



WHAT ABOUT MEN? A MUTED REALITY

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ABSTRACT

With a focus on the bigger picture of gender equality, the research study examines the legal protections offered to men's rights in India. The Indian legal system is still lacking, disorganized, and often unable to provide men with proper protection or remedy, despite the growing talk on men's rights. The study uses a fundamental method of research to identify gaps and problems with the present system of justice by conducting a thorough examination of existing legislation, judicial decisions, and academic research. The goal is to assess the effectiveness of laws that govern men's rights, investigate how they link with gender equality, and offer amendment proposals that solidify the framework in a way that enhances equity and inclusivity. An in-depth review of these gender-specific laws, such as the 2005 Protection of Women from Domestic Violence Act and anti-dowry laws, however, indicates an unforeseen consequence: manipulative people could misuse them, leaving men vulnerable and frequently without adequate legal protection. The intention of acquiring gender equality is occasionally overshadowed by the idea that these rules significantly benefit women, therefore worsening the gender gap. Men's resentment over the limitation of their rights is causing social outrage, as laws intended to correct historical injustices marginalize men. This paper looks into these relationships, showing how the evolving legal system has unconsciously encouraged emerging forms of inequality rather than fostering equality. In order to promote a more inclusive and balanced legal system that properly addresses the needs and rights of all genders, the research aims to contribute to the ongoing debate on gender equality by addressing the shortcomings and difficulties in the current framework and offering practical suggestions.

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Keywords: Gender Justice, Male Rights, Bharatiya Nyaya Sanhita, Law Commission Reports.

INTRODUCTION

This is a particularly great reflection because gender equality is at the very core of the configuration of a fair and equitable society. Hence, in India, the narrative of gender equality unfortunately tends to neglect men and the challenges they face in the judiciary, where the focus is more on doing away with the historical wrongs done to women. It is said that India's justice system was framed with the right objective of eliminating gender-based discrimination prevailing in our society, but it inadvertently creates new forms of discrimination. Straddling that line between legality and social acceptability is the plight of men in India now facing. However, there is growing evidence that the Protection of Women from Domestic Violence Act of 2005 and anti-dowry laws can be misused even after being instrumental in empowering women and protecting them from exploitation. Today, many men are struggling against social taboos and poorly safeguarding against litigation, as false charges and frivolous litigation become common talking points. Now this study conceptualises the legal system in India through the lens of male empowerment. The research under an analytical study of existing legislation, their legal interpretations, and academic disputations has identified key deficiencies and necessary focus areas in the existing legal regime. It looks at how some gender-specific laws introduce a different form of injustice in the course of solving the first. The aim is not to question the importance of legislative protections for women, but to flag the need for a more balanced approach. Transcending Post-Feminist Paradigm: Towards an Integrative View of Justice and Inclusion for Men and Women, where exploration of nuances of gender equality and consideration of men's rights can further enrich our understanding of justice and inclusivity. It also puts forth the reasonable policy amendments that can be made in order to develop a legal system that is sympathetic to the concerns of both genders and mirrors the evolving dynamics of society.

HYPOTHESIS

Men's rights in India persist despite the existence of legal safeguards because of bias against men, stigmatization from society, and inadequate action against sexual harassment, which results in a denial of their basic rights.

RESEARCH QUESTIONS

- What are the existing legal provisions in India that address men's rights, including sexual harassment, and how effective are they in providing protection and recourse?
- How do gender roles and societal stigma impact the denial of men's rights in India, particularly in cases of mental health concerns and sexual harassment?
- What reforms are necessary to ensure gender equality, protect men's rights, and address sexual harassment in India, and how can the legal system be made more inclusive and responsive to men's concerns?

RESEARCH METHODOLOGY

This study involved analysing existing legal provisions, case laws, and academic literature to identify gaps and challenges in the legal framework. By researching this topic, researchers contributed meaningfully to the ongoing conversations about gender equality and legal protections in India, ultimately promoting a more just and equitable society for all. For our study, we conducted a survey as well as a questionnaire in the form of Google Forms, which consisted of 5 mandatory questions as well as 1 affirmative question, which was not mandatory. After analysing those responses, we could easily interpret them.

REVIEW OF INDIAN LAW

Rape: Section 63 of BNS, 2023 is considered to have been based on gender. By Section 63, an individual is deemed guilty of rape if he participates in sexual intercourse with a woman without her consent, or with fraudulent consent, or when the woman is less than the age of sixteen. The Criminal Law (Amendment) Act of 2013 extended the definition of rape to include penetration of the penis into the mouth, urethra, and anus, along with the vagina. The insertion of any other object into the vagina, urethra, or anus was also regarded as rape. Section 64 defines the punishment for rape. However, across the Section, only women were considered as victims of rape. Rapes have historically been used to oppress women, yet this is inadequate reasoning. Instead, it is more appropriate to describe the offence through the lens of human rights. People who defend the status quo claim that a lack of statistical information on male rapes undermines the opposing position. However, the lack of reported cases is because of the negative associations with this condition. Men are generally considered to be powerful and

manly. The idea that men might be victims of abuse seems remarkably foreign. The most important adverse impact of this sort of toxic reinforcement is the fact that the victim gets no justice. As the definition of rape has broadened past penile-vaginal penetration, it is now biologically impossible for a woman to rape a man. In addition to object insertion, it includes oral and anal penetration. Arousal or an erection of the penis does not imply consent, even if it includes penile-vaginal intercourse. Laws that are gender neutral imply that both men and women are acknowledged as perpetrators as well as victims. Singh J. stated his desire for the offence of rape to be interpreted in a way that is gender-neutral in the *Sudesh Jhaku v. KC Jhaku*¹ case. He emphasised that the offence of rape, as defined by Section 63, is the sole legal alternative for resolving serious acts of sexual assault. Additionally, the Supreme Court instructed the Law Commission to look into the issue of gender-neutral rape laws in *Sakshi v. Union of India*. As a consequence, the Law Commission of India's 172nd Report² recommended that the offence of rape be substituted with the completely gender-neutral crime of "sexual assault. These suggestions became law in the Criminal Law Amendment Bill of 2012. However, the Nirbhaya case shook the conscience of the country before the Bill could be made an Act. After this, the government formed the Justice Verma Committee (JVC)³ and assigned it to prepare a report describing the modifications that it considers ought to be done to the laws related to rape. Among other suggestions, the study recommended gender-neutralising rape laws. Several women's groups were quite critical about this as they considered it left women more vulnerable. They believe that such provisions would strengthen the already dominant male community. The Central Government strongly opposed a Public Interest Litigation (PIL) in July 2019 that aimed to make laws regarding rape gender neutral. Based on their statement, Sections 63 and 64 were put into effect to decrease the alarmingly large amount of sexual offences occurring against women in India. According to the decision in *Priya Patel v. State of MP*⁴, it is likely for women to want to violate another person's modesty and commit rape. The perpetrator's wife arrived at the scene of the crime in this particular case when her husband was raping the prosecutrix. She slapped the victim upon hearing her screaming for help, closed the door, and walked out. This demonstrates her mens rea. Yet the Court reasoned

¹ *Sudesh Jhaku v. KC Jhaku* case citation-Smt. Sudesh Jhaku vs K.C.J. and Others, 1996 (2) SCC 528

² [172 nd Report of the Law Commission of India](#)

³ [Justice Verma Committee Report Summary](#)

⁴ *Priya Patel vs State Of M.P. & Anr* on 12 July, 2006 AIR 2006 SUPREME COURT 2639, 2006 SCC(CRI) 96

that she could not be held guilty of rape since she was a woman⁵.

Domestic Violence Laws: According to Section 498A of the IPC, a husband or a family member who brutally treats a woman faces up to three years in prison and a fine. The provision has been put in place to protect married women from abuse, especially when it comes to dowries, yet it assumes that only men are capable of crimes and that only women can become victims. But due to the inequality, there have been cases when women have misused the provision to make unjustified allegations against their spouses or in-laws. The Supreme Court upheld the law's constitutionality in *Sushil Kumar Sharma v. Union of India*⁶, stating that the primary objective was to prevent dowry deaths and that the legislature was in charge of making changes, despite recognising the likelihood of abuse and describing it as "legal terrorism." Nevertheless, as proved in *Chandrabhan v. State*, where the Delhi High Court observed that many cases originate from small disputes and that the children involved in such legal battles suffer the most, false complaints can cause serious psychological trauma, harm reputations, and destroy families. To prevent arbitrary acts, the 243rd Law Commission Report (2012) suggested that arrests made under this section should be by Sections 41 and 41A of the CrPC. The Supreme Court cautioned against unfair and routine arrests in *Arnesh Kumar v. State of Bihar*, stressing that allegations by themselves shouldn't be justification for immediate detention. A bench led by Justices A.K. Goel and U.U. Lalit acknowledged abuse and ordered the establishment of "family welfare committees" in 2017 to look into accusations before filing a formal complaint. However, the decision was overturned in 2018 by a three-judge Supreme Court bench led by Chief Justice Dipak Misra, which reinstated Section 498A's provisions for immediate arrest while permitting bail requests from accused parties. The Protection of Women from Domestic Violence Act, 2005 (PWDVA)⁷ came into force because, despite these improvements, Section 498A does not provide victims direct remedy. Nevertheless, this Act also conforms to a gendered framework, providing protection only to female victims while disregarding the fact that males may also experience domestic abuse, despite evidence to the contrary. In contrast to the anticipatory nature of statutory safeguards, the *Aruna Parmod Shah v. Union of India*⁸ decision recognised the presence of male victims but denied the need for

⁵ Section 63 of BNS, 2023 - Definition of Rape https://www.indiacode.nic.in/show-data?abv=CEN&statehandle=123456789/1362&actid=AC_CEN_5_23_00048_2023-45_1719292564123&orderno=63&orgactid=AC_CEN_5_23_00048_2023-45_1719292564123

⁶ *Sushil Kumar Sharma vs Union Of India And Ors* on 19 July, 2005 (2005) 6 SCC 281

⁷ [Protection of Women from Domestic Violence Act, 2005](#)

⁸ *Aruna Parmod Shah v. Union of India* 2008 SCC OnLine Del 457

protection since such cases are rare. The Supreme Court eliminated the phrase "adult male" from the PWDVA's definition of "respondent" in the case of *Hiral P. Harsora v. Kusum Narottamdas Harsora*⁹, enabling women to initiate lawsuits against other female relatives and mostly gender-neutralizing the legislation. Men and transgender people are still not recognised by the law as "aggrieved persons" under Section 2(a) of the Act; therefore, they are unlikely to take legal action. Male victims of abuse are often discouraged from revealing it due to societal norms around masculinity, which creates an endless loop in which structural remedies are inaccessible. In a recent instance, the Bombay High Court recognised that men might experience domestic violence and granted a husband a divorce based on false accusations of cheating, verbal abuse, and physical assault by his wife. To be sure that judgments are against male-dominated notions of entitlement, the court's logic—particularly about the prohibition of physical relations—must be carefully examined. Other cases have acknowledged verbal and physical abuse of males, yet they did not recognise domestic violence against men as an offence and have only provided legal remedies like divorce. According to the legislative history of domestic violence laws in India, safeguards were gender-neutral till 2005, but shortly after the PWDVA was enacted, only women could seek legal recourse. Their victimisation is further normalised by the absence of details regarding male victims and the lack of state-sponsored shelters or psychological support facilities.

Minor Offences: According to Section 74 reading, the provision punishes a woman for outraging modesty and does not allow for the inclusion of men or non-binary people as victims of the crime. The Criminal Law (Amendment) Act of 2013 introduced Sections 354A to 354D¹⁰ to the present laws, making sexual harassment, forced disrobing, voyeurism, and stalking crimes, respectively. Gender specificity is maintained by these laws' specific reference to "any man" as the offender.

Cyber Harassment and Online Abuse: The vast majority of India's cyber harassment laws are focused on women, providing victims of cyberbullying additional safeguards, while men and non-binary people have little or no specific legal recourse. Numerous laws, among them those included in the Indian Penal Code (IPC) and the Information Technology (IT) Act of 2000¹¹, specifically address cybercrimes against women; nonetheless, they do not explicitly

⁹ *Hiral P. Harsora v. Kusum Narottamdas Harsora* 2016(10) SCC 165

¹⁰ <https://www.iitk.ac.in/wc/data/TheCriminalLaw.pdf>

¹¹ <https://www.meity.gov.in/writereaddata/files/itbill2000.pdf>

provide men all the same protections.

HOW CYBER HARASSMENT LAWS FAVOUR WOMEN

- Sections 67 and 67A of the IT Act deal with the publication or transfer of pornographic content online; they are frequently used in cases involving changing, revenge porn, or the distribution of private photos, although they are mainly enforced against women.¹²
- The IT Act's Section 66E punishes privacy violations such as taking, distributing, or publishing pictures of someone else's intimate parts without that person's permission. Despite having gender-neutral language, it is primarily used for victims who are women.
- Sexual harassment, including unwanted sexual remarks, is regulated by Section 354A-D of the Indian Penal Code (Criminal Law Amendment, 2013). This includes internet abuse.
- 354C deals with Voyeurism, involving discussing or recording private information without consent.
- 354D deals with Cyber stalking, which is the practice of harassing or stalking a woman online.

REVIEW OF LAWS ABROAD

United Kingdom: The United Kingdom recognises that domestic abuse can impact both men and women. It uses language that is fair to all genders, ensuring male victims have equal access to support services. Laws like Domestic Abuse Protection Notices¹³ (DAPNs) are designed to protect anyone who is a victim, regardless of gender. The law allows for men to be acknowledged as victims of sexual violence by providing clear definitions for offences like rape. This includes various crimes such as sexual assault, rape, and trafficking for sexual purposes. It puts safety measures in place to protect everyone from stalking behaviours, no matter their gender. Men who experience sexual and domestic abuse can find extra help from

¹² Section 67 & 67A - prohibiting obscene and sexually explicit material

[https://internetdemocracy.in/laws/the-information-technology-amendment-act-2008/section-67-and-67a/#:~:text=Part%20of%20The%20Information%20Technology%20\(Amendment\)%20Act%](https://internetdemocracy.in/laws/the-information-technology-amendment-act-2008/section-67-and-67a/#:~:text=Part%20of%20The%20Information%20Technology%20(Amendment)%20Act%20)

¹³ [Domestic Abuse Protection Notices / Orders factsheet](#)

organisations like SurvivorsUK and Mankind Initiative.¹⁴

United States: In the United States, the law is there to protect all victims, including men, from domestic violence, dating violence, sexual assault, and stalking, all while trying to address issues of violence against women. A gender-neutral initiative provides funds for shelters and support services specifically for male victims. There is a focus on reducing sexual assault in prisons, aiming specifically at male victims. Male students benefit from equal protections, which prevent gender-based discrimination in education, including acts of sexual harassment and assault. Many states have laws against domestic abuse that apply to all genders. For instance, California's Family Code Section 6211¹⁵ explicitly includes everyone. Male survivors have access to dedicated hotlines and support groups like Male Survivor and 1in6. In **John C. Depp, II v. Amber Laura Heard**¹⁶¹⁷ world-renowned Hollywood actor Johnny Depp presented evidence of domestic abuse by his ex-wife during their defamation trial. Sadly, such incidents are often taken as merely isolated events, with the popular notion still denying the involvement of a male victim.

Australia: Australia has laws addressing domestic violence that do not specify gender, ensuring that male victims are protected. The country advocates for fair treatment in family law cases, including those involving abuse. In regions like Victoria and New South Wales, domestic and family violence is defined without reference to gender in their criminal laws. While the focus often remains on women and children, it is recognized that men can also be victims of family violence. Research and support for male victims are encouraged. Organizations such as MensLine Australia offer counselling and assistance to men facing domestic violence or abuse.

Sweden: Sweden's laws under the Penal Code are designed to be gender-neutral, addressing violence, including domestic and sexual violence, to safeguard everyone. A consent law enacted in 2018 mandates that a clear agreement is needed for any sexual activity, protecting men equally as victims of sexual assault. The country works against discrimination and fosters gender equality, including support for male victims of gender-based violence. Services such as

¹⁴ Addressing The Roadblocks To Gender Neutrality In Sexual And Domestic Violence Laws: A South Asian Perspective <https://pure.jgu.edu.in/id/eprint/1396/1/JILS2020.pdf>

¹⁵ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6211.&lawCode=FAM

¹⁶ John C. Depp, II v. Amber Laura Heard [CL-2019-2911 John C. Depp, II v. Amber Laura Heard](#)

¹⁷ Uncovering the Taboo: Domestic Violence Against Men in India" <https://www.jusscriptumlaw.com/post/the-critical-analysis-on-domestic-violence-against-men-in-india>

Stödcentrum för Män (Support Centre for Men) are available to assist men who have experienced violence.

Norway: Norway's legal system is one of the approaches that is all-inclusive and gender-neutral as far as domestic violence is concerned, covering the rights of male and female victims. The Penal Code is clear that domestic violence is an offence that must be punished irrespective of the gender of the victim. The provisions of sexual violence ensure that male rape and assault victims receive equal protection in law. In line with these legal requirements, municipalities are mandated to establish crisis centres that cater to the needs of all domestic violence victims, including men. Organizations like Reform – Resource Centre for Men actively provide essential counselling and advocacy services tailored to male victims of gender-based violence.¹⁸

CASE LAWS

This chapter provides information on the case laws existing in India, along with its facts as well as the judgment.

Nisha Sharma vs. State Of Uttar Pradesh, 2003- India's Famous Fake Dowry Case: In this case, Nisha Sharma accused her prospective groom, Munish Dalal, of dowry demands, raising certain questions about the dynamics and fairness of such an allegation within the legal framework. The case ended in 2012, when all the accused were acquitted. The court established the fact that Nisha had deliberately fabricated the dowry charges to avoid the marriage with her fiancé¹⁹.

Shivani Shiv Bhat v State of NCT of Delhi: Shivani Shiv Bhat, an Indian citizen of the United States, visited his ancestral home. However, he was later harassed and beaten to heal his gender nonconformity and found a shelter with the help of a local NGO. However, UP and New Delhi police harassed him. It was found to have been illegally detained and harassed by his family and police authorities. The court finally upheld everyone's right to certain inviolable rights. It

¹⁸ Abhijit Das & Satish K Singh, 'Changing Men: Challenging Stereotypes. Reflections on Working with Men on Gender Issues in India', (2014) 45(1) Institute of Development Studies

¹⁹ False Dowry Case <https://www.scconline.com/blog/post/2024/12/11/supreme-court-quashes-false-dowry-case-misuse-section-498a-ipc/>

also has a sexual orientation and gender identity regarding the important aspects of the basic right of self-determination, dignity, and freedom²⁰.

Pinki Pramanik v State of West Bengal: Pinki Pramanik, a national athlete, was charged with sexual assault and rape charges by a friend who had been cohabiting with him for three years. According to the IPC, sexual offences against adults are gender specific. The court ruled that Pinki should be found to be a man within the meaning of sexual offences. As a result of her medical examination, she was unable to have sexual intercourse, and she was determined not to be charged with rape.²¹²²²³²⁴

Criminal Justice Society of India v UOI: India has a criminal justice society, which is an NGO, and before the Supreme Court, it placed a plea demanding amendments to section 375 along with antirape laws as gender neutral, and the Honourable Supreme Court recognised merit in the pleas of the petitioner and even went to the parliament to consider this²⁵.

K. Srinivas vs K. Sunita on 19 November, 2014: K. Srinivas and K. Sunita were married, but the marriage became severely strained as the couple would often fight.

Sunita alleged that Srinivas was abusive, and she filed for divorce on the grounds of cruelty and desertion. Srinivas, on the other hand, contended that Sunita was unwilling to cohabit with him and had left the matrimonial home, which made the relationship untenable. The court mainly dealt with the issue of whether the conduct of one spouse could amount to cruelty and, in this case, whether the wife's departure from the matrimonial home constituted desertion. The Supreme Court ruled that disagreement or marital disputes between the couple could not be treated as grounds for cruelty. There must be evidence that one spouse's conduct causes serious emotional or mental harm to the other. In this case, the Supreme Court did not allow the divorce on the grounds of cruelty or desertion, but commented that both parties should try mediation and reconciliation. The judgment brings into sharp focus the issue of having proper evidence in

²⁰ 223 (2015) DLT 391

²¹ Can a woman rape a man? The Times of India (March 28, 2010) accessed July 22, 2020.

²² <https://timesofindia.indiatimes.com/can-a-woman-rape-a-man/articleshow/5733229.cms>

²³ 'Sexual molestation of men by women' <https://link.springer.com/article/10.1007/BF01541979>

²⁴ MANU/WB/0640/2014

²⁵ Can a woman be charged Guilty for Gang Rape
<https://blog.ipleaders.in/can-woman-charged-gang-rape/>

²⁵ AIR 2010 DELHI 194, (2012) ACJ 342

cases of divorce, especially those relating to cruelty and desertion, and reconciliation before divorce is finalised.²⁶

Smt. Bhagwanti vs Laxmandas Panjwani on 9 February, 1999: His wife subjected him to cruelty, which also included physical abuse, verbal insults, and threats. The husband alleged that 8-10 months after the marriage, he filed for divorce. Despite their efforts to settle the issues they were having with each other, the beating continued after they moved to different locations. He reported the beating to the police, but they did not take any action against his wife. The defendant's wife denied the allegations and claimed that she was mistreated by her husband's family due to dowry demands and that the husband wanted to live separately. The court ruled in favour of the husband, declaring that the wife's actions constituted cruelty and granted a divorce.²⁷²⁸²⁹

John C. Depp, II v. Amber Laura Heard: A world-famous Hollywood actor, Johnny Depp, produced proof of domestic abuse by his former wife during his defamation trial. Unfortunately, most of these kinds of incidents have been taken as isolated incidents, while the popular saying still denies the inclusion of a male victim.³⁰

A WAY FORWARD

By making the word selection in legal papers change, legal treatment becomes equal. We, therefore, should use more generic terms, such as spouse or partner, to exclude words that might only apply to the male gender. This ensures legal treatment and hence reduces bias through legal words in court. For instance, the sections, namely Sections 85 and 86 of the Bharatiya Nyaya Sanhita, 2023, need changes in using gender-neutral wording about dowry harassment and domestic violence. It aims to protect the males who are victims and to prevent false accusations that harm the innocent, to prevent emotional or financial abuse in legal situations against men as well. To create truly fair laws, we must look closely at how current laws are applied. Changing words is not enough; laws that deal with violence, harassment, and exploitation must reflect the real experiences of everyone involved. We need a legal system

²⁶ 2014 SCC OnLine SC 915

²⁷ 'Husband Abuse: Fact or Fiction?'

<https://onlinelibrary.wiley.com/doi/abs/10.1002/j.1839-4655.1999.tb01079.x>

²⁸ Beating Husband and His Family Members Amounts to Cruelty

<https://www.thedivorcelawfirm.in/beating-husband-family-members-amounts-cruelty-divorce-granted/>

²⁹ 1999 (2) SCC 227

³⁰ [CL-2019-2911 John C. Depp, II v. Amber Laura Heard](#)

that protects all survivors equally, regardless of gender. The goal is to build a fair legal system that provides good outcomes for all survivors.³¹³² This is a very important need: to support and resource all survivors of gender-based violence. So, male survivors face big challenges when looking for help, including shelters, hotlines, or legal help. This situation requires urgency. Closing the gap in resources for male victims of violence at hand will be possible through the enhancement of programs available to support male victims, such as the Men's Helpline Org and Men Welfare Trust. We also ought to establish distinct hotlines and shelters, and treatment programs for the male survivors similar to those meant for female victims.³³ We must address the social stigma that keeps men from seeking help. But with the right resources in place, people will access these services. Most cultures expect that men should be silent during abuse and that something's wrong with them if they ask for help. Confronting these beliefs and ensuring that everyone can access support services will help all survivors get the care they need and hope for without shame or judgment.

Public awareness campaigns should be held to break down the stereotypes, making it difficult for gender-based violence to be identified among males. Campaigns should emphasize that individuals of any gender can be emotionally, physically, or sexually abused. The other approach includes adding gender equality and anti-violence education into school programs that could teach young people about consent, respect, and healthy relationships. By cultivating values of empathy and respect, we can work towards preventing future incidents of gender-based violence. Education is essential to changing the cultural views on matters. A better awareness of how strict gender roles can cause violence by enforcing stereotypes will gradually bring about a more just society. Public education in these matters continues to be indispensable for breaking cycles of violence and creating a secure environment. Supportive male involvement in community projects thus becomes an avenue to transforming social norms. Encouraging men to stand up against gender-based violence creates a more cooperative society that can empower men to support each other in the face of difficult experiences. In addition, the formation of peer groups lowers the isolation that those victims may feel and helps them heal.³⁴ To ensure that victims of gender-based violence receive the medical care they need, governments and non-profits should create anonymous reporting options. Such systems reduce

³¹ <https://ijcrt.org/papers/IJCRT2408302.pdf>

³² Plea To Make Rape Law [Section 375IPC] Gender Neutral: SC Refuses To Interfere LIVELAW <https://www.livelaw.in/sc-dismisses-plea-to-make-rape-law-section-375ipc-gender-neutral/>

³³ <https://blog.ipleaders.in/what-are-the-laws-on-gender-neutrality-in-india/>

³⁴ <https://www.ijlra.com/paper-details.php?isuur=2121>

the fear of stigma, making it easier for men to report incidents without hesitation. Confidential reporting makes it easier for those who have been assaulted to seek justice. Moreover, data collected from all genders about gender-based violence is the key to ascertaining what is needed in male survivors so that policies that may not properly support male victims can be realised. Gathering and appraising this data will help bring forth programs meant to effectively address what specifically challenges a male survivor in their recovery processes.³⁵ Some education and training programs are being designed for social workers, police, and legal professionals on trauma-informed care and gender-neutral methods. These would support the victims of gender-based violence. Workshops and study materials would decrease their bias while promoting judicial egalitarianism toward all victims. These trauma-informed practices, thus, cultivate a more caring setting in which survivors can find justice. It can also help deal with the special issues men have to face: mental health issues, economic exploitation, and domestic violence. A national commission can plead for the rights of men, propose laws for the legal protection of male victims, and spread awareness among them about their particular needs. It will be through this decision-making process that men's issues are given voice and addressed as part of broader social discourses. Lastly, the media plays a big role in the way society perceives gender-based violence. The media should also narrate various stories, especially of male survivors. This can be achieved by portraying the whole victim experience as depicted by the media, hence creating awareness and reducing stigma towards male victimization.

CONCLUSION

In summary, the researchers have tried to examine the need for gender neutral rape laws in India. This research paper gives an overview, along with the questions the researchers try to answer, the research method adopted and the hypothesis. The first chapter reviews the Indian laws. The second chapter deals with the review of laws present abroad, while the third chapter delves into the solutions. The system of justice in India regarding sexual offences, domestic violence, and internet harassment is mostly gendered, with protections usually confined to women as victims while excluding men and non-binary individuals. Rape is defined in Section 375 of the IPC as non-consensual sexual intercourse with a woman; however, the 2013 Criminal Law Amendment Act extended the scope of the offence to include oral, anal, and other forms of penetration. However, only women are acknowledged as victims, despite social

³⁵ 'Can a woman rape a man?', The Times of India (March 28, 2010) accessed July 22, 2020.
<https://timesofindia.indiatimes.com/can-a-woman-rape-a-man/articleshow/5733229.cms>

conventions that prevent male victims from reporting abuse. Similarly, domestic violence laws, including Section 498A of the IPC and the PWDVA, focus on protecting women from abuse while overlooking cases wherein men experience violence. Cyber harassment law, too, has a bias favouring women. Provisions of crimes of voyeurism, stalking and revenge porn are mostly located within the scope of the BNS and IT Act, about only women victims. The gender-neutral drafting in specific law is sometimes subjected to interpretation from a gendered prism, excluding men at various levels of judicial and civil authorities. End. Although some judicial and legislative efforts have advocated for greater inclusivity, there are still huge gaps in addressing the needs of all genders. Many countries have adopted gender-neutral laws to protect the victims of domestic and sexual abuse. This affords equal protection to men. The victims who happen to be males in the UK can make use of available resources such as Domestic Abuse Protection Notices (DAPNs) as well as organisations such as SurvivorsUK and Mankind Initiative. The United States also provides comprehensive legal protections, funds shelters and service programs for males, and addresses issues like rape in prison. Australia's legal provisions are gender-neutral as well, but organizations like MensLine Australia do offer targeted assistance to male victims. Sweden encourages gender equality through its consent law and support facilities like Stödcentrum för Män, whereas Norway mandates local crisis centres and advocacy services like Reform - Resource Centre for Men. The usage of gender-neutral terms, such as "spouse" or "partner," to reduce bias in legal situations. Changing regulations will help, such as Sections 85 and 86 of the Bharatiya Nyaya Sanhita, 2023, in safeguarding male victims of dowry harassment and domestic abuse, but under restrictions. Other than language alterations, legislation concerning exploitation and violence has to incorporate the real scenarios of all survivors while offering comprehensive support and protection without any discriminatory differences based on gender. The lack of services for males in particular, including shelters, hotlines, and legal assistance, is critical, and efforts such as Men's Helpline Org and Men Welfare Trust make significant contributions in this direction. Silencing of male victims often occurs due to social stigma; therefore, efforts to raise public awareness are important to challenge myths and encourage seeking help. Inclusion of gender equality and nonviolence education in schools fosters respect and empathy, which decreases future violence. Encouraging men to engage with local initiatives and building peer networks reduces isolation and fosters healing. Anonymous reporting mechanisms and trauma-informed professional training may increase access to justice while also reducing biases. A national commission for the rights of men and the promotion of male survivor stories in the media can help reduce stigma and create a conducive environment for all victims of gender violence.