



MEN'S RIGHT IN INDIA

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1. Introduction :

India is a diverse country with several traditions, religions and culture with an ancient history of thousand years, presently it is regulated by a common law. Indian Constitution describes "Right to Equality" as an essential principle to achieve socio-economic development in society. The Constitution of India provides democratic freedom to the citizens which are unique in comparison to world's younger countries, but after this socio-economic advancement, country is still facing huge poverty, religious and communal violence, separatist movements and other societal evils in different parts of the country.

The men's rights activists who are fighting for men's equal rights in country scored a historic victory when Supreme Court identified man as a victim of domestic violence cases in society. The judges were not making the law gender neutral but they stated that women are filing false and inaccurate domestic violence cases against man, this practice is misuse of law and unlawful to man.

From centuries it has been portrayed in various literatures, mythologies, culture and form of expressions that man is superior and woman is inferior. This depicts that men are aggressive, powerful and oppressors while women are oppressed and silent sufferers of all kinds of violence made to them by men in society. It is globally assumed that men are always perpetrators and women are the

victims. In society it is unthinkable for many that men could be a victim of domestic violence. Most of the men did not even try to report the domestic violence occurred against them. Generally, men did not accept the violence against them by a woman because it seems a threat to their men folk, masculinity and superiority. Sometimes it is seen that men report spousal violence only in private and hardly accept it in public just to preserve their masculinity and try to show their superiority over woman in man folk.

2. Violence against Men:

In India there is no systematic record of cases and study on domestic violence cases occurs against men, it is a general estimation that every 100 cases of domestic violence in courts includes 40 cases of violence against man. These cases provide mere evidentiary data of actual number of violence against men and defines type of violence. Most of the domestic violence cases against men are not reported because of various reasons but main reason is our social norms and values attached towards men as a masculine and powerful figure, which stops them from reporting and sharing domestic abuse and violence against them. Even if man reports domestic violence or abuse against him most of the society did not believe them. When men try to narrate their suffering, torture, marital & family problems, etc. no one listens them and try to understand their situation. Most of the man feels shame to address and share that they are beaten up by their wives.

A study made by Save Family Foundation (Sarkar et al., 2007) in which 1650 husbands from age group of 15 to 49 years was interviewed and selected by a random sampling of method adapted from WHO multi country study on husband's health and



domestic violence against them. This report states that economical violence is common (32.8%), sexual violence is (17.7%), emotional violence is (22.2%) and physical violence is (25.2%)¹. This report states that violence against man starts increasing after marriage and at peak when they complete 7 years of marital life. This study also shows that man who suffers domestic harassment and violence in first year of their marital life continues to suffer it in rest of their life. This study also helps us to understand that domestic violence against men is a serious issues and it needs to be addressed properly because it is causing harm to men's health resulting them mental illness and serious stress disorders.

In recently a fake case of violence was filed by social media influencer Hitesha Chandranee against Zomato delivery executive Kamraj with false allegations of attacking on her. Truth revealed by police that Hitesha Chandranee made false allegations on Kamraj because of her own misbehaviour and an FIR filed against her. This incident was on news for days and Zomato executive Kamraj suffer false allegations and harassment in society. But later on truth reveals and innocence of Kamraj² proved, there are lot of men like Kamraj who are facing false allegations and even imprisoned in jails.

There is another incidence from Lucknow where a girl name 'Priyadarshini' was in fight with a cab driver and during this she slapped him again and again, the number of slaps

went to 25. This whole incidence was recorded in video and went viral on internet. News and social media presented cab driver as the guilty person only on the basis of viral video on internet, in which the girl was shouting and slapping him in front of public³. Later on Police revealed that there was a small misunderstanding between both parties but cab driver get slapped and faces serious humiliation in society. Most of the people shows sympathy with girl and announces this incident as women empowerment without knowing the actual truth. There are lot more cases like this and every time the innocent person face the physical and mental pain.

3. Men's rights movement in India:

Men's rights movement in India was started by Supreme Court Advocate Ram Prakash Chugh in Delhi 1998. Mr. Chugh have good expertise in handling matters like psychological abuse perpetrated by wives on husband and false claims of dowry harassment imposed by wives on husbands. This movement started as an organization named as "Society for Prevention of Cruelty to Husbands".

The primary grievance of men was false claims or reports against them by their wives through 'dowry law' formally known as Section 498A of Indian Penal Code 1983. This law was for protection of women from any abuse, harassment and violence in cases related to dowry, in this provision police can automatically arrest husband and his family members on report of their participation in dowry related crimes against the women.

¹ National Family Health Survey (NFHS-3). 2005–06 *Domestic Violence: India*. Vol. 1 Mumbai: International Institute for Population Sciences; 2007

² <https://zeenews.india.com/buzz/after-woman-accuses-zomato-delivery-guy-of-assault-latter->

[alleges-she-hit-her-nose-with-her-own-ring-2347297.html](https://www.indiatoday.in/india/story/lucknow-woman-priyadarshini-cab-driver-interview-1838779-2021-08-09)

³ <https://www.indiatoday.in/india/story/lucknow-woman-priyadarshini-cab-driver-interview-1838779-2021-08-09>



The Men's rights activists addressed this law as powerful means which is used in false cases of dowry against man and his family by women. This issue was raised in Supreme Court and court removed this automatic arrest provision in 2014 to safe guard men's right from unlawful arrest on false dowry reports.

4. Legal Aspects:

In India there is no any specific law to protect men from women in matters related to domestic violence, sexual abuse & harassment and criminal law. Even if men have domestic violence law to protect him from his violent wife, is NOT the same to protect him from his wife's false reports of domestic violence against him. This impartiality empowers women to take wrong or false domestic violence cases against men, courts are the places where innocent men get harassed in front of society which forces them to go on table of settlement with other side, whether they are guilty or innocent. The only way to stop these false cases is by rigorous prosecution against false claims, proper police investigation, by awarding justice to victim and punishment to offender.

If law can favour woman and impartial to men then there is no need to go for trial, proceedings, evidences and legal arguments, just punish man guilty and award woman claim on her face value.

In India court leads plaintiff or defendant to justice on basis of facts and evidences produced before them. A man who is seeking justice against the wrongs happens to him depends on police investigation and on his lawyers hard work. There is assumption in society that men is behind wrongs against

woman but this is not vice-versa if man is victim and he accuses woman. The society and judicial system consider man as guilty from beginning of a case without proper trial or investigation he is offender in most of people's mind.

5. International Perspective:

On 19 November International Men's Day is celebrated but it does not have visibility or presence in market in comparison to Women's Day. In 1946 a United Nation Commission on women's right was set up to enforce and deal with women rights around the globe. This commission works for women welfare and raises voice for women interest. There is not any United Nation Commission on Men's Right since existence of United Nations from a long time. The current scenario of men in globe is not good in comparison to women, young men are lacking in study, increasing suicide rate, victim of domestic violence and lack of rehabilitation program to support victims of crime or violence. There is one mainstream problem of all this which is lack of mainstream acceptance of men's issues globally. There is lack of male advocacy groups who can raise voice for men's issues at global political level and market it to global media.

There is no **National Men's Council** which can offer counter balance to the prevailing narrative about man as a weak class in global society where no any systematic or serious steps taken to understand their problems and provide solution to it. Lack of interest or knowledge is the main issue of men's rights negligence.

6. Need of Gender Neutral Laws:



In United Nations and Constitution of India both talks about human rights and gender equality rights. Right to equality is both for men and women. But in current scenario men is facing false accusation of rape, sexual assault domestic violence, etc. gender neutral law emerges as need of hour to safeguard men's interest. There is a need to understand that domestic violence is not only a crime against woman by man, but it can be vice-versa and men can be the victim not only perpetrator. Domestic violence should be considered as gender neutral law, this presumption of man as perpetrator and woman is his victim must be changed. Cases of domestic violence against man is increasing day by day, it is the need of time for special provisions and amendments to introduce gender neutral laws. These laws will preserve both man and woman against the domestic violence and punish the real culprit without any pre-assumption of considering one gender offender and other one victim. Gender neutral laws are need of society for protection of both men and women.

7. Conclusion:

Indian Society is changing day by day in relation to power, norms and values. Men have started sharing their issues, torture, harassment and agony with their spouses. This is the time to recognize their problem as social and public health issue, for welfare of society appropriate steps and strategies must be taken by government in form of gender neutral laws. Men's need help in family crisis mainly in violence by a spouse. Male victims can be saved by accepting or recognizing violence against men by women as public and social health issue. Steps for their welfare must be taken in form of providing male helpline number for legal help, by educating

society about this issue of violence against men, by providing rehabs for mentally stressed persons, etc. There is a need to change our thinking from old learnings that man is only perpetrator and woman is the victim, the current incidences teaches us that society is changing and men's also need protection from the wrongs similar to woman. For the welfare of society it is necessary to form a gender neutral court and start accepting the incidences around us, this may include wrong against woman or man.

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