Breaking the Silence: Gender Justice's Other Side

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*"**Mard ko dard nhii hota" "Mard kabhi rote nhi hai**"*

These sentences are a normal part of every man's life in India. We are living in a society where we are talking about women's rights but men's rights are going unnoticed. In our society, women's rights are frequently discussed while men's rights are frequently overlooked. As important as it is to work toward women's empowerment, it is equally necessary to recognize that men also confront social and legal obstacles. This blog seeks to promote a just and gender-neutral approach to justice and equality by bringing attention to the prejudices and discrimination that men face.

Men in society are often perceived as emotionless beings, expected to fulfill various roles such as fathers, brothers, husbands, and friends. It is because of these irrational expectations placed on them by society, men's find it difficult to communicate their difficulties even to those closest to them. Although this quiet pain is frequently ignored, it frequently results in emotional and psychological distress. This blog seeks to bust these stereotypes and spark a discussion on the need for social and legal changes that should treat men and women equally.

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Biasness against Men in Court

(This section explores how judicial processes sometimes disadvantage men in gender-related cases)

The judiciary always claims to be fair and equal for all but they always have pre-conceived notions against men for cases of dowery, rape, alimony or sexual harassment etc. In these types of cases, they are always presumed guilty until they are proven innocent. This philosophy goes against the basic principle of 'Innocent until proven guilty' but Who Cares AFTER ALL HE IS A MAN!!

If a women filed a case against any man, he is presumed guilty in the eyes of society even before the TRIAL starts and if after hassling all the legal disputes, if they are proven innocent in the eyes of the law but In the societal court they are already declared guilty and no amount of court orders can change that. They always keep that notion of guilty and treat them and their family as one. His personal and professional lives are irrevocably impacted by the social stigma that exists. But these repercussions are rarely talked about which begs the crucial question: why is there so little care for the lives and reputations who are irrevocably harmed by these biases?

In our judicial system judges throw very widely used comments in the hearing process mainly in bail Cases like "*Aree abhi to sirf 6 mahine hue thoda aur jail me rahene dijiye fir dekhenge bail ka*" and casually rejects the plea of suffering man who is knocking at the door, for justice which is promised in the Constitution and other laws but as always it remains till the book not applicable in the real life but on positive side HURRAY a judge completes his/her coram of hearing cases and advocate got his fees, *"Aur hume kya hi chaiye".* Not only societal stigmas but the courts are also equally responsible to make these men's criminal and the lower judiciary has the most significant role in this. They do not give bail or appropriate remedies because the High Court may question them and their judgments, so even in the cases where there is no prima facie case even to start the trial, men's got maximum sentences with a BELIVE. They will get bail or acquittal at Higher Courts.

In India, the ease with which some cases can be filed raises worries as our legal system strives to provide justice. Women are able to start legal action with just a complaint, and males are frequently assumed to be guilty as soon as their names are out in public. They have minimum chances of being granted bail and must fight the case all the way from the district court to the High Court and even the Supreme Court to prove their innocence. Nonetheless, it is also important to recognize that not every case leads to discrimination against males; in certain cases, men have been given fair trials and the courts have protected their rights. Women also have legal challenges, especially when they have to demonstrate their sincerity regarding the case.

While the judiciary has in several cases, delivered fair verdicts- the broader concern remains: shouldn't the legal system ensure that no innocent person is wrongly punished in the first place? Addressing these gaps while recognizing both the legal challenges faced by men and women is crucial for a truly just system.

Alimony and Maintenance Trick

In India, there is no commission or group to support men's during these fake cases. There is no one to help them in these cases. Once a female files any case for maintenance and alimony during divorce, it is over for men's they are deemed guilty and now have to fight a rigorous legal battle to no end .

The *Atul Subhash case*[1] is one of the recent cases where misuse of the alimony was highlighted and brought the gruesome nature out. Atul was not mentally harassed for the money but was also humiliated by the female judges, the place where he was supposed to get justice. Maintenance is something that the females now demand even after 1 day of marriage, this gross misuse has now increased multifold. The courts tell unemployed males to earn money by doing menial labor work but give the required maintenance and alimony, it is as if they were only responsible for the divorce and even a working woman demands the same money as an uneducated and unemployed woman and they even get it, which is worst of all.

The arrest of the man and his family in these dowry harassment without a full enquiry result in financial extortion and social shame. Settlements for these frequently cost between lakhs and crores and extra maintenance upkeep is required each month. The women's now use these fake cases to harass and defame the person and involve the family too. The people follow and sympathize with her till the settlement or divorce and then when the case is closed, she leaves but leaves behind a disgrace and humiliation of the male's family. The society now sees them only as dowery harassers and no family is willing to give their daughter in their family and no one wants to get involved with them either and the perception of society changes towards them. Some women have been found to misuse legal provisions, raising concerns about fairness in legal proceedings. They are a hero as they had the courage to file such a case and if they lose, it was judiciary's fault that they were not able to see the women's suffering but men's are always in a losing situation and this time, their family is also used.

The [2]*Shiv Kumar case* is one of the harrowing recounts of this gross misuse. Shiv Kumar, a newspaper distributer got permanently disabled after his 2-wheeler got involved in an accident

[1] Mustafa Plumber, Atul Subhash Suicide: 'ingredients for abetment of suicide prima facie made out' : Karnataka HC refuses to stay investigation against wife Live Law (2025), https://www.livelaw.in/high-court/karnataka-high-court/atul-subhash-suicide-ingredients-for-abetment-of-suicide-prima-made-out-karnataka-high-court-refuses-to-stay-investigation-against-wife-280073?fromIpLogin=9831.703294107941 (last visited Feb 21, 2025).

[2] *Disabled delhi man crowdfunds to pay alimony* (2018) *India Today*. Available at: https://www.indiatoday.in/mail-today/story/disabled-delhi-man-crowdfunds-to-pay-alimony-1192412-2018-03-18 (Accessed: 11 February 2025).

with a bus. His wife left him immediately after the accident and filed for domestic violence against him and his family but police after seeing the person's condition suggested reconciliation. After some times, he was diagnosed with pancreatic cancer and after chemotherapy and 5 times biopsy, he came to know that tuberculosis had spread in his whole body leaving his right side paralyzed. In this painful situation of his, wife filed again for domestic violence and this time court set Rs 4000/- as the maintenance. The man due to his disability was unable to pay the maintenance and had to go thrice to Tihar jail. The case has been going on for decades and now he has to settle the case in 5 Lakhs. Imagine, the situation of this disabled man where he has no source of income to even pay for his medicines, now have to pay 5 lakhs rupees for the settlement of the case. Kudos to our judicial system!!

The judicial system is going in the wrong direction here-they impose the alimony and maintenance costs on men but they do not see whether the men are in a condition of maintaining the wife or not. They are expected to do menial labor work for paying maintenance, even in some cases husband has to sell their kidney to pay alimony for her healthy and skillful wife. Here a big question arises that if wives are healthy and have skills why are they not expected to maintain themselves? This is the one example but there are many unheard voices who are suffocating in this alimony trap but have no escape. Here I'm not talking about genuine cases of dowery or alimony or maintenance given to someone who needs it but rather than I'm talking about women who are using this as legal extortion tools.

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Nightmare of Mens-Fake rape cases

One of the biggest challenges men face today is false rape accusations. If you think divorce or alimony is the most significant issue, then welcome to the real world- where once a case is filed against you, there is no escape. Even if you are eventually acquitted after fighting a legal battle for 10–15 years, society will never truly spare you. You will carry the label of a "rapist" for the rest of your life, and you may even become your parents' biggest regret—if they still consider you family at all.

After such an accusation, a man's life becomes a living hell. According to some reports, a significant number of rape cases result in acquittals, raising concerns about misuse of legal provisions. We look at these statistics and move on, but we fail to consider the devastating

impact on the lives of those falsely accused men. This issue is rarely even considered worth discussing. And what about the women who file these false cases for personal motives? They face no punishment, which reflects the value society places on a man's life—so little that anyone can destroy it with a false accusation, and society won't even care. We have the case of Vishnu Tiwari. He spent 20 years in jail due to a false rape allegation. He was arrested in 2001 and was finally acquitted by the Allahabad High Court after two decades. According to him, the case arose from a dispute over land and livestock "I never even spoke to the woman," he said. "I just knew her as a 'bahu.' They just wanted money. I never imagined that their greed would cost me 20 years of my life''.

Now that he is free, what does this so-called freedom even mean? His parents and both his brothers passed away while he was in prison, and he was unable to perform their final rites. His ancestral property was sold, leaving him with nothing. "How will I start my life now at 43—without education, skills, or family?" he asks. His heartbreaking words after being acquitted reflect the true cost of false accusations:

"I tried screaming and crying, but it never got better inside the prison. Your soul dies every day, painfully. In these 20 years, I wanted to die so many times. I am 43 now, almost half my life is gone, and I have nothing to look forward to."

The fact that the womens who falsely accuses are unpunished exposes a serious flaw in the justice system. Even with provisions like *Section 211 IPC (false allegation of offense), Section 182 IPC (false information to a public servant)* and *Section 193 IPC (perjury)* in place to punish false complaints, they are rarely applied in these situations. The Supreme Court has recognized the abuse of rape laws and their effects on innocent men in landmark cases like *Deepak Gulati v. State of Haryana (2013).* Additionally, the urgent necessity for protections against false accusations was emphasized in the Law Commission's 243rd Report (2012). However, in practice, people who fabricate cases usually escape punishment and individuals who are wrongfully accused sustain permanent harm. There are real lives that have been destroyed and can never be recovered and will never get justice.

Conclusion

In the last, I just want to conclude that empowering one gender doesn't mean that the other gender life's and their reputation are not worth it. We as a society by trying to give justice to one gender, we shouldn't forget that the other gender has the same rights and his life is worth it. After these incidents -one main questions persist whether marriage in the current time is worth it or Is it worth having a friend of the opposite gender. No men know when a false case comes to their head and destroys their lives and their family lives.

The government and the judiciary working together can successfully handle this issue. In order to ensure that legal provisions are consistent with the ideals of true gender equality, the government should try to enact more gender-neutral legislation. Even though we support equal rights, it is essential that the same norm be followed by the law. Furthermore, harsher sanctions ought to be applied to individuals who abuse the legal system in order to stop the exploitation of legal provisions for their own advantage and fast track court should be set up for cases of false accusations . To ensure that everyone receives justice, a fair and balanced judicial system is necessary. I hope this article will help change the narrative to some extent of people. ‘

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