



Human Rights and The Role of Men In Achieving Gender Equality: An India Scenario

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ABSTRACT

India is believed to be a male dominated country where every society is patriarchal in nature. Society believes that men have been dominating women since forever. Even after decades has passed to an extent, we can still find the fact in existence. But these facts are not true. When we say or talk about gender equality all we consider is equality for women. Crime against men or equality for men is not something in common, that we get to see or read on a regular note. Ensuring the gender equality various laws and policies are made and transformed. Human Right Act as an important law for the gender equality and work in the strengthening of equality. The reforms of Human Right and Gender Equality are not a new concept. It has been in existence since ancient times. These reforms had changed the current scenarios. With the changing time their laws and policies reformed. But later on, it was changed into the discriminatory laws and policies. Whose impact was more on men. The frequent report of incidents of violation of gender equality are particularly targeted towards the men which facilitates no equal participation of men and women. For an Example: False dowry cases, Domestic Violence, False rape and other charges. The cases related to men stays unreported and unregistered most of the time. Unfair gender roles, damaging stereotypes and expectations, construct and reproduce harming forms of masculinity. These, can cause men to repress emotions and vulnerability and to carry a stigma about mental health issues, which limits their capacity to ask for and receive support under the obligation of being dominant, rough, and independent. Women are getting equivalent training, business openings, and equivalent wages. They are as yet anticipating that men should pay for their extravagant life. This mindset is supported by our Indian Legal System, that just doesn't disregard general rights but also fails at the use of Human Rights. This paper intends to discuss about the Human Rights and Men struggles in gender equality.

Keywords: *Men, Gender Equality, Human Rights*

1. INTRODUCTION

Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.

KOFI ANNAN

When we talk about the term Gender Equality, we talk about equality for women but we need to focus on the term 'equality' We often raise voice for equality of women and we all forget that men can be victim of sexual abuse too. Indian legislation has neglected the fact that men too can be a victim of domestic violence and assault. Not very amusing to say, but yes men too can be a rape victim where the perpetrator can be of opposite gender or of same gender too. But due to lack in provisions of Indian legislation, men fear to come up and report and also, they fear that they will be humiliated in society and thus they prefer to stay quiet.¹ Gender inequality is a pressing issue in Indian society. Despite a constitution that guarantees equal rights for men and women and decades of legislation, some deep-rooted gender discrimination in India is taking a brutal toll Human Rights and Gender Equality goes hand in hand if any one of it is violated it would not only effect that individual but would affect people at large. Gender Equality is the essence of Human right jurisprudence. It is a precondition for healthy development and prosperous progressing nation. Achieving Gender Equality is the unfinished business of the time and greatest Human Right challenge in the world. This paper analysis the gender equality issues and challenges in India. Gender equality remains a key issue despite the progress and economic growth achieved by India. Changing these noxious gender norms requires an integrated approach that engage women, transgender and men separately and together to work towards it on the road to accomplish gender equality. Inequality in any manner is intolerable be it against men and women.

2. CONCEPT OF HUMAN RIGHTS AND GENDER EQUALITY

2.1 HUMAN RIGHTS

Before discussing the Human Right and Gender Equality, it would be very pertinent to briefly explain the notion of "Human Rights". These are the rights which are essential to live a dignified life as a human being. The expression ' Human Right' is a dynamic concept. These rights may be called as the basic rights, natural rights, organic rights, inherent rights or the fundamental rights. The key objective of all national as well as international legislations is to protect the human personality and dignity of all human beings, irrespective of their origin, race, ethnicity, colour, sex, religion, citizenship and nationality. These rights are universal in their respective nature for the entire human race. The national legislation of India enacted with the objective to protect the human rights defines human rights as "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International Covenants and enforceable by courts in India ²

¹ Available at <https://www.legalserviceindia.com/legal/article-3512-understanding-crimes-against-men.html> (last visited on 15 September 2023)

² Available at <https://www.humanrights.com/court/lesson/background-of-human-rights>(last visited on 12 September2023)

According to D.D. Basu,-"Human Rights are those minimum rights which every individual must have against the state or other public authority by virtue of his being a member of human family irrespective of any consideration."

According to section 2(d) of the protection of Human Rights Act,1993- "Human rights are those rights which belong to any individual of the consequences of being human. This right is based on elementary needs. Human Rights are associated with the traditional concept of natural law."³

The concept of Human Rights is an ancient concept. In 539 B.C., the armies of Cyrus the Great, the first king of ancient Persia, conquered the city of Babylon. But it was his next actions that marked a major advance for Man. He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other decrees were recorded on a baked-clay cylinder in the Akkadian language with cuneiform script. Known today as the Cyrus Cylinder, this ancient record has now been recognized as the world's first charter of human rights. It is translated into all six official languages of the United Nations and its provisions parallel the first four Articles of the Universal Declaration of Human Rights.

From Babylon, the idea of human rights spread quickly to India, Greece and eventually Rome. There the concept of "natural law" arose, in observation of the fact that people tended to follow certain unwritten laws in the course of life, and Roman law was based on rational ideas derived from the nature of things. The Magna Carta, or "Great Charter," was arguably the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the English-speaking world.

In 1215, after King John of England violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the Magna Carta, which enumerates what later came to be thought of as human rights. Among them was the right of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and to be protected from excessive taxes. It established the right of widows who owned property to choose not to remarry, and established principles of due process and equality before the law. It also contained provisions forbidding bribery and official misconduct. Widely viewed as one of the most important legal documents in the development of modern democracy, the Magna Carta was a crucial turning point in the struggle to establish freedom. The Carta was buttressed in 1628 by the petition of rights which asserted the rights of citizen to be free from unrepresentative taxation and arbitrary imprisonment. The Bill of Rights of 1689 which formed the platform for Parliamentary elections should be free and binding and it condemned excessive bail as well as cruel and unusual punishments.⁴

Thus, the term 'Human Rights' came somewhat late in the vocabulary of mankind. It is a twentieth century name for what has been traditionally known as natural rights or the rights of man. It was the first used by Thomas Paine in English translation 'of the French Declaration of the Rights of Man and Citizen. The term 'natural law'

³ Bhagyashree A. Deshpande, Human Rights Law and Practice,2-3,(Central Law Publication, Allahabad ,1st edition 2017)

⁴ T.P. Tripathi Human Rights ,3 (Allahabad Law Agency Publications , Allahabad 1st edition 2008.)

was replaced because the concept of natural law had become a 'matter of great controversy and the phrase the rights of man was found unsuitable as it was not universally understood to include of rights of women.'⁵

The Human Right is playing an important role in the world. It speaks to every person on the planet; your life is equally valued, recognized and must be defended.

2.2 GENDER EQUALITY-

Gender equality basic meaning is that when people of all genders have equal rights , responsibilities and opportunities, it is the belief that man and women should be treated and perceived as equals in society, including all areas such as education, employment and in decision – making position.⁶ as we are discussing it's meaning we should also know that the concept of Gender Equality has been evolved with the change in time.

- 'During ancient period women and men were enjoying equal rights and freedom. Men and Women together performed religious duties, enjoyed and carried out other functions and were capable of doing each and every work.
- It was in the Post Vedic period that the scenario of Gender Equality changed and status of women suffered a setback when various restriction was put on woman's right and privileges by "Manu".'
- With the commencement of British era the attitude, behavior and living pattern of Indian Society changed drastically which caused due to education and western impact on socio-cultural life'' of India.
- The drafting of the Constitution of India was the 'most important event after Independence which enriched the principle of equality, liberty and social justice. Indian Women are beneficiaries of' this right in the same manner as men. Article 14,15,16 ensure equality and prohibit discrimination on the basis, inter alia, of sex

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Gender Equality is the belief that men and women should be treated and perceived as equals in society, including all areas such as education, employment and in decision making positions. It is a fundamental Human Right and a necessary foundation for peaceful, prosperous and sustainable world. Despite this the Gender Equality is not received and is making a chaos and is harming the mental stability of men the reason behind this are the laws which are working against men and there is not any law related to equality for men there are laws which only talks about equality for women and the laws made are only going against men.

3. CRIME AGAINST MEN

In India, societal norms have long overlooked the idea that men can be victims of domestic violence. This perception has led to the absence of legal recognition for men facing abuse. Despite an increasing number of men experiencing physical and psychological abuse, the lack of protective laws means their suffering often goes

⁵ Available at <https://www.britannica.com/topic/human-rights> (last visited on 12 September 2023).

⁶ Available at :<https://school.career360.com/gender-equality-essay/> (last visited on 13 September 2023)

⁷ Mamta Rao , Law relating to Women and Children, 27(Eastern Book Company, Lucknow, 3rd edition ,2012)

unaddressed. Instances have emerged where males face harassment, yet the absence of legal support leads to injustice. Prevailing assumptions favor women in cases like dowry, workplace harassment, Section 498 of the Indian Penal Code, and post-divorce maintenance, leaving men oppressed by societal biases. There is a gender bias against males in certain cases:

3.1 DOWRY AND CRUELTY LAWS –

Laws regarding dowry and cruelty often vary by region and can be complex, but historically, these laws have been predominantly aimed at protecting women. The concept of dowry, which involves the exchange of gifts or money at the time of marriage, has been associated with cultural practices in many societies. In some instances, the demand for dowry has led to financial and emotional exploitation of women and has been linked to harassment, abuse, and even violence in cases where the demands are not met. Legally, many countries have laws to address dowry-related issues and domestic cruelty, typically focusing on protecting women from such practices. These laws often encompass provisions that safeguard women from dowry harassment, cruelty, and domestic violence. However, there's a growing recognition that men can also be victims of similar issues, including emotional, physical, or financial abuse in relationships. In some jurisdictions, laws have been evolving to be more gender-neutral, aiming to provide protection to all individuals regardless of gender.

It's essential to understand that while there might not be explicit laws specifically addressing dowry harassment against men in some regions, there are often broader laws against domestic violence or emotional abuse that could offer protection to all individuals, irrespective of gender.

The Dowry Prohibition Act of 1961 explicitly outlaws the practice of dowry. It deems the demand for dowry as a punishable offense, and under Section 304B of the Indian Penal Code (IPC)⁸, dowry-related deaths are also considered punishable offenses.

(1) If a woman's death occurs within seven years of her marriage due to burns, bodily injury, or under circumstances that are not normal, and it is established that shortly before her death, she endured cruelty or harassment by her husband or any of his relatives in connection with a demand for dowry, such a fatality will be categorized as a "dowry death." The husband or relative responsible for her suffering will be held accountable for causing her demise. For clarity, "dowry" is defined as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Individuals found guilty of committing dowry death will be subject to a minimum imprisonment term of seven years, with the possibility of receiving a life sentence.⁹

⁸ [304B. Dowry death-

(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death. Explanation. —For the purpose of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

⁹ Prof S.N.Misra, Indian Penal Code, 611 (Central Law Publication, Prayagraj 22nd edition .2020)

Nowadays, dowry laws are being misused by the wives to harass and torture their husbands. The high rate of suicides being committed by males is predominantly due to harassment by wives. Dowry law is a weapon in the hands of the wives to protect themselves from their husbands and his relatives. But what should be done if these laws are misused by wives to torture their husband and cause them mental cruelty.

Sanjay vs. Anita¹⁰, the Bombay High Court held that a false complaint against the husband and his relative by the wife amounts to mental cruelty to husband and thus becomes a ground for divorce by the husband.

3.1.1 **INDIA EVIDENCE ACT, 1872**

(Presumption in cases of dowry death:¹¹ If there is a question regarding whether an individual has committed the dowry death of a woman, and it is demonstrated that shortly before her death, that woman had experienced cruelty or harassment by that individual in connection with a dowry demand, the Court shall presume that the said person is responsible for the dowry death.¹² This presumption is made in accordance with the definition of "dowry death" as provided in section 304B of the Indian Penal Code, 1860 (45 of 1860).)¹³

The Section 113B of India Evidence Act, 1879 states that if a married woman commits suicide within the 7 years of marriage, it is assumed by the court that the suicide was abetted by the husband or his relatives and shall be punishable under Section 304 B of IPC. This section discriminates against men as without any evidence, it is to be assumed that the death is abetted by the husband or his relatives. But various Supreme Court judgements have treated this section against men and is not a gender-neutral section as in the case of –

Durga Prasad v. State of M.P¹⁴ accused was alleged to have driven his wife to commit suicide by subjecting her to cruelty. He was prosecuted for demanding dowry and committing cruelty and harassment in connection with dowry demand. Setting aside the judgment of High Court convicting the appellant/accused the Supreme Court held that cruelty or harassment soon before death must be proved in relation to demand of dowry. In this case except bald statement made by mother and brother of deceased no other evidence was adduced by prosecution to prove such demand and harassment for demand of dowry by the accused. The prosecution has thus failed to satisfy the requirements of Section 304-B, IPC and Section 113-B of Evidence Act. Therefore, the accused was acquitted.

¹⁰ AIR 2007 P-H 136, (2007) 147 PLR 594

¹¹ Section 113 of Indian Evidence Act, 1872: (Presumption as to dowry death.—When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death. Explanation.- For the purposes of this section, "dowry death" shall have the same meaning as in section 304B, of the Indian Penal Code, (45 of 1860).

¹² Avtar Singh, Principles of The Law Of Evidence,456 (Central Law Publications,24th edition,2021)

¹³ See Supra-10.

¹⁴ (2010) III Cr LJ 3419 (SC)

3.1.2 SECTION 498A IN THE INDIAN PENAL CODE

Section 498A¹⁵ of the Indian Penal Code states that any husband or relative of a husband who subjects a woman to cruelty may face imprisonment for up to three years along with a fine. "Cruelty" in this context refers to deliberate behavior likely to compel the woman to contemplate suicide or to cause severe harm or danger to her life, body, or mental and physical health. It also encompasses harassment aiming to coerce her or her relatives to meet an unlawful demand for property or valuable security, or in response to their failure to meet such a demand.¹⁶

Up until July 2014, Section 498A of the Indian Penal Code allowed for the immediate arrest of the husband or his mentioned relatives, without the necessity of an arrest warrant or prior investigation, upon the filing of a complaint. A mere complaint under Section 498A was adequate to lead to the incarceration of the accused individuals without preliminary investigation.

The Supreme Court in case of. ARNESH KUMAR VS STATE OF BIHAR¹⁷ through its order on 2nd July 2014, stopped this automatic arrest without any warrant or investigation for a complaint registered under Section 498A of IPC. In August 2010, the Hon'ble Supreme Court directed the government to amend Section 498A of IPC and makes it a bailable offense due to rising cases of false complaint by a wife against her husband and relatives.



¹⁵ [498A. Husband or relative of husband of a woman subjecting her to cruelty. —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. Explanation. —For the purpose of this section, “cruelty” means—

(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

¹⁶ Supra note 8 at 921

¹⁷ AIR2014 SC 2756

SL. No.	CRIME HEADS	CASES REPORTED	% TO TOTAL IPC CRIMES	RATE OF CRIME SHEETING RATE	CHARGE RATE	CONVICTION RATE
A) VIOLENT CRIMES						
1	MURDER	34434	1	3	86	36
2	ATTEMPT TO COMMIT MURDER	35138	1	3	92	26
3	C.H. NOT AMOUNTING MURDER	3620	0	0	88	33
4	RAPE	24923	1	4	96	24
5	KIDNAPPING & ABDUCTION	47592	2	4	72	21
6	DACOITY	4314	0	0	78	21
7	PREPARATION & ASSEMBLY FOR	3099	0	0	95	19
8	ROBBERY	27343	1	2	71	29
9	RIOTS	74633	3	6	92	18
10	ARSON	11836	0	1	68	16
11	DOWRY DEATHS	8233	0	1	94	32
TOTAL VIOLENT CRIMES		275165	12	23	86	25
B) CRIME AGAINST WOMEN (IPC+SLL)						
1	KIDNAPPING & ABDUCTION OF WOMEN & GIRLS	38262	1.6	6.5	72.9	21.2
2	ASSAULT ON WOMEN WITH INTENT TO OUTRAGE HER MODESTY	45351	1.9	7.7	96.0	24.0
3	INSULT TO THE MODESTY OF WOMEN	9173	0.4	1.6	96.1	36.9
4	CRUELTY BY HUSBAND OR HIS RELATIVES	106527	4.5	18.2	93.6	15.0
5	IMPORTATION OF GIRLS FROM FOREIGN COUNTRIES	59	0.0	0.0	90.0	16.1
TOTAL CRIME AGAINST WOMEN (IPC+SLL)		244270	10.2	41.7	91.7	21.3

The court has taken note of the statistics under crime in India 2012 statistics published by the National Crime Records Bureau, the ministry of home affairs which shows arrest of 106527 person all over India during the year 2012 for the offence under Section 498A.¹⁸

Who said that only female has to face domestic violence in their life? Men too can face domestic violence and they do face this in their day to day life. It is just that we stand up and fight for the wrong done to women and the same goes neglected for men. A number of domestic violence keeps happening to a man around us which we don't even realize. Law take strict actions against the one taking or supporting dowry. This was one of the best things done until and unless women started misusing the law in their favor. Women these days often register false dowry cases to threaten her husband and his family and also to get benefits of her marital life. The sad part is there are rarely cases where a man can prove his innocence and mostly is found guilty despite of doing nothing.

3.2 FALSE RAPE CASES

The definition of rape includes non-consensual sexual intercourse. Rape is defined as sexual intercourse with a woman against her will, without her consent, through coercion, misrepresentation, fraud, or when she is under the influence of intoxication, deception, or unsound mental health. Moreover, if the woman is under 18 years of age, any sexual intercourse falls under this category.

Section 375 of the Indian Penal Code, 1860¹⁹ outlines that a man commits "rape" under the following circumstances:

¹⁸ Available at <https://ncrb.gov.in> (last visited on 17 September 2023)

¹⁹ The section 375 of Indian Penal Code, 1860 states that-

375. Rape. - A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following de-scriptions: —

(First) — Against her will.

(Secondly) — Without her consent.

When the act is against her will.

When it occurs without her consent.

When her consent is obtained through fear of death or injury to herself or someone she cares about.

When the man knows that he is not her husband, and her consent is given under the false belief that he is her lawful spouse.

When she gives consent but is unable to understand the nature and consequences due to unsoundness of mind, intoxication, or being drugged.

When the woman is under sixteen years of age.

It's important to note that penetration is sufficient to constitute the sexual act for the offense of rape.

The Indian Penal Code defines "rape"²⁰ in the context of a man being the perpetrator and a woman being the victim. There isn't a corresponding law specifically addressing rape where the victim is a man. In cases where men are sexually assaulted, the legal system may not have specific provisions or well-defined laws to address their situation.

Typically, when a woman reports a rape case, there might be swift action, and society often tends to support the rape victims. However, the scenario is different when the victim is male, as there might not be the same level of awareness or legal support.

Moreover, due to the strong focus on supporting female victims of sexual assault, there can be instances where false accusations are made. These false accusations can stem from personal vendettas or other motivations, resulting in innocent men facing punishment for crimes they did not commit. The challenges of dealing with false accusations and protecting the rights of the accused in such cases are significant concerns. There are cases that states about the false rape cases:

- No semen sample of the appellant was collected to verify whether the semen on the “salwar” was of the appellant or not. It may be noticed that conviction in a false rape case casts a stigma on the character and reputation of an innocent man ‘and causes suffering which is no less than suffering of a rape victim.’²¹
- the petitioners threatened to file a false rape case against the accused if he fails to pay Rs.20 lacs to them, the petitioners have allegedly recorded a video of the accused with a girl and were blackmailing him.

(Thirdly) — With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

(Fourthly) — With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(Fifthly) — With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

(Sixthly) — With or without her consent, when she is under sixteen years of age. Explanation.—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

(Exception) — Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.

²⁰ Section 375 of IPC.

²¹ Available at [\(https://indiankanoon.org/doc/178012524/Sumit Gupta vs State \(Government of NCT OF Delhi\) \(20 March, 2009 \)](https://indiankanoon.org/doc/178012524/Sumit+Gupta+vs+State+(Government+of+NCT+OF+Delhi)+(20+March,+2009)) (last visited on 17 September 2023)

When the case was brought before the court and necessary investigations were made, the court held that the petitioners have been running a racket and were habitual to threaten & blackmail people by implicating them in false rape cases.²²

There are many other similar cases where a person was threatened of a false rape case, from the above-given paras it can be inferred that there may be numerous reasons for filing a rape case, and today such cases are being used as a weapon. Such cases not only have a negative monetary effect on the person but the major impact is on the reputation and mind of the victim.

3.2.1 STATISTICS OF FAKE RAPE ALLEGATIONS IN INDIA

The *Delhi Commission of Women (DCW)* has come out with remarkably shocking statistics revealing that 53.2% of the rape cases registered with the police between April 2013 and July 2014 in Delhi were falsified. Furthermore, the report says that between April 2013 and July 2014, out of the 2,753 complaints of rape, only 1,287 cases were found to be true, and the rest of the 1,464 cases were filed on false grounds.

The report further revealed that between June 2013 and December 2013, the number of cases found to be untrue was 525. The Delhi Commission of Women had stated that it was investigating individual complaints of rape, to ensure that the victims get justice. However, it added that in many cases, the complainant was revealed to be prejudiced and that revenge emerged to be the most common reason for filing a false rape accusation.²³

4. REASONS FOR CRIME AGAINST MEN -

There could be various reasons for Crime against Men Apart from the law, there exist some other reasons that could cause such cases to go unreported, these may include – the societal assumption that men are strong and hard to cry, or if they get legal help, it can cause discomfort for them and their families, and the list goes on.

According to a survey of 1,000 married men aged 21 to 49 in rural Haryana, one in ten men aged 18 and above has experienced domestic violence. Research shows that men as well are the victims of such violence and not only women.²⁴

There can be some other reasons for crime against men getting unreported –

- A. General Stereotypes against males
- B. Fear of fake cases
- C. Societal and family pressure

²² Available at <https://indiankanoon.org/doc/110889529/> Sejal Sharma vs State OF Haryana (21 september 2021) (last visited on 17 september 2023)

²³ Available at <https://restthecase.com/knowledge-bank/false-rape-allegations-in-india/> last visited on 17 September 2023

²⁴ Available at <https://timesofindia.indiatimes.com/readersblog/my-thoughts-on-paper/an-indian-perspective-on-domestic-violence-against-men-50632/> (last visited on 17 September 2023) .

D. Denial

There can be various other reasons for the crime against the man. Crimes doesn't only harm the rights of an individual but also harm the Human Rights of the particular individual only the right against men get overshadowed and there is not any law made for men to protect it's right.

5. HUMAN RIGHTS AND GENDER EQUALITY

Human Rights are the Rights which are applicable to all living persons, similarly Gender Equality as a right should be given to every Male and Female.

Gender equality is a human right. Women and Men are entitled to live with dignity and in freedom from want, fear, and violence. Gender equality is also a precondition for advancing development and reducing poverty: Empowered women and men contribute to the health and productivity of whole communities and societies, and they improve prospects for the next generation.

Gender equality is at the very heart of human rights and is valued worldwide. A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is "equal rights of men and women", and protecting and promoting women's human rights is the responsibility of all States.²⁵ Gender-based discrimination is prohibited under almost every human rights treaty, which represent their similarity between Human Right and Gender Equality.

6. CONCLUSION & SUGGESTIONS-

In recent times due to modernization and westernization, societal values, culture, norms have changed a lot. Earlier men were seen as protectors of their family but nowadays both men and women are equally working, raising and managing their homes with equal contribution to their incomes. Men have now opened up about the domestic violence that they face and now they have started sharing their pain, agony, and their struggles openly. Men are no longer stronger than women. Human Right and Gender Equality plays a similar role as we talk about it, we should see that if any one of it is violated it would affect the world at large.

- The false objection against men is increasing each day, and it's a significant issue as it disregards basic fundamental liberties. The basic principle of laws is to provide justice and fairness to the society but with the false cases and increasing injustice the principles are lacking behind. The issue is obscure to anyone; everyone knows how women abuse the law's provisions to satisfy their unlawful demands against their spouses. The Supreme Court is additionally working hard on bringing amendments to laws protecting Indian men then also there are situation arising leading to harassment and discrimination between the two sex.

²⁵ Available at <https://cambodia.ohchr.org/en/issues/gender-equality-and-human-rights> (last visited on 17 September 2023)

- There is no reason to deny that, women are subjected to intimate partner violence by men. But it does not hold any reasonable ground for not having any law to protect men from the same. Everyone is subject to human rights and gender equality. Article 14 of the Indian Constitution guarantees citizens the fundamental right to equal treatment, and Article 15 prohibits discrimination based on religion, race, sex, caste, or place of birth. The Indian Constitution states that all citizens have the right to life and liberty.
- It is therefore necessary to make the necessary changes to the existing legislation. There is also a pressing need to pass gender-neutral laws so that perpetrators can be punished and victims can receive treatment irrespective of their gender. Therefore, to prevent and reduce domestic violence in this field, gender-neutral laws must be applied and sexist laws must not be enacted.
- Some other suggestions for gender-neutralizing our criminal laws of India. Like for example the word 'spouse' should be used in place of man and woman in section 304B and sec 498A. The burden of proof must be shifted from accused to complainant in keeping with the statement made in the Universal Declaration of Human Rights that "everyone accused with a criminal offence has the right to be assumed innocent unless proven guilty." And gender sensitivity should be inculcated in order to create gender neutral laws. It must be recognized that crimes are committed even against men. They do suffer! And gender neutral must be used in these laws. Both sexes can be victims and perpetrators. Also making laws gender neutral isn't against feminism. It is rather promoting feminism through equality in sexes. Hence legislators and judiciary must consider this issue as soon as possible and there is a dire need of gender-neutral laws by promoting justice and equality.

