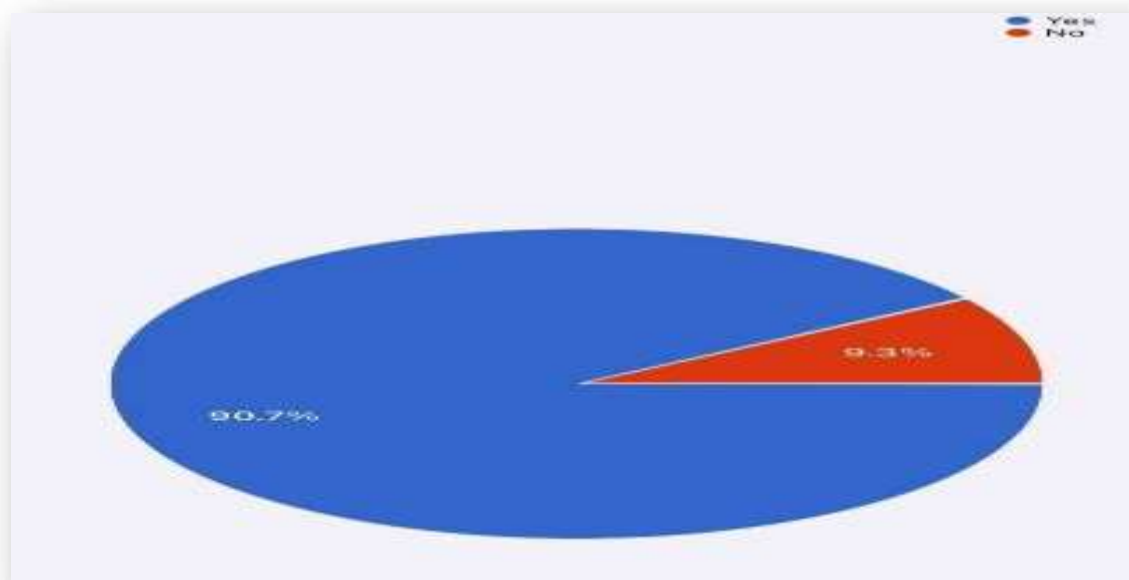
Analyzing Chart 3, there's a high majority of the participants disagreeing that the laws that we have in the current scenario is enough and the agreeing participants are in very petite amount.

Through my personal lenses the laws are not enough in fact they are nonexistent in India, the lawmakers are currently at a stage of ignorance to the males. And not only the lawmakers but the people as been which can be observed. Laws need be reformed time to time with the upcoming needs of the society and if not done so it may lead to chaos.

Question 4: Do you feel that gender-neutral laws should be made in India? Total Responses: 86

Options: Yes/No

Answers: Yes-79(90.7%), No (9.3%)CHART 4:



The young generation put forwards the demand of making Gender Neutral Laws in India with this chart it is proved astonishingly but there can be seen immovability of the awareness in this matter by the people who have disagreed with this notion.

We are at a stage of taking sides rather than promoting equality, many may think that by making the laws for the females we have done the job for maintaining gender neutrality but the idea is a lot more different than its topic. There should be equal laws for equal treatment, only then we will be at the pinnacle of equality.

A section for personal comments was left for participants for having a much deeper view of their thoughts and experiences which can be seen in the quoted comments in the starting of the topic.

(b) Homosexual relationships

While the issue of intimate partner violence is commonly associated with heterosexual relationships, it is important to recognize that gay couples are also vulnerable to physical and sexual violence, emotional abuse, and controlling behavior. This violence is linked to HIV prevention efforts as men in abusive relationships may encounter difficulties in negotiating for condom use or determining the timing and nature of their sexual activities. In a similar manner to heterosexual couples, a gay man who is struggling with his identity may resort to physical or

emotional abuse as a way to cope with the stress he experiences. This can be compared to the behavior of an unemployed man in a heterosexual relationship who may exhibit aggression towards his female partner due to feelings of inadequacy.

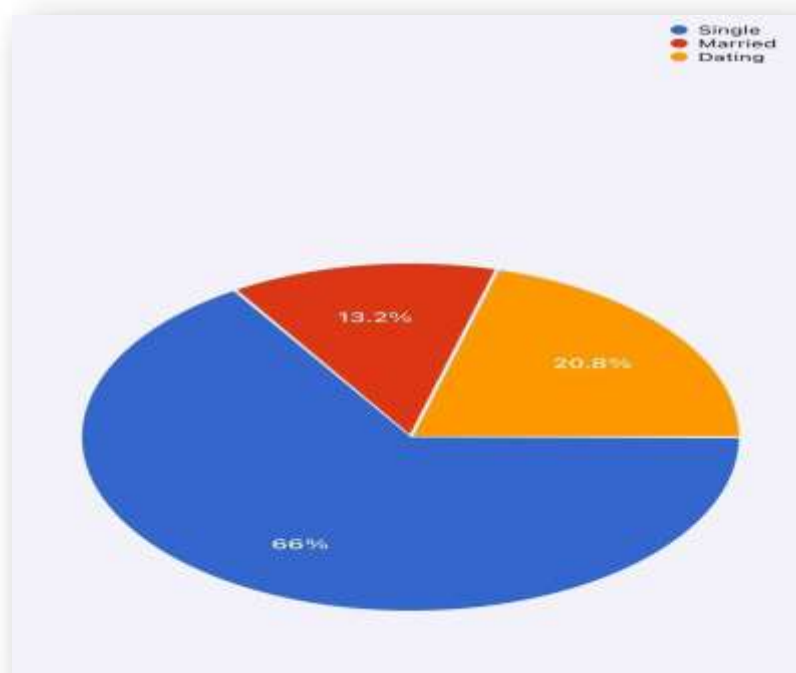
The survey targeted wide range of minds from 15-65 years and from Queer, Cis heterosexual to straight females and males*. The study emphasizes a strong association between internalized homophobia and violence, as indicated by the research findings. These results shed light on the complex dynamics within gay relationships and the impact of societal attitudes on the prevalence of intimate partner violence.

Question 1: Your current relationship status? Total Responses: 53

Options: Single/Dating/ Married

Answer: Single 35(66%), Dating 11(20.8%), Married 7(13.2%)

CHART 1:

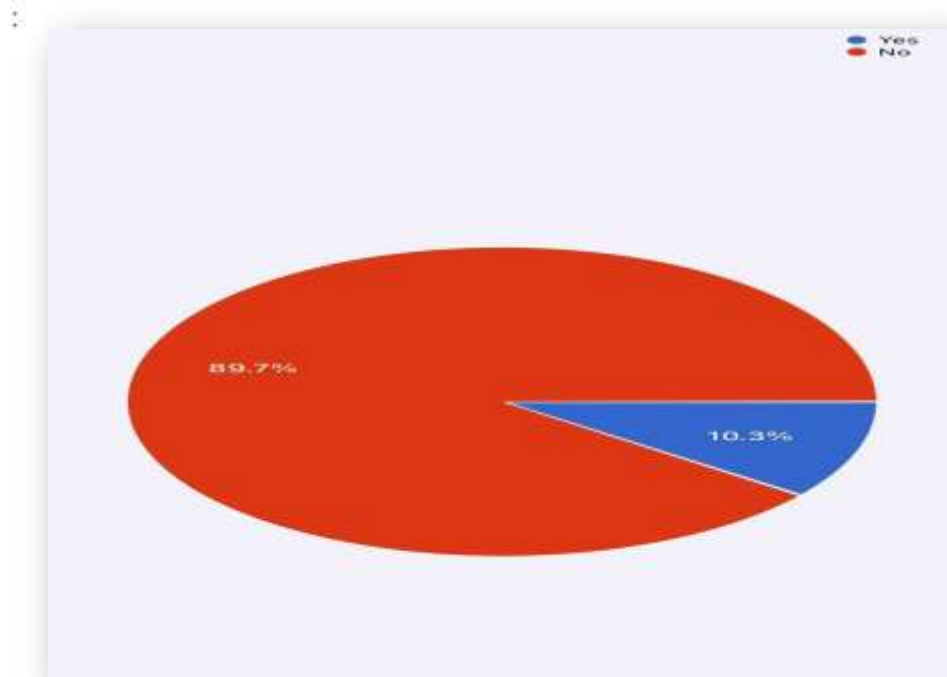


By analysing the responses we can make out that the maximum respondents are single and minimum are married.

Question 2: Do you identify as part of a same-sex couple? Options: Yes/No

Answers: Yes 6(10.3%), No 52(89.7%)

CHART 2 :



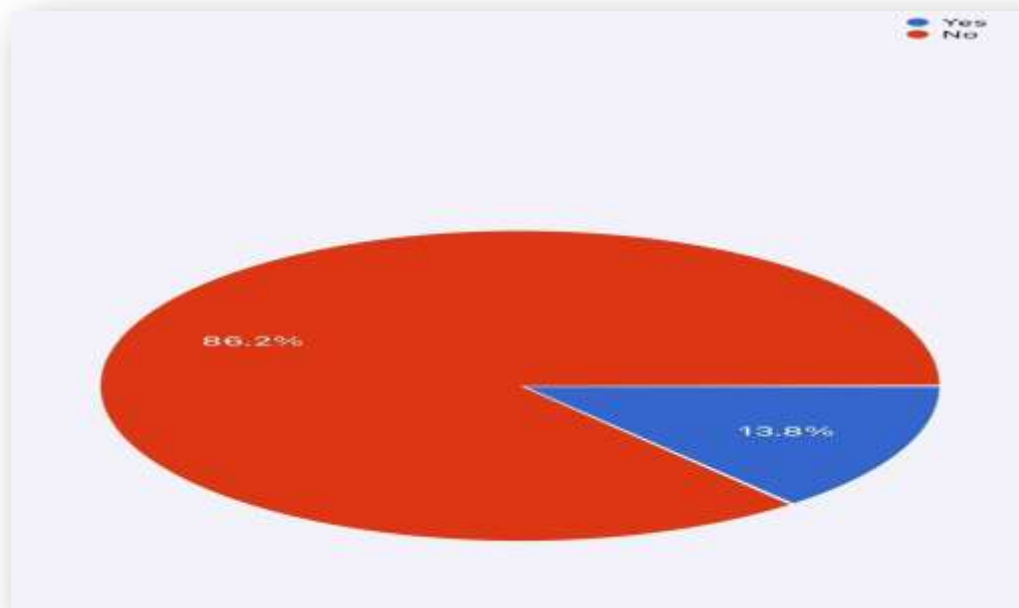
With the overview of this chart, we can make out that the maximum audience is in a heterosexual relationship.

Question 3: Have you or someone you know experienced domestic violence in a same-sex relationship?

Options: Yes/No

Answer: Yes 8(13.8%), No 50(86.2%)

CHART 3:



If look at the numbers, we can see that there are cases of violence in India, there is a decent figure to determine the statement. Gay men experience higher rates of physical partner violence victimization compared to heterosexual men. This can be attributed to societal homophobia, which exposes gay men and lesbian victims of intimate partner violence (IPV) to unique situations not encountered by heterosexual victims of IPV. It is worth noting that gay male and lesbian victims are less inclined to seek assistance from the police when compared to victims in opposite-sex relationships.

Question 4: If yes, please share any insights observations you may have.

Answers: “What I’ve seen in these scenarios is that a same sex couple consists of a dominant and a submissive partner. Mostly it has been observed that the dominant partner always tends to unleash domestic violence on the submissive partner only for the sake of enjoyment.” Respondent No. 2.

“Domestic Violence do exist in same-sex relationships but challenges may include fear of discrimination. However, seeking help is vital for a healthy and just resolution.” Respondent No.5.

“There are no laws to protect men from sexual assault and harassment, even if the victim will try to seek help, they will be dismissed as their identity is not accepted, they would get treated worse and due to weak legal protection they would choose to stay silent.” Respondent No. 52.

Question 4: What barriers or challenges do you think same-sex face when dealing with domestic violence?

Options:

- (a) Fear of not being acceptable in the society
- (b) No laws made separately for them
- (a) Discomfort in coming out
- (c) Others (open for public opinion)

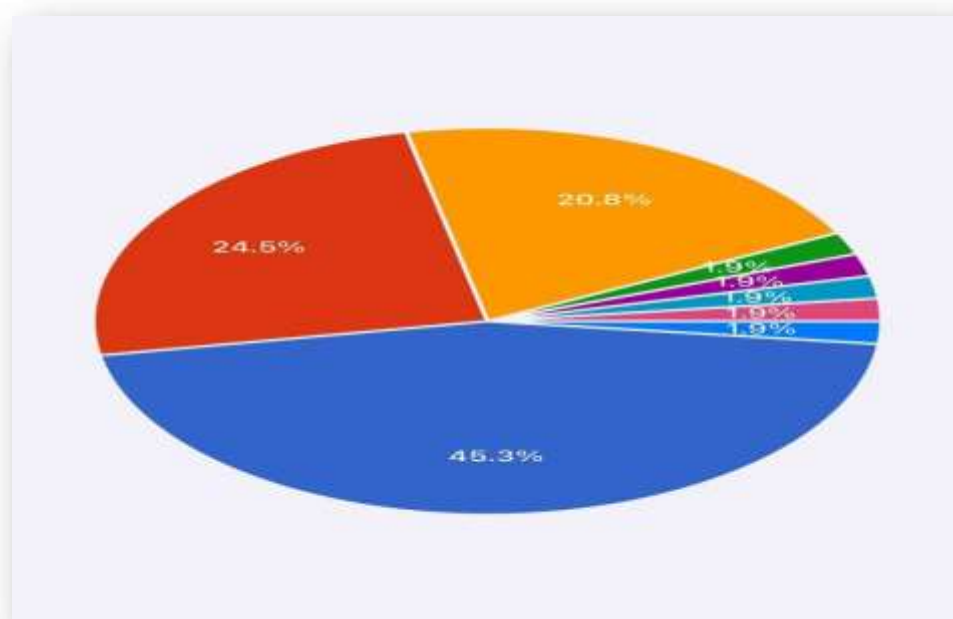
Answers:

- (a) Fear of not being acceptable in the society. 24(45.3%)
- (b) No laws made separately for them, 13(24.5%)
- (c) Discomfort in coming out, 11(20.8%)
- (d) Others- Hidden patriarchal mindset, 1(1.9%),

I believe some of the challenges re first of all is misconceptionn that domestic violence cannot occur in a same sex marriage and thst they have vno remedy inh the indian legal system to help them, 1(1.9%)

All of the above, 1(1.9%)

CHART 4:



Upon careful examination of the responses, it becomes apparent that there is a noticeable lack of

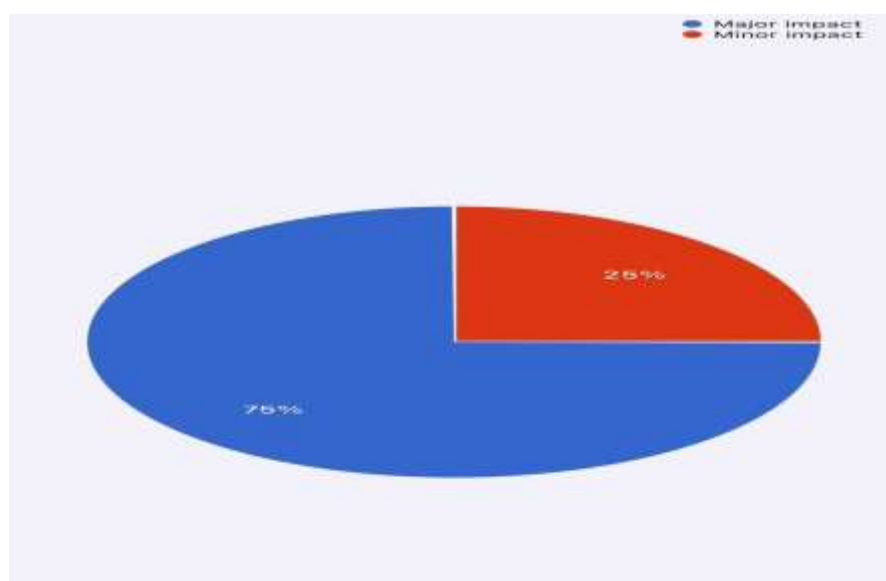
clarity surrounding the correlation between homosexual relationships and domestic violence.

Furthermore, individuals often experience apprehension and anxiety when contemplating revealing their sexual orientation due to the unwelcoming nature of society. The responses pertaining to intimate partner violence within the gay and lesbian community can be characterized as neglectful, as they fail to address the issue adequately. It is important to highlight that gay male victims of domestic violence face significant barriers in accessing appropriate support, as the number of shelters specifically catering to men is limited. When assessing the moral implications of abusive behavior and determining the appropriate course of action, the general public tends to evaluate incidents involving same-sex and opposite-sex couples in a similar manner. The severity of the violence and the presence of a weapon are the primary factors considered by the public. Additionally, it is worth noting that there are no distinct laws in place to address the unique challenges faced by individuals in same-sex relationships, further contributing to the discomfort experienced when coming out. The presence of other options indicates a growing awareness and recognition of this matter.

Question 5: How might these challenges impact seeking help or support? Options: Major Impact/Minor Impact

Answers: Major Impact 39 (75%), Minor Impact 13(25%)

CHART 5:



The origins of law can be traced back to society, where customs often evolve into legal norms.

The society not only influences the development of laws but also shapes the perspectives of its inhabitants. This correlation is evident in the challenges faced by the LGBTQI+ community, as they continue to experience societal alienation despite significant legal advancements such as the repeal of Article 377 in 2018. Unfortunately, our long-held beliefs hinder our ability to create a safe environment for them.

Question 6: In your opinion, what resources or support systems are the most effective of same-sex couples experiencing domestic violence?

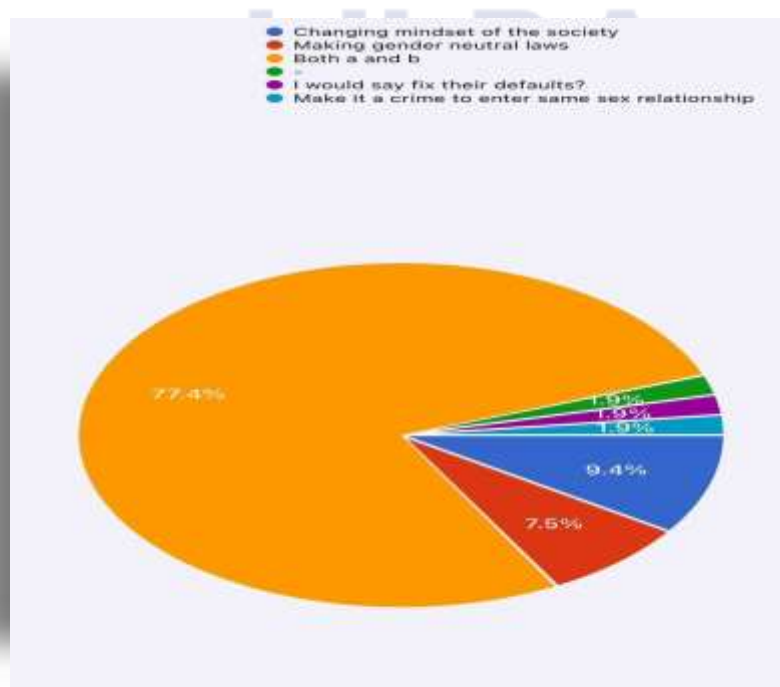
Options:

- (a) Changing mindset of the society
- (a) Making Gender Neutral Laws
- (b) Both A and B
- (c) Other (open for public opinion)

Answer:

- (a) Changing the mindset of the society 5 (9.4%),
- (b) Making Gender Neutral Laws 4(7.5%),
- (c) Both A and B 41(77.4%),
- (d) Others- Make it a crime to enter into same-sex relationship 1(1.9%), I would say fix your defaults 1(1.9%)

CHART 6:



It is not only disgraceful but also humiliating to be a member of a society where same-sex relationships are viewed as the norm, and the preference for a particular form of love is ridiculed by the general public. However, upon examining the core problem at hand, we can observe that there exists a connection between societal beliefs and legal frameworks. Unless we take the initiative to initiate change, we will be unable to alter the existing laws.

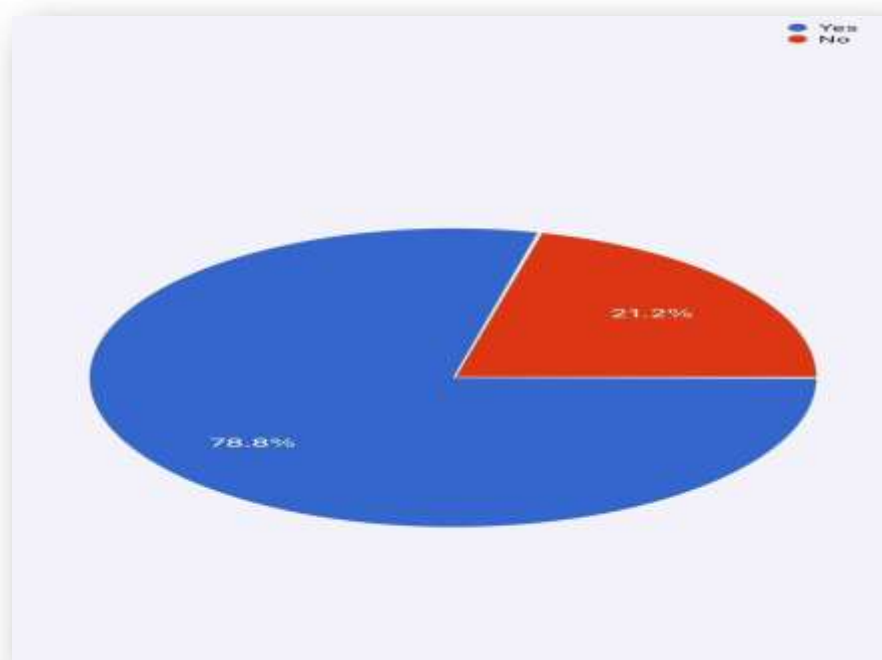
Question 7: Do you think societal perception and awareness of domestic violence in same-sex couples affect reporting and intervention process?

Options: Yes/No

Answer: Yes 41(78.8%), No 11(21.2%)

CHART 7:

Upon reviewing the responses, it becomes evident that there exists a sense of hesitation stemming



from the unacceptability and injustice that often accompanies the failure to report such cases. Numerous occurrences can be observed where law enforcement officers trivialize these incidents, thereby rendering it exceedingly challenging for victims to share their narratives.

Consequently, these victims find themselves concealed beneath the pervasive veil of social injustice.

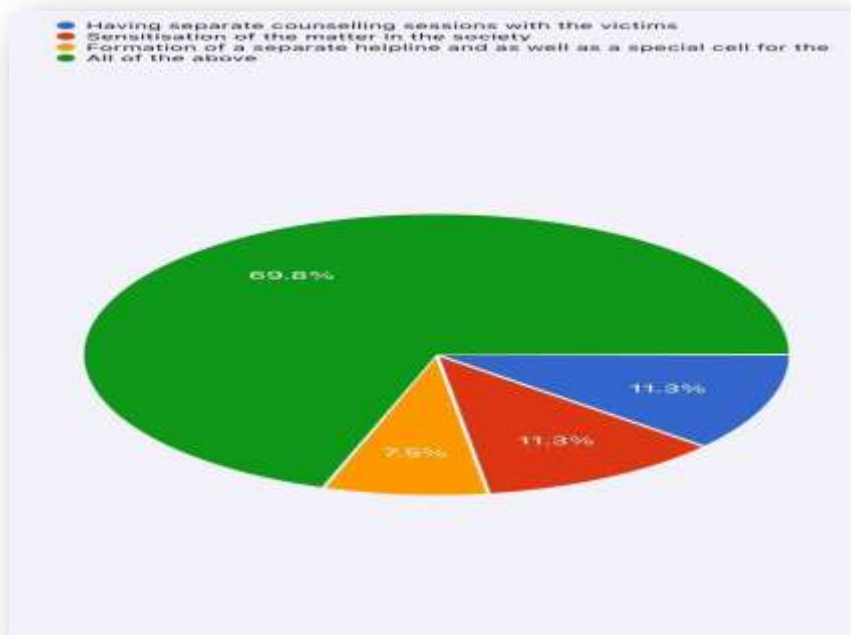
Question 8: What recommendations do you have for improving services and support for same-sex couples affected by domestic violence?

Options:

- a) Having separate counselling sessions with the victims
- b) Sensitization of the matter in the society
- c) Formation of a separate helpline and as well as a special cell for them
- d) All of the above

Answers:

- (a) Having separate counselling sessions with the victims 6(11.3%)
- (b) Sensitization of the matter in the society 6(11.3%)
- (c) Formation of a separate helpline and as well as a special cell for them 4(7.5%)
- (d) All of the above 37(69.8%)



Once we initiate the process of raising awareness, it is only then that we can effectively educate individuals about intimate partner violence (IPV) within same-sex relationships. This, in turn, will lead to the development of improved mechanisms for providing support and counseling to the victims. However, without the harmonization of thoughts and ideas, the implementation of any separate legislation or law aimed at addressing this issue within society will inevitably encounter obstacles.

Question 9: Is there anything else you would like to share regarding domestic violence in same-sex couples?

Answers: “It is something which is increasing with an alarming rate. We must do something to par this as we are living in a society which is not still able to accept same sex couples and it will be difficult for them to solve these problems.” Respondent No 2

“It's crucial to acknowledge that anyone can be a victim and making gender neutral laws against domestic violence is of paramount significance to address this issue.” Respondent No 5

“It is an issue that is carrying a greater effect than, the society realizes. The gravity of the situation is so intense that even the woke do not like to talk about it, making it a taboo. We cannot ignore the fact that domestic violence is a grave issue for homogenous relationships asmuch as it is for heterogenous relationships.” Respondent No 8

“Same sex couples should respect each other in terms of anything they are lacking in and should understand one’s feelings.” Respondent No 10

“There should be more laws relating to them, as now no.of same sex couples areincreasing in India” Respondent No 11

“i personally haven’t seen many but the concept that it does take place is scary to imagine because of how less and very limited (close to none) options they have to reach out or feel likethey’re being helped” Respondent No 16

“A sense of impartiality is important, if we want a peaceful society, we need to considerproblems of every sex identity as important.” Respondent No 17

“I think that domestic violence in a same sex marriage is not that different from domestic violence in a heterosexual relationship I also believe that there is a need for gender neutral laws that help them all in the society since domestic violence is a subject that can be faced by anyoneand not just women. even in a heterosexual relationship if a man were to face domestic violence,he would have no remedy against it under the IPC so it’s more of a matter of gender bias in the society and

in the Indian legal system” Respondent No 23

“It’s a topic less talked about; it needs more awareness for such practices to come to a stop.”

Respondent No 33

“Domestic violence in same-sex couples mirrors patterns in heterosexual relationships. Awareness, support, and tailored resources are crucial to address unique challenges faced by LGBTQ+ individuals in abusive situations.” Respondent No 36

“I believe Intimate partner violence (IPV) remains a significant public health problem, IPV in same-sex relationships is not universally acknowledged.” Respondent No 39

“The society thinks that same sex relations are diseases, and that they can be cured” Respondent No 44

“Between 2009 and 2017, there were a total of 22,323 incidents of police-reported same-sex intimate partner violence in Canada—that is, violence among same-sex spouses, boyfriends, girlfriends, or individuals in other intimate partnerships.” Respondent No 47

“Same sex couple is a western world construct and should be penalized in India. Till that time, I think there is violence in every kind of relationship and gender does not matter.” Respondent No 50

Critics often express concerns regarding potential false accusations in relation to gender-neutral legislation. Nevertheless, it is crucial to emphasize that gender-neutral laws do not imply a presumption of guilt. Instead, their purpose is to ensure that all accusations are treated with fairness and impartiality. By making domestic violence legislation gender-neutral, India would align itself with various international conventions and treaties that promote gender equality and the eradication of violence against all individuals. This step would further demonstrate India's commitment to upholding human rights. Irrespective of their gender, victims of domestic violence should have equal access to support services, legal aid, and resources. The adoption of a gender-neutral approach would empower these victims to seek help, counseling, and redress without experiencing marginalization or discrimination based on their gender.

The societal dynamics of gender are undergoing a transformation, as an increasing number of men are actively engaging in caregiving responsibilities, household duties, and relationships. The implementation of gender-neutral laws would serve as a recognition and reflection of these evolving societal changes.

²7.2-Secondary Sources:

As per the data from The National Domestic Violence Hotline⁽¹⁹⁾, 1 out of every 10 men has encountered instances of physical violence, physical assault, stalking, and even rape perpetrated by an intimate partner or acquaintance. Recent news reports have shed light on the alarming prevalence of these forms of violence among young men. This information is based on a survey

A survey was conducted among around 1000 married men, aged between 21 and 49 years old, residing in rural communities of Haryana and NCR. The findings revealed that 52.4% of married men experience gender-based violence. Additionally, 51.5% of men face various forms of torture or abuse from their spouses or intimate partners.

In 2018, the National Crime Records Bureau (NCRB) reported that more than 100 children in India were sexually abused on a daily basis. Furthermore, the statistics on crimes and violence against women are even more alarming. However, it is important to acknowledge that one side of this issue often remains absent from records and discussions - crimes against men or male sexual abuse. Reports indicate that emotional abuse is a prevalent form of marital or domestic violence against males, accounting for 51.6%, followed by physical abuse at 6%.

While women are more likely to contemplate suicide, it is men who unfortunately have a higher rate of suicide-related deaths, as reported by various news sources. Shockingly, Indian wives rank third globally in terms of physically assaulting or harassing their husbands, with Egypt and the United Kingdom occupying the first and second positions, respectively. Unfortunately, the existing legislation does not provide adequate protection for males, regardless of whether the aggressor is male or female (a restraining or protection order)⁽²⁰⁾.

A recent study conducted by Save Family Foundation on husband's health and domestic violence,

¹⁹ Cases of domestic and sexual violence against men in India (oneworldnews.com)

*<https://docs.google.com/forms/d/e/1FAIpQLSe2WIF3Wjv4uHbGSKvJnNG-7xHrZplqJ-6en7zVKuxgppyXiQ/viewform>

²⁰ Domestic Violence Against Indian Men: 9 Facts & Stats

interviewed over 1,500 husbands, in which it was found that economic violence 32.8 per cent is common, followed by emotional violence 22.2 per cent, along with physical violence 25.2 per cent, and sexual violence at 17.7 per cent⁽²¹⁾.

In the United States of America, it is not only India where domestic abuse is prevalent. Shockingly, one out of every nine males in the US is subjected to domestic abuse by their intimate partner or spouse. Furthermore, one in every seven males has experienced physical abuse at the hands of their spouse or intimate partner. The situation is no better in the United Kingdom, where men make up two out of every five victims of domestic abuse. Even in Australia, the statistics are alarming. Since the age of 15, one out of every sixteen males has endured domestic abuse, which includes physical or sexual torture inflicted by their spouse, intimate partner, or cohabiting partner.

In 2014, a comprehensive study was conducted involving 1,104 male and female students in their late teens and early twenties. The findings revealed that women are more likely than men to exhibit controlling and aggressive behavior towards their partners. They also demonstrated a stronger desire to control their partners and were more prone to resorting to physical aggression to maintain that control. Elizabeth Bates, the primary author of the study, emphasized the need to examine intimate partner violence in the broader context of other forms of aggression, as this could have significant implications for interventions. However, a report by the US Department of Justice covering the period from 2003 to 2012 revealed that 76 percent of domestic violence cases involved female victims, while 24 percent involved male victims. Regrettably, there is a lack of similar studies and reports from any Government Department in India.⁽²²⁾

According to research conducted by the Centers for Disease Control and Prevention (CDC), it has been found that approximately 1 in 10 men have experienced physical violence, stalking, or rape by an intimate partner at some point in their lives. The National Intimate Partner and Sexual Violence Survey (NISVS) further revealed that 26% of men have encountered some form of contact sexual violence throughout their lifetime. Moreover, a comprehensive analysis of various studies conducted by the Family Research Laboratory at the University of New Hampshire indicated that male victims constitute between 17% and 33% of domestic violence cases.

²¹ Domestic Violence Against Men in India- Juris Centre

²² Facts & statics reveal men are suffering from domestic & sexual violence(oneworldnews.com)

However, it is crucial to acknowledge that due to under-reporting and societal biases, the actual prevalence of such incidents could be even higher. By shedding light on these issues from the perspective of future generations, we gain a deeper understanding of not only the problem itself but also the evolving nature of laws that strive to ensure justice and fairness, adapting to the changing needs of society for smooth and consistent functioning.

8. Gender Neutral Laws

Gender neutrality refers to the idea that policies, language, and various social institutions should refrain from assigning specific roles based on an individual's sex or gender. This is done in order to prevent discrimination that may arise from the belief that certain social roles are more suitable for one gender than another. The concept of gender neutrality emphasizes the importance of treating men and women equally in social, economic, and legal aspects, without any form of discrimination.

Laws in India that are not Gender Neutral: ⁽²³⁾

8.1- Outraging Modesty⁽²⁴⁾

According to this, "whoever assaults or uses criminal force on any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be guilty of outraging the modesty of a woman."

The concept of modesty encompasses a woman's sexual dignity, which she possesses from birth. Each woman has her own personal boundaries when it comes to her sexual honor, making it impossible to establish a universal formula for judging it. For instance, a simple touch on the shoulder may be deemed unacceptable to a rural woman, while urban women may perceive it as a casual gesture. Therefore, it is not feasible to define a strict set of rules to analyze a woman's modesty. The term "outrage" refers to a physical violation of a woman's modesty.

While this section focuses solely on women as victims, it is important to consider the modesty of men as well. Don't they also deserve to have their modesty respected?

²³ Gender Biased laws in India: why are only women considered victims?

²⁴ Section 354 IPC

8.2- Disrobing⁽²⁵⁾

Disrobing is an extremely reprehensible act that once again undermines a woman's sense of self-worth and respect. If a man uses force or commits an assault to make a woman remove her clothes and be exposed in a public setting, he will be deemed guilty of disrobing. It is crucial to note that the perpetrator must have the intention to force the woman to undress. However, if the woman's clothes are accidentally torn, the accused will not be held accountable for such an offense.

It's important to acknowledge that this section focuses solely on women as victims. However, it's worth considering the possibility of a man being coerced into getting naked by a woman in a position of authority. In today's day and age, it's crucial to recognize that such a vice-versa situation could indeed occur.

8.3- Stalking⁽²⁶⁾

Following the 2013 criminal law amendment in India, the term stalking was incorporated into the country's criminal law. Prior to this amendment, stalking fell under the category of harassment, along with voyeurism and sexual harassment against women, as outlined in Section 354 and Section 509 of the Indian Penal Code. However, these sections were found to have significant deficiencies, particularly in addressing the issue of stalking against men. Consequently, section 354D specifically addressing stalking was introduced after the 2013 amendment.

Under section 354D, any man who—

1. follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by a such woman
2. or monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking:

It is important to address the gender bias in laws that consider only women as victims and men as perpetrators. This biased approach can lead to situations where a woman who is a perpetrator may exploit the system and go unpunished, while men may feel silenced or resort to extreme measures like suicide. Therefore, it is crucial to consider making this provision gender-neutral to ensure fairness and justice for all individuals involved.

²⁵ Section 354B

²⁶ Section 354D IPC

8.4- Voyeurism⁽²⁷⁾

It is disheartening to see that in today's world, it is not uncommon for CCTV cameras to be discreetly placed in changing rooms or secretly installed in honeymoon suites or hotel rooms. This invasion of privacy affects both couples and individuals, regardless of gender. Shockingly, the criminal law in India only recognizes this as a crime against women. The number of voyeurism cases in India continues to rise each year.

Under Section 354C IPC, any man who watches or captures the image of a woman engaging in a private act, where she would reasonably expect not to be observed by the accused or any other person, can be held accountable for voyeurism. However, this section fails to address situations where a man is being observed or recorded while engaging in a private act. Shouldn't men also have the right to file a complaint in such cases?

8.5- Inducing a woman to compel her marriage⁽²⁸⁾

Section 366 of the Indian Penal Code (IPC) specifically addresses the act of kidnapping, abducting, or inducing a woman with the intention of forcing her into marriage or engaging in sexual intercourse against her will. This provision recognizes such actions as a cognizable offense. It is important to note that this section does not cover cases of mere kidnapping or abduction. Instead, it applies when the kidnapper or abductor intends to marry the woman against her will or coerce her into engaging in illicit intercourse. This intention must be present at the time of the kidnapping itself and should not arise after the act has been committed.

It is worth mentioning that this section only applies to women as victims. However, what if a person, who is trusted by a girl, abducts a man with the intention of compelling him to marry her? In such a scenario, it is important to consider whether the man would also require legal recourse and protection.

8.6- Rape⁽²⁹⁾

In cases of rape, which was also biased towards a specific gender, there were attempts to make it more gender-neutral. However, legal experts have differing opinions on this matter. The reason behind the slight shift towards gender neutrality was the extension of the scope of penetration

²⁷ Section 354C IPC

²⁸ Section 366 IPC

²⁹ Section 375 IPC

beyond penile-vaginal penetration, as stated in the 2013 amendment. Section 375, which defines the offense of rape, was expanded to include acts other than forcible sexual intercourse. The amended section now covers forcible penetration by a man using his penis, any part of his body, or any object into the vagina, mouth, urethra, or anus of a woman, or making her do so with him or any other person. It also includes manipulation of any part of a woman's body to cause penetration into the vagina, urethra, or anus, or making her do so with him or any other person. Additionally, applying his mouth to the vagina, anus, or urethra of a woman, or making her do so with him or any other person, is also considered rape. It is important to note that this section specifically addresses women, and the rape of male victims is not specifically mentioned, unlike the gender-neutral POCSO Act.

8.7- *The Sexual Harassment of women at the Workplace Act, 2013*⁽³⁰⁾

Referring to the term sexual harassment, people directly assume that the victim is a woman and it is important to acknowledge that sexual harassment can also affect men in the workplace. While laws have been put in place to protect women from such violence, the issue of sexual harassment against men has often been overlooked. But what about men? It is a known fact that even men are subjected to sexual harassment at their workplace.

Gender Neutral Laws are essential for ensuring equal rights and protections for all individuals, including those who identify as transgender or belong to the LGBTQI+ community. In India, LGBTQ individuals face legal and social challenges that are not experienced by others. While the country has taken steps to decriminalize homosexual sex and recognize transgender individuals, there is still a need for comprehensive provisions that address non-discrimination and same-sex marriage. The landmark NALSA case in 2014 allowed transgender individuals to register as the third gender, granting them recognition and rights. Achieving gender equality is crucial for building a fair and just society, as it impacts every member of the community. It is a significant issue with far-reaching consequences that require our attention and action.

It is increasingly recognized that male exploitation is a real issue. Moreover, countries like Canada, Finland, and Australia have taken steps to address this problem.⁽³¹⁾ The Republic of Ireland and the majority of states in the United States of America have adopted impartial and

³⁰ Sexual Harassment At Work Place Act, 2013

³¹ Criminal Justice Society of India v UOI, 2018

gender-neutral laws within their respective nations. In 2018, a bill was presented that acknowledged the significant ruling of the Criminal Justice Society of India v. Union of India & Ors (2018) ⁽³²⁾, where the Hon'ble Supreme Court, in an order dated November 12, 2018, recognized merit in the petitioner's plea for gender-neutral rape laws and requested that the Parliament consider it.

It is worth mentioning that the Universal Declaration of Human Rights, which was endorsed by the United Nations General Assembly in 1948, is also recognized. This declaration aims to uphold the UN's dedication to safeguarding the equal rights and freedom from discrimination of all individuals. It is significant to highlight that India has signed this declaration. The objective of the Bill is not to undermine the experiences of women who have suffered from rape or discrimination. Nevertheless, as society progresses, it is crucial for us to cultivate empathy towards all individuals, including male and transgender victims of rape. We must question social conceptions that promote macho, limit men and transgender people to stereotypes, and drive them to hide their sentiments by breaking our silence on the problem of male and transgender rape. The objective of this legislation is to revise the existing laws concerning sexual exploitation, harassment, and assault in order to align them with the changing societal values. It is crucial to emphasize that this Bill does not seek to undermine the experiences of women who have suffered from rape or discrimination. Nevertheless, as our society progresses, it becomes imperative for us to cultivate empathy towards all individuals, including male and transgender victims of rape. We must challenge the prevailing social norms that perpetuate stereotypes and restrict men and transgender individuals, thereby compelling them to conceal their emotions. By breaking the silence surrounding the issue of male and transgender rape, we can address this problem effectively. The Criminal Law (Amendment) Bill, 2019⁽³³⁾ The bill seeks to modernize the legislation concerning sexual exploitation, harassment, and assault in order to align with the changing societal values. India's criminal laws have undergone multiple revisions throughout the years to cater to the demands of each era. Following the Nirbhaya Case⁽³⁴⁾ The advancements in the legislation concerning sexual offenses against women have played a crucial role in safeguarding women. These reforms have acknowledged and criminalized various behaviors that were previously overlooked, ensuring that every victim has the opportunity to seek justice. In line with this progress, the Criminal Law (Amendment) Bill, 2019, aims to further enhance the legal framework

³² 157RS(E).p65

³³ Reforms In Law Post Nirbhaya Case| A Legal Analysis (khuranaandkhurana.com)

³⁴ Annual Report 2021-2022| Law Commission of India

by advocating for a gender-neutral approach to punish all forms of sexual assault. It is important to highlight the substantial progress that Indian society has made in the twenty-first century.

It's worth noting that The Law Commission of India's 172nd Report⁽³⁵⁾, which came out after the sequel to *Sakshi v. Union of India* (2004)⁽³⁶⁾ The recommendation to implement gender-neutral sexual offence laws and expand the scope of Section 375 of the Indian Penal Code was overshadowed by the controversy surrounding the Nirbhaya Case, which introduced a comprehensive set of rules for the protection of women. However, in 2013, the Justice Verma Committee emphasized the importance of gender-neutral legislation for sexual offences, considering the complexities of Indian criminal law and its evolving nature. Constitutional lawyer and feminist intellectual Karuna Nundy strongly supports gender-neutral laws, highlighting the discrepancy where vaginal intercourse remains legal while anal intercourse is criminalized. Recently, the Kerala High Court also raised concerns about the gender specificity of section 376 of the IPC, which defines the punishment for rape. It was suggested that an amendment is necessary in the penal code. However, legal experts hold differing opinions on this matter, with some criticizing it as a flawed understanding of the law or a reflection of a patriarchal mindset. Others argue that it would be perceived as absurd since women cannot be seen as subduing a man.⁽³⁷⁾

Some may argue that advocating for male victims could be seen as supporting or promoting patriarchy, which unfairly ridicules those who support men's rights. However, it is important for us as human beings to give a voice to all victims, regardless of their gender. We discuss men's issues because there are not enough people addressing them, and being a man does not exempt someone from being victimized. Gender equality affects everyone in the community and is the foundation of a just society. Therefore, addressing social inequality is of utmost importance and has far-reaching consequences that impact all aspects of our lives.

It is crucial for society to break free from traditional gender perspectives and understand that violence can occur in any form, affecting any individual. Furthermore, it is essential to recognize that anyone, regardless of gender, can be an abuser. Unfortunately, domestic violence against men is often overlooked and not given enough attention. It is high time for the government to address

³⁵ Sakshi v UOI and others

³⁶ Committee Reports(prsindia.org)

³⁷ Gender neutral rape law? Legal experts disagree, calls it flawed understanding of law | India News – Indian Express
Page | 43

this issue by implementing laws that penalize domestic violence, regardless of the gender of the perpetrator. This can be achieved through gender-neutral laws that uphold the principles of equality and dignity for all individuals. Ultimately, this will contribute to creating a better and safer society for all genders to thrive in. It is crucial for society to break free from traditional gender perspectives and understand that violence can occur in any form, affecting any individual. Furthermore, it is essential to recognize that anyone, regardless of gender, can be an abuser.

Unfortunately, domestic violence against men is often overlooked and not given enough attention. It is high time for the government to address this issue by implementing laws that penalize domestic violence, regardless of the gender of the perpetrator. This can be achieved through gender-neutral laws that uphold the principles of equality and dignity for all individuals. Ultimately, this will contribute to creating a better and safer society for all genders to thrive in.

9. Major Findings, Suggestions and Conclusion

The ideas and needs of society evolve over time. In the past, women were primarily seen as homemakers, but now they play a crucial role in balancing family and professional life. In modern society, men are no longer considered superior to women, especially in urban and developed areas. However, it is important to avoid focusing solely on females, as this could lead to a matriarchal society rather than a fair one where everyone is considered equal. True equality can only be achieved by not favoring one gender or group over others, but by treating everyone as integral parts of the state.

The term "domestic violence" should not be limited to women as victims, as men can also be victims or perpetrators. It is crucial to classify domestic violence as spousal violence, as it affects both men and women. It is high time for statutes and laws to recognize domestic violence as a social issue. To address domestic violence against men, effective legislative changes, public awareness campaigns, and the elimination of stereotypes and preconceived notions are necessary.

It is widely known that women sometimes misuse legal provisions to fulfill their unlawful demands against their husbands. Despite one's strength, fame, or wealth, the incidence of domestic violence against men is steadily rising. Those who endure such abuse often remain silent, commit suicide, then it is not because to end life. They commit suicide only to get rid of their sufferings. After harassment and sexual assault, the male victims never remain the same where, in some cases,

they take revenge, end up becoming rapists, commit suicide in order to end the dilemma and some decide to stay single with so much hatred for women. Hypothesis 1 emphasizes the importance of establishing a secure environment for individuals through legislation, not only in cases of Domestic Violence but also in other criminal acts. This empirical study effectively demonstrates the validity of this claim. Domestic Violence against men is often disregarded and rarely discussed. It is crucial for the government to address this issue promptly and implement laws that hold perpetrators accountable, regardless of their gender.

Hypothesis 2 sheds light on the shortcomings not only within the existing legal framework but also within societal attitudes. This is substantiated by surveys and other research topics. It is essential to teach our children that biological differences should not result in social or psychological disparities, in order to advance gender neutrality. We must continue the same teachings imparted by our parents to create a more equitable society, not only for women but also for men. Until justice is equally accessible to males, discussions about civilization or modernization hold no significance. While support for male victims of domestic violence has historically been limited, there are now organizations and resources available to help them. Some organizations, such as The National Domestic Violence Hotline and The Abuse Counseling and Treatment Center, provide support and resources for male victims. Online communities and forums, such as The Male Survivor Network, offer a platform for male survivors to share their experiences and offer support to each other. Cases of domestic violence against men only underpin the fact that India needs de-facto equality, entanglement from gender-stereotypical roles, denunciation of anachronistic conservatism traditions which are in their entirety at contradiction to constitutional values. Gender-neutral laws are the need of the hour because they uphold constitutional values of equality and dignity.

10. REFERENCES

1. Men's Experience of Violence In Intimate Relationships By Marianne Inez Lien, Jorgen Lorentzen
2. Young Men and Domestic Abuse- David Gadd, Claire L. Fox, Mary- Louise Corr
3. She's the Bos- Domestic Violence Against Men
4. Domestic Violence Against Men by National Institute of Health(gov.)
5. Domestic Violence against Men in India- A perspective by Anant Kumar
6. Domestic Violence against men- prevalence, Implications, and Consequences

7. Domestic Violence Against men in India – a Serious Issue by Preeti Nayak
8. Sociocultural and Legal Aspects of Violence Against Men by Sanjay Deshpande
9. Study examines spousal violence against men in India- The Hindu

