

# Analyzing Gender Disparities in the Indian Legal System: A critical examination of the lack of adequate Legal Protections for Men

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## 1. Introduction:

Gender equality is a core aspect of social justice, in which every person, regardless of gender, has equal opportunities, responsibilities, and rights. There has been an international drive in recent times to rectify gender imbalances, particularly those against women, and India is no different. There have been numerous new legislations passed to empower women, providing them with legal protection from domestic violence, harassment, and discrimination. These legislations are significant in rectifying past injustices and in ensuring that women are protected and mainstreamed in society. An offshoot of these gains, however, is that men may have less legal protection and acknowledgment in the same situations.

India's legal system has taken great leaps toward addressing gender inequalities through legislation explicitly designed to protect women from violence and abuse. Evident among these is the Protection of Women from Domestic Violence Act (2005), a piece of legislation that offers civil redress to women who have been subjected to domestic violence. In addition, Section 498A of the Indian Penal Code criminalizes cruelty by husband or relatives, offering women a legal remedy to combat physical or mental harassment within marriage. In addition, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013) ensures women's dignity and protection at the workplace. These pieces of legislation are great milestones in the fight for gender equality and show India's commitment to ensuring women's safety from violence and a safer society for them.

These women's safeguards are badly needed, but they have also created a very disturbing problem: the abuse of these laws, which can damage men. There have been several reports and studies that have found cases of false allegations under laws like Section 498A, which have got men unfairly caught up in legal problems. While this abuse is a minority of the cases, it shows a big problem in the system—there are not enough gender-neutral laws to help prevent and deal with abuse of men in the home, workplace, and families.

Additionally, Indian law lacks legislation that effectively safeguards men from domestic violence, harassment, or discriminatory treatment under family law. For instance, the Protection of Women from Domestic Violence Act provides protection to women who are victims of domestic violence, but the law lacks a counterpart for domestic violence against men. This absence of law is especially concerning since domestic violence is indiscriminate and men are also victims of domestic violence. The existing law does not cater to or assist male victims, thus leaving them with no official way of reporting and combating abuse.

Section 498A serves a purpose in safeguarding women who are subjected to cruelty, but it does not take into consideration the fact that men are also harmed or ill-treated by their partners or families. As there is no counter law that safeguards men, this introduces an imbalance in the law that makes it more difficult to attain real

equality. In the workplace, the Sexual Harassment of Women at Workplace Act (2013) serves to safeguard women, but there is no counter law that safeguards men from sexual harassment in the workplace. This exposes men to the risk of being ill-treated and exploited when they are victims.

In family law, the gender disparity is greater. Indian courts have traditionally favored women in maintenance and custody cases of children, giving a preference to the welfare of the mother without express regard for the father's rights. This bias can lead to disproportionate judgments in divorce and custody battles, where men may not be given a fair hearing. While these judicial safeguards seek to correct historical injustices inflicted on women, the lack of laws that treat both sexes equally may create new inequality by disregarding the experience and rights of men.

Not extending legal protection to men in domestic violence, harassment, and family law cases makes it difficult to attain gender equality in India. If the laws are gender-biased towards one gender and not the other without providing equal protection to all, it could result in social unrest and the perception of injustice. True gender equality is such that men and women should be treated equally before the law, with legal principles showing that individuals of all genders can be victims of violence, harassment, and discrimination.

This research paper looks at the differences in India's legal system by closely studying the protections for women and men. It will examine how the current system, even though it aims to help, has caused unfairness in justice, especially for men. By looking at the weaknesses in laws about domestic violence, harassment, and family law, the paper will make a case for creating gender-neutral legal rules. These changes would make sure that everyone, no matter their gender, is equally safe from harm, and that the legal system acts as a way to deliver justice, not as a means to keep inequality going. This research will analyze the societal perceptions that make men unwilling to report harassment or abuse. In India, as in other societies, social norms have a tendency to build manhood on the pillars of strength, control, and not expressing emotions. Such cultural definitions make men uneasy about showing weakness or acknowledging victimhood, substantiating the perception that men can't be abused. The paper will analyze how such societal expectations interact with the legal system and lead to fewer reports of abuse against men and less consideration of their experiences in legal proceedings as well as public discourse. This research paper examines the lacunas and stereotypes in the present legal system to make the case for reforms that ensure real gender equality. Laws must be legislated that treat individuals equally on the basis of the harm caused to them, irrespective of gender, to make society more egalitarian. India can achieve the true spirit of gender equality in its Constitution only by eradicating the inequalities which women and men both suffer.

### Review of Literature:

The team has reviewed a variety of research papers and different cases that can provide the team with valuable data for the paper.

- Jyoti Srivastava's 2016 article "Domestic Violence against Men" examines the frequently disregarded problem of men becoming victims of domestic abuse, especially in India. Although domestic violence is typically linked to women, the paper makes the case that men are also abused in

close relationships, but that because of gender stereotypes and societal norms, their experiences are frequently disregarded.

- Zhuolin Zhu's "The Causes and Solutions of Gender Inequality in the Workplace": Highlighting important elements, causes, and remedies, the paper examines the problem of gender inequality in the workplace. The unequal treatment of people based on their gender, which can appear in a variety of contexts, including the workplace, is known as gender inequality. The study highlights how gender inequality is still a major issue, with women frequently subjected to sexual harassment, having fewer prospects for advancement, and having different retirement ages than men.
- The understudied problem of gender-based violence against men in rural Haryana, India, is examined by Jagbir Singh Malik and Anuradha Nadda (2019). Research indicates that men are also victims of emotional, physical, and sexual abuse, but the majority of studies concentrate on women (Lövestad & Krantz, 2012). Legal structures in India largely protect women, with male victims receiving less attention (Sarkar et al., 2017). Studies like NFHS-3 and PASK, which use instruments like the modified Conflict Tactics Scale, demonstrate that men experience severe emotional abuse, which is frequently connected to unemployment and financial reliance (Tjaden & Thoennes, 2000; PASK, 2012). The urgent need for legal recognition and protective measures for male victims of domestic violence in India is highlighted by this study.
- Dr. Navpreet Kaur and Dr. Shobha Gulati (2024) examine the neglected problem of men as victims in domestic abuse situations in their article "Domestic Violence Against Men in India: A Critical Analysis with Special Reference to Indian Law." Although domestic violence is commonly perceived as an issue that primarily affects women, new research, such as studies by Nadda (2019), shows that men are also subjected to serious types of abuse, such as economic, emotional, and physical assault. The stigma and underreporting of male victims in India are caused by societal preconceptions, traditional gender norms, and a lack of legal safeguards specifically targeted at men. Although essential for protecting women, the Protection of Women from Domestic Violence Act (2005) does not apply to men, leaving them defenceless and without legal protection (E.V., 2021).
- According to studies, cultural norms, difficulties with the judicial system, and a dearth of support services all contribute to domestic violence against men (Shivajirao Ghumare, 2021). According to international comparisons, nations with gender-neutral legislation provide male victims with greater awareness and support (Choudhary, 2019). In order to combat domestic violence against males in India and provide complete victim protection for all victims, regardless of gender, this assessment emphasizes the urgent need for gender-neutral laws, strengthened legal safeguards, and focused support networks.
- "Gender Disparities Present Within the Legal Profession" by Olivia M. (2023): This thesis investigates gender differences in the legal field, with a focus on small enterprises in the Southeast United States, where data is scarce. Compared to men, women are paid less, are more likely to experience sexual harassment, and have less prospects for leadership. These discrepancies are caused by gender stereotypes, overt sexism, and covert sexism, according to interviews with legal professionals in Oxford, Mississippi, and Clarksville, Tennessee. The thesis suggests remedies include regulatory changes under a U.S. Justicia Project, updating employment procedures, and increasing awareness

through law school instruction. These strategies seek to promote equity and lessen gender gaps in small legal firms.

#### Statement of problem:

By sanctioning enactment made extraordinarily to shield ladies from mishandle and ambush, India's lawful framework has made noteworthy advance in tending to sex disparities. In spite of the fact that these shields for ladies are crucial and required, they have driven to a concerning drift:

the mishandle of these rules, once in a while to men's hindrance. Besides, there are as of now no uncommon shields in Indian law that adequately shield men against badgering, household manhandle, or out of line treatment beneath family law. For illustration, there's no comparable enactment that addresses household mishandle against men, indeed whereas the Assurance of Ladies from Residential mishandle Act gives ladies the apparatuses to look for security from damaging connections.

The distinction gets to be much more discernible in family law. In cases including support and child care, Indian courts have customarily given inclination to ladies, regularly putting the mother's welfare ahead of the father's rights. Men may find it troublesome to get reasonable treatment in separate and guardianship debate as a result of this inclination. In spite of the fact that the objective of these legitimate shields is to amend past shameful acts that ladies have experienced, the need of gender-neutral clauses runs the hazard of cultivating unused sorts of imbalance by disregarding the rights and encounters of guys.

A major impediment to achieving sexual orientation correspondence in India is the nonattendance of legitimate assurances for men in zones like family law, badgering, and household savagery. Given that household savagery may affect individuals of both sexual orientations which men can moreover gotten to be casualties of spousal manhandle, this lawful crevice is exceptionally troubling. Male casualties are thus cleared out without a proper way to reveal and fight manhandle since the current lawful framework does not one or the other perceive or offer them reparation.

By basically dissecting the current securities for men and ladies, this inquire about ponder points to remedy the imbalances in India's lawful framework. It'll look at how the current framework, in spite of its great eagerly, has come about in an uneven allotment of equity, especially when it comes to circumstances including men. The article will make the case for the introduction of gender-neutral lawful arrangements by looking at the holes within the laws relating to family law, badgering, and household mishandle. Beneath such changes, everybody would be similarly ensured from harm, notwithstanding of gender, and the lawful framework would be utilized as an instrument for equity instead of to preserve imbalance.

### Qualitative Research:

The team has undertaken 10 cases of various scenarios. They are as follows:

## **Case Study Analysis – Rajesh Sharma v. State of Uttar Pradesh (2017)**

### **Topic: Gender Bias in Maintenance and Alimony Laws**

#### **1. Case Background**

Rajesh Sharma v. State of Uttar Pradesh (2017) was an critical Incomparable Court judgment that tended to the developing issues with the manhandle of Area 498A IPC. The case stemmed from charges of share badgering brought by the spouse of Rajesh Sharma against him and his family. The solicitors complained that Segment 498A was being abused as a device for badgering, driving to unjustified captures and reputational hurt.

#### **2. Major Issues Brought Forth**

Abuse of Area 498A: The solicitors affirmed that most cases beneath Area 498A were untrue, which driven to irregular captures and legal badgering of blameless relatives.

Moo Rates of Conviction: The rate of feelings in connection to Area 498A cases was definitely moo, showing that larger part of the complaints were recorded without concrete prove.

Effect on Families: The obligatory captures come about in genuine social and mental impacts for the denounced as well as their families.

Women's Lawful Securities: Regardless the mishandle, the Act was initially made to ensure ladies who were subject to real settlement badgering and household viciousness.

#### **3. Supreme Court's Comments & Instructions**

The Court recognized the mishandle of Segment 498A but maintained that the arrangement was still significant for the assurance of ladies. Family Welfare Committees (FWCs) were set up to screen complaints some time recently police activity, giving an extra procedural check. Captures beneath Area 498A were made unexpected upon endorsement by locale police authorities, hence diminishing the chances of silly cases. Policing and legal parts were characterized to guarantee fair examinations and anticipate self-assertive capture.

#### **4. Consequences & Societal Responses**

Positive Impacts: The judgment contributed to the lessening in self-assertive detainments, so that guiltless people were not unjustifiably held.

Concerns Raised: Pundits fought that institutionalizing FWCs and extra procedural shields would debilitate assurance for real casualties and make women's journey for quick equity more troublesome.

Lawful and Arrangement Changes: The case built up a point of reference for future lawful talks about, affecting the treatment of Area 498A cases in India.

## **5. Current Debate & Social Impacts:**

The case has started wrangle about on sex balance in legitimate assurance, with a few advocates asking impartial laws to anticipate manhandle without denying genuine casualties' equity.

Women's rights bunches accept the choice undermined the viability of the law, but others contend that it was required to adjust against wrong claims. The choice marks a bigger social move towards making lawful shields reasonable, adjusted, and impartial for both sexes.

This case of the Rajesh Sharma v. State of U.P. case gives smart viewpoints into the complexities of gender- based legitimate shields in India and their real-world effect on individuals and families.

## **False POSH Complaint – Corporate Sector Case (Mumbai, 2019)**

### **1. Background of the Case**

The Luxurious (Avoidance of Sexual Badgering) Act, 2013 was sanctioned to secure ladies against sexual badgering at their work environments. In any case, in 2019, an official in Mumbai was erroneously denounced of work environment badgering beneath this act. In spite of being cleared of all charges, he misplaced his work and endured both proficient and individual results. This occasion highlights the need of shields for men beneath work environment badgering laws and challenges the sex non-partisanship of corporate approaches and lawful systems.

### **2. Major Issues Identified**

Untrue Affirmations & Results: The male official was charged beneath the Luxurious Act, but the Inside Complaints Committee (ICC) in the long run ruled there was no case against him. He still misplaced his work, which appears a inclination within the way enterprises handle badgering cases.

Need of Assurance for Men: The Luxurious Act gives assurance to ladies as it were and does not deliver any lawful plan of action to men in case of untrue charges. The law expect that ladies alone are victims, which may be a matter of genuine concern for sexual orientation correspondence.

Social & Proficient Shame: In spite of having been absolved of the charges, the denounced endured misfortune of notoriety and career. Shame to such affirmations frequently leads to end from benefit, social alienation, and mental injury.

Corporate & Legitimate Inclination: Most corporate arrangements have a inclination to be in bolster of quick activities against suspected people in arrange to guard their picture. This makes a culture of assumption of blame, indeed some time recently an broad examination is conducted.

### **3. Impact & Societal Reactions**

Work environment Approaches & Male Employees' Fear: The case has raised fears among male workers that the badgering laws may be utilized unreasonably against them. A few men have begun to limit their intuitive with ladies colleagues, expecting the hazard of unjustified accusations. There have been reports of "Shadow



Bans” within the workplace, which refer to the informal prohibition of ladies from proficient interaction to play down chance.

Psychological & Budgetary Burden on the Denounced: The charged endured passionate trouble, money related costs within the shape of legitimate expenses, and a suspension of career progression. The mental impact of wrong allegations can be overpowering, with numerous individuals encountering misery, uneasiness, and self-destructive considerations.

Lawful & Arrangement Discourse: Legal counselors and activists have called for revisions to the Luxurious Act to encourage evenhanded examinations and include gender-neutral arrangements. The wrangle about is right now centered on whether the law must ensure all workers, independent of sexual orientation, and penalize wrong allegations.

#### **4. Enduring Debate & Implications**

Require for Gender-Neutral Enactment within the Working environment: Supporters contend that anti- workplace badgering enactment has to be all encompassing and similarly secure both Sexes.

Advancement of POSH Investigation Procedures: Masters recommend that corporate ICCs have to be conduct unbiased and adjusted investigations rather than acting out of fear of misfortune of notoriety.

Actualizing Repercussions for Wrong Affirmations: There's an expanding call for punishments for those who hold up unwarranted badgering complaints to discourage the abuse of lawful arrangements.

#### **Conclusion**

The Mumbai 2019 case is an illustration of how careers and lives are annihilated by unconfirmed badgering allegations. In spite of the fact that the Luxurious Act is imperative for the security of ladies, there's no security for those dishonestly denounced, uncovering crevices in gender-focused legitimate frameworks. The case emphasizes the significance of having gender-neutral badgering enactment in work environments to guarantee reasonable equity for all representatives, be it male or female.

### **Report on the Anubhav Agarwal Case (Ghaziabad, 2022)**

#### **1. Introduction**

The story of Anubhav Agarwal, a 26yearold man from Ghaziabad, brings to light the terrible consequences of baseless allegations. After being accused of domestic violence and dowry requests from his wife, Anubhav unfortunately killed himself in 2022. Still more contentious were the misuse of legal remedies linked with marital disputes revealed in his death and the suicide note he left behind.

#### **2. Case background**

- Before the charges, Anubhav was leading a steady life as a young professional.
- His wife filed a complaint under Section 498A of the Indian Penal Code, which pertains to cruelty against a married woman by her spouse or family.

- Even so, he got dragged into a legal battle while he insisted the accusations were unfounded and meant to torture him.
- His mental health suffered greatly under the weight of legal proceedings, public condemnation, and the approaching consequences of the offenses.

### **3. Incident Particulars**

- Ultimately, under the stress, Anubhav bitterly decided to kill himself.
- Finally, in his last hours he penned a suicide note outlining the great suffering he felt from the charges against him.
- The note reflected his humiliation, injured reputation, and excruciating pain caused by the untrue charges.

### **4. legal and societal consequences**

- The case sheds light on issues of Section 498A and similar legislation intended to safeguard women from domestic abuse being abused.
- Although these statutes are absolutely necessary to protect women, they have also been criticized for being used to harass unsuspecting people.
- Anubhav's demise has started several discussions on social media and legal panels regarding the need for changes in how these situations are handled.

### **5. Public Opinion and Consequences**

- The incident brought to light the psychological effects of legal abuse and false charges.
- Several advocates and legal experts lobbied for more forensic analysis of those cases to differentiate true victims from bogus ones.
- Legislative changes were urgently called for to stop false claims from being used as tools of personal vengeance.

### **6. Result**

- The situation of Anubhav Agarwal serves as a stinging reminder of the consequences of baseless charges.
- Even if important, laws supporting women as well have to be complemented by provisions to stop their abuse.
- Legal processes need to find equilibrium to ensure protection for those charged with crimes as well as legitimate victims.



**Rohan v. Review on Child Custody Bias. 2017 Delhi Priya Case**

The Rohit vs. In Indian child custody matters, the Priya case (2017) illustrates gender discrimination. Showing proof that his wife Priya was an alcoholic and unfit to parent, Rohit asked for custody of their kid. Still, the court found for Priya, pointing to the longstanding legal assumption that mothers are inherently better able to provide for young children. The systematic gender prejudice in Indian custody legislation is brought out in this instance and its effects on fathers as well as children noted.

Particularly for kids under five years old, Indian family law—augmenting the Hindu Minority and Guardianship Act of 1956 and the Guardians and Wards Act of 1890—often gives mothers in custody battles preferential treatment. Derived from the "tender years doctrine," which posits that mothers are naturally more nurturing and better at giving physical and emotional care, this tendency is based on it. Rohit's case raises questions about whether the best interests of the child were really considered because the court favoured this maternal bias over evidence of Priya's alcoholism.

**The case sheds light on a few important aspects:**

First of all, it shows the entrenched gender bias in custody judgments wherein fathers have great difficulty getting custody even when they point out the mother's faults or show their own parenting skills.

Secondly, it highlights the requirement of courts to concentrate on the best interest of the child rather than on traditional gender expectations.

Thirdly, it demonstrates how legal assumptions may hide personal circumstances and lead in unfair consequences.

This case has far-reaching consequences: it reinforces deleterious stereotypes that moms are naturally better caregivers, therefore neglecting the shifting nature of fatherhood in modern parenting. Even when they think it is best for the boy, it even makes fathers reluctant to fight for custody. The case has also sparked discussions about the need of gender-neutral custody legislation in India, where decisions would be made according to particular criteria instead of automatically following maternal preference.

**Several steps are recommended to approach these issues:**

Indian family law should adopt a more gender-neutral system whereby custody rulings are based on factors including parental competency, emotional ties, and the child's preferences.

Free of gender-based biases, courtrooms should give the child's best interests first place. Training for judges to recognize and counter automatic biases and improved support systems to inspire fathers to actively participate in custody battles should be implemented.

By way of conclusion, the Rohit vs. Comp. ....The case of Priya highlights the urgent call for changes in Indian custody statutes. By moving to a more balanced and child entered model, the legal system can offer more just results for both parents and, most significantly, for the children affected. This instance helps to drive much needed legal and social changes to address gender bias in custody battles.

**Report on Fake #MeToo Allegation – Rahul and Ankita Case (Bangalore, 2018)**

The Rahul and Ankita case (2018) serves as a critical example of the potential misuse of workplace harassment laws and the #MeToo movement. Rahul, a software engineer in Bangalore, was falsely accused of sexual harassment by his colleague, Ankita. Without conducting a proper investigation, Rahul was terminated

from his job. Months later, Ankita confessed that she had fabricated the allegations to seek revenge against him. This case highlights the severe consequences of unverified accusations and the need for a balanced approach to handling harassment complaints.

The incident occurred during the peak of India's #MeToo movement, which encouraged survivors to speak out against sexual harassment. However, it also revealed how such laws could be exploited for personal motives. Ankita's false accusation led to Rahul's immediate dismissal, causing significant professional, emotional, and reputational damage. Despite his innocence, Rahul faced social stigma and career setbacks, underscoring the devastating impact of unverified claims.

#### **The case raises several critical issues:**

First, it highlights the lack of due process in handling harassment complaints. Rahul's termination without a thorough investigation violated principles of fairness and natural justice.

Second, it demonstrates how the misuse of the #MeToo movement can undermine its credibility, making it harder for genuine survivors to come forward.

Third, it emphasizes the need for organizations to balance supporting survivors with protecting the rights of the accused.

The fallout from this case has been far-reaching. Rahul's career and reputation suffered irreparable harm, while the incident eroded trust in the #MeToo movement. It also prompted discussions about the need for stricter safeguards to prevent false allegations and ensure fair treatment for both parties. Organizations are now more cautious, emphasizing thorough investigations and due process when addressing harassment complaints.

#### **To address these challenges, several measures are recommended:**

Organizations must strengthen due process by ensuring impartial investigations and providing both parties with a fair opportunity to present their case. Regular training sessions should educate employees about the proper use of harassment laws and the consequences of false allegations. Policymakers should consider introducing penalties for knowingly filing false complaints to deter misuse. Additionally, media outlets must exercise caution when reporting on such allegations to avoid trial by public opinion.

**In conclusion**, the Rahul and Ankita case underscores the importance of a balanced approach to workplace harassment complaints. While supporting survivors is crucial, safeguarding against false accusations is equally vital to ensure justice and fairness for all. This case serves as a reminder for organizations, policymakers, and society to address these issues with sensitivity and responsibility.

#### **Report on Child Custody Bias – Rohit v. Priya Case (Delhi, 2017)**

The Rohit v. Priya case (2017) is a prominent example of gender bias in child custody disputes in India. Rohit sought custody of his child, presenting evidence that his wife, Priya, was an alcoholic and unfit to parent.

Despite this, the court ruled in favor of Priya, citing the prevailing legal presumption that mothers are inherently better suited to care for young children. This case underscores the systemic gender bias in Indian custody laws and its impact on fathers and children.

Indian family law, particularly the Guardians and Wards Act, 1890 and the Hindu Minority and Guardianship Act, 1956, often favors mothers in custody battles, especially for children below the age of five. This

preference is rooted in the "tender years doctrine," which assumes that mothers are naturally more nurturing and capable of providing emotional and physical care. In Rohit's case, the court prioritized this maternal preference over evidence of Priya's alcoholism, raising questions about whether the child's best interests were adequately considered.

#### **The case highlights several critical issues:**

First, it reflects the entrenched gender bias in custody decisions, where fathers face significant challenges in gaining custody, even when they demonstrate the mother's shortcomings or their own capability as caregivers.

Second, it underscores the need for courts to prioritize the child's best interests over traditional gender roles.

Third, it reveals how legal presumptions can overshadow individual circumstances, leading to unfair outcomes.

#### **The impact of this case is far-reaching:**

It reinforces harmful stereotypes that mothers are inherently better caregivers, disregarding the evolving roles of fathers in modern parenting. It also discourages fathers from pursuing custody, even when they believe it is in the child's best interest. Additionally, the case has sparked discussions about the need for gender-neutral custody laws in India, where decisions are based on individual merits rather than defaulting to maternal preference.

#### **To address these issues, several measures are recommended:**

Indian family law should adopt a more gender-neutral framework, ensuring that custody decisions are based on factors like parental capability, emotional bonding, and the child's preferences. Courts must prioritize the child's best interests, free from gender-based assumptions. Judges should receive training to recognize and mitigate unconscious biases, and support systems should be strengthened to encourage fathers to actively participate in custody battles.

**In conclusion**, the Rohit v. Priya case highlights the urgent need for reforms in Indian custody laws. By moving toward a more equitable and child-centric approach, the legal system can ensure fairer outcomes for both parents and, most importantly, for the children involved. This case serves as a catalyst for much-needed legal and societal change to address gender bias in custody disputes.

### **Domestic Violence Against Men – Harassed Husband Case (Mumbai, 2021)**

#### **1. Case Background**

A person from Mumbai made a formal complaint against his spouse in 2021, alleging that he had been subjected to ongoing physical and psychological abuse. Law enforcement officials refused to file a First Information Report (FIR) in spite of supporting documentation, claiming that male victims are not covered by the Protection of Women from Domestic Violence Act, 2005. A significant gap in India's legal system pertaining to domestic violence against men is highlighted by this case. It also calls into question the judicial system's capacity to offer fair relief to all victims of domestic abuse, regardless of gender.

#### **2. Core Legal and Social Issues**

- **Legislative Deficiency**: The existing legal framework fails to recognize the genderneutral character of domestic violence because it inevitably excludes male victims from protection. Because

there are no laws protecting men from domestic abuse, they are unable to obtain counselling services, shelter houses, and institutional support.

- Law enforcement and judicial bias: The failure to file a formal complaint indicates an institutional unwillingness to acknowledge male victimization in domestic abuse instances. There is an inequality in access to justice since the police and judges frequently view domestic violence as a gendered crime.
- Social and Cultural Stigmatization: Men who are abused at home face skepticism from society, which makes them reluctant to come out and file a report. Male victims are discouraged from reporting their abuse because social standards tend to link masculinity with resistance and dominance.
- Need for Legal Reform: To provide fair protection for all victims of domestic abuse, legal experts and campaigners support the establishment of gender-inclusive legislative legislation. In order to provide protections for men and LGBTQ+ individuals, advocacy groups are working to alter the Protection of Women from Domestic Violence Act of 2005.

### **3. Legal and Societal Ramifications**

- Amendment Imperatives: To guarantee that current laws apply to all victims, regardless of gender, jurists stress the need to alter them. Legal communities have discussed the establishment of gender-neutral domestic abuse laws, with some contending that universal safeguards would improve the efficacy of police interventions.
- Judicial Precedents and Constraints: The judiciary has a persistent problem protecting female victims while also taking male complainants' complaints into consideration. Although courts have occasionally recommended alternative legal remedies, including as pursuing remedy under normal criminal statutes, these clauses fall short in meeting the unique needs of male victims.
- Advocacy and Public Discussion: This case has sparked national conversation and calls for more gender equity in legal safeguards as well as legislative reform. Social activism and media coverage have been crucial in raising awareness of the problem, and testimonies from male survivors have strengthened calls for reform.

### **4. Persistent Debates and Societal Perception**

- Promotion of Gender-Neutral Legal Protections: A progressive movement is pushing for changes to the law that would give everyone who is a victim of domestic abuse the same level of protection. In addition to addressing prejudice, the expansion of domestic abuse laws would guarantee all victims had access to extensive support networks.
- Obstacles from Feminist Legal Theory: Detractors contend that expanding the reach of laws against domestic abuse could unintentionally weaken the safeguards that were initially intended for women. Some worry that by include men, attention will be drawn away from the disproportionate harm done to women.
- Re-evaluation of Social Norms: This case challenges conventional notions of victims and represents a paradigm change in the conversation surrounding domestic abuse. The recognition of male victimhood may lead to changes in cultural attitudes regarding reporting and intervention.

## **Paternity Fraud – Judicial Controversy over DNA Testing (Chennai, 2020)**

### **1. Case Background**

A husband's suspicion that his wife's child was not biologically his led to a heated judicial battle in Chennai. He requested a DNA test to determine paternity in order to seek legal intervention. At first, the lower court rejected his plea, putting the petitioner's claim second to the apparent wellbeing of the kid. The Supreme Court, however, reversed the decision after the case escalated, acknowledging the husband's right to prove biological paternity. The balance between paternal rights and child welfare has been hotly debated since this case. It also draws attention to a critical nexus between family law, empirical data, and moral considerations pertaining to the child's best interests.

### **2. Foundational Legal and Ethical Challenges**

- **Legal Recognition and Paternal Rights:** This case highlights the legal dilemma surrounding a father's right to pursue DNA proof of fatherhood. Inconsistent court rulings have resulted from the lack of clear laws permitting DNA testing in these types of disputes.
- **Conflict Between Child Welfare and Legal Precedents:** Courts must balance the child's potential psychological effects with the fundamental right to the truth. The question of whether permitting DNA testing at the father's request jeopardizes the child's emotional health has been discussed by legal experts.
- **Supreme Court Ruling's Precedential Value:** The ruling serves as a crucial benchmark for upcoming decisions involving contentious paternity allegations. It influences the development of family law jurisprudence and establishes a benchmark for cases of a similar kind.
- **Legal Loopholes and the Requirement for Explicitness:** Men are exposed to emotional and financial repercussions when paternity fraud is not adequately addressed by the law. The main goal of current legislation is to guarantee child support without necessarily confirming biological parenthood.

### **3. Judicial and Social Consequences**

- **Effect on Family Jurisprudence:** Discussions on the need to incorporate paternity testing as a normal legal provision in contested claims have been sparked by the ruling. In circumstances like these, courts might now be more likely to take DNA evidence into account.
- **Financial and Psychological Repercussions:** Paternity fraud victims frequently experience severe emotional and financial hardship, which calls for legal action. Men should have access to legal remedies when they are wrongfully forced to pay child support.
- **Development of Legal Precedents:** The Supreme Court's ruling has established a reputable standard for instances involving contested biological parentage in the future. In order to codify the processes for DNA verification in family law issues, legislative reforms may be necessary.

### **4. Enduring Debates and Future Policy Directions**

- **Balancing Truth with Child Welfare:** The case is a prime example of the continuous legal conundrum that involves balancing the child's stability with a father's claim to DNA proof. In order to prevent psychological injury, experts advise using child-sensitive strategies in court cases.

- **Potential Legislative Interventions:** To guarantee consistent judicial application, legal reformists suggest codifying the right to DNA testing in contested paternity cases. Clarity and capricious judicial discretion would be avoided by establishing explicit legal provisions.
- **Perceptions of paternity fraud in society:** Important legislative changes are still hampered by the unwillingness to recognize paternity fraud as a serious problem. Paternity verification rights may be more widely accepted as a result of increased awareness and legislative considerations.

## **Conclusion**

These examples highlight the serious flaws in India's current legal system with regard to paternity fraud and domestic abuse against men. The paternity fraud case emphasizes the need for legally sanctioned DNA verification rights, while the domestic abuse case clarifies the need for gender-neutral legislative protections. Both cases support reforms that are in line with modern conceptions of justice, gender parity, and individual rights, so adding to a larger conversation on legal equality. A more inclusive and equitable judicial system must be achieved by removing gender biases in legislative frameworks and bolstering legal protections.

## **Misuse of Section 498A IPC (Dowry Law) - Arnesh Kumar vs State of Bihar (2014)**

### **Introduction**

Section 498A of the Indian Penal Code (IPC) was enacted to protect married women from cruelty by their husbands and in-laws. However, over time, concerns emerged regarding its misuse. The case of Arnesh Kumar vs State of Bihar (2014) is a landmark judgment that addressed the issue of arbitrary arrests under this section.

### **Case Background**

Arnesh Kumar was charged of dowry harassment by his wife under Section 498A IPC. He sought relief from the courts, expecting to be arrested. The Supreme Court heard the matter and looked into the misuse of this clause.

### **Key Issues Raised**

1. Whether Section 498A was being misused to harass husbands and their families.
2. Whether police officers were making arrests without proper investigation.
3. Whether fundamental rights of the accused were being violated.

### **Supreme Court's Observations**

The Supreme Court pointed out that a large number of arrests conducted under Section 498A were automated and frequently made without supporting documentation. The Court made clear that:

- It is not appropriate for arrests to be made automatically.



- Before holding an accused person in custody, a checklist should be followed.
- Prior to conducting an arrest, senior police officers' consent should be sought.

### **Judgment and Guidelines Issued**

The Court issued strict guidelines to prevent misuse of Section 498A:

1. Police must justify the necessity of arrest.
2. Magistrates must ensure due process before ordering detention.
3. Breach of these guidelines would invite disciplinary action against police officers.

### **Impact of the Judgment**

The number of arbitrary arrests in dowry cases was greatly decreased by this decision. It reaffirmed the idea that no one should have their freedom taken away from them without good cause. The ruling protected innocent people, but it also made sure that actual victims could still pursue justice.

### **Conclusion**

The 2014 case of Armesh Kumar v. State of Bihar was essential in striking a balance between the victim's and the accused's rights. The Supreme Court made sure that the statute fulfilled its intended function without being abused by establishing unambiguous rules.

### **False Rape Allegation - Karan Sharma Case (Delhi, 2019)**

#### **Introduction**

The accused may suffer terrible repercussions if they are falsely accused of major crimes like rape. The misuse of legal provisions is exemplified by the Karan Sharma case (Delhi, 2019), in which a person was wrongfully accused of rape but was later shown to be innocent by hard evidence.

#### **Case Background**

His ex-partner filed a complaint against Karan Sharma, accusing him of rape. He experienced serious social and legal fallout after the accusations, including legal action and public defamation. But as the case developed, important evidence that refuted the accusations surfaced.

#### **Key Evidence That Proved Innocence**

1. CCTV footage: Local surveillance footage revealed that the purported incident did not take place as described.
2. Call recordings: The complainant's assertions were inconsistent, according to Karan's phone discussions with her.

3. **Digital Proof:** Messages and conversations suggested that the relationship was voluntary and that the charges may have been driven by personal grudges.

### **Legal and Social Impact**

- **Legal Process:** The court dismissed the accusations when the evidence was presented, acknowledging that the complaint lacked merit.
- **Psychological and Social Repercussions:** Karan Sharma had severe mental anguish, reputational damage, and social disgrace even after being found not guilty.
- **Worries About False Allegations:** The case rekindled discussions about the abuse of rape laws and the necessity of protections against false charges.

### **Judicial Stand on False Allegations**

Although laws protecting women are important, the judiciary has recognized that bogus cases can undercut real victims and result in erroneous trials. Several times, courts have stressed how crucial it is to conduct in- depth investigations before making an arrest in such delicate cases.

### **Conclusion**

A clear reminder of the devastation that false accusations can do is provided by the Karan Sharma case (Delhi, 2019). Ensuring justice for actual victims is vital, but safeguards against the abuse of legal procedures are also required. This case emphasizes how crucial it is to rely on investigations supported by evidence in order to provide justice for all parties.

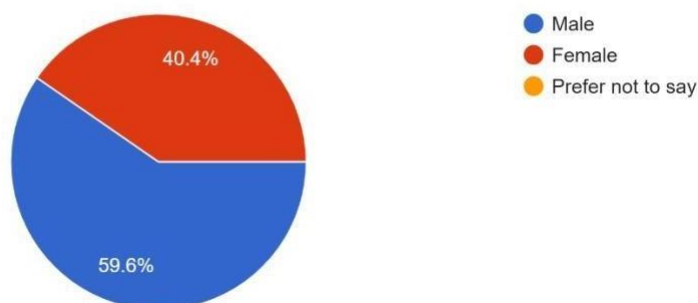
#### **QUANTITATIVE DATA**

The team shared a questionnaire with a group of 100 people and gathered their opinions on the topic.

Q1. What Gender are you?

What is your gender?

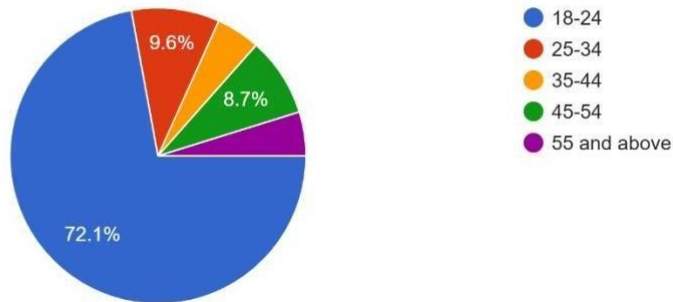
104 responses



Q2. What age group do you belong to?

Which age group do you belong to?

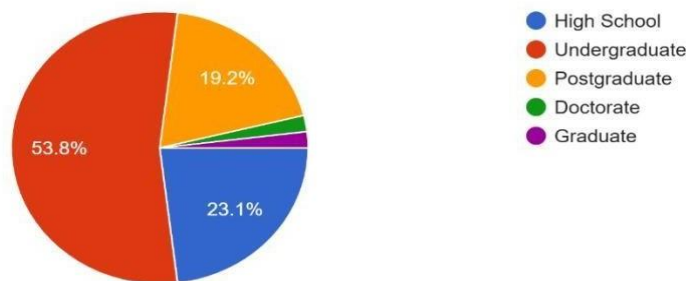
104 responses



Q3. What is your highest level of education?

What is your highest level of education?

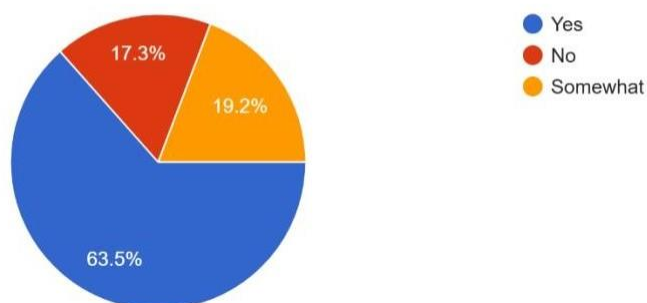
104 responses



Q4. Are you aware of the gender specific laws in India that primarily protect women, such as the Protection of Women from Domestic Violence Act (2005)

Are you aware of the gender specific laws in India that primarily protect women, such as the Protection of Women from Domestic Violence Act (2005)

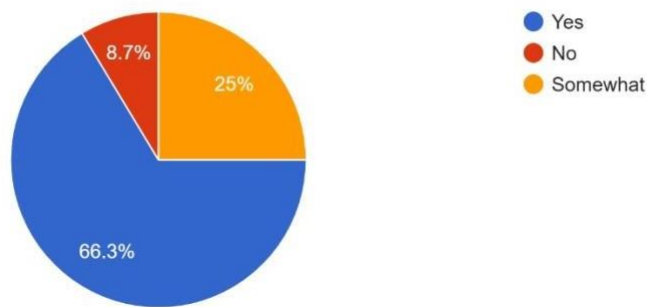
104 responses



As shown in the chart above, a majority of the respondents were aware of the gender specific laws, with a fraction of the people not being aware of it,

Q5. Do you believe that men in India face legal discrimination due to a lack of gender-neutral laws?

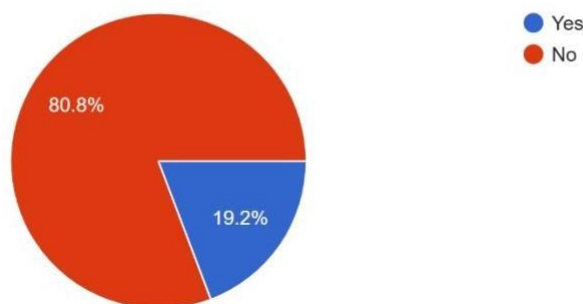
Do you believe that men in India face legal discrimination due to a lack of gender neutral laws?  
104 responses



A majority of the respondents believe that men face legal discrimination, 25% of them feel that there is discrimination to a certain extent, and 8.7% of them refuse from believing that men in India face legal discrimination.

Q6. In your opinion, does the Indian legal system provide adequate protection to men in cases of domestic violence, workplace harassment, or false accusations?

In your opinion, does the Indian legal system provide adequate protection to men in cases of domestic violence, workplace harassment, or false accusations?  
104 responses

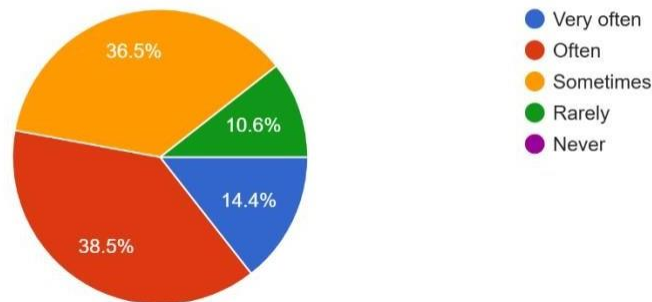


As seen in the chart above, a majority of the respondents agree that the Indian legal system does not provide adequate protection to men in cases of domestic violence, workplace harassment, or false accusations.

Q7. How often do you think men face false accusations related to domestic violence, dowry, or sexual harassment?

How often do you think men face false accusations related to domestic violence, dowry, or sexual harassment?

104 responses

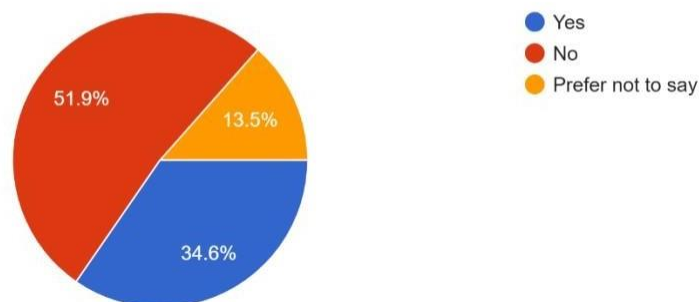


The respondents seemed to be divided on this issue, where they were asked about the frequency of false accusations against men.

Q8. Have you or someone you know personally faced legal discrimination due to the absence of gender- neutral laws?

Have you or someone you know personally faced legal discrimination due to the absence of gender neutral laws?

104 responses

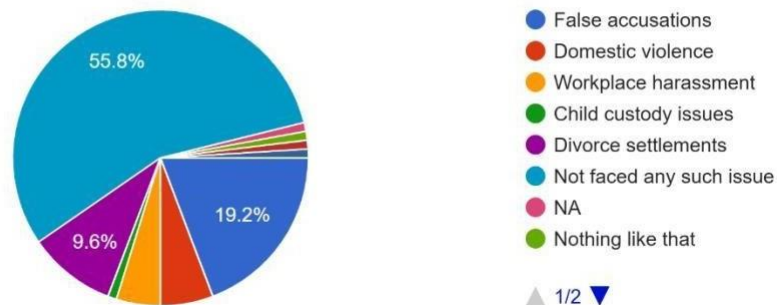


Half of the respondents said that they do not know anyone personally who has faced any legal discrimination, while 13.5% of them preferred not to say.

Q9. If yes, what was the issue?

If yes, what was the issue

104 responses

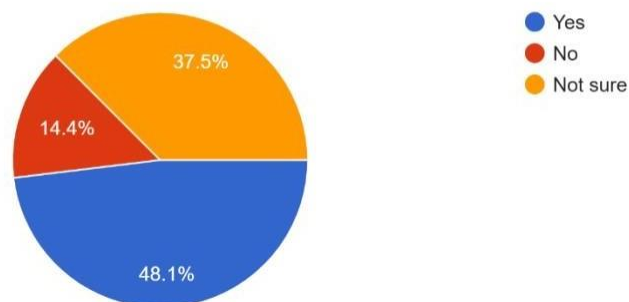


We received a variety of responses from people who have encountered legal discrimination against men.

Q10. Do you believe that Indian courts and law enforcement agencies are biased against men in family and criminal cases?

Do you believe that Indian courts and law enforcement agencies are biased against men in family and criminal cases?

104 responses



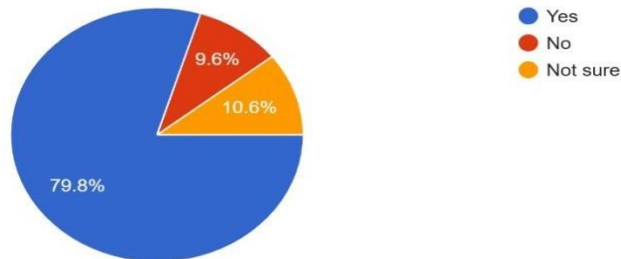
Almost have of the respondents felt that Indian courts and law enforcement agencies are biased against men.

Q11. Do you support the implementation of gender-neutral laws for domestic violence, sexual harassment, and family disputes?



Do you support the implementation of gender neutral laws for domestic violence, sexual harassment, and family disputes?

104 responses

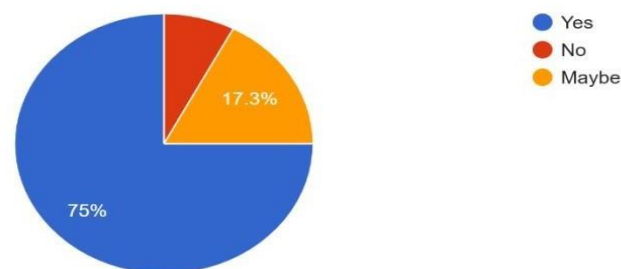


Almost all respondents said that they support the implementation of gender-neutral laws.

Q12. Do you believe that media representation plays a role in shaping public perception of gender related legal issues?

Do you believe that media representation plays a role in shaping public perception of gender related legal issues?

104 responses

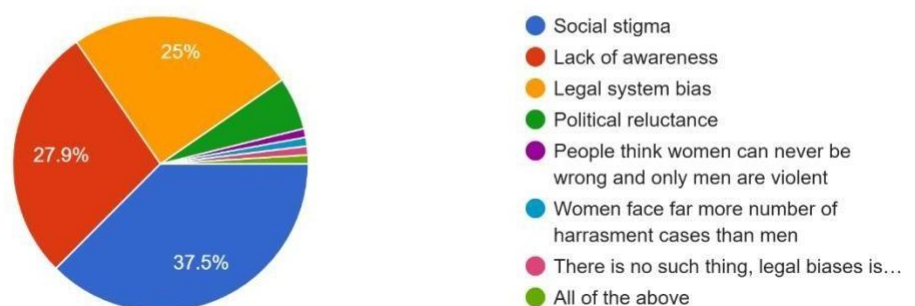


75% of the respondents felt that the media representation does play a role in shaping the public perception of gender related legal issues.

Q13. In your opinion what is the biggest challenge in advocating for men's legal rights in India?

In your opinion what is the biggest challenge in advocating for men's legal rights in India?

104 responses

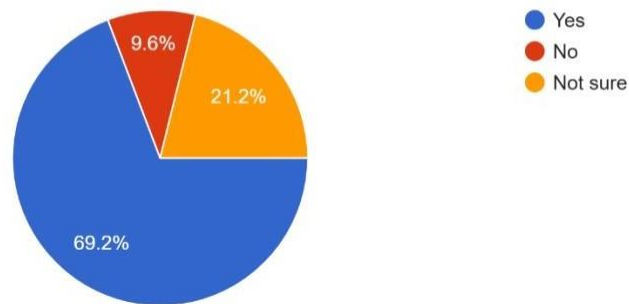


We received a variety of responses on the types of challenges in advocating men's legal rights such as women facing far more harassment cases than men.

Q14. Do you think that the fear of social stigma prevents men from reporting cases of domestic abuse, workplace harassment or false accusations?

Do you think that the fear of social stigma prevents men from reporting cases of domestic abuse, workplace harassment or false accusations?

104 responses



Finally, 70% of the respondents felt that the fear of social stigma prevents men from reporting cases.

#### Analysis, Recommendations, and Conclusion of the Report Analysis:

The report critically examines the gender disparities in the Indian legal system, emphasizing the lack of legal protections for men in cases of domestic violence, workplace harassment, and family law disputes. While laws such as the Protection of Women from Domestic Violence Act (2005) and Section 498A of the IPC are essential for safeguarding women, the report highlights their potential for misuse and the absence of equivalent legal provisions for men.

#### 1. Legal Imbalance:

There is no gender-neutral legislation to protect men from domestic violence or workplace harassment.

Laws like Section 498A, while intended to safeguard women, have been misused in some cases, leading to wrongful arrests and legal harassment.

In family law, courts tend to favor mothers in child custody and alimony disputes, often overlooking the rights of fathers.

## 2. Case Studies:

The report presents multiple case studies where men have been falsely accused or denied legal protection, such as *Rajesh Sharma v. State of Uttar Pradesh* (2017) and the *Karan Sharma* case (2019).

The *Anubhav Agarwal* case (2022) demonstrates the severe mental and emotional impact of false accusations.

Workplace harassment laws under the POSH Act do not account for male victims, as seen in the 2019 Mumbai corporate case.

## 3. Public Perception and Survey Results:

A survey conducted with 100 respondents indicates strong public support for gender-neutral laws. 70% of respondents believe that societal stigma prevents men from reporting abuse.

Nearly half of the respondents think that courts and law enforcement agencies are biased against men.

The majority support the implementation of gender-neutral laws.

## Recommendations:

### 1. Legislative Reforms:

Amend the Protection of Women from Domestic Violence Act (2005) to include provisions for male victims.

Introduce gender-neutral workplace harassment laws to ensure protection for all employees.

Reform Section 498A IPC to include stricter checks and penalties for false allegations while maintaining protection for genuine victims.

## 2. Judicial and Policy Improvements:

**Mandatory Due Process:** Ensure that complaints under IPC Section 498A and POSH Act are subjected to fair and unbiased investigations before action is taken.

**Judicial Training:** Judges should be trained to recognize gender bias in family law cases and consider evidence objectively.

**Child Custody Reform:** Laws should focus on the best interests of the child rather than defaulting to maternal custody.

## 3. Social Awareness and Support Systems:

**Launch public awareness campaigns** to destigmatize male victimhood and encourage reporting of domestic abuse against men.

**Establish helplines and counselling centres** specifically for male victims of domestic violence and false accusations.

**Implement media guidelines** to ensure responsible reporting of gender-related legal issues.

## Conclusion:

The report highlights a critical gap in India's legal framework, where men lack adequate legal safeguards in domestic violence, workplace harassment, and family law disputes. While gender-specific protections for women remain essential, achieving true gender equality requires gender-neutral legal reforms that ensure justice for all individuals, regardless of gender. By implementing balanced legal protections, judicial reforms, and public awareness initiatives, India can move towards a fairer and more inclusive legal system.