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# **ARE INDIAN MEN PROTECTED? ANALYZING INDIA'S NEW CRIMINAL LAWS**

AUTHORED BY - YAJAT DHAVLE<sup>1</sup>

## **ABSTRACT**

While we often discuss gender equality, the Indian constitution remains unrealistic. Although there was a time when specific provisions were added to promote women's equality, some laws are overtly discriminatory against men. India's criminal laws have recently undergone significant changes aimed at creating a more equitable legal system. While these amendments are often seen as primarily protecting women's rights, it is essential to consider their impact on men's rights as well. This article examines how the new laws affect men's rights, assessing their effectiveness in protecting men from false accusations and exploring the challenges of achieving gender neutrality in legal provisions. It also discusses the balance between safeguarding women's rights and protecting men from potential biases in the legal system.

## **INTRODUCTION**

The evolution of criminal laws in India has consistently aimed to address various forms of gender-based injustices, with a primary focus on the rights and protections of women. This ongoing effort reflects a societal commitment to combat issues such as domestic violence and sexual harassment, aiming to create a safer environment for women. However, as new amendments to these laws continue to emerge, it becomes increasingly essential to critically evaluate whether these legal frameworks also sufficiently consider the rights and protections that are equally necessary for men. While laws targeting domestic violence and sexual harassment are undeniably crucial in safeguarding women's rights, it is important to acknowledge that they have not been without their controversies. These laws have sometimes faced significant criticism for being misused, leading to instances of false accusations against men. This misuse raises important questions about the fairness and balance of the legal system. This article will delve deeply into examining the complexities of India's new criminal laws, thoughtfully posing the key question: Are men sufficiently protected within the current legal landscape?

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## 1. THE RIGHTS OF THE INDIAN MEN

As a common law nation, India boasts a rich cultural heritage, a diverse array of religious beliefs, and a significant historical background. The principle of equality is enshrined in India's constitution, which is designed to facilitate social progress. Among younger nations, India has notably sustained democratic freedoms for an extended period. However, persistent challenges such as poverty, religious and caste-based violence, and separatism continue to affect the country, despite its economic and social advancements.

The many Indian legislation protect women, and they are able to submit complaints against anybody who violates their rights. "Although men and women have the same basic rights, men's liberties are not as well-defined as those of women. " There is a section of the Indian Constitution that guarantees men's basic rights no matter where they live or what they believe in. For the most part, these rights guarantee men their freedoms, allowing them to live their lives free of harassment and compulsion.<sup>2</sup>

The prevalence of patriarchy in Indian culture has fostered the notion that women are the predominant victims of rape, thereby emphasizing the necessity for gender-neutral laws addressing this issue. Establishing such laws is essential not only for ensuring fairness in legal proceedings but also for recognizing that victims of sexual violence can encompass individuals of any gender. Despite numerous initiatives from feminist movements and efforts directed toward women's empowerment, the advancement of gender-neutral legislation in India has been limited. This lack of progress underscores the ongoing challenges in reshaping entrenched societal norms and adjusting the legal framework to adopt a more inclusive perspective on victimhood in cases of sexual violence.

## 2. MEN DO FACE INJUSTICE AS WELL

“When men become victims of domestic violence, they usually find it hard to seek help. They are ashamed to admit they are vulnerable and fear no one will believe them.”<sup>3</sup> One of the most glaring areas where men face injustice is in the legal system itself. The laws designed to protect women, though well-intentioned, can sometimes be misused, leading to false accusations and legal harassment of men. For instance, in India, Section 498A of the Indian Penal Code, which was

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<sup>2</sup> Ijsr. Available at: <https://www.ijsr.net/archive/v12i4/SR23421231503.pdf> (Accessed: 12 August 2024).

<sup>3</sup> Pfeifer, H. (2020) *Men as victims of domestic violence: 'I was paralyzed' – DW – 11/02/2020*, *dw.com*. Available at: <https://www.dw.com/en/men-as-victims-of-domestic-violence-i-was-paralyzed/a-55472456> (Accessed: 12 August 2024).

introduced to protect women from domestic violence, has been widely criticized for its potential for misuse. Numerous cases have emerged where men have been falsely accused of cruelty and harassment, leading to their arrest and social ostracization even before the charges were proven. If we talk about various family laws, including the Hindu Marriage Act and the Divorce Act, men may be obligated to pay alimony and maintenance to their former spouses following a divorce. The underlying objective of these provisions is to provide financial support to spouses who may find themselves at a disadvantage. Nevertheless, concerns have been raised regarding the potential for awarded amounts to be excessively high and to be enforced without sufficient consideration of the man's financial circumstances or needs. This situation can result in financial hardship and a sense of inequity, highlighting the necessity for a balanced and just approach to the determination of alimony and maintenance. Gender-based violence affects 52.4 percent of married men.<sup>4</sup>

## **2.1 TYPES OF ABUSE FACED BY MEN**

In India, men, like women, can be victims of various forms of abuse. While domestic violence and abuse against men are often less discussed. Many individuals hold the belief that it is a myth that males can experience harassment, as they are often viewed as the primary perpetrators of harassment against women. However, sexual assault can impact anyone, regardless of age, sexual orientation, or gender identity. The predominant focus on harassment and rape incidents involving women often leads to the development of laws specifically tailored for female victims. The Sexual Harassment Act for the workplace establishes various principles, rules, and remedies specifically for women who experience sexual harassment in a professional environment. This legislation was distinctly designed with women as the primary focus of its protection. Unfortunately, this means that men who face sexual abuse at work find themselves without any viable recourse or legal protections. The Vishaka Guidelines, which were implemented to address issues of workplace harassment, similarly target women, thereby leaving male victims without the support they need.

When we hear the phrase "sexual harassment at work," it is instinctive for us to assume that the conversation is centered around the harassment of women by men. This societal perspective has led to the implementation of laws aimed specifically at safeguarding women, yet it simultaneously fosters an environment where the pleas of men who are subjected to harassment go unheard and unacknowledged. They do exist, but the discourse surrounding their experiences is alarmingly limited.

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<sup>4</sup> *9 eye-opening facts & statistics about domestic violence cases against Indian men (2023) MensXP*. Available at: <https://www.mensxp.com/special-features/features/108932-domestic-violence-cases-on-indian-men-facts-and-statistics.html> (Accessed: 12 August 2024).

In our culture, there is a significant lack of dialogue about male victims of harassment, which contributes to a general unawareness of their plight. Many men choose not to report or file claims concerning their experiences with sexual harassment for various reasons. They may feel misunderstood or fear the repercussions of discussing such sensitive topics openly. In India, societal norms endorse the idea of masculinity, which can inhibit men from speaking out against such violations. They often face the risk of being taunted, insulted, or mocked by their colleagues, further discouraging them from coming forward.

For some, the notion of a man being sexually harassed by another male seems utterly absurd; it is perceived as so improbable that people tend to dismiss it as a fabrication or believe that it cannot possibly be true. This disbelief perpetuates the problem, as it invalidates the experiences of those men who suffer in silence. The stigma surrounding male victims of sexual harassment continues to create barriers, preventing a much-needed conversation about this important issue.

### **3. MEN FACING CRUELTY**

Cruelty towards men is an issue that often remains in the shadows, overshadowed by more prominent discussions of violence and abuse. While societal focus has historically been on the experiences of women, men also face cruelty in various forms.

In the legal matter of *Narendra v. K. Meena*<sup>5</sup>, the husband found himself in a situation where he was compelled by his wife to live separately from the rest of his family. This was particularly troubling given the fact that he was the only member of the household responsible for the upkeep and financial maintenance of the family unit. His role as the sole provider placed an additional burden on him during this distressing time. In stark contrast, the wife's actions reflected a primary focus on the complete depletion of her husband's entire salary, seemingly disregarding the family's financial stability.

Moreover, she went so far as to make baseless allegations against her husband, accusing him of engaging in an extramarital affair with their maid, which added to the strain within their marriage. These accusations were not only damaging to his reputation but also indicative of the troubling dynamics at play in their relationship. To intensify the situation, the wife attempted to take her own life by dousing herself in kerosene oil and subsequently setting herself on fire. This tragic act

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<sup>5</sup> 2016 (5) Recent Apex Judgments (R.A.J.) 664; 2016 (4) R.C.R. (Civil) 706 (9) JT 564; 2016 (3) DMC 429; 2016 (9) Scale 681

highlighted the extreme emotional turmoil and desperation she was experiencing, further complicating the already fraught circumstances surrounding their marriage.

#### **4. THE ADOPTION OF GENDER-NEUTRAL LAWS**

The word gender-neutrality is ambiguous and has not been properly defined anywhere. So what covers the ambit of gender-neutrality? The first assumption comes from the very fact that men can never be victims of rape as they are aroused by any sexual act, thus, implying the consent on their behalf. However, this is to say that this sort of arousal in the male body can not only be caused due to the fact that they wanted to be a willing participant. But studies have shown that arousal can also be caused by the fact that it could be due to fear, humiliation, and anxiety which could lead to such erections.<sup>6</sup> In situations where men are falsely accused of violence or dowry-related offenses, there is a pressing necessity for legislation that can effectively address these incorrect allegations. It is imperative that the principles of human rights and gender equality encompass individuals of all genders, including both men and women. Domestic violence should be recognized as spousal violence, with no distinctions made based on gender.

Currently, the Domestic Violence Act in India focuses solely on the protection of women. However, research indicates that men can also be victims of violence perpetrated by women. Therefore, it is advisable to implement necessary amendments to the existing law to address and acknowledge violence against men.

#### **CONCLUSION**

The family structure and societal norms are evolving, reflecting changes in values and perceptions regarding gender violence. It is crucial to recognize that men, like women, can also be victims of physical and mental harassment by their spouses and in-laws. This issue should be acknowledged as a significant social and public health concern, warranting the development and implementation of appropriate strategies and interventions to address it.

Men facing domestic violence require access to crisis support and resources similar to those available to women. Legal frameworks must adapt to include domestic violence against men as a punishable offense, ensuring that all victims receive protection under the law. Both men and women are integral to the fabric of society and family life, and as such, it is imperative that laws are designed

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<sup>6</sup> Verma, A. (2020) Need for gender neutral laws in India, iPleaders. Available at: <https://blog.iplayers.in/need-gender-neutral-laws/> (Accessed: 12 August 2024).

to safeguard both genders from spousal violence. By creating a more inclusive legal system, we can provide equitable support and protection for all individuals experiencing domestic violence. The concept of justice necessitates that genuine offenders be appropriately punished and that penalties are commensurate with the severity of the offense. Individuals who file false complaints should be held accountable for their actions, facing the maximum legal consequences allowed for such offenses, without the possibility of leniency. Enforcing strict penalties for false accusations could deter individuals from making fraudulent claims and help protect the innocent.

Although men are less frequently implicated in certain crimes, such as rape, harassment, stalking, and acid attacks, compared to women, the risk of being falsely accused is still a significant concern. It is important to recognize that while false accusations are less common overall, they can have severe consequences for the accused. Ensuring a fair legal process and imposing stringent penalties for false allegations are crucial steps in upholding justice and safeguarding individuals from wrongful harm.

