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Should Men get Equal Rights as Women?

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ABSTRACT

The fact that female makes a half of the portion of India's population routinely vulnerable to torture, starvation, humiliation, mutilation, and even murder. Nevertheless, women's rights are not frequently categorised as human rights, despite a clear history of fatalities and demonstrable abuse. What about men's rights, similarly? Do they have any protections from the physical abuse they experience. Should we extend to men the broad and unwritten rights that are given to women?

In many ways, women's human rights are violated. Of course, women can experience the hand females experience many of the same problems; however, while women have some undefinable legal protections against physical abuse, men do not have any such protections. Men are always thought to be strong and capable of handling situations, while women are viewed as weak and unable to do so. Due to this, there have been numerous instances of men being physically and/or sexually assaulted without receiving the rights that should have been given to them. The public perception is that men can only physically or sexually assault women; men are never shown to be susceptible to such attacks. This essay will show how ambiguous the rights granted to women under the framework of human rights and how men do not see themselves as belonging to the group that can use these rights to defend themselves against the crimes they encounter in this cruel world. Rights for both men and women are extremely important in today's world because there are numerous crimes that are committed to both men and women. There are organisations or committees dedicated to men's and women's rights. From its inception, the Men's Movement has prioritised the formation of men's support groups. Organizations such as Sakhya Women's Guideline cell supports women against sexual abuse. The movement assumes that humans are nurtured with these rights, right after their birth. In our society, both men and women have the right to their own gender characteristics, whether they come from nature or tradition. The interaction of such characteristics is considered an enrichment of our humanity if they are valued equally. Some important aspects of women's rights do fit into a civil liberties framework, but much of the abuse against women is part of a larger socioeconomic web that entraps women, making them vulnerable to abuses that cannot be classified as exclusively political or caused solely by states. Here, we'll try to find a solution to the problem of protecting men's and women's rights from physical and sexual abuse.

Keywords: Gender Neutrality, Posh Act, sexual harm, physical harm.

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I. INTRODUCTION

Female makes half of the portion of India's population who are tortured daily, whether in house, office or among their social groups. But nowadays men also face same kinds of problem such as torture, humiliation, mutilation etc in house, offices or even among social groups. But there is a difference between the two i.e., rights provided to women and men. Women are provided with the rights, but men are not. They didn't even consider to be the one who can face mutilation, humiliation etc, they are always considered the one who can cause harm to women, and they cannot be suffered by the any of the offences.

In this paper I'll discuss about the rights of both men and women and how men need equal rights regarding the sexual or physical harm they suffer

II. CAN MAN SUFFER THE SEXUAL AND PHYSICAL HARM

Yes! A man is not protected to the dangers that women confront on a frequent basis. Article 14 of the Indian Constitution guarantees everyone the same protection under the law. This makes it crystal clear that people of any gender, including those who don't fit the binary, should be treated equally under the law. In addition, Article 14 guarantees that all Indian citizens and permanent residents are treated equally under the law. Why don't males have the same protections against sexual and physical assault that women do? According to India's constitution, this is illegal. Sodogamy and other unnatural offences are addressed in Indian Penal Code section 377, which states that "whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

Anyone, regardless of their gender, age, or sexual orientation, is vulnerable to sexual violence. Crimes against women are the subject of intensive study around the world, but the knowledge gap that exists about male victims remains unfilled. This word is sexist since it implies superiority and is associated with traditionally masculine traits like strength, dominance, and self-control (it is generally believed that men have less emotions than women, although no scientific evidence is available). Males and females are traditionally seen as being emotionally distinct in popular culture. Because of the stigma attached to "feminine behaviour," males in societies where men predominate may feel they cannot open about their pain.

III. RIGHTS GIVEN TO WOMEN

There are no laws or statutes that address physical or sexual assaults against men. There are

only rights or laws that address physical or sexual assaults against women. Important to note is that both the perpetrator and victim of a sexual offence can be of any gender.

According to Section 375 of the Indian Penal Code, only men can be the perpetrator. This position is contradictory in a contemporary context in which man is also viewed as a victim. It expressly specifies that men cannot be subjected to such suits in which they are victims rather than persecutors. This is the inequity that exists in our sexual offences system. Men are also assaulted if they refuse to view pornography; it is not just women who are forced to view pornography.

In Section 354B of the Indian Penal Code, assault or use of criminal force against a woman with the purpose to disrobe is prohibited. Here, only assault or criminal force against women is addressed, indicating that people's mentality has led them to believe that only women may be forced or assaulted.

Section 354C of the Indian Penal Code defines voyeurism as any man who observes or photographs a woman performing a private act in circumstances where she would typically have the expectation that the perpetrator or any other person acting at the perpetrator's direction would not be watching, or who distributes such a photograph.

Indian Penal Code section 354(D) defines stalking. It claims that a man is guilty of stalking if he follows a woman and persistently contacts or attempts to contact her to encourage personal engagement despite her evident expression of disinterest; or if he observes a woman's use of the internet, email, or any other kind of electronic communication. This also demonstrates that only women can be stalked. There are numerous instances of males being stalked, but nothing can be done because there is no law protecting men from stalking.

Section 366 (A) of the Indian Penal Code prohibits kidnapping, abducting, or coercing a woman into marriage. It applies to anyone who kidnaps or abducts a woman with the goal of forcing her to marry another person against her will. In this context, it is also intended to oppress women. They believe that forced marriage cannot occur between men.

IPC contains several sections dedicated to women's protection. As this provision protects women, section 376 (A) also provides recourse for women

IV. THE PREVALENT GENDER INEQUALITY

When one considers sexual harassment, images of male employees harassing or making sexual attempts toward female coworkers immediately come to mind. People mistakenly believe that sexual harassment primarily affects females. How often do we hear about men being sexually

molested in the news? The media and other sources have portrayed women as weak, damsels in distress, and inferior to men. Not all men oppress or abuse women, thus this is only partially true.

Men and women were made in the same image in order to share equally in all opportunities, rights, and protection. Patriarchy is not only the underlying source of women's issues, but it has also produced many disadvantages for men. It drives males to conform to toxic masculinity and behave in a particular manner, as predicted by preconceived assumptions. Because the culture of masculinity is so pervasive, men who are sexually harassed at work face additional obstacles due to preconceptions, while others do not even recognise they have been mistreated sexually.

Sexual harassment of men in the workplace is a major issue, and it is essential to combat the worrisome rise in male-on-male crime. We cannot build an equitable level of awareness regarding sexual harassment in the workplace until we acknowledge that women are not the only victims of sexual assault. We cannot ignore sexual harassment against men, and all genders must have equal legal access. Everyone, regardless of gender, has the right to a life free from harassment, necessitating the implementation of legislation that affords men the same level of protection as women.

(A) Gender Neutrality

The term "gender neutral" refers to the notion that legislation, language, and other social institutions should avoid categorising roles based on people's sex or gender in order to prevent prejudice stemming from the perception that one gender is better suited to certain social functions than the other. All genders should be treated with dignity. The bill was introduced in 2012, but it was suspended in 2013 after the Ministry of Home Affairs reported in a Public Interest Litigation that only a man can be an offender, not a victim. Articles 14 and 15 of the Indian Constitution discuss equality.

This bill highlights a man's rights to protect himself from false rape accusations, male child abuse prevention, custodial rape, sexual abuse against children, and "no one would believe that a guy can be raped and sexually attacked."

V. IS POSH ACT GENDER NEUTRAL?

The Preventing and Obstructing Sexual Harassment at Work Act (POSH Act) has been established to prevent and protect women from sexual harassment in the workplace, consequently ensuring a safe working environment for women.

No! POSH act is not gender neutral. POSH act is an exclusive female behaviour. In addition, it

only provides them with a recourse option, leaving the safety concerns of the remaining employees unanswered.

There is currently no regulated procedure in place to address sexual harassment accusations filed by employees of various gender identities. It is sometimes suggested that the POSH Act's intrinsic nature supports workplace discrimination. It must be expressly inclusive and its relevance to other genders should be expanded.

Since the act's applicability is limited to cis women only, prejudice towards men is exacerbated. False and spiteful allegations feed this criminal act. The act takes such concerns into account and also offers a means for redressing them.

VI. ORGANISATIONS SUPPORTING MEN

The following organisations in India support men against sexual assault:

The Men Welfare Trust (MWT) is a non-governmental organisation that was founded in Delhi. It safeguards men and their families against the rampant misuse of gender-based legislation like the IPC 376 rape statute and the Sexual Harassment Act. Both of these statutes criminalise rape (IPC 354). The misconception that men are the only people who commit violent acts led to the establishment of these organisations. It is possible that coming forward with a history of sexual assault or abuse will be challenging. They might be concerned about being misunderstood or having their trust betrayed by others. Because of the preconceived notions that people have about what it means to be masculine, many male survivors may find it difficult to discuss their experiences with their friends, family, or members of the community. Men who have committed sexual offences may receive assistance from this organisation. As compared to women, men are never judged in the same way that society does.

Following steps should be taken as soon as possible

- 1.** Gender-neutral legislation should be introduced and gender-biased laws should be eliminated.
- 2.** Men must be included in the 2012 Sexual Harassment in the Workplace report.
- 3.** The issue of sexual assault against men should be publicised through campaigns, reports, and other means.
- 4.** A separate committee should be established to do research on crimes against men, and the same should be done for women.

VII. CONCLUSION

Worldwide, substantial research on sexual violence against men is being conducted, and several nations have enacted legal protections. It is time for Indian courts to take sexual violence against men seriously and enact laws to protect males from such crimes. People protest when injustice is committed against women, but why don't they do the same when a guy is victimised? In the perspective of the law, everyone should be treated equally, and there should be no discrimination in the name of gender equality. According to Justice Krishna Iyer, a murderer kills the physical body whereas a rapist decimates the spirit. In India, men are sexually assaulted on a daily basis. It is time for the general public to acknowledge this fact and support male victims of sexual assault when they come forward with incidents. Male and female sexual assault offenders should be subject to the same legal sanctions for this heinous crime. Women's rights are ambiguous and unclear, whereas men do not have the right to fight against themselves.
