
ARE WE TOO SHREWD TO ADJUDICATE THE OTHER HALF? SCRUTINIZING THE SPHERE CAPSIZED

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ABSTRACT

It's often simple to understand feminism as a movement only targeted at women, however additionally discussing men's rights may drive forward the feminist agenda by making unity between each gender.

Focusing additional on men's rights could be an important beginning in bridging the divide between the men's rights movement and associates degree feminism, which is often seen as on opposing sides. *For example, within the issue of divorce and kid custody, an acknowledgment that laws will discriminate against fathers would facilitate the outline of the customarily mixed stances of the feminist movement, whereas also acting as a peace offering to men's rights groups.* As varying degrees of radicalization exist inside the feminist movement, this type of agreement may facilitate each scaling back gender division and legalizing feminist demands.

Yes, it looks counter-intuitive for feminism to focus on men's rights, particularly if we have a tendency to solely consider the protection of men's rights as a strictly misogynistic, social group movement. however, learning to embrace gender unity on specific problems can't only strengthen the feminist movement, but also facilitate build it additionally acceptable to its typically most violent critics.

Feminism doesn't attack men's rights. Rather, it fights patriarchy, an influence structure accountable for placing nephrotoxic expectations on each man and lady. Feminism focuses on women as a result of their need to be the historical victims of this power structure, instead of men.

Keywords: Gender, Men's Rights, Patriarchy, Equality, counter-intuitive, Feminism.

PURPOSE AND AIMS OF THE STUDY

- The study was geared to achieve the following objectives:
- To outline the relevant legal provisions pertaining to Gender Neutrality
- To examine the issue of crimes encircling the society as a whole and also the dirty norms practiced.
- To study the profile of men in Different Nationalities in consonance with UNCHR.
- To identify the causes for the reluctance of people being egalitarians to witness a society with myths and ambiguous norms for the degradation.
- To survey the perceptions and attitudes of the society to take men too as victims of the very crime that they are subjected to as predators.

INTRODUCTION

Gary Barker, international director of the Prom undo charity, said the pressure to live up to the vision of men as providers and protectors without vulnerabilities leads to violent behavior and even suicide in men.

"I think we should be brave enough to talk about the things that plague men. Men's vulnerabilities affect men, but they also affect women," Barker said at the Global Men Engage Symposium, a four-day conference to engage men and boys in gender equality¹.

"At the top of the list of burdens is the need for men to provide for their families," he said.

"We found that such economic stress is associated with partner violence, violence against children, and violence against self, such as Barker, whose charity has worked with men and boys in the favelas, or slums, of Rio de Janeiro, Brazil for nearly 20 years, said a recent report on global suicide rates suggesting that men often kill themselves because they don't have a way to express their problems.

More than 800,000 people commit suicide each year. Two-thirds of them are men and three-quarters are from poor or middle-income countries, the World Health Organization (WHO)

¹ Nita Bhalla, available at <https://news.trust.org> (last visited on 2nd March 2022)

said in a September report.²

From a young age, boys and men are expected to behave like "real men," to encourage attitudes and behavior passed from generation to generation, and encourage gender inequality, Barker said.

For example, men who were physically or sexually abused as children or who witnessed violence against women and girls in their families would probably do the same as adults.

Barker said that men who experienced violence as children are two-and-a-half to three times more likely to become violent later in life. Those who have been involved in fights or have been victims of multiple forms of violence are about twice as likely to use violence against a partner.

"I make no apologies for men, but if you care about ending violence against women and girls, you need to care about the violence in men and boys' bodies."

Of course, you want to be accepted by society. So you conform to traditional gender roles, choose a steady job, even if it's boring, pursue acceptable hobbies, and so on. At a time when Women are beginning to appreciate broken gender stereotypes, why do you get little to no support for the same?

WHAT ARE MENS RIGHTS?

Activists say society has become prejudiced and sexist towards men. They also argue that men are discriminated against by the media, the government, and the Supreme Court.³ Men's rights groups are fighting custody laws that favor mothers over fathers, violence against men, false rape accusations, disproportionate prison sentences for men and conscription. For example, any time a woman is overlooked for an office job, the company is seen as discriminatory. However, when a male colleague loses his position because of a female worker, it is considered normal. These are some of the inequalities that men's rights groups are working to address. On the other hand, if you are looking for a male responsibility group.

² NCRB, available at https://ncrb.gov.in/sites/default/files/ads2020_Chapter-2-Suicides.pdf, (last visited on 6th march 2022)

³ Sean Galla, *Men's Rights Group Everything To Know About It*, MENS GROUP.BLOG, available at <https://mensgroup.com/mens-rights-groups/> (last visited on March 6th 2022, 8:04 PM),

THE RED PILL

The term "red pill" is used as a form of metaphor that signifies the realization that the world is an illusion that supports the myth of male power. It is believed that until the red pill shines on you, your world is all lies and shadows. It is also believed that any man who is not a member of men's rights groups is a member of patriarchy. To break the chain, men are invited to join the movement and fight for men's rights by learning the truth, which sets them free.⁴

Feminism continues to ignore the existence of men's rights groups such as the National Coalition for Men, blaming male-centric patriarchy as the reason for the exclusion of men in talks involving men's rights. However, the issue of feminism and men's rights is not always black or white as it involves interrelated and controversial issues that cause men to be left out of the conversation.

Today, men too face their fair share of problems that cannot continue to be ignored. It is counterintuitive for feminist groups to continue to discredit men for a movement that claims to champion equality rather than one-sided advocacy.⁵

Several experts have noted that anti-feminism embraced by men often carries the threat of violence and has been propelled into the mainstream through tragedy and massacres.

"The men's rights movement is best understood as a reactionary movement that emerged into real visibility as a result of the achievements of feminist legal reformers," she said, "who were able, after not only decades but centuries of struggle, to ensure that all the rights recognized to people are extended without distinction of sex".

IS FEMINISM AND MEN'S RIGHTS MOVEMENT A FOE TO ONE ANOTHER?

Existing literature has documented a significant gender gap in various sectors including health, labor market opportunities, education, and political representation in India. The purpose of this compendium is to shift attention from gender policy to the underlying trends and causes of these gender gaps. We highlight three areas of interaction of gender inequality

⁴ *Id.* at 6

⁵ THERAVIVE, available at <https://www.theravive.com/therapedia/mens-issues-and-problems>, (last visited March 6th March 2022)

with modern Indian society.⁶ The first three essays in this book explore the relationship between gender and electoral politics by including women as voters, candidates and agents of change. The second part of the collection includes essays on gender inequality in the labor market and educational opportunities. In the space of education, we particularly analyze the field of science and higher education in India. The final chapter of the compendium focuses on street children, especially girls, as a highly vulnerable section with multiple risk factors at play. Each essay makes specific policy recommendations to alleviate gender inequalities in an area-specific⁷. There is a growing literature within development economics that emphasizes gender inequality in India. Duplo (2012) provides an excellent overview of the literature examining the relationship between gender inequality and economic development. Contrary to the existing literature which finds a strong persistence of gender inequalities over time in various outcomes, we also report in this compendium some positive phenomena. One such notable trend is the sharp decline in gender bias in political participation, as measured by state voter turnout across India, consistent over several decades. We document the growing political empowerment of female voters in India. The reason this is an important development is, as we find in our research because it is not the result of a specific topdown political intervention targeting women voters. Our research shows that this is largely due to the voluntary act of empowerment of women and men across India. From the disparate impacts of the COVID19 crisis in communities around the world to international protests against racism and discrimination, current events have shown that we are far from achieving equality⁸. Trying to interpret and fight a multitude of injustices right now can feel overwhelming. How do we deal with all these issues and why should we? Intersectional feminism offers a lens through which we can better understand ourselves and work towards a fairer future for all.

Education is a key focus area. Although the world is making progress in achieving gender equality in education, girls still represent a higher percentage of out-of-school children than boys. About a quarter of girls in developing countries are out of school. As a general rule, families of limited means who cannot afford expenses such as school fees, uniforms and

⁶ UN.ORG, available at <https://www.un.org/womenwatch/daw/CSW60YRS/index.htm>, (last visited on March 8th 2022)

⁷ Alia E. Dastagir, What is intersectional feminism? A look at the term you may be hearing a lot, USA TODAY, published at 19th January 2017, available at <https://www.usatoday.com/story/news/2017/01/19/feminism-intersectionality-racism-sexismclass/96633750/>, (last visited on March 9th 2022)

⁸ *Supra* note at 9

supplies for all of their children will prioritize their children's education⁹. Families can also rely on girls' jobs for housework, water transport and childcare, leaving little time for education. But prioritizing girls' education offers perhaps the best return on investment in the developing world. An educated girl is more likely to postpone marriage, raise a smaller family, have healthier children, and send their children to school. She has more opportunities to earn an income and participate in political trials and is less likely to be infected with HIV.

There is abundant political literature that establishes the necessity of universal suffrage for representative democracy. Yet while supporting universal suffrage, James Mill argued that to contain the expense of the representative system, women need not have separate voting rights because their interests were included in those of their husbands and fathers¹⁰. (Ryan 2012). criticized by TB Macaulay who declared: "***Without taking the trouble to confuse the question with a single sophistry, he serenely dogmatizes the interests of half the human race***". We study Indian electoral data over the past 50 years and explore the growing importance of female voters in a democracy. Our study contributes to the existing literature on women's empowerment by analyzing the role of women as voters. This is a critical area of research, as female voters form an important part of any election in India's representative democracy. And a vote is the formal expression of an individual's choice for a particular candidate or political party in a democratic system. We find that gender bias in voting is consistently decreasing, over time and across all states in India. Voluntarily, more and more women voters vote. We interpret these results as evidence of the self-determination of voting citizens in Indian democracy.

IS THE DEMOCRACY A DIFFERENTIATING FACTOR?

While the gender hole in vote casting is final fast, there stays a considerable gender hole in the percentage of the electorate who voted independently. About two-thirds of girls document consulting family, pals or colleagues while thinking about a way to work out their vote towards simply one-1/3 of guys.

However, the quantity of political socialization is extra amongst guys with many attaining

⁹ UN.ORG, available at <https://www.unwomen.org/en/about-us/employment>, (last visited on March 10th 2022)

¹⁰ Thomas Babington Macaulay, *Government of India*, Columbia.edu, available at <http://www.columbia.edu> (last visited on march 15th 2022),

out to humans out of doors in their instant family. This should in all likelihood explain why girls as a group—and with the aid of using extension their issues— nevertheless don't represent a vote financial institution for politicians. The argument is that, for the reason that girl's voices and worries don't discover areas in the political discourse, their presence with inside the political sphere stays marginal even today. The query approximately what tectonic shifts with inside the Indian democratic panorama brought about a crimson revolution of kinds in phrases of girl's turnout remains a labyrinth— with various of things interplaying with every different. However, it's far positive that this silent revolution is now no longer going omitted with the aid of using the political events in India.

The ancient 73rd and 74th constitutional amendments now no longer simplest embarked India on a path of decentralized governance— a reputation of the reality that governance must be conscious of the neighborhood contexts—however additionally a momentous time for the girls in public life. While the 73rd change handled rural regions and set up the 3 tier Panchayati Raj Institution

(PRI's), the 74th change ensured neighborhood governance in city regions with the aid of using setting up city neighborhood bodies (ULBs)¹¹. The constitutional change mandated that as a minimum a 3rd of all individuals and chairpersons at all of the degrees of PRI be girls. This quota for girls in addition intersected with reservation for humans from the traditionally deprived sections, including, the scheduled castes (SSCs and the scheduled tribes (SSTs ensuing in doubleedged emancipation of kinds.¹² In India's context, kingdoms with an extra per cent of rural panorama regularly additionally have terrible socio-financial signs, especially, amongst girls. In this compendium, we've got a bankruptcy centered on how the significance of the boom in lady voter's turnout became dispensed throughout states of India. We discover that the best boom became a number of the historically backward North Indian states. The effect of PRIs at the numerous dimensions of the political participation of girls cannot be discounted. Seeing the high quality effect of PRIs on some of the signs of lady empowerment and the probably effect at the self-notion of management capabilities amongst girls, maximum Indian states exceeded kingdom stage invoice mandating 50%

¹¹ Down to Earth, *available at* <https://www.downtoearth.org.in/indepth/panchayats-working-women-22753>, (last visited on March 10th 2022)

¹² Legislative government, *available at* <https://legislative.gov.in/amendment-acts>, (last visited on March 7th 2022)

reservation of seats in any respect degrees of PRI for girls.¹³

Equipping girls with management capabilities, however, is without a doubt now no longer enough. The bankruptcy additionally reveals that whilst there may be a boom in organization for girls on home issues, it does now no longer usually translate into extra financial independence. It is encouraging that states like Haryana and Rajasthan have long passed up to now as to test with the minimal qualification for elected girl's representatives of PRIs¹⁴. Minimum eligibility norms including a two-baby policy, bathroom creation at home, and minimal schooling up until magnificence 10 for General Category girls (magnificence eight for SC/ST girls) will incentivize a revolutionary extrude in social norms inside neighborhood communities. Recently, the Rajasthan authorities in addition allowed leprosy sufferers to contest PRI elections if they met different eligibility criteria. We cannot forget about the reality that because of such policies, families and the network at huge could be recommended to maintain lady kids in faculty which can also additionally, in addition, in addition bring about revolutionary adjustments in demographic signs this type of baby sex-ratio.

IS THE DEMON RESIDING AT THE PILGRIM?

WHAT IS HARRASMENT AT WORK?

Workplace sexual harassment is described through the Equal Employment Opportunity

Commission (EEOC) as "unwelcome sexual advances, requests for sexual favors, and different verbal or bodily behavior of a sexual nature that explicitly or implicitly have an effect on a person's employment, unreasonably interferes with a person's paintings performance; or creates an intimidating, adverse or offensive paintings environment."¹⁵ Examples of sexual harassment are probably as honest as unwelcome touching, being compelled to move on romantic dates, or being known as an offensive sexual nickname. It also can consist of much less apparent behavior, like making derogatory or offensive comments approximately others, posting sexually express images or normal verbal

¹³ Akancha Singh, "Women in Panchayati Raj Institutions, *Economic and Political Weekly*", Vol. 57, Issue No. 3, 15th January (2022)

¹⁴ Dr. Jen Shek Wei, available at <https://www.swjen.com.sg/blog/importance-family-planning.html>, (last visited on March 17th 2022)

¹⁵ National Sexual Violence Resource Center, available at https://www.nsvrc.org/sites/default/files/publications_nsvrc_overview_sexual-violence-workplace.pdf, (last visited on March 14th 2022)

exchange of a sexual nature.¹⁶

Sexual violence can take place to any soul, regardless of what your age is, your sexual attitude, or your gender identity. We typically understand and notice harassment or rape instances associated with women most effective and that is the cause that legislation is made most effective for the girl's victims.

Elucidating sexual harassment is a multiplex process because of the reality that there are variations in opinions, ideas, expertise and the social environments of people and groups. A person's interpretation of sexual harassment is framed through numerous forms of societal elements like religion, training and beyond studies with sexual harassment.¹⁷ It is likewise very awkward to research the malleability of ways a person expresses sexual harassment acts. Specific genres of sexual harassment, including sexual harassment at the workplace, rape at the workplace, nonpublic questions of sexual nature, vulgarities and different offensive language, any unwelcome sexual development may be principal factors in the public definition of sexual harassment. The high aspect to be mentioned down is that during sexual harassment sufferer and wrongdoer may be of any gender and the region of harassment may be any school, office, home, university, education facilities or any different. Also, with the appearance of the Internet, sexual harassment has multiplied through going on online.¹⁸

According to the PEW, studies records 2014, 25% of girls and 13% of guys are among the percentage included while of 18 to 24 have skilled sexual harassment whilst online. One cannot forget about the statistic of harassment with guys. For sexual harassment in opposition to girls, numerous legislation and statutes are winning legislation and statutes winning in India. But, we can't forget about the sexual harassment in opposition to guys also. In India, below Article 14 of the Indian Constitution, there's a "proper to equality". If rules do now no longer keep in mind the male associated problems too and could most effective stresses upon the girl's associated problems, then this proper is in violation. As it offers equality earlier

¹⁶ *Id.* at 18

¹⁷ Press Trust of India, *Government to amend Pocso Act, extend protection to minor male victims*, available at <https://www.business-standard.com> (last visited on august 1, 2019),

¹⁸ Down to Earth, *Sexual assault under POCSO Act: A child rights perspective*, available at <https://www.downtoearth.org.in> (last visited on 31 March 2021),

than regulation and the same remedy earlier than regulation. So, there ought to be ‘same get admission to justice’ in case of each guy and girls.

This file could manipulate especially with sexual harassment in addition to female-on-male rape. The researcher could in addition look at the sexual harassment with guys at special places. The evaluation could then in addition speak the case legal guidelines in addition to the want of creating sexual harassment and rape legal guidelines gender-neutral. The author, with inside the end, has concluded the note, thereby placing forth his tips to address the threat of sexual harassment with guys.¹⁹

WHY ONLY WOMEN?

While the sizeable majority of sexual harassment instances filed with the department concerned filed with the aid of using women, a growing variety of fellows are submitting their very own claims. In 2015, 6,822 sexual harassment claims have been filed with the concerned department. 17.1 per cent of these instances have been filed with the aid of using guys.²⁰

There are some instances concerning girls in the male place of business sexual harassment which has ended in vast awards for the male employee. These encompass times of retaliation for refusing sexual advances, unwelcome touching and caressing, and being subjected to offensive sexual remarks and jokes. Male on the male place of business sexual harassment claims have become greater common, beginning with a 1998 ruling from the USA Supreme Court that held that guys are blanketed from a place of business sexual harassment beneath Title VII of the Civil Rights Act of 1964. These instances can also additionally encompass each sexual advance from male co-employees and supervisors and sexual-primarily based hazing that may be similarly damaging.

Why don't the victims report?

According to Roberta Chinsky Matuson *“Many human beings mistakenly accept as true with that harassment is restricted to girls,”*

Also the perpetrators in opposition to the sufferers are the use of bodily pressure, mental

¹⁹ *Id.* at 20

²⁰ PTI, *supra* note 20, at 15

pressure or many different emotional coercion tactics. At places of work, men on occasion are mentally tortured for the sake in their process. If a male desires a process and he isn't having some other replacement then he even though unwilling to just accept sexual advances, ought to receive from girls or male colleagues. But, those styles of brutal incident now no longer simplest bodily smash the frame of the sufferer however additionally spoil his soul.

Sexual harassment at places of work additionally includes rape, that could both be female-on- male rape or male-on- male rape. The rape of guys with the aid of using guys has been recorded as a weapon of terror in warfare. So, apart from at workplaces or places of work male rape is likewise very not unusual place in prisons, schools, education centers, additionally on occasion at home. But, because of the shortage of any regulation or statute those rare instances stay unreported ²¹. *According to Justice Krishna Ayer, "A assassin kills the frame however a rapist kills the soul."*

There aren't any specific facts on what number of guys are sexually careworn at work, and the way lots of those guys surely document claims for sexual harassment. However, it's miles in all likelihood that the instances filed with the EEOC constitute only a part of the full wide variety of guys who're sexually careworn at work.

Some guys won't document their harassment or document a declare with the EEOC due to the fact they're terrified of being mocked with the aid of using coworkers. They might also additionally accept as true with that guys can't really be sexually careworn with the aid of using a woman, or that being careworn with the aid of using some other guy implicates their personal sexuality. They might also additionally worry being embarrassed if information of the harassment has been leaked, especially in the event that they accept as true with that they must be capable of deal with the problem themselves. Whatever the reason, it's miles obvious that many guys are really now no longer submitting claims of sexual harassment.

Legal aspects

The real first query which needs to be recommended is who will guard guys from sexual harassment? In India, the legislation talks simplest approximately sexual harassment and rape of girls. There isn't any law, no statute to shield men from the bloodthirsty act of harassment and rape. Under Indian law, there may be simplest one phase 377 of Indian Penal

²¹ Down to earth, *supra* note 21 at 15

Code which talks approximately 'sodomy'. Except for this phase, all different legal guidelines and sections are supposed simplest for girls.

We can say that there may be unfair to get admission to justice. When we communicate approximately India, we choose out that a lot of significance is given to the rights of the humans however why there may be a violation of the 'Right to equality? Our Indian Judiciary, society and legislation all talks approximately the same rights and same remedy of fellows and girls. But, dolefully those types of loopholes and misfiring to make any legal guidelines for sexual harassment, sexual attack or rape suggests an uncut violation of 'Right to equality.

Sexual harassment of fellows calls for extra intentness than another hiking crime or trouble due to the fact male suicides at places of work are four instances extra than the girl suicides at places of work²². Gender impartial legal guidelines have been located well-known in about seventy-seven nations around the sector including, the U.K., Denmark, Australia, the U.S. and plenty of extras. But, disturbingly, the Indian Parliament has time and again rebuffed to make legal guidelines towards sexual harassment gender impartial in India. This trouble of sexual harassment with men is extra often taking location in prisons. According to G Pramod Kumar,

The People's Union of Civil Liberties had this to mention approximately Tihar manner again in 1981: "When a younger boy enters, the prisoners had been regarded to have bid a charge for the boy. The charge presented is in phrases of 'bidis', cleaning soap or charas. Often prisoners had been divided into camps and the businesses have fought every different on the problem of who shall have the brand new entrant"²³.

So, with no requirement of similarly dialogue or doubts, it's far very authoritative to make the sexual harassment in addition to rape legal guidelines gender impartial in India. So, there need to be the same 'get admission to justice' in India. Also, the humans of our society desire to regulate and adapt their minds and need to toss out the ideals that guys are robust and cannot be raped or that they can shield themselves in case something incorrect will occur to them. Also, in case you are believing that 'guys cannot be raped' then you ought to

²² Mahapatra, Dhananjay (3 March 2017). "POCSO: Is a 40-year-old woman with mental age of six entitled to compensation under POCSO?". *The Times of India*. Retrieved 6 June 2019, (last visited on March 17th 2022).

²³ Indian Kanon, available at <https://indiankanon.org/doc/1103956>, (last visited on March 20th 2022).

additionally maintain this in thoughts that 'girls can rape'. Sexual harassment can arise to any man or woman at any age and location.

So, the word 'any man or woman' right here highlights the truth that girls are usually now no longer that quiet, tranquil and soft. Sometimes additionally they take brutal steps and do harass guys specifically at places of work due to the fact harassment with the aid of using girl bosses at places of work is turning into a very not unusual place those days.

The guys ought to be engulfed in the 'Sexual Harassment at Workplace Bill, 2012' as quickly as possible. Also, a few particular sections ought to be inserted beneath the Indian Penal Code to guard against harassment towards men. As we're having simplest 1 phase associated with sodomy beneath Indian Penal Code. Also, the hour wants to want of the hour is to alternate the mindsets of the humans of Indian society who accept as true that a person isn't always made to cry and simplest a girl cries. This is an incorrect perception as all the ones who've hearts and souls, also are having dignity, emotions, self-self-belief and appreciation too for themselves. Acts like harassment assault the soul and it's far immaterial whether or not the soul is of a male or a girl, harassment kills the soul and pushes someone right into a country in which she or he starts to replicate that they're now no longer of any worth. In addition to this, it's also very crucial to observe that harassment with any individual is incorrect as we're all people first then men and girls.²⁴

So, my factor of raising this trouble is simplest to present same rights to the male sufferers as of girl and to invoke the rules to furnish 'same get admission to justice in India'.

There are numerous felony classes for sexual harassment, and a not unusual place one is quid seasoned quo. The worrying of intercourse in go back for activity safety situation is an example, whilst someone with authority becomes the aggressor, the usage of their strength over a subordinate's activity. Aside from trying sexual favors in change for permitting the subordinate to maintain their activity, the aggressor may threaten a terrible overall performance review. Promising advertising for sexual favors is some other tactic. An adversarial painting's surroundings also can be created via way of means of an expert discern or a colleague who does now no longer preserve authority over some other worker. This entails an unmarried or ongoing scenario this is offensive and/or pervasive. It can be repeated

²⁴ Punj, Shweta., "Human trafficking for sex: Thousands of girls live in slavery while society remains silent". *India Today*, available at <https://www.indiatoday.in/>, (last visited on March 15th March 2022)

behavior that makes paintings unbearable, consisting of each day undesirable sexual feedback and groping. Also, an adversarial painting's surroundings can be described as an offensive, extreme act that makes the place of work adversarial and/or dangerous, consisting of an isolated, violent act that takes place. Retaliation for personnel who whine of the place of work sexual harassment is some other class this is utilized in those situations. This is whilst a worker speaks out approximately the discrimination after which faces damaging repercussions consisting of being disciplined, being transferred to a much less proper area or position, undeserved terrible reviews, denied promotions or pay increases, demotions, and terminations. Besides that, personnel also can be a situation to different styles of retaliation consisting of accelerated harassment and discounts in shifts.

Nicole Kidman has rightly stated,

“Imagine a formidable plan for global without discrimination, wherein males and females are same companions in shaping their societies and lives. Let’s image it!”

THE SUPPOSED PREDATORS CAN BE A PREY TOO

Women and kids can have emphasized being to be careless, however, men can't.

This quote, from the movie, The Godfather, very aptly depicts the socio-cultural material of India – the society that locations guys at the top of their circle of relatives and hinders the popularity of fellows as sufferers of sexual offences. There exists a belief that a person is just too robust to be subdued, and sufferers of sexual offences are weak. This belief prevents a male sufferer from reporting the offence, because of the concern of society, and the lack of one’s manhood. Similarly, the belief that girls are the weaker sex, that calls for protection, makes the concept of a girl being the culprit of such offences as an alternative absurd. This essay will discover the patriarchal component of Indian society, and the way patriarchy offers obstacles in extending the scope of legal guidelines in opposition to sexual offences, to consist of all genders, in place of simply girls.

An important setback in a case of proving sexual offence in opposition to a person, are physiological factors. It is contended that an engorged penis is evidence of consent. This rivalry is as wrong as announcing that a girl had consented to a sexual act due to the fact she had vaginal lubrication in the course of it. Reliance will be located on scientific literature

declaring that physiological factors, like an erected penis or lubricated vagina, are responses to sexual stimuli, and are out of manage of a person –thus, now no longer an evidence of the judgment of right and wrong consent for the sexual act. Some radical feminists like Christine Boyle declare that making such legal guidelines gender-impartial could be in opposition to the feminist movement, and could be risky to the girl's community, while different feminists assist the popularity of male rape. Ideas from feminist literature, both – in favor of, and in opposition to – neutralizing legal guidelines in opposition to sexual offences will be discussed.

This essay could cope with the lacunae in current legal guidelines and spotlight the want for gender-impartial legal guidelines in opposition to sexual offences. The Constitution of India prevents the State from discriminating on the grounds of religion, race, caste, sex, and region of birth. [1] It additionally offers for social justice, [2] and society includes multiple genders.

Sexual offences were known as girls-centric in India. The important difficulty in opposition to the neutralizing of legal guidelines in opposition to sexual offences is that greater regularly than now no longer, guys are the perpetrators²⁵. The Indian regulation on rape, in Section 375 of the Penal Code, 1860[3], speaks of the most effective guy because the culprit and girl because the sufferer. The equal function is held with the aid of using all legal guidelines concerning sexual offences, besides with inside the case of gang rape, which regards most effective a girl as a sufferer, however

“one or greater persons” because the culprit, and Section 354 of the Penal Code[4], that states that whoever attacks or makes use of crook pressure to any girl, proceeding to outrage or understanding it to be probably that he's going to thereby outrage her modesty, will be punished with imprisonment of both descriptions for a period which might also additionally enlarge to 2 years, the sufferer.

HURDLES IN THE WAY TO NEUTRALISING THE FELONY

PATRIARCHY

Oxford English Dictionary defines patriarchy as a society, system, or u. s. this is dominated or managed through guys. Indian society is a patriarchal society, wherein guys are predicted

²⁵ Indian Penal Code, *IPC sec 375(2)(5)*

to act in a positive predetermined manner, any deviation from this manner offers upward thrust to ridicule from society – in particular different guys. Some examples of the way society desire a “best man” to act consist of the perception that a person can't display his feelings and can't cry in public, he has to stay sturdy in any respect times, or that a person feels no pain. This offers an upward thrust to gender inequality and is the cause why a few guys, even supposing they assist gender equality, are embarrassed to talk out approximately it. One different perception that a patriarchal society has in opposition to guys is that they're predicted to be inquisitive about sexual sex all of the time, as a consequence negating the idea of the man's consent in a sexual act.

MISINTERPRETATION OF PHYSIOLOGY

Men themselves sense compelled to have intercourse because of society's current opinion approximately guys and intercourse, and the concept that refusing to have intercourse might cause them to be much less of a person, or they are probably perceived as gay. The expectation of getting an erection anytime, anywhere, with anyone, offers upward thrust to the concept that guys haven't any sexual autonomy. There are contradictions with inside the current definition of gender neutrality regarding guys and ladies. In the twenty-first century, it isn't uncommon for a lady to exercise law, force a truck, wrestle, or do any of the greater masculine tasks. But if a person indicates a female side, or has pursuits that might be taken into consideration to be female through society, it's far frowned upon. Thus, today's gender neutrality brings masculinity to everyone, regardless of gender.

The patriarchal attitude of society prevents guys from popping out and speak me up approximately incidents of sexual offences in opposition to them. Therefore, there exist no authoritative records displaying the life of fellows turning into sufferers of sexual offences. The want of the hour is for guys to talk up approximately such incidents, in a significance to the likes of the significance of the feminist movement, to make legal guidelines in opposition to sexual offences gender-neutral.

It has additionally been constantly asserted that guys react in a different way to sexual attacks than ladies do. Ignoring damage triggered to guys is a constant sample visible with inside the writings of radical feminist writers. Radical feminists regularly declare that introducing gender neutrality to legal guidelines regarding sexual offences might be destructive to the pastimes of ladies. However, no proof of the same, or of the way guys act differently in

those situations, has been given through those authors.

Contrary to the general opinion, a look at carried out in America, in 1989, indicates that the response of fellows in instances of sexual attacks is much like that of ladies. The traits of the sufferer and the response had been referred to be the same. However, guys observed it tough to record those incidents due to the stigma that sexual attacks are a lady-centric issue, or due to the worry of being branded as weak, or much less of a person.

DIVERSION BY MEDIA

In today's day and age, the media performs an essential position in shaping the minds of the people. The mainstream Indian media does now no longer display guys as sufferers of sexual attack and paints an unrealistic image of a super guy. The iconic talk of the maximum famed Indian actor, declaring that an actual guy feels no pain, continues to be the yardstick of masculinity with inside the minds of the people. Indian films use sexist humor and use comedy to dilute the seriousness of touchy problems like misogyny. The stereotyping and harassment of homosexual and transgender characters are any other regarding trouble, that's used comically via way of means of the Indian media. The trouble of molestation of a person has additionally been used comically. The most effective Bollywood film to deal with the difficulty of sexual offences towards guys that won reputation is the film Aortas, wherein the protagonist's boss' spouse attempts to sexually attack him.

The scenario is equal for books. Claire Cohen, an outstanding author, says that male rape sufferers are frequently feminized so that the readers be extra accepting of lady perpetrators.

Thus, there's a direct want to circumstance the Indian society to be accepting of all genders and to confront the administrators and filmmakers approximately the stereotypical depiction of various genders, and using extreme problems in a comedian way.

In a recent study it was found that out of 222 Indian men surveyed, 16.1% had been coerced into having sex. Despite the rape of men not researched as widely as a rape of a female, there are several statistics to suggest that men are raped and the prevalence of men rape is wider than is generally presumed²⁶. There are no statistics, surveys or reported cases of men being

²⁶ Conor Friedersdorf, *The Understudied female sexual predator*, THE ATLANTIC, November 28th 2016, available at <https://www.theatlantic.com/science/archive/2016/11/the-understudied-female-sexual-predator/503492/>, (last visited on March 19th 2022)

sexually harassed, which is because of the fear of mockery by the people around them. The male if harassed by a female is considered timid and if harassed by another male then people ridicule his manhood, keeping the premise intact that men are not sexually harassed.

Several male rape myths have been posited to exist in the literature. These are summarized by Torchy and Edwards (2012) that men cannot be raped, “real” men can defend themselves against rape, only gay men are victims and/or perpetrators of rape, men are not affected by rape (or not as affected as women are), a woman cannot sexually assault a man, male rape only happens in prisons, sexual assault by someone of the same sex causes homosexuality, homosexual and bisexual individuals deserve to be sexually assaulted because they are immoral and deviant, if a victim physically responds to an assault he must have wanted it. In this way, society and community also become offenders by displaying unsupportive behavior.

In India, instances of sexual assault which do not conform to the male-on-female paradigm occur far more frequently than one could imagine. Goa Police recently arrested a Delhi woman for wrongfully confining and sexually assaulting a French woman.

One of the arguments for making the legal guidelines gender impartial may be that the idea of fellows being dominant with inside the hierarchy of society wishes to be changed. In mild of such gendered history, feminists conceptualize rape completely with inside the context of the deeply entrenched electricity inequalities among guys and ladies.

In this regard:

Gender neutrality inside rape statutes approaches the idea that the crook regulation has to comprehend that men and ladies (and transgender persons) may be rape sufferers in addition to perpetrators. It displays cutting-edge understandings of the nature, outcomes and dynamics of nonconsensual penetrative (and non-penetrative) intercourse acts.

There is a controversy that Indian society, being male dominant, isn't equipped for the idea of gender-impartial legal guidelines. The guys accused will use the legal guidelines in submitting counter-proceedings in opposition to girl sufferers and could defeat the motive of the lady's defensive legal guidelines. But now no longer converting the old legal guidelines and transferring ahead with the static perception will grow to be harming the alternative

aspect, this is the male sufferers who continue to be silent without speaking out to the sector their aspect of the story. The legislators want to amend legal guidelines with the converting situations and pay the same heed to the sexual attacks confronted with the aid of using the guys.

In searching at infant sexual abuse specifically, the Indian Government did discover in 2007 that, of surveyed kids who said experiencing excessive sexual abuse, which includes rape or sodomy, 57.3% had been boys and 42.7% had been girls. The Delhi primarily based Centre for Civil Society determined that about 18% of Indian person guys surveyed said being coerced or pressured to have intercourse. Of those, 16% claimed a girl culprit and 2% claimed a male culprit.²⁷

In State of Punjab v. Rammed Singh, the Supreme Court observed:

Rape is not only an offence against the person of a woman rather a crime against the entire society. It is a crime against basic human rights and violates the most cherished fundamental right guaranteed under Article 21 of the Constitution of India.

While interpreting the above observation of the Supreme Court, the simple understanding can be that the crime of rape is against the whole society in which we are living. Also, the notion that the person of a woman only can be the victim/survivor of rape needs to be eradicated. Further with the acceptance of homosexuality as a natural sexual orientation, there is increasing concern on converting the gendered law on rape into a gender-neutral one.

The major intention is to talk about and examine the numerous presuppositions concerning rape and different sexual offences, that have brought about the belief that the want for making legal guidelines towards sexual offences isn't the handiest pressing however additionally indispensable. Patriarchy might also additionally appear positive for guys at the face of it, however, in reality, it has numerous drawbacks for guys too. Notably, sodomy as a battle crime has been recognized and regarded in view that time immemorial, yet, the Indian legislators pick to show a blind eye in the direction of this issue, and refuse to well known that any person, regardless of gender, maybe a sufferer of sexual attack, or a perpetrator. Further, the technique of the media in developing and keeping the stereotypical gender snapshots wishes to extrude, to mirror reality.

²⁷ Conor Friedersdorf, *supra* at 41

The media wishes to reveal that a person may have pastimes that can be considered “feminine”, and now no longer be much less of a person, and girls may have “masculine” pastimes and behavior and stay female. It is actual that the media, as such, does now no longer have a statutory responsibility to do so, however thinking about the huge impact, it has on society, ethical responsibility for inspiring society has to be made.

The want for a gender-impartial regulation isn't handiest pondered in Article 15 of the Indian Constitution however additionally to sell the significance of consent in sexual autonomy and physical integrity, be it of any gender. We additionally discovered that instead of the famous perception, guys do now no longer come across rape differently in evaluation to ladies. Male managed society directs that guys have the fine or the instinct to retaliate all through rape, while research exhibit something else. On the problem of resistance from radical feminist activists, we observed that several faculties of the feminist movement, consisting of outstanding activists like Brown miller, have regarded and stated the life of male attack. As clean from our article, there's a pressing want to transport from the cutting-edge phallus-centric legal guidelines which restrict the communication on attack regulation. Further, we investigated how a scarcity of comprehension on a part of defense attorneys regarding physical reaction to sexual acts can bring about the miscarriage of justice in courts.

There rises a proper want to teach the justice device in addition to the general populace approximately the fact of the way sexual stimuli may be carried out without aware consent for sexual activity. The answer for the popularity of sexual attacks or all genders lies first in reframing all of the cutting-edge legal guidelines in a sexually impartial language to verify the concept that intercourse is in no way once more the inspiration for finding out felony wrongs. Also, for the reason, that regulation is not anything however the collective will of society, the want for gender sensitize the complete justice device and replace valid gadgets for investigative groups is a sine qua non. To create an inclusive society, there's a want to instill variety and comprehensiveness in ideas in addition to in actual life. Last, but now no longer least, making legal guidelines and making ready cops are the maximum excessive a legislature can do; the real extrude will come simply whilst the collective will of the people replicate the same.

A PREDOMINANT FELON IS A MAN

The Centre while replying to the Delhi High Court on a petition filed which has challenged

the constitutional validity of rape laws in India said that the rape law cannot be made gender-neutral. It said that it cannot be neutral for both man and woman as the predominant perpetrator of the offence is a man.

Also, offences like sexual harassment globally are persecuted by a man on a woman and not vice versa, which is why the law should remain gender specific. The major intention is to talk about and examine the numerous presuppositions concerning rape and different sexual offences, that have brought about the belief that the want for making legal guidelines towards sexual offences isn't the handiest pressing however additionally indispensable. Patriarchy might also additionally appear positive for guys at the face of it, however, in reality, it has numerous drawbacks for guys too.

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To view the crime completely as a person violating a girl is an injustice to the ones whose testimonies do now no longer healthy this mound. An article posted in India Today on August 14 entitled "Teacher amongst 4 booked for sodomy in Muzaffarnagar" is simply one extra instance of an unusual difference that has remained firmly ensconced in Indian parlance: the concept that guys may be sodomised however now no longer raped. As Section 375 of the Indian Penal Code stands, rape is something that most effective a person can do to a girl. There isn't any room for grownup male victims, a lot much less lady perpetrators. Although baby survivors of each sexes are blanketed with the aid of using the Protection of Children from Sexual Offences Act 2012, cutting edge rape legal guidelines omit a massive swathe of male victims, who can't come ahead for worry of stigma and a loss of prison recourse. As a former director of a Lesbian Gay Bisexual Transgender counselling and sexual fitness center in New Delhi, I can attest firsthand to the handfuls of such male and transgender survivors with inside the nation's capital. They have additionally been properly documented in prison cases, including *Nazi Foundation vs the Government of National Capital Territory of Delhi* and in reporting with the aid of using home human rights organizations.

TO ADD SALT TO THE PLATTER

In know-how what constitutes rape, global regulation has advanced from viewing it simply

as penile-vaginal to penile-orifice after which to penetrative-orifice, all inside a non-consensual context. By the remaining criminal definition, the bodily violation with blunt gadgets gone through Nirbhaya on the arms of her gang rapists could be categorized as rape.

It could be through present-day Indian criminal requirements as well. Yet if the placing has been an Indian ladies' prison and the precise equal violation had taken place through fellow prisoners, there could be no rape. To be sure, it'd be an assault-primarily based crime of a few forms, however now no longer rape. This, even though the sufferer could be forcefully penetrated sexually way through her assailants.

The equal result could additionally come approximately if the sufferer had been a child because the POCSO could permit for a rate of sexual assault, however now no longer certainly considered one among penetrative sexual assault, codified as male-handiest. Many parliamentarians and a few activists argue that handiest participants of 1 intercourse can rape and handiest the alternative may be raped, for rape is handiest ever patriarchal.

Yet whilst parliament publicizes that ladies are seemingly incapable of committing crimes of strength over every different, the Bombay High Court discovered itself grappling in May with a case related to the alleged molestation of 1 girl through another. Perhaps the drawbacks of gendered language with inside the regulation have ended up clear. Perhaps now no longer.

With regards to the life of each male and girl survivor, the US's Centers for Disease Control in Atlanta has envisioned that 18.3% of American ladies and 1.4% of American guys have skilled rape in some unspecified time in the future of their lives. Both possibilities are possibly to be underestimations because of the stigma connected to reporting the crime. The ability for an extrude in discourse and regulation got here with inside the wake of Nirbhaya gang-rape in 2012, which noticed a heavy growth in countrywide interest directed toward the crime of rape. Then, male rape survivors (I will now no longer say "sodomy" survivors) additionally started to talk out, inclusive of one Chennai-primarily based totally guy whose weblog publish approximately his reminiscence of being raped speedy went viral.²⁸

In 2013, the Centre exceeded its stop-hole Criminal Law (Amendment) Ordinance, which

²⁸ Preventing the stale, *available at* <https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html>, (last visited on March 14th 2022).

substituted "sexual assault" for "rape" and made the crime gender-impartial from the issue of each wrongdoer and sufferer. Yet this becomes, in effect, a combined bag.

While the popularity of male sufferers and girl perpetrators become solved, it did now no longer use the word "rape", which become a great omission.

A vociferous lobbying pressure carried out a reversal on each count that equal yr. with the Criminal Law (Amendment) Act. These corporations argued that rape become an explicitly patriarchal crime, immediately stemming from the gruesome abuse of male strength and privilege.

Thus, for expenses to stick, the wrongdoer has to be male and the sufferer girl. The exception to this rule has been, rather oddly, the preserving of gender-impartial language for the perpetrators of gang-rapes handiest.

I could now no longer a lot quibble with the belief that rape is primarily based totally on strength — even though I do concur with others who trust that lust and sexual choice do play roles — however instead of that the crime of rape is completely patriarchal through definition. Even if it had been, I could in addition dispute the concept that crimes of patriarchy affect organic ladies' handiest.

In reaction to the opportunity of creating rape a gender-impartial crime, the Centre for Civil Society's Jai Vipra has referred to that the competition has raised awesome issues: the concept of rape being divorced from girl-precise outcomes for the survivor and the exploitation of genderimpartial language through guys.

In searching on the former, it's miles apparent sufficient that, other than emotions of humiliation and disgrace skilled through each gender, there are positive burdens positioned on girl survivors, including the better price Indian society locations on preserving girl virginity.

Yet through the equal token, there are burdens positioned on male survivors, including being perceived as effeminate or possibly even homosexual, unluckily taboo subjects for guys, that could now no longer be similarly felt through girl survivors.

At a broader level, do now no longer all crimes affect unique kinds of sufferers in unique

ways? Yet, with few exceptions, we prosecute primarily based totally on the sameness of the crime, and now no longer the sameness of the effect. The latter could mean that positive sufferers count extra than others, flying with inside the face of equality earlier than the regulation.²⁹

The 2d critique concerning the abuse of gender neutrality is without a doubt viable however its possibility and effectiveness are suspect. ³⁰Many, for example, worry about the opportunity of a male rapist's counter-accusation of, "She raped me!" in reaction to a girl survivor's preliminary reporting. Again, whilst that is technically viable, there are a plethora of different counteraccusations that may be, and frequently are, hired through male rapists, starting from consensual intercourse to fabricated allegations.

An accusation of rape through any birthday celebration have to, in any courtroom docket of regulation, be supported through evidence. For ladies, a rape package check may be evidence sufficient. A male's accusation towards a girl, whether or not in reaction to a girl's accusation or now no longer, could be completely extra hard to show and fake accusation dangers committing crimes of perjury and giving fake statements to police.

It is likewise crucial to notice that wherein rape is a gender-impartial crime, this type of exploitation through guys is sort of non-existent for the motives simply listed. The survivors who're legally aided through gender-neutrality, however, are substantial.

Finally, whilst I even have spent good-sized time advocating making rape a gender-impartial crime, it's miles crucial to notice what I am now no longer claiming. I am now no longer claiming ladies and men go through rape in the same proportions, for that isn't the case. I am now no longer claiming that males and females devote rape in the same numbers, for they do now no longer.

I am additionally now no longer pronouncing that rape is cut loose and frequently violent patriarchy, for it isn't. Lastly, I am now no longer claiming that feminist corporations and others have now no longer completed an outstanding process in retaining rape with inside the countrywide discourse, for they without a doubt have.

²⁹ Eichert, David "Homosexualization' Revisited: An Audience-Focused Theorization of Wartime Male Sexual Violence". (International Feminist Journal of Politics, UK law house, 4th edition , 2019)

³⁰ National Institute of Justice. 2006. Extent, Nature, and Consequences of Rape Victimization: Findings From the National Violence Against Women Survey, 2018.

However, the impulse to view the rape narrative as completely that of a person violating a girl does an injustice to the ones whose very own rape testimonies do now no longer healthy the standard mound this is simplest for us to understand. As those survivors have subsequently discovered the braveness to percentage their testimonies with us, legislating on such an impulse is in itself a crook act.

ENDNOTE

The survival of any homo sapiens without intimidation is a basic amenity to be provided at every possible spade of life in terms of law and legal aspects.

We as the harbingers of the future should strive towards equality and equity in all senses and end this massacre of innocent convictions on grassroots levels of these skyscrapers.

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