

Indian Males: Victims of Flaws in IPC on Sexual Harrasment and Rape

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Abstract:

This study examines how Indian men are represented as victims of false allegations of rape, dowry, and domestic violence, and how gender-neutral legal reform is being debated in this context. Dealing with domestic violence against men, false rape complaints, victim-blaming, and the sociocultural handling of such cases in India, the study argues that while patriarchy has historically disadvantaged women, changing family structures and the misuse of certain protective laws have created a parallel, under-acknowledged form of male victimisation. Through a review of legal, sociological, and criminological scholarship, the paper highlights the gaps in the Indian Penal Code's treatment of domestic violence and rape allegations, the reluctance of men to report abuse, and the absence of gender-neutral legislation. The study concludes that the laws formulated to safeguard women's rights require re-evaluation so that they protect all victims, regardless of gender, and identifies avenues for further research, including the representation of this issue in Indian cinema, literature, and web series.

Keywords:Men as victims, false allegations, domestic violence, gender-neutral law, Section 498A, patriarchy, false rape complaints, legal reform

Introduction

The feminist agenda, with a desire for gender justice, succeeded in highlighting men's powers in a patriarchal set-up across cultures. However, it is also essential to understand that gender stereotypes impact both men and women. As explained by United Nations Human Rights, "A gender stereotype is a generalised view or preconception about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by women and men. A gender stereotype is harmful when it limits women's and men's capacity to develop their personal abilities, pursue their professional careers and make choices about their lives." Hence men too, like women, are constricted by stereotypes and little attention is paid to men's experience of victimisation by

women. Many cases of false allegation of domestic violence, rape and dowry have been filed by women in India that have hit the news headlines and lay bare women as abusers and men as victims. “Due to stereotyped gender roles, it is hardly believed by society that a woman can inflict violence on men. Many courts also commented on false allegations of domestic violence by women. Men are still not ready to speak of this violence against them and they are ignorant about any legal help to avoid this” (Deshpande, 2019, p.246). *The fourth wave of feminism is posing a new threat to the society as many cases against women have been found where they exploited and misused the laws to meet their self-conceited interests.* As most of such news were flashed on social media, innocent men and their family had no escape from the public wrath and infamy.

The Times of India reported #Mentoo: Protect Men against False Allegations that “51% of the suicides among men accused of sexual assault were due to false allegations being levelled against them” (2019). “It is perhaps surprising, therefore, that while the issue of false allegations appears significant in the treatment of rape by the criminal justice system, there has been little detailed attention given to the reliability of the evidence on the prevalence of false allegations” (Rumney, 2016, p.129). Nirbhaya case led to the amendment of Criminal Law Act. Justice Verma Committee was set on 3 December 2012 to recommend amendments to the law which would lead to fast trials and harsher punishments for the criminals. Though the amended law stimulated the victims to report incidences of violence, abuse and rape, male activist groups have simultaneously reported increase in false complaints against men (Lodhia, 2014). Similarly, Section 498A, formulated to protect women from domestic violence, has been reported to be misused by urban, educated women against husband and his relatives. The main aim of the law was to safeguard the women from brutal violence to which they are often subjected in the marital life. It leads to an instant arrest of the people mentioned in the FIR and does not require any proof or investigation before arrest. Supreme Court of India calls it as ‘Legal Terrorism’. Mainstream media has brought forward myriad cases in which men have become victims of false allegations. India Times reported: *“You truly are damned if you’re a man in India. You’re damned if you’re a guy and accused of anything against a woman”* (Anand, 2015). Many news reports have brought forward to the Indian public multiple cases in which male elites have been targeted by women to meet their selfish interests. *There are laws for guilty men but not for women who file false cases.*

Objective of Study

- a) To examine, through a review of existing legal and sociological scholarship, how Indian men are represented as victims of false allegations of rape, dowry, and domestic violence within a legal system framed around female victimhood.
- b) To identify the gaps in current Indian laws relating to domestic violence and rape, and to explore the scope for gender-neutral legal reform and further research on the misuse of such laws against men.

Research Methodology

The methodology adopted for this study is a qualitative literature review, which involves a systematic and critical examination of existing scholarly literature on rape and sexual harassment in India. Each selected study is analysed to understand its central arguments, the interpretation of gendered victimhood, and its relevance to the prevailing legal and socio-cultural context of the country. Particular attention is given to the manner in which these studies examine legal provisions, judicial responses, societal attitudes, and the lived experiences of survivors. The insights derived from the literature are then synthesised to identify recurring themes, existing research gaps, and emerging issues. This comprehensive review provides the foundation for understanding the complexities surrounding sexual violence and informs recommendations for future research and legal reform.

Results & Discussion

To examine, through a review of existing legal and sociological scholarship, how Indian men are represented as victims of false allegations of rape, dowry, and domestic violence

Sanjay Deshpande in *Sociocultural and Legal Aspects of Violence Against Men*, Journal of Psychosexual Health, focusses on domestic violence which is no more limited to women but the laws of the country are not gender neutral and fail to consider domestic violence as spousal violence. The paper discusses domestic violence as various violent methods perpetrated by one family member on another. Deshpande states that though the term ‘domestic violence’ is always believed to be perpetrated on women, many interviews conducted with males in organised setup and different industries it was found that men also experience domestic violence. However due to the patriarchal structure of the society it becomes difficult to believe that women can also inflict violence on men. Deshpande quotes a research data which states that, “51.5% males experienced violence at the hands of their wives/intimate partner at least once in their lifetime and 10.5% in the last 12 months” (2019, p.247). They are more prone to physical and psychological violence rather than sexual violence. In many states of India cases have been reported in which men who are economically sound and qualified are abducted and forcibly married. As women are treated as weaker sex, false allegations of sexual assault or rape against men are often made by women or their family. As pointed out by various courts in India, many false dowry cases are also filed against men to extract undue alimony or take revenge. “According to WHO (2002), women think more about committing suicide, whereas men die by suicide more frequently. This is also known as a gender paradox in society” (2019, p.248). The paper also highlights that many cases of violence have been reported against the relatives and family members of the wives. “When physical violence and threats against men by wife’s relatives are taken into account, an estimated 3 crore men are facing domestic violence in India” (Dhulia, 2015, p.).

Deshpande also discusses the effects of spousal violence on men. Depression and suicide cases have been commonly found. Suicide cases of married men is very common as compared to divorced or unmarried men.

The paper lays emphasis on the changing socioeconomic conditions that have affected the family structure and role of men and women in it. Like women, men are also now subjected to verbal, physical, emotional, psychological, and sexual” abuses (Deshpande, 2019, p.2460). The researchers conclude that men are also subjected to domestic violence. Hence “There is a need for gender neutral laws for domestic violence. Domestic violence should be considered as spousal violence” (Deshpande, 2019, p.246). The paper lays emphasis on an urgent need to revise IPC 498A that was formulated in 1983 that is oblivious to the cases of domestic violence perpetrated on Indian men.

Zoe Brereton. 2016. Perpetuating Myths of Women as False complainants in Rape Cases in India: Culture V. The law, International Journal of Comparative and Applied Criminal Justice. The paper discusses the role of police and FIRs in ending the cases related to domestic violence, dowry and divorce. The sociocultural setup, especially of rural India, believes in finding solutions to such cases by conducting discussions and negotiations between the two families. In many cases it has been witnessed that members of the community are also allowed to intervene and assist in discussions. To avoid police they sit together to find a viable solution to the problem(s). In case if it fails to work then threat of police is taken to get the decision in their favour. However, if that also doesn't work the FIR is filed to impose more pressure on the groom's family. Here, police plays an important role of the mediator and tries to solve the issues outside the court. Police listens to both the parties and tries to reach a socially acceptable solution of the problem (Natarajan, 2005, p. 92). The paper argues that, “the Indian police, legislature, and judiciary are failing to openly acknowledge and account for the local cultural dynamics of violence against women”.

The paper also highlights some verdicts of Supreme Court that the delay in reporting a rape case “should not be fatal to the prosecution's case”(Zoe, 2016, p.4). According to the Supreme court, there can be various reasons behind the delay in reporting a case - with ‘fear of social stigma’ and ‘difficulty in reaching the police station’ are taken as the prominent ones. Due to the fear of the society, many rape cases are unreported. “With 36,735 reported rape cases in 2014 for a country of 1.25 billion, India has one of the lowest incidences of reported rape worldwide” (NCRB, 2014).

Zoe further discusses the tsunami of cases that talks of false allegations of rape and sexual exploitation filed by women in India after the amendments of 2013. A wave of fear is visible among men who are hesitant to have women as their employees. “This view is reflected in the concerns of one government Minister who voiced his fear of talking to or hiring a female employee for fear of “ending up in jail because of a complaint” (Elsesser, 2015, p. 189). Many men now feel victimised by the laws simultaneously cases of rape brought forward by women are being looked at with suspicion. The research paper underscores the novel approach of Indians to rape that views any such allegation made by the elite women as a weapon to meet their selfish motives because of

which “the laws protecting women are viewed in the wider community as being misused by deceitful and manipulative women and their families”(p.2). The paper elucidates a new fear evolving in Indian women who are the victims of rape as “*the fear of women as false complainants*” (p.2).

De Zutter, André W.E.A. , Robert Horselenberg , Peter J. van Koppen in Filing false vice reports: Distinguishing true from false allegations of rape. The European Journal of Psychology Applied to Legal Context is an interesting research on how to identify a false allegation of rape made by women in India. The paper begins by using a quote ‘The trust of the innocent is the liar’s most useful tool’ from *Needful Things* written by Stephen King in 1991 applies to all false allegations (2017, p.2). The researchers claim that it is the trust of the police and courts in victims that saves the false complainants and they go undetected. Although there are controversies related to the number of false allegations of rape every year in the world yet no one seems to refute the idea of false allegations. As the false allegations are undesired and have negative consequences the researchers carry out a study to judge false allegations on the basis of the “story told by the complainants” (p.2). The courts tend to judge a case as a false one when the entire story of the complainant is not true or some part of the story is not true because the complainant concocted the story or made a mistake while narrating it. The researches consider Kanin’s definition of false allegation of rape as the most definite and workable, “The intentional reporting of a forcible rape by an alleged victim when no rape had occurred” (1994, p. 82). According to them, the concept of ground truth is also related to the definition of false allegations. One can know the ground truth by understanding what happened. To understand the differences between false allegations and true incidents can be done by understanding the differences between the statements made by liars and truth tellers. The researchers used the hypothesis of Undeutsch (1982) that “true statements differ from false statements are comparable” “hypothesis states that true statements of children in sexual abuse cases differ in content and quality from statements in which fabricated or invented events are described” (p.3).

The researchers used a quasi-experimental approach to study the difference between true and false allegation of rape. *The researchers invited 187 women to file a false allegation of rape. The analysis of the fabricated stories made them conclude that attack ended in 15 minutes however in real cases the duration exceeds to 60 minutes.* The false allegation of rape uses a story that is based on mental representation of rape. Their mental representation of rape is a product of the images and cases heard from the media and news that “consistently misrepresent rape and thereby induce rape stereotypes and false beliefs of rape” (p.12). According to the researchers, “The differences could be used to predict the true nature of a rape allegation” (p.1).

Gravelin CR, Biernat M and Bucher CE in Blaming the Victim of Acquaintance Rape:

Individual, Situational, and Sociocultural Factors lays emphasis on more “transparency in describing the scenarios used in research on victim blaming in sexual assault cases and greater empirical attention to sociocultural factors that may influence blaming tendencies” (p.1). The paper highlights that gender inequality and gender roles are generally associated with victimblaming. The paper discusses the role of media in representing women as sexual objects due to which women become more vulnerable beings. It also discusses newspaper that lay focus on reporting sexual assault which indicate “that gang and stranger rapes are still over-reported relative to acquaintance rapes and to actual prevalence data” (p.14). However, the paper doesn’t count men as a victim in the changing social scenario.

The analysis of the papers assists us to conclude that men as victims, of false allegations of rape and domestic violence in India, needs to be addressed on an urgent basis. Indian patriarchal setup has always viewed when as the suppressed gender and believes that men are powerful enough to safeguard their interests and identity. However, looking at the changing family structure and socio-economic development, the gender paradigms are changing. Men, like women, are also now subjected to domestic violence and sexual exploitation. False allegation of rape and sexual exploitation by women is the worst of all the issues being faced by men as it has severe implications on them as well as their family.

1.1 To identify the gaps in current Indian laws relating to domestic violence and rape, and to explore the scope for gender-neutral legal reform and further research

The study assisted in understanding the current situation of men in Indian society. Though it cannot be stated that all men are subjected to such atrocities but even if some cases of exist they draw our attention to the gaps in the IPC related to domestic violence, rape and sexual exploitation.

With the changing scenario, India needs to modify its laws and make them gender neutral. The ongoing debates on gender equality doesn’t mean protecting men or women. It advocates equality of one and all, irrespective of their caste, religion, ethnicity or gender.

The reviewed literature reveals several significant research gaps. While the existing studies examine various legal and social dimensions of rape and sexual harassment in India, they do not adequately explore the role of the misuse of media and the internet in propagating false allegations against targeted men. Similarly, the literature does not critically analyse the lacunae within the existing legal framework that may be susceptible to misuse, nor does it propose recommendations or policy measures to address these gaps. Future research may therefore examine the representation of the alleged

misuse of laws relating to sexual harassment and rape by women across different forms of Indian media, including films, novels, short stories, comics, and web series, to understand how such narratives influence public perception and legal discourse. Furthermore, as the present literature review is based on a limited number of sources, the study can be expanded by incorporating a broader range of scholarly works, thereby enabling a more comprehensive and nuanced understanding of the subject.

Discussion

The analysis of the papers assists us to conclude that men as victims, of false allegations of rape and domestic violence in India, needs to be addressed on an urgent basis. Indian patriarchal setup has always viewed men as the suppressed gender and believes that men are powerful enough to safeguard their interests and identity. However, looking at the changing family structure and socio-economic development, the gender paradigms are changing. Men, like women, are also now subjected to domestic violence and sexual exploitation. False allegation of rape and sexual exploitation by women is the worst of all the issues being faced by men as it has severe implications on them as well as their family.

Read together, Deshpande's study establishes that domestic violence against men exists but remains legally unrecognised, since Indian law is not gender neutral and treats domestic violence as a crime against women alone. Zoe Brereton's and De Zutter, Horselenberg and van Koppen's together show how the informal, community-mediated handling of disputes in rural India, combined with the difficulty of distinguishing true from false rape allegations, creates conditions in which laws such as Section 498A can be misused against men and their families. Gravelin, Biernat and Bucher's work on victim-blaming, while centred on female victims, indirectly underscores how deeply gendered assumptions about victimhood are embedded in sociocultural and media narratives, leaving little room for men's experiences of victimisation to be acknowledged.

Conclusion

The study concludes that the laws formulated to safeguard the rights of women are victimising men. A comprehensive understanding of these laws are the need of the hour in India to understand the implications of it on men. Social media is rife with cases where men, like women, are sharing their experiences of oppression, exploitation and social ostracisation. We need to evaluate the crisis and need to find an outcome that could be beneficial for one and all. Patriarchy has been responsible for depriving women of their basic rights. Now femininity, which has become synonymous to 'weaker sex' is in some cases is being used by women to fulfil their self-centric motives.

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