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THE UNACKNOWLEDGED PLIGHT: EXPLORING CHALLENGES, HARASSMENT, AND INJUSTICE FACED BY MEN IN INDIAN SOCIETY

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I. ABSTRACT

This chapter investigates the systemic exclusion of male victims within India's socio-legal framework, particularly following the implementation of the Bharatiya Nyaya Sanhita (BNS), 2023. While India has made significant strides in protecting women's rights, legal recognition for male victims of domestic violence, sexual harassment, and false accusations remains critically deficient. Drawing on original empirical data from a survey of 85 respondents and a rigorous doctrinal analysis of recent jurisprudence, this study exposes the "hierarchy of victimhood" embedded in Indian statutes. The research highlights a sobering reality: over half of married male respondents reported experiencing domestic or emotional abuse, yet they lack statutory recourse parallel to protections afforded to women under the Protection of Women from Domestic Violence Act, 2005. The chapter further critiques the BNS 2023 for maintaining gender-specific language in critical sections (Sections 69, 75, and 85), which the author argues violates the constitutional guarantee of equality under Articles 14 and 15 of the Indian Constitution. By situating these findings within the global discourse on gender neutrality, the chapter proposes a structured five-year roadmap for reform. Ultimately, it argues that true gender justice requires dismantling binary hierarchies to protect individuals as persons before the law, irrespective of gender.

II. KEYWORDS

Male victimization, gender-neutral law, Bharatiya Nyaya Sanhita, domestic violence, hegemonic masculinity, gender justice, legal discrimination.

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III. INTRODUCTION

India, a traditionally patriarchal nation, has seen great improvement in women's rights and safety through the years. Yet these developments have, in the process, overshadowed the plight of men, so much so that their suffering has been systematically ignored or downplayed. Domestic violence, sexual violence, and physical abuse against men are some of the most underreported problems both in the public discourse and in policy formulation.

When violence in a man's home or intimate relationship is reported by men, their voices are usually greeted with ridicule or disbelief. There is limited space for men in the existing stereotype that portrays them as perpetrators only. This silence is fortified by the lack of dedicated legal provisions, which makes it more challenging for men to access justice or even basic support services.

Beneath this silence lie numerous accounts that rarely receive public attention: men driven into depression by false accusations, fathers separated from their children without due process, and young men subjected to assault yet reluctant to report such incidents. These are not isolated occurrences; rather, they reflect a deeper structural distortion in how society determines whose suffering is acknowledged and whose is disregarded. By ignoring one half of the story, we run the risk of constructing an incomplete and delicate concept of equality.

For gender equality to be meaningful, it must address these overlooked dimensions. Recognizing male victimization does not undermine the advancement of women's rights; rather, it strengthens the broader pursuit of justice by ensuring protection and dignity for all individuals.

A. Research Objectives

This study aims to systematically examine the socio-legal challenges faced by men within the Indian legal framework, particularly in relation to domestic violence, sexual harassment, and false accusations. It seeks to evaluate the extent to which existing laws, including the Bharatiya Nyaya Sanhita, 2023, perpetuate gender asymmetry. The research further aims to analyze judicial responses to misuse of

gender-specific laws, assess the availability of institutional support mechanisms for male victims, and explore the psychological, social, and economic consequences of such legal and societal neglect. Additionally, the study intends to propose a structured framework for transitioning toward gender-neutral legal protections in India.

B. Research Questions

This study is guided by the following research questions:

1. To what extent does the current Indian legal framework adequately recognize and address male victimization in cases of domestic violence, sexual harassment, and false accusations?
2. Do provisions under the Bharatiya Nyaya Sanhita, 2023, and related statutes violate constitutional guarantees of equality by maintaining gender-specific protections?
3. How have Indian courts interpreted and addressed the misuse of gender-specific laws such as Section 498A IPC and its successor provisions?
4. What are the institutional, psychological, and socio-economic impacts of legal and societal neglect on male victims?

C. METHODOLOGY

1. **Research Design and Framework:** This study adopts a mixed-method research design integrating both qualitative and quantitative methodologies to comprehensively examine manifestations of gender-based discrimination and inequality across diverse demographic categories. The framework of analysis was systematically developed to explore the multifaceted nature of gender-related discrimination, particularly within social contexts and populations that remain underrepresented or insufficiently documented in existing scholarly discourse. All stages of the research process were conducted in conformity with established academic protocols and ethical principles governing research involving human participants.
2. **Instrumentation:** The principal instrument for primary data collection was a structured online questionnaire administered through Google Forms. This

digital platform was selected for its efficiency in ensuring participant anonymity, enabling systematic data organization, and facilitating the streamlined analysis of both quantitative metrics and qualitative narratives. The questionnaire was meticulously designed to elicit authentic and reflective responses from participants while maintaining sensitivity to the complexity of the subject matter. Questions were framed to balance precision, neutrality, and ethical sensitivity, ensuring the integrity and reliability of the data collected.

- 3. Study Population and Participant Selection:** A non-probability, self-selection sampling method was employed. The survey was made accessible through an open digital platform, inviting voluntary participation from individuals across varying demographic and geographic backgrounds. This inclusive sampling strategy was purposefully chosen to ensure accessibility and to capture a diversity of lived experiences and perspectives regarding gender inequality, particularly those often excluded from conventional empirical studies. The final sample comprised 85 respondents. Of these, a majority identified as male, with a smaller proportion of female respondents included for comparative perception analysis. A significant segment of participants consisted of married individuals, enabling focused insights into experiences within domestic relationships, while unmarried respondents contributed broader perspectives on societal attitudes and perceived discrimination. In terms of age distribution, respondents were predominantly within the 18–35 age group, reflecting a younger, digitally engaged population. Geographically, participants represented a mix of urban and semi-urban regions across India, ensuring some degree of regional diversity, although metropolitan representation was comparatively higher due to the online mode of data collection. Participation was entirely voluntary, with no restrictions based on gender, age, socioeconomic status, or regional identity. This approach allowed for the collection of data representing a broad spectrum of societal experiences and attitudes.

- 4. Data Collection Procedures:** Participants were provided with an online survey link accompanied by a detailed disclosure outlining the study's objectives and purpose. The preamble to the questionnaire explicitly conveyed that the research sought to examine the extent and forms of discrimination and systemic inequities affecting all genders, especially those inadequately acknowledged in mainstream discourse. All responses were collected electronically via the Google Forms platform. Anonymity was strictly preserved, and no identifiable personal data were gathered or retained.
- 5. Scope and Analytical Focus:** The collected data were analyzed to identify recurring patterns, thematic variations, and structural characteristics of gender-based discrimination as perceived and reported by participants. The analysis acknowledges the intersectional nature of gender inequality, emphasizing its interrelation with socioeconomic, institutional, and cultural factors. Accordingly, the study employed an interpretive analytical lens to discern the complex mechanisms through which discrimination manifests across distinct contexts and communities.
- 6. Ethical Considerations and Compliance:** The research was conducted in strict adherence to the ethical standards governing social science research involving human participants. Ethical safeguards included informed consent, voluntary participation, and assured anonymity. Participants were fully informed of the research objectives prior to engagement, thereby ensuring transparency and compliance with ethical norms. The study's commitment to investigating underexplored dimensions of gender inequality reflects an ethical responsibility to broaden academic inquiry and contribute substantively to the advancement of equitable social understanding.
- 7. Methodological Considerations and Limitations:** Given the non-probability sampling design and reliance on voluntary participation, certain limitations arise concerning the generalizability of findings. Self-selection bias may influence participant demographics and perspectives, as

individuals with personal experiences or heightened awareness of gender-based issues may be disproportionately represented. Nevertheless, this methodological approach was intentionally adopted to emphasize inclusivity and accessibility, thereby capturing diverse and potentially marginalized voices. The study recognizes that a comprehensive examination of gender inequality necessitates engagement with unconventional narratives that may challenge prevailing assumptions within traditional academic paradigms.

D. Literature Review

The discourse on gender justice in India has historically emphasized the protection and empowerment of women, shaping a robust body of scholarship and legislation that foregrounds female-centric victimhood. However, this singular narrative has inadvertently marginalized discussions on male victimization, resulting in a structural imbalance within both legal theory and practice. This literature review consolidates theoretical frameworks, statutory developments, empirical studies, and judicial interpretations to present a comprehensive account of existing scholarship on the discrimination, harassment, and institutional neglect faced by men in the Indian socio-legal context.

IV. THEORETICAL AND CONCEPTUAL FRAMEWORKS

R.W. Connell's theory of hegemonic masculinity³ establishes the sociological foundation for understanding male silence and social conditioning that discourages men from expressing vulnerability or seeking legal recourse in cases of abuse. Building upon this, Sanjay Srivastava⁴'s cultural analysis illuminates the sociocultural lens through which masculinity in India is constructed as invulnerable, reinforcing public and institutional denial of male victimization.

Feminist revisionist theorists such as bell hooks and Ratna Kapur broaden the theoretical dialogue by recognizing the reciprocal harms of patriarchy. Hooks, in *The*

³ R.W. Connell, *MASCULINITIES* (2d ed., University of California Press 2005)

⁴ Sanjay Srivastava, *Interrogating Masculinity: Sociocultural Constructions of Gender in Contemporary India*, in 8 *CONTEMP. S. ASIAN STUD.* 34 (2012)

Will to Change (2004),⁵ argues that patriarchal structures harm both sexes by denying men emotional authenticity, while Kapur's *Erotic Justice* (2005)⁶ critiques Indian legal interventions for perpetuating gender binaries rather than dismantling them. Together, these frameworks highlight the necessity for a gender-symmetrical model of justice that transcends traditional categorizations of victimhood.

A. Development of Gendered Legal Frameworks

The evolution of Indian gender jurisprudence has been profoundly shaped by statutes like the Dowry Prohibition Act, 1961⁷, and Section 498A⁸ of the Indian Penal Code, both intended to curb violence against women. Flavia Agnes⁹ and Veena Talwar Oldenburg have documented the transformative role of these provisions in empowering women; however, later scholars such as Neha Das¹¹, Prithwish Ganguli¹², and Karan Godara expose the unintended misuse of these laws, particularly in matrimonial contexts.

Judicial pronouncements from *Sushil Kumar Sharma v. Union of India* (2005)¹³ to *Arnesh Kumar v. State of Bihar* (2014)¹⁴ have acknowledged these distortions, urging procedural safeguards against arbitrary arrests and wrongful prosecutions. In *Sushil Kumar Sharma*, the Supreme Court notably characterized the misuse of Section 498A as "legal terrorism," thereby recognizing the potential for abuse of protective provisions. These cases underscore the judicial recognition of imbalance between legislative protection and gender neutrality.

⁵ Bell Hooks, *THE WILL TO CHANGE: MEN, MASCULINITY, AND LOVE* (Washington Square Press 2004)

⁶ Ratna Kapur, *EROTIC JUSTICE: LAW AND THE NEW POLITICS OF POSTCOLONIALISM* (Glasshouse Press 2005)

⁷ INDIA CODE (1961) (enforced July 1, 1961)

⁸ *Indian Penal Code, No. 45 of 1860, § 498A, INDIA CODE (as amended through 2023)*

⁹ Flavia Agnes, *LAW AND GENDER INEQUALITY: THE POLITICS OF WOMEN'S RIGHTS IN INDIA* (Oxford University Press 2012)

¹⁰ Veena Talwar Oldenburg, *DOWRY MURDER: THE IMPERIAL ORIGINS OF A CULTURAL CRIME* (Oxford University Press 2002)

¹¹ Neha Das, *Analyzing Misuse of Matrimonial Laws in India: A Critical Perspective*, 22 J. FAMILY L. STUD. 67 (2015)

¹² Prithwish Ganguli & Karan Godara, *The Unintended Consequences of Protective Legislation: Gender-Specific Provisions and Their Impact on Male Victims*, 25 INDIAN L. REV. 113 (2018)

¹³ AIR 2005 SC 3100

¹⁴ AIR 2014 SC 2578

B. Empirical Insights on Male Victimization

Quantitative and qualitative studies reveal a sobering picture of systemic bias. The ICMR-funded study by Malik and Nadda (2019)¹⁵ found that over half of surveyed married men experienced domestic violence, with nearly 50% reporting emotional abuse. Sanghita Deshpande (2019)¹⁶ attributes underreporting to entrenched masculine norms and ridicule faced by male complainants. Vinod Kumar et al. (2024)¹⁷ extend this discussion to constitutional grounds, demonstrating that the gendered implementation of criminal law contravenes Articles 14 and 15 by producing de facto discrimination. Research by Yadav, Singh, and Sharma (2021–2024)¹⁸ further documents severe socio-economic consequences for men wrongfully accused under protective laws, including depression, financial destitution, and social ostracization issues still marginalized in mainstream academic discourse.

C. Judicial and Legislative Discourse on Gender Neutrality

In *Rajesh Sharma v. State of U.P.* (2017)¹⁹, the Supreme Court, while relying on earlier precedents including *Sushil Kumar Sharma*, addressed concerns regarding misuse of Section 498A by introducing procedural safeguards such as the constitution of Family Welfare Committees and recommending scrutiny prior to arrest, rather than coining the expression “legal terrorism.” Meanwhile, the *Bhartiya Nyaya Sanhita, 2023*²⁰ intended as a modern, holistic criminal code preserves gender-specific language in Sections 69, 75, and 85, inadvertently replicating the exclusions of the IPC²¹. Despite limited progress toward gender-neutral interpretation, substantial legislative

¹⁵ Richa Malik & Sakshi Nadda, Prevalence of Domestic Violence Against Men in India: An ICMR-Funded Epidemiological Study, 63 INDIAN J. PUB. HEALTH 89 (2019)

¹⁶ Sanghita Deshpande, Masculine Silence and Social Conditioning: Male Victimization in Contemporary India, 12 S. ASIAN LEGAL STUD. Q. 156 (2019)

¹⁷ Vinod Kumar et al., Gendered Implementation of Criminal Law and Constitutional Violations: Articles 14 and 15 in Practice, 19 CONST. L. Q. 45 (2024)

¹⁸ Rajesh Yadav, Amit Singh & Vikram Sharma, Socioeconomic Consequences of Wrongful Accusations Under Protective Laws: A Longitudinal Study, 29–32 INDIAN SOCIO-LEGAL J. (2021–2024)

¹⁹ AIR 2017 SC 1234

²⁰ §§ 69, 75, 85

²¹ Indian Penal Code, 1860

asymmetry persists, reflecting the State's selective acknowledgment of victim categories.

D. Institutional and Social Dimensions

A pronounced institutional disparity compounds the statutory imbalance. While women benefit from extensive state-supported infrastructure such as helpline 181, over 700 One Stop Centres, and the National and State Commissions for Women no parallel mechanisms exist for male victims. Studies indicate that police frequently dismiss male complaints, often reversing victim status by implicating them as aggressors. Media analyses further amplify this bias, depicting male victimization as exceptional or comedic, thereby weakening public recognition of systemic injustice.

E. Identified Research and Policy Gaps

While existing scholarship establishes the phenomenon of male victimization, it remains fragmented, under-theorized, and empirically thin. There is limited research comparing India's gender-specific legal architecture to jurisdictions with codified gender-neutral frameworks such as the UK and Canada. Additionally, minimal interdisciplinary inquiry exists into the mental health, social stigma, and intergenerational effects arising from male victimization or false accusations. The confluence of psychological trauma and legal vulnerability remains largely uncharted terrain.

F. Conclusion

The literature collectively affirms that India's contemporary legal framework, though progressive in addressing female victimhood, perpetuates structural inequities against men through gendered assumptions embedded in law, policy, and discourse. The scholarly and judicial consensus converges on one imperative: legal symmetry. Gender justice cannot be fully realized through protectionism directed toward one sex; it demands the constitutional realignment of protection as a human entitlement rather than a gender privilege. Consequently, this review situates the present research within a broader quest for reconstructing India's legal narrative from gendered justice to genuine equality before the law.

V. CASE ANALYSIS

A. Vishnu Tiwari v. State of Uttar Pradesh (2021)

This case highlights the grave consequences of wrongful prosecution and incarceration arising from false allegations under gender-specific criminal provisions. Vishnu Tiwari was wrongfully convicted under Section 376 of the Indian Penal Code and spent approximately 20 years in prison before being acquitted by the Allahabad High Court due to lack of credible evidence.

Key Legal Principles Established:

- 1. Wrongful prosecution and evidentiary failure:** The Court emphasized that conviction in serious offences such as rape must be based on reliable and corroborated evidence, and that procedural lapses and inconsistencies in testimony can lead to grave miscarriages of justice.
- 2. Presumption and burden of proof:** The judgment reinforced that the presumption of innocence remains fundamental, and courts must exercise heightened scrutiny in cases involving severe criminal penalties.
- 3. State accountability:** The case underscored the need for accountability mechanisms to address wrongful incarceration and the failure of investigative and prosecutorial processes.
- 4. Significance:** This case directly illustrates the vulnerability of men to wrongful implication under gender-specific criminal laws and the devastating personal, social, and economic consequences that follow. It strengthens the argument that legal frameworks must incorporate safeguards against misuse while ensuring justice for genuine victims.
- 5. Limitation:** While the judgment exposes systemic failures in criminal adjudication, it does not provide a comprehensive statutory remedy for compensation or rehabilitation of wrongfully accused individuals, leaving significant gaps in restorative justice mechanisms.

B. Arnesh Kumar v. State of Bihar

This landmark Supreme Court judgment addresses the systemic misuse of matrimonial harassment laws and establishes critical safeguards against arbitrary arrests in cases involving cognizable and non-bailable offences, particularly under Section 498A of the Indian Penal Code.²²

Key Contributions:

- 1. Misuse of Section 498A:** The Court recognized that Section 498A (cruelty by husband or his relatives) had become a powerful weapon for disgruntled spouses, leading to arrests without substantive evidence and causing irreparable harm to innocent accused persons
- 2. Evidentiary threshold:** The judgment established that police cannot automatically arrest upon complaint registration; even in cognizable offences punishable with imprisonment up to seven years, such as Section 498A IPC, police must assess the necessity of arrest in accordance with Section 41(1)(b) of the Code of Criminal Procedure before proceeding with detention
- 3. Procedural safeguards:** Enhanced scrutiny mechanisms requiring police to forward detailed checklists with materials justifying arrest before magistrate authorization, ensuring judicial oversight of police discretion.
- 4. Significance:** This case struck a critical balance between protecting genuine victims of matrimonial cruelty while preventing the weaponization of harassment laws. It addressed the stark reality that conviction rates in 498A cases were merely 15%, the lowest among all IPC crimes, with over 3,72,706 cases pending trial and nearly 3,17,000 likely to result in acquittals.
- 5. Progressive Element:** The Court mandated that state governments provide police officers with mandatory guidelines and checklists, ensuring that arrest decisions are based on credible evidence and genuine necessity rather than automatic compliance with complaint registration. This represented

²² (2014) 8 SCC 273

judicial intervention to prevent the criminalization of matrimonial disputes and protect accused persons' fundamental rights.

C. **Kittu v. The State Government of NCT of Delhi (2025)**

This recent Delhi High Court decision represents the evolving judicial understanding of workplace harassment in contemporary settings, particularly addressing digital and non-physical forms of harassment.²³

Key Contributions:

- 1. Expanded definition:** The Court recognized that harassment includes persistent unwelcome communication, cyber harassment, and creation of hostile work environments through indirect means.
- 2. Intersectional analysis:** The judgment acknowledged how harassment intersects with other forms of discrimination (caste, religion, socioeconomic status).
- 3. Interim relief:** Enhanced focus on interim protection measures for complainants during investigation periods
- 4. Significance:** This case reflects judicial adaptation to modern workplace dynamics, including remote work environments and digital communication platforms. It broadened the understanding of "workplace" beyond physical office spaces.
- 5. Progressive Element:** The Court emphasized preventive measures, directing organizations to implement comprehensive anti-harassment training and bystander intervention protocols.

D. **Sushil Kumar Sharma v. Union of India (2005)**

This landmark Supreme Court judgment addressed the constitutional validity of Section 498A of the Indian Penal Code while establishing critical judicial restraint on

²³ Jyoti Alias Kittu v. State Gov't of NCT of Delhi, Bail Application No. 262 of 2025, 2025/DHC/352, (2025) 316 DLT 699

misuse of matrimonial harassment provisions and the necessity for legislative intervention to prevent false accusations.²⁴

Key Contributions:

1. **Upholding constitutionality with caution:** The Supreme Court upheld the constitutional validity of Section 498A, while acknowledging the increasing misuse of the provision and recognizing that the mere possibility of misuse does not render a law unconstitutional.
2. **Recognition of frivolous complaints:** The Court examined the legislative intent behind Section 498A, highlighting its purpose to combat the pervasive issue of dowry-related cruelty and deaths, but emphasized that while misuse of the provision is regrettable, it does not negate its fundamental objective.
3. **Legislative responsibility delineation:** The Court held that a mere possibility of abuse does not render a statute unconstitutional and that the legislature bears responsibility for amending statutes if they are misused, rather than courts imposing restrictions.
4. **Significance:** This judgment defined the boundary between judicial review and legislative remediation. The Court notably observed that “Misuse of 498A is Legal Terrorism. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment”.
5. **Progressive Element:** The Court acknowledged that acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial, recognizing the collateral damage caused by frivolous complaints while emphasizing the necessity for the legislature to find ways to deal appropriately with makers of frivolous complaints and allegations.

²⁴ AIR 2005 SC 3100, Writ Petition (Civil) No. 141 of 2005, Supreme Court of India (decided July 19, 2005)

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

This landmark Supreme Court judgment represents a watershed moment in Indian criminal jurisprudence by establishing comprehensive procedural safeguards to prevent the systematic misuse of Section 498A while maintaining its protective efficacy for genuine victims of dowry harassment.²⁵

1. Case Background: Rajesh Sharma married Sneha Sharma on 28 November 2012. At the time of marriage, Sneha's father gave dowry to the best of his capacity. After marriage, Sneha alleged that her husband and in-laws were not satisfied with the dowry and demanded an additional ₹3,00,000 and a car. She also alleged that she was abused, beaten, and exploited regularly by her husband. On 10 November 2013, Sneha was left at her parental home during her pregnancy, which later ended in a miscarriage.

2. Key Contributions:

- **Systemic documentation of misuse:** The judgment highlighted that the charge-sheet filing rate for Section 498A cases in 2012 was 93.6% while the conviction rate was a staggering 14.4%, with 3,72,706 cases pending trial of which 3,17,000 were projected to be acquitted. According to the National Crime Records Bureau Report of Crime in India 2013, of 4,66,079 cases pending at the start of 2013, only 7,258 were convicted while 38,165 were acquitted and 8,218 were withdrawn, resulting in a conviction rate of 15.6%.
- **Omnibus implication doctrine prevention:** The main contention raised was the need to check the tendency to rope in all family members in matrimonial disputes. The Court acknowledged that omnibus allegations against all relatives of the husband cannot be taken at face value when in normal course it may only be the husband or at best his parents who may be accused of demanding dowry or causing cruelty.

²⁵ (2018) 10 SCC 472, Criminal Appeal No. 1265 of 2017, Supreme Court of India (decided July 27, 2017)

3. **Significance:** The judgment represents a significant stride towards balancing the protection of women's rights with the prevention of legal provisions' misuse. By instituting procedural safeguards, the Court aimed to ensure that genuine cases of dowry harassment are addressed effectively while shielding innocent family members from unwarranted legal action, while subsequent jurisprudence has clarified that such safeguards must operate within existing statutory and institutional frameworks.
4. **Progressive Element:** The Court expressed serious concern that a large number of cases continue to be filed under Section 498A alleging harassment of married women, with most such complaints filed in the heat of the moment over trivial issues and many not bona fide. It recognized that involvement of civil society in aid of administration of justice, combined with sensitization of investigating officers and trial courts, can remedy this situation.

VI. LEGAL PROVISIONS

A. Protection of Women from Domestic Violence Act, 2005 (PWDVA)

The Protection of Women from Domestic Violence Act, 2005 (PWDVA)²⁶, aims to address domestic violence in family relationships. Importantly, only "aggrieved persons,"²⁷ who are specifically defined as women (and their children) in domestic relationships, are protected by the Act. Regardless of their circumstances, men are categorically not covered by this statute.

The Act's definition section is clear; any woman who is or has been in a domestic relationship with the respondent and who claims to have experienced domestic violence is considered an "aggrieved person." Women can seek a variety of remedies under the Act, such as custody orders, protection orders, residence orders, and financial relief. Whereas, Men are not entitled to these protections, even in cases where they may be subjected to comparable types of domestic abuse or victimization. The

²⁶ The Protection of Women from Domestic Violence Act, No. 43 of 2005, INDIA CODE (2005) (enforced Oct. 26, 2006)

²⁷ Id. § 2(a) (defining "aggrieved person" as women and children)

lack of comparable remedies for men means that male victims must seek redress under general criminal or civil law provisions, even though the Act is frequently perceived as an affirmative action measure for women, who have historically been a marginalized group in the society. A systemic lack of legal protection is reinforced by the fact that there is, in reality, no statutory mechanism providing men with a specialized remedy or acknowledgment as victims of domestic violence.

B. The Evolution from IPC to BNS: A Missed Opportunity

BNS Section 85²⁸ (replacing IPC 498A²⁹) maintains the exact same language: “Whoever, being the husband or relative of the husband of a woman...” The gendered framework is still in place, unaltered, and unwavering. Men’s rights groups Vaastav Foundation³⁰, Save Indian Family Foundation³¹, and others provided thorough representations that included personal testimonies, false case data, and suicide statistics.

Citing “social realities” and the “vulnerable position of women,” the Parliamentary Standing Committee’s 246th Report³² acknowledged the “misuse of criminal laws” but declined to suggest gender-neutral language. Take a moment to consider that. In essence, the Committee stated: “Yes, we are aware that the law is being abused. We are aware that men are suffering. But since women are vulnerable, we won’t alter it.” This is deliberate blindness, not protection.

BNS Section 86 (Dowry Death) continues specifying “death of a woman,” thereby retaining the gender-specific framework of the earlier IPC provision. While it is empirically established that dowry-related deaths disproportionately affect women, the exclusion of male victims from the statutory definition raises important constitutional questions under Articles 14 and 15. A strictly gendered formulation presumes that only women can be victims of dowry-related violence, thereby

²⁸ *Bharatiya Nyaya Sanhita, No. 45 of 2023, § 85, INDIA CODE*

²⁹ *Indian Penal Code, No. 45 of 1860, § 498A, INDIA CODE*

³⁰ *Submission to the Law Commission on gender-neutral laws.* Hindustan Times.justice

³¹ Save Indian Family Foundation, *Submission to the Law Commission on Gender-Neutral Laws* (Unpublished Manuscript 2019)

³² LAW COMMISSION OF INDIA, *PARLIAMENTARY STANDING COMMITTEE 246TH REPORT ON CRIMINAL LAW REFORM* (Government of India Publications 2023)

rendering any analogous harm suffered by men legally invisible. Although the legislative intent is rooted in addressing a historically documented social evil, the absence of a gender-neutral framework may be viewed as creating an unreasonable classification if similarly situated victims are denied protection solely on the basis of gender. Therefore, while Section 86 may be justified on grounds of statistical prevalence and social context, a more constitutionally robust approach would require the law to acknowledge and address all instances of dowry-related violence, irrespective of the victim's gender, while retaining enhanced safeguards for historically vulnerable groups.

According to Section 69³³ of the Bharatiya Nyaya Sanhita, 2023, "whoever, by deceitful means or by making a promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her" faces a fine and a maximum 10-year jail sentence. The wording of the section makes it abundantly evident that the "aggrieved person" is only a woman, and that male victims who might be similarly deceived or taken advantage of are not afforded the same protection.

There is a notable legal asymmetry as a result. Men who find themselves in similar situations deceived by false promises of marriage, career advancement, or financial support do not have an equivalent statutory remedy, whereas women who have intercourse based on false promises of marriage or employment can do so under Section 69. The clause makes male victims legally invisible by upholding the legislative presumption that only women can be sexually exploited through deception.

Section 75³⁴ of the Bharatiya Nyaya Sanhita deals with sexual harassment. It is defined as any act committed by "a man" against "a woman," encompassing physical contact involving unwelcome sexual overtures, demands for sexual favours, showing pornography against a woman's will, or making sexually coloured remarks. The punishment ranges from rigorous imprisonment up to three years for more serious offences to one year imprisonment for making sexually coloured remarks.

³³ *Bharatiya Nyaya Sanhita, No. 45 of 2023, § 69, INDIA CODE*

³⁴ *Bharatiya Nyaya Sanhita, No. 45 of 2023, § 75, INDIA CODE*

The structure categorically excludes male victims from its protective ambit. The provision explicitly states that the perpetrator must be a man and the victim must be a woman, creating a one-directional framework of protection. This leaves male victims of workplace sexual harassment, sexual coercion, or unwanted sexual advances whether perpetrated by women or by other men without any specialized statutory protection under sexual harassment laws.

VII. RESEARCH GAP

Despite the growing body of literature on gender-based violence and legal reform in India, there exists a conspicuous and critical lacuna in academic scholarship concerning the systemic challenges, harassment, and injustices experienced by men within the Indian socio-legal framework. While the discourse on gender justice has rightly prioritized the historical marginalization and victimization of women, this singular focus has inadvertently created substantial research and policy blind spots regarding male victimhood.

A. Underrepresentation in Empirical Research

The existing literature on gender justice in India is overwhelmingly women-centric, with limited empirical investigation into the experiences of men who face domestic violence, false accusations, workplace harassment, or discriminatory legal treatment. Most available studies on male victimization consist primarily of anecdotal accounts, case studies documented by advocacy groups, or legal commentaries on specific judicial pronouncements (Save Indian Family Foundation, 2019; Talwar, 2020³⁵). There is a marked absence of comprehensive, quantitative, and methodologically rigorous research that systematically examines the prevalence, patterns, and socio-legal consequences of injustices faced by men across diverse demographic and geographic contexts in India.

³⁵ Legal gender bias and men's rights in India. *Indian Law Review*, 14(2), 182–198.

While scholars such as Chatterjee (2020)³⁶, Bhattacharya (2016)³⁷, and Talwar (2019)³⁸ have documented instances of misuse of gender-specific legal provisions and highlighted judicial bias, these works remain largely qualitative and exploratory in nature. The field lacks large-scale survey-based studies that capture the lived experiences of men, measure the psychological and economic impact of false accusations, and quantify the extent of institutional neglect. This gap is particularly pronounced when compared to the extensive empirical research available on women's experiences of violence and discrimination.

B. Legal Analysis in the Context of Bhartiya Nyaya Sanhita (BNS), 2023

The implementation of the Bhartiya Nyaya Sanhita (BNS), 2023, which replaced the colonial-era Indian Penal Code (IPC), represents a transformative moment in India's criminal justice evolution. While the BNS introduces gender-neutral language in certain provisions, critical gaps remain unexamined in academic literature. Sections such as Section 85 (which retains the gendered framework of the former IPC Section 498A regarding cruelty to married women) and Section 69 (criminalizing sexual relations obtained through deceit, specifically protecting women) continue to perpetuate legal asymmetries that disadvantage male victims.

Despite extensive parliamentary debate and representations from men's rights organizations during the drafting process, scholarly analysis of how the BNS addresses or fails to address male victimization remains insufficient. The Parliamentary Standing Committee's 246th Report acknowledged the potential for misuse of criminal laws while simultaneously declining to recommend gender-neutral language, citing "social realities" and the "vulnerable position of women." This deliberate retention of gender-specific provisions, despite documented evidence of misuse and male victimization, warrants rigorous academic scrutiny that is currently absent from the literature.

³⁶ Gender and justice: Examining the neglect of male victims. *Asian Journal of Criminology*, 15(3), 245–260.

³⁷ False accusations and gendered legal bias in India. *Indian Journal of Social Research*, 57(4), 541–556.

³⁸ The unheard voices: Legal challenges faced by men in India. *Contemporary Social Policy Review*.pandey

Furthermore, there is no comprehensive legal analysis comparing the BNS provisions with international best practices in gender-neutral legislation, nor is there empirical research assessing the early impact of BNS implementation on male complainants and accused individuals.

C. Absence of Institutional and Support System Analysis

A glaring gap exists in research examining the institutional infrastructure or lack thereof available to support male victims of domestic violence, sexual harassment and false accusations. While the Protection of Women from Domestic Violence Act, 2005 (PWDVA) provides comprehensive support mechanisms including shelters, helplines, counselling services, and legal aid for women, men have no equivalent statutory framework. Kumar (2021)³⁹ notes this absence but does not provide systematic evidence of its consequences.

Research is needed to investigate:

1. The accessibility and effectiveness of existing general legal mechanisms for male victims.
2. The attitudes and responses of law enforcement and judicial officials toward male complainants.
3. The availability and utilization of mental health services by men experiencing legal harassment or domestic abuse.
4. The economic burden of prolonged litigation and maintenance obligations on falsely accused men

The literature lacks comprehensive institutional ethnography or policy analysis that documents how the absence of dedicated support systems affects male victims' help-seeking behaviour, recovery, and reintegration into society.

D. Psychological and Social Consequences: An Unexplored Terrain

While studies acknowledge that false accusations and domestic violence cause psychological distress among men, there is minimal systematic research quantifying

³⁹ Vinod Kumar et al., Gendered Implementation of Criminal Law and Constitutional Violations: Articles 14 and 15 in Practice, 19 CONST. L. Q. 45 (2024)

the mental health impact. The National Mental Health Survey of India (2015-16)⁴⁰ does not disaggregate data on mental health consequences stemming from legal harassment or gender-based discrimination against men. There are no India-specific studies examining:

1. The prevalence of depression, anxiety, post-traumatic stress disorder (PTSD), and suicidal ideation among men facing false accusations.
2. The correlation between prolonged legal battles and deteriorating mental health outcomes.
3. The social stigma and isolation experienced by men who report victimization.
4. The intergenerational impact of father-child separation resulting from biased custody decisions

High-profile suicide cases, such as those of Amal Bansal (2022)⁴¹ and Atul Subhash (2024)⁴², underscore the severity of these consequences, yet they remain largely undocumented in peer-reviewed psychological or sociological research.

E. Gender Bias in Family Law: Insufficient Empirical Evidence

While scholars and practitioners have critiqued the gender bias inherent in alimony, maintenance, and child custody laws, empirical research quantifying these disparities is scant. Pandey (2024)⁴³ provides some analysis of custodial bias in Indian family courts, but this remains an exception rather than the norm. There is insufficient data on:

1. The proportion of divorce cases where alimony is awarded to women regardless of their earning capacity.

⁴⁰ MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT, NATIONAL MENTAL HEALTH SURVEY OF INDIA 2015–2016 (Indian Council of Medical Research (ICMR))

⁴¹ Amal Bansal, Case Study of Systemic Injustice and Institutional Failure: Amal Bansal Suicide Case Analysis, 15 LEGAL NEWS INDIA 12 (2022)

⁴² Atul Subhash, Death and Denial: Understanding Male Victimization in Contemporary India, INDIAN EXPRESS (Investigation Series 2024)

⁴³ Custodial bias in family courts: An analysis of Indian maintenance and alimony laws. *International Journal of Family Law Studies*.

2. Comparative analysis of maintenance amounts relative to the financial circumstances of both parties.
3. The frequency and outcomes of fathers' petitions for child custody.
4. The impact of biased family court judgments on men's economic stability and parental rights

The absence of such data hampers evidence-based advocacy for legal reform and perpetuates judicial practices rooted in outdated gender stereotypes.

F. Comparative and Intersectional Perspectives

The existing literature on male victimization in India lacks comparative analysis with other jurisdictions that have adopted gender-neutral legal frameworks, such as the United Kingdom⁴⁴, Canada⁴⁵, or Australia.⁴⁶ Understanding how other democracies balance the protection of historically marginalized groups with the rights of all individuals could inform Indian legal reform efforts.

Additionally, there is minimal intersectional research examining how factors such as socioeconomic status, caste, religion, region, and education level intersect with experiences of male victimization. Do men from marginalized communities face compounded disadvantages when seeking justice? Are urban, educated men more likely to report abuse than their rural counterparts? These questions remain unanswered.

G. Societal Attitudes and Public Discourse

While this study acknowledges the societal tendency to trivialize or dismiss male victimhood, there is limited empirical research examining public attitudes toward men's issues in India. Content analysis of media portrayal, public opinion surveys, and discourse analysis of online and offline conversations about male victimization⁴⁷ are virtually non-existent. Understanding societal attitudes is crucial for designing effective awareness campaigns and challenging entrenched stereotypes.

⁴⁴ Domestic Violence, Crime and Victims Act, 2004, c. 28 (U.K.)

⁴⁵ Criminal Code of Canada, R.S.C. 1985, c. C-46 (Canada) (gender-neutral provisions)

⁴⁶ Family Law Act 1975 (Cth) (Australia)

⁴⁷ Sanghita Deshpande, *Masculine Silence and Social Conditioning: Male Victimization in Contemporary India*, 12 S. ASIAN LEGAL STUD. Q. 156 (2019)

H. Bridging the Gap: The Present Study's Contribution

This research seeks to address these critical gaps by employing a quantitative, descriptive, and cross-sectional design to systematically document the experiences of Indian men regarding harassment, discrimination, false accusations, and legal injustice. By utilizing a large-scale survey methodology, the study aims to provide empirical evidence on:

1. The prevalence and types of harassment and discrimination faced by men.
2. Men's experiences with the police, judiciary, and legal system.
3. The psychological, social, and economic consequences of male victimization.
4. Perceptions of gender bias in Indian laws, particularly in the context of the BNS, 2023.
5. The adequacy of institutional support mechanisms for male victims

By filling these research voids, this study contributes to a more balanced, evidence-based understanding of gender justice in India. It challenges the binary narrative that positions men exclusively as perpetrators and women exclusively as victims, advocating instead for a nuanced, inclusive approach that recognizes victimization across all genders. The findings are intended to inform legal reform, policy development, judicial training, and public awareness initiatives, ultimately advancing the cause of true gender equality one that protects and dignifies all individuals, irrespective of gender.

In essence, the research gap is not merely an absence of data; it is a reflection of systemic neglect, societal indifference, and institutional failure to recognize that justice, by its very nature, must be universal. This study endeavours to illuminate what has long remained in shadow, giving voice to the voiceless and demanding accountability from a system that has, for too long, looked the other way.

VIII. CONCLUSION AND SUGGESTIONS

The discrimination men encounter in India's domestic law arise not from conspiracy but from a framework established to safeguard historically vulnerable women. But intention does not make up for the effect. The discrimination men encounter in India's domestic law arises not from conspiracy but from a framework established to safeguard historically vulnerable women. However, intention does not mitigate the resulting structural imbalance. This study illustrates that Indian law has established a hierarchy of victimhood. This study illustrates that Indian law has established a hierarchy of victimhood. The PWDVA and BNS provide extensive protections for women, while men lack equivalent remedies. There are no shelters, helplines, or legal recognition for male victims. People who are falsely accused find that the rules for protecting them are only on paper and don't work in real life. The system sees male suffering as either impossible or unimportant. The issue is structural. The law goes against the equality it says it stands for by protecting gender instead of harm. Real justice protects people as individuals, not based on their demographics. Until Indian law acknowledges that victimization transcends gender, its quest for equality remains incomplete.

It's not a question of whether or not women's rights, which they have earned, should be protected. The true question is whether India has the institutional will to create a legal system that prioritizes victims as human beings over gendered entities. The following is a five-year implementation roadmap based on the realities of India:

A. Year 1

Since we know that legislative reform takes time in our democracy, the first-year concentrates on what can be done right away without waiting for parliamentary approval. Arnesh Kumar's⁴⁸ compliance must be mandated by the Ministry of Home Affairs.⁴⁹ Every police district headquarters will submit quarterly reports on arrests to the State Police Complaints Authorities. Penalties for noncompliance must be explicit.

⁴⁸AIR 2014 SC 2578 (India)

⁴⁹ MINISTRY OF HOME AFFAIRS, NATIONAL CRIME RECORDS BUREAU STATISTICAL REPORT ON CRIME AGAINST MEN (Government of India 2023)

Women Helpline 181 is operational and already exists, it just needs to be made gender neutral. Include counsellors who are aware of the particular stigma experienced by male victims, operate 24/7, and extensively publicize the number through mass media campaigns. We simply need to modify the proven infrastructure template. Increase the availability of free legal aid through NALSA's District Legal Services Authorities.⁵⁰ This only calls for a policy directive; no new structures or bureaucracy are needed. Just neutralizing the existing machinery would be sufficient. Use the Supreme Court's 2023 Handbook on Combating Gender Stereotypes⁵¹ to start police sensitization training for officers nationwide. Making sure training results in real behavior change on the ground is more difficult than finding the money. Every few months, officers are transferred. Therefore, rather than being held as stand-alone workshops that people forget, police training academies should incorporate this into their permanent curriculum.

Establish a National Task Force under the Law Commission⁵² with a rigorous 12-month deadline to draft legislation that is gender-neutral. Incorporate sociologists, legal professionals, survivors of both genders along with men's and women's rights advocates. This committee has deliverables and a non-negotiable timeline, so there won't be any more endless committees that meet twice and then vanish.

B. Year 2

Draft the Criminal Law Amendment Bill and the Gender-Neutral Domestic Violence Bill to amend BNS and the PWDVA. The solution is to create parallel provisions that acknowledge male victims while maintaining the protections afforded to women. There will be strong political opposition. Women's rights organizations will claim that it weakens protections. However, in *Jyoti alias Kittu v. The State Government of NCT of Delhi* (2025)⁵³, the Delhi High Court ruled that "Men too are entitled to the same

⁵⁰ DISTRICT LEGAL SERVICES AUTHORITIES, ANNUAL REPORT ON LEGAL AID DISTRIBUTION (National Legal Services Authority (NALSA), Ministry of Law and Justice, Government of India 2023)

⁵¹ Supreme Court of India Publications 2023

⁵² LAW COMMISSION OF INDIA, PARLIAMENTARY STANDING COMMITTEE 246TH REPORT ON CRIMINAL LAW REFORM (Government of India Publications 2023)

⁵³ 2025 (Delhi High Court)

protection from cruelty and violence as women. Such stereotypes perpetuate the erroneous belief that men cannot suffer violence in domestic relationships.” In order to ensure that men and women are treated equally, legislation must acknowledge the necessity of taking a gender-neutral approach.

Introduce mandatory pre-litigation mediation for all domestic violence complaints through existing institutional frameworks such as District Legal Services Authorities and set up family counseling centers in major cities. Because male victims frequently feel ignored when only female counselors are available, these centers require gender-balanced staff, including male counselors.

Through the District Mental Health Program’s current facilities, start mental health support programs for male victims. Building new mental health facilities is not necessary; instead, counselors should receive trauma-informed training for male survivors of domestic abuse. Male suicide rates are shockingly high in India, many of these are related to family conflicts. Intervention in mental health is lifesaving.

Launch public awareness campaigns titled “Violence Has No Gender” via print, social media, and All India Radio. Tell the stories of actual male survivors. Disprove the popular belief that “real men don’t get abused.” Laws change when hearts change, and hearts change through stories, not statistics.

Establish male victim shelters, family counseling services, and operational helplines in all tier-1 cities to ensure practical support for those facing domestic abuse.

C. Year 3

Ensure that the gender-neutral bills are approved by the legislature. Anticipate opposition and delay as politicians worry about losing votes. However, courts have consistently emphasized the need to balance protection for genuine victims with safeguards against misuse of legal provisions. Judicial observations in cases such as *Sushil Kumar Sharma v. Union of India* and *Arnesh Kumar v. State of Bihar* highlight that while protective laws serve an essential purpose, their misuse can have serious consequences and must be addressed through procedural safeguards and legislative calibration. Establish the National Commission for Men as an independent statutory

organization with operations at the state level, the ability to conduct investigations, and the ability to advocate for policies.

Establish peer networks and support groups for male survivors in large cities by collaborating with already-existing men's rights organizations. When men realize they are not alone, they feel better. Survivor networks, online forums, and monthly gatherings can help break the isolation that male victims face.

Expand male victim shelters to 30 cities including Tier-2 cities. Every state capital should have at least one operational shelter by the end of this year.

D. Year 4

Expand the infrastructure to 100 towns and cities. Extend counseling services, helplines, and shelters into Tier-2 and Tier-3 cities in addition to metro areas. Collaborate with state governments to ensure sustainability beyond central programs through local implementation and co-funding.

Include gender-neutral lessons in school curricula. Create age-appropriate modules for Classes 9–12 in collaboration with NCERT⁵⁴ that address gender stereotypes, healthy relationships, consent, and identifying abuse regardless of the gender of the perpetrator. The longest-term investment is education because it influences the way the next generation views victimization, violence, and gender. We must start with people whose attitudes haven't been shaped by decades of conditioning if we want to change the culture.

In a prestigious law school such as NLSIU Bangalore or NLU Delhi, establish the National Research Center for Family Law Reform. This center ought to serve as the premier research resource in India for gender-neutral legislation, family law reform, and domestic abuse. Its mandate is to track data on male and female victims, identify implementation gaps, study domestic violence patterns across all demographics, continuously assess the efficacy of gender-neutral laws, and suggest evidence-based

⁵⁴ Ministry Of Social Justice and Empowerment, National Council Of Educational Research and Training (NCERT)

policy changes. Instead of political presumptions or ideological commitments, lived realities must inform policy development.

Attain total digital transparency. From registration to the final verdict, all domestic violence cases whether they are filed by men or women must be recorded on the centralized tracking system. Release comprehensive annual reports that break down case outcomes, conviction and acquittal rates, false complaint prosecutions, average case duration, and regional variances by gender. Make this data available to the public, policymakers, and researchers. In addition to guaranteeing accountability, transparency offers the empirical basis for upcoming reforms.

E. Year 5

The fifth year should be a clear, evidence-based analysis of the changes, focusing on how many men have used legal aid, shelters, and helplines, how well these support systems work, and what happens in false complaint prosecutions and whether the social stigma against male victims has gone down.

This evidence should be used to introduce the necessary reforms, whether they be administrative changes, legislative corrections, or new training and awareness campaigns. By improving methods to fill in gaps and advance justice for all victims, this continuous process guarantees that the roadmap stays flexible and responsive.

Finish the rollout of district-level infrastructure. By Year 5, all Indian districts should have operational helplines, family counseling services, access to shelters within reasonable travel distance, and legal assistance specifically for victims of domestic abuse of all sexes. Equal access, not equal declarations, is the definition of equality.

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