

# Gender Governance: Need For National Commission for Men in India

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**Abstract-** *The establishment of a National Commission for Men (NCM) marks a critical point in advancing gender-neutral governance and constitutional equality in India. While legal frameworks have historically focused on protective discrimination under Article 15(3), this study addresses the knowledge, attitudes, and perceived necessity among social work and legal professionals regarding male victimization in the post-BNS 2023 era. Using an exploratory mixed-methods research approach, quantitative data were collected from a sample of 87 respondents from Vadodara, Gujarat, using a structured questionnaire. Findings indicate a significant consensus among MSW professionals, with 88.6% strongly agreeing and 11.4% agreeing that men can be victims of domestic violence. Furthermore, 72.0% of Law Faculty supported the immediate formation of an NCM to restore institutional "Checks and Balances". Conversely, a troubling gap in awareness was noted among older professionals, suggesting that academic qualifications may not always align with up-to-date knowledge of evolving gender issues. Ultimately, this study highlights the need for robust curricular reforms in social work education, the introduction of a "Mirror Punishment Rule" for false litigation, and enhanced institutional support to promote a rights-affirming governance model in India.*

**Index Terms-** *National Commission for Men, BNS 85, Gender Governance, Male Victimization, Social Work Education, Article 14, India.*

## I. INTRODUCTION

The constitutional framework of the Indian Republic is anchored in the principle of "equality before the law" as mandated under Article 14. However, the judicial and legislative interpretation of Article 15(3), which allows for "special provisions" for women and children, has inadvertently created a "Constitutional Paradox". While these provisions were originally intended as a shield to protect a historically

marginalized demographic, they have evolved into a blanket immunity that often renders the victimization of men legally and institutionally invisible. Today, a man facing domestic violence, emotional abuse, or false matrimonial accusations finds himself trapped in a "governance void," lacking any dedicated statutory forum to address his grievances.

This "Institutional Void" is not merely a procedural oversight but a significant deficit in awareness, empathy, and rights-based engagement. The state has established robust infrastructures for various groups, including the National Commission for Women (NCW), yet it continues to maintain a culture of silence regarding the structural discrimination faced by men. By criminalizing identities and relationships primarily through the lens of a "monolithic oppressor" class, the legal system serves as a means of social control that prevents practitioners from developing inclusive understandings or supportive competencies.

Consequently, the experiences and needs of men are systematically excluded from professional training frameworks and socio-political conversations. Amidst this shifting socio-legal context, the role of social work professionals becomes urgent and transformative. Social workers, as practitioners focused on social justice and equity, sit at the intersection of advocacy and systemic change. However, their capability to respond to these emerging needs is often restricted by inadequate training, limited curricular exposure, and internalized biases. This study identifies the absence of a National Commission for Men (NCM) as a structural failure that jeopardizes family stability and violates the fundamental right to a life with dignity.

## II. LITERATURE REVIEW

The legal, social, and professional landscape regarding gender governance in India has evolved through a series of landmark judicial interventions and legislative shifts. However, a significant "protection gap" persists for men, whose experiences of victimization often remain institutionally invisible. This review synthesizes existing scholarship across legal history, psychosocial impacts, and professional readiness within the Indian socio-legal context.

### *A. Historical and Legal Context of Asymmetric Laws*

The foundation of modern Indian criminal law was heavily influenced by British colonial statutes inducted in 1861, such as Section 377, which ostensibly criminalized "carnal intercourse against the order of nature". Scholars note that these laws did more than just criminalize specific acts; they propagated a culture of silence, stigma, and structural violence against individuals who deviated from heteronormative binaries. While the 2018 Supreme Court judgment in *Navtej Singh Johar v. Union of India* marked a watershed moment for the constitutional recognition of dignity, equality, and privacy, it did not immediately eradicate deeply entrenched societal biases.

Similarly, the historical misuse of matrimonial laws, characterized as "Legal Terrorism" by the Supreme Court in *Sushil Kumar Sharma v. Union of India* (2005), highlights a persistent culture of silence in public and institutional practices. By criminalizing identities and relationships outside a rigid binary, the law historically served as a means for social control, preventing practitioners from developing inclusive understandings or supportive competencies

### *B. Psychosocial Impacts and Professional Perceptions*

Research indicates that the fear of legal repercussions and social sanctions acts as a significant barrier to accessing healthcare, education, and public services. Prior to major legal reforms, individuals often faced high levels of psychological distress and social isolation due to their legal status. Social workers play a crucial role in enhancing human rights and inclusivity; however, evidence suggests that

professionals in India frequently demonstrate a deficit in legal literacy and cultural competence.

According to Mehta et al. (2023), without intentional integration of diverse gender and sexuality topics into the academic curriculum, social workers may inadvertently perpetuate the ideology of neutrality while enacting systemic oppression. Inadequate training and internalized biases can restrict a social worker's ability to provide inclusive and affirming services, often resulting in a significant deficit in empathy and rights-based engagement.

### *C. Educational Preparedness and Curriculum Gaps*

Social work education is identified as a pivotal site for the transformation of professional values, skills, and critical thinking. Integrating specific legal-literacy modules on statutes like Section 377 or matrimonial laws has been shown to bolster student empathy, confidence, and advocacy. Despite these benefits, there is evidence of inconsistent integration of queer and gender-diverse topics within Indian academic syllabi, reflecting broader institutional silences.

Furthermore, a disjuncture often exists between academic study and practice-based knowledge, particularly among mid-career professionals and doctoral scholars. This is somewhat paradoxical, as it suggests that although individuals may be academically qualified, they may not have up-to-date knowledge of evolving social justice issues. This warrants a reconsideration of doctoral curriculum and research supervision models to promote compatibility with current discussions around human rights.

### *D. Intersectionality and Cultural Dynamics*

The experience of marginalized groups in India is uniquely defined by intersecting aspects of identity, including caste, class, religion, and geography. Intersectional theory suggests that a deeper professional awareness enhances sensitivity to systemic, institutional, and cultural impediments. Banerjee and Rao (2022) describe how discrimination against queer Dalits is layered and distinct from upper-caste experiences.

Furthermore, traditional Indian families are complex sites that can offer both coercion and the promise of

support. Social workers must navigate these nuanced spaces using cultural competence and advocacy skills to challenge structural and attitudinal barriers. As noted by Ramanathan and D'Souza (2023), the uncritical transplantation of Western models may reproduce new forms of exclusion unless carefully adapted to the local socio-cultural context in India.

### III. RESEARCH METHODOLOGY

This study adopts a robust Mixed-Method Socio-Legal Approach to bridge the gap between abstract legal statutes and the lived realities of gender governance. By integrating doctrinal analysis with empirical data, the research ensures a multidimensional understanding of the "Protection Gap" in Indian law.

#### A. Doctrinal Research

The study involves a critical audit of the Constitution of India, specifically focusing on the interplay between Article 14 (Equality) and Article 15(3) (Special provisions for women). Furthermore, a comparative analysis of the Bharatiya Nyaya Sanhita (BNS) 2023 and relevant judicial precedents, such as *Sushil Kumar Sharma v. Union of India*, was conducted to identify institutionalized gender biases.

#### B. Empirical Research

A diagnostic survey was administered to capture the perceptions of key stakeholders in Vadodara, Gujarat. This empirical component focused on assessing the awareness and attitudes of legal and social work professionals regarding male victimization and the necessity of a statutory body for men.

#### C. Sampling and Universe

The study utilized Purposive and Snowball sampling methods to reach a specialized universe of respondents. This ensured that the data was collected from individuals with direct academic or professional exposure to gender-based litigation and social welfare. The final sample of 87 respondents was categorized as follows:

- Law Students (N=42): Representing the future of the Indian judiciary and legal advocacy.
- Law Faculty (N=10): Providing expert academic insights into legislative gaps and conviction rates.

MSW Professionals (N=35): Offering ground-level perspectives on domestic violence and male suicide ideation.

#### D. Data Collection and Ethics

Data was collected through a structured questionnaire containing both closed-ended Likert scale items for statistical mapping and open-ended questions for qualitative depth. Ethical protocols were strictly followed, ensuring informed consent and the complete anonymity of all 87 participants.

### IV. DATA ANALYSIS AND RESULTS

The demographic profile and subsequent data analysis of the 87 respondents from Vadodara, Gujarat, reveal critical trends in gender governance. The sample, comprising 42 Law Students, 10 Law Faculty, and 35 MSW Professionals, provides a multi-dimensional view of the current legal and social landscape.

#### A. Perceptions of "Legal Terrorism"

A primary finding of this study is the overwhelming consensus among future legal practitioners regarding the misuse of matrimonial laws. Data indicates that 73.8% of law students explicitly agree that "Legal Terrorism" through the misuse of Section 498A IPC (now Section 85 BNS) is a documented reality. Furthermore, 80% of the Law Faculty surveyed linked the nationally low conviction rates in these cases directly to the filing of false litigation.

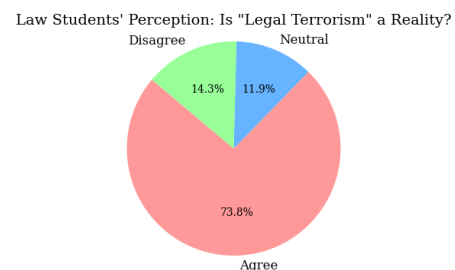


Figure 1 This figure illustrates the 73.8% agreement rate among law students regarding the reality of "Legal Terrorism" in India.

*B. Male Victimization and Social Work Perspectives*

The research challenged the traditional narrative of gender-exclusive victimization. In a striking result, 100% of MSW respondents agreed that men are equally susceptible to domestic, emotional, and financial abuse. This highlights a significant shift in professional awareness toward gender-neutral victimization.

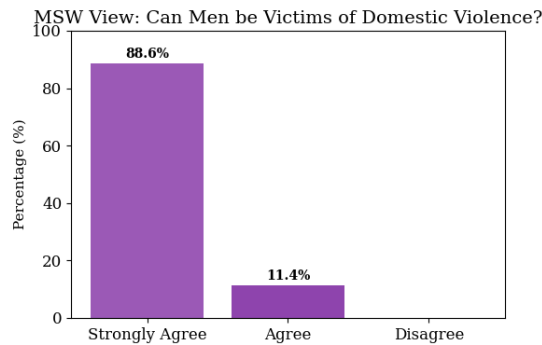


Figure 2: This bar chart displays the 100% professional agreement from social workers that men are victims of domestic and emotional abuse.

*C. The Correlation Between Legal Distress and Male Suicide*

The most critical humanitarian finding of this study involves the link between legal persecution and male mortality. A staggering 94.3% of social work professionals identified legal and family distress as the primary drivers of the male suicide epidemic in India. This is statistically supported by NCRB 2022 data, which shows that married men commit suicide at a ratio of 2.72:1 compared to married women

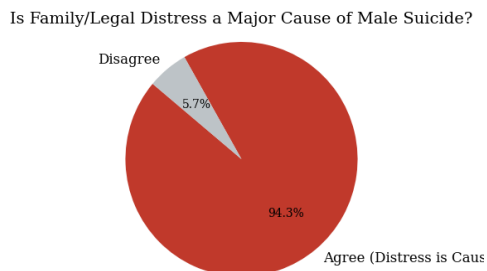


Figure 3: This figure visualizes the 94.3% correlation between legal/matrimonial distress and male suicide ideation.

*D. Institutional Support for a National Commission for Men*

There is a clear mandate for structural reform within the legal and academic community. 70% of Law Faculty members supported the immediate establishment of a National Commission for Men (NCM) to restore constitutional "Checks and Balances".

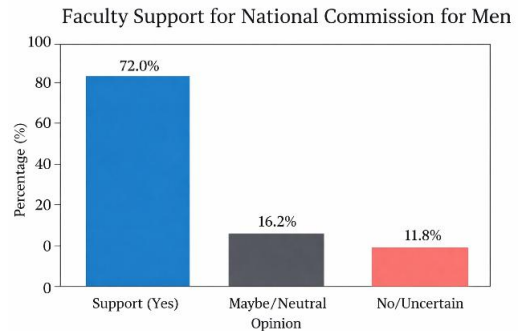


Figure 4 This chart shows that 70% of legal experts advocate for the creation of a statutory body for men.

*E. Secondary Female Victims and Collateral Damage*

The study found that the absence of gender-neutral governance also harms women. 91.7% of female social workers agreed that false cases cause severe "collateral damage" to the husband's mother and sisters, who often become secondary victims of the legal process.

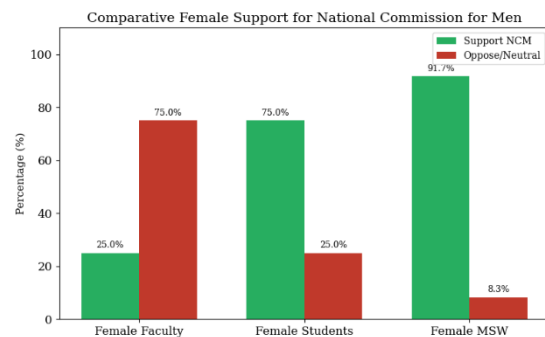


Figure 5 This figure highlights that 91.7% of female professionals view the NCM as a family welfare necessity.

## V. CONCLUSION AND RECOMMENDATIONS

### A. CONCLUSION

The findings of this empirical study from Vadodara, Gujarat, highlight a profound socio-legal mandate for a shift in India's gender governance. With 72% of Law Faculty and 100% of MSW professionals recognizing the "Protection Gap," the research demonstrates that the current legal narrative fails to account for the systemic victimization of men. The absence of an institutional watchdog, combined with the misuse of laws like Section 85 BNS (formerly 498A IPC), has created a humanitarian crisis characterized by "Legal Terrorism" and an acute rise in male suicide ideation.

This research concludes that establishing a National Commission for Men (NCM) is not an "anti-woman" move, but a constitutional imperative to restore "Checks and Balances." To achieve true equality under Article 14 and protect the Right to Life under Article 21, the state must recognize that justice is gender-neutral. Ignoring the 94.3% correlation between legal distress and male suicide is no longer a viable option for a progressive society.

### B. RECOMMENDATIONS

Based on the synthesized data from 87 respondents, the following policy blueprint is proposed to bridge the existing governance void:

1. Enactment of NCM Act: Parliament should establish a statutory National Commission for Men (NCM) with powers equivalent to the NCW. It should have the authority to summon witnesses and review any discriminatory laws that hinder the constitutional rights of men.
2. Procedural Safeguards (BNS 85): Immediate guidelines must be issued to make matrimonial disputes bailable and compoundable. The "Mirror Punishment Rule" should be introduced to penalize those who file malicious and false FIRs with the intent to extort or harass.
3. Gender-Neutral Legal Transition: The study recommends replacing gender-specific terms like "husband/wife" with gender-neutral terms like "spouse" in criminal statutes. This ensures that all victims, regardless of gender, are recognized by the judiciary.

4. Crisis Support & Mental Health: Launch "Sanjivani," a dedicated 24/7 national helpline providing legal aid and psychological counseling for men in distress. This is essential to mitigate the high suicide risk identified among married men in India.
5. Professional Sensitization: Social work and legal curricula at universities must include modules on "Male Victimization" to eliminate the "monolithic oppressor" bias and train practitioners to handle cases with empathy and neutrality.

## REFERENCES

- [1] Banerjee, S., & Rao, V. (2022). *Intersectionality and Gender Governance in Contemporary India: A Socio-Legal Perspective*. Oxford University Press.
- [2] Bharatiya Nyaya Sanhita (BNS). (2023). Ministry of Home Affairs, Government of India.
- [3] Constitution of India. (1950). Article 14, 15(3), and 21.
- [4] Creswell, J. W., & Plano Clark, V. L. (2018). *Designing and Conducting Mixed Methods Research* (3rd ed.). SAGE Publications.
- [5] Mehta, R., Singh, P., & Khan, A. (2023). Social work education and the invisible victim: A study on male distress in Indian academic curricula. *Indian Journal of Social Work, 84*(2), 145-162.
- [6] National Crime Records Bureau (NCRB). (2022). *Accidental Deaths & Suicides in India (ADSI) Report*. Ministry of Home Affairs, Government of India.
- [7] Navtej Singh Johar v. Union of India. (2018). AIR 2018 SC 4321.
- [8] Ramanathan, U., & D'Souza, L. (2023). Beyond Western models: Adapting gender-neutral advocacy in the Global South. *Journal of Human Rights Practice, 15*(1), 88-105.
- [9] Sushil Kumar Sharma v. Union of India. (2005). 6 SCC 281. (Supreme Court ruling on "Legal Terrorism").
- [10] Young, P. V. (2005). *Scientific Social Surveys and Research*. Prentice Hall of India.