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# Gender Equality is not only a Privilege of a Woman but also a Concern for Men

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## ABSTRACT

*Equality means all are equal before the law, but when it comes to protection giving privilege to women it becomes justifiable. But at the same time ignoring another gender under the guise of the protection for women is not justifiable with special reference to sec 498A, domestic violence, maintenance and succession laws.*

**Keywords:** *Equality, privilege, gender, justifiable.*

## I. INTRODUCTION

*Equality means all human beings are equal before the law irrespective of their sexes, Gender (in) equality concerns both women and men and has a strong impact on their lives. Gender equality policies have been centralised mainly as a “women’s issue” – as women have been a driving force behind gender equality strategies and struggles. In reality, men also facing inequality but they were ignored.*

*UNICEF says gender equality "means that women and men, and girls and boys, enjoy the same rights, resources, opportunities and protections. It does not require that girls and boys, or women and men, be the same, or that they be treated exactly alike."*

***Equality is when each person is seen as equal in the eyes of the law.*** All human beings are born free and equal and should be treated the same way (Art1 UN 1948)<sup>3</sup>

***Justice is the right of every individual regardless of their gender***

Laws are made for the protection of women should not become a tool for injustice to men. Most of the laws are women side such as – sec 498A IPC, sec 304B IPC, sec 354 IPC, Sec376 IPC, sec 509IPC, Sec125 Crpc, ,Domestic Violence act 2005, POSH Act etc. On the other side, men do not have any laws for their protection if she misuses the laws. This is becoming a warning call for

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<sup>2</sup> Author is a Research Scholar iatn KL University Guntur AP, India.

<sup>3</sup> Article I All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

***“Equality Rights to all irrespective of their gender”***

## **II. MISUSE OF SEC 498A IPC**

In 2005, in **Sushil kumar sharma v. Union of India**<sup>4</sup>, the Supreme Court observed that complaints under section 498A of the Indian Penal Code (IPC) were being filed on the basis of personal vendetta - "By misuse of the provision, a new legal terrorism can be unleashed."-The provision is introduced to be used a Shield and not an Assassin's weapon.

In 2014, To curb the arbitrary use of the power of arrest u/s 498A IPC, the Supreme Court in **Arnesh Kumar v. the State of Bihar**<sup>5</sup> -SC observed that This was a dangerous view of the situation, and in the bid to prevent misuse of the law. The fact that S. 498-A IPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst provisions that are used as weapons rather than shield by disgruntled wives - Simplest way to harass is to get the husband and his relatives arrested under this provision - In a quite number of cases, bedridden grandparents of husbands, their relatives (sisters) living abroad for decades are arrested - Thus, held, it would be prudent and wise for a police officer that no arrest is made without reasonable satisfaction reached after some investigation as to genuineness of allegation Statistics'-NCRB, Report notes that the rate of charge-sheeting u/s 498A is high while the conviction rate is low only around 15.6%.

Justice S. Vaidyanathan said: “The notable flaw in this law is that it lends itself to such easy misuse that women will find it hard to resist the temptation to teach a lesson to their male relatives and will file frivolous and false cases”.

**‘This law is most misused than used’.**

## **III. DOMESTIC VIOLENCE LAWS**

One of the Biggest Myths about domestic violence is that men do not face any kind of violence and under the impression that women are only the victims. But today it is proved to be wrong. It is because so many men are equally becoming the victims in the hands of women. The author strongly feels that on par with women protection there need to be legal protection against abuse of gender-biased laws which are giving umbrella protection to women immediately. It is glaring discrimination between men and women. However, the author is not against to women protection as is provided under Art.15(3) of the Indian Constitution. But at the same time seeking gender-neutral laws.

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<sup>4</sup> AIR 2005 SC 3100

<sup>5</sup> AIR 2014 SC 2756

The Domestic Violence Act: The Protection of Women from Domestic Violence Act 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government on 26 October 2006. The Act provides for the first time in Indian law a definition of "domestic violence", with this definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse.

It is a civil law meant primarily for protection orders and not meant to penalize criminally.

During the first four phases of the COVID-19-related lockdown, Indian women filed more domestic violence complaints than recorded in a similar period in the last 10 years. (22 June 2020 Hindu.com)

Domestic violence during the Covid-19 lockdown emerges as a serious concern for women reporting this news in all most all the Newspapers. Then why men are ignored - who is also part of domestic, due they are not subject to violence by their partner even though they facing the problem but we don't have any mechanism to hear their voice. The gender-biased laws are deterring men's rights.

We are taking all the necessary steps to flatten the pandemic curve similarly we need to be equally vigilant to make sure that the curve of intimate terrorism does not rise exponentially. Recently a woman lodged a domestic violence complaint not only against her estranged husband, his family, against his 4 sisters and their children of 2ys and 4ys old, when she caught with her boyfriend in the hotel room. (Bangalore mirror).

Indian wife seeks divorce from 'perfect' husband because he does not fight with her, as it is Suffocating her the court has asked the couple to resolve the matter mutually. (Sambhal (UP) 21 August 2020. TOI)

Justice should serve to women but what about the men whose life was ruined due to the false accusation- the urgent need for gender-neutral laws

**'True sense of gender equality is when both women and men have a voice'.**

#### **IV. MAINTENANCE**

Under Hindu marriage act 1955, Hindu Adoption and Maintenance Act 1956, and Sec 125 CrPC there is different rights for Son and Daughter, as Son can get maintenance as rights till he is minor as per provision of laws, but on the other hand daughter as a right can get maintenance till her marriage. The basic purpose of granting maintenance is to ensure that the

child should not suffer. As equality law, both children's son or daughter should need to be maintained till they complete their educations and start earning not on bases of gender.

In recent Delhi High Court "It cannot be said that the obligation of a father would come to an end when his son reaches 18 years of age, as for the son with the small amount of maintenance given by the father herein towards the maintenance of his daughter."

Maintenance of Husband Only sec 24 and 25 of Hindu Marriage Act 1955 alone provisions is gender-neutral law where both the spouse can seek maintenance from other irrespective of male or female.

**'Maintenance is an only basic need, it cannot curb based on gender'**

## **V. HINDU SUCCESSION LAWS**

Supreme Court **Vineeta sharma v. Rakesh sharma**<sup>6</sup> in a landmark judgment cleared the legal cobwebs to declare that daughters will have inheritance rights equal to those of sons from properties of father, grandfathers and great-grandfathers. It is right from the codification of the law in 1956.

But still not paved the complete gender equality as such, Father, Son's daughter's son, daughters Son's Son are still considered as Class II heirs only when comparing such as Mother, Son's daughter's daughter, daughters Son's daughter is Class –I heir. When the son is class I heir of father's property then why we are not putting father in the class I heir on par with the mother.

**'Gender equality, not an alone woman issues it also a men issue'**

## **VI. CONCLUDING REMARKS**

Gender equality is not only a women concern but also it is every individual concern including men and the LGBT community. The author is not against the privilege of laws made under Art 15(3) of the Indian Constitution for the uplifting of women on par with the men, but at the same time author is against gender-biased laws such as 498A, domestic violence and Succession laws. The author is not touching on misuse of sexual laws which is also becoming most miscarriage of justice and mechanism, as it is a very delicate issue to raise it is a sword that is sharp on both sides.

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<sup>6</sup> (2019) 6 SCC 162

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- Indian Penal Code 1860 PSA Pillai
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