

MEN: THE FORGOTTEN GENDER

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In the ancient Indian civilization and culture women were given the same status as that of men, they were treated equally and lived a dignified and respectful life. Later, as we developed and our civilization grew and expanded, the position of women dropped from its peak. Women, who were treated as equals, started being objectified and started losing their dignity and the position that they held in the society. Women were exploited by men and were given the tag of being the weaker sex or the "less noble" section of the society. The exploitation against women grew to such an extent that an uprising was necessary in order to maintain the balance between the nature's two important creations, men and women. After a lot of struggles and reforms, our society came to a position to give women equal rights and protection in the eyes of law, even though we still see cases in our day-to-day life where women are being exploited and harassed mentally, socially, economically and in all the possible aspects of life.

Numerous provisions and laws have been formulated in order to safeguard the rights and dignity of women so as to provide them with equal status and opportunities as that of men in our country. Article 15 of the Indian Constitution prohibits discrimination on grounds of religion, race, caste, sex or place of birth. In furtherance to Article 15, Article 15(1) of the Indian Constitution states that 'The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them'². Article 15(2) states that 'No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition'³ and according to Article 15(3) 'Nothing in this article shall prevent the State from making any special provision for women and children'⁴. Article 39(a) which is covered under Directive Principles of State Policy talks about providing its citizens, men and women, equal right to an adequate means to livelihood. Clause (d) of Article 39 deals with equal pay for both men and women for equal work. Article 42 deals with the provision for just and humane conditions of work and maternity relief. Article 51A (e) deals with renouncing the practices derogatory to the dignity of women.

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² Article 15, Constitution of India

³ *ibid*

⁴ *ibid*

Many provisions under Indian Penal Code safeguards women against crimes and injustice such as Section 294 (Punishment for obscene acts or words in public), Section 326 (Protection of women against Acid Attacks), Section 354 (Outraging modesty of Women), Section 376 (Punishment for rape) and many more.

Many legislations have been passed to safeguard the interests of women such as:

- Dowry Prohibition Act, 1961
- Maternity Benefit Act, 1961 (Amended in 1995)
- Equal Remuneration Act, 1976
- Indecent Representation of Women (Prohibition) Act, 1986
- Muslim Women (Protection of Rights on Divorce) Act, 1986
- National Commission for Women Act, 1990
- Protection of Women from Domestic Violence Act, 2005
- Prohibition of Sexual Harassment of Women at the Workplace Bill, 2010

Even though the situation of women in India is not ideal and we have a long road to cover to reach that ideal state, which would take years and generations to achieve, we do have laws which have been safeguarding the status and modesty of women and maintaining the balance between men and women in India. But if we look around, we will encounter cases where even men are being exploited and harassed, at times by women and sometimes by other men. When we try to seek justice for these men through our Constitutional provisions or Indian Penal Code or any other legislation, we realise that there is hardly any provision which safeguards the dignity and position of men in our society. Does only women have the right to lead a dignified life according to our laws and does men have no modesty at all?

Keeping in mind, the vulnerable condition of both men and women in the society, being an infant or an adult or even a senior citizen, it is necessary for the society to adopt gender neutral laws. Even men are victims of rape and sexual harassment in working places. Then why all the laws relating to such heinous crimes protect only women and not men? The only form in which a wrong sexual advancement on a man is recognized as an offence is as sodomy under the Section 377 of the IPC. Apart from this section there is no provision in the Indian Penal Code to safeguard the modesty of men.

25% of women and 13% of men are victim of sexual harassment while online⁵ but the provisions against such an act is incorporated in IPC under Section 354 which is exclusively meant for the protection of women. Men are also subject to domestic violence, sexual harassment and other sexual crimes. The main area where men are being physically exploited is at their workplaces. At times, at workplaces, the male colleague or the female executive humiliate and harass other male colleague, making them victims of sexual assault and harassment. According to Roberta Chinsky Matusan⁶, "*Many people mistakenly believe that harassment is limited to females*". Rape can also be included under the category of sexual harassment which can either be female-on-male rape or male-on-male rape. Not only in offices or workplaces but it can be witnessed in prisons, schools and sometimes at one's own house. But no law has been formulated to safeguard any such heinous crimes against men. Hence, such cases remain unreported and are not discussed in limelight. Justice Krishna Iyer stated that, "*A Murderer kills the body but a rapist kills the soul*".⁷ Furthermore, the laws that are made to safeguard the interests of women are at times misused by them to harm the interests of men. False cases have been filed by women against men to harass and extort them. Haribhai Parathibhai Chaudhary⁸ recently stated that, "*As many as 31,292 cases of alleged cruelty by husbands and in-laws, filed by women under Section 498A of the IPC between 2011 and 2013, were found false or mistake of fact or law after police investigation*"⁹.

Our Indian Constitution talks about Right to Equality under Article 14, which discards any unfairness on grounds of caste, race, religion, place of birth or sex. It provides equal rights and status to both men and women in the Indian society and it is implied that it provides equal protection to both the sexes too. The question that arises here is- Why the provisions in different statutes only safeguard the interests and modesty of women and no concern is portrayed towards the interests of men.

It has become a necessity to prevent the ill-practices that are increasing day-by-day in our society. To be able to do so, it is necessary to formulate laws to protect the interests of all the people who are a part of the society, which includes women as well as men. The provisions of IPC and other legislations which deals with crimes related to sex and sexual crimes should

⁵ PEW Research Statistics, 2014

⁶ Human Resource Expert, Florida, United States

⁷ Rafiq v State of Uttar Pradesh, AIR 559 SCC 1981

⁸ Minister of State for Home Affairs

⁹ Available at <http://timesofindia.indiatimes.com/india/Steady-increase-in-number-of-women-filing-false-cases-against-husbands/articleshow/46452475.cms> (Last accessed on 26/08/2016)

be made gender neutral so that equal protection can be provided to both men and women. A step forward in this direction is required to be taken in order to achieve gender equality not only in terms of opportunity, status (economic and social) and development but also in aspects relating to protection of the vulnerable.

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