

Gender Equality's Blind Spot: Addressing Discrimination Against Men

Dr. Gurdeep Kaur Pandher^{1*}, Dr. Harpreet Kaur², Dr. Babita³, Ms. Mandeep Kaur⁴, Ms. Sumanpreet Kaur⁵,
Ms. Bhavna Mehta⁶

^{1*}Assistant Professor, Chandigarh Law College, Chandigarh Group of Colleges, Jhanjeri, Mohali, Punjab, 140308

²Assistant Professor, Chandigarh Law College, Chandigarh Group of Colleges, Jhanjeri, Mohali, Punjab, 140308

³Assistant Professor, Chandigarh Law College, Chandigarh Group of Colleges, Jhanjeri, Mohali, Punjab, 140308.

⁴Assistant Professor, Chandigarh Law College, Chandigarh Group of Colleges, Jhanjeri, Mohali, Punjab, 140308

⁵Assistant Professor, Chandigarh Law College, Chandigarh Group of Colleges, Jhanjeri, Mohali, Punjab, 140308

⁶Assistant Professor, Chandigarh Law College, Chandigarh Group of Colleges, Jhanjeri, Mohali, Punjab, 140308

Citation: Dr. Gurdeep Kaur Pandher, Dr. Harpreet Kaur et.al (2024), Gender Equality's Blind Spot: Addressing Discrimination Against Men, *Educational Administration: Theory and Practice*, 30(1), 2047-2052

Doi: 10.53555/kuey.v30i1.6856

ARTICLE INFO

ABSTRACT

When someone is treated unfairly or negatively because of their gender, it's not always a sexual offence. This is known as gender discrimination. Gender discrimination hinders people's ability to express and define who they are, which is detrimental. While traditional gender discrimination congruity models (such as role congruity theory and lack of fit) predict unfavourable outcomes for men and women in gender-incongruent domains. It is evident that the majority of feminists constantly debate about how women's rights are violated and perceive women as social victims. Many women abuse the privileges bestowed upon them. falsely misuse the authority granted to them and file false reports against the spouse and his family. At work, men are sexually abused. The belief held by society that men are incapable of abuse is one that they are reluctant to embrace. This article describes how men experience prejudice in a similar way to women do, and how society ignores male victimisation because of the stereotype that only women may be mistreated and harassed by men, not the other way around. Many laws are designed to protect women, but there are none to protect men, which renders them the victims of society. despite the belief held by society that women are disproportionately affected by social inequality. Using this text as a guide, I want to highlight the issues as well as role of judiciary while interpreting different provisions of our legal system.

Keywords:- Gender Discrimination, Constitutional Provisions, Personal Laws

The Review of Literature

Studies have indicated that boys outperform girls in maths, and this discrepancy has been connected to the overrepresentation of men in STEM professions.

In science, men likewise have a slight edge over women, with disparities being more apparent at the upper end of the distribution.

In linguistic tasks, women outperform men by a significant margin.

Theories suggesting that less significant gender inequalities are associated with gender equality: According to the social-role theory, inequalities between men and women result from the interaction between developed gender disparities in physicality and the socio-cultural framework in which these differences are exhibited. This relationship is further supported by socio-psychological processes.

The gender stratification hypothesis makes sense in light of the previously discussed notion.

Gender stratification hypothesis: based on expectancy-value theory and cognitive social learning theory, people take on a task only if they expect to succeed and value it.

The Gap of Study

Men's issues with custody, child support, and parental leave in relation to paternity rights and fatherhood. Mental health and emotional expression: Men's restricted capacity to communicate their feelings and ask for assistance without coming out as "weak". Education and academic achievement: The challenges of underachievement and lack of support faced by boys and men in the classroom. Abuse and domestic violence: Male victims of abuse and domestic violence and the absence of assistance and resources. This gap in study and discussion perpetuates an incomplete understanding of gender equality, ignoring the complexities and nuances of gender and its intersections with other social categories like race, class, sexuality, and disability. By exploring and addressing these blind spots, we can work towards a more comprehensive and inclusive understanding of gender equality.

1. Introduction

Not only is gender equality a fundamental human right, but it is also a necessary condition for a future that is peaceful, wealthy, and sustainable. In a world without gender-based discrimination, men, women, and girls would all have equal access to resources, opportunities, and protections. The primary problem we face is that a lot of people continue to view gender inequality as a female-only problem. But, when we discuss gender, we are referring to all gender identities, including transgender identities. When we grant more authority to marginalised genders, specifically, they can live free lives. Furthermore, people are silenced when it comes to gender inequality. Ultimately, it causes obstacles and puts their future at risk.

Although it is widely accepted that all members of society should have equal rights and access to all resources, prejudice nevertheless exists. Discrimination can be caused by differences in culture or geography, as well as by a person's gender, colour, or socioeconomic status. The most widespread discrimination is directed towards women. It's a universal issue that affects all spheres of life and is not unique to any one. In many progressive cultures and elite organisations, gender discrimination is blatant. Only when men and women are treated equally can gender equality be attained. But prejudice is a hazard to society because it breeds animosity. To solve our problems, we must stop collaborating and instead take a united stance. For a very long time, this societal stigma has seeped into the fabric of society. Furthermore, in situations where gender is a factor, this has also been observed. In every sector, men and women are making history together, thus gender discrimination is no longer a problem.

They also experience socioeconomic inequalities and are objectified. In the end, all of this leads to extreme anxiety, despair, and even low self-esteem. We must all acknowledge that gender disparity is harmful to genders in general. To stop these enduring effects, we must work together, and this article on gender inequality will explain how.

2. Definitions of Gender Inequality

Equality can also be defined as the situation where every individual has the same rights and equal opportunity to grow and prosper.

Men and women are not the same, according to gender inequality. Women are not given the same treatment as men in many nations. Because women are mistreated, compelled to do housework, paid less than males in the sector, and unable to attend college or school, gender disparity is a scourge on society. Gender inequality is a risky issue that results in unequal treatment of men and women in society.

A legal, cultural, or social scenario where gender determines uneven opportunities and rights for women and men, characterized by unequal access to or benefit of rights and assumptions of traditional culturally and socially defined roles.

It is a social phenomenon whereby individuals are treated differently and less favourably based on their gender in similar situations.

"Equality between women and men (gender equality) refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men."

3. History of Gender Inequality in India

During ancient Vedic civilization, women held a highly respectable position in society. They were part of Sabhas and Samitis and there were very learned women like Gargi, Lopamudra, etc. Manusmriti also regards women as it declares in verses 3.55- 3.56 that "Women must be honored and adorned" and that "where women are revered, the god rejoices; but where they aren't, no sacred rites bears any fruits".

But with the advent of the later Vedic period, women's condition started deteriorating due to various practices like early marriages, polygamy, and being banned from being part of Sabhas and Samitis. In the medieval

period, the cruel practice of dowry, sati, and purdah system was imposed on women and polygamy became prominent. The most serious problem even today is the 'dowry system' which has even cost the life of a woman even today in both urban and rural India.

With the advent of modern technology and science female foeticides have become common. According to the census 2021, the sex ratio in India was 907 females per 1,000 males. This shows how gender inequality is deeply rooted in Indian society.

Women are men's equals, not their subordinates. Giving the people a constitution that did not discriminate based on gender was, thus, the first priority in post-independence India. All of the country's people are guaranteed "justice economics," according to the preamble of the constitution.

4. Gender inequality affects Everyone

Gender disparity affects everyone. Victorians are affected by gender norms and preconceptions for the rest of their lives. Men are not exempt from the effects of gender discrimination. Preconceived notions or "rules" about what women, men, girls, and boys should be like start in childhood and continue throughout maturity. Different people have different experiences with inequality. Those who experience multiple forms of discrimination frequently have a more difficult time of it. Below are some statistics regarding gender inequality and its effects on children, adolescents, adults, and other social groups.

It can be seen that in numerous families, girls receive less pocket money from their parents than boys. In most of schools, children classify for programmes and activities on the basis of their gender. Generally it is believed that girls are not physical strong and not able to perform tough tasks. Instead of this, it is only a myth that people are following since ancient period and still prevail in our society. Consequently, Gender stereotypes affect children's sense of self from a young age.

it almost global trend that women earn 20 percent less money to the income earned by men. Although number of women who has completed tertiary education is higher, but their salaries are lower than men. 1 in every 2 mothers experiences discrimination during pregnancy, while availing parental leave and coming back to work. As a result, they have to do nearly twice as much unpaid work as men.

A big discrimination can be seen in society on the basis of age. Almost every country has prescribed the working age under their legal system. After certain age people get retired from their job. Therefore, this is also a kind of inequality and that affects people's financial security, health and wellbeing. It also increase the chance of homelessness of old people.

It might be challenging for many guys to live up to traditional stereotypes. They experience pressure to be the primary breadwinner, a "real man," and powerful both mentally and physically. Men often do not have access to flexible scheduling or extended parental leave at work. They are also less inclined to discuss their issues with friends and family or seek expert assistance. Suicide is more common among men.

When utilising services, attending school, or working, transgender and gender nonconforming individuals may feel compelled to conceal their gender identity. They are more vulnerable to mental illness, verbal and physical abuse, and marginalisation in society.

5. Types of Gender Inequality in India

According to Amartya Sen, a Nobel Laureate, India has 7 types of gender inequalities at present. They are discussed below.

- **Mortality Inequality:** Mortality means a number of deaths. In India, more women died than men which results in a higher population of males. This is due to inadequate nutrition, and poor healthcare women receive.
- **Natality Inequality:** In this type of inequality, a male child is preferred over a female child. In India, parents want their newborn to be a boy rather than a girl due to whom women suffer sex-selective abortion which is highly punishable under the law.
- **Employment Inequality:** According to the Economic Survey 2022, the number of women unemployed is more than men. They face discrimination and harassment at the workplace and also their minimum wage is also less than males.
- **Ownership Inequality:** ownership inequality is reflected in the fact that women didn't get property rights in the ancient past. The absence of property claims reduces women's voices and also makes it more difficult for them to thrive in economic, and commercial activities.
- **Basic- Facility Inequality:** Women have been treated unfairly but several injustices and inequalities go unreported for the sake of name, honor, and respect.
- **Household Inequality:** Women even face inequality at the household level though it is not visible directly it gets reflected from time to time like a preference for a son, stopping women from going out for work or higher education.
- **Special Opportunity Inequality:** In India, women are even deprived of special opportunities for work, education, etc

6. Gender inequality against Men

Gender discrimination is the serious issue of concern from the very beginning of the society. Most of the thinkers, after observing past and present situation, believe that women are the real victim of the discrimination but reality is far away. Rejecting this view does not mean that this section of society is not affected with societal behavior but in this modern world it is need of an hour to highlight the problems that are being faced by opposite gender i.e men. All the outdated gender labels are making man suffer more than women and that affects overall health of men. Most of feminist always talk about equal distribution of rights but they never pay attention at equal responsibilities. This is an effort to bring light to this problem with the help of few cases.

In *Vivek Bhatia v. Smt. Anju Bhatia*, after a High Court ruling requiring him to provide his well-educated wife with maintenance, a man challenged the constitutionality of Section 125 of the Criminal Procedure Code in the Supreme Court, arguing that it discriminates against women. People were aware that guys can also experience sexual abuse and harassment as a result of this case. But survivors tend to repress their suffering because of cultural norms surrounding what it means to be a guy. Even while there are laws and regulations that do not favour men, there are numerous laws that are designed to place unquestioning faith in women. Men's issues are all so ignored that there aren't even adequate online resources available for research on these issues. Women now have equal chances in all spheres of life, including business, education, and wages. They still expect males to foot the bill for their opulent lifestyle. The Indian judicial system is likewise in favour of this way of thinking. One example of it is found in Section 125 of the Code of Criminal Procedure.

The Indian Constitution's articles 14 and 15 on general rights are not the only rights that are disregarded by this arrangement. It also causes mental anxiety due to the weight of money. Previously, women were not accustomed to working, and men handled the finances. But now that women are fiercely competing with men in every area, they need to learn how to take care of themselves. It is still common knowledge that a man is a gentleman if he pays the bill. According to a survey, 44% of women find it bothersome when men expect them to pay, while 39% of women would prefer that men reject their offer to pay on their first date.¹

Harassment, rape, and sexual abuse are serious issues. Additionally, in the past, it was understood to be a crime against women. It's frowned upon to abuse guys. Men can still be raped, according to popular belief. Males do not report being harassed or raped just because of the conservative social view that males are strong enough to defend themselves and do not weep. It is likely underestimated, as most men experience sexual assault in silence, yet one in six men will likely experience it at some point in their lives.

Most of the rules and Indian laws exceptionally support females. There are no acknowledgment of male maltreatment and police scarcely record an FIR.

Under the Hindu Succession Act, the will of a deceased child goes to the mother and not to the father. If fathers are supposed to pay for them then it should be a father's right on the property.

In addition to the lack of norms for men, regulations are designed to encourage mindless confiding in women. According to Section 113b of the Indian Evidence Act, it should be assumed that a woman's suicide after seven years of marriage was caused by her in-laws' endowment weight. IPC 498A states that males and their families are automatically deemed to be criminals.

With only a false accusation, women can use a fictitious substantial body of evidence to condemn their in-laws to prison. Only 4% of these cases end up in court, and only 2% of those involved face consequences. Male suicide rates are twice as high as female suicide rates, according to men's rights advocates, and local abuse of males is on par with abuse of women.

Indian laws that were created to protect women are now utilised to harass and threaten couples. In settlement and child authority proceedings, the government also opposes men. The theory that women are using the law as a tool to hold males accountable for their safety is supported by an ongoing legal case.

At one of renowned University in Noida, two students were falsely accused by a girl. 20 girls and their buddies gave those 2 boys a severe beating when they got into a small argument over parking. The female had recently filed a harassment lawsuit against the lad at the time those boys went to make a report. Research has shown that more than 80% of attack cases are fraudulent.

However, university wins in two of these cases over the past month demonstrate how challenging it is for accused students to prevail in court against institutions on the matter. This is especially true if the students claim, as they have in the last two lawsuits, that their schools discriminated against them because they are men when they found them guilty of sexual misbehaviour.

The two cases that were recently dismissed claimed gender discrimination on behalf of the male students found guilty by citing Title IX of the Higher Education Amendments of 1972, a gender equity legislation that forbids sexual assault. The young men's attorney in both cases, Andrew T. Miltenberg, says the rulings only demonstrate that in order for accused students to succeed, they need to take a more comprehensive stance and file more claims against the universities that punished them for assault. He claims he will be appealing both rulings.

The two most recent cases against Vassar College and Columbia were dropped. In the Vassar case, Peter Yu claimed that the university had broken both Title IX and its own standards by declaring him guilty of sex assault and banishing him in 2013. According to Mr. Yu, he had consensual intercourse with the lady who accused him; nonetheless, the university concluded that the female student was too inebriated to give consent. According to the legislation, even if the intercourse is voluntary, a child under the age of sixteen who has sex with a girl of the same age is deemed an attacker. Rejecting children is utterly disgusting and discriminatory based on gender. As the sex was voluntary, no power was used. Furthermore, since they are both of the same age, it follows that their psychological degrees should not be determined based on manipulation.

7. Constitutional Provisions regarding Equal Rights

Regarding gender equality, the Indian Constitution somewhat eased things for its people. The Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of State Policy all make reference to gender equality in the Constitution. In addition to encouraging the State to enact several equality and empowerment policies that benefit everyone, the Constitution guarantees women's empowerment.

Specific provisions of the Constitution that address gender equality and equality in general are Articles 14, 15, Article 15(3), Article 16, Article 39(a), Article 39(b), Article 39(c), and Article 42. Some of the articles mentioned below are: A reference to equality before the law is found in Article 14 of the Indian Constitution. The State is powerless to deny that every individual has equal standing before the law.

Discrimination on the basis of religion, ethnicity, caste, sex, and place of birth is forbidden by Article 15. The State may make any further arrangements for women and children without violating this Article. All Indian residents shall have equal access to employment opportunities and appointments to all offices, according to Article 16.

Article 39 of the Constitution states that the State shall ensure that men and women have equal rights to a sufficient standard of living, that men and women are paid equally, that the economic system does not lead to the concentration of wealth, and that material resources are allocated for the common good. In accordance with Article 42 of the Constitution.

Gender equality is therefore guaranteed by the Indian Constitution as a human right. In addition to these constitutional provisions, the following Acts have evolved, in part or in whole, from these provisions:

The Equal Remuneration Act, 1976

Employers are required by this Act to compensate men and women equally for similar labour. No employer may discriminate against men and women in hiring, training, or transfer processes for the same job or for the work completed. This Act forbids discrimination on the basis of gender unless a specific statute restricts the hiring of women or men. Consequently, a company is not permitted to discriminate against women based only on their sex when it comes to hiring practices, benefits, training, or transfers.

The Hindu Succession Act, 1956

Under the Hindu Succession Act, 1956, a certain amendment was made in 2005 leading to the removal of discriminatory provisions. The Act eliminates the status of "limited owner" for both men and women, granting them ownership of all property purchased before or after the Act's signing. Regardless of the other party's religion or level of faith, a unique type of marriage is permitted by the Special Marriage Act of 1954. The 1872 Old Act was superseded by this Act.

8. Role of Judiciary while Recognizing Equality between both Gender

In case of, "*Air India v. Nargesh Meerza*" an inclusive reading of Article 14 was done by the Supreme Court and Employment cannot be withheld from someone based solely on their sexual orientation. Regarding in-flight services, emphasis was placed on the staff youthful appearance, glamour factor, and height. Air India, an airline, established regulations requiring air hostesses to retire upon reaching 35 years of age, becoming pregnant, or getting married, whichever comes first. Due to the harsh and offensive nature of these requirements, they were contested in court and ultimately overturned.

In the case of "*Vineeta Sharma v. Rakesh Sharma*" the Supreme Court held that daughters will have equal coparcenary rights in the Hindu Undivided Family by their birth and cannot be excluded from inheritance irrespective of whether they were born before the amendment of 2005 to the Hindu Succession Act, 1956.

It was held by Bombay High Court in the case of "*Sanjay vs. Anita*" that definition of mental cruelty also include the false complaint by wife against the husband and his relatives and can be the ground of divorce by husband.

The validity of Section 497 of IPC was challenged in "*Yusuf Abdul Aziz vs. State of Bombay*". based on unfairness towards men, the court. asserting that injustices and biases are created against the male portion as a result. Nonetheless, a ruling has concluded that women are not accountable for encouraging their husbands to commit infidelity.

The wife miserably ruined her husband's life by harassing him in "*Dastane vs. Dastane*" case. She yelled at him, calling the Dastane family unfit to continue forever, and ridiculed him in front of his friends. These actions amount to mental abuse against him, and the husband filed for divorce.

Suggestion and Conclusion

The silent issue that nearly all men deal with is misandry. Additionally, it is not as simple to solve this issue as it is with women. Ladies need to start covering their own expenses. All laws and regulations that unquestioningly support women ought to be changed or repealed. Women should assist men in their quest for equal responsibility, just as they would like men to support them in their fight for equal rights. People should encourage males to talk about their problems and break the taboo of not talking about them. When males report harassment, rape, or sexual abuse, police officers shouldn't give them the impression that it's impossible to get their complaints handled.

The unacknowledged issue that practically all men deal with is misandry. And just like with women, there is no simple solution to this issue. It's time for women to take up personal expenses. Every law or regulation that blatantly favours women ought to be changed or repealed. Just as women want men to stand by them in their fight for equal rights, so too should women support men in their fight for equal responsibility. People ought to break the taboo and encourage males to talk about their problems in order to raise awareness of the problem. When males report harassment, rape, or sexual abuse, police officers shouldn't make them feel like it's difficult to do so.

Breaking the idea that males cannot be weak or cry should be the goal of not only police officers but also family members. Before labelling boys as potential rapists, government investigators must conduct a thorough investigation. It is wrong to grant women advantages in situations like these as families of both sexes deal with the same issues. During a period when women were denied equal rights, opportunities, and freedom, all of these discriminatory laws were created. It is time to reform these laws, stereotypes, and mindsets since women are no longer suffering.

References:

1. <https://www.vedantu.com/english/gender-equality-essay>.
2. <https://www.toppr.com/guides/essays/gender-inequality-essay>.
3. <https://www.essaybanyan.com/essay/essay-on-gender-inequality/>
4. <https://www.igiglobal.com/dictionary/genderinequality/11929#:~:text=Gender%20inequality%20refer,s%20to%20any,du%20to%20their%20gender%20identity>.
5. *The Oxford Dictionary of Sports Science & Medicine*.
6. United Nations Entity for Gender Equality and The empowerment of the Women.
7. R. C. Majumdar and A. D. Pusalker (editors): The history and culture of the Indian people. Volume I, The Vedic age. Bombay: Bharatiya Vidya Bhavan 1951, p.394
8. "Women in History". National Resource Center for Women. Archived from the original on 2009-06-19. Retrieved 24 December 2006.
9. <https://www.vic.gov.au/gender-inequality-affects-everyone>
10. <https://www.vic.gov.au/gender-inequality-affects-everyone>
11. <https://www.vic.gov.au/gender-inequality-affects-everyone>.
12. <https://www.forbes.com/sites/bonniechiu/2019/05/28/gender-inequality-harms-not-only-women-and-girls-but-also-men-and-boys/?sh=3a33ed684d9f>
13. <https://www.forbes.com/sites/bonniechiu/2019/05/28/gender-inequality-harms-not-only-women-and-girls-but-also-men-and-boys/?sh=3a33ed684d9f>
14. <https://unacademy.com/content/upsc/study-material/post-independence-india/gender-inequality-in-india/>
15. SCC Online Utt 1303.
16. Vanshika Mittal, *Gender Discrimination Against Men* Legal Service India, E-Journal
17. Lisak, David. *Millions of men suffer in silence after sexual abuse. How can we help them better?* 2017
18. The Hindu Succession Act, 1956.
19. Vanshika Mitta, *Gender Discrimination against Men* (2020)
20. Indian Kanoon. [Online] <https://indiankanoon.org/doc/1569253/>.
21. *Randhir Singh v. Union of India*, AIR 1982 SC 879.
22. The Constitution of India, 1950
23. Chronicle of Higher Education. 5/8/2015, Vol. 61 Issue 34, pA6-A7. 2p.
24. *Dharwade Dist. PWD Employees Association v. State of Karnataka*, 1990(2) SCC 396.
25. Equal Remuneration Act, 1976.
26. The Hindu Succession Act, 1956.
27. 1982 SCR (1) 438
28. AIR 2020 (SC) 3717.
29. AIR 2007 P-H 136, (2007) 147 PLR 594
30. 1954 SCR 930

