



## **THE UNAPPRECIATED HALF: AN INDIAN CONSTITUTIONAL DISCUSSION ON MEN'S RIGHTS**

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### **INTRODUCTION**

In India, public discussion of men's rights is growing, particularly in light of worries about social stigma and legal inequities. Despite the Indian Constitution's guarantee of equality before the law, many legal experts and activists contend that men face particular difficulties that are frequently disregarded. This is a summary of the current state of affairs.

In accordance with the ideals of equality, men's rights promote the equitable and dignified treatment of men. It's about acknowledging that men can experience issues that need attention, not about claiming that men have it worse or better than women. It's about balance, not a gender-based competition. Men's rights seek to draw attention to issues that affect men in the same way that women's rights do. Everyone is entitled to justice, respect, and a voice.

In India, men's rights refer to the movement and legal advocacy that aims to ensure that men are treated fairly, particularly in areas where laws or social norms may inadvertently disadvantage them. The goal is to balance the scales so that justice is served for all, not to oppose women's rights.

### **THE METHODS OF RESEARCH**

In order to investigate the lived experiences of men impacted by gender-based legal and societal issues in India, this study uses a qualitative research methodology. To guarantee a thorough grasp of the problem, the methodology combines ethnographic fieldwork, case study review, and doctrinal analysis.

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**Analysis of Doctrinal:** A thorough analysis of the Indian Constitution, with particular attention to its provisions about equality, the defence of rights, and gender neutrality, was used to gather primary legal data. The constitutional framework of gender justice was examined by analysing pertinent articles, including Article 14 (Right to Equality), Article 15 (Prohibition of Discrimination), and Article 21 (Right to Life and Personal Liberty).

**Review of Case Studies:** To find trends in violence, the legal response, and media representation, recent high-profile and lesser-known burning cases involving male victims were examined. Verified news reports, legal databases, and public records served as the sources for these cases. The incident's seriousness, the court's decision, and the impact on society were among the selection criteria.

**In-depth Interviews:** Men who have suffered physically, emotionally, or legally as a result of gender-related conflicts were interviewed in semi-structured interviews to capture the human aspect of the problem. Due to the urban and semi-urban locations of these interactions, a wide range of socioeconomic backgrounds were represented. First-hand accounts from the interviews revealed weaknesses in social support, legal protection, and public dialogue.

**Triangulation of Data:** Data from case studies, interviews, and constitutional texts were cross-referenced to increase the findings' dependability. This triangulation made sure that the conclusions were both socially and legally sound.

**False accusations and legal biases:** Originally intended to shield women from dowry harassment, laws such as Section 498A of the IPC have occasionally been abused to harass men and their families.<sup>2</sup> Men charged under these laws are frequently detained without being given a chance to defend themselves, and the offense carries no bail, which can cause emotional distress and harm to their reputation.

**Domestic Violence Against Men:** Although India's laws against domestic violence, such as the Protection of Women from Domestic Violence Act, 2005, target women, men can also become victims, but they are less likely to come forward because of stigma or a lack of legal protection. Male victims of domestic abuse are left defenceless and unsupported because there is no specific legislation protecting them.

**Child Custody and Family Law:** Mothers are nearly always granted custody in divorce cases, even when fathers are just as qualified and eager to raise their children. Due to biased custody decisions and restricted visitation rights, many fathers feel cut off from their children.

**Mental Health and Social Pressure:** Men are supposed to be strong, emotionless, and stoic. This results in repressed feelings, untreated mental health problems, and, in severe situations, suicide. Men have limited access to mental health care, and social norms deter them from getting treatment.

**Sexual Harassment and Assault:** Male victims of sexual harassment or assault have limited legal options and are frequently mocked or ignored. There is a justice gap because men are frequently not acknowledged by the law as potential victims.

### **IMPORTANT CONCERNS FOR INDIAN MEN**

**Abuse of the Dowry Law, Section 498A:** This law was initially created to shield women from dowry harassment, but it has occasionally been abused to make false accusations against husbands and their families. The offence is not subject to bail, and arrests may occur without an investigation.

**Absence of Safeguards Against Domestic Abuse:** Even if men are abused, they have no legal recourse. Domestic violence laws in India only acknowledge women as victims.

**Bias in Child Custody:** Mothers are nearly always granted custody in divorce cases. Due to their limited visitation rights, fathers frequently find it difficult to keep up a relationship with their children.

**Social Pressure and Mental Health:** Men are supposed to be responsible with money and emotionally tough. High suicide rates, mental health problems, and a reluctance to seek help are the results of this.

**Unfounded Claims of Sexual Harassment:** False accusations are uncommon, but they have the power to destroy careers and reputations. In order to fairly protect all parties, men's rights advocates support gender-neutral legislation.

**Legal Blind Spots:** Because many laws do not take gender equality into account, men may be punished or denied justice based only on their gender.

**Social stigma:** Men are frequently advised to "man up" and keep their complaints to themselves, even when they are in pain.

**Suicide Rates:** Family conflicts and legal harassment are associated with a considerable number of suicides in India, particularly among married men.

**Absence of Support Systems (especially for males):** There aren't many counselling services, helplines, or shelters.

### **PROMINENT INDIAN MEN'S RIGHTS CASES AND MOVEMENTS**

**The Rohit Dogra Case: Abuse of Dowry Laws:** After a protracted legal battle, Rohit Dogra was acquitted in 2018 after his in-laws falsely accused him under Sections 498A and 406 IPC. In 2022, he filed a counter-case for conspiracy and forgery. Because of his experience, he rose to prominence in India's largest men's rights group, the Save Indian Family Movement (SIFM). Dogra emphasised the emotional toll and dearth of institutional support for men facing false accusations by saying, "They offered me not just legal advice but also moral support."

**The Suicide Case of Atul Subhash:** Atul Subhash, a 34-year-old techie, committed suicide and left behind a video and a note accusing his estranged wife and her family of harassment. Widespread indignation and a renewed push for gender-neutral legislation and improved protections against legal abuse followed his death.

**The Uttar Pradesh case of Vishnu Tiwari:** Vishnu Tiwari was convicted of rape in 2000 and given a life sentence in prison in 2003. He was acquitted in 2021 after serving 20 years in prison, after the court determined that the charges were untrue. This case emphasises the terrible consequences of unfounded allegations and the necessity of protections against legal abuse.

**Judicial Observations and Legal Scholarship:** The dearth of legal protections for men, particularly in areas like domestic violence, sexual harassment, and custody disputes, has been critically examined by legal scholars such as Dr. Shreshth Bhatnagar. They advocate for improved institutional support and gender-neutral legislation.

**Legal Reviews and Scholarly Research:** Dr. Shreshth Bhatnagar's study, "An Exploration of Men's Rights in India," critically examined how laws such as the DV Act and IPC 498A are not gender-neutral and how men experience social and legal discrimination in areas like mental health, sexual harassment, and custody.

## **PROPOSED LEGAL AND CONSTITUTIONAL CHANGES FOR MEN'S RIGHTS**

### **Gender-Neutral Laws:**

- **Present Problem:** IPC Section 498A (dowry harassment) and other laws are frequently criticised for being abused.
- **Suggested Change:** Make laws about sexual harassment, domestic abuse, and dowries gender-neutral to protect people of all genders.

### **National Commission for Men:**

- **Present Problem:** While India has a National Commission for Women, there isn't one for men.
- **Suggested Change:** Create a National Commission for Men to handle complaints, advocate for policies, and provide legal assistance.

### **Alimony and Maintenance Reform:**

- **Present Problem:** Even in situations of brief marriages or mutual separation, alimony laws frequently put a significant financial strain on men.
- **Suggested Change:** To ensure equity and guard against exploitation, implement means-tested alimony and time-bound maintenance.

### **Child Custody and Visitation Rights:**

- **Present Problem:** Fathers frequently struggle to obtain custody or even visitation rights.
- **Suggested Change:** Unless shown to be harmful to the child, amend family laws to support equal custody rights and shared parenting.

**Protections Against False Accusations:**

- **Present Problem:** Men who are wrongfully accused in cases based on their gender experience legal difficulties and social stigma.
- **Suggested Change:** Establish fast-track courts for resolution and criminal provisions for proven false accusations.

**Suicide Prevention and Mental Health:**

- **Present Problem:** There is a concerning rise in male suicides connected to family conflicts and legal stress.
- **Suggested Modification:** Require counselling services, helplines, and mental health support networks exclusively for men experiencing difficulties.

**Cultural and Social Changes Are Required:**

- **Education:** Encourage gender sensitivity that takes into account the mental and emotional health of men.
- **Media Accountability:** Promote fair portrayals of men in the media while steering clear of toxic masculinity clichés.
- **Workplace Equity:** Make sure that policies against workplace harassment protect men as well, particularly in industries where women predominate.

**CONCLUSION**

In the larger conversation about gender justice, men's rights in India continue to be a neglected subject. This study demonstrates that although women still experience systemic discrimination and require protection, it is equally critical to acknowledge that men also face gender-specific difficulties. To achieve true gender neutrality, the Indian legal system must change from false accusations and a lack of protection against domestic violence to mental health neglect and custody disputes. Making sure that justice is not selective is the aim, not undermining women's rights. India must protect all of its citizens, regardless of gender, in order to uphold the spirit of Article 14, equality before the law. The moment has come for a gender conversation that is inclusive.