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Gender Neutrality and Laws in India: Critical Analysis

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ABSTRACT

India's legislative approach towards gender-neutral laws has been slow and inconsistent, despite recommendations made by various committees and commissions. The 172nd Law Commission Report, the Criminal Laws (Amendment) Bill, 2012, and the Justice Verma Committee Report all proposed gender-neutral laws, but their implementation has been limited. The Criminal Law (Amendment) Ordinance, 2013 was a significant step towards gender-neutral laws, but it was repealed by the Criminal Law (Amendment) Act, 2013 which reinstated gender-specific laws.

Gender-neutral laws are essential for the protection of all individuals, regardless of their gender. The need for such laws arises from the fact that existing laws are often biased towards one gender or the other. For instance, laws related to rape and sexual assaults in India are gender-specific and protect only women. This leaves men and transgender individuals vulnerable to sexual violence without any legal recourse.

The implementation of gender-neutral laws is crucial for ensuring equal protection under the law for all individuals. The legislature needs to take action towards enacting such laws to address the gaps in existing laws and ensure that all individuals are protected. Furthermore, the implementation of gender-neutral laws will also contribute to changing societal attitudes towards gender roles and stereotypes.

In conclusion, while there have been recommendations for gender-neutral laws in India, their implementation has been limited. The need for such laws is crucial for ensuring equal protection under the law for all individuals. It is important for the legislature to take action towards enacting gender-neutral laws to address the gaps in existing laws and ensure that all individuals are protected.

I. INTRODUCTION

In the words of American political activist, **Gloria Steinem** – “A gender- equal society would be one where the word ‘**gender**’ does not exist where everyone can be themselves.” The binary interpretation of the word 'gender' is deeply embedded in society's psyche, although the substance of the term resides in the fact that it includes male, female, and transgender people.

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Gender neutral laws aim to provide equal punishment and opportunity to all genders while eliminating negative discrimination. Since the mediaeval period in Indian history, vulnerable women have been tyrannised, traumatised, and exploited, and as a result, particular legal safeguards have been granted to them. Women now have parity with men in education, work, and status as a result of the zealous efforts of legislators, but in the post-globalization period, the notion of feminism has been completely misunderstood.³

In simple terms, “Gender neutrality is the idea that policies, language and other social institutions should avoid distinguishing roles according to people’s sex or gender, in order to avoid prejudice arising from the impression that there are social roles for which one gender is more suited than another.”⁴

Every country's legal system is founded on its social foundation. Gender neutrality in the legal context refers to the notion of equality in the recognition of the rights of all people, regardless of their gender. Thus, the researcher intends to look at gender neutrality in provisions of acid attacks, sexual offences such as sexual harassment and rape through this dissertation.

We live in the twenty-first century, and as we move away from historical restrictions, the position of every human being in today's world has altered. Women breaking free from the four walls of their homes disrupted societal conceptions of gender roles, leading the globe to see progress in women empowerment and setting examples for others in their own professions. Women like as Indra Nooyi, Saina Nehwal, Mary Kom, PV Sindhu, Aishwarya Rai, Sushma Swaraj, Mirabai Chanu, Harnaaz Kaur Sandhu and others have demonstrated that they can not only compete with men, but often exceed them.

Gender neutrality, in ordinary parlance, would mean avoiding discrimination based on the gender or sex of an individual. Gender refers to “*the roles, behaviour, activities, and attributes that a given society may construct or consider appropriate for the categories of ‘men’ and ‘women’.* It can result in stereotyping and limited expectations about what people can and cannot do”.

The Indian Constitution, the world's longest, has been clear on the right of every person to equal protection of the law, which stems from the ideology of the great struggle for independence, clearly prohibiting discrimination among its citizens on the basis of religion, race, caste, sex, or place of birth.

³ Claire Melamed, *Gender is just one of many inequalities that generate poverty and exclusion*, THE GUARDIAN, Mar. 9, 2012.

⁴ Udry, J. Richard "The Nature of Gender", Vol. 31 DEMOGRAPHY 564, 561-573 (1994).

It is true that women's growth has not been equal in all parts of the country, and even today, one can witness crimes against women in the country, which is horrifying to witness even after more than seventy years of independence. To eliminate these societal evils, the country's policies must be reframed in order to effectively enforce sexual offence legislation. However, the topic that must be addressed is whether the country's current laws are intended to provide comprehensive safety to all citizens, and if these laws are enacted as a reaction to obvious evils or as a preventative measure to even safeguard the society's certain unseen dangers.

The next task for India is to make our laws gender-neutral. The emergence of unequal development and crimes against women across the country, such as cases like Nirbhaya, Kathua, and veterinarian in Hyderabad, among others, has prompted the legislature to enact various gender-specific laws. However, there have been cases where laws for protection have been exploited as a lethal weapon, resulting in extreme misapplication. This has raised the possibility of enacting gender-neutral legislation, as everyone, regardless of gender, requires protection.⁵

II. GENDER NEUTRAL LAWS IN INDIA

172nd Law Commission Report

The commission proposed revisions to broaden the scope of the offence of rape and make it gender-neutral. It was the first time in India that a sexual offence was viewed in such a broad and far-reaching manner. Apart from that, changes were also recommended in sections such as 376, 376A to 376D. The report also recommended deletion of Section 377 of IPC, proposition which was struck down in the 172nd Law Commission Report 2000. Experts have considered legislating gender-neutral laws for about now 2 decades ago. However, the legislature hasn't accepted the idea in total.⁶

The Criminal laws (Amendment) Bill, 2012

The said bill was based on the recommendation of various committees including the 172nd Law Commission Report of making the offence of sexual assault gender-neutral. The Bill proposed amendments in IPC, 1860, Code of Criminal Procedure, 1973 and Indian Evidence Act, 1872. The amendments ran more or less parallel to the 172nd Law Commission report with a major addition of inserting sections 326A and 326B in the IPC to make acid attack a specific offence.

⁵ Pranzal Zha, *Gender equality vs. Gender neutrality*, IPLEADERS (12 July 2023, 11:23 AM), <https://blog.ipleaders.in/gender-equality-v-gender-neutrality/>.

⁶ Flavia Agnes, *Law, Ideology and Female Sexuality: Gender Neutrality in Rape Law*, ECONOMIC AND POLITICAL WEEKLY (13 July 2023, 10:20 PM), <http://www.jstor.org/stable/4411809>.

The Bill was introduced in Lok Sabha on 4th December 2012, 12 years after the recommendation of the commission.⁷

The Justice Verma Committee Report

The Delhi Gang-Rape event occurred twelve days after the Criminal Laws (Amendment) Bill, 2012 was introduced in Parliament. Due to the government's national anger, the bill was withdrawn, and a three-member committee led by former C.J. Verma was constituted on December 23, 2012. The Justice Verma Committee Report emphasised the need of India recognising multiple sexual orientations and advised that transgender people be included alongside other genders, such as men and women, while crafting gender-neutral laws.

The committee stated, "Since the possibility of sexual assault on men, as well as homosexual, transgender and transsexual rape is a reality, the provisions have to be cognizant of the same".⁸

The Criminal Law (Amendment) Ordinance, 2013

The present Ordinance was the next in line after the Criminal Law (Amendment) Bill, 2012. At the backdrop the brutal and inhuman Delhi Gang Rape, the then President Pranab Mukherjee on 3rd February 2013 exercising his powers under Article 123 (1) promulgated the Criminal Law (Amendment) Ordinance, 2013. The said Ordinance was based on the recommendations made by the J. Verma Committee Report. Whereby for the first time in the history of India the laws relating to sexual offences were gender-neutral. However, as it is a temporary law, it was enforced for only fifty eight days before being repealed by the Criminal Law (Amendment) Act, 2013 which completely ignored the neutrality aspect of the recommendation and made gender-specific laws.⁹

Legislative approach

The main purpose of a legislative body in any country with a constitution is to enact laws that benefit society. Every law impacts the rights of every citizen (individually and collectively), and every law, once enacted, has or will become unpopular. No law can exist in perpetuity until it is modified. A good piece of legislation, on the other hand, can resist changing times and remain strong for a long time. If a law must be changed frequently, it is considered weak.

Post independence, various adjustments were made in terms of sexual offences: the definition of rape was broadened; new charges such as stalking and voyeurism were added; and a new

⁷ The Criminal Law (Amendment) Bill, 2012, PRS INDIA (13 July 2023, 01:00 AM), <https://prsindia.org/billtrack>.

⁸ Report of the Committee on Amendments to Criminal Law (2013), (14 July 2023, 02:00 AM) <http://nlrd.org/womens-rights-initiative/justice-verma-committee-report-download-fullreport>.

⁹ Criminal law (amendment) ordinance 2013, (14 July 2023, 02:00 PM) <http://www.manupatra.com>.

statute was enacted to protect minors from sexual assault. These changes, however, have come at the expense of a human life. The Indian Legislature has not been proactive in enacting crime laws for sexual offences since independence.¹⁰

The Laws amended or enacted have been the reaction to the happening of an incident for an instant:

- Amendment of 1983 was a reaction to the Mathura Case.¹¹
- Amendment of 2013 was the reaction to Nirbhaya Case.¹²
- Amendment of 2018 is the reaction to the Asifa Bano case.¹³

III. GENDER NEUTRALITY IN INDIAN LAWS

RAPE

Rape is one of a handful of the offenses that were perceived as 'wrongs' across hundreds of years and social orders. Albeit a wide range of types of sexual infringement have existed across time and settings, the casualties of which incorporate male, female and trans people - grown-ups and youngsters yet it was penile vaginal entrance that came to be treated as the main significant offense. This particular naming of a solitary kind of sexual infringement as the main genuine offense really eradicated State acknowledgment of different types of sexual infringement, and the commitment to actually address something very similar.

The Rape regulation in India depicted under Section 375 unequivocally starts with the words- "**A man is said to have committed rape**"¹⁴ the explanation being that generally men are to a great extent seen as culprits and a lady physically forcing a man to cause him to infiltrate her is incomprehensible in a man centric culture.

In India rape is considered as the demonstration of penile entrance, or any unfamiliar item into the vagina without the assent of women or young lady. Sec 375 of IPC specifies about rape as "sex with a lady despite her desire to the contrary, without her assent, by intimidation, distortion or extortion or when she has been inebriated or hoodwinked or is of unstable emotional well-being and regardless, assuming that she is under 18 years old". In the event that we investigate the definition, we find that it makes two understood, though inconspicuous deductions:

- A rape offender is essentially a man.

¹⁰ Gender neutral legislative drafting in India, (15 July 2023, 06:10 PM), <https://zenodo.org/>.

¹¹ Tuka Ram And Anr v State Of Maharashtra, A.I.R. 1979 185.

¹² Mukesh & Anr v State For Nct Of Delhi, (2017) 6 SCC 1.

¹³ Asifa Bano v. Ut Of J&K And Others, (2022) WP(C) No. 165/2022

¹⁴ Section 375, Indian Penal Code 1860.

- A survivor of rape is essentially a lady.

Subsequently, the entire definition is thinking about the rape of just women and there's no provision for the rape of male. It shows that in India there's no specific regulation if a male rapes another male or a female rapes a male. At the most they can be sodomized under sec 377 of IPC that is displayed on Buggery Act, 1533 where unnatural sex is an "Act against god". Aside from this section, any remaining regulations and sections are implied exclusively for females. This Inequality in the treatment of rape of male from rape of female is influencing the equalitarianism of our constitution. However there's POCSO ("Protection of Children from Sexual Offenses") for the rape of male youngster such arrangement doesn't exist for a grown-up male.¹⁵

SEXUAL HARASSMENT

The term 'lewd behaviour' first came to the spotlight in quite a while where women were eliminated from their positions since they dismissed any kind of sexual suggestions at the hand of their bosses. This was known as the 'compensation' sort of inappropriate behaviour. Such an activity was viewed as abusing Title VII of the Civil Rights Act of 1964. Before long, it gained appreciation in the Employment Law that undesirable chauvinist ways of behaving of collaborators might prompt circumstances ill suited for business for example 'Unfriendly workplace'. The rules were given by the US Equal Employment Opportunity Commission in 1980 for example USEEOC 1980.¹⁷

Therapists have thought of a three-section characterization framework that partitioned inappropriate behavior into three distinct yet related classes:

- Sexual Coercion
- Undesirable Sexual Attention
- Gender Harassment

All kinds of people are inclined to or can encounter all the above types of inappropriate behaviour; however a few subgroups are more helpless than others. For instance, lesbian or sexually unbiased women, or women who show cliché manly way of behaving or who spread gender-populist convictions. Likewise, gay, transgender, or men who are seen as 'not man enough' have higher possibilities confronting badgering.

¹⁵ Aneesha Mathur, *Bill to make sexual crimes gender neutral introduced in Parliament*, INDIA TODAY (13 July 2023, 08:00 AM), <https://www.indiatoday.in/india/story/bill-to-make-sexual-crimes-gender-neutral-introduced-in-parliament-1568504-2019-07-13>.

A couple of years prior, the #MeToo development surprised the world. The development was instrumental in breaking the time old untouchable of exploitation and rousing women all over the planet to speak loudly against undesirable lewd gestures. The common accounts of oppression looked by women, all over the planet, in a man centric, male ruled society framed the premise of this development. It gave a stage to casualties to stand up transparently about their difficulties, which thus helped in expanding mindfulness about inappropriate behavior, especially at work environment¹⁶.

According to the rules set somewhere around the Hon'ble Supreme Court in the issue of **Vishakha and Ors. v Territory of Rajasthan and ors**¹⁷, lewd behaviour is characterized as:

Such unwanted physically resolved conduct (whether straightforwardly or by suggestion) including:

- a) Actual contact and advances;
- b) A demand or solicitation for sexual blessings;
- c) Physically hued comments;
- d) Showing sexual entertainment;
- e) Some other unwanted actual verbal or non-verbal direct of sexual nature.

The above meaning of inappropriate behaviour is gender neutral. Be that as it may, the court qualified the abovementioned, with the accompanying perception:

"Where any of these demonstrations is committed in conditions where under the casualty of such direct has a sensible worry that corresponding to the casualty's business or work whether she is drawing pay, or honorarium or intentional, whether in government, public or private undertaking such lead can be embarrassing and may comprise a wellbeing and security issue. It is prejudicial for example when the lady has sensible grounds to accept that her protest would inconvenience her regarding her business or work including enrolling or advancement or when it establishes an antagonistic workplace. Unfavorable results may be visited in the event that the casualty doesn't agree to the lead being referred to or brings up any criticism thereto."

The lawmaking body ordered **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** pointed toward giving insurance to women at working environment. The correction brought to the Indian Penal Code, 1860 (IPC) Section 354 (Assault or criminal power to lady with expectation to shock her humility), Section 354A (Sexual

¹⁶ Me Too: Sexual Harassment Awareness & Prevention (18 July 2023, 05:00 PM), <https://online.maryville.edu>.

¹⁷ (1997) 6 SCC 241.

harassment and discipline for sexual harassment), Section 509 (Word, motion or act planned to affront the unobtrusiveness of a lady) Section 375 and 376 (Rape and Punishment for Rape), are women driven and do essentially nothing to give any assurance to men against a female attacker.

Shockingly the proposals of Justice Verma Committee, which was comprised to recommend changes to sexual harassment regulations in 2013, concerning gender-neutrality of sexual offenses, have not been consolidated in the Criminal Law (Amendment) Act, 2013.

DOMESTIC VIOLENCE

Gender is a social development and it is often affected by race, station, country, class, culture, sexual inclination, capacity, customs, and so on. In numerous south Asian nations, for example, India, gender jobs are exceptionally inflexible. This inflexibility brings about gender predispositions and cliché ideas. Men who face domestic violence at the hands of their spouses or their cozy accomplices, these aggressors who are normally women are invulnerable to the arrangements connected with gender viciousness that is given in the correctional arrangements for example Indian Penal Code of the country.

As per **Section 498A of the Indian Penal Code 1860**, just a man can be expected to take responsibility for remorselessness to his better half. There isn't any subsection or any arrangements given in the resolution that will make a lady responsible for domestic violence. Whenever men attempt to open up and to report about the pain and actual savagery that they are confronting, nobody pays attention to them, not even the police. Whining about aggressive behaviour at home by a man can often name a man as 'womanly' or 'weak' by the Indian culture. Today, at present three regulations are directing Domestic Violence in India. They are; Domestic Violence Act, 2005, The Dowry Prohibition Act, 1961, and Section 498A of IPC. In any case, sadly, these large numbers of regulations are women-driven and safeguard just women. They don't perceive men as casualties under the ambit of regulations. They can't hold up a grumbling against their spouses and parents in law for misuse and brutal treatment. All things being equal, they are being outlined under bogus grumbings recorded by their spouses. Prominently, every time women are seen more thoughtfully than men whether it is if there should arise an occurrence of brutality, savagery or upkeep, and so forth. Because of which, the misleading claims on individuals for sexual harassment and rape are expanding quickly. The Domestic savagery Act was made for the security of women from any sort of viciousness caused

by men/women.²⁶ The term 'abused individual' in the Domestic brutality act incorporates just women. Indeed, Section 498A of IPC remembers just women for its ambit¹⁸.

In 2004, the National Family Health Survey (NFHS) has found that around **1.8%** or an expected **60 lakhs** women have executed actual savagery against husbands with next to no incitement. Nonetheless, men are bound to be compromised and gone after by male family members of the spouse than the wife herself. At the point when actual brutality and dangers against men by spouse's family members are considered, expected 3 crores men are confronting domestic violence in India. The bizarre viewpoint anyway is, men are not inquired as to whether they are casualties of aggressive behaviour at home in these studies.¹⁹

Male survivors of family brutality go through low confidence and their exhibition at work environment endures. Thousands of such men are moving toward specialists, who are not of much assistance, when a regulation to give security to men and limit the women doesn't exist. Most guardians of women fault the child in-regulation for the breakdown of the marriage, without tolerating that their girl is oppressive or she has genuine resentment the executives issues. They some way or another figure their little girl can never be off-base and anticipate that the child in regulation should endure her. They get fierce at child in-regulation to show him a thing or two or look for vengeance. Police seldom acknowledge any grumblings recorded by husband about the brutality he is enduring, guaranteeing that this is a family issue. They additionally decline to give any assurance to the man²⁰.

The male centric reasoning that "**Mardko Dard nahihota**" (Men don't feel pain) praises and disparages profound emasculation of young men from an exceptionally youthful age which helps them to endure misuse and have a celebrated outlook on making penances. Attributable to this social moulding, a greater part of deceived men wear a plastic grin and conceal their scars and experience in isolation.

M. Kimmel in his book on '**Male Victims of Domestic Violence**' said that domestic violence is one of the serious issues and men likewise experience the ill effects of domestic violence at the hands of their spouses or personal accomplices. Endeavours to forestall domestic violence and its effective execution have followed long stretches of examination and support for the

¹⁸ Ayush Chaurasia & Bhakti Rathi, *Analysing Domestic Violence From The Male Perspective*, DAILY GUARDIAN (20 July 2023, 06:35 PM), <https://thedailyguardian.com/analysing-domestic-violence-from-the-male-perspective/>.

¹⁹ S. Sarkar, R. Dsouza & A. Dasgupta, *Domestic Violence against Men*, WORD PRESS (21 July 2023, 07:25 PM), <https://ipc498a.files.wordpress.com/2007/10/domestic-violence-against-men.pdf>.

²⁰ Anupam Dubey, *The issue of Domestic Violence against Men in India*, DAAMAN (22 July 2023, 08:22 AM) <https://www.daaman.org>.

benefit of their casualties. New regulations, police methods, clinical and criminological exploration have worked on the states of men who experience the ill effects of domestic violence. As of late, domestic violence has turned into an intriguing issue among activists, people, and numerous associations. Following quite a while of examination, numerous political activists are currently yelling this as loud as possible that all kinds of people can be the survivor of domestic violence in generally the equivalent number. Regardless of a few investigations that have proposed that no one but women can confront domestic violence at the hands of men, the other hundred exact examinations recommend that the survivors of domestic violence can be all kinds of people. This has incited the excited 'male gender activists' that policymakers ought to remember in regards to the approaches connected with domestic violence who made arrangements and regulations principally zeroing in on women.²¹

Reasons why domestic violence cases against men go unreported:

There are many reasons for which men often do not reveal the violence they face by their spouses or by their intimate partners

1. **General Stereotypes against males**– Men often feel discriminated against or feel uncomfortable in revelation about the violence that they face because they feel ashamed that they will be refereed and will be labelled as wimpy and effeminate. men think their struggle against violence will go futile because of gender-centric laws and provisions that are given in the Indian Constitution. Men feel that they have failed the role of protector in nurturing their families.
2. **Fear of fake cases**– Men often feel that revealing the violence can cause unnecessary nuisance and they do not want to face the legal consequences because of the gender-biased or gender-specific laws in our Constitution. They feel that they have to leave their families and they don't want to lose custody of their children which is often a cumbersome process.
3. **Societal and family pressure**– Most of the Indians continue to live with their families even after their marriage. Because of this factor, men feel ashamed of opening up about the violence. The society also plays a crucial role in nurturing gender biased laws and stereotypes against a particular gender.
4. **Denial**– Mostly people feel that domestic violence can only happen to a woman. And they live in denial when they get to know that man can also be a victim of domestic violence. So, basically, people never really want to talk about it.²²

²¹ B.B.Hess, *Gender and Society*, 14 *THE GENDERED SOCIETY* MICHAEL S. KIMMEL 827, 827-829 (2000).

²² Seep Gupta, *Domestic violence against men in India*, IPLEADER (23 July 2023, 08:00 AM),

Sociocultural and psychological dimensions of violence against men

There can be various reasons for violence against men in a domestic environment:

Sociocultural

It has been seen in a review that less pay, schooling up to working class, family unit arrangement, and the impact of liquor were risk factors for brutality against men. A procuring life partner with instruction up to graduation was viewed as the gamble factor for bidirectional actual viciousness. Rank and financial status were not viewed as fundamentally connected with savagery against men. It was seen that the couples where the companion is acquiring and taught up to graduation, the actual savagery can be committed by both the mates against one another.²³

Psychological

Numerous women have genuine displeasure the board issues and as a result of this they become forceful, and a verbal or actual maltreatment happens. Women confronting pressure at working environment have disappointment and outrage due to non-satisfaction of assumptions and in this manner can enjoy savage way of behaving. Monetary limitations because of spouse's unfortunate pay or potentially more pay by wife may likewise be one of the elements prompting viciousness.

Society and its power relations, standards, and values are evolving. Men have begun sharing their misery, torment, and badgering by women/companions. The time has come to perceive their concern as a social and general medical problem and foster suitable procedures and mediations. They are as of now not more grounded than women. They need assistance in emergency and family brutality: Particularly savagery by companion is an emergency. Male casualties of brutality can be saved/helped through suitable intercession, for example, acknowledgment of savagery against men by women as a general medical problem; helpline for the male survivors of viciousness; and instruction, mindfulness, and lawful protections.²⁴

ACID ATTACKS

In a layman's language, acid attack is the insightful assault where corrosive is utilized as a weapon and is tossed on somebody to torment, bother and bug that individual. The most typically utilized synthetic in corrosive assaults is sulphuric corrosive (oil of hostility); henceforth, it is called as vitriolage. Corrosive assault, otherwise called corrosive savagery or

<https://blog.ipleaders.in/domestic-violence-men-india/>.

²³ JS Malik, A. Nadda, *A cross-sectional study of gender-based violence against men in the rural area of Haryana, India*, NATIONAL INSTITUTE OF HEALTH (23 July 2023, 010:00 AM) <https://pubmed.ncbi.nlm.nih.gov/30983711/>.

²⁴ RICHARD DERIDDER & RAMA C. TRIPATHI, *NORM VIOLATION AND INTER GROUP RELATIONS* 192 (1992)..

vitriolage, has showed up as a resentful and horrendous demonstration that shows the gravity and hugeness of the getting through abominations and infringement of human right.

As per **Section 326A** of Indian Penal Code, "Whoever makes extremely durable or fractional harm or distortion, or consumes or mangles or deforms or cripples, any part or portions of the body of an individual or causes horrifying hurt by tossing corrosive on or by controlling corrosive to that individual, or by utilizing some other means determined to cause or with the information that he is probably going to cause such injury or hurt, will be rebuffed with detainment of one or the other portrayal for a term which will not be under decade however which might stretch out to detainment forever , and with fine."²⁵

As per **Section 326B** of Indian Penal Code," Whoever tosses or endeavours to toss corrosive on any individual or endeavours to manage corrosive to any individual, or endeavours to utilize some other means, determined to cause super durable or halfway harm or distortion or consumes or injuring or deformation or incapacity or offensive hurt to that individual, will be rebuffed with detainment of one or the other portrayal for a term which will not be under five years however which might stretch out to seven years, and will likewise be at risk to fine."²⁶

In the new times there has been a change in perspective in the cases, with respect to male corrosive victim. Many cases have been accounted for from different pieces of the country somewhat recently and there have been different examples where the cases have not even been accounted for. As per a concentrate by the wellbeing and social consideration data focus, London. In most recent two years in Britain there have been situations where suspect was male 74% of the time and victim was male 67% of the time.²⁷ This review and its outcomes plainly features that there is a lot of expansion in the quantities of male corrosive victims. Further the review exhibits that the victims of London's rough corrosive assaults are predominantly male. Four out of five victims in 2016 were men, as per the insights. From 2007 to 2011, around 50 men and 50 women were gone after every year. Beginning around 2012, be that as it may, the quantity of assaults on men has expanded decisively every year, topping at 352 out of 2016²⁸.

The circumstances in India is the same, Acid Survivors Foundation India (ASFI) is a NGO based out of Kolkata, West Bengal, which makes progress toward the counteraction of corrosive consume savagery as well as offers help administrations to survivors led a concentrate in which acquired results were very surprising. It was found that north of 29% of the victims of corrosive

²⁵ Section 326A, Indian Penal Code, 1860.

²⁶ Section 326B, Indian Penal Code, 1860.

²⁷ Ben Bryant, *Everything you know about acid attacks is wrong*, BBC CRIME (2017).

²⁸ *ibid*

brutality end up being men in India. Presently, this is an educational result, this without a doubt change the propensity of the general public to consider it as a wrongdoing against a specific orientation since, in such a case that we do so we are basically overlooking the agony and complaints of 30% of victims. The review was additionally upheld by the articulation of AFSI joint chief Anita D'Souza, she featured the likely purpose for the men acid attacks she says "in instances of corrosive assaults on men, the reasons are fundamentally vengeance or envy". In one more report directed by SAA (Stop Acid Attacks) a Delhi based NGO, in its review tracked down these outcomes that around (at least 15) percent of acid attack victims are men.⁴³ These all reviews finish us up that the wrongdoing of acid attack isn't the least bit an orientation one-sided wrongdoing however a typical wrongdoing whose victim can be of any orientation.

IV. HARASSMENT AND CRUELTY AGAINST MEN CASES

Under the case, **Arnesh Kumar v. the State of Bihar**²⁹, the spouse guaranteed she was requested endowment and as she was unable to satisfy the interest she was tossed out of her wedding house. Where the spouse and his family were arrested including his matured grandparents. Under this case, the Court set out certain rules that ought to be trailed by the cop while capturing under Section 498A IPC, or Section 4 of the Dowry Prohibition Act, 1961, and that such capture should be founded on a sensible fulfillment concerning the validity of the claim. Additionally, even the Magistrates should be cautious enough not to approve detainment nonchalantly and precisely.

Under the case, **Sushil Kumar Sharma v. Association of India**³⁰ which is one of the verifiable cases, the Supreme Court held sec 498A as lawful psychological oppression. These revisions were purchased in 1985, for the assurance of women against settlement provocation and to engage women about the awful results connected with share.

This is was probably the best advance taken by the public authority of India and up to a degree they have been effective. Be that as it may, the severity of regulation was taken into a benefit by the women to document bogus arguments against their spouses to satisfy their requests.

It is extremely sad to see that the law made to safeguard the privileges of women is being abused for their own benefits.

Generally speaking, guardians force the women to get hitched and because of this steady strain, the lady gets hitched and when she understands she can't endure any longer in the marriage and needs to return to her parental house, she abuses the regulations connected with endowment

²⁹ M. Satish, *Virginity and rape sentencing*, (Times of India, the crest ed.) (2013).accessed on 16 April,2022.

³⁰ (2014) 8 SCC 273.

interest. Also, due to the severity of the law, the men get denounced erroneously, for that reason the law ought not be orientation one-sided and ought to give both the gatherings equivalent course of action to determine the matter. On the off chance that this doesn't occur the men will be denied of their entitlement to live nobility in a nation like India.

V. DOMESTIC VIOLENCE AGAINST MEN CASES

This perception was additionally upheld on account of **Rajesh Sharma and Ors. v Province of UP and Anr**³¹, in which the SC passed a request to the police and justices expressing that no individual can be captured immediately subsequent to being denounced under section 498A, they need to lead an appropriate examination to find out the honesty of the case at the primary spot. In this way, the Court was seen that "there was a developing example of situations where the women were abusing the lawful arrangement to charge their spouses and his relatives in criminal cases in light of individual retribution or ulterior thought processes." Because of every one of these, the hapless men endure a ton and don't get a decent situation in the family and society.

As of late, Justice S Vaidyanathan, Chief Justice of Madras High Court grouched about the absence of lawful arrangements safeguarding men under the Domestic Violence Act. This occurred in the radiance of the situation where a lady recorded a bogus aggressive behaviour at home objection in 2014 at Mahila court, Salem against her better half, just to bother him. Before long, he petitioned for legal separation on the grounds of supposed mercilessness and deliberate renunciation by his significant other and was acknowledged in the family court. Barely any days prior to the separation, she sent the objection of aggressive behaviour at home to his boss. Therefore, the grievance prompted the suspension of her significant other, Dr. P. Sasikumar (Director of Animal farming and veterinary administrations in Chennai) since he was associated with an aggressive behavior at home case.

This made the distressed Dr. P. Sasikumar record a request in Madras H.C against suspension of his administration. Equity S Vaidyanathan in the wake of breaking down the case saw that it was finished by the spouse to inconvenience the husband subsequent to expecting the separation request. He expressed, "Sadly, there is no regulation like Domestic Violence Act for a spouse to continue against wife in home-grown connections." Subsequently, he requested restoring the official in no less than 15 days, subduing the request for suspension of a public authority.³²

³¹ SLP (Crl.) No.2013 of 2017.

³² Ibid.

Narendra v K. Meena³³ : The Supreme Court of India had concluded that the compulsion or driving the spouse away from his folks (who are reliant upon his pay) adds up to remorselessness on piece of the wife, accordingly can be major areas of strength for a for separate under Hindu Law.

Hiral P. Harsora and ors. v kusum narottamdas harsora and ors³⁴ : This was the milestone judgment where summit Court permitted DV objections on females in family by eliminating prerequisite of "grown-up male" from meaning of respondent.

On account of Hiral Harsora, the Supreme Court announced that the words 'grown-up male' in section 2(q) of the DV Act will stand erased since these words don't square with Article 14 of the Constitution of India. Subsequently, the stipulation to section 2(q), being delivered indolent, likewise stands erased.

This judgment of the court is a major advance towards accomplishing the object of the DV Act in its actual soul. This judgment has augmented the meaning of respondent against whom reliefs can be looked for under the DV Act. This quantum step has guaranteed that the victims of aggressive behaviour at home are not delivered remediless under any attire at all. The demonstration removes any orientation predisposition and the abettors and culprits of aggressive behaviour at home are dealt with similarly under the Act. The judgment of the Court plainly shows how the law relating to aggressive behaviour at home has advanced during that time to accomplish the genuine aim of the council

Raj Talreja v. Kavita Talreja³⁵ : In the current case, there were misleading claims made by the spouse against the husband. The court held that this adds up to mental brutality and can be a ground for separate.

VI. ACID ATTACK AGAINST MEN CASES

Bhagalpur acid attack case: Between 1980 and 1981, police authorities in Bhagalpur town in Bihar emptied acid into the eyes of 33 under trials and convicts over a time of a while in a horrendous illustration of extra-legal discipline. The Bhagalpur blindings have since turned into an axiom for police severity, and, as Amitabh Parashar displayed in his upsetting narrative "**The Eyes of Darkness**", an unreasonable motivation for vigilantes in present-day Bihar.

³³ (2016) 9 SCC 455.

³⁴ (2016) 10 SCC 165.

³⁵ (2017) 14 SCC 194.

Parashar's film circles back to reports that have been routinely sifting through of Bihar throughout recent years - of conventional residents blinding their rivals and focuses of wrath through arranged acid attacks. The victims are in many cases men (and sometimes women) who have decided to disregard their spot in the social request. They incorporate a worker who was dazed when he had the nerve to request the hundred-rupee instalment because of him, an old man blamed for burglary, and one more man blamed for taking a bike.

A portion of the victims have criminal records - likewise utilized as an avocation in the first blinding case. Parashar puts together his record with respect to one such history-sheeter from the Aurahi Hingna town in Bihar's Araria locale. Munna Thakur is a self-announced convict who ransacked banks and serious different wrongdoings in his childhood. Subsequent to going straight, Thakur, who is from the Nai rank, set up his better half as a competitor in the panchayat decisions in 2012. On December 23, 2012, acid was immersed Thakur's eye attachments, supposedly by the upper-standing family that was insulted by his intensity³⁶.

Story of Firoz Khan: Firoz Khan, presently 42, was 27-year-old when a local fight scarred him forever. While the actual aggravation keeps on harming, the psychological distress is maybe far and away more terrible as he makes rounds of the court to demonstrate that he was truth be told the victim and not the attacker. Khan, addressing Mail Today, said that he was staring at the TV inside his home on a chilly January winter evening in 2002 when a quarrel strengthened among neighbours and his more youthful sibling. "I ran outside as it didn't seem like simply one more area fight. I saw my sibling contending with our neighbour and normally acted the hero. I requested that he head inside and in something like a second, the neighbour brought a can brimming with acid and with a mug, began to toss it on us." Firoz's saved himself from grave wounds by surging towards a local area hand siphon. In any case, the harm was at that point finished. "I sat under running water however it didn't prevent the exhaust ascending from my body. My skin dissolved and got stripping going in practically no time," Firoz said. after 15 years, regardless of being the victim, he is being made to go to for hearings at the Tis Hazari court consistently as the blamed, one Kaushal Kishor, recorded a protest against him. "I have burned through cash for a long time now on my medicine. I was unable to rests for a year on my back contaminated with discharge. Presently I need to defend myself." "We have chosen to

³⁶ Nandini Ramnath, *Documentary 'The Eyes of Darkness' reveals the horrific copycat effect of the Bhagalpur blindings*, (25 July 2023, 09:00 AM), <https://scroll.in/reel/826748/documentary-the-eyes-of-darkness-reveals-the-horrific-copycat-effect-of-the-bhagalpur-blindings>.

move to High Court now yet it will handily require five to six years for the decision," said Manoj Bhandari, Firoz's legal counselor³⁷.

This story brings another point finally when the victim is being purchased to the court as a suspect, we see the extremism of our resident and the way of behaving of the powers which are capable to give equity, are not just remembering them as a victim.

Mazrul Islam victim of acid attack: 39 year-old Mazrul Islam from Murshidabad, West Bengal, has a story to tell, of a daily existence annihilated and of dreams broke, all in view of a contention that set off his assaulter. In June last year, Islam had taken a credit of Rs 20,000 subsequent to saving a gold chain with a goldsmith in his town. After four months, he took care of the credit add up to the goldsmith and requested back his chain. Islam would give the amount of interest once he got his chain back. Nonetheless, the goldsmith continued to evade him, declining to surrender Islam's chain. On October 3, Islam by and by went to the goldsmith's shop and this time it prompted a warmed contention between them. "I let him know that I wouldn't return home without the chain", says Islam. "It had been north of twenty days since I returned him Rs 20,000, he actually was not returning me the chain", he adds. Before he could sort out the thing was occurring before him, the goldsmith took a container of acid from his shop and sprinkled it all over.

VII. CONCLUSION

As expressed by Roscoe Pound "the law should be steady yet it should not halt." Thus, the law ought to be dynamic and an encapsulation of equity and balance standards. Change of orientation one-sided a criminal regulation is fundamental as fortifying the situation with women doesn't mean overlooking the victims from different networks. Such countless created as well as non-industrial nations presented sexual equity, so now is the ideal opportunity enough for the Indian regulation to consider that orientation explicit regulations are upgrading orientation partition rather than orientation equality. The right against sexual offenses is an inescapable basic freedom and 'individual' is an all inclusive subject regardless of a specific orientation.

The shift from orientation explicit way to deal with sexual neutrality is the need of 60 minutes. The general target of neutrality is a general public where men, women and transsexuals gain similar open doors and freedoms as well as bear the normal commitments. Men are surely not

³⁷ Arparn Rai, *Meet Delhi's brave male acid attack survivors*, INDIA TODAY (25 July 2023, 010:00 PM), <https://www.indiatoday.in/mail-today/story/acid-attack-male-victims-meet-the-men-who-fell-prey-to-acid-attack-delhi-959764-2017-02-09>.

the merciless characters and women not the other-worldly animals that hold the imposing business model of victimhood, Male victimization, female criminalisation and transsexual incorporation are the real factors which must be investigated, embedded and executed in our regulations.

The use of unbiased language like utilization of the words "any individual" or "any companion" instead of any man and lady or a couple separately is additionally proposed. The idea of balance as visualized in Constitution ought to be applied upon all hoodlums and victims individually. The meaning of assault is expected to be extended, for example, acknowledgment ought to be given likewise to gay assault and conjugal assault. In instances of abetment of assault and assault, the lady should be likewise expected to take responsibility. The regulations like the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and Protection of Women from Domestic Violence Act 2005** ought to be corrected to incorporate male and transsexual victims and women as perpetrator too with severe rules and techniques to help precisely decide the responsibility of the blamed.

Sexually unbiased regulations won't find any viable methodology except if the well established male prevalence disappears from the general public.

Thus, it is vital to carry the corrections and exceptional arrangements to make sexually unbiased regulations in a male centric nation like India. It will assist with rebuffing the charged, paying little heed to orientation. In addition, Domestic savagery ought to be considered as spousal viciousness, and not a women-driven one.

There ought to be made a few unique arrangements for severe disciplines for recording misleading grumblings against a blameless individual, which eventually hurts his standing, pride, nobility, and distinction in the general public because of the allegations of bogus allegations. This may here and there decrease the degree of misleading claims against the spouse by his significant other or close accomplice.
