



"Justice for all: exploring legal equality and the Indian Male experience"

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Abstract : This paper critically analyzes India's legal equality situation from the perspective of Indian Males, emphasizing the frequently disregarded difficulties that men encounter under the country's current legal system. Although equality before the law is guaranteed by Article 14 of the Indian Constitution, many laws and societal practices are still gender biased, which leaves males with less protection and few options when it comes to false allegations, domestic abuse, and custody battles. The study looks at how, despite their good intentions, legislation like the Protection of Women from Domestic Violence Act and Section 498A (anti-dowry) has been replaced by Section 85 of the Bharatiya Nyaya Sanhita (BNS), the new criminal law, are commonly abused or fail to include males as possible victims, which feeds negative perceptions and social stigma. In addition to marginalizing men, these social and legal factors obstruct the achievement of true gender equality. By examining laws, judges.

Keywords - Legal Equality, Indian Constitution, Men's Rights, Gender Bias, Discrimination, Social Stigma, Legal Protections

I. INTRODUCTION

Social fairness and democratic integrity depend on legal equality. It promotes an inclusive, just, and forward-thinking society by guaranteeing that all people, regardless of gender, have equal access to rights and protections. In order to achieve comprehensive gender justice, it is imperative that the male perspective be addressed within this framework. Articles 14 to 18 of the Constitution guarantee legal equality in India, guaranteeing that all citizens are treated equally before the law, irrespective of their caste, religion, sex, or place of birth. Although gender justice for women has received a lot of attention, little is known about the Indian male experience in this context. The foundation of India's dedication to a fair and inclusive society is the equality principle, which has its origins in Aristotle's maxim that likes should be treated similarly and unlikes should be treated differently. But changing social dynamics and legal interpretations have shown that there are gaps in addressing the particular difficulties males confront, especially with regard to societal expectations and legal rights. Analysis of the existing legal framework protecting men's rights in India, including issues like sexual harassment and domestic violence. Examination of the impact of gender roles and societal stigma on the denial of men's rights. Identification of legal and social reforms necessary to ensure true gender equality.

II. OBJECTIVES

- Critically examine current legal provisions related to men's rights and their effectiveness.
- Identify gaps and challenges in the legal framework.
- Explore intersectionality between gender equality and men's rights.
- Provide recommendations for a more inclusive legal system

III. METHODOLOGY

- Doctrinal research involving comprehensive review of statutes, court decisions, and academic literature.
- Analysis of primary and secondary sources to assess legal protections and societal attitudes

IV. HISTORICAL CONTEXT

In India, the development of gender and legal rights is a result of the intricate interaction between progressive law, reform, and tradition. Women's rights in ancient India were comparatively equal and included involvement in social and religious life as well as access to education. But during the Middle Ages, women's status declined as their freedoms were curtailed by customs like purdah, child marriage, and sati.

Important social improvements started during the colonial era. Campaigning against repressive customs like child marriage and sati, reformers like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar helped pass historic laws like the Widow Remarriage Act of 1856 and the outlawing of sati in 1829. The foundation for future gender equality was further established by initiatives to support women's education.

With Articles 14, 15, and 16 assuring equality before the law, outlawing sex-based discrimination, and guaranteeing equal chances in public employment, the Indian Constitution established gender equality as a fundamental right after independence. The Hindu Code Bills, which changed the laws governing guardianship, marriage, and inheritance and gave women more legal rights, were passed in the 1950s. Gender justice was further promoted by later laws as the Protection of Women from Domestic Violence Act (2005) and the Dowry Prohibition Act (1961).

The continuous path towards genuine legal equality for all genders in India is highlighted by the persistence of societal attitudes and implementation difficulties in spite of these legal accomplishments.

V. THE RISE OF THE MEN'S RIGHTS MOVEMENT

In India, the men's rights movement started to take shape in the 1990s in response to legal changes that were thought to be discriminatory against men, especially in areas like divorce, child custody, and anti-dowry laws (Section 498A) has been replaced by Section 85 of the Bharatiya Nyaya Sanhita (BNS), the new criminal law. Men who felt harmed by the abuse of these rules were represented by early organizations such as Patni Atyachar Virodhi Morcha in Lucknow, Purush Hakka Samrakshan Samiti in Mumbai, and Pirito Purush in Kolkata. The Save Indian Family Foundation (SIFF), which was founded in 2005 and brought together a number of organizations to help males who were allegedly being abused by the law and promote legal equality, gave the campaign even more impetus. Although detractors claim the movement occasionally takes an anti-feminist attitude, its main goal is for laws that are gender-neutral and protection from.

VI. SOCIAL AND LEGAL MILESTONES

- All Indian citizens, regardless of gender, are guaranteed equality before the law by the Constitution.
- The men's rights movement began in the 1990s, campaigning for gender-neutral reforms and opposing alleged legal prejudices in divorce, child custody, and anti-dowry laws.

- Calls for change and judicial review have arisen as a result of the misuse of Section 498A of the IPC has been replaced by Section 85 of the Bharatiya Nyaya Sanhita (BNS), the new criminal law, which was designed to shield women from dowry harassment.
- Although the majority of significant reforms have centered on women's rights, the court has been instrumental in dispelling gender stereotypes and promoting equality.
- The necessity of legal protections for males, such as acknowledging male victims in cases of sexual harassment and domestic abuse, is highlighted by recent lobbying.

VII. CONSTITUTIONAL AND LEGAL FRAMEWORK

❖ FUNDAMENTAL RIGHTS AND EQUALITY BEFORE LAW (ARTICLE 14, 19, 21)

a. ESSENTIAL RIGHTS AND LEGAL EQUALITY

All people, including men, are guaranteed liberties (Article 19), equality before the law (Article 14), and life and personal liberty (Article 21) under the Indian Constitution. These rights address structural inequalities and provide legal equality.

b. ARTICLE 14: EQUALITY BEFORE LAW

According to Article 14 of Indian Constitution Guarantees that there is no arbitrary discrimination against all individuals, both citizens and non-citizens. Everyone is subject to the law, even privileged men. Equal protection under the law forbids class legislation but permits justifiable classification (such as affirmative action for underrepresented groups).

RELEVANCE TO MALES: Despite being frequently viewed as a dominant group, males have an equal right to be shielded against capricious state action (such as unjust accusations or unfair procedures).

c. ARTICLE 19: FREEDOM GUARANTEES

d. APPLICABILITY: Exclusive to citizens, including six freedoms:

- Speech and expression
- Peaceful assembly
- Association
- Movement
- Residence
- Profession

e. **LIMITATIONS:** The restrictions are based on security, morality, and public order (e.g., hate speech rules apply equally to men).

f. **MALE EXPERIENCE:** By advocating against unfair legal presumptions in cases involving sexual offenses or custody, men can use these liberties to combat stereotypes.

VIII. OVERVIEW OF GENDER-SPECIFIC AND GENDER-NEUTRAL LAWS

GENDER-SPECIFIC LAWS IN INDIA

Gender-specific laws are those that are designed to protect or benefit a particular gender, most often women, in response to historical and social disadvantages. In the Indian legal context, several prominent laws fall into this category:

❖ **SECTION 498A OF THE INDIAN PENAL CODE (IPC) (SECTION 85 OF THE BHARATIYA NYAYA SANHITA (BNS) / DOWRY PROHIBITION ACT:**

This rule, which assumes the woman, is the victim and the man is the aggressor, was created to shield women from cruelty and harassment related to dowries. It has been condemned, meanwhile, for being prone to abuse; in numerous instances, false charges against males have resulted in serious social and legal repercussions for the accused.

❖ **PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT (PWDVA), 2005:**

This law only protects and offers civil remedies to women who are victims of domestic abuse. Under this act, men who are the victims of domestic abuse have no legal options, therefore their complaints go unanswered.

❖ **SECTION 375 OF IPC (NOW SECTION 63 OF BNS) – RAPE LAWS**

The legal definition of rape in India recognizes only women as victims and men as perpetrators, thereby excluding male and transgender victims from protection and legal remedy

IX. GENDER BIAS IN THE INDIAN LEGAL SYSTEM

➤ LEGISLATIVE BIAS

Various laws in India are gender-specific, frequently intended to protect women but occasionally leading to discrimination against men. Section 498A of the Indian Penal Code (IPC) has been replaced by Section 85 of the Bharatiya Nyaya Sanhita (BNS), for instance, has been heavily condemned for its abuse despite being designed to protect women from abuse by husbands or in-laws. Even if the cases are ultimately dropped, false accusations under this rule can result in lengthy legal fights for males, wrongful arrests, and societal humiliation. Men are not legally protected against domestic abuse under the Protection of Women from Domestic Violence Act (PWDVA), which exclusively acknowledges women as victims. This prolongs the misery and silence of male victims by depriving males who are harassed or abused by their partners of any legal options.

➤ JUDICIAL STEREOTYPING

Stereotypes about gender can affect court rulings. Particularly in cases involving domestic abuse, custody, and divorce, courts and law enforcement may presume that women are always the victims and males are the offenders. For males, this frequently leads to negative consequences like restricted access to their kids or disproportionately high alimony and maintenance costs.

➤ LACK OF GENDER-NEUTRAL LAWS

➤ The majority of Indian laws that deal with violence, marriage, and families are not gender-neutral. Although there are certain exceptions, such as specific clauses in the Hindu Adoption and Maintenance Act, the majority of laws continue to favor women, giving men few legal options in similar circumstances.

➤ Regardless of the particular circumstances, courts typically assume that mother is the primary caretakers in custody battles, marginalizing fathers.

➤ SOCIETAL AND STRUCTURAL BARRIERS

• Men's access to justice may be further limited by social and economic considerations. When reporting abuse, men may encounter suspicion or mockery, which deters them from getting assistance.

• Due to historical and social realities, the legal system's emphasis on defending women occasionally ignores the potential for males to be victims, which leaves men who experience gender-based discrimination without adequate support networks or legal assistance.

➤ MAJOR AREAS OF LEGAL INEQUALITY

- Misuse of Anti-Dowry Laws and False Allegations
- Domestic Violence: The Invisible Male Victim
- Custody and Parental Rights Disputes
- Sexual Harassment and Rape Laws: The Male Perspective
- Property and Inheritance Rights

CASE STUDIES

➤ K.M. VINAYA VS. B.R. SRINIVAS (2015) 16 SCC 405

In this landmark case, the Karnataka High Court granted equal custody of a child to both parents, mandating a split-year arrangement: the child would live with the mother from July to December and with the father from January to June. Both parents were given visitation rights on weekends, and shared responsibility for the child's expenses was ordered. This decision was notable for challenging the traditional presumption that mothers are the primary caregivers, signaling a move toward gender-neutral custody arrangements. However, the case also highlighted the need for legislative changes to prevent misuse of laws and ensure fair treatment for men in family disputes.

Although fathers' rights organizations have pointed to this case as an uncommon instance in which the court acknowledged the equal role of fathers, many men continue to report being disregarded in custody disputes, experiencing emotional suffering, and having little contact with their children.

➤ HIRAL P. HARSORA V. KUSUM NAROTTAMDAS HARSORA (2016) 10 SCC 165; AIR 2016 SC 4774; CIVIL APPEAL NO. 10084 OF 2016 (ARISING OUT OF SLP (C) NO. 9132 OF 2015); DECIDED ON 6 OCTOBER 2016

In a 2018 Karnataka High Court case, the court initially ruled that a petition filed by a husband under the Domestic Violence Act could be heard, referencing the Supreme Court's Hiral P. Harsora v. Kusum Narottamdas Harsora decision, which struck down a provision restricting the Act's application to women. However, this decision was later withdrawn, illustrating the legal uncertainty and lack of consistent protection for male victims. The Supreme Court has also acknowledged the rise of false domestic violence cases against men and emphasized the need for judicial scrutiny to prevent misuse of the law.

Men who attempt to file complaints under existing domestic violence laws are often turned away or not taken seriously, reinforcing the perception that only women can be victims.

➤ SAKSHI V. UNION OF INDIA (AIR 2004 SC 3566; 2004 (5)

Indian law, specifically the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, protects only women, leaving male victims without legal recourse. Although the Supreme Court recognized in Sakshi v. Union of India that sexual harassment is a violation of human rights, implementation remains limited for male victims. Men who face harassment at work often have no formal channels for redress and may experience ridicule or disbelief if they come forward.

Male employees have reported experiencing unwanted advances or hostile work environments but rarely file complaints due to the lack of legal protection and fear of reputational damage.

• CONCLUSION

The principle of legal equality, enshrined in Article 14 of the Indian Constitution, aspires to guarantee justice for all citizens, irrespective of gender. While the legal framework has historically focused on uplifting women to address entrenched discrimination, this has inadvertently led to gaps in the protection and recognition of men's rights within the Indian legal system. Under recognition of domestic violence against men, social stigma, and the possibility of false accusations are among the problems that men confront more and more. These problems are made worse by gender-specific legislation that frequently do not provide for male victims. In addition to reinforcing stereotypes, the idea that males are always the ones who commit crimes and

women are always the ones who suffer harms the fundamental objective of true gender equality. According to court rulings, a legal classification must be rational and cannot lead to capricious or unfair results. However, the contemporary legal system occasionally falls short of this norm for men, especially in areas where societal and legal biases still exist, such as child custody, maintenance, and domestic violence. It takes a balanced strategy that acknowledges the rights and vulnerabilities of every person, regardless of gender, to achieve true justice for all. To solve the shortcomings in current legislation, guarantee due process, and promote societal attitudes that uphold equality in text and spirit, reforms are required. India can only get closer to fulfilling its constitutional promise of justice for all of its citizens by adopting a comprehensive and inclusive view of legal equality.

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