

**INTERNATIONAL JOURNAL OF LAW  
MANAGEMENT & HUMANITIES**  
**[ISSN 2581-5369]**

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**Volume 4 | Issue 1**

**2021**

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# Effects of Domestic Violence on Male Victims

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## ABSTRACT

*Domestic Violence has prevailed in the society since the beginning. In the early Roman era, a wife was considered to be the 'property' of the husband. He could hit her, divorce her, kill her for the offences that were committed by her. None of the women could take any action here as this was considered to be a private matter. The common law of England gave the husband the right to beat her wife for maintaining a discipline in the family. Women, from the beginning have faced many problems. The act of a husband hitting or torturing or even killing the wife is still stays constant. Till date, this is a common practice which finally is being talked about and steps are being taken to protect the people from facing such atrocities. Since the women have always been presumed to be inferior, it is fair to say, that majority of the males have often taken this as an advantage to be dominant. Due to this, many of the males saw this as an opportunity to manipulate and brainwash the society. They made them to believe that the females are mere "properties" and are not worthy of being in power or, in some cases, even being treated as a 'human'. Seeing such injustice, people began to be vocal about the issue which was gradually becoming an unfortunate state of affairs. We, as a society took as many measures as possible to stop the females being the victims of such an abuse. There is no doubt that such an abuse faced by women is in a larger number than the men. But somewhere along the way, we have overlooked the men that are being crushed.*

## I. INTRODUCTION

"Woman of the hour tormented to death for share", "School going child capitulates to his wounds after beaten by father", "A seventy-year-old man killed over property question", "Provocation of men in Chandigarh... "

All these and so forth, swing to any daily paper aimlessly and you would discover the reports of such sort of viciousness everywhere throughout the nation. These are all what we come to know through various types of media. There are all the more such cases which go unreported consistently. Actually, incorporate the cases which we self-enjoy, or the ones which we

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witness in the area however are reluctant in making even a solitary move to diminish their events.

Domestic violence is something we hear about in the news on a day-to-day basis. It is basically defined as *“a pattern of abusive behavior that occurs between family members and/or intimate partners to gain power and control.”* It can take any form. It could be psychological, economical, physical or sexual abuse. Majority of the cases in India of Domestic Violence pertain on to atrocities faced by women, irrespective of their age. From the beginning, we have witnessed women being suppressed and tormented in the name of being inferior and being taken for granted as a mere “property”, and not as a human. Due to this, we came up with several laws which protect the women from any kind of abuse. For example, Dowry Prohibition Act, 1961, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Protection of Women Against Domestic Violence Act, 2005 and many more. **“The Protection of Women from Domestic Violence Act 2005** is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian Government from 26 October, 2006. The Act provides for the first time in Indian law a definition of "domestic violence", with this definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse. It is a civil law meant primarily for protection orders and not meant to penalize criminally. The act does not extend to Jammu and Kashmir, which has its own laws, and which enacted in 2010 the Jammu and Kashmir Protection of Women from Domestic Violence Act, 2010”.

We have been so concerned about the women’s mental and physical health, that in the name of feminism, we somewhere, have started to stomp on the term “Equality” and are trying to become the superior gender by false means. There is no doubt that women are a facing a much bigger problem but we are also witnessing a rampant increase in the cases of male victims. Due to the reputation of males being pre-dominant in every aspect, we often look past the thought of a male being vulnerable to domestic violence. Under the purview of the Judiciary, clobbering of a man by their family members and/or spouse has increasingly become a serious issue and is another severe form of domestic violence. It is agreeable that the issue of domestic violence in India against men is comparatively less frequent than the women, but it has gradually taken an ugly shape in many of the countries by now. Individuals tend to disregard news reports of abusive behavior at home against men, or pass them off as to a great degree uncommon. In any case, this is a long way from reality. Truth be told, information from a few sociological investigations covering aggressive behavior at home

demonstrate that ladies do execute abusive behavior at home on men, just not so regularly as men do on ladies.

## II. DOMESTIC ABUSE AGAINST MEN

*“Sat in a chair and beaten by his wife as their help watched — this is what former James Bond stuntman Eddie Kidd endured for years at the hands of his wife Samantha. After his wife was jailed, he told a British newspaper, “She had started drinking heavily and would slap me, punch me, strangle me and say horrible things. As a man, to be beaten by your wife is desperately humiliating and, in a way, shameful.” Eddie was left unable to walk after suffering injuries from a bike stunt gone wrong, and his wife called him a “spastic” in fits of drunken rage.”*

Spousal manhandle is a major issue that isn't simply looked by women. While news of share related provocation and wrongdoings against ladies are accounted for widely in the media, there are a developing number of men who are forced to bear badgering, and face physical and mental mishandle because of their spouses. What's more awful, the mortification and disgrace of this demonstration opening up to the world powers them to keep mum. Eddie discovered equity when his significant other was captured on charges of local mishandle, yet men in India are not as fortunate, says Rukma Chary, general secretary, Save Indian Family Foundation.

one out of two men in India trusts that a woman must persevere through domestic abuse to keep her family together, uncovered an examination discharged by the United Nations Population Fund (UNFPA) on Monday. The investigation additionally uncovered that while 93.6% of male respondents trusted that a lady ought to comply with her significant other, 76.9% of the men trusted that if a spouse or accomplice accomplishes something incorrectly, a man has the privilege to rebuff her.

The investigation led by the UNFPA in a joint effort with the International Center for Research on Women additionally uncovered that 52% of female respondents detailed being subjected to some type of savagery through their lives, while 60% of men confessed to having submitted different demonstrations of viciousness on ladies.

The examination was led with an example size of 1,500 men and 500 ladies each from the conditions of Uttar Pradesh, Rajasthan, Punjab and Haryana, odisha, Madhya Pradesh and Maharashtra. on the whole, 9,205 men and 3,158 ladies were shrouded in the investigation. 51.1% of the male respondents and 57.3% of the female respondents trusted that a lady ought to endure abusive behavior at home to keep her family together. While 93.6% of the men and

91.1% of the ladies trusted that a lady ought to comply with her significant other, 76.9% men and 78.7% ladies felt that if a lady's better half has the privilege to rebuff her on the off chance that she accomplishes something incorrectly.

The examination was discharged at the Men Engage symposium, which expects to search for better investment by men in achieving sexual orientation equality. of the 52% of ladies who confessed to being casualties of savagery, 38% answered to be casualties of physical brutality, 35% confessed to being sincerely disregarded while 17% announced sexual viciousness. of this, three-fourths of the respondents from Odisha and Uttar Pradesh (75%) confessed to executing shifted types of savagery.

With the predominance of inflexible thoughts of manliness, 93% of men felt that 'to take care of business, you should be extreme' contrasted with 85% ladies. 86.2% men and 74% ladies trusted that the most imperative part of a lady is to deal with her home and cook for her family. Shockingly, 74.6% of men and 65.1% of the ladies trusted that if a lady does not physically battle back, it isn't assault.

Dominant part of women met (62%) said 'yes' when inquired as to whether a man should 'expect spouse/accomplice to concur when they (men) need to engage in sexual relations' and that the 'husbands/accomplices don't favor wife/accomplice proposing the utilization of condoms. 77% ladies likewise said that their accomplices anticipated that them would concur when they needed sex. 54% of the ladies likewise said that on the off chance that they requested that their accomplices utilize a condom, their accomplices would get irate.

"It's about time that we start to genuinely think how we wish to raise our young men and furthermore introduce ourselves as grown-ups to more youthful ones inside the families," said Ravi Verma, local chief of the ICRW (Asia). "It recognizes triggers that could empower them to wind up change specialists in tending to sexual orientation separation," said UNFPA India head, Frederika Meijer.

The Protection of Women from Domestic Violence Act, 2005, was ordered to shield wedded ladies from being mishandled in the limits of their homes. Be, that as it may, it is progressively being utilized by naughty ladies with scoundrel propensities to torment their spouses and in-laws, guarantee individuals from Save Indian Family.

In 2016, the Supreme Court in **Hiral P Harsora and ors Vs. Kusum Narottamdass Harsora & ors**<sup>3</sup>. struck down the words, "grown-up male individual" from Sec.2(q) of the Domestic Violence Act, 2016. It was held that, "We, hence, strike down the words 'grown-up male'

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<sup>3</sup> SC (2016) 10 SCC 165

before the word 'individual' in Section 2(q), as these words segregate between people comparatively arranged, and a long way from being tuned in to, are in opposition to the question tried to be accomplished by the 2005 Act," This will incorporate ladies as guilty parties from that point onwards.

In 2017, it was obvious from a judgment in the court of Karnataka in the event of **Mohammed Zakir**.<sup>4</sup> The Court held, "If the said sub-area is perused in the wake of erasing the articulation 'grown-up male', no doubt any individual, regardless of whether male or female, oppressed and asserting infringement of the arrangements of the Act could conjure the arrangements under the Act. In that perspective of the issue, the candidate's protestation couldn't have been destroyed on the ground that the Act does not mull over arrangement for men and it must be in regard of ladies,"

However, Mohammed Zakir v. Shabana went on the Supreme Court and the court held, "The High Court should not have exercised the power under Section 362 Cr.P.C. for a correction on merits. However patently erroneous the earlier order be, it can only be corrected in the process known to law and not under Section 362 Cr.P.C. The whole purpose of Section 362 Cr.P.C. is only to correct a clerical or arithmetical error.

What the High Court sought to do in the impugned order is not to correct a clerical or arithmetical error; it sought to re- hear the matter on merits, since, according to the learned Judge, the earlier order was patently erroneous. That is impermissible under law. Accordingly, we set aside the impugned order dated 28.04.2017."

On 2 July 2014, the Supreme Court said that this law is being utilized by a few ladies to pester their significant other and in-laws. The court denied the police from making captures on the simple premise of a grumbling. The court requested that the police take after Section 41 of the Code of Criminal Procedure, 1973, which gives a 9-point agenda which must be utilized to choose the requirement for a capture. The court likewise said that a judge must choose whether a captured charged is should have been kept under further confinement. The choice was in light of a Special leave Petition (SPL) documented by one Arnesh Kumar testing his capture and of his family under this law. The choice was invited by men's correct activists however was scrutinized by ladies' rights activists. Be that as it may, because of absence of correspondence to police headquarters, the rules of Supreme Court of India are still not getting looked after.

While aggressive behavior at home against men is a worldwide issue, men in specific nations

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<sup>4</sup> 2019 (2) SCC (Cri.) 634

are exploited by their female partners more than others. For instance, men in India are factually more prone to be casualties of domestic abuse than in different nations fundamentally on the grounds that Indian law does not perceive female on male brutality as a wrongdoing.

Before we investigate the point further, it is essential to comprehend what abusive behavior at home is. By and large, aggressive behavior at home is the "stubborn terrorizing, physical attack, battery, rape, and other harsh conduct as a component of an orderly example of energy and control executed by one cozy accomplice against another." This can incorporate physical savagery, similar to assault, or psychological mistreatment.

While the methods for mishandle may vary from casualty to casualty, the essential part of aggressive behavior at home is one individual's want to look after control, power, and strength of the other.

Indeed, even a superficial audit of Indian lawful cases uncovers a bunch of occasions where men who have been beaten by their spouses, some to the point of changeless damage, are defrauded a moment time by the lawful framework. Indeed, there are a few men who have been murdered by their life partner, but then the lawful framework does nothing about it.

### **III. UNDERREPORTING OF DOMESTIC VIOLENCE AGAINST MEN**

As said above, because of existing sexual orientation predisposition the legitimate framework looks diversely upon a lady who claims mishandle versus a man. Prosecutors and judges have assumptions about the capacity of a lady to exploit a man. There are such a large number of court decisions that exist where a man endeavors to get a controlling request as a result of manhandle by his better half just to have the purpose behind the mishandle addressed by a judge. At the end of the day, the judge asks with respect to what activities or mishandles the man occupied with request to have incensed his significant other to the point of such viciousness. Most men trust that they will never get equity and will just progress toward becoming casualties of the legitimate framework.

#### **Examples of Domestic Violence Against Men**

The rundown underneath incorporates a little inspecting of cases of abusive behavior at home against men. Household manhandle incorporates physical brutality, as well as verbal, passionate, and budgetary viciousness also.

Get assistance from a male-accommodating household mishandle bolster focus if your accomplice:

1. Kicks, punches, slaps, or nibbles you (frequently, yet not generally, ladies focus on a man's crotch)
2. Debilitates you with weapons like blades, firearms, homerun sticks, irons
3. Deliberately singes or consumes you
4. Tosses objects at you
5. Submits viciousness against your youngsters or pets
6. Abuses court appearance arranges by resolutely preventing you from seeing your youngsters
7. Verbally mortifies you in broad daylight or private
8. Continually derides and ridicules you
9. Calls you names and chides your self-esteem
10. Accuses you for her own particular disappointments
11. Annihilates your own things
12. Turns your kids against you (parental distance)
13. Undermines to demolish you monetarily in the event that you abandon her
14. Secludes you from relatives or family works, if your family is adjacent
15. Devastating apparatuses in the home (i.e., cabinetry, dividers, apparatuses)

Women's activist associations have unequivocally and consistently hailed the usage of the Domestic Violence (DV) Act in India. They guarantee that this law will engage casualties and shield them from mishandle.

A great many people in their correct perspective would concur that abusive behavior at home in a relationship isn't worthy. It is quite reasonable that for their own particular mental and passionate wellbeing and for the prosperity of the kids, that the casualties be shielded from damaging accomplices.

On its substance, the law seems, by all accounts, to be a gift for individuals in harsh or brutal connections. In any case, a cautious examination uncovers that, under the ploy of "women and children welfare", this law is yet another confused endeavor to institute enactment to concede ladies legitimate matchless quality over men and to make a general public where men are denied of their rights.

There are three central issues with this law,

- it is overwhelmingly sexual orientation one-sided for women,
- the potential for misuse is shocking and
- the meaning of abusive behavior at home is excessively far reaching.

#### IV. CASE LAWS

Recently, Supreme Court in *Social Action Forum for Manav Adhikar & Anr. v. UOI*<sup>5</sup> recognizing the draconian nature of Section 498(A) held that there is no need for family welfare committees and it is for Parliament to make suitable rules. The judgment was a relief to various husbands (and their relatives) who are unnecessarily dragged to court under Section 498 (A) by their wives.

Sexual Harassment at Workplaces, any argument, disagreement, discussion, which might not be conducive to an amicable result, has got the potential to be Molestation in Sexual Harassment at Workplace case.

Rape laws have been modified and there have been a barrage of reports, which say, that the rape laws are being misused. Quite a number of cases can be categorized as 'Vengeance Complaints'. Most of the times, in most of the cases, it is said that the family of the girl file a case against the boy wherein the couple has eloped. There are so many cases wherein the breakdown of a relationship, after a break up, the girl goes ahead and files a case of rape under the category, that intercourse was held under false pretext of marriage. Many of the times these cases end up as extortion tools and nothing else. This has been acknowledged by various groups and committees too.

Voice has been raised against the opportunity and correspondence of women however we overlook that men can be casualty of the same tragically. Indian legislation has neglected to acknowledge that men can likewise be casualties of sexual brutality and physical attack. The very Section 375 of IPC managing assault and legitimate arrangements against it specifies no assaults or rapes against men in reality it expresses that if assault has been submitted then ladies is the casualty and men is the culprit. Indian Penal code Act (1860) Sections 354 A, 354 B, 354 C and 354 D, new revisions in (2013) manage lewd behavior, undressing, stalking and voyeurism acknowledge ladies as casualty and men as the agent. There is just a single IPC Section 377, disabled in itself that records the sexual viciousness against men yet it joins just penile sex, non-penile mishandle casualties are not served by this law. It won't be right to state that these segments fill in as the mirror to the mindset, which the general public

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<sup>5</sup> Writ Petition (Civil) No. 73 of 2015

conveys. The circumstance of wrongdoing and mishandle against men need dire consideration and calling for genuine thought. It is presently time that we should raise voice on this issue, and afterward just we'll be discussing genuine sexual orientation balance. The figures recorded for wrongdoing against men are exasperating, not on account of they are immense figures but rather as a result of the quantity of situations where men as casualties, go unreported. Men in India are confronting a wide range of mishandle and "men don't cry" is an attitude that is expected to bite the dust. Everybody has raised voice against opportunity and balance of ladies yet why overlook that men can be casualty as well! Unfortunately, Indian legislation has neglected to acknowledge that men can be casualties of sexual brutality and ambush. The very Section 375 of IPC managing assault and legitimate arrangements against it, specifies no assaults or rapes against men, in fact, it depicts that if an assault has been done then ladies is the casualty and men is the culprit. Not just this, IPC Sections 354 A, 354 B, 354 C and 354 D, managing lewd behavior, stripping, stalking and voyeurism all acknowledge ladies as casualties and men as the agents. There was just IPC Section 377, which was additionally disabled, it recorded for sexual brutality against men yet it consolidated just penile sex, fortunately it has been partially struck down by Supreme Court in *Navtej Singh Johar v. UOI*.<sup>6</sup> Nevertheless, non-penile manhandle casualties are not served by law.

### *Gopal Shetye v. State of Maharashtra*<sup>7</sup>

Gopal Shetye was arrested in July 2009, followed by an FIR, in which it was stated that the accused was known by the name of 'Gopi' who raped the complainant while she was sleeping over a bridge near the Ghatkopar Railway Station.

In May 2010 Shetye was convicted and was sentenced to jail for seven years. He filed an appeal against his acquittal in the year 2010 which was finally allowed on June 2015. By that time, he had already spent seven years in jail.

Meanwhile, during those seven years he spent in jail, Gopal Shetye's wife had remarried, both his children were sent off to an orphanage, his father passed away and his mother had to return to the village as she did not have any support. The bench observed, "*When orders of acquittal in criminal cases are passed based on which claims for compensation and damages are instituted, then, it would have to be decided whether the acquittal is clear and doubtless. Acquittal by giving benefit of doubt is not an honorable acquittal.*" The petition was dismissed.

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<sup>6</sup> Writ Petition (CrI.) No. 76 of 2016

<sup>7</sup> Writ Petition (CrI.) 3960 of 2015

## V. NEED FOR GENDER NEUTRAL LAWS

There have been several debates about whether there should be gender-neutral laws available to the people of the country or not one of the most fascinating articles that I came across opposing the gender-neutral laws is given below,

“In 2001, just for fun’s sake, I applied to attend the World Women lawyers’ Conference in London; I was, after all, part of an NGO working on the domestic violence law in India! When the sponsors replied with an acceptance, in shock, I wrote back, “I am a man”. The response was a telegraphic, “We know – come”.

As part of the NGO lawyers Collective, I had the good fortune to interact with some of the shining stars of India’s feminist firmament as well as several ordinary struggling sisters in the women’s movement. I must admit, as we campaigned for a law to protect women from domestic violence, we often faced the question, ‘why only women?’ The naysayers prophesied that the proposed law would be an atomic device in the hands of the already-privileged women who had been favored by all legislation passed in the last three decades. In fact, a senior lawyer who went on to become a judge had, in one consultation, joked, “This is dangerous. if I call my wife ‘moti ‘she can have me booked under this law!”

These reactions were, of course, spectacular oversimplifications of the issue and demonstrated some people’s complete inability to appreciate the real application of a law and how the legal system operates in general.

On October 6, the Supreme Court reached a verdict in *Hiral P. Harsora’s case*<sup>8</sup>, striking down the words “adult male” from Section 2(q) of the Protection of Women from Domestic Violence Act 2005 (DV Act), thus paving the way for the law to be widened law to include women and minors. This verdict effectively meant that women and minors, and not just men, could now be charged for committing acts of domestic violence.

But this decision adversely impacts the utility of the DV Act and there is an urgent need to review this precedent.

As the law began to take shape following nationwide consultations by the legal fraternity between 1999 and 2005, one thing that became clear was that there was a vacuum in our civil and criminal laws, which forced many women to suffer violence in silence. Many Indian women would not want to invite a constable into their bedrooms and send their husbands to prison – the shame, intrusion of privacy, the resulting bitterness and the likely spoiling of

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<sup>8</sup> SC (2016) 10 SCC 165

chances of rapprochement would be too much to ask. Besides, there is also the instance of the woman taking on the peripheral role of ‘victim’ in the criminal justice system, where she is just a witness and the case is really between the prosecuting state and the accused. lastly, the tough standard of proof beyond reasonable doubt would put any woman off seeking criminal remedies to the violence they may have suffered.

The civil law was not tempting either – prohibitive court fees, the expense of hiring an attorney and the slow pace with which trials proceeded made it an unattractive option.

The DV Act was thus conceived as a solution for the battered woman who first needed to secure herself against a violent situation with a “protection order” to restrain an abusive spouse or relative, a “residence order” to put a roof over her head, a “custody order” to secure the custody of her child and finally a “monetary order” to establish her financial security when it came to things such as medical costs and other monetary compensation. It was through this assurance of security that the woman could ultimately decide on what to do about her troubled relationship.

The DV Act was meant to be “different”. Unlike other laws that require the user to reach out for assistance, this law conceived of a situation where the state would appoint “protection officers” who would coordinate with other service providers – doctors, legal aides, shelters, police and mental health professionals – to engineer a “coordinated reach out” to the victim. Section II of the DV Act required governments to give “wide publicity” to the law, sensitize stakeholders and set protocols to deal with situations of domestic violence.

The most important provision – which we expected the law ministry to strike down – was Section 31 of the DV Act, which made breaching a protection order a criminal offence, and thus a cognizable and non-bailable crime.

The most striking feature of this law is, however, the exhaustive definition of ‘domestic violence’ and the various facets that constitute such violence – physical abuse, sexual abuse, verbal and emotional abuse and economic abuse – which leave nothing to chance or the vagaries of judicial interpretation.

But the Act suffered two casualties in quick succession. In **Batra (2006)**, the Supreme Court held that in a case where a woman’s “shared household” was not her husband’s property but belonged to her mother-in-law, the woman’s right to the property could not be protected under the DV Act. The court lost sight of the fact that the Act did not give any property rights to women. The Act was only meant to provide a temporary residence to a victim of domestic violence and so the ownership of that property was an irrelevant factor.

Then came **Velusamy (2010)**, in which the apex court held that only legally married people and not live-in partners could access the DV law, clearly ignoring that according to Section 2(f) of the Act, the definition of “domestic relationship” included a “relationship in the nature of marriage”.

The Harsora case travelled to Delhi from Mumbai, where the Bombay high court had held that a woman and her female children could be accused of domestic violence under the DV Act if her mother-in-law and sister-in-law complained against her, provided the woman’s husband was also listed as a respondent. The Supreme Court shed all restraints and held that only considering adult males as perpetrators of domestic violence was unconstitutional.

The court’s logic behind this verdict was based on the fact that the Delhi high court, in **Kusum lata (2011)**, had already held that a mother-in-law could lodge a complaint against her daughter-in-law under the DV Act. The preamble of the DV Act also referred to “victims of violence of any kind occurring within the family” and that it was “obvious” that the perpetrators of violence could be “women themselves”. The definition of “domestic relationship” in the Act was very wide and covered female relatives.

The 2005 amendment to the Hindu Succession Act 1956 made the female members of a joint family “coparceners”, meaning the women in a family had equal rights to inherit property and such. The violence defined in the DV Act was “gender neutral”; for instance, an adult male could get his wife evicted from the shared household by simply getting other women in his household to file a complaint under the DV Act. The court also examined the law’s provisions that dealt with issuing “protection orders” and “residence orders” to justify the fact that the exclusion of “women in-laws” was never contemplated by the court as these provisions referred to “relatives” and did not distinguish between the gender of these family members.

In fact, the court has gone so far as to hold that minor children can also be considered legally responsible under the DV Act. It even referred to the lapsed 2002 Bill to note that this version had not confined the law to “adult males”. The court has also referred to the 2013 sexual harassment law, which is gender neutral in its applicability as far as the offenders are concerned.

While well intentioned, the Supreme Court’s verdict betrays a spectacular ignorance of the nuts and bolts of access of battered women to justice. The DV Act exclusively caters to female victims and there is a reason that men’s demand for the law to be made gender neutral

was rejected. In India, where the creative legal genius can transform a BMW into a truck, you don't require much imagination to figure out what would happen if husbands who were being accused of domestic violence by their wives were given the option to reciprocate. A common situation that could arise would be that men, usually the breadwinners in families and with deeper pockets than their wives, would use their financial resources to out-litigate their wives.

A law has to be organic and has to take cognizance of socio-economic realities if it is to be delivery-oriented. The very considerations that excluded men from being considered victims of domestic violence led the legislature to consciously keep men restricted to respondents in such cases. The Supreme Court's gender-neutral interpretation could spell doom for violence survivors who live with their husbands' female relatives. Any attempt by them to access the DV Act would invite counter complaints by the female in-laws present in the same household, often sponsored and engineered by the men of the family. The Bombay high court in the Harsora case tried to strike a balance by requiring the women complainants to also implicate a man along with the women respondents; that is, if you complained against your daughter-in-law/sister-in-law, you would also have to complain against your son/brother. The Supreme Court's decision does away with this vital check against a biased or illegally motivated action.

The proposed law does not state for how long the couple ought to have been hitched. The measure of pay is likewise left to the tact of the judge. Much of the time, there may not be in excess of one bit of property to acquire. The law can be actualized effectively just if the ex is the single offspring of his folks. It will turn out to be profoundly confused if there are kin around. To make it more confounded, the proposed law states if the property can't be sold, the ex ought to remunerate the lady with money. What number of individuals are money rich?

Give us a chance to investigate a circumstance where a couple may get separated in their 30s and the spouse remarries. The end result for the privileges of the second, legitimately married spouse? It might be the second spouse who has watched out for her matured in-laws. once more, the end result for the privileges of the little girl of the family? It appears that the proposition has been surrounded on the induce that most families are perched on a pot of gold and it can be effortlessly shared. In all actuality, it's anything but a reality. The issue is most affiliations managing ladies' welfare are taking a gander at issues just from one edge, girl-in-law's edge, overlooking that ladies are likewise moms, relatives, sisters and little girls. Equity to one classification of ladies can't be to the detriment of different classes.

*“Imagine the plight of an elderly widow if she has to fight lawsuits after the demise of her husband. Even a will may not solve the issue as unscrupulous women with the aid of unscrupulous lawyers may go to court.*

*We are all aware how slow our judicial system works and one will be fortunate if cases get decided in one’s lifetime.*

*The ultimate beneficiaries may be only lawyers. The need of the hour is gender neutral laws so that the fabric of society will not be damaged.”*

Save for rape laws are solitary individual piece of laws in vogue India, which is predisposed near stay gender non-neutral. Here are lots of more. Currently, the bulky weigh up lying on allocation of property, acquired moreover ancestral, appears in route for be there available by the side of like lines. Women necessary on the road to be alive known an exceptional significance next to classification of assets, carnival enough, amazing to preserve without problems stay full be bothered of rider population force to exclusive enforceable wills. Uniquely representing acquired property.

Except that’s just viable proviso near is clarity afterward cloudless name next to familial property. Anywhere present isn’t any, appreciation toward generations of join after that match, matters keep an eye on the way to progress complicated. Plus, rejection total of laws want improve untie matters if frequent befall near compromises.

On 28<sup>th</sup> September, 2017, News 18 updated us stating that the High Court has issued notice to the Centre on PIL seeking Gender-Neutral Rape laws. **Sanjiv Kumar**, the applicant, has tested the defend ability of the current arrangements that arrangement with assault as they perceive just a man as the culprit and the woman as the victim. A seat of Acting Chief Justice of the Delhi High Court Gita Mittal and Justice C Hari Shankar has issued notice to the Center on a Public Interest litigation testing the legality of Section 375 and 376 of the Indian Penal Code as being one-sided towards men and excluding women under its ambit as the culprits.

Sanjiv Kumar, the applicant, has tested the defend ability of the current arrangements that arrangement with assault as they perceive just a man as the culprit and the woman as a casualty. Kumar has battled that pundits have neglected to perceive the significance of sexually impartial laws and has asked the seat to think "beyond the male or female paradigm."

“In fact, gender is central to any understanding of how and why sexual violence occurs. What is clear, however, is that while females are the main victims of sexual violence and males the

main perpetrators, one still has to consider how sexual assaults beyond the male-on-female paradigm are to be labeled by the criminal law,” states the petition. Kumar has likewise expressed that the motivation behind why men don't report cases of assault is the 'patriarchy society' and how it keeps them from announcing such sexual abuse.

“If a male alleges that female raped him, he is not seen as a ‘Real Man’ because the stereotypical patriarchal assumption of ‘men are superior and stronger to women’ comes into the picture. The same ‘male domination’ and the notion of patriarchy is, in fact, the very reason males do not come out of the closet to report rapes,” says Kumar.

Kumar has additionally depended on the current Right to Privacy decision conveyed by a nine-judge seat where the privilege was proclaimed as a piece of the key directly under Article 21. The solicitor has expressed that assent was of most extreme significance in assault cases and how the privilege to security decision notices consent "38 times". "Incomparable Court in Right to Privacy administering has utilized the word 'consent' 38 times.

Assent and real honesty of every native are presently key rights and the foundation of the Privacy Ruling. Protection now being a Fundamental Right has changed the form and legitimacy of some current Acts and CrPC/IPC and made them (or a few areas of them) Null, Void and Unconstitutional," peruses the request.

The applicant has contended that such an arrangement is against Article 14 of the Constitution too which ensures ideal to equity to all residents. "Article 14 enshrines the right to equality before law and Article 15 provides for prohibition of discrimination on the grounds of sex. Men, therefore, must be entitled to the same rights as women. Even though male rape is a less frequent occurrence than female rape, they cannot be denied the right to equality" says Kumar.

The 138-page appeal to has definite on how assault laws are drafted in an unbiased dialect in 63 nations and it is time India takes a sign from it. The candidate has presented an investigation of 93 nations in an unthinkable frame and has expressed that "63 were found to have assault or rape laws written in sexually unbiased dialect, 27 had assault laws that were totally sex particular (i.e., the culprit was characterized as male and the casualty as female) and 6 had halfway impartial laws (the culprit was characterized as male and the casualties could be male or female."

## **VI. CONCLUSION**

Presently, lewd behavior laws in India are not unbiased, and, generally, perceive that in

inappropriate behavior cases, the casualty is a female and the culprit is a male. For example, the Section 354 of IPC criminalizes ambush or utilization of criminal power to lady with purpose to shock her humility. Different areas of the IPC incorporate 354A (rebuffs inappropriate behavior perpetrated by a man against a woman), 354B (discipline for goal to uncover a woman), 354C (voyeurism), 354D (stalking), 375 (criminalizes assault of a woman by a man) and segment 509 (word, motion or act planned to affront the humility of a woman). Recently, in *Navtej Singh Johar v. UOI*<sup>9</sup>, Supreme Court partially struck down Section 377 of IPC, which made “carnal intercourse against the order of nature” a criminal offence. Section 377 of IPC was partially struck down by the court on the ground that it violates right to equality, free speech and life under Article 14, 19(1)(a) and 21 of the Constitution.

Given the episodes of lewd behavior looked by men in India, it merits investigating whether the nation needs unbiased inappropriate behavior laws. The initial move towards this could be for the Indian government to lead across the country studies to decide the insights of such wrongdoings in India, and to welcome open consultations on these issues. This would guarantee that an enactment (assuming any) on this issue is very much educated rather than it being an automatic response.

The most grounded feedback against such laws would without a doubt be the potential for abuse of the law by a man against an honest lady. In any case, it must be borne at the top of the priority list that the risk of abuse of the administrative hardware can't without anyone else's input be the purpose behind not ordering laws to secure men against inappropriate behavior. Rather, the law must spotlight on having satisfactory defends set up to monitor it against potential abuse.

Save Indian Family Foundation, an association is chipping away at men's rights, When Man tries to discuss his Problems, torment, battle, and provocation of marriage and family, nobody is prepared to tune in; rather they giggle at him. Numerous men feel embarrassed to talk when they are beaten at home by their spouses and her family. There are numerous laws to secure ladies against wrongdoing however there is no law to ensure spouse and his relatives against the wrongdoing of ladies (wife). It is horrendous; no social association has done any exploration on that nobody requested the information of Crime carried out against men by ladies.

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<sup>9</sup> Writ Petition (Crl) No. 76 of 2016