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# **THE JUDGMENTS OF SUPREME COURT WHICH IMPACTED THE MEN'S RIGHTS IN INDIA: A COMPREHENSIVE ANALYSIS**

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## **Abstract**

The legislative ignorance towards the domestic violence experience on the side of Men evolved significantly. It was a tradition for law maker to focus only upon the domestic violence on women victim. They always ignored the reality of men's domestic violence experiences. But the Supreme Court in his recent rulings has tried to tackle this imbalance and acknowledged that men can also be prone to domestic violence. This article explores the implications of these rulings on men's rights, the evolving legal framework, and the challenges that remain in achieving comprehensive gender equality within the law. Through a detailed analysis of landmark cases, legislative frameworks, societal attitudes, and international comparisons, this article aims to provide a nuanced understanding of the current state of men's rights in India. Additionally, the recent case of Bangalore-based AI engineer Atul Subhash serves as a poignant example of the complexities surrounding male victimization and societal perceptions. The article will also incorporate insights from the Law Commission's reports regarding domestic violence laws.

## **Introduction**

Domestic violence is a critical social issue in India, affecting individuals across all demographics regardless of gender. The enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) marked a significant step toward addressing this issue by providing legal protection to women against domestic abuse. However, the gender-specific nature of this legislation has led to significant gaps in protection for male victims. In recent years, the Supreme Court of India has taken steps to address these disparities, recognizing that men can also be victims of domestic violence. This article examines the implications of these rulings on men's rights and highlights the need for a more inclusive legal framework.

## **Historical Context of Domestic Violence Legislation in India**

### **Pre-Independence Era**

Before independence in 1947, Indian laws regarding domestic violence were largely influenced by colonial rule and traditional customs. The Indian Penal Code (IPC), enacted in 1860, included provisions related to assault and criminal intimidation but did not specifically address domestic violence. The focus was primarily on public order rather than private family matters. Traditional customs often dictated family dynamics, leaving little room for legal intervention in cases of domestic abuse.<sup>1</sup>

### **Post-Independence Developments**

Following independence, there was a gradual recognition of women's rights and the need for protective legislation against domestic violence.<sup>2</sup> The Dowry Prohibition Act (1961) and Section 498A of the IPC (which addresses cruelty by a husband or his relatives) were among the first legislative measures aimed at protecting women from domestic abuse.<sup>3</sup> However, these laws were criticized for being gender-specific and failing to address the needs of male victims.<sup>4</sup> The introduction of these laws was part of a broader movement toward gender equality and women's empowerment in India. However, they inadvertently contributed to a perception that only women could be victims of domestic violence, sidelining male experiences.

### **The Protection of Women from Domestic Violence Act, 2005**

The PWDVA was a landmark piece of legislation aimed at providing comprehensive protection to women from domestic violence. It defined domestic violence broadly to include physical, emotional, verbal, and economic abuse.<sup>5</sup> However, its applicability was limited to women as victims and did not recognize men as potential victims of domestic violence.<sup>6</sup>

The PWDVA aimed to create a legal framework that empowered women to seek protection from abusive relationships. While it provided essential safeguards for women, it also established a narrative that often excluded male victimhood from discussions about domestic violence.

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<sup>1</sup> The Legacy of Imperialism on Gender Law in India, available at <https://scholarcommons.scu.edu/cgi/viewcontent.cgi?article=1154&context=historical-perspectives>.

<sup>2</sup> Archana Parashar, Women and Family Law Reform in India: Uniform Civil Code and Gender Equality 15-20 (2012).

<sup>3</sup> Dowry Prohibition Act, 1961, No. 28 of 1961, § 3 (India).

<sup>4</sup> Kirti Singh, Law and Gender Inequality: The Politics of Women's Rights in India 123-25 (1996).

<sup>5</sup> Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, § 3 (India).

<sup>6</sup> Madhav Sood, Assessing the Gender Neutrality of the Domestic Violence Act, Journal of Legal Research and Juridical Sciences, Vol. 2 Issue 4 (2023).

## **Recent Supreme Court Rulings: A Turning Point for Men's Rights**

### **Landmark Cases Recognizing Male Victims**

Hiral P. Harsora v. Kusum Narottamdas Harsora (2016)

In *Hiral P. Harsora v. Kusum Narottamdas Harsora*, the Supreme Court addressed a critical gap in the PWDVA by ruling that men could also be respondents under the Act.<sup>7</sup> The Court emphasized that domestic violence is not confined to any specific gender and that both men and women can experience abuse within familial relationships.<sup>8</sup> This ruling dismantled the long-standing perception that domestic violence is exclusively a women's issue and opened avenues for male victims to seek legal recourse.

The case involved a husband who was accused by his wife under the PWDVA for allegedly subjecting her to emotional and physical abuse. In its judgment, the Supreme Court highlighted that emotional abuse could occur irrespective of gender and reiterated that both men and women are entitled to protection under the law.<sup>9</sup>

Rajesh Sharma v. State of U.P. (2017)

In *Rajesh Sharma v. State of U.P.*, the Supreme Court recognized that false accusations under Section 498A can lead to severe consequences for men and their families.<sup>10</sup> The Court established guidelines to prevent misuse of this provision while ensuring that genuine cases are not dismissed.<sup>11</sup> This ruling highlighted the need for a balanced approach to addressing domestic violence allegations while protecting men's rights.<sup>12</sup>

The ruling came in response to concerns about misuse of Section 498A, which had been criticized for being weaponized against husbands and their families during marital disputes.

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<sup>7</sup> *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165 (India).

<sup>8</sup> A Gender-Neutral Domestic Violence Law Harms Rather Than Protects Women, *The Wire*, <https://m.thewire.in/article/law/a-gender-neutral-domestic-violence-law-harms-rather-than-protects-women?utm=authorpage> (Nov. 3, 2016).

<sup>9</sup> *Hiral P. Harsora And Ors vs Kusum Narottamdas Harsora And Ors*, Supreme Law House, <https://www.supremelawhouse.com/case-brief-harsora> (last visited [12/03/2025]).

<sup>10</sup> Supreme Court of India on Thursday has issued new set of directions to prevent the misuse of Section 498A of Indian Penal Code, *LiveLaw*, <https://www.livelaw.in/breaking-misuse-of-s-498a-sc-directs-to-form-family-welfare-committees-to-examine-each-cases-no-arrests-before-committees-report-read-new-guidelines> (July 27, 2017).

<sup>11</sup> A Guide to Section 498a IPC Amendment - AM LEGAL, <https://amlegal.in/section-498a-ipc-amendment/> (last visited [12/03/2025]).

<sup>12</sup> *Rajesh Sharma v. State of U.P.*, (2017) 12 SCC 200 (India). S.498A IPC: How Supreme Court Raised Concerns About Misuse, *LiveLaw*, <https://www.livelaw.in/top-stories/supreme-court-take-on-misuse-of-section-498a-ipc-cruelty-harassment-over-implication-of-husband-family-278393> (Dec. 15, 2024).

The Supreme Court's decision aimed to safeguard innocent individuals while still providing necessary protections for genuine victims.

### **Implications of Supreme Court Rulings**

The Supreme Court's recognition of male victims has profound implications for men's rights in India:

1. **Legal Recognition:** The rulings have provided legal recognition to male victims of domestic violence, allowing them to seek protection under existing laws.
2. **Challenging Societal Norms:** By acknowledging that men can be victims, these rulings challenge societal norms that often stigmatize male victimhood.
3. **Encouraging Reporting:** Legal recognition may encourage more men to report instances of domestic violence without fear of ridicule or disbelief.
4. **Need for Legislative Reform:** The rulings underscore the necessity for legislative reforms that create gender-neutral laws addressing domestic violence comprehensively.
5. **Increased Awareness:** These judgments have prompted discussions about male victimization in various forums—academic circles, social media platforms, and public discourse—leading to increased awareness about issues faced by male victims.
6. **Judicial Precedent:** These rulings set important precedents within Indian jurisprudence regarding how courts interpret laws related to domestic violence and victimization across genders.

### **Case Study: Atul Subhash – A Tragic Example**

The recent case involving Bangalore-based AI engineer Atul Subhash has brought renewed attention to issues surrounding male victimization and societal perceptions regarding domestic abuse against men.

#### **Background**

Atul Subhash was a 34-year-old Deputy General Manager at a private firm who tragically took his own life after enduring what he described as ongoing mental and physical abuse from his estranged wife Nikita Singhania and her family members.<sup>13</sup> His suicide has sparked widespread outrage across India and reignited discussions about men's rights within the context of

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<sup>13</sup> Atul Subhash suicide case: How one phone call to a relative led to Nikita Singhania's arrest, Business Today, <https://www.businesstoday.in/india/story/atul-subhash-suicide-case-how-one-phone-call-to-a-relative-led-to-nikita-singhanias-arrest-457539-2024-12-17> (Dec. 17, 2024).

domestic violence.

Before his death, Subhash recorded an emotional video lasting over 80 minutes where he detailed his experiences with harassment and extortion from his wife's family members. He alleged that they had filed multiple false cases against him as part of an effort to extort money from him—a claim he reiterated in his 24-page suicide note.<sup>14</sup>

### Allegations Made by Atul Subhash

In his suicide note and video message, Atul Subhash made several serious allegations:

- He claimed that his wife's family had demanded substantial sums—initially ₹1 crore (approximately \$120,000) but later increasing it to ₹3 crore (approximately \$360,000)—to settle disputes.<sup>15</sup>
- He expressed despair over being subjected to continuous harassment through legal avenues initiated by his wife's family.<sup>16</sup>
- Subhash accused them not only of financial extortion but also emotional manipulation which he felt contributed significantly towards his mental distress leading up until his tragic decision.<sup>17</sup>

Subhash's case exemplifies how societal perceptions regarding masculinity can deter men from seeking help or reporting abuse they may face within intimate relationships due largely due to stigmas associated with being labeled “weak” or “vulnerable.”<sup>18</sup>

### Legal Proceedings Following His Death

Following Atul Subhash's death, an FIR was lodged against four individuals including his wife,

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<sup>14</sup> Atul Subhash Case: What Bengaluru Techie's Wife Claimed In Complaint Vs What He Said In Suicide Note, NDTV, <https://www.ndtv.com/video/atul-subhash-case-what-bengaluru-techie-s-wife-claimed-in-complaint-vs-what-he-said-in-suicide-note-872994> (Dec. 13, 2024).

<sup>15</sup> Atul Subhash suicide case: Wife shouldn't be allowed to use child as a tool to get bail, says deceased techie's lawyer, Business Today, <https://www.businesstoday.in/india/story/atul-subhash-suicide-case-wife-nikita-singhania-shouldnt-be-allowed-to-use-child-as-a-tool-to-get-bail-says-deceased-techies-lawyer-459050-2024-12-31> (Dec. 31, 2024).

<sup>16</sup> A man's suicide leads to clamour around India's dowry law - BBC, <https://www.bbc.com/news/articles/c33d6161z3yo> (Dec. 23, 2024).

<sup>17</sup> Bengaluru techie suicide case: Atul Subhash's wife, in-laws get bail, India Today, <https://www.indiatoday.in/india/law-news/story/bengaluru-court-grants-bail-to-atul-subhash-wife-in-laws-in-his-suicide-case-2659788-2025-01-04> (Jan. 4, 2025).

<sup>18</sup> “Family Will Die By Suicide If..”: Atul Subhash's Father On Grandson's Custody, NDTV, <https://www.ndtv.com/india-news/atul-subhash-nikita-singhania-techies-father-on-grandsons-custody-family-will-die-by-suicide-if-7320938> (last visited [12/03/2025]).

her family members, as well as a judge accused facilitating corrupt practices surrounding their interactions throughout various court proceedings. Charges include abetment of suicide under Section 108 IPC along with joint criminal liability established under Section 3(5) Bharatiya Nyaya Sanhita (BNS).

This case has prompted significant media coverage highlighting broader systemic issues pertaining towards how dowry laws—specifically Section 498A—are sometimes misused resulting detrimental consequences not only impacting alleged perpetrators but also leading towards tragic outcomes such as those experienced by Atul.

### Broader Implications

Atul Subhash's tragic story has highlighted several critical issues:

1. **Misuse of Legal Provisions:** His case reflects ongoing concerns regarding misuse surrounding provisions like Section 498A which are intended protect vulnerable individuals yet can sometimes be weaponized against innocent parties leading towards devastating consequences.
2. **Need For Awareness And Support Systems:** There is an urgent need for increased awareness about resources available specifically tailored towards assisting males experiencing victimization within intimate relationships while ensuring adequate support systems exist enabling them navigate complexities involved effectively without facing stigma associated seeking help .
3. **Judicial Accountability:** This case raises questions about judicial accountability when handling sensitive matters involving allegations made against individuals potentially impacting lives involved directly/indirectly alike thereby necessitating greater oversight mechanisms ensuring fairness throughout processes involved therein.
4. **Cultural Change:** Ultimately, Atul's story underscores necessity fostering cultural change surrounding perceptions masculinity/victimization encouraging open dialogues addressing realities faced diverse populations impacted directly/indirectly thus contributing positively towards achieving true equity across genders within Indian society overall .

## **Societal Attitudes Towards Male Victims**

### Stigma and Cultural Perceptions

Despite legal advancements, societal stigma surrounding male victimhood remains significant

barrier India. Cultural narratives often portray men strong dominant figures who should not vulnerable or victimized. This perception leads reluctance among male victims come forward seek help fearing ridicule disbelief society.

1. Cultural Norms: Traditional gender roles dictate men should protectors providers; any deviation from this norm often met skepticism.
2. Media Representation: Media portrayals frequently reinforce stereotypes masculinity depicting men aggressors rather than potential victims.
3. Support Systems: There is lack support systems specifically designed male victims domestic violence further discouraging them seeking help.
4. Fear of Social Isolation: Many men fear social ostracism if they disclose their victimization experiences due prevailing stereotypes masculinity.
5. Psychological Barriers: Men may face psychological barriers such shame embarrassment when admitting they are victims abuse which further complicates their willingness seek help report incidents occurring within intimate relationships.

### **The Role of NGOs and Advocacy Groups**

Non-governmental organizations (NGOs) advocacy groups play crucial role raising awareness about men's rights supporting male victim's domestic violence:

1. Awareness Campaigns: NGOs conduct awareness campaigns aimed educating society about male victimhood while challenging prevailing stereotypes surrounding masculinity/femininity respectively.
2. Support Services: Some organizations provide counseling services , legal aid , safe spaces , hotlines etc., specifically tailored helping those identifying themselves males experiencing victimization .
3. Legal Advocacy: Advocacy groups work towards reforming existing laws ensuring inclusivity/protection afforded equally irrespective identity markers defining individuals involved.
4. Research Initiatives: Various NGOs engage research initiatives aimed documenting cases involving male victims which can contribute valuable data toward advocating policy changes necessary effectuate meaningful change within existing frameworks governing responses available currently.
5. Community Engagement: NGOs often engage communities through workshops/seminars aimed changing perceptions around masculinity/victimization

leading greater understanding acceptance surrounding realities faced diverse populations impacted directly/indirectly alike.

## **Legislative Reforms Needed For Gender Equality**

### **Gender-Neutral Legislation**

The need for gender-neutral legislation is paramount addressing domestic violence comprehensively:

1. **Amending Existing Laws:** Existing laws such PWDVA should be amended explicitly including provisions protecting male victims ensuring equitable access justice afforded irrespective gender identity.
2. **Creating New Frameworks:** New legislation should introduced recognizing all forms/domains where individuals may experience abuse regardless gender providing equal protection under law thereby promoting inclusivity throughout processes involved therein.
3. **Judicial Training:** Judges/law enforcement officials should receive training on gender sensitivity ensuring fair treatment all parties during investigations/trials thus enhancing overall effectiveness judicial processes involved addressing sensitive matters impacting lives directly/indirectly alike.
4. **Public Awareness Campaigns:** Government initiatives promoting awareness regarding men's rights as victims through educational campaigns targeting various demographics including schools/workplaces etc., contributing positively towards changing perceptions prevalent within society surrounding issues faced males experiencing victimization.

### **Insights from Law Commission Reports**

The Law Commission of India has played an essential role in evaluating existing laws related to domestic violence and suggesting reforms aimed at addressing identified gaps:

243rd Law Commission Report (2012)

One significant report is the 243rd Law Commission Report submitted in 2012 which focused on "The Misuse of Section 498A IPC." It highlighted concerns regarding how provisions intended for protecting vulnerable individuals could be misused leading towards adverse consequences affecting innocent parties involved:

- The report noted an alarming increase in cases filed under Section 498A IPC without

adequate evidence leading towards wrongful arrests.

- It emphasized that while protecting women's rights is crucial, it must not come at cost unfairly penalizing innocent individuals particularly those belonging families accused falsely.
- Recommendations included creating safeguards preventing misuse while still maintaining necessary protections afforded vulnerable populations thus striking balance between competing interests involved therein effectively.

This report serves as an important reminder about necessity ensuring justice delivered fairly irrespective identity markers defining individuals involved thus contributing positively towards achieving true equity across genders within Indian society overall .

### **International Perspectives on Gender-Neutral Laws**

Examining international approaches can provide valuable insights into creating effective gender-neutral legislation:

1. United Kingdom: The UK has implemented various measures aimed protecting all victims domestic abuse through comprehensive legislation not discriminating based upon gender identity.
  - The Domestic Abuse Act 2021 expanded definitions around what constitutes abuse beyond physical harm including emotional/psychological aspects thus ensuring broader protections afforded individuals affected such situations.
  - It includes provisions recognizing children witnessing incidents occurring within homes thereby acknowledging impact exposure incidents have upon younger generations potentially perpetuating cycles trauma experienced throughout families involved therein.
2. Australia: Australia's Family Law Act recognizes both men/women potential victims family violence providing equal access protective measures irrespective their identities thus promoting fairness throughout processes involved addressing disputes arising between parties concerned.
  - Australian courts have made significant strides ensuring equitable treatment across genders when addressing family law matters involving allegations related specifically towards incidents categorized under "domestic" contexts thereby setting important precedents influencing future interpretations laws governing similar situations arising elsewhere globally.
3. Canada: Canadian laws emphasize non-discriminatory approaches towards family

violence cases ensuring both genders receive adequate protection under law while promoting awareness regarding resources available all individuals facing such situations .

- Several provinces have established specialized courts focusing family matters including provisions addressing issues related specifically towards alleged perpetrators/survivors irrespective if they identify female/male/non-binary etc., thus creating inclusive environments conducive towards resolving disputes effectively without bias influencing outcomes thereof negatively impacting lives involved directly/indirectly alike .
4. United Nations Guidelines: International frameworks such those outlined by UN Women advocate inclusive policies addressing all forms/domains where individuals may experience violence based upon their identities including but not limited to race/ethnicity/gender/orientation etc., thus providing further impetus towards adopting similar frameworks domestically within nations like India striving achieving equality across genders within societal structures/laws governing them respectively

### **Challenges in Implementation**

#### Judicial Attitudes

Despite progressive rulings from Supreme Court, judicial attitudes towards male victims can vary significantly:

1. Preconceived Notions: Judges may hold preconceived notions masculinity influencing decisions cases involving males experiencing victimization thereby affecting outcomes thereof adversely impacting lives involved directly/indirectly alike
2. Lack of Awareness: There is often lack awareness among judicial officers regarding complexities surrounding male victimhood domestic settings leading towards inadequate responses available when needed most urgently thereby exacerbating feelings isolation experienced amongst those affected adversely
3. Case Backlogs: Overburdened courts may lead delays justice male victims seeking redress under existing laws thus prolonging suffering experienced throughout processes involved therein creating additional burdens upon individuals already facing challenges navigating systems designed protect them effectively.
4. Inconsistent Application: Variability exists across different jurisdictions concerning how cases involving alleged perpetrators/victims handled leading inconsistencies affecting outcomes thereof thus necessitating greater oversight mechanisms ensuring

uniformity across judicial processes when dealing sensitive matters impacting lives involved directly/indirectly alike

### **Law Enforcement Challenges**

Law enforcement agencies also face challenges when dealing with cases involving male victims:

1. **Training Deficiencies:** Police officers may lack training handling cases involving male victimization effectively leading inadequate responses when required most urgently thereby exacerbating feelings isolation experienced amongst those affected adversely
2. **Skepticism Towards Male Claims:** There may skepticism regarding claims made males due societal stereotypes surrounding masculinity leading reluctance amongst officers respond appropriately situations requiring intervention/support provided timely manner necessary ensure safety well-being parties concerned involved therein directly/indirectly alike
3. **Resource Limitations:** Limited resources dedicated addressing issues related specifically towards helping those affected incidents categorized under “domestic” contexts hinder effective responses available when needed most urgently thereby exacerbating feelings isolation experienced amongst those affected adversely
4. **Reporting Mechanisms:** Many police stations lack dedicated protocols tailored specifically assisting individuals reporting incidents categorized under “domestic” contexts leading reluctance amongst potential complainants fearing inadequate support being provided throughout process involved therein creating barriers preventing access justice necessary ensure safety well-being parties concerned involved therein directly/indirectly alike

### **Societal Resistance**

Efforts aimed promoting awareness regarding issues faced males experiencing victimization continue encountering resistance stemming primarily from entrenched cultural beliefs surrounding masculinity/femininity respectively:

1. **Cultural Barriers:** Deeply ingrained cultural beliefs dictate perceptions surrounding appropriate behavior expected individuals based upon assigned genders leading reluctance amongst many males disclosing experiences faced fearing backlash socially thus stalling progress needed effectuate meaningful change within existing frameworks

- governing responses available currently
2. **Resistance From Feminist Movements:** While many feminist movements advocate strongly against patriarchal systems perpetuating cycles oppression experienced predominantly female populations , some factions express concerns regarding potential dilution focus placed upon issues affecting females if attention shifts towards addressing concerns raised regarding males experiencing similar forms oppression thus creating friction between groups advocating respective causes thereby complicating efforts aimed fostering collaboration necessary achieve common goals ultimately benefiting all parties concerned regardless identity markers defining them respectively
  3. **Political Will:** Political actors sometimes remain hesitant engaging discussions around sensitive topics such those pertaining directly towards experiences faced marginalized groups including but not limited to males experiencing victimization fearing backlash politically thus stalling progress needed effectuate meaningful change within existing frameworks governing responses available currently hindering overall effectiveness initiatives aimed raising awareness surrounding realities faced diverse populations impacted directly/indirectly alike

### **Conclusion**

The Supreme Court's rulings on domestic abuse represent pivotal moments advancing men's rights India acknowledging men can also be victim's domestic violence. These decisions challenges entrenched societal norms while opening up discussions about gender equality within legal frameworks. However, significant challenges remain regarding societal perceptions, legislative inadequacies , implementation hurdles encountered throughout processes involved therein creating barriers preventing access justice necessary ensure safety well-being parties concerned involved therein directly/indirectly alike.

Moving forward, it is imperative lawmakers embrace more inclusive approaches concerning legislative reforms ensuring justice/protection afforded equally irrespective identity markers defining individuals involved Addressing these issues comprehensively through targeted initiatives aimed raising public consciousness surrounding realities faced diverse populations will contribute significantly towards achieving true equity across genders within Indian society overall.