
BHARATIYA NYAYA SANHITA: UNVEILING THE REALITY OF GENDER EQUALITY FOR MEN

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ABSTRACT

A crime is a crime regardless of whether it's against a man or a woman because crime knows no gender. It is not men versus women; it's about standing with the victim. Bharatiya Nyaya Sanhita (BNS) introduced in 2023 acts as a modern legal framework that replaced the Indian Penal Code (IPC), which has been in effect since 1860 under colonial control. Until 2023, the nation complied with IPC and opted for BNS approved by parliament in 2023. Crimes and their penalties are the primary focus of both BNS and IPC. However, BNS seeks to modernize criminal justice by resolving outdated laws with contemporary ones with statutes that correspond with the reality of the present. The main objective of BNS is to remove colonial biases, reform criminal laws for independent India and introduce laws for emerging crimes. While BNS and IPC address many long-standing issues, they continue to overlook certain social problems that may lead men also to be a victim. However, the question arises when the laws are more women-centric. Whether men are treated equally to women when they became victims is a question of fact. The laws are prejudiced that men are not subjected to domestic violence, dowry death, sexual harassment, and many more. These types of crimes have an exclusive place in BNS giving protection to women. But what about the male population that are victims of those crimes? These types of crimes have become gender-neutral in recent times. So, laws should also evolve to provide gender-neutral protection. The ways that men should not cry, or be weak, and men are ruthless are some of the misnomers that caused them to be prey of the women-centric laws. The bias that is circulating that men are not subjected to any gender-centric crimes should be condemned.

INTRODUCTION

The laws of India are there to give protection to all the victims. But for certain crimes, only women are given full protection but not men. The prejudice that men are not subjected to these types of crimes which are mostly women-centric provides the undue advantage to the criminals. The laws of crimes that are women-centric are to be reframed as gender-neutral as victims are not only women but also men of such crimes. Generally it is said that law is equal for everyone but why are men being mistreated while women are protected under the name of law when gender neutrality is an evolving agenda that is exercised all over the world? This paves the way for some criminals to commit crimes against men and escape without any consequences. As the current laws are not gender-neutral, men become scapegoat of the crimes. The idea of men being strong and they will never be the victim of crimes meant for women is a misleading concept. Not par with women, men will also become victims of such crimes and this fact should be universally acknowledged. In India, traditionally, the practice of giving dowry to bridegroom by the bride's family is a persistent issue. Although laws have been introduced to abolish this practice and to protect women from dowry harassment and dowry-related deaths, the problem still persists. Offenses are typically committed by the husband and his family, and subsequently these offenders' face legal repercussions for their actions. However, there are instances where women may misuse these protective laws, making false allegations against their husbands for dowry harassment or demanding excessive alimony from their husbands. Here it is to be pointed out that men will also fall as prey to such crimes and become victims yet their struggles often go unrecognized due to societal beliefs that men are supreme and they will never face such crimes. But in reality, men will also encounter such crimes and also experience sexual harassment, rape, dowry harassment, and domestic violence—issues that are frequently overlooked by society and the legal system. Not all men are strong and independent; some may be vulnerable and in need of protection. Being men, they should not be deprived of protection from law. The society created a psychological gap between men and women where only women are victims and men are predators. Only women are given protection against domestic violence not men, and section 86 of BNS¹ as well is exclusively for the protection of women against cruelty. What about men who are subjected to vindictiveness of crimes faced by womenfolk? Why are they not having any legal protection? Historically women were indeed being suppressed and oppressed by the male population. They lead their lives under oppression.

¹ S.86 available at <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a2023-45.pdf>

But as time changed and society evolved, women are considered to be on par with men. In today's society men can no longer suppress women thanks to the implementation of various laws that protect women from different crimes. As time has progressed, men have also become victims of crimes that were traditionally committed against women. Unfortunately, there are very few laws that address the discrimination faced by men. Therefore, it is crucial to establish gender-equal laws rather than discriminatory ones.

From Oppressors to Victims: How Society and Law Now Mistreat Men

Oppression against women and the displaying of male chauvinism can be tracked down to ancient times. Until laws were introduced for the protection of women, they were being oppressed by the male population.

The feminist movement in India began in the late 1970s demanding equal rights, freedom, and protection from predators. Due to their constant protest and demands, various laws were introduced exclusively for women. Considering their struggles since ancient times it was deemed necessary to introduce laws for safeguarding women. But at the same time, nowadays, men will also become victims of several crimes that once targeted only women.

In 2013, the Verma committee was formed to give recommendations on criminal law. They suggested a few recommendations; which included using the term 'person' instead of 'women' in all types of sexual abuse to include men as also victims, it also made a recommendation to introduce gender-neutral law. However, the Criminal Law Amendment Act rejected the recommendation for gender-neutral laws and reinstated gender-specific laws. This shows the bigoted mentality of society and our legal system. Our society culture was once patriarchal but we cannot deny the fact that men are also exposed to sexual abuse².

In 2017, Sanjiv Kumar an Indian jurist filed a petition questioning the constitutional validity of rape laws. He argued rape laws were gender-centric and did not show any mercy towards any male victims. It only treated men as inhumane and women as victims. On the face of it, we can see that it is very discriminatory. He argued that there should be equality. And the reality is men are also victims of rape and society must evolve and move on from the male-on-female

² *Verma committee* is available at <https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary>

paradigm.

In *Rishi Malhotra v. Union of India*, a PIL was filed for introducing gender-neutral laws for rape. In 2018, the Supreme Court rejected the PIL to introduce gender-neutral laws for sexual crimes.³

“Feminists call it sexism to refer to God as He; they do not call it sexism to refer to the Devil as He.”⁴

- Warren Farrell

During the early days of the 1960s and 1970s, we could observe the Men’s movement emerged in parts of Western countries. It focused on gender issues and highlighted the discrimination against men by favoring women in the name of feminism. In the 1970s Men’s movement began in India as a response to the alleged abuse of section 498A of IPC. Men’s rights organizations were formed in Kolkata, Mumbai, and Lucknow to fight against discrimination and inequality faced by men.

The practice that men suppressed women in the past has now become normal to accuse men or claim false allegations, due to past actions. But in recent times men too become victims of domestic violence. The reality is men are not always the predators; not all men are strong or dominant as they were portrayed in ancient times. A numerous can be vulnerable and powerless. Unfortunately, the laws that are first designed to protect women are sometimes misused, resulting in mistreatment and false allegations under the guise of law. As times evolved women are indeed equal to men, and women with their capabilities are par/above par with men in various fields. Men can no longer suppress or oppress women in the name of domestic violence as they are constantly under the vigilante eyes of the law.

“Men’s greatest weakness is their facade of strength, and women’s greatest strength is their façade of weakness.”⁵

— Warren Farrell, *The Myth of Male Power*

³ *Rishi Malhotra v. Union of India*, Writ Petition(s)(Criminal) No(s).7/2018

⁴ Warren Farrell, *Myth of Male Power* (Berkley Trade, United States, 2nd edn., 2000).

⁵ Warren Farrell, *Myth of Male Power* (Berkley Trade, United States, 2nd edn., 2000).

Despite this, there are presently no laws specifically there to protect men. The legal system has now shifted from being general to gender-specific and gender-neutral, but it still predominantly favors women. There arises a question what about men who are also victims of such crimes? Generally, society does not voice their struggles, leaving their vulnerabilities unnoticed in front of society and the eye of the law. It left them susceptible to the veritable laws that were meant to ensure justice for all.

The main reason why men victims are neither recognized nor adequately protected by the law is that they are often portrayed as strong leaving no room for them to showcase their vulnerabilities. This society will portray men as 'weak' and 'less masculine' if they voice out their problems leading them to question their masculinity. They fear that if they speak up; they will be ridiculed and their problem will not be heard just because they have the cover called 'men.'

In the case of *Mohammed Zakir V. Shabana*⁶ the judgment was given after reviewing the precedent in *Harsora v. Kusum Narottamdas Harsora*. The Supreme Court held that the Domestic Violence Act, of 2005 will ensure to protect domestic partners irrespective of their gender. Even men can seek relief under this Act. This was an important judgment as it recognized that the Act predominantly favored women and was violative of Article 14 of the Constitution⁷ which guarantees equality before the law. The judgment stressed the social issues faced by men; they are often portrayed as the sole perpetrators of domestic violence. It's only through such judicial precedents, it becomes explicitly apparent that men, too can be victims of domestic violence. This recognition is essential for the justice system to be fair and inclusive, and address the sufferings of all the aggrieved parties irrespective of gender.

Section 63 of BNS⁸ refers to the crime of raping. Instead of stating it as raping of a person, it mentions raping of women, leaving no space for men to file a report and get protection under section 63. Furthermore, under this section, only a male person is said to be a criminal; which is a very narrow perspective of the society. Around the world, some men are subjected to rape and sexual assault. According to a report about 14% of the reports that are reported comprise

⁶ <https://www.daaman.org/jd/mohammed-zakir-vs-smt.-shabana/any-person%2C-whether-male-or-female%2C-aggrieved-and-alleging-violation-of-the-provisions-of-the-domestic-violence-act-could-invoke-the-provisions-under-the-act>.

⁷ Art.14 is available at https://www.indiacode.nic.in/bitstream/123456789/15240/1/constitution_of_india.pdf

⁸ *Supra* note 1, S.63

men and male children. 1 in 6 reported sexual assault is by a boy and 1 in 25 is a male⁹. Generally, we know that women who are subjected to rape or sexual assaults will not come forward to file a complaint due to the fear of judgment / spoiling their image in the society. Likewise, filing a report by a male or boy is not an easy task, because of the cover they are forced to wear shows them as a strong person displaying their masculinity. Javed Iqbal was a Pakistani serial killer who molested 100 boys between the ages of 6-16. His victims were strangled and dismembered and were dissolved in acid leaving no evidence¹⁰. This is a live example that boys and men are also subjected to rape, sexual assault, and molestation.

Not only domestic violence, under section 86 of BNS¹¹ only women were given protection against cruelty, not men. Some men in their day-to-day lives face various forms of cruelty that include physical, mental, and financial abuse. Physical abuse includes hitting, beating, punching, and many more, sexual abuses include rape, forceful sex, and sex by coercion, and financial abuse involves controlling or withholding of financial resources. Not only women are facing such kind of abuses; but some of them are capable of endangering cruelty to men. According to national surveys conducted by organizations such as the UC San Diego Center on Gender Equity and Health, the National Sexual Violence Resource Center, and the RAND National Defense Research Institute, 80% of women file complaints of sexual abuse whereas, only 43% of men report their experiences.¹² Both section 354(a) of IPC and section 75 of BNS talk about sexual harassment, but in both sections, the predator of the crime are portrayed as a man. Under the section, the term 'man' is used for persons who commit sexual harassment under the respective sections. This shows the prejudiced mentality that man as the sole predators of sexual harassment. On the other side, although the victims of this crime can be both men and women, men aren't given due attention, care, and protection like women victims.

Certain changes were made when BNS replaced IPC. It changed gender-centric terms such as 'men' to gender-neutral terms such as 'whoever' or 'any person' concerning crimes that primarily target women. But still, the victims have the pronouns of 'she/her.' Is it because society and the legal system concluded that there would not be any male victims? Or they concluded that male victims will not suffer even though they are subjected to such crimes.

⁹ https://endsexualviolence.org/where_we_stand/male-victims/

¹⁰ <https://www.britannica.com/biography/Javed-Iqbal>

¹¹ See Supra note 1

¹² [https://www.legalserviceindia.com/legal/article-17491-abuse-knows-no-gender-men-s-rights-and-the-bharatiya-nyaya-sanhita.html#:~:text=Section%20354\(A\)%20of%20the,provisions%20for%20compensating%20male%20victims.](https://www.legalserviceindia.com/legal/article-17491-abuse-knows-no-gender-men-s-rights-and-the-bharatiya-nyaya-sanhita.html#:~:text=Section%20354(A)%20of%20the,provisions%20for%20compensating%20male%20victims.)

Section 76 of BNS¹³ talks about Assault or the use of criminal force on a woman with intent to disrobe, Section 77 of BNS¹⁴ talks about voyeurism, and Section 78 of BNS¹⁵ Talks about stalking; all these sections changed the term 'any man' to 'whoever' causes the crime. But the victims of all these crimes are said to be only women which is not true in the current society that keeps evolving every single day. In Maharashtra, a 22-year-old man was raped by 4 stalkers who traced his location through Instagram.¹⁶ This is one of the cases that reached the public interest; there are still cases that did not come to the limelight.

After the judgment in *Vishaka v. State of Rajasthan*¹⁷, Vishaka guidelines were enacted in the workplace to protect women from sexual abuse in the workplace. The sexual harassment act was introduced for the protection of women. When we hear sexual violence in the workplace, we conclude that only a woman is a victim. But, in the workplace, both men and women are victims of sexual abuse, but there are no Acts for the protection of men from sexual abuse in the workplace.

A Zomato delivery man was falsely accused by his customer when he delivered the food late. She accused him of assaulting her and defaming her. Turned out to be the allegations were false. But before the truth unfolded there was much backlash on the Zomato delivery; before hearing both sides the social media concluded that the delivery boy was at fault just because a man could do it.¹⁸

Challenging Stereotypes: Addressing Abuse and Violence Against Men

Dowry Death

While dowry deaths and harassment have historically been seen as crimes primarily affecting women, often with men portrayed as the perpetrators, there are instances where men can also be victims of dowry demands or misuse of laws. It is essential to acknowledge the nuances and shortcomings of the legal system, which may sometimes fail to address situations where men, too, are victims adequately. Indian laws covering dowry, especially Sections 85 & 86 of

¹³ Supra note 1, S.76

¹⁴ Supra note 1, S.77

¹⁵ Supra note 1, S.78

¹⁶ <https://www.indiatoday.in/crime/story/mumbai-man-raped-moving-car-instagram-location-1627346-2019-12-11>

¹⁷ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241:

¹⁸ News is available at <https://zeenews.india.com/buzz/zomato-delivery-boy-files-fir-against-bengaluru-woman-for-false-accusation-2348079.html>

(BNS)¹⁹, which deals with cruelty by a husband or his relatives towards a wife, have been criticized for being gender-biased. This law is intended to protect women from dowry-related violence, but its application is often seen as being skewed in favor of women. The law does not provide a gender-neutral approach, meaning it does not specifically protect men who may also face dowry harassment or false accusations. In a case like *Rajesh Sharma v. State of Uttar Pradesh* (2017), the Supreme Court identified that misuse of dowry laws could have severe consequences, including death by suicide of innocent husbands and the court also emphasized safeguards, there should be thorough investigation and non-automatic.²⁰ We must acknowledge that men can also be victims of dowry demands. In some situations, a woman's family may demand a significant dowry from the husband or his family, pressuring the man to meet their demands. Men in these situations may feel powerless, but due to societal and legal norms, they might not have an easy outlet for reporting the abuse. The legal system does not currently have an equivalent framework for men to seek redress for dowry harassment or violence. From the case of *State vs. Munish Dalal & Ors.* Also known as *Nisha Sharma*, the dowry case was a clear example of how the IPC section 498A can be misused in India. Nisha Sharma has made a false allegation and filed a complaint against her fiancé that he is claiming dowry. Initially, she was praised for her bravery in fighting against dowry demands. Later it came to the limelight that she had misused section 498A of IPC and made a false allegation about her fiancé. The main takeaway from the *Nisha Sharma* case was the visibility it gave to the issue of dowry harassment, as well as the need for legal reform to prevent dowry abuse and ensure that both women and men have equal access to justice under anti-dowry laws.²¹

The misuse of dowry laws has sparked debate in India. In India for women's protection from harassment & cruelty related to dowry demand, some laws were enacted as Dowry Prohibition Act, 1961, and Section 498A of the Indian Penal Code (IPC); but the fact is that these laws aim to protect only women; they do not provide corresponding protections for men. *Sushil Kumar Sharma v. UOI* (2005) in this case the Supreme Court has observed that section 498A IPC is often misused by the parties rather than giving protection to the aggrieved party. Some women have been accused of using these laws as tools of harassment or to gain leverage in marital

¹⁹ Supra note 1, S.85 and S.86

²⁰ *Rajesh Sharma v. State of Uttar Pradesh* (, (CrI.) No.2013 of 2017 available at <https://indiankanoon.org/doc/182220573/>

²¹ *State v. Munish Dalal*, 2024:MPHC-GWL:20031 3 MCRC-6163-2022 is available at <https://indiankanoon.org/doc/157369687/>

disputes.²² The recent ongoing case was Subhash Atul who was an IT worker in Bengaluru has committed suicide due to dowry harassment given by her wife and her family. He left a 40-page letter and a 90-minute video as evidence of both physical and mental harassment inflicted by his estranged wife and her family. After the divorce, he kept giving 2 lakhs every month and she pressured him to give 3 crores to settle the divorce and sought to get 30 lakhs to allow him to see his child.²³

Cruelty

In India, most legal provisions related to marital life such as Sections 85 & 86 of the BNS, are seen as being more favorable to women, specifically in cases where the husband and his relatives are accused of cruelty or harassment. Initially, it is introduced to protect married women but later it has been observed that some women misuse this provision to harass their husbands and in-laws. The provision says it is a cognizable, non-bailable, and non-compoundable offense and is more likely to be misused as arrests can be made without proper investigation. *Arnesh Kumar v. State of Bihar* (2014) is one of the major cases regarding cruelty in marital life, the Supreme Court laid down some guidelines to prevent automatic arrests under Sections 85 & 86 BNS. It also directed police to conduct a preliminary inquiry before arresting the accused.²⁴

In the matter of misuse of this Section;

- Unfair arrests:** Men and their families face arrest based solely on the wife's complaint, even in the absence of solid evidence. This leads to increased false accusations by the wife against their husband and his relatives without proper legal grounds for filing a case at the police station. This procedure is completely unfair in the view of the law.

- Reputation Damage:** This kind of false allegation against men can tarnish their reputation which can cause personal, social, and professional harm, even after they are proven innocent.

- No Protection for Men:** Sections 85 & 86 of BNS are one-sided and do not give protection for cases where men face cruelty and false accusations. Men do not have any safeguard as equal

²² *Sushil Sharma v. Union of India*, [1977] 3 SCC 592 is available at <https://indiankanoon.org/doc/1172674/>

²³ <https://timesofindia.indiatimes.com/city/bengaluru/bengaluru-techie-subhash-atul-suicide-experts-say-dowry-laws-for-womens-safety-used-as-weapon/articleshow/116196509.cms>

²⁴ *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273 is available <https://indiankanoon.org/doc/2982624/>

to women and there is no gender neutral in BNS under this provision. The law itself portrayed men as a predator, not as a victim.

Critics argue that while women seek protection under the law, men do not have equivalent legal safeguards, which leads to an imbalance in the legal framework. Because of society, men lack adequate protection in cases of false allegation. This is viewed as unfair, creating a one-sided legal approach in matrimonial disputes. In the case *K. Subba Rao v. State of Telangana* (2018)²⁵, the court quashed a false 498A case, analyzing that situation where misuse of a Section for cruelty results in harassment and violates the rights of innocent individuals.

Men can also be victims in certain cases that impact their emotional and mental distress. False allegations can lead to depression, anxiety, and in some extreme cases, even suicide. Furthermore, men face substantial financial burdens due to legal battles that impose significant costs on the accused and their families. An innocent individual accused of cruelty will endure societal discrimination and loss of reputation. *Preeti Gupta v. State of Jharkhand* (2010)²⁶ This case mainly focuses on the false accusation of cruelty by the wife, the Supreme Court emphasized that false complaints under Section 498A are causing harassment and humiliation to the accused, and the reforms are necessary to ensure justice for all without gender discrimination.

Men suffering from cruelty or false allegation under Sections 85 & 86 of BNS have limited legal remedies.

Section 482, CrPC²⁷: This provision helps the petitioner to file a petition to quash criminal proceedings and false FIRs in the police station. This may safeguard the innocent person from false allegations and prevent the abuse of the legal process.

Defamation (Section 356 BNS)²⁸: Filing a defamation case for reputation damage seeks remedies for the innocent individual against unfair arrests and criminal proceedings.

Counter Cases: The provisions under Sections 182 (false information) and 211 (false charges)

²⁵ *K. Subba v. State of Telangana*, (2018) 14 SCC 452 is available at <https://indiankanoon.org/doc/85067403/>

²⁶ *Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667 is available at <https://indiankanoon.org/doc/46704/>

²⁷ S. 482 of CrPC is available at

https://www.indiacode.nic.in/bitstream/123456789/15272/1/the_code_of_criminal_procedure,_1973.pdf

²⁸ *Supra* note 1, S. 356

of both BNS and IPC provisions, are mainly for protecting the faultless person from oppression of the legal system.²⁹

Malicious Prosecution: This may help the victims to seek compensation under civil laws for wrongful prosecution due to the whole facts being fake.

While Sections 85 & 86 of BNS are essential for protecting women from cruelty, its misuse undermines its purpose and leads to harassment of innocent men. The absence of legal protection for men experiencing cruelty in marriage highlights the need for reforms in Indian law. The existing laws should provide some protection, but there is a pressing need for gender-neutral laws addressing domestic cruelty and safeguarding all victims, irrespective of gender. A gender-neutral framework addressing cruelty in marital relationships could help to achieve fairness.

Domestic violence

Protection of Women from Domestic Violence Act, 2005 (PWDVA)³⁰

In India, the legal frameworks are made to cover innocent women and children especially under the Domestic Violence Act (PWDVA), particularly from domestic violence. Still, these vittles are occasionally misused by women, leading to false or exaggerated claims that may harm the innocent men and implicate their families. In some instances, men are also sufferers of domestic violence. The current legal frame has numerous challenges to innocent men by abuse of some provisions by women and their relatives. Gender Bias in-laws are a lack of justice where the PWDVA is explicitly designed to protect women. However, they do not consider the possibility of men or other genders being victims of domestic violence. The exploitation of these provisions in case of false accusations or overblown complaints have been documented, can create a distrustful environment, making it harder for those truly suffering from domestic violence. Abuse of the Domestic Violence Act not only impacts the accused but also weakens the credibility of genuine victims. There is no Gender-Neutral law in India wanting a comprehensive domestic violence law that recognizes male victims or victims from LGBTQIA+ communities. When the husband filed the petition on the court on the grounds of

²⁹ Supra note 1, S.182

³⁰ PWDVA is available at

https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf

mental cruelty caused to him by his wife and her relatives referring to the case *K. Srinivas Rao v. D.A. Deepa* (2013)³¹, the Supreme Court conceded that misuse of matrimonial laws could lead to injustice against men. The lack of provisions in PWDVA impact on men and families by;

•**Psychological and Social Trauma:** Men who are falsely indicated often face significant social smirch, as the allegations may be seen as a public assault on their character. Men may struggle to prove their innocence, and the bare blameworthiness can blemish their character. The emotional trauma extends to the accused family members, who might also suffer from public scrutiny, social ostracism, and the emotional toll of the legal battle.

•**Fiscal Strain:** In some cases, men may face legal costs, loss of income, and court-ordered maintenance or compensation even if the allegations are later proven to be false. This financial strain often affects the entire family. The legal battles and potential settlements can impose a significant financial burden.

•**Harassment of Relatives:** When a man is accused of domestic violence his relatives, including parents and siblings, are also targeted. They may also experience emotional and psychological distress, as they too may be subjected to legal proceedings, public stigma, or harassment.

•**Social Alienation:** If men are charged with false complaints, they often find themselves socially isolated. Their friends and family distance themselves due to the stigma of the accusation, leaving the innocent accused with no emotional support during their legal battle.

•**Damage to personal and professional life:** Being involved in a false domestic violence case can affect a man's professional reputation which may lead to job loss or difficulty finding future employment. Due to the false allegation colleagues, employers, and clients may judge the innocent person, even if they are later proven unfounded.

•**Impact on children:** The false accusation can also affect the children's mental health if they were involved and they may suffer confusion, anxiety, or trauma due to the upheaval in the family by custody battles and separation from their father, if a child growing up in such a contentious environment might also face social challenges. In some cases, the man is separated

³¹ *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 226 is available at <https://indiankanoon.org/doc/14713882/>

from his children in the accusation of domestic violence. This can lead to emotional distress and the breakdown of the father-child relationship.

Unlike women, men have limited legal provisions to defend themselves or seek protection when they face false accusations. Even in the legal process if a man is accused of Fraudulent complaints under the PWDVA it can be lengthy and burdensome, though the accused may eventually be proven innocent, the time spent in the court trial and the associated legal costs can leave lasting damage to both personal and family life. The case of Hiralal P. Harsora, explains how men are commonly portrayed in the legal system as the only accused. According to Section 2(q) of the Protection of Women from Domestic Violence Act, 2005, only male adult family members are considered "respondents," meaning that female and non-adult family members are not subject to prosecution. It excluded accusations against abusive female or minor family members; this created a significant loophole in the legal system. It compromised the court's system of fairness and the equality mandated by Article 14. The phrase 'adult man' was removed from Section 2(q) by the Supreme Court due to their discriminatory nature and violation of Article 14 by preferring one gender over another.³²

The PWDVA serves a critical part in guarding women but presently there is an urgent need for legislative reforms to address its abuse and extend protection to men and other vulnerable groups. The misuse of laws like the PWDVA directly affects the men and their relatives, leaving them vulnerable without recourse to legal protection. To address the issue, laws should be made gender-neutral, ensuring equal protection for all individuals, regardless of gender. The gender-neutral laws, coupled with robust safeguards against misuse, would ensure justice for all communities and help to maintain the integrity of the legal system.

Alimony

A critical and sensitive issue in India's legal system that the provisions for alimony designed to protect women, are often criticized for neglecting the feelings and challenges faced by men. While the laws aim to protect vulnerable women, their implementation occasionally leads to unintended consequences, including undue hardship for men. Maintenance under Section 125

³² *Hiralal P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165. Available at: <https://indiankanoon.org/doc/114237665/>

CrPC³³ in the cases of *Bhuwan Mohan Singh v. Meena* (2014)³⁴ the Supreme Court reiterated that maintenance laws aim to ensure financial support for dependent spouses. However, this often results in a blanket presumption of the husband's financial capacity, neglecting his liabilities or economic struggles. In the matter of financial exhaustion the long-drawn legal battles, coupled with alimony and maintenance obligations it can drain a man's resources, and little for his own sustenance or future.

Some of the challenges that may arise include financial hardship, unfair burden, lack of adjustments, and misuse of alimony laws. "Overlapping" maintenance, this can refer to situations where an individual is required to make multiple financial contribution or face dual obligations paying both alimony and child support. If it is too excessive, the legal system does not provide for reasonable adjustments based on their ability to pay or their own financial well-being. *Rajnish v. Neha* (2020)³⁵ the guidelines strictly across all courts that the court clarified that maintenance awarded under multiple laws should be adjusted to prevent duplicated. Men may still face overlapping financial obligations until reforms ensure consistent application.

Men in some cultures are more often expected to pay alimony, even in cases where their financial situation is not ideal. Men may face disproportionate financial strain, with limited recourse to claim compensation for false allegations. Some reforms are to be made to safeguard the equal rights in alimony by transparent income disclosures, capping maintenance period, mediation and counselling and gender-neutral provisions, extending maintenance rights to financially weaker husbands and recognizing domestic violence faced by men under gender-neutral frameworks.

A Call for Gender-Neutral Laws: Bridging the Equality Gap

- **Adoption of gender neutral terms**

For introducing gender neutral laws we have to start with using gender neutral terms for addressing both predators and the victims. We should not have any bias or prejudice over any gender. Sections like 85 of BNS which covers cruelty by husband, section 74 which is outraging the modesty of women and section 63 which is about rape are some of the examples

³³ S. 125 of CrPC is available at <https://www.indiacode.nic.in/bitstream/123456789/4221/1/Criminal-Procedure-Code-CrPC-1973.pdf>

³⁴ *Bhuwan Mohan Singh v. Meena* AIR 2014 2875 is available at <https://indiankanoon.org/doc/34330243/>

³⁵ *Rajnish v. Neha*, AIR 2021 569 is available at <https://indiankanoon.org/doc/117541087/>

of gender-centric provisions under BNS. It has to be altered to use gender-neutral terms. For instance instead of using 'husband' it can be replaced with 'spouse', instead of 'women' it can be replaced with 'person', emphasizing that crimes have no gender and irrespective of gender they can be both predators and victims.

- **Equal protection for spouses against domestic violence**

The Protection of Women from Domestic Violence Act (PWDVA) is entirely for the protection of women from domestic violence. It excluded men who can also be a potential victim of abuse. Men have limited resources to fight against abuse by their partners. This act has to be amended to give protection for both husband and the wife.

- **Introducing sexual harassment law for all the genders**

Currently, both men and women are suffering from sexual harassment. The Act such as Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 for protection of women from sexual harassment from workplace. The laws should be amended to give protection to all persons irrespective of their gender against sexual harassment in the workplace.

- **Restructuring rape laws**

At present, men are also subjected to rape and have become rape victims. The current rape law primarily protects women and does not fully address men or transgender who are rape victims. We should broaden the rape laws to include all the genders as victims of rape as well as predators of rape. We should ensure all the genders are equally protected and given justice.

- **Awareness campaign and establishing support services**

Launching of awareness campaign of men being the victims of various crimes will help male victims who are hesitant to come forward to filing the complaint. As the society portrayed men to be strong and tough it will be difficult for them to come forward; by introducing various campaigns and educational programs to fight against gender stereotype and encouraging them to file complaints against all abuses will gain their trust in the justice system. As men have limited resources and services, establishing of support services and counseling for men will

help them to heal and move forward in their life.

CONCLUSION

The society desires to uphold social justice and equality; it is important to address gender-neutral laws as they are need of the hour. Instead of placing men and women in particular boundary we should evolve with the changing societal attitudes towards each gender. The society and the law that seems to be prejudiced should step out of the vicious circle to ensure equal protection to all the genders. The laws on crimes such as cruelty, sexual harassment, dowry demand, alimony, domestic violence which are meant for protecting only women should be reformed. When men's struggles go unnoticed and unaddressed, the very nature of societal justice is questioned. Creating gender-neutral laws are not just legal responsibility but it is also responsibility of the society to embrace the struggles of male victims and be supportive in their journey of getting justice and their healing process. We have to step into the shoes of the victims and stand with them instead of approaching the victims with gender-centric notions. The womanhood may be considered as weaker section in the eyes of society but should not be in the eyes of law as weaker section is prevailing in manhood too.