

NEED FOR PURUSH AYOGE (NATIONAL MEN'S COMMISSION): GENDER BIAS LAWS IN INDIA

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ABSTRACT

The time has come that the men must not be considered as the perennial problem instead they should be the part of the solution. In India, some laws are not just gender bias but they also need amendments as soon as possible. These amendments can be made through a statutory body called Purush Ayog or National Men's Commission. The purpose of this article is to highlight why India needs a Purush Ayog (National Men's Commission).

First, we will discuss what the statistics say about fake cases and male harassment. We will look into the legal perspective of harassment and how a court sees various crimes. Statistics from various prominent sources have been quoted to get a better understanding of the ground reality of the condition of men and husbands in India. By no means, we don't intend to generalize or blame a certain part of the community. The only intent of this article is to bring the reality of false cases by women in front of everyone.

The article highlights how laws are being misused freely by certain people. Thousands of people have come forward on social media and other online platforms to raise awareness about this social phenomenon. Similarly, this article is written to bring more social awareness about cruelty faced by men in our society by the hands of misuse of gender bias laws

Keywords: National Men's Commission, Purush Ayog, Gender-biased Laws, United States Harassment Act, Harassment Statistics, The Criminal Law (Amendment) Act, Supreme Court, Economic Times-Synovate Survey, American Trends Panel.

INTRODUCTION

Are the victims of harassment only women? Certainly, not. However, our society or culture makes it seem that way. Every day we see front-page news about the prevalence of harassment of women by men at home, office, and streets. It's not very often that we hear about harassment of men by women. However, the fact of the matter is that men get harassed too. Indeed, there are more women victims than men. However, men are also victims of harassment by other men and women which must be acknowledged and taken seriously.

The term 'Harassment' refers to a wide range of behaviors that are offensive in nature and they are capable of disturbing or upsetting a person. In the legal sense, harassment refers to those behaviors that are disturbing or threatening. There are several types of harassment and some of them are landlord harassment, mobile harassment, online harassment, police harassment, power harassment, psychological harassment, racial harassment, religious harassment, sexual harassment, workplace harassment, etc.

A cultural shift entails a mind shift by men. We see several campaigns, programs, and initiatives for empowering women and fighting women harassment but there are no such initiatives for men. In the recent social media campaign, the #metoo movement got a lot of support and millions of women raised their voices against harassment. Sadly, not a lot of men came out and spoke about their experiences and stories of harassment. On the other hand, there are very few such platforms for men. In this article, we will look at the current global scenario of male harassment and laws that protects men from such heinous crimes.

GROUND REALITY OF HARASSMENT FACED BY MEN

Whenever a man tries to express his emotions or explain his problems, harassment experiences, and struggles, no one really believes or listen, instead, they laugh it off. Some men are even ashamed to talk about it. The Indian mentality is such that everyone believes that only women are the victims. However, those endless cases of harassment against men goes unnoticed. On the internet, thousands of surveys and data are available on crime against women but very few studies and surveys are conducted on crime against men by women.

There is no doubt about the fact that women experience more harassment than men. However, there are several men victims too which must be addressed properly. The major issue that arises is that few laws in India are gender-biased which is in the favor of women. Due to which, several women misuse laws to mentally harass and torture men. To be clear, we are not saying that every woman does it, however, a significant amount of such cases can be seen in India. Human rights must be equal for both everyone, regardless of their gender, race, and class. Similarly, laws must also be equal for everyone regardless of their gender. Criminal cases of any kind of harassment must be dealt with immediately and stringent actions must be taken against the perpetrator whether they are men or women.

PSYCHOLOGICAL HARASSMENT AND MATRIMONIAL HARASSMENT STATISTICS

Recently, a lot of uproar can be seen in India by men who are appealing for a National Men's Commission to fight against those women who misuse laws to harass men and their families. Indian men feel that the existing laws are heavily tilted towards women. Therefore, statistics that support their claims are extremely important to be mentioned in this article. A survey conducted by St Xavier's College revealed that 66% respondents believe that women misuse the laws that are made for their protection to take revenge or harass men. This survey was conducted among 2000 people in Mumbai and the purpose of the survey was to address this issue that men also face harassment and discrimination.

In India, several men's rights organizations have gathered up and created Men's rights movement that appeals for gender-neutral laws and they consider some laws as biased towards men. Several men's rights activists claims that laws such as anti-dowry laws, rape reporting laws, and sexual harassment laws are frequently being misused by women in India. Several cases of women trying to extort money from their husbands with the help of anti-dowry laws have emerged in the last decade.

Some attribute this to the increasing suicide rate of married men in India. Other custody and divorce laws are also biased against men according to several men's rights activists. Further, they emphasize on the fact that violence against men have increased in the recent years even

though many cases go unreported because men feel embarrassed and ashamed to report such cases. Also, they fear the possibility of getting false accusations against them. After getting nearly one lakh mails from different parts of the world, a foundation named Save Family conducted a study on Indian Husbands in association with MyNation. The study revealed that around 98% of the respondents had faced domestic violence at least once in their lives.

ONLINE HARASSMENT STATISTICS

In India, nearly three in ten men have experienced harassment online in 2017 (IANS, 2018). According to a study by IANS, more men reported online harassment cases in the last year. In terms of United States, a study conducted by American Trends Panel 2014 revealed that men are more likely to experience online harassment than women. Statistically, a total of 44% men and 37% women surveyed reported to have experienced some form of online harassment. Several other surveys and research studies have been conducted in different parts of the world that indicates a similar scenario.

WORKPLACE HARASSMENT STATISTICS

A recent survey named Economic Times-Synovate Survey revealed that around 38% of men surveyed across 7 major cities of India admitted that they had experienced some form of workplace harassment. According to a recent research named Marketplace-Edison Research Poll 2017, nearly one in five men experience sexual harassment at workplace in the United States. Another survey conducted by the New York Times revealed that a third of men surveyed have admitted to committing some kind of harassment at workplace in the past year in the United States.

MISUSE OF LAWS BY WOMEN AGAINST MEN

Any fake case or charge like false dowry charge, false rape charge, fake cruelty charge, fake domestic violence charge, and other similar charges are capable of destroying a person's life,

dignity, liberty, livelihood, and peace of mind. Any false case or charge against anyone is unethical irrespective of their gender. However, some gender-biased laws of India make it easy for the men to fall into a trap of false case because everyone including the police, court, and society blames men and take sides with the women. Some women use fake cases as a weapon to blow men out.

A data shared by Shoneekapoor reveals that the acquittal rate is 84.4% in 498A (Dowry) and 73.4% in rape cases. If we look at the statistics, it's clear that a significant amount of men in India are facing atrocities because of gender-biased laws in the existing judicial system. It will not be wrong to say that some women uses the law as a threat to make men follow whatever they say. The phrase "my way or the jail-way" correctly explains the weapon used by a few women to control men.

While there is no lack of fake cases, there is no substantial data available to prove this point because there is no list of false cases maintained anywhere. The rate of fake allegations against innocent men after the fallout of a marriage is increasing as well. Some laws have become a weapon of extortion for few women. The current judiciary system doesn't provide protection to men from these fake and shaming allegations that can lead to drastic measures like suicide or depression.

NATIONAL MEN'S COMMISSION (PURUSH AYOOG)

For women, a statutory body of the government of India called the National Commission for Women has been established that advice the government on those policies that affect women. Our country needs a central body for men on the lines of NCW and it's high time that it gets established. As the statistics show men need help to fight false accusations and unlawful use of law by women. Purush Ayog or National Men's Commission can be the right step towards a country which has gender-neutral laws and acts that treats all victims as equal and all perpetrators as criminals, irrespective of their gender.

Time and again several people have tried to file a PIL in Indian courts appealing amendments in existing gender bias laws and acts that treats men inferiorly. Today, the laws in India are heavily in favor of women. There is no relevant section in the IPC for men who get raped.

Similarly, several cases have emerged in the past that shows that some women exploit laws to harass their husbands and in-laws. While the protection of women is extremely important, it should not be at the cost of other people, specifically men. Indian men have been demanding a Purush Ayog since several years to help them get justice. Recently, Harinarayan Rajbhar, a BJP MP who is a lawmaker in Uttar Pradesh said that he will ask the government to establish a Purush Ayog in the parliament.

This idea of Purush Ayog is not new and there are several social media pages that talk about the misuse of laws by women and they give a platform to male victims to speak up and raise awareness about it. There are also several websites online operated by individuals or NGOs that provide legal support to men who are falsely accused by women under gender bias laws. On 2nd September 2018, 2 BJP MPs demanded a commission to be established to look into the complaints by men who are suffering at the hands of their wives or any women. Harinarayan Rajbhar along with Anshul Verma are gathering support for the establishment of Purush Ayog to help the men get justice. In their view, they are not blaming all the women for taking illegal advantage of gender bias laws but certainly, there are some women who do it which is reflected through statistics and data.

Nowadays, some other MPs and MLAs are also supporting the idea of the National Men's Commission and they feel that it is the right thing to do. Several parliamentarians have debated that there is an urgent need to amend section 498A of IPC to prevent the misuse of this law. Along with it, several other laws also need amendments to make them gender-neutral. National Commission of Women was established to give voice to women and to get them justice at the hands of the law. Similarly, men must also have a commission that gives voice to the voiceless populace of India. Maneka Gandhi, Women and Child Development Minister had made a statement recently that a new window should be provided to men who are victims of false cases and accusations on the online complaint system of the women's panel.

GLOBAL SCENARIO OF GENDER-NEUTRAL LAWS

In the United States of America, the Supreme Court recognizes male-on-male and female-on-male harassment and it can be a basis of a lawsuit. Moreover, the same laws apply to both men

and women whomsoever is the perpetrator. In a recent data provided by EEOC, revealed that almost 16% cases of harassment were filed by men in almost 6,758 complaints in 2016. In the Sexual Harassment policy of United States, it is mentioned that a victim of sexual harassment can be both a man and woman and necessary steps will be taken by the police and the court to punish the criminal.

In the United Kingdom, harassment is an offense under the Protection from Harassment Act 1997 sec 2 and sec 4. The victim can be both male and female. Similar actions will be taken in both cases because the law is gender-neutral and it mentions 'him/her'. Also, under the Protection of Freedoms Act, 2012 stalking is an offense and the victim can be both male and female. Being a gender-neutral law, it punishes people equally, irrespective of their gender.

Scandinavian countries also have similar gender-neutral laws like women and men have identical rights and duties. Parental leave is also divided equally among the father and mother. Most importantly, discrimination based on gender and sexual orientation is outlawed. Also, the inheritance-law is completely gender-neutral and it has been such for a long time.

According to a research study by the World Economic Forum (WEF) ranked almost 150 countries on the basis of gender equality in laws and society. Top 20 best countries included Germany, France, Norway, Sweden, etc. Top 10 worst countries for gender equality included Yemen, Pakistan, Syria, Iran, Jordan, Lebanon, Saudi Arabia, etc.

EXISTING GENDER BIAS & GENDER-NEUTRAL LAWS IN INDIA

After The Criminal Law (Amendment) Act, 2013 (Nirbhaya Act) was enacted, certain acts are recognized as offenses which were dealt under related laws. Some new offenses like, sexual harassment, acid attack, voyeurism, and stalking have been incorporated into the Indian Penal Code. Supreme Court in Feb, 2018 dismissed a PIL that demands gender-neutral laws in crimes such as harassment, rape, stalking, etc. SC Chief Justice of India Dipak Mishra announced that these sections cannot be changed because they are victim-oriented and the parliament of India has acknowledged women as the victims.

Section	Offenses	Possible Punishment	Gender bias or Gender-neutral
326A	Acid attack	Imprisonment of at least 10 years but it may extend to imprisonment for life and along with a fine which shall be reasonable to cover the medical expenses of the victim and it shall be paid to the victim	Gender-neutral
326B	Attempt to Acid attack	Imprisonment of at least 5 years but it may extend to 7 years, and he/she may be liable to fine	Gender-neutral
354A	Sexual harassment	Rigorous imprisonment up to 3 years, or fine, or both in case of offense	Gender bias
354B	Act with intent to disrobe a woman	Imprisonment of at least 3 years and it may get extended to 7 years along with fine.	Gender bias
354C	Voyeurism	In case of first conviction, imprisonment of at least one year which can be extended to 3 years, and he shall also be liable to fine.	Gender bias
354D	Stalking	Imprisonment of at least 1 year which may be extended to 3 years, and he shall also be liable to a reasonable fine	Gender bias

Other existing laws in India that are gender-biased in nature.

Section	Offenses	Possible Punishment	Gender bias or Gender-neutral
497	Adultery	Imprisonment up to 5 years or fine or both	Gender bias
375	Rape	Imprisonment not less than 7 years which may be extended to lifetime imprisonment in some cases or fine or both	Gender bias
498A	Cruelty to wife	Imprisonment up to 3 years or fine or both	Gender bias
37	Alimony Claims	Only wife can claim permanent alimony and maintenance	Gender bias
304A	Wife death within 7 years of marriage by bodily injury, Dowry Death	Imprisonment of 7 years up to lifetime imprisonment	Gender bias

WHAT CAN BE CHANGED?

Laws for the safety and security of women should be made and similar laws should be made for men's human rights protection too. The major concern and problem that this article highlights are that gender-biased laws have been misused in the past by women in India and it's time to change this. Some of the basic changes and amendments that our current law needs is becoming gender-neutral in crimes like stalking, rape, harassment, dowry, etc.

The term victim in these laws should describe both men and women and not just women, as is the case now. Both men and women should be protected under the Nirbhaya Act and female-

on-male harassment must be acknowledged by the court. Supreme Court of India can take another look into the PIL of suffering victims and actions must be taken on them. Women must be subjected to the equal term of imprisonment if she is found guilty of filing a fake or false case. Suppose, if a woman files a case of 498A which is punishable for up to 7 years of rigorous imprisonment and if the court finds the case to be fake or the woman to be lying then the woman must be subjected to equal punishment, without any mercy. This way, certainly, the rate of fake cases will reduce when the word is spread out. It's predicted that almost 80% decrease in the filing of false cases will be seen in just one year.

The Indian Judiciary system should give a message to the society that laws and sections exist to protect women and not be misused by them. Moreover, courts should take article 14, 14, and 21 as the basis to provide equal rights and protection to men. Article 14 stands for equality before law long with equal protection by the law. Article 15 stands prohibition of any kind of discrimination on the basis of religion, race, caste, sex, place of birth, etc. Article 21 stands for the personal liberty an life of every person and it protects it from harm from others. Keeping these articles of the constitution in mind, the Indian Courts must take adequate steps to protect men from fake cases. Promotion of gender-neutral laws in India and National Men's Commission are the need of the hour for the Indian society to be just and unbiased.

CONCLUSION

The principle of justice is to punish the real criminals and punishment should be commensurate to the crime. The person filing a false case should be deemed to have to be responsible for the offense and they should be awarded the maximum sentence or punishment prescribed for that particular offense without the availability of clemency. Such provisions can act as a deterrence against fake cases and protect innocent people. Even though the ratio is less of men than women in terms of crimes such as rape, harassment, stalking, acid attacks, etc. However, the ratio of women is much less than men in terms of being accused in a false case.

Several men have reported that they have been victims of domestic abuse and ironically, they are the one who is serving jail-time because the laws are such that women doesn't get punished

for the same things men get punished for. Some women take advantage of that and men fall into the trap. In this article, the solutions are mentioned along with the analysis of the current scenario across the world. When we compare different laws of different countries, we can clearly see how Indian laws need massive changes to make them gender-neutral because that will bring real justice to the society.

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