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MEN SUFFERS TOO

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ABSTRACT:

The word 'Man' mirrors toughness. "Men will be men", this phrase is many times used by our society, men use this word with honour and dignity and women use this word to prejudice men. Trey Anastasio said equality implies individuality, which means empowerment should not give importance to particularly one gender but to the entire human race. We talk about gender equality. But our Indian Constitution and some statutes have some provisions related to only women which are discriminatory towards men. The Supreme Court had also declared that men are also victims of domestic violence. But courts didn't change the statute, some laws in India are gender biased and they need to be amended as quickly as possible. This article is a humble attempt to highlight men's rights and violence against men in Indian society.

INTRODUCTION:

Women are major victims in many situations, but that doesn't mean that men are not affected. We have been talking about equality for decades. But there is a plot discussion about equality. Gender equality means equal rights, responsibility and opportunity for every gender. It implies the interests, needs and priorities of every gender.

Men also face problems like rape, loss of physical strength, economic dependence and many more. Many men feel the powerlessness that women feel, their marriage becomes alimony payment, and their wife and their children turn against them. But still, men have to be silent many people conclude that women have problems and the reason for their

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problems only men. And this male and female created a psychological gap which leads to male responsibility or duty and female rights or claims.

The misuse of law by women in India is a serious problem. In India, women are discriminated and not provided equal rights and opportunities which lead to gender biases. This gender bias led to the misuse of power by women. There are many instances where women use the laws to cause harm or disadvantage to men. These things are not only unethical but also unconstitutional. The misuse of the law is mostly done in the cases of domestic violence and dowry-related offences women often file false dowry harassment cases against their in-laws to gain advantages. In cases of domestic violence against men police officers refused to file cases or take any action against the offender. The Indian Constitution guarantees gender equality, but measures should also be taken so that women do not misuse the laws which were provided to overcome gender-based discrimination.

Many women in India misuse Section 498A of the Indian Penal Code, which is present in order to protect women from domestic violence. They file false complaints of domestic violence against their husbands and in-laws to get support in divorce proceedings or to blackmail them. Also, the Protection of Women from Domestic Violence Act (PWDVA), 2005 are misused, Section 354A prohibits sexual harassment are also misused by women.

So, the government should make strict laws for filing false complaints or misuse of the laws which were made to protect them.

It is important to look out the discriminatory practices and create policies that promote equality for all individuals. There are several gender-biased laws in India. We find laws which criminalise the activities when it is done against a woman. But when the same activity is done against a man, there are no laws. And this led to flagrant abuse of the provisions by stages.

HISTORICAL BACKGROUND:

A feminist movement had taken place in the mid-20th Century in light of a lot of injustice faced by women in daily basis. So, it became necessary to bring laws so that women came to an equal footing with men. The laws were made to protect women so, that they can file complaints against anybody who violates their rights.

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Due to patriarchy in Indian Society, many laws were made since women are always deemed to be victims. The majority of Indian Penal Code (IPC) sections are related to crimes against women and refer to males as a perpetrator of these offences. And many of these cases are correct that the males are involved in these crimes like the Mathura rape case and Nirbhaya gang rape case.

1. Tukaram and Anr. v. State of Maharashtra²
2. Mukesh and Anr. v State (NCT of Delhi) and Ors.³

J C Verma Committee⁴ recommend gender-neutral laws. Many PILs, had been filed in the High Court as well as in Supreme Court for gender neutrallaws. The Supreme Court rejected the PIL of Rishi Malhotra⁵which was related to making rape laws gender-neutral because there are no laws protecting males from Sexual harassment.

The law commission had proposed the term ‘rape’ should be replaced by ‘sexual assault’. Also, Justice Verma advised that all types of sexual assault should refer to ‘persons’ and not ‘women’ to make the law gender-neutral. However, the feminist organisation had complained about sexism in the country and therefore the Criminal Law (Amendment) Act of 2013, restored gender-specific laws.

The men’s rights movement was started in 1920, in the whole over world. In India, it was started during the 1990s. They highlight the challenges that males suffer too and men go through violence too. In many of their popular movements, they use the phrase “Men go through this too!”.

MEN ARE ALSO VICTIMS:

Men also face harassment. many people believe that it is a myth, how can men face harassment they are the prime perpetrators of female harassment. However sexual assault can be done to anybody regardless of their age or gender. We only hear about harassment or rape cases involving women, and this may be a reason why laws are created specifically for females.

²1979 AIR 185, 1979 SCR (1) 810.

³(2017) 6 SCC 1.

⁴Justice verma committee report summary/PRS India.

⁵Rishi Malhotra v. UOI writ petition(s) (Criminal No(s) 7/2018.

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The reason why crimes against men are not reported is because of hatred and fear of India's social norms. In cases of rape, the Indian society mocks the man who is a victim of rape. And because of this many males do not report the crimes of rape and therefore there are no laws protecting guys who have been raped.

The Sexual Harassment Act⁶ for Workplace lays down laws for women only who are sexually harassed at the workplace. Given the Vishakha Guidelines are related to women only. It is obvious to us that when we hear the term sexual violence, we believe that females are the victims and males are the perpetrators. No one speaks about it or raises awareness about such problems and we don't even know that they exist. And reason for not knowing about the problems because no one discusses them and victims of sexual harassment avoid reporting or filing complaints.

Campaigns like #metoo and #timesup where men came and spoke about injustice or sexual harassment experiences. And, due to these campaigns, many men started filing complaints against sexual violence in the workplace.

According to a study in 2019⁷, 38% of women and 14% of men have experienced sexual harassment in the workplace. Nevertheless, many men don't identify these experiences as sexual violence or rape.

Whenever a topic of rape, harassment and sexual assault came we focus on women because we are used to it. But sexual harassment and rape are also problems for men.

In the 2014, Rohtak bus incident, two sisters falsely alleged three men of harassing and abusing them on the bus. Two sisters Aarti and Pooja and two boys, they are returning after their army recruitment exam. One of the boys had been asked by a sick woman to buy a ticket at the bus stop. And on boarding the bus, they found two girls occupying the seat allotted to the old woman. Upon asking them to vacate the seat, an argument began and they started beating the boys and the third accused Deepak had boarded the bus later and got caught in the fight.

Four from Asan village said that the boys had not harassed the girls but it was an argument over seats⁸.

⁶Sexual Harassment of women at workplace (Prevention Prohibition and Redressal) Act, 2013.

⁷National Sexual Violence Research Centre.

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In March 2021, in Bangalore, a woman claimed that the Zomato delivery guy punched her face while delivering her order. But the delivery boy denied the allegation saying that the woman tried to hit him because he was late due to traffic⁹.

Therefore, men and women should be equally treated and bring gender-neutral laws.

GENDER NEUTRALITY:

Both men and women must focus on gender neutrality because men too are subject to discrimination. Generally, men were taught to choose careers which suited their personalities while women were supposed to have more womanly jobs. For a long time, there has been gender inequality, and there could be no progress without the mutual partnership of men and women. Both genders have to work together without one the other can't succeed.

There are many cases where male-on-male or female-on-male harassment complaints have been filed. No, matter who is the culprit whether male or female same law should be applied to both of them. Father and mother both should given maternity and paternity leave to have equal time to spend with their child, sexual orientation and gender discrimination should be prohibited. Further, harassment should be a criminal offence for both genders. And many other laws which are gender biased should be change.

Many rules or provisions were misused due to a lack of gender-neutral laws. E.g. Sec 498A of Indian Penal Code mentions that “whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine”. It is very difficult to a innocent person to prove his innocence for non-bailable offence. Gender-neutral laws should be introduced to reduce these kinds of scenarios.

When we hear the word ‘rape’ we think it is an act committed by men. But reality is that males and transgenders are also victims of these kinds of heinous crimes. It doesn't matter if the person makes a complaint, we don't have any laws to deal with it.

Article 15 “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. “ Regardless of this the other laws differentiate

⁸DNA India.

⁹The Hindu.

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between female, males and transgender. The gender-neutral laws are needed because crime has no gender. Everyone is entitled to get equal protection under the law. And therefore, our legislature should review and amend the existing laws.

CONCLUSION:

The maxim *ubi jus ibi remedium* which means “where there is law there is a remedy”.

Justice is done when true offenders are punished and penalties are proportional to the offence. If an individual files a false complaint should be held accountable and penalized without any possibility of pardon.

Gender inequality is a serious problem. Even though it is assumed that everyone is equal but it is not. Gender inequality is no longer a problem for only women but it also affects males and LGBTQ Community. Many males report the crimes of domestic violence but their perpetrators are not punished because there are no laws for them.

The misuse of laws by women violates the constitutional rights of men and their families. We must recognize the importance of addressing the problem of gender biases to create an environment where everyone is respected regardless of their gender. We must ensure that everyone in society gets equal opportunity and is treated with dignity. We should create a society where everyone is accepted and respected regardless of their gender.

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