



Legal and societal dichotomy with respect to gender stereotyping

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Abstract

Men commit any crime against Women. There is a Legal punishment. Women file a false case against Men. No Legal Punishment. Generally, after this a man is already a convict in the eyes of society and till the final judgment comes, he has already lost all his prominence. This is the scenario of most of the men in this country. While one group portrays women to be equal to men, the other group suppresses men by using those laws which are given to women to protect themselves in taking from the opposite gender. The purpose of this paper is to make people aware that filing of fake cases is as sinful as convicting a person who is not guilty of the offence. This paper further houses as to how the absence of check and balance and proper laws has broken down Indian men and what steps to be taken to restore their dignity and respect.

Keywords: fake feminism; patriarchy; cyberbullying; misuse of laws

1. Introduction

In this Era of digital age, while we are empowering our female gender, somewhere we are forgetting and ignoring the male gender completely and they are being defamed with many such accusations that have become a weapon for women in our society today. This needs immediate attention and a hard stoppage and that's what women are supposed to understand while asking for equality what they are seeking from the men from ages.

On the contrary to which they are inflicting harm by putting false allegations on men in the light of fake feminism while misusing the laws which were made for safety and security for women.

Surprisingly, there are certain cases wherein the women threaten their husband and his family, of dire consequences. Then they start spreading foul stories amongst the relatives of the husbands' family in order to mount pressure on the husband and his family to surrender to their evil-demands by filing a bunch of false cases, that includes, dowry harassment, domestic violence, cruelty, harassment, and whatnot.

Not only this, the modern age women who are well aware of their rights often put the men on their receiving end making them suffer the guilt and pay a hefty price for the wrath of society, which they didn't agreed to, which in turn hampers not only their physical condition, emotional condition but also their economical state, social standing and career plan.

According to the data on crimes, released by the National Crime Records Bureau (NCRB) in 2016, more than 3.3 lakh cases of crimes against women were registered in 2016. Of these, 1.1 lakh cases related to 'Cruelty by husband or his relatives'.

Cases under Section 498A were found to have the highest acquittal rate i.e., 87.9 percent among all cases of crimes against women.

"Assault on women with intent to outrage her modesty", kidnapping, and rape, which formed the next three major chunks of crimes against women, had acquittal rates of 78.2%, 78.6% and 74.5% in 2016, according to NCRB ^[1].

Close to 10,000 cases were also registered under the Dowry

Prohibition Act in 2016, but acquittal rate here too was over 85%.

In 19 metropolitan cities where data was collected, the acquittal rate of cases under Section 498A and Dowry Prohibition Act has risen further. Data shows that in 2016, the acquittal was granted in 90.5% cases under Section 498A, and a 98.4% under Dowry Prohibition Act which simply portrays the extent to which false cases are framed.

Top 5 Crimes Against Women	Number of Incidents	Acquittal Rate
Cruelty by husband or his relatives (Section 498A)	1,10,378	87.2
Assault on Women (Outraging Modesty)	84,746	78.2
Kidnapping	64,519	78.6
Rape	38947	74.5
Dowry Prohibition Act	9683	84.7
Total Crimes against women	338954	81.1

Not only this, along with fake feminism, there lies the root cause of the evil spread today i.e. patriarchy which has formulated a set pattern as to how a male has to react on the forthcoming situations, what he is supposed to do and what not in order satisfy the parameters set by his primogenitors which will eventually decide how manly he is as in our society we set out a clear framework for what it is to be a man and to be a woman. Some argue that such differences in gender are 'natural'. For example, women are 'open with their emotions', while men are 'more closed off'.

But the reality we face is however, far more complex. Even men who appear to be oppressive and chauvinistic may be victims of patriarchal societal norms and pressures are not in the same ways as women are, but victims nonetheless. Men should be actively involved in movements to challenge patriarchal structures, rather than being dismissed from such discussions.

These are clearly gendered stereotypes, internalized through socialization, rather than pre-existing as a natural process. Yet these ideas are sold as 'natural' to young men who, as they get older, tend to wear masks and hide natural

emotional urges, largely because young boys are brought up in a society that condemns male emotion.

The result is that men are unable to feel emotion safely without being ridiculed by male peers and even by women. Strength (both physical and emotional), ego, pride and anger are seen as 'male' qualities, often seen as desirable. 'Real' men don't cry, so men are taught to bottle up their emotions, rather than discussing them.

Even when God created two sexes, both equal in his eyes, thus both are to be granted an equal worldly status.

1.1 Patriarchy Against Men

A patriarchal society can be defined as a society that consists of a male-dominated power structure throughout organized society and in individual relationships [2]. It's a system where men are in authority over women in all aspects of society and have some level of privilege to which women are not entitled. With the evolution of time, the idea of patriarchy has doomed over the decades but then also this idea can't be abolished in totality as well because there lies a section within our society which considers men as the strongest due to which men are forced to embrace the toxic masculinity stereotype. While patriarchy definitely eulogizes men and downgrades women and considers men superior to women, it forces men to fit in with preconceived notions, too.

As in India, growing up as a boy can mean many things. And one of them is privilege but we often forget that at the same time patriarchy is not very forgiving of men either. It expects them to fit into preconceived boxes. Though they are raised with a sense of entitlement and are labelled as the preferred gender, they too are slotted in fixed molds early on in life and are expected to toe the line. They too have to live up to the toxic masculinity myth [3]. As when a boy grows up in our society, he's told things about, "how to be a man" as in, expressing no emotions, be the strong and silent types, never depend on anyone, suffer in silence, and win at any cost. That cost is often referred to as his mental health.

Due to which, so many men suffer from depression and anxiety and don't even want to talk about it as they struggle to fit in with being macho. They are pulled in diametrically opposite directions when they have to choose between giving up their dreams to meet societal and familial expectations. A patriarchal mindset enslaves men to far-fetched ideals and exacting standards of how they ought to behave and act.

Even though Adultery has been decriminalized in 2018 which considered man as a culprit but then also people in our society do have a mindset which sees a man as an enticer who drools and takes away women. There is no law under which a man can lodge a complaint against his wife or in-laws. In fact, most of the time the woman lodges a false complaint against him under 498A. In the case of divorce and child custody laws, a woman is looked at more sympathetically and is considered as a victim. The same is true regarding the maintenance after divorce. The number of false allegations on men regarding rape and sexual harassment have been increasing over the years.

There are a number of cases which have gone and may go unreported and the biggest reason lies behind it is stereotypical image of a man set up by the patriarchal society of being machismo, the rough and tough who can fight even with the storms but we don't realize that a man is also a human and he too has feeling and emotions within

him, he too can cry, scream and expect society to accept him in the way he is rather than leaving his identity and molding himself as per the parameter of masculinity set by the society. and even if he dares to approach a police station to report the case of domestic violence against him, he often ends up getting himself arrested.

As it has nothing to do with what a man does or what the society thinks, common people do have this misconception that men are always abusers and women are always victims unlikely of the fact that who reported the case.

Whenever there has been a case of Adam teasing or men being harassed or being raped, this Indian society just laughed at such a person as if he's a buffoon, ridiculed him and made him feel that he did not stand up to his manly behavior. The so-called feminists and even our society think only men are the perpetrators of a heinous crime like rape and a woman cannot do the same but actually, this is not the reality.

It's high time that we should recognize this problem as a social issue so that men can also come forward and share the problems which also affect them so badly. They are no longer stronger than women as their physical strength is of no use if they can't gather their emotional strength which they get from the person who addresses their problems. They also need help and someone to hear them.

1.2 Feminism

Feminism, the word which we hear a lot and then we let ourselves onto, but we don't realize that feminism is perhaps the most misinterpreted word as it simply means being against patriarchy instead of being against men as most people perceive it to be.

If you look up to the dictionary meaning, feminism means "the advocacy of women's rights on the basis of the equality of the sexes". It essentially means equality of men and women and equality does not mean "sameness." It's not just about respecting women but it's about both men and women, their experiences, identities, knowledge, strength and striving them to empower their full respect to each other.

But with time we actually forgot the real meaning of this word and rather than women using it as a source to empower them, misuse it against men. Initially this was used as a tool to protect the rights of women against society that can't see women on its own but now it's just used as a movement against all the sections of men in the society. We have forgotten that being a feminist does not mean hating the other gender but it means believing in equality. It does not mean eschewing femininity or being better than men.

There are a plethora of cases where this feminism is used as a matter of abuse over the opposite sexes. One such incident which garnered hype on social media in 2015, when a guy Sarvjeet Singh, the man who was accused of harassment, obscene remarks and molestation at a Delhi traffic signal by Aam Aadmi Party member Jasleen Kaur. The guy who was accused i.e., Sarvjeet attended trials for four long years. But on the contrary, Jasleen Kaur did not attend trials for three years. After missing 14 trial dates in the court, she had made her first appearance in December 2018. She had claimed that she was away because she had 'academic commitments' in Canada. The sigh of relief was when he was finally been acquitted by the court in 2019 [4].

Another such incident of fake feminism occurred in August 2019 wherein the two Amity University students, Harsh

Yadav and Madhav Chaudhary, were thrashed by a group of 15-20 students and the brawl occurred due to argument of car parking wherein, Harsh was in his car looking to park it while a girl in her Ford Endeavour came that way. She parked her SUV in the middle of the road and when one of the victims asked her to move, she started arguing with him, abusing and threatening me after which the argument escalated and later, the girl came along with her male friends, who abused and assaulted him and Madhav. The victims approached the police after they were allegedly beaten outside the campus as well. The girl on contrary, Meanwhile, in a Cross - FIR, alleged that she was molested by the two boys following which she approached her friends [5].

But when the video went viral, feminazis got the girl's picture blurred in the video requesting netizens to not abuse her or send any forms of hate messages or threats as again, "she's daughter, sister, friend of someone and moreover she's a woman so we should respect her. Had it been a guy on her place, then all platforms would have circulated his picture with his details proudly.

So, we can say that unlike patriarchy, feminism posits that both men and women have equal rights. It is time for us to value individuals for who they really are and not slot them into the confines and boxes of gender stereotypes.

1.3 Laws Against Men

We all talk about equality of all genders, but unfortunately when it comes to the Indian constitution, it is far from reality. It is very true that there was a time when there arose a need for the government to make special provisions in the constitution for women to ensure equality, but on the contrary, some of these provisions negate the concept of equality as these are clearly unfair to men. Some of these laws can be enlisted as follows:

1. The father of the deceased doesn't inherit property, but the mother does.

Under the Hindu Succession Act of 1956, if the deceased has no will, the spouse, mother and children inherit the property belonging to the deceased. The father is only entitled if the deceased does not have a spouse, mother or children.

2. A boy is entitled to maintenance only till he turns 18, whereas a girl is entitled to maintenance till she gets married.

Under the Hindu Adoption and Maintenance Act of 1956, it is the parents' responsibility to a girl child's maintenance till she decides to provide for herself or gets married.

3. Only the man is prosecuted for adultery

According to **Section 497** of the Indian Penal Code, if the husband commits adultery with the wife of another man, he can be prosecuted for the same. But if a woman commits adultery with the husband of another woman, she cannot be prosecuted. Although this section became defunct on 27 September 2018 by Supreme Court of India but the mindset considering the men as perpetrators still needs to be changed.

4. If a man has sexual intercourse on the pretext of marriage and doesn't marry, it amounts to rape.

The fourth description laid down pertaining to Section 375 of the Indian Penal Code states that if a man has sex with a woman after promising marriage, he can't break up with the woman.

If he does so, then according to the laws in India, he's a rapist.

5. If a guy has consensual sex with a girl who is under the age of 18 years, he's a rapist.

The sixth description listed in Section 375 of the Indian Penal Code states that irrespective of the fact that the guy was a major or minor but if he indulges in a consensual sexual intercourse with a minor girl he will be termed as a rapist. So it can be implied that if a 16-year-old guy and girl have sex, she's been raped.

6. If a woman is subjected to physical or mental cruelty by her husband and his family, she can throw them behind bars.

That's perfectly lawful and a good way to serve justice, but according to Section 498 A of the Indian Penal Code, the woman doesn't need to give any evidence whatsoever due to which a lot of false imprisonments being made in lieu of making the spouse and in-laws pay a price which they didn't asked for.

7. According to Indian law, a man serves up to 3 years jail or a fine for sexual harassment.

The Criminal Amendment Act, 2013 which brought with itself numerous laws regarding sexual harassment in 354-A, 354-B, 354-C, 354-D in order to protect women from the offence of Sexual Harassment, Assault, Voyeurism and Stalking. But on the contrary it vitiates the concept of equality by portraying men as perpetrators as according to Section 354 A of the Indian Penal Code, a man can serve up to 3 years of imprisonment for sexually harassing a woman, but there is no such law made for women. Not only this, Section 354-C which describes voyeurism as a man watching or capturing images of women engaging in a private act and circulating the same. Regardless of a fact that if this act of women when committed by a woman to another who is indulged in a private act or a man for the that matter being indulged in a private act, no penalty or criminal liability will be imposed on the perpetrator being a woman as there is nowhere mentioned in the section.

Furthermore, Section 354-D that describes stalking by men ignores the fact that the same could be done by women too and if in case the charges of stalking is alleged on a man by a woman, there is no such demarcation as to whether if a man was ogling or simply looking at woman as its totally her discretion whether she wants that man to suffer incarceration for the offence which he wouldn't have done also.

8. Under the Special Marriage Act, only the wife can claim permanent alimony and maintenance.

Under the Hindu Marriage Act, both the man and woman can claim permanent alimony and maintenance, but the

same is not the case under Section 37 of the Special Marriage Act of 1954.

9. If the death of the woman is caused by burns or bodily injury within 7 years of marriage, it's the husband's fault.

Section 304 B of the Indian Penal Code defines the same as dowry death. Although, there are plethora of cases of burning and other physical injuries, and most are just, but there are such cases also wherein the bodily burns and injuries are simply caused because of house fire but the complex relationship shared by the couple turns the whole accident as a case of dowry death and this is what the family of the bride side does to a groom on consequence of the same.

1.3.1 Misuse of These Laws

These laws stated aforesaid are often misused or rather abused by the so-called feminazis instead of being used as an armour against the oppression suffered by them. These laws are generally used according to their whims and fancies while demeaning the whole purpose of enacting these laws. For instance, whenever we hear the term domestic violence, the first image that comes to our mind is that it must be done with a woman. We always presume that man is an aggressor, and we link the word victim with a woman but there are times when the reality defies our presumptions. There are situations wherein men may be victims and women could be perpetrators as well. But the irony is that we don't have laws that protect them.

The term 'domestic violence' covers a wide range of violent acts committed by one member of a family member or household against another. It often happens that whenever we hear that any domestic violence is committed against a man there are chances of a celebrity being linked in it. For E.g., "When Tiger Woods's wife attacked him with a golf stick." But even then, people do feel he must have done something to provoke his wife and for the same reason he's at the receiving end and thus he truly deserved this episode.

There comes a courtroom scene in movie, 'Aitraaz' wherein Kareena Kapoor, female protagonist, gives a befitting reply to the prosecution when asked whether she knew that her husband was fired from his job for sexually harassing his female boss while asking for sexual advancements, to which she replies "In every situation we presume that a man must have done something to get such a reaction from his lady". These lines from the movie aptly portrays the misandry that our society shows whenever the allegations are imposed by a female on a male.

We live in society which shows a dichotomy when it comes to harassment by the opposite sexes. As when a man slaps woman, it's perceived as physical abuse but when it's done the other way round it's perceived as empowerment. As if the men are born perpetrators.

Even men do suffer domestic violence, but it doesn't only mean that a woman may have used any kind of physical abuse against him rather it can be in following ways as well such as using insults, name calling, showing oppressive jealousy threatening to expose embarrassing personal information. etc.

In a recent report prepared by Wasif Ali from Safe Family Foundation, around 75 % of the cases are withdrawn because the women use the charges to extort money.

As per the National Crime Records Bureau, a total of 38,947

rape cases were reported in India in 2016. In which 10,068 i.e., about a quarter the women claim it was rape on false promise of marriage. It is a very normal situation nowadays that when a relationship ends, the girl who having had consensual sex converted this into rape to hurt the reputation of men.

Not only this, National Crime Records Bureau, Delhi in its report made in 2014 ^[6] stated that there were 4,61,609 cases (consisting of 3,37,922 cases reported during 2014 and 1,23,687 cases pending investigation from previous years) for investigation during the year 2014. Out of which, police completed investigation in 3,15,722 cases during 2014. A total of 8,144 cases of cruelty by husband or his relatives, 6,497 cases of kidnapping & abduction of women, 4,641 cases of assault on women with intent to outrage her modesty and 2,540 cases of rape were such cases in which final report were submitted by police showing the cases as false. Furthermore in 25,040 cases charge-sheets were not laid but final reports were submitted showing as true cases by police during 2014. Even the Delhi Commission of Women (DCW) was shocked to know that statistics wherein it found that 53.2% of the rape cases filed between April 2013 and July 2014 in Delhi were 'false' which is again contrary to the fact that the Parliament had adopted strict laws last year to prevent crime against women.

From all such incidents, it could be said that this is the high time, we should realise that our society has reached a stage where girls are misusing the laws which were meant to protect them to frame a guy who they don't agree with or they just want to ruin his life. It's time our country needs strict laws to deal with such fake cases filed to settle personal scores. There is no point to be against, it's the selective outrage towards crime which amputates the soul of our laws by misusing them for their personal vendetta.

1.4 Internet Activism or Cyberbullying

Right now our society and media are only focusing on women harassment cases. Before the proper judgement of the trial, those media had already convicted a man without even knowing the proper facts and we as society destroyed the whole life until the judgement has come.

This is what we are facing right now wherein havoc like Bois Locker Room is getting up the steam amidst the prevailing situation of Pandemic Coronavirus widespread across the globe. It will not be wrong to say that Feminism is now a muddled term. Its meaning keeps on changing as per the needs and requirements of the women. Some use it for empowerment and some to seek their piece of pie. This is what is portrayed today with fake accounts, false allegations and fraudulent charges have turned to only harm men and their reputations. They are also building a case against women's right to stay in the fight for justice. So, the entire Bois Locker Room blew up with multiple screenshots. People spoke about it, outraged and shared those widely. Many of us moved on too. But in this chaos, a kid lost his life ^[7].

As we start sharing stuff blindly on the internet without verifying the story. We forget another person can be innocent too. But we don't wait to verify that. We simply want to be the first one to "expose" a story. It is when we jump to conclusions instead of knowing all sides of the story.

In most cases, criminals get lucky only because the victim doesn't take any legal action and that's where we have

mistaken. If one is right then he should fight for it and will find support from unexpected corners. His struggle will make life better for many others.

It can be easily observed such incident that set the social media on fire in 2019 when a viral video showed a middle-aged woman 'slut shaming' a young girl for wearing short clothes which led to an outrage on social media wherein the woman verbally abused the girls at a shopping mart and shamed one of them for wearing a short skirt and that wearing short dresses is nothing but an invitation to men to rape her^[8].

The video set ablaze on the internet for around 3 4 days. But considering the fact that the women in the video was portrayed as a victim of cyberbullying and was getting death and rape threats, the video was then removed by several platforms for the reason being that though she made a blunder while making these statements but she is not supposed to get so much of hatred on social media as she could be the mother, daughter, wife of someone and thus she should not be subjected to this behavior.

Had there been a man who would have said the same thing, this thought wouldn't have come in our minds as he could be a father, brother, husband of someone, his career would have been destroyed, leaving his family then face the humiliation and this is what each and every male has to go through whenever these circumstances occur. He is never treated with leniency instead stones are pelted on them, their houses. Above all, the society looks up to their family with disgust and in turn humiliates them without being acquainted with the real situation that arose.

1.5 Suggestions and Recommendations

- One should support the victim, help them file the complaint instead of calling out their perpetrator on their behalf as Internet activism can be harmful. It leads to cyberbullying.
- Awareness should be spread in the society regarding their rights so that they can fight for the same. This can be done by conducting educational camps, short skits or Nukkad Nataks.
- One should not jump to his own assumptions and conclusions without knowing the actual truth behind the story as amplifying an issue is important, but passing judgement and acting as a mob is not as it results in people losing their lives, careers, family, friends and what not.
- There should be a check and balance while ascertaining facts of a case in order to protect women from any kind of harassment and at the same time no innocent could be punished due to iota of doubt.
- Moreover, there should be gender neutral laws as human rights and gender equality should include both men and women.
- Court should impose cost on petitioner in connection with a false sexual harassment complaint or any other false accusation made by her against a fellow employee or a male including her husband for that matter.

1.6 Conclusion

In this paper we have discussed how patriarchy, feminism and cyberbullying affects men in their personal lives. This is the time when we need to stand up and raise a voice against these mis-happenings. We should be smart enough to know what is right and wrong and not behave according to the set

pattern of society. As, if a man wants to use above laws against his wife, he will find it next to impossible. As no police station will register his complaint, if in case the complaint gets registered, no action will be taken for a long time due to the fact that our society has that deep-rooted misandry inside which stops them from pointing fingers towards women. This misandry never allowed lawmakers to make any law or even discussion on men and for the same reason a lot of research and literature on men is needed in India. Gender Inequality is not a particular gender's issue it's a human issue and affects us all.

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