

# **The Unequal Scales: A Juridical Study on the Protection of Men's Rights in India**

<sup>1</sup>Harleen Kaur, <sup>2</sup>Dr. Vivek Malik  
<sup>1</sup>Research Scholar, <sup>2</sup>Assistant Professor  
<sup>1,2</sup>Department of Law, Kalinga University, Raipur, C.G.

## **ABSTRACT**

We all speak about gender equality, but the Indian constitution, unfortunately, is far from realistic. True, there was a period when the government had to include specific provisions into the constitution for women in order to assure equality, but some of these laws are blatantly discriminatory towards males. We want to be able to speak about a world in 2030 that has achieved gender equality, a globe that is 50:50. In India, men's rights campaigners recently won a big win when the Supreme Court declared them to be the victims of domestic abuse. However, the courts did not make the statute gender-neutral. "They said that Indian women were making false domestic violence charges." The moment has come for males to no longer be seen as the recurring issue, but rather as part of the solution. Some laws in India are not only gender biased, but they also need to be amended as quickly as possible. Purush Ayog, or the National Men's Commission, is a statutory organization that may make these changes. This paper examines the Men's Rights in India, which are hampered by our Constitution's gender bias, as well as the reasons for the lack of men-centric legislation.

**Keywords:** Gender Inequality. Gender Biased Laws, Men's Rights, Law, Constitution, India, etc.

## **I. INTRODUCTION**

In the face of an ever-increasing crime rate, it's vital that we make sure that the rise in the statistics is only due to an increase in the number of crimes committed rather than a misuse of the legal system.<sup>1</sup>As a matter of fact, women are the primary victims in most situations, but that does not mean that males are not affected by injudicious application of laws designed to protect them. Pro-women policies and regulations have long been defended because of the standing of women in society in the past.

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<sup>1</sup> Carrel, P. M., & Masters, W.H. 'Sexual molestation of men by women', [2007] Archives of Sexual Behavior, Vol. 11(2), 117.

We've been talking about EQUALITY for decades now. All media outlets, both print and electronic, have been inundated with the news. There's a lot of discourse about the importance of equality in a healthy society, as well as the numerous ways in which it might be achieved. "Gender inequality is one of the most prominent expressions of inequality in the world today." A powerful feminist movement developed in the mid-20th century, shining a light on the massive injustices and horrors women face on a daily basis, and it became necessary to make changes in the legislation so that women might be on an equal footing with men.

The legislations we began with were valid for the time, but the dawn of the passing day has left males in such a naive position that they are being used by the so-intended women empowerment legislations. We have created a jail state by enacting almost every imaginable harsh legislation in the pretext of preventing crimes against women, allowing arbitrary arrests, and imprisoning people in awful circumstances, which has not been widely discussed.

Accepting that the times have changed and India now has a constitution that recognizes each human being as an equal is, nonetheless, essential. "Constitutional integrity is seen as one of the most important moral values in a constitutional democracy like India, and the Indian court puts a high value on it." When you have the world's longest-written constitution and one of the world's most populous democracies, adhering to the country's constitutional ideals is of utmost significance to its citizens.

As a result, this decade has recognized the necessity for a Gender-Neutral society. 'Gender Neutrality' is an adjective that may be used to characterize both male and female genders, as defined by the Oxford Dictionary of English. Rather than separating duties according to sex or gender, policy, language, and other social institutions must focus on the equal treatment of men and women legally with no discrimination. Equality in its truest meaning, and not at the expense of either gender, is our vision for the future.

As a result of gender-neutral legislation, the notion of gender-specific laws has been redefined to cover and protect the rights of all people, regardless of their gender. An all-inclusive rule recognizing crime and victimhood as the same for both men and women is simply fair given today's rising crime rates and society's inherent vulnerability to a wide range of crimes. Women's organizations and campaigners have voiced strong opposition to gender-neutral legislation because they fear that it would move the focus away from the genuine female victims of crime to unprecedented fake and frivolous accusations.<sup>2</sup> It

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<sup>2</sup> The Wilson Center, 'Opening Statement by Additional Solicitor General Indira Jaising to the Verma Committee' The Wilson Center (15 October 2013)

is also argued that gender-neutral laws will only cause more harm than good and shall not be able to serve the objective of protecting both the genders equally.<sup>3</sup>

## **II. MEN'S RIGHTS IN INDIA**

As a common law nation, India has a rich cultural heritage, a varied religious landscape, and a long and rich history. Equality is a cornerstone of India's constitution, which was drafted with the goal of fostering social progress. Among the world's younger countries, only India has maintained democratic freedoms for so long. Despite this, poverty, religion and caste-related violence, separatism, and other social ills persist in India despite economic and social progress.

The many Indian legislation protect women, and they are able to submit complaints against anybody who violates their rights. "Although men and women have the same basic rights, men's liberties are not as well-defined as those of women." There is a section of the Indian Constitution that guarantees men's basic rights no matter where they live or what they believe in. For the most part, these rights guarantee men their freedoms, allowing them to live their lives free of harassment and compulsion.

Due to the prevalence of patriarchy in Indian culture, rape law has to be gender-neutral since women have always been deemed the victims of rape. Feminism and the development of women's empowerment haven't helped advance the idea of gender-neutral legislation. The majority of the IPC's sections pertaining to crimes against women refer exclusively to males as perpetrators of these offences. While it is true that only males were involved in the crimes committed in the Tukaram and Nirbhaya cases, the Central Government should embrace the JS Verma committee's recommendation to make some laws gender neutral, which was also rejected.<sup>4</sup>

There are now several PILs being filed in the different High Courts as well as the Apex Court in order to gender-neutralize the rape statutes that are in place. It was at the Delhi High Court in 2017 that Sanjiv Kumar raised questions about the legitimacy of current rape laws that solely recognize males as perpetrators. In light of the current state of affairs, it was suggested that society as a whole should consider 'thinking beyond the male-on-female paradigm.' In its application, the Centre said that some elements of the rape laws should not be changed because they are necessary to control the rise in crime against women.<sup>5</sup> Similarly, the Apex Court denied Rishi Malhotra's PIL, which sought to

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<sup>3</sup>VrindaNarain, 'Women's Rights and the Accommodation of 'Difference'', [1999] 8 S. CAL. REV. L. & WOMEN'S STUD. 43, 62.

<sup>4</sup>Justice Verma Committee Report Summary | PRS India, <https://www.prsindia.org/report-summaries/justice-verma-committee-report-summary>

<sup>5</sup>Delhi HC issues notice to Centre in PIL seeking gender-neutral IPC rape in India and other countries, <https://www.barandbench.com/news/delhi-high-court-rape-section-375-gender-neutral>

make rape laws gender-neutral since there are no laws protecting guys from sexual harassment. *Rishi Malhotra v. Union of India* was the case<sup>6</sup>.

The Law Commission proposed that the term 'rape' be replaced with 'sexual assault' in statutes to make them gender neutral. Following the Nirbhaya event, the Union Government resolved to adopt gender-neutral laws. In his findings, Justice Verma advised that all types of sexual assault be referred to as 'persons' rather than 'women.' However, as feminist organisations complained about the persistent sexism in the country, the Criminal Law (Amendment) Act of 2013 reinstated the gender-specific term.<sup>7</sup>

### **III. MEN'S RIGHTS MOVEMENT IN INDIA**

Activists for men's rights are not a new phenomenon. Its roots were sowed as early as the 1920s, and it evolved as a consequence of men's desire to 'fight the excesses of women's freedom,' according to several sources. It's worth considering why males aren't mentioned at all in the primary aim of men's rights movement. The sheer phrasing of the statement betrays a latent desire to exert control over the benefits (read: fundamental human rights) that women have earned through hard work and effort.

It's also worth noting that many men's rights movements suddenly arise out of nowhere when a women's rights movement is gaining traction. "It almost seems as though these initiatives are merely being created to counteract the expanding feminist movements." A quick Google search of most of these sites reveals how men's rights platforms are more often used to disparage feminism and defend why it does not deserve space than to address concerns that men suffer as a result of patriarchy. As a result, this movement is motivated by hatred of women rather than sympathy for males.

Men's Rights Activists (MRA) have evolved in India as a well-organized social movement, with intentional political outreach via social media, legislative lobbying, and street action, after a shaky start in scattered individual activities in the 1990s. They represent a variety of ethnic and religious groupings, as well as some significant female leaders and a range of socioeconomic classes. The opportunistic exploitation of civil and criminal laws pertaining to marriage and domestic violence, in particular the simultaneous application of numerous statutes, is their common focus.

When MRAs do highlight challenges that men suffer, it's more about criticising feminism because 'men go through this too!' than it is about outlining positive actions. It's as if they don't understand that the issues men and women confront aren't mutually

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<sup>6</sup>Rishi Malhotra v. Union of India Writ Petition(s)(Criminal) No(s).7/2018.

<sup>7</sup>Structural Violence on Women: An Impediment to Women Empowerment in Indiaa comparative study with the gender, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5561688/>

exclusive, that various obstacles may exist, and that both are worthy of attention. Many of their popular movements, in fact, seem to be manifestations of the phrase 'Men go through this too!' Men's rights groups nearly usually copy the names of feminist movements, modifying them somewhat to make them 'man'-oriented. This is a clear effort to take over the space women have carved out for their cause.

The rise of groups such as #MenToo and Meninism indicates a clear appropriation of feminist movement terminology. While it takes a lot of women to collect their bravery and give such initiatives their power, MRAs just take advantage of an already popular trend. The issues that #MenToo addresses are incredibly essential to pay attention to, but the dialogue may take place alongside rather than in lieu of women's rights discussions.

Perhaps a more current and disheartening example is the trailer for a new documentary called 'India's Sons,' "which talks about the anguish men go through after being wrongly accused of sexual harassment and imprisoned." It is critical to shed light on this dreadful problem once again, but the title implies that it is of the same scale as the case of Nirbhaya, which is terribly deceptive. When MRAs say, 'Let's speak about men's concerns,' they're really saying, 'Let's talk about men's issues while we're at it.'

#### **IV. MEN ARE VICTIMS TOO**

Men, too, are subjected to harassment. Many of us believe it is a myth: how can males be harassed when they are the primary perpetrators of female harassment? Sexual assault may strike anybody, regardless of their age, sexual orientation, or gender identity. We normally only see or hear about harassment or rape incidents involving women, which is why laws are created specifically for female victims.

According to the results of a recent Economic Times-Synovate poll, the males ought to be included in that measure as soon as possible. 19 percent of the 527 respondents polled in seven cities — Bangalore, Chennai, Delhi, Hyderabad, Kolkata, Mumbai, and Pune — claimed they had experienced sexual harassment at work. In Bangalore, 51% of those polled claimed they had been sexually harassed, while in Delhi and Hyderabad, 31% and 28% of those polled said they had been sexually harassed, respectively. Around 38% of respondents in 7 Indian cities felt that 'men are equally prone to sexual harassment as women' in today's workplaces.

The main reason these crimes were never reported was because of 'social scorn' and a fear of not being believed owing to India's societal norms.

There aren't any, to be sure. Feminists in India have entirely gained control of the legal system and the courts. According to feminists:

Minister of Women's and Children's Development on Domestic Violence 'All violence is male caused,' adds Ms. Maneka Gandhi. It is self-evident why there are no laws protecting men who are subjected to violence from their spouses because they have such a sexist and discriminating mental process.

Rape: Indian culture mocks a guy who claims to have been raped. Any claim of male rape is mocked in India. Only males prepare for a horrific act like rape, according to Indian feminists and culture, and only women can rape a guy. Because of this mindset, there are no laws protecting guys who have been raped.

### ***Harassment at the Workplace***

The sexual harassment act<sup>8</sup> for workplace lays down principles, rules, and remedies for women who are sexually harassed at the workplace. Women were especially targeted in the design of this action. Men who are sexually abused at work, on the other hand, have no recourse. Even the Vishaka Guidelines are geared at women, not males. It's natural for us to believe that when we hear the term 'sexual harassment at work,' we're talking about male sexual harassment. As a society, we have enacted laws to protect women, yet we refuse to release males who are harassed at work.

They do indeed. Nobody speaks about or raises awareness about such problems in our culture, so we don't even know they exist. For reasons including not being understood or being unable to openly discuss their experiences, victims of sexual harassment often avoid reporting or filing claims. "In India, men are seen as mards and are afraid of their colleagues taunting, insulting, and mocking them." For others, the idea of a guy being sexually harassed by another male is absurd; it's considered so improbable that they assume it's a ruse and that it can't be genuine, that it's a fiction.

Even though sexual harassment on men is a relatively new phenomenon in India, people are coming out of their shells and realizing that talking about their experiences is not only going to expose the tragedy but it is also going to free them emotionally, physically, and mentally from their shells.

Using campaigns like #metoo and #timesup as an example, men came together to speak out against injustices they had experienced. In the wake of campaigns like these, there has been an 18 percent rise in the number of males filing claims of sexual harassment at work.

Among the 527 males polled by economic times for the Synovate study, 19 percent said they had been sexually harassed, according to the findings. More than half the males

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<sup>8</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

polled in different metro areas of the nation said they had been sexually harassed at work, according to a new study. In 2013, a similar study by Viacom 18 revealed that over 43% of male business workers were victims of sexual harassment by their colleagues.<sup>9</sup>

However admirable our efforts to safeguard women may be, we should not overlook the challenges encountered by males in our society. Equal treatment for men and women should be introduced into this topic, as well as the elimination of discriminatory legislation. Equal attention should be paid to this issue and greater effort should be made to preserve men's working rights.

### **Sexual Harassment of men at different where abouts**

Anyone may be a victim of sexual assault, regardless of their age, sexual orientation, or gender identity; this is a fact of life. "When it comes to rape, harassment, and sexual assault charges, we tend to focus on women because that's what we're used to." In spite of this, sexual harassment and rape are still a problem for males. Exasperation affects one in ten men these days. As with other survivors of sexual assault, those who have been sexually harassed face extra obstacles due to 'social scorn' and 'stereotypes' about men's manhood.

Sexual harassment of females in India has steadily decreased over the last several years, thanks to a number of effective laws passed by the government. Sexual harassment of males, on the other hand, is on the rise at an alarming pace. Males are more likely to encounter this evil in the workplace today. "In the workplace, most harassment is perpetrated by male coworkers or female supervisors." Among all conflicts, this one is among the most heinous. In the workplace, female managers occasionally pushed male employees to raise their shirts and show off their physique, and they sometimes yelled at and humiliated them in front of their coworkers. It's very uncommon for males to become victims of sexual abuse and harassment as a result of these types of executions.

It's the opinion of Roberta ChinskyMatuson that 'Many people feel that harassment is just a problem for women,' he said. Victims are also subjected to physical, psychological or other emotional coercive methods by the abusers. For the sake of their careers, men in the workplace are occasionally subjected to psychological abuse. In order to get a job, a guy must accept sexual approaches from females or male coworkers, even if he doesn't want to. However, the victim's spirit is also ruined by these types of violent incidents. Female-on-male rape and male-on-male rape are examples of sexual harassment in the workplace. Terrorists have used the rape of men by men as a weapon of war. Male rape is frequent not just in the workplace, but also in

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<sup>9</sup> Karan Arora, Why India Inc. needs to protect Men against Sexual Harassment at Workplaces in India- case for gender neutral policies (nov.18, 2019), <https://www.ungender.in/why-india-inc-needs-to-protect-men-against-sexual-harassment-at-workplaces-in-india-case-for-gender-neutral-policies/>

institutions such as prisons, schools, and coaching facilities, as well as in private homes. These rape instances, on the other hand, remain unreported owing to the absence of any regulation or statute. 'A murderer kills the body, but a rapist destroys the spirit,' says Justice Krishna Iyer.

#### **4.1 Cruelty Against Men**

For each instance, the court must take into account factors such as emotional suffering and physical damage, as well as complaints and taunting. When it comes to the definition of cruelty, there is no one-size-fits-all formula. Depending on the circumstances, harshness may or may not constitute cruelty.

##### ***Case laws which constitute the grounds of cruelty against husbands in India:***

Satya v/s Siri Ram<sup>10</sup>, in this case, the wife terminated her pregnancy twice without the consent or informing her husband. This means that a lady who opposes her husband's normal and reasonable desire for children, resulting in his being depressed and affecting his mental health, is guilty of cruelty by the court.

Kalpna v/s Surendra Nath<sup>11</sup>, both the parties were married and lived together for one and a half months. "By refusing to serve tea to the complainant and his companion, the appellant was accused of humiliating him in front of them." The appellant requested that the respondent join her in college, and one day she left to college and never returned. Under the dowry prohibition legislation, she had also filed a lawsuit against her husband. The courts agreed with the respondent and ruled that refusing to help with domestic chores was harsh.

Narendra v. K. Meena,<sup>12</sup>The husband was pushed by his wife to live apart from the rest of the family, yet he was the only member of the family who was wearing and who was responsible for its upkeep. In contrast, the wife's primary goal was to spend the whole salary of her husband. Another false accusation she made was that her husband was having an affair with their maid. She also tried to take her own life by dousing herself in kerosene oil and setting herself on fire.

Prem Chandra Pandey vs Smt. Savitri Pandey<sup>13</sup> Before and after the marriage, according to the wife's allegations, the husband's relatives sought dowry from the couple. The

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10 AIR 1983 P H 252

11 AIR 1985 All 253

<sup>12</sup> 2016 (5) Recent Apex Judgments (R.A.J.) 664: 2016 (4) R.C.R. (Civil) 706 (9) JT 564: 2016 (3) DMC 429: 2016 (9) Scale 681

13 1998 (3) AWC 1903, II (1998) DMC 446

demands of the wife's father were not met, and so they tormented her. and she made up a bogus claim that he was married to another lady and married again to satisfy his needs. There was no truth to any of this. Thus, the court ruled that making false accusations of adultery constitutes cruel behavior.

Anil Bhardwaj vs Nirmlesh Bhardwaj<sup>14</sup>, the husband and wife got married on January 31, 1979, and the woman had previously said that she hadn't been accustomed to completing any domestic tasks. Even then, the spouse didn't give it a second thought. "The husband's in-laws advised him to isolate himself from his wife and family when he visited them." However, he refused to accept this, and as a result, they allowed him to have sex with her. They never had sex while they were together, and when he tried, she would become quite angry and refuse to have sex. Denial of a physical interaction without adequate justification is likewise considered harsh, according to the court.

Taking in consideration of the law fixed in Pankaj Mahajan v. Dimple @ Kajal<sup>15</sup> and Vijaykumar Ramchandra Bhate v. Neela Vijaykumar Bhate,[18] In a two-judge panel, Justice Anil R. Dave and Justice L. Nageshwara Rao, decided On Oct. 6, 2016, the Supreme Court ruled that the wife's constant pressure on the husband to separate him from his family is cruel because in Indian society and ethics, the son maintaining his parents is very normal and, in the Hindu society, it is a pious obligation of the son to maintain the parents.

Other examples of cruelty include threats of suicide, false accusations of an extramarital affair, looking for a second marriage before getting a divorce, harassing the husband for sending money to her parental house, breaking the mangal sutra before her husband and his relatives, behaving aggressively and uncontrollably, spreading false harassment stories on her by defaming her in-laws, threatening to leave the martial house, filing a fake FIR of harassment.

## **V. GENDER NEUTRALITY: AN IMPORTANT ISSUE FOR MEN AS WELL**

I think it's necessary for both men and women to be concerned about gender neutrality. Men, too, are subjected to discrimination based on their gender. In the past, men were taught that they had to choose manly careers like engineering or law that suited their character, while women were taught that they had to choose more feminine jobs like dancing or teaching. More severe instances of prejudice include women being banned from driving in certain nations and not being able to wear what they want in other others. Gender inequality has been around for a long time, but society's preconceptions

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14 AIR 1987 Delhi 111, ILR 1986 Delhi 383

15(2011) 12 SCC 1

have allowed it to flourish. There can be no progress in the world without the mutual partnership of men and women.

In order to achieve, both sexes must work together. Without one, the other can't succeed. As a result, both men and women are expected to participate. Traditionally, women have been seen as more feminine and delicate, while males have been seen as more masculine and aggressive. It's not always possible to make an aggressive choice without also making a very sensitive one.

Despite the fact that it affects everyone, gender equality is sometimes referred to as a 'woman's problem.' A number of recent studies have demonstrated that locations with greater gender equality are happier and more productive.<sup>16</sup>

### **5.1 Gender-Neutral Laws Global Scenario**

The Supreme Court in the United States of America accepts male-on-male and female-on-male harassment as grounds for a lawsuit. Furthermore, no matter who the culprit is, the same rules apply to both men and women. The Equal Employment Opportunity Commission (EEOC) recently released statistics showing that males made up over 16 percent of the 6,758 harassment complaints they received in 2016. It is stated in the United States' Sexual Harassment policy that the victim of sexual harassment may be both a male and a woman, and that the criminal shall be punished accordingly.

Equal rights and responsibilities for men and women exist in Scandinavian nations as well. Fathers and mothers are given equal time off for maternity leave and paternity leave. Furthermore, sexual orientation and gender discrimination are prohibited. "The inheritance law, on the other hand, is and has long been gender-neutral." Harassment is a criminal crime in the United Kingdom under sections 2 and 4 of the Protection from Harassment Act 1997. Both sexes are eligible to be the victim. Because the legislation is gender-neutral and uses the pronouns 'him/her,' same measures will be done in both instances. Stalking is also a violation under the Protection of Freedoms Act of 2012, and the victim may be either a man or a woman. Because it is a gender-neutral legislation, it penalizes everyone equally.

World Economic Forum (WEF) research ranks approximately 150 nations in terms of gender equality in legislation and culture. Germany, France, Norway, Sweden, and many more nations in the top 20. Yemen, Pakistan, Syria, Iran, Jordan, Lebanon, Saudi Arabia, and other nations in the Middle East made the list of the ten worst for gender equality.

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<sup>16</sup> The role of men and boys in promoting gender equality, UN

## **5.2 Need for Gender Neutral Laws in India**

As an example of cruelty, Section 498A of the Indian Penal Code says a spouse or any relative of a spouse is liable to imprisonment for up to three years and a fine if they commit an act of cruelty on their spouse. Despite the fact that women may and do commit acts of violence against males, there is no legislation in India that mandates punishment for such crimes. This rule has been misused because of the lack of gender-neutral regulations prohibiting cruelty. An innocent person's defense against Section 498A, which is a non-bailable offence, is much more difficult to achieve. A similar set of rules is required to safeguard the husband and other members of his family from the wife's abuse. This area has been abused in a number of ways. Gender-neutral rules should be implemented in order to prevent these kinds of scenarios. In India, the word 'rape' has come to mean an act that can only be committed by a man. "However, the reality is that even males and transgender people have been subjected to such heinous crimes." It doesn't matter whether the guy makes an official complaint about rape perpetrated by a female since the IPC doesn't have any measures to deal with it.

Anyone who pursues a lady, even after she has made it plain, she is no longer interested, is guilty of stalking, according to Section 354 D. The provision states that only males may be charged with stalking, but women are not. Aside from sexual assault or criminal force to affront the modesty of a woman, similar offences may be perpetrated by males under sections 354C (voyeurism), 354A (sexual harassment), and 354 (assault).

Color, caste, creed, sex, etc. are not grounds for discrimination under Article 15 of the Indian Constitution. Gender-based discrimination, on the other hand, is a problem here. Why don't we have laws that are gender-neutral? Despite the fact that the Indian constitution explicitly specifies that no one should be discriminated against, the country's laws plainly differentiate between male, female, and transgender individuals.

The Indian Penal Code's Section 497, which deals with adultery, is one of the numerous laws that need to be re-examined and altered for gender-neutral criminal legislation in India.

Gender equality is needed since crime has no gender. Gender-neutral criminal laws are the only way to accomplish this. According to our ultimate constitution, everyone is entitled to equal protection under the law, hence the government should review and maybe amend the existing legislation.

## **5.3 Gender Bias & Gender-Neutral: Existing Laws in India**

As a result of the Criminal Law (Amendment) Act, 2013 (Nirbhaya Act), some crimes formerly dealt with under related legislation are now considered offences. The Indian Penal Code has included new charges such sexual harassment, acid attack, voyeurism,

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and stalking. Earlier this year, the Supreme Court denied a PIL that called for gender-neutral rules for crimes including harassment, rape, stalking, and other similar ones. The Supreme Court of India's Chief Justice Dipak Mishra said that these provisions cannot be modified since they are victim-oriented and the Indian parliament has accepted women as the victims.

| Section | Offenses                              | Possible Punishment   | Gender bias or Gender-neutral |
|---------|---------------------------------------|---|-------------------------------|
| 326B    | Attempt to Acid attack                | Imprisonment of at least 5 years but it may extend to 7 years, and he/she may be liable to fine   | Gender-neutral                |
| 326A    | Acid attack                           | Imprisonment of at least 10 years but it may extend to imprisonment for life and along with a fine which shall be reasonable to cover the medical expenses of the victim and it shall be paid to the victim | Gender-neutral                |
| 354B    | Act with intent to disrobe a woman    | Imprisonment of at least 3 years and it may get extended to 7 years along with fine.  | Gender bias                   |
| 354A    | Sexual harassment                     | Rigorous imprisonment up to 3 years, or fine, or both in case of offense  | Gender bias                   |
| 354D    | Stalking                              | Imprisonment of at least 1 year which may be extended to 3 years, and he shall also be liable to a reasonable fine  | Gender bias                   |
| 354C    | Voyeurism                             | In case of first conviction, imprisonment of at least one year which can be extended to 3 years, and he shall also be liable to fine.   | Gender bias                   |
| 375     | Rape                                  | Imprisonment not less than 7 years which may be extended to lifetime imprisonment in some cases or fine or both   | Gender bias                   |
| 497     | Adultery                              | Imprisonment up to 5 years or fine or both  | Gender bias                   |
| 304A    | Wife death within 7 years of marriage | Imprisonment of 7 years up to lifetime imprisonment   | Gender bias                   |

|             |                                  |  |                        |
|-------------|----------------------------------|--|------------------------|
|             | by bodily injury,<br>Dowry Death |  |                        |
| <b>37</b>   | Alimony Claims                   | Only wife can claim permanent alimony<br>and maintenance | <b>Gender<br/>bias</b> |
| <b>498A</b> | Cruelty to wife                  | Imprisonment up to 3 years or fine or<br>both            | <b>Gender<br/>bias</b> |

## VI. WAYS TO REMEDY GENDER-NEUTRALITY

Women's safety and security should be protected by legislation, and men's human rights should be protected, too. "Gender-biased legislation in India have been exploited by women in the past, and it's time for a change." Gender-neutrality is one of the most fundamental reforms and revisions that our existing legislation needs to make. In these statutes, the word 'victim' should refer to both men and women, not simply women, as it now does. Under the Nirbhaya Act, both men and women should be protected, and the court must recognize female-on-male harassment. As a result, the Supreme Court of India may revisit the PIL of suffering victims and take appropriate action. If a woman is found guilty of submitting a false or fraudulent case, she should face the same sentence as a man. There is no compassion for women who falsely file 498A cases, which are punished by up to seven years in jail, if they are found to be bogus or fabricated. As knowledge spreads, the number of bogus instances will be reduced to an absolute minimum. False cases are expected to drop by about 80% in only one year, according to current estimates. The Indian judicial system should send a message to society that laws and provisions are in place to safeguard women and should not be abused in this way. Articles 14, 14, and 21 should be used as the foundation for ensuring that men have equal rights and protections in the courts. Equality before the law is enshrined in Article 14, which guarantees equal protection under the law for all citizens. On the basis of religion, race, caste, sex or place of birth and other factors, Article 15 prohibits any kind of discrimination on such grounds. "Article 21 enshrined in the Constitution defends the individual liberty and life of every citizen." Accordingly, the Indian Courts must take necessary measures to prevent males from being falsely accused of crimes. Gender-neutral legislation in India and a National Men's Commission are essential for a fair and impartial society in India.

It isn't our duty to find out how to do anything. It's the conviction and faith in the what that will lead to the emergence of the 'how,' not the other way around. There has been a lot of discussion above on how we may accomplish our goal with reference to specific offences. We've received a couple additional ideas to help our cause:

- ✚ There have been campaigns and movements across the globe in support of men's rights. Every year since 2007, November 19 has been designated as International Men's Day as a reaction to International Women's Day (March 8 of every year). Men's rights and welfare should be safeguarded by a separate ministry or a men's commission like those for women. That would be equality!
- ✚ Accepting that there are crimes against men, that men also suffer, and that women may be offenders is all that is required here! We definitely need to shift our perspective! The Indian society's indoctrination process is so sexist that we are reluctant to comprehend those males might be harmed as well! Our children's education should not be centered on their differences, but on their similarities!
- ✚ Because our rules must be gender-neutral, all sexes must be afforded the same level of protection. We can't just assume that one gender is the culprit and the other is a helpless victim when making laws! False complainants who cause unquantifiable pain to innocent victims should be subjected to strong laws.
- ✚ Developing a sense of respect and warmth for the opposing sex is critical to our well-being as a community, and we need to recognize that in order to help one group, we do not have to oppress the other! If we declare equality as a basic right and then deny the same to men, via such harmful legislation would it not be hypocritical of us to promote equality as a fundamental right? 'Abala Nari' is a notion that is firmly ingrained in the existing environment, yet women have made great strides ahead and are not falling behind in the current conditions.
- ✚ We must understand that crime knows no gender and that it must be prevented by all means possible. The victim is subjected to many hardships as a result of this, and he deserves justice!
- ✚ Gender equality cannot be achieved without acknowledging the rights of lesbian, gay, bisexual and transgender (LGBT) individuals.

## **VII. CONCLUSION**

The notion of justice requires that true offenders be punished, and that the penalty be proportional to the offence. The individual who files a false complaint should be held accountable for the crime, and they should receive the maximum term or penalty allowed for that crime, without the possibility of pardon. Such rules may serve as a deterrent to false cases and safeguard the innocent. Even while males commit less crimes than women, such as rape, harassment, stalking, acid assaults, and so on, women are much less likely than men to be falsely accused.

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Gender inequality is a significant problem facing humanity. With ills like gender inequity, society cannot thrive and flourish. Although it is assumed that everyone is equal, these little discrepancies coming from societal preconceived conceptions are harmful to society. Gender inequality is no longer simply a problem for women; it also affects males and transgender people. Most Indian laws apply to both men and women, and it is now up to legislators to incorporate transgender people in those laws. Surprisingly, though, the rape laws favor women. "Gender specificity in sexual harassment legislation can no longer be considered to serve any purpose." Outside of the established framework, there is no reason to question the pervasiveness of sexual assault. To establish gender-neutral criminal laws in India, we must work to reform existing rules that favor one gender over the other. We are a nation that guarantees equal rights to all citizens and has gender-neutral criminal legislation in practice. We must act today to ensure that change occurs and, ultimately, benefits future generations. Only the creation and execution of gender-neutral laws will succeed in expanding the scope of these offences. The legal definition of rape must be reconsidered, sexual assault must be classified according to the severity of the damage it causes, and each must always be recorded in detail.

Several men have reported being victims of domestic violence, and strangely, they are the ones who are doing time in prison because the laws are written in such a way that women are not penalized for the same things that men are. Some women take advantage of this, and males are caught in the crossfire. The remedies are discussed in this article, as well as an analysis of the present situation throughout the globe. When we analyse the laws of other nations, it is evident that India's laws need significant adjustments to become gender-neutral, since this would offer true fairness to the population.