



REDEFINING GENDER JUSTICE: MEN'S RIGHTS IN THE INDIAN CONTEXT

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ABSTRACT

This research paper, "Redefining Gender Justice: Men's Rights in the Indian Context," explores the evolving concept of gender justice, particularly in the socio-legal landscape, where traditional and modern values coexist. While the discourse has predominantly centered on women's empowerment and redressing historical injustices, the paper argues for a more balanced perspective that includes men's rights and issues. It highlights how societal norms and legal frameworks often place men in vulnerable situations, subjecting them to mental health challenges, occupational stress, and biases in domestic and workplace contexts. The study critiques existing gender-specific laws, such as Section 85 of the BNS and the Domestic Violence Act 2005, which, although designed to protect women, have led to the marginalization and victimization of men. By analyzing judicial interpretations, cultural attitudes, and comparative legal frameworks from other countries, the paper advocates for gender-neutral legislation that fosters equality and fairness for all individuals. It emphasizes that genuine gender justice requires an inclusive legal system that recognizes and addresses the rights and concerns of both men and women, ultimately aiming for a society where justice is not determined by gender but by equitable treatment of all.

Keywords: Men's Rights, Gender-Neutrality, Gender Justice, Constitutional Provision.

INTRODUCTION

Gender justice has long been associated with women's rights, emphasizing redressing past inequalities and providing equal opportunity to women. However, as cultures change and gender roles split, expanding the discourse on gender justice becomes increasingly important. In India, where traditional and new values coexist, the gender equality debate has largely revolved around empowering women. But men's thoughts and concerns still fall behind, and

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the quest for true gender justice is, therefore, not balanced. "Redefining Gender Justice: Men's Rights in the Indian Context" attempts to reveal this unexplored subject.

It examines the impact of social expectations, regimes of justice, and social norms on men, often placing them in vulnerable situations. From family-related mental health issues, occupational stress, and laws to false accusations and cultural biases, Indian men are faced with issues that need to be understood and addressed. A gender justice perspective in balance should recognize such issues, not to defeat women's rights so much but to strive for equality and fairness for all. This study seeks to reinterpret the meaning of gender justice by promoting a more comprehensive vision that takes into account men's rights and interests in India's socio-legal sphere. It seeks a critical appraisal of existing laws and cultural attitudes, with a call to adopt a more inclusive understanding of gender equality.

UNDERSTANDING GENDER JUSTICE

Gender justice is an essential doctrine that attempts to provide equality and justice to people irrespective of gender. It includes legal, social, and economic remedies that try to do away with discrimination and provide equal opportunities to everyone. Historically, gender justice has referred to women's empowerment, trying to address historic injustices against women. A just society, however, demands a holistic approach—one that identifies and addresses the specific issues faced by men, too.

The gender justice notion goes beyond safeguarding one gender to include all people's rights and obligations. It entails destroying stereotypes that bind individuals into stereotypical gender roles, preventing legal systems from taking sides with a gender, and recognizing that matters like domestic violence, discrimination at work, mental illness, and parental rights concern men too. Real gender justice requires a thoughtful strategy—one that goes beyond gender duality and understands that parity is impossible until every voice is heard and all complaints are considered. This part examines the broader topic of gender justice, how it has evolved in legal and social contexts, and why it must incorporate men's rights as well to build a more level and just society.

THE NEED TO ADDRESS MEN'S RIGHTS

In modern gender justice discourse, women's rights have been the priority, a natural and overdue reaction to past oppression and institutional discrimination. But as societies change

and laws catch up, a growing but often forgotten aspect of gender justice is acknowledging men's rights. While patriarchal systems have certainly been disadvantageous to women, they have also, in some respects, placed excessive burdens on men by reinforcing strict gender expectations and roles that can prove harmful to their health.

Concerns like discriminatory family laws, gendered workplace expectations, the absence of legal remedies for male domestic violence victims, and the assumption of guilt in gender-based allegation cases reflect the loopholes in the current legal system. The lack of proper legal safeguards and social acknowledgement of men's problems not only reinforces injustices but also impedes the overall aim of attaining real gender equality. Composing men's rights is not about being an anti-feminist movement but about making sure that justice is gender-blind and that all persons, irrespective of sex, are treated equally and fairly according to the law.

THE LEGAL FRAMEWORK AND GENDER JUSTICE IN INDIA

Constitutional Provisions on Equality: I believe gender justice should be founded on fairness and equality—not only in theory but in the practice of how laws work in everyday life. The Indian Constitution promises equality to everyone, but there are cases when laws that aim to safeguard one gender are unjust towards the other.

For instance, Article 14 of the Constitution¹ guarantees that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India." But in practice, there are some laws which appear to defy this principle. Consider **Rajesh Sharma v. State of Uttar Pradesh (2017)**²—the Supreme Court realized the abuse of Section 85 of BNS³ Legislation for safeguarding women against dowry harassment. As time passed by, it's been abused by falsely implicating men, culminating in incorrect arrests, harm to reputation, and emotional stress. I know of instances where a whole family—old parents, sisters, and even remote relatives—were detained based on a complaint with no substantial evidence. Although the Court laid down guidelines to avoid frivolous complaints, the social and legal stigma given to such cases usually persists.

¹ The Constitution of India, (1950), Article 14

² Rajesh Sharma v. State of Uttar Pradesh, (2017) 8 SCC 692.

³ Bharatiya Nyaya Sanhita, (2023), Section 85

Likewise, Article 15(1)⁴ forbids discrimination based on sex, but Article 15(3)⁵ Permits special treatment of women and children. While affirmative action is warranted for historically underprivileged groups, it becomes problematic when legal measures discriminate in favour of one gender to the exclusion of the other's rights. The classic illustration is maintenance under Section 144 BNSS.⁶, which presumes that only women are economically dependent. In modern times, when numerous women are earning professionals, and a few men remain homemakers, why shouldn't the law recognize financially dependent husbands, too? In **Dipanshu Chaudhary v. State of Uttar Pradesh (2023)**, the petitioner questioned this unilateral provision, and the Allahabad High Court realized that there was a need to adopt a gender-neutral perspective. I know of a case where a man left his job to support his wife's career, only to be left without any financial support when their marriage ended. Yet, our laws do not provide him any relief.

Then there's Article 21⁷, which guarantees the right to life and personal liberty, including dignity. But when it comes to laws on harassment and abuse, men are often excluded. The case of **Rupan Deol Bajaj v. KPS Gill (1995)**⁸ reaffirmed protection against sexual harassment and the right to dignity, but what about a man? I recall hearing about a young male intern in a corporate company who was forced to resign his position because his female boss continuously made lewd advances towards him. Because India's workplace harassment laws only protect women, he had no legal recourse.

The **Joseph Shine v. Union of India (2018)**⁹ case, in which the law of adultery under Section 497 IPC¹⁰ was struck down, was another milestone toward gender equality. Earlier, the law was treating women like property and giving only a husband the right to accuse another man of adultery with his wife, but not giving a similar right to the wife. The Supreme Court appropriately acknowledged that authentic gender justice is to proceed beyond sexist, patriarchal statutes—not only for women but men, too.

⁴ The Constitution of India, (1950), Article 15(1)

⁵ The Constitution of India, (1950), Article 15(3)

⁶ The Bharatiya Nagarik Suraksha Sanhita, (2023), Section 144

⁷ The Constitution of India, (1950), Article 21

⁸ Rupan Deol Bajaj v. K.P.S. Gill, (1995) 6 SCC 194

⁹ Joseph Shine v. Union of India, (2018) 2 SCC 189

¹⁰ The Indian Penal Code, 1860, Sections 375, 497

Laws must change with society. I have witnessed men suffering in abusive relationships because of the Domestic Violence Act.¹¹ Protects only women. I have known fathers who love their children very much but cannot get custody because courts presume the mother is the better parent by default. I have heard of young men who committed suicide after being falsely accused in gender-specific cases because society is quick to judge but slow to provide justice.

If we are going to be faithful to gender justice, we should make sure that law doesn't play favourites at the expense of the other side. Equality must not be discriminative—it has to be equal.

THE REQUIREMENT OF GENDER-NEUTRAL INTERPRETATION

Though the Indian Constitution has strong safeguards against gender discrimination, its enforcement has tended to be biased towards women's problems at times, to the exclusion of men's problems. Judicial activism, as reflected in the above cases, suggests an increasing recognition of these issues, but legislative changes are urgently needed to make constitutional equality gender-neutral. The judiciary has been instrumental in interpreting constitutional provisions to meet the demands of gender justice. Legislative action, though, needs to be initiated to accept men's rights in the broader context of equality. Ensuring that laws protect everybody—irrespective of gender—will go a long way in achieving the reality of constitutional justice.

CURRENT GENDER-SPECIFIC LEGISLATION AND THEIR JUSTIFICATION

gender-based laws in India were enacted with the good intention of protecting women from age-old injustices, oppression, and violence. They were intended to provide protection and justice to victims who had to endure at the hands of patriarchal traditions. However, in their implementation over the years, doubts have been raised. Although they still have an important role to play, they have been misused and the unintended impact, especially on men who are caught in a biased legal battle, has been profound.

¹¹ The Protection of Women from Domestic Violence Act, (2005)

THE OTHER SIDE OF GENDER-SPECIFIC LAWS

Take, for instance, Section 85 of the Bharatiya Nyaya Sanhita¹², which was enacted to prevent cruelty against women, particularly in dowry-related cases. The idea was to safeguard women from abuse, but in many cases, this law has been weaponized to settle personal scores. I've personally seen families being torn apart when false allegations are made. One of my friends, whose brother was getting divorced, was charged under this section. His whole family—his old parents too—was included in the complaint, and they had to face continuous court hearings. The Supreme Court, in **Arnesh Kumar v. State of Bihar (2014)**¹³, saw this problem and decided that arrests under this section would not be done randomly, but the ground situation is still not the same. The instant a case is lodged, the social stigma and legal trauma start, usually making it hard for the accused to recover even if later acquitted.

Another area of concern is domestic violence legislation, which is intended to offer judicial solutions to victims of abuse within the home. The Protection of Women from Domestic Violence Act, 2005 (PWDVA)¹⁴ Provides women with the right to obtain protection orders, the right to residence, and monetary benefits. What about men? I remember a case in my neighbourhood where a husband was always insulted, slapped, and even locked out of his home by his wife. When he went to make a complaint, he was derisively informed that "men do not encounter domestic violence." Courts have indeed realized this lack—such as in **Hiral P. Harsora v. Kusum Narottamdas Harsora (2016)**¹⁵, wherein the Supreme Court widened the ambit of "aggrieved person" to embrace women's family members—but it just wasn't there to protect men yet.

Legislation on sexual harassment is similarly asymmetrical where the protection granted in law is single-sided. In the workplace, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013¹⁶, is a powerful protection for women employees. But what about when a man is harassed by a woman's boss? A previous coworker of mine experienced exactly this—his boss would comment on him inappropriately and even threaten

¹² Bharatiya Nyaya Sanhita, (2023), Section 85

¹³ Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273.

¹⁴ The Protection of Women from Domestic Violence Act, (2005)

¹⁵ Hiral P. Harsora v. Kusum Narottamdas Harsora, (2016) 10 SCC 165.

¹⁶ The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (India)

to fire him if he didn't "be nice" to her. When he attempted to complain, HR threw his complaint aside, informing him that the law does not identify male victims.

Another issue that has been given short shrift is the prejudice in maintenance laws. Under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, a wife can claim maintenance from her husband, which is reasonable in situations where she is dependent. But in the present era, when both spouses are usually employed, should a husband be compelled by law to give maintenance even if his wife is economically independent? I have a friend who was made to shell out a lot of money in alimony even though his ex-wife had a secure job. Courts have seen this injustice—such as in **Kusum Sharma v. Mahinder Kumar Sharma (2020)**¹⁷ when it was held that maintenance is to be decided based on financial capability, not gender—but instances like these are still prevalent.

And then there's the issue of rape laws. According to Section 63 of Bharatiya Nyaya Sanhita¹⁸, rape is explained in a manner that looks at only women as victims. What about the male victims of rape? Nobody ever speaks about this, although it occurs. I recall having read about a little boy who was raped by a grown woman, but his protection under the law was non-existent because the law didn't even acknowledge him as a victim. In **XYZ v. State Govt. of NCT of Delhi (2022)**,¹⁹ the Delhi High Court recognized this lacuna and underscored the requirement of gender-neutral rape legislation, but so far, nothing has been done in this regard.

THE NEED FOR A BALANCED APPROACH

As vital as gendered laws are for safeguarding women against past oppression, their skewed application makes fair-mindedness suspicious. Justice should be fair so that it equally protects all regardless of gender. False accusations would ruin a man's reputation forever, professional prospects, and relationships, but legal mechanisms often never provide the security needed against misuse. Likewise, male victims of domestic violence and sexual harassment do not enjoy legal protection or recognition. An ideal system must close these loopholes so that laws are utilized for their proper purpose without creating discrimination. Reforms in law are needed to attain real gender equality in justice.

¹⁷ Kusum Sharma v. Mahinder Kumar Sharma, (2020) Delhi High Court.

¹⁸ Bharatiya Nyaya Sanhita, (2023), Section 63

¹⁹ XYZ v. State Govt. of NCT of Delhi, (2022) Delhi High Court

COMPARATIVE ANALYSIS WITH OTHER JURISDICTIONS

When men's rights are being discussed, it is usually labelled as a futile discussion, but looking at the rest of the world makes us realize that India is not exceptional in experiencing all these. Other countries have already gone through the effects of skewed gender legislation and have begun changing towards an equanimous course.

Men's Rights Movements in Other Countries: In the US, the men's rights movement found momentum following several instances of malicious false claims that devastated lives. Possibly the most high-profile instance involved Brian Banks, a highly regarded football star accused of rape without basis. Banks spent years behind bars for what turned out to be fabricated lies by his accuser before she confessed at long last that the accusations had all been fabricated. The damage was done, though—it had cost him his college career, his reputation, and his potential future. His case was such a hot-topic issue for false allegations of legal reform.

Closer to home in the U.K., the fight for fathers' rights took strength after several reports of men denied custody of children despite being perfectly capable and committed parents. One of my colleagues who migrated to London explained how his friend was fighting a custody battle. Even though he was the main caregiver for his child, the courts initially awarded custody to the mother without scrutinizing much. It was only after prolonged legal battles that he was awarded joint custody—something that should have been done initially.

GENDER-NEUTRAL LAWS ACROSS THE WORLD: HOW OTHER COUNTRIES ARE TRANSFORMING

Most countries have realized that laws must be gender-neutral so that justice is served to all. In Canada, domestic violence legislation now permits both men and women to apply for protection orders. This was done after research showed that men also experience domestic abuse but do not report it because of social stigma. I recall hearing about one case in Toronto where a guy petitioned for a restraining order against his battering wife. At first, the authorities weren't taking him seriously, but as people began to become aware, such cases began to be treated more equally.

Likewise, Sweden has gender-free rape laws where it is recognized that men may also be sexually assaulted. The change occurred when several instances of sexual assault of men were uncovered, particularly within prisons and in vulnerable groups. India's judicial system,

however, continues not to recognize male victims of sexual assault, so they have no recourse to the law.

LESSONS INDIA CAN LEARN FROM OTHER NATIONS: BRIDGING THE GAP

India has a great deal to learn from these illustrations. Our system of law still functions on sexist gender assumptions—men are invariably the perpetrators, and women are invariably the victims. This is not only legally flawed but also socially dangerous.

One major lesson is the need for equal legal protection for all victims, irrespective of gender. If countries like Canada and Sweden can make their domestic violence and sexual harassment laws gender-neutral, why can't India? A friend once told me about how he tried to report workplace harassment but was laughed at because "men don't get harassed." This kind of mindset exists because the law itself does not acknowledge male victims.

Another important point is effective measures to curb the abuse of laws. Nations such as the U.K. have strong policies in place to counter false accusations, where accusers are not allowed to make unsubstantiated allegations without facing repercussions. In India, false charges under Section 498A or sexual harassment legislation can destroy lives, but there is minimal accountability for those who abuse these provisions.

Finally, we need to reassess our policy on child custody. Countries such as Australia adopt a "shared parenting" policy under which, unless established otherwise, both parents are equal custodians of a child following separation. Custody fights in India are hugely biased in the mother's favour, even when the father is equally or more suited for it. One of my friends in Delhi has been battling for access rights for years, despite being a good father. Such cases point toward the necessity for balanced custody legislation.

A MORE INCLUSIVE LEGAL SYSTEM

Gender justice must not be men versus women—it must be justice for all. Other countries have seen the deficiencies of their legal systems and have made amends. If India wants to make sure there is justice, then we have to move towards gender-neutral legislation that safeguards all, prevents misuse, and realizes that men are also victims.

WHY GENDER NEUTRALITY IS NECESSARY FOR GENUINE JUSTICE

Justice must be grounded in equity, not gender-role assumptions. Although laws safeguarding women were implemented to remedy past injustices, their strict application tends to create exclusion more than inclusion. A legal system presuming that only women can be victims and only men can be offenders disregards the fact that anyone can become a victim of abuse, discrimination, or false charges.

Denying Male Victims Perpetuates Injustice: Men are usually brushed aside in cases of domestic abuse because society cannot visualize them as victims. My colleague once confided in me regarding his friend who suffered years of psychological abuse at the hands of his wife. When he sought help, he was ridiculed and dismissed. Unlike women, he was not given any legal protection because the Domestic Violence Act of 2005²⁰ included only female victims. Concomitantly, workplace harassment statutes protect women and leave male victims without any recourse. This area of legal negligence permits genuine abuses to be disregarded, bolstering the image that men can't be victimized.

False Allegations: The Cost of One-Sided Laws: False complaints not only destroy reputations but also financially and emotionally drain the accused. There are instances where men have lost employment, social reputation, and even their liberty based on false allegations. In the UK, strict perjury laws prevent false complaints, holding the false accuser accountable. India needs to incorporate such measures to ensure that they prevent abuse without protecting false victims. India also needs to conform to these new mindsets. Changing laws to gender-neutral does not dilute protections for women—it enhances justice by ensuring that all victims are heard and protected. True gender justice does not mean prioritizing one gender over another. It means ensuring that laws protect all individuals equally. Until we shift from gender-based laws to crime-based laws, justice will remain selective, rather than universal.

REAL-LIFE INSTANCES OF INJUSTICE FACED BY MEN IN SOCIETY

- The Atul Subhash case: Highlights the issues raised in this study regarding gender-specific law misuse and its catastrophic effect on men. Subhash's suicidal death, reportedly brought on by false charges and judicial harassment, is a clear example of the need for gender-neutral laws and judicial reforms to establish true gender justice.

²⁰ The Protection of Women from Domestic Violence Act, (2005)

- The Rohtak Sisters Case: Two sisters in Rohtak, Haryana, accused three men of molesting them on a bus. The video of them attacking the men went viral, leading to widespread outrage. However, later investigations revealed inconsistencies in their statements, and eyewitnesses claimed the men were falsely accused. Despite this, the accused suffered social stigma and lost job opportunities before being cleared.
- Vishnu Tiwari Case: Vishnu Tiwari a poor farmer from Uttar Pradesh, was sentenced to life imprisonment for a rape he did not commit. After spending 20 years in jail, the Allahabad High Court acquitted him, citing a lack of evidence. His wrongful conviction highlighted the flaws in the legal system, which often presumes guilt in gender-related cases.

ANALYSIS

In my opinion, the concept of gender justice in India has been largely focused on women's rights, often overlooking the issues faced by men. While addressing historical injustices against women is crucial, true gender justice must be inclusive and ensure fairness for all. According to me, Indian laws have, at times, favoured one gender over another, leading to unintended consequences such as false accusations, mental health struggles, and biases in domestic and workplace environments. For example, Section 85 of the Bharatiya Nyaya Sanhita (BNS) and the Domestic Violence Act, 2005, while meant to protect women, have often been misused to harass men. Cases like *Rajesh Sharma v. State of Uttar Pradesh* (2017) highlight how false allegations can ruin a man's life. Similarly, maintenance laws assume that only women are financially dependent, neglecting situations where men might need support. In my opinion, this is an outdated perspective that does not align with modern realities.

Another major issue is the lack of recognition for male victims of domestic violence and sexual harassment. Laws such as the Sexual Harassment of Women at Workplace Act (2013) provide protection exclusively to women, leaving men without legal recourse. In my view, this not only denies justice to male victims but also reinforces harmful stereotypes that men cannot be vulnerable.

Comparing India with other countries, I believe we can learn from places like Canada and Sweden, which have adopted gender-neutral laws to ensure equal protection for all. Justice should be based on facts and evidence, not on preconceived gender biases. According to me,

the legal system must evolve to recognize that both men and women can be victims and perpetrators. Only then can we achieve true gender justice in India.

CONCLUSION

The pursuit of gender justice in India must transcend traditional narratives and embrace a truly inclusive approach. While legal frameworks have historically prioritized women's rights to address systemic oppression, the discourse must now evolve to acknowledge and rectify injustices faced by men. Issues such as biased legal provisions, false accusations, and social stigmas against male victims demand urgent attention. A shift toward gender-neutral laws, as seen in other progressive jurisdictions, is essential for ensuring fairness and equity. True justice should not be gender-specific but rather uphold the principle of equality for all, fostering a balanced and just society.