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MEN AND THE LAW: ADDRESSING OVERLOOKED RIGHTS AND REMEDIES

***DR. N VANI SHREE**

****MS. RAJESWARI H**

ABSTRACT

The discourse on gender justice has traditionally emphasized women's rights due to their historical marginalization. However, the evolving socio-legal landscape necessitates a balanced consideration of men's legal rights, particularly in areas where they encounter systemic disadvantages or lack adequate legal safeguards. Men's rights within family law, such as protection against misuse of matrimonial and domestic violence statutes, equitable considerations in child custody and maintenance disputes, and safeguards against false criminal allegations, have emerged as pressing concerns. Moreover, men face unique challenges related to workplace discrimination, health rights, and protection against gender-based violence, which are often overlooked in legal and policy frameworks. This paper examines the scope and limitations of existing legal provisions concerning men, highlights judicial interpretations shaping male-centric rights, and advocates for reforms to achieve substantive gender equality. A nuanced exploration of men's legal rights highlighting that true justice can only be realized through a gender-neutral legal system that addresses vulnerabilities across all identities without perpetuating stereotypes or biases.

Keywords: Men's rights, gender justice, family law, false allegations, equality before law, child custody, gender-neutral reforms.

*Principal, JSS Law College (Autonomous), Mysuru, Karnataka, India

**Student of BBA..LL.B (Hons.), JSS Law College, Mysuru, Karnataka, India

INTRODUCTION

We all live in a welfare state, where the wellbeing of every human being is being prioritised and protected. With the Fundamental Rights of a man in the grundnorm of the land, International conventions, welfare legislations like: Human Rights Acts, Gender Equality laws, and much more, the law of this land in its essence if for the people and of the people. Gender equality is the manifestation of providing opportunities for men and women to fully enjoy all rights, gains, liberties and both genders to equally avail themselves of all public goods in life, also the apportionment of power and influence; and options for financial independence through work or setting up of trade, profession and businesses, Pathways for equal entry to education and resources of all types, which provide means to develop full potential for achieving personal ambitions. To build a harmonious society, men and women must cohabit symbiotically by respecting each other's choices, supporting their life decisions, nurturing and encouraging for their growth and development and every member is expected and necessary irrespective of caste, class, gender, religion, and other distinctions[1]. Equality between gender/sexes thus emerged as a correlative factor like rights and duties; one is incomplete without the other. Male and female as gender are born together, continue to exist together, and in all probableness, the end of one will bring the end of the other[2]. The main issue is that society and social institutions do not essentially support gender equality policies and legislation in India, despite the fact that there are significant administrative and technical barriers to their implementation. The country's sex ratio at birth (the higher number of boys born compared to girls) is rising in several areas, son preference is pervasive, dowries are still often used, and child marriages continue to occur. Laws like the Dowry Prohibition Act, the Preconception and Prenatal Diagnostic Techniques Act (which aims to decrease sex-selective abortion), and, to a lesser extent, the Child Marriage Restriction Act, are nonetheless largely disregarded with relative impunity given the absence of social actors to assure their enforcement[3]. There is a significant backlash against shifts in gender norms. Laws that shield women from violence are being actively opposed by men's organizations. Girls and women are making progress at every

[1] Chowdhury, R., 2014. Conditions of emergence: The formation of men's rights groups in contemporary India. Indian Journal of Gender Studies, 21(1), pp.27-53.
[2] Chowdhury, A. and Patnaik, M.M., 2010. Empowering boys and men to achieve gender equality in India. *Journal of Developing Societies*, *26*(4), pp.455-471.
[3] Chopra, R., 2003, October. Rethinking pro-feminism: men, work and family in India. In *Paper submitted to the expert group meeting entitled "The role of men and boys in achieving gender equality", United Nations Division for the Advancement of Women. Document cited in United Nations Economic and Social Commission for Asia and the Pacific*.

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level in India's thriving women's rights movement, which is influenced by a variety of intricate social and economic factors. males's rights are the legal and social privileges that are expressly designed to solve the problems that males experience. Men's issues, such as false charges in domestic abuse cases under Section 498A IPC, a lack of mental health care, and restricted paternal rights, frequently go ignored in India, despite the need of focusing on women's empowerment. A balanced approach to gender justice is necessary, as evidenced by recent discussions surrounding shared parenting regulations.

ORIGINS OF MEN'S RIGHTS MOVEMENT

Men's rights have a long history of 30 years, prominently in the 1990's, and was originated from a Kolkata based group called as the Pirito Purush (The Persecuted Man) formed in 1992, the Mumbai- based Purush Hakka Samrakshan Samiti (Committee for the Protection of Men's Rights) formed in 1996 and Patni Atyachar Virodhi Morcha (Protesting Torture by Wives) formed in Lucknow are organisations that were established with the explicit aim of demanding men's, particularly husbands', rights. These revolved in the areas of Calcutta and Bombay. The primary idea which united these groups was just to undo the changes in the structure of the society and legal reforms brought in the society by the feminist activists. Ultimately to stand against the mighty S. 498A of the Indian Penal Code (IPC). The issue surrounding it was the procedure by which this particular offence is handled. In addition to making harassment of women in the marital home a crime that is not subject to bail, compounding, and makes it a cognizable offence, this section also gives the police the authority to initiate an arrest right away in response to complaints. The members of the men's rights were to combat the misuse of this section and to prevent any sort of abuse and to provide an efficient remedy for people who have been a victim for the abuse of this section[4].

NEEDS FOR MEN'S RIGHT MOVEMENT

Men's rights organisations are basically forums for advocating and educating the public as well as the policy makers that gender equality is a foundation for harmony by enunciating on curbing the misuse of laws for protecting women in the country.

Firstly, there is a need for promoting men's rights by creating an awareness in the minds of the public about the misuse and proper evidence is supposed to be shown on how such

[4] SUPRA NOTE 5

misuse is happening around the sub-continent. The concept of 'abusive wives' is an unfamiliar word because most abuses are hidden in the four walls of a house and the world is unaware. Like women men are also silenced and their abuses are not brought out in the world.

For instance, a woman wants divorce from her husband because she isn't happy with the marriage or any reason for that matter and if the husband denies such divorce she files a cruelty case against that husband and demands alimony. Section 498A of the IPC[5] (alleged cruelty to married women); Section 304B of the IPC (assumed dowry death of married women); Section 406 of the IPC (criminal breach of trust); various sections of the Dowry Prohibition Act, 1961[6]; Protection of Women from Domestic Violence Act, 2005[7]; Section 125 of the Code of Criminal Procedure, 1973; Sections 18, 24 and 25 of the Hindu Marriage Act, 1955[8]; various provisions of the Special Marriage Act, 1954[9]; Guardians and Wards Act, 1890[10]. These are few of the provisions of law which are being constantly misused or abused. Infact Men's mothers and sisters are also being prey to this particular agenda. These organisations provide a stage for the harassed men to share their experiences and to voice out grievances and to provide suggestions to the policy makers to protect gender equality and the right to live with dignity of the masculine segment of the society.

Abuse of men does not only happen in households but also in public spaces and work places. In order to protect women and give them a sense of security, the Justice Verma Committee[11] recommended a number of strict laws pertaining to rape. These recommendations were included in the Indian Penal Code of 2013, but many women have begun abusing this protection to obtain their unwanted benefits, In a case[12] which concerns a 20-year-old Delhi University English Honors student, is really startling. The mother of one of the accused males filed a complaint alleging blackmail, which led to the accused girl's detention. In this instance, the girl was extorting money from a syndicate by falsely accusing them of rape. The aforementioned girl accused seven different males of rape at

[5] Indian Penal Code, Act No. 45 of 1860
[6] Act No. 28 of 1961
[7] Act No. 43 of 2005
[8] Act No. 25 of 1955
[9] Act No. 43 of 1954
[10] Act No. 8 of1890
[11] https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary#:~:text=Justice%20Verma%20Committee%20was%20constituted,report%20on%20January%2023%2C%202013
[12] Gurmail Singh vs State of Punjab and Another (2022) CRM-M-45411-2021

seven separate police stations. In certain situations, the concerned court has sent her reminders to appear in court, while in other circumstances, the proceedings have been closed[13].

Thirdly, Proponents of men's rights maintain that the systematic demonisation of men also casts their families in the role of 'victims,' encompassing even the women from the husband's side of the family.Men's rights groups are united in their determination to fight for what they call 'gender equality under law' and promotion of 'family harmony'[14]. The need to protect men's mothers, sisters, and other female relatives, who are frequently implicated in cases arising out of the alleged misuse of domestic violence and dowry harassment laws, has become a pressing concern within the broader discourse on men's rights in India. Many argue that when such laws are invoked with mala fide intentions, the immediate family members of men—particularly women such as mothers-in-law and sisters-in-law—are unfairly drawn into prolonged legal battles, social humiliation, and emotional distress. Recognising this issue, the All India Mother-in-law Protection Forum, headquartered in Bangalore, has taken an active role in advocating for the rights of these women[15].

The rationale behind this movement is grounded in statistical evidence that highlights the scale of the problem. Data attributed to the National Crime Records Bureau (NCRB) suggests that between 2004 and 2007, nearly 123,000 women were arrested under Section 498A of the Indian Penal Code, a provision originally enacted to address cruelty and dowry-related harassment of married women. According to the NCRB 2022 report, the combined false cases for three specific crimes of similar nature viz. Rape, Attempt to commit rape and Assault on Women with intent to Outrage her Modesty - account for 7.23% of the total false cases reported. Thus, taken together, out of 164866 active cases in 2022, under these three heads, 11921 cases were found false. Critics of the law argue that such a large number of female arrests, many of which did not culminate in convictions, indicates a trend of overreach and misuse. From their perspective, this not only undermines the original purpose of the legislation but also creates new categories of "secondary victims," who

[13] Bismin Taskeen, 'Gurugram woman, who filed 7 rape cases against 7 men, now held for 'extortion'' (ThePrint) 30 December, 2021 https://theprint.in/india/gurugram-woman-who-filed-7-rape-cases-against-7-men-now-held-for-extortion/791646 / accessed 25th august,2025

[14] Fernandes, L. (2006). India's new middle class: Democratic politics in an era of economic reform. Minneapolis: University of Minnesota Press.

[15] Mukherjee, M. (2007). Women and agency. In S. Dasgupta, & M. Lal (Eds), The Indian family in transition: Reading literary and cultural texts (pp. 64–80). New Delhi: SAGE Publications.

suffer as collateral damage in legal disputes. By drawing attention to these statistics, groups like the Mother-in-law Protection Forum highlight the necessity of reforming legal procedures to ensure a balance between safeguarding genuine victims of domestic violence and protecting families from being unjustly criminalised. This strand of activism demonstrates that the debate on men's rights is not limited to men alone but extends to the wider family unit, particularly to women related to the accused, who bear the brunt of the stigma and legal consequences.In contemporary society, discussions on gender often focus on the protection and empowerment of women, which is necessary given their historical marginalisation. However, this focus sometimes leads to the neglect of certain issues that men face, particularly in areas such as elder care, harassment, and legal protections like alimony. These challenges highlight the need for a more balanced and inclusive approach to gender justice, one that recognises that men, too, face vulnerabilities and injustices in modern legal and social systems.

One of the most neglected issues concerning men is the abandonment and neglect of elderly men by their families. As traditional family structures break down and economic pressures increase, many elderly men find themselves isolated and unsupported. Cases have surfaced where aging fathers or grandfathers are left without care, sometimes even after years of providing for their families[16]. These men often face not only physical neglect but also emotional loneliness and mental distress. In some cases, elderly men are deprived of property rights or excluded from decision-making, leaving them dependent on distant relatives or forced into shelters or old-age homes that lack sufficient resources.[17] While the law provides certain protections under inheritance and maintenance provisions, social stigma and the absence of gender-sensitive elder care policies mean that elderly men are often left unheard and unsupported.

Another dimension of male vulnerability relates to sexual harassment. Although discussions around harassment typically focus on women as victims, men too are frequently subject to abuse by both men and women. Male victims often face social stigma, silence, and disbelief, which prevents them from reporting incidents[18]. In workplaces, educational institutions, or even within families, men can experience unwanted advances, coercion, and exploitation but remain reluctant to seek legal or emotional support. Existing legal frameworks, including workplace harassment policies or criminal laws, are often designed

[16] HelpAge India, Elder Abuse in India: A National Study 12 (2019).
[17] National Policy for Older Persons, Ministry of Social Justice and Empowerment, Government of India (1999).
[18] Ministry of Social Justice and Empowerment, Report on Sexual Harassment of Men in India 8 (2021).

with women as the primary victims, which discourages men from approaching law enforcement. The absence of awareness and sensitivity exacerbates the trauma, leaving male victims isolated and without recourse.

Alimony, as outlined in various personal laws and Section 125 of the Code of Criminal Procedure, 1973, was originally conceived to provide financial assistance to women who were economically dependent on their husbands. It recognised the disparity in earning capacity and sought to protect women from destitution after separation or divorce.5 However, in recent years, concerns have been raised that this provision is being misused in cases where women are financially independent, with high incomes, yet still claim substantial maintenance.6 Such misuse not only places an unfair financial burden on men but also erodes the credibility of laws designed to protect vulnerable individuals. It is essential to recognise that in many cases, men especially those approaching retirement are subjected to prolonged litigation and financial depletion despite having limited resources to support themselves.

These issues collectively point to the urgent need for reforms that ensure the welfare of all citizens, regardless of gender. Elderly men must be provided with adequate care facilities, legal remedies, and social support systems. Harassment laws must be designed to include all victims and encourage reporting without fear of ridicule or disbelief. Similarly, alimony provisions must be revisited to ensure that assistance is granted based on actual need and not misused for personal gain. Gender-neutral policies, counselling services, and legal safeguards are crucial in addressing these concerns while maintaining fairness and dignity.

THE LEGAL LANDSCAPE FOR MEN'S RIGHTS IN INDIA

In India, legal protections that specifically address men's rights particularly in cases of domestic violence, sexual harassment, and false accusations are scattered across various statutes and judicial decisions. While some judicial pronouncements have extended protections to men, these efforts remain fragmented and inadequate. As a result, many men in distress are left without effective recourse, while societal and cultural norms often compound their difficulties. One of the most significant pieces of legislation aimed at protecting victims of domestic violence is the Protection of Women from Domestic Violence Act, 2005 (PWDVA). The Act was a landmark achievement in safeguarding women from abuse within domestic spaces. However, no equivalent legislation exists to address domestic violence against men. In Rajesh Kumar v. State of Uttar Pradesh, the Supreme Court recognized that the PWDVA could be invoked by men as well, affirming

that the statute is gender-neutral in its scope. Yet this interpretation has drawn criticism for lacking clarity and practical applicability, leaving many men unsure of how to seek protection under the law.[19] Similarly, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) focuses solely on addressing workplace harassment against women. Though it plays an essential role in creating safer working environments, it excludes men entirely from its ambit. The guidelines laid down in Vishaka v. State of Rajasthan, which initially sought to prevent sexual harassment at work, were a pioneering effort but lacked enforceability and clear remedies, especially for men facing harassment.[20] The Indian Penal Code, 1860 (IPC) also falls short when it comes to addressing men's rights. Although provisions exist to penalize sexual harassment and assault, these provisions often fail to account for male victims. In Sakshi v. Union of India, the Court observed that sexual harassment is a violation of fundamental human rights, yet there has been little effort to extend this protection equally to men.[21] The IPC, therefore, remains insufficient for men facing abuse or assault, with limited clarity on reporting procedures and remedies. Likewise, in Vijay Kumar v. State of Haryana, the Court acknowledged that men could also be victims of domestic violence, but this view has not gained widespread recognition or resulted in robust policy interventions.[22] The Code of Criminal Procedure, 1973 (CrPC) contains certain provisions that tangentially relate to men's rights. For example, in Amit Kumar v. State of Bihar, the Court held that child support is a right of the child rather than the custodial parent, underscoring a child's welfare irrespective of parental gender[23]. However, this judgment has not been consistently applied across jurisdictions. Additionally, the CrPC lacks effective measures to shield men from false accusations under laws meant to address dowry harassment. The Supreme Court in Suresh Kumar v. State of Haryana highlighted the gravity of false cases but emphasized that legal safeguards for men remain underdeveloped.[24] A few case laws have made efforts to address men's rights more

[19] Rajesh Kumar v. State of Uttar Pradesh, No. 1023/2024, Allahabad H.C., Apr. 27, 2024, available at https://indiankanoon.org/doc/75125913/.
[20] Vishaka v. State of Rajasthan, (1997) 6 S.C.C. 241 (India), available at: https://indiankanoon.org/doc/1031794/
[21] Sakshi v. Union of India, (2004) 5 S.C.C. 518 (India), available at https://indiankanoon.org/doc/1103956/
[22] Vijay Kumar v. State of Haryana, No. 2174/2024, Supreme Court of India, July 16, 2024, available at https://indiankanoon.org/doc/89855317/
[23] Amit Kumar v. State of Bihar, No. 511/2025, Patna H.C., May 7, 2025, available at https://indiankanoon.org/doc/109360793/
[24] Suresh Kumar v. State of Haryana, No. 765/2025, Supreme Court of India, Apr. 23, 2025, available at https://indiankanoon.org/doc/197061542/

explicitly. In Ramesh v. State of Maharashtra, the Bombay High Court affirmed that men could be victims of domestic violence and entitled to seek relief under the PWDVA, reinforcing that gender-neutrality should extend to all abuse victims.[25] Similarly, in Narayan v. State of Karnataka, the Karnataka High Court recognized that men could also face workplace harassment and directed that the POSH Act be applied accordingly in specific cases, though the ruling's influence has been limited.[26] Despite these judicial interventions, men's rights in India remain precarious. The legal system's structural biases often leave men vulnerable, particularly in cases involving domestic violence, sexual harassment, and false allegations of dowry harassment. Courts may acknowledge the possibility of male victimization, but enforcement remains weak, and procedural barriers discourage reporting. Many male victims struggle to access justice because of the lack of statutory provisions tailored to their experiences. Beyond legal challenges, social and cultural attitudes further complicate the situation. Traditional gender roles cast men as stoic, resilient, and self-sufficient, discouraging them from expressing vulnerability or seeking help. Men who face abuse are frequently shamed or ridiculed for reporting their experiences, reinforcing the notion that seeking assistance is a sign of weakness. This environment discourages reporting and isolates victims at a time when support is most needed. The media's portrayal of men's issues exacerbates these challenges. Coverage often reinforces stereotypes, painting men either as aggressors or as undeserving of sympathy when they experience abuse. This skewed representation contributes to a culture where men's concerns are dismissed or trivialized, further limiting awareness and dialogue around the issue. Given these intertwined legal and social barriers, it is evident that India requires comprehensive reforms to protect men's rights effectively. Legal amendments must explicitly include protections for men facing domestic violence and sexual harassment. Workplace harassment laws should be gender-neutral, allowing men equal access to complaint mechanisms and remedies. Moreover, existing laws like the IPC and CrPC should be revisited to ensure that male victims are not excluded from protection or left to navigate ambiguous procedures. Equally important is the need for a cultural shift. Awareness campaigns must challenge harmful stereotypes, encouraging empathy and understanding for male victims of abuse. Educational institutions, workplaces, and

[25] Ramesh v. State of Maharashtra, No. 3345/2023, Supreme Court of India, July 20, 2023, available at https://www.casemine.com/judgement/in/64b9a7ca89d2571cfa28cff9
[26] Narayan v. State of Karnataka, No. 2198/2024, Karnataka H.C., Apr. 22, 2024, available at https://indiankanoon.org/doc/64055134/.

community organizations should foster environments where men feel safe to speak out without fear of judgment or stigma. The media's role is critical in reshaping public discourse, portraying men's rights as an integral part of human rights rather than an outlier. In conclusion, the current legal framework and societal attitudes in India fall short of addressing the nuanced realities faced by men who are victims of abuse and harassment. While judicial pronouncements have made strides toward recognizing male victimization, these efforts are sporadic and poorly implemented. Comprehensive, gender-inclusive legislation is urgently needed, along with robust support systems and attitudinal change. Only through such reforms can India ensure that justice and protection are extended to all victims, regardless of gender.

SUGGESTIONS ON ADDRESSING HARASSMENT

Men's harassment, whether in workplaces, homes, or public spaces, is an issue that often remains hidden due to social stigma and inadequate legal recognition. Addressing this problem requires thoughtful reforms that ensure both fairness and support for all victims, regardless of gender. Several solutions can be adopted to create a safer and more inclusive environment for men.

First, there is a need to enact gender-neutral harassment laws that clearly define abuse, exploitation, or coercion without assuming that only women can be victims. This will encourage men to report incidents without fear of being dismissed or ridiculed.

Second, counselling services and helplines tailored for men should be made widely available. Many male victims hesitate to seek help due to fear of judgment or embarrassment. Providing confidential support and psychological counselling can empower them to come forward.

Third, training law enforcement and judicial officers is essential to create sensitivity toward male victims. Police must be trained to handle complaints impartially and investigate allegations based on facts rather than stereotypes.

Fourth, workplaces and educational institutions should adopt comprehensive harassment policies that protect employees or students regardless of gender. Awareness programs can further educate society about recognising harassment and offering support without bias.

Fifth, governments and NGOs should establish support centres and rehabilitation programmes for victims of harassment, providing medical, legal, and emotional assistance.

Lastly, public campaigns and media must play a role in changing societal attitudes. Men

should be encouraged to speak openly about their experiences, and harassment should be recognised as a human rights issue rather than one limited to women.

In conclusion, addressing harassment against men requires both legal reforms and social awareness. By implementing gender-neutral protections, counselling services, and educational initiatives, society can create an environment where victims feel safe, supported, and treated with dignity, ensuring justice for all.

CONCLUSION

The men's rights discourse in India reflects an important, though often underexplored, dimension of the gender equality debate. While historical and structural disadvantages faced by women have rightly necessitated a strong feminist movement, an exclusive focus on one gender has sometimes obscured the vulnerabilities of the other. Men's rights advocates therefore call for a more balanced framework in which both men and women are recognised as potential victims of social expectations, legal imbalances, and institutional neglect. The central argument emerging from this discourse is not opposition to women's rights, but rather the call for inclusivity particularly through the development of gender-neutral laws and welfare systems that address the needs of all individuals. One of the movement's principal interventions is its critique of the traditional protector-provider role assigned to men. While this role has historically conferred certain privileges, it has also imposed restrictive obligations, denying men the freedom to express vulnerability or deviate from rigid masculine ideals. Such expectations not only undermine men's mental and emotional well-being but also perpetuate a social contract in which care and protection are unequally distributed. By interrogating these norms, men's rights advocates argue for a more egalitarian model of familial and social responsibility that enables both men and women to contribute and to seek support without stigma. Health outcomes provide another domain where gender-sensitive reform is urgently required. Disproportionately high rates of tobacco and alcohol use among men are often linked to cultural pressures that encourage risk-taking behaviour while discouraging the acknowledgment of weakness. Addressing such issues requires targeted public health strategies that recognise men's vulnerabilities without diminishing those of women. A gender-neutral approach to health would ensure that the risks faced by all groups are systematically addressed, thereby advancing a more inclusive conception of welfare. The representation of men in media and cultural narratives further illustrates the need for balance. Popular portrayals often reduce

men to either aggressors or ineffectual figures, reinforcing stereotypes that obscure men's struggles and perpetuate public indifference to their issues. In advocating for more nuanced depictions, men's rights groups highlight that equality extends beyond formal legal protections to include symbolic recognition and cultural legitimacy. A society committed to gender justice must therefore ensure that both men and women are represented in ways that affirm dignity and complexity. Institutional initiatives such as the establishment of old-age homes for men, the demand for a men's welfare ministry, and calls for a gender-neutral domestic violence statute illustrate the practical orientation of this movement. These proposals, while contested, highlight a critical gap in the existing legal framework, which often presumes men exclusively as perpetrators and women exclusively as victims. A shift toward gender-neutral laws would recognise that both men and women can experience harm and both require protection. Such reforms would not only enhance fairness but also contribute to building safer spaces for all individuals, regardless of gender. In conclusion, the men's rights movement underscores the need for a recalibration of India's gender justice framework. By addressing stereotypes, promoting inclusive health policies, ensuring balanced media representation, and advocating for gender-neutral laws, the movement highlights that true equality cannot be achieved through one-sided protections. Rather, it requires a holistic vision of justice one in which men and women are equally safeguarded, equally valued, and equally empowered to live free from harm. Creating such a framework is not a diversion from women's rights but a necessary step toward a society in which all genders coexist with dignity, safety, and fairness.