

“Revisiting Gender Specific Laws of INDIA”

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The framers of Indian Constitution have incepted and adopted a supreme legal document to subscribe the future of the Nation in the channel of Sovereign, Socialist, Democratic, Secular, Republic fabric which would doctor the idea of social, economic, political justice towards all the units of this democratic nation- INDIA.

Our society is largely a patriarchal one and the nucleus of this society is “MAN”, where he emerges to be the protector, provider, parent and more powerful one. But there exists another facet of this masculine persona. Man, many a time, turns out to be a predator, violent and arrogant. And to safeguard women from this ruthless facet of men, there are several strong legal provisions. The Indian values have always opined that a woman is the most magnificent counterpart of MAN and she must be protected under all circumstances. Though the constitution forbids any kind of discrimination, even based on **GENDER**, but deep down men’s rights, dignity and integrity is being compromised by women as they misuse those special provisions. We sometimes even find laws which criminalize an activity when it’s against women but when the same activity is done against men, law remains silent and men don’t have anything beyond compassion. The handy legal provisions are not extended to provide justice. And unfortunately, the instances of gross abuse of those provisions are increasing day by day.

Omnipotent Man: A Myth:-

The very word MAN mirrors physical toughness which emanates dominance. “ Men will be men”- this phrase is often used in our society by people, regardless of their gender, but from a different purview. Men generally use this with pride and women use to prejudice men. Even television commercials portray the attributes of a man in a way which basically focus on the false notions. It’s high time we do away with these social fallacies. The sagacious Trey Anastasio has rightly said – “EQUALITY IMPLIES INDIVIDUALITY.” In short, empowerment should not emphasize the indiscriminate protection of a particular gender but shall refer to the preservation of the entire human race, irrespective of their gender.

Are men always the predators:-

It is always presumed that men can just be predators but not victims. Even when the National Family Health Survey is conducted, they have two separate gender based questionnaires prepared with them. For men the questionnaire prepared is from a point of view of perpetrator whereas for conducting the same survey the questionnaire prepared for women is with a view of

that she might be victimized. But several cases have proved to us that even men are pestered and persecuted. This year on 5th May in an incident, which later on was named as the ‘Bois Locker Room’ case, police nabbed one 15 y/o boy, arrested 18 y/o admin, detained 22 boys and registered a case u/s. 465(forgery), 471(using forged document), 469(forgery for the purpose of harming reputation), 509(intending to insult the modesty of any woman) of the IPC and 67 and 67A of Information technology Act; for planning gang-rape of under-aged girls. Later police investigation revealed that the conversation where ‘gang-rape’ was mentioned, was not a part of ‘Bois Locker Room’ and the talk of gang-rape was initiated by the girl herself with her fake Snapchat id. Delhi police declared that no case would be registered against the girl and remarked – “Although creating a fake id is wrong, her intent was not malicious so there lies no necessity of filing any complaint.”¹

Indian courts in 2017, spectated another heart wrenching false case in Rohtak, widely known as the **Rohtak Bus Incident**, when the two sisters falsely alleged 3 men of harassing and abusing them in a moving bus, in November 2014.²

Let’s go back to 23rd August 2015; Saravjeet Singh, a 28 year old, Delhi resident was falsely accused of molestation and eve teasing when Jasleen Kaur shared a Facebook post stating that she has been verbally harassed by Saravjeet at Tilak Nagar Traffic Signal, West Delhi. After four long years, Saravjeet proved his innocence at Delhi High court and it was brought before the court that he has been alleged falsely. In those years Saravjeet was ripped pice by pice, as he lost his job, his father went through a heart attack and worse of all he lost his honor. He was even titled as ‘Delhi ka Darinda’. But again, there was no punishment awarded to the false accuser, Jasleen.³ This was a sheer case of biasness which the Indian Court of Law witnessed.

When Zaira Wasim went live on social media to make a false allegation of molestation against Sachdeva, whole India stood to support her without wasting a single moment just because she was a woman, moreover a well to do actress!⁴ But when Gopal Shetye was falsely accused of rape, spent 7 years rotting in jail making his life turn tables, no voice rose for him- no justice was served to him.⁵ Why because he was a man? If these aren’t grossly unfair in the eyes of law, then what would be termed as unfair?

¹ <https://www.thequint.com/amp/story/neon%2Fgender%2Fdelhi-hc-to-cops-on-boys-locker-room-plea-seeking-cbi-sit-probe>

² <https://www.google.com/amp/s/swarajyamag.com/amp/story/ideas%252Fbusting-the-myth-around-rohtak-bravehearts>

³ <https://thelogicalindian.com/amp/news/saravjeet-singh-jasleen-kaur/>

⁴ <https://www.google.com/amp/s/www.firstpost.com/entertainment/zaira-wasim-molestation-case-co-passenger-claims-the-accused-not-guilty-says-i-didnt-see-him-misbehaving-4257253.html/amp>

⁵ <https://www.indiatoday.in/india/story/gopal-shetye-acquitted-he-wants-back-7-yrs-lost-in-jail-281819-2015-07-11>

What do STATISTICS say:-

If we talk about the current setup of men through different parameters then it would be crystal clear about the gender inequality existing in almost every field of our society.

Suicide rate:-

India's National Crime Records Bureau(NCRB) has been publishing a yearly suicidal report since 1967. NCRB reports state that the male suicide rate has been ranging around 14 per 100,000, while female suicide rate is 7 per 100,000 over the last 13 years. The NCRB reported the total number of 230,314 suicides in 2016, the rate being 10.5 per 100,000 with a male to female ratio of 4:3.⁶ Let's come to the reasons of such suicides. It might be presumed that males commit suicide because of financial reasons but what study says is only 2% of male suicides take place because of financial or economical reasons. One of the major cause is family issues due to which 24% of the male suicides take place and needless to say in most cases the family issues are initiated by women.

Child labour:-

Child labour is a major problem of Indian society. Statistics shows that in urban areas boys are engaged in labourship, almost six times more as compared to girls.

Disparity in governmental schemes:- Rightfully we've Ladli-Laxmi Yojna , Kisori Kanya Yojna, Sukanya Samriddhi, Kanyashree Prokolpo, and a lot more schemes for a girl child provided by the government whereas the number of schemes for a boy child is not even half to that of a girl child.

Domestic violence against men:-

- The term 'domestic violence' covers a broad range of violent acts committed by one or more family members against another. It includes not only physical harm, but also verbal, psychological and sexual abuses. The prime difference between domestic violence and other general assault crimes is the relation between abuser and victim. Whenever we hear the term 'domestic violence' we visualize an aggressive man. Moreover, when a man becomes a victim of violence much of public and private speculation presumes that "the man had something to deserve it.". In reality some kind of activities may not seem like domestic violence on the surface, but do, in fact, represent a series of abuses against the men such as –
- Name-calling and use of abusive language;
- Interfering and not allowing him to meet his family and friends;
- Several kinds of threats;
- Showing oppressive possessiveness;

⁶ https://en.wikipedia.org/wiki/Suicide_in_India

- Restricting his spending or controlling his finances or insulting for low income.

A victim of domestic abuse is always a victim, but Domestic Violence Act, 2005 protects women only from such violence. Getting exact numbers on domestic violence against men is difficult since many cases remain unreported.

Male rape:- Instances of male rape have been seen since the ancient age. Naga princess, Ulupi had intoxicated Arjuna and had intercourse with him, because Arjuna denied marrying her.

Wasn't that a rape under the definition of today's rape laws? We all are worried about increasing shameful rape culture at present, but very little attention has been paid to male victims of rape and sexual abuse. Men are conditioned to hide their weaknesses and therefore it's very difficult for a man to talk about the harassment faced by him so openly as females do. Even under section 375 of IPC, where the definition of rape is given includes only sexual assault against women. No provisions of male rape have been framed by the legislature.

Fake Allegations (Rape, Molestations, Dowry):-

We all are aware of rising crimes against women, in this sacred land of India. And it was in 2013 when the legislature underwent some changes which resulted in numerous amendments of gender specific laws to prevent violence against women. But, sadly these strict provisions of law are being misused by women for their own gain. In each case of rape(IPC 375), molestation(IPC 509) and dowry(IPC 498A),false FIR cases have become very common. Women who are indulged in consensual sex, later on make false accusations of rape in order to either extort money out of him or satisfy her own motives. A Delhi Commission of Women report shows that 53.2% of the rape cases filed between April 2013 and July 2014 in the capital were found 'false'. Another report from the Jaipur police says that in 2016, it saw an 'alarming rise' in the number of false rape cases. Jaipur Police recorded 330 rape cases and of the 276 cases solved, 43% turned out to be fake.⁷ In the last 3 years, 22,347 cases under section 498A were falsely reported. But no action has been taken against wives filing fake cases and harassing men and their families. The conviction rate under this provision is 14.4%, i.e., the lowest among all the sections of IPC.⁸

Who shall be held responsible for harassment faced by Men:-

The maxim - **ubi jus ibi remedium** is the foundation principle of all laws which elucidates as - "**WHERE THERE IS RIGHT THERE IS A REMEDY**", but it seems that not much importance is given to this principle during the legislation of gender related laws. Though Article 14 enshrines right to equality, i.e., providing equality in the eyes of law, but not much equality in access to justice is witnessed. Almost 77 countries have adopted gender neutral laws, including

⁷ <https://www.shethepeople.tv/home-top-video/case>

⁸ <http://vaastav.org/2017/12/ncrb-data-on-498a-2016/>

US, UK, Australia. But under Indian law, there exists only one section, i.e., Sec-377 of IPC which defines sodomy. Even this section is misused to bolster sexism and segregate the LGBT community. Sec- 304, 509, 375 of IPC, all deal with sexual assault, outraging modesty, rape, but all for women. No other laws deal with the barbaric acts caused to men. No Vishaka guidelines for them. Even the Sexual Harassment at Workplace Bill, 2012 does not talk about harassment faced by MEN at workplace. Why so? Don't men get harassed at their workplaces? Yes, even men face intimidation at their workplaces.

So, there is a high demand of gender specific laws, but for men, to provide equal access to justice to both males and females. It is the need of the hour to engulf special sections in criminal laws for specifying acts against men and amendments must be made to the existing laws, which will ensure equal protection of individuals. We should just do away with the false beliefs about the absence of intimidations done to men and pay more attention to the fact that harassment is not gender specific, it is against a human. Harassment done is not against a man or a woman but is against the entire human race, and individuals guilty of such brutality should be punished equally.