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# **MEN'S COMMISSION: ADVANCING GENDER EQUALITY AND EMPOWERMENT IN INDIA**

AUTHORED BY - YASHI SHUKLA

## **Introduction**

India is a diverse country where all citizens are treated equally and without any discrimination. Gender Equality conveys that the interests, needs and priorities of both women and men and girls and boys are taken into consideration, recognizing the diversity of different groups and enabling all human beings to develop their personal abilities and make choices without the limitations set by stereotypes and prejudices about gender roles.<sup>1</sup> When there is one sided power given to a set of people, it is bound to be misused. In India, the number of cases involving fabricated rape accusations against males are proliferating at a rapid pace and it has become a matter of great concern. According to the *National Crime Records Bureau* (NCRB), about 74% of rape cases under Section 376 of the Indian Penal Code turn out to be fake.<sup>2</sup> These kinds of allegations undoubtedly devastate the life of an innocent man, causing psychological distress, irreversible damage to their reputation, loss of respect, humiliation, loss of jobs and a slew of other hardships. This decade has recognised the necessity for a Gender-Neutral society. The Oxford Dictionary defines '*Gender Neutrality*' as an adjective that is appropriate for, applicable to, or shared by both male and female genders.<sup>3</sup> It symbolizes the notion that legislation, language, and other social institutions ought not to discriminate against people's sex or gender, and it advocates for equal legal treatment of men and women without prejudice. This paper envisions a world in which equality is established in its real sense, and not at the expense of any gender. The main goal of this research paper is to address issues impacting Men's rights and well-being, conduct research on the impact of traditional gender roles on mental health, domestic relations, occupational opportunities and to foster gender equality.

## **Abstract**

Gender is used to describe the characteristics of women and men that are socially constructed.

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<sup>1</sup> Rui Nomoto & UNICEF Regional Office for South Asia, Gender Equality: Glossary of Terms and Concepts (2017), <https://www.unicef.org/rosa/media/1761/file/Genderglossarytermsandconcepts.pdf>.

<sup>2</sup> Tanya Trivedi, 74% of all rape cases filed in India are fake, TFI Post, <https://tfipost.com/2022/03/74-of-all-rape-cases-filed-in-india-are-fake> (last accessed on April 17, 2024).

<sup>3</sup>Oxford Learner's Dictionaries, Gender-Neutral, available at [https://www.oxfordlearnersdictionaries.com/definition/american\\_english/gender-neutral](https://www.oxfordlearnersdictionaries.com/definition/american_english/gender-neutral) (last accessed on April 17, 2024).

<sup>4</sup>The term “*gender justice*” has no universal definition and it is often being used interchangeably with terms such as “*gender equality*” or “*gender equity*”. The concept of gender justice is broader since it recognizes the duty and responsibility of ‘social institutions’ to offer justice to those denied equal rights and opportunities. The research paper highlights the significance of Men’s Commission as an organization dedicated to address gender equality, positive masculinity and empowerment. And thereby reviewing the growing literature on false male rape allegations, male sexual assaults and mental trauma existing in today’s generation. The paper also delineates possible means for eradicating the problems faced by men at the individual, institutional, and societal levels. It aims to provide justice to the male community by incorporating a Men’s commission, similar to the National Commission for Women to address the issues of gender inequality and to develop gender neutral laws.

**Keywords:** Men’s Rights, Abuse of power, Gender Equality and Empowerment, Mental Health, Gender Neutrality

### **Research Problem**

Men confront hurdles in fields such as employment, occupation, mental health, relationships, stereotyping in society and overall quality of life. This research paper highlights the issue of lack of representation and recognition of Men’s challenges attributed with gender equality discussions, limited assistance and support for men facing domestic cruelty or abuse, stereotyping and social norms that impede men from expressing themselves and disparities in parental rights and custody disputes favouring mothers over fathers. There are other complications that men encounter in workplace such as salary disparities, occupational health concerns, and limited paternity leave alternatives. Furthermore, this study will additionally focus on Men’s mental health issues and the impact of societal pressures on their well-being.

### **Research Questions**

1. What is the role of a Men’s Commission in promoting gender equality and empowerment?
2. How does a formation of Men’s Commission will address the specific needs and obstacles that men confront with regard to gender equality?
3. What measures or programs does a Men’s Commission implement to advance gender equality and empowerment?
4. How does a Men’s Commission engage with different stakeholders, such as women’s organizations and government agencies, to foster gender equality?

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<sup>4</sup> World Health Organization, Gender, WHO/Europe, <https://www.who.int/europe/health-topics/gender> (last visited Mar. 31, 2024).

5. What are the potential benefits/advantages of establishing a Men's Commission in promoting gender equality and empowerment?

### Research Objectives

1. To understand the role and functions of a Men's Commission in promoting gender equality and empowerment.
2. To investigate the challenges confronted by men in achieving gender equality and empowerment.
3. To examine and advocate for initiatives and policies that encourages Men's empowerment while ensuring inclusivity and respect for women's rights and to enforce strict rules and regulations with regards to gender equality.
4. To facilitate dialogue and cooperation among stakeholders to develop effective strategies for enhancing gender equality for both men and women.
5. To identify best practices and principles learned from current Men's rights for future implementation.

### Literature Review

Mahesh Kumar Tiwari v. Union of India.<sup>5</sup>

In the instance of Mahesh Kumar Tiwari, the Apex Court refused to hear the plea seeking the set-up of a National Commission for Men, same as to the National Commission for Women, to address issues concerning domestic violence suffered by married men. The Apex Court has directed the petitioner to the competent authority. The critical analysis can be drawn by the above judgment stating the powers of the judiciary. There exists an immediate requirement to ascertain the rights of men as women's by implementing legislation and forming a government organization to control the injustices faced by men.

Dr. Aliraza Javaid <sup>6</sup>

In this thesis, the author investigates the attitudes and behaviours of governmental and voluntary agencies toward male rape victims in England. The author conceptually contributes to discourses on unrecognized and unreported rape, as well as a larger literature on non-reported crime. The

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<sup>5</sup> P. Bhardwaj, A National Commission for Men? SC Refuses to Entertain Plea, SCC Blog, SCC Times (July 4, 2023), <https://www.scconline.com/blog/post/2023/07/04/national-commission-for-men-sc-refuses-to-entertain-plea-domestic-violence-legal-news/>.

<sup>6</sup> Dr. Aliraza Javaid, Male Rape, Masculinities, and Sexualities: Understanding, Policing, and Overcoming Male Sexual Victimization, B.Sc. (Hons), M.Sc., M.Res., Ph.D., University of Newcastle School of Geography, Politics, and Sociology, October 2017. Available at <https://theses.ncl.ac.uk/jspui/bitstream/10443/3922/1/Javaid%2C%20AR%202017.pdf>

paper focuses on how gender, sexualities, and masculinities influence and shape state and non-profit organizations knowledge of male rape and their perceptions of males as rape victims. The thesis primarily focuses on male rape, masculinities, and sexualities in England, neglecting to address the global perspective on these issues. Additionally, it lacks a discussion on the legislative measures that could have been implemented to secure justice for male victims. This critique emphasizes the need for the author to explore the challenges encountered by male victims worldwide and to delve into potential legal actions that could ensure justice for all male victims.

Warren Farrell<sup>7</sup>

The author of this book explores various aspects of our legal system, world history, faiths, psychology, sociology, success, suicide, love, politics, and psychology related to domestic violence, date rape, and sex. He argues that men's dominance in corporate and political spheres has obscured the true essence of power, which he defines as "control over one's own life." The author contends that men are often viewed as expendable, masking their inner vulnerabilities and struggles with feelings of weakness and powerlessness. He advocates for gender studies to facilitate a shift for both men and women towards a more balanced and fulfilling existence, moving away from rigid gender roles to embrace flexibility. However, the author's work is criticized for its perceived bias towards highlighting the challenges faced by men without offering sufficient solutions.

R.W. Connell<sup>8</sup>

The article traces the emergence of a global debate about men and gender equality reform, as well as attempt to analyze the prospects for reform initiatives involving men. He contends that men and boys are crucial gatekeepers for gender equality in a significant way, where the question is whether they are willing to accept major reforms or not. One of the drawbacks of the article was that the article is tremendously wide i.e., it doesn't focus on a pertaining particular subject or issue. The author has described the concept of gender equality in a global level which fails to provide a solution for a particular region.

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<sup>7</sup> Farrell, Warren. *The Myth of Male Power: Why Men Are the Disposable Sex*. Berrett-Koehler Publishers, 2001.

<sup>8</sup> R.W. Conell, *Male Victims of Sexual Assault: A Review of the Literature*, 10 *J. Int'l Women's Stud.* 1 (2023), <https://doi.org/10.1086/427525>.

Aradhya Singh<sup>9</sup>

The above author has emphasized on Gender inequality as a concept that both men and transgender people confront at some point in their lives, and it cannot be dismissed. She states that the society's belief system regards women as lesser and males as stronger members of society. The author asserts that some women take advantage of these rules because there is no legislation that can punish women in such instances, hence it is highly suggested that laws be gender neutral. To address gender-based power disparities in Indian society, the state can implement equal proof standards. Give the appropriate punishment to the perpetrator of sexual harassment, but if it is being abused, the punishment should be equally harsh for all.

Susmita Sen<sup>10</sup>

*The author in this paper discusses how false rape charges affect the legal system and society. It demonstrates that more than half of rape cases end in acquittals following lengthy court proceedings. The NHRC recommends that accused parties' identities be kept a secret until a court makes a decision in order to shield them from "false cases." The threat of fabricated rape accusations has influenced the development and application of legal concepts, as well as techniques for influencing police and prosecutor decisions. The essay delves into the consequences of false charges of rape on the accused, encompassing the infringement of their constitutional rights to life and personal freedom, social contempt, and imprisonment. Further, the article provides recommendations for remedies, draws attention to the consequences for false accusers, and discusses potential defences for persons charged with filing false police reports.*

*Sejal Sharma vs State of Haryana*<sup>11</sup>

*In this case, the petitioners allegedly threatened the defendant by filming him with a female and threatening to file a false rape complaint against him if he would not pay them Rs. 20 lacs. The Allahabad High Court stated that because girls/women have the "upper hand" when it comes to legal protection, they "easily succeed" in incriminating a boy or male in such circumstances. The above-mentioned judgment fails to provide adequate punishments to the offenders which*

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<sup>9</sup> Aradhya Singh, Gender Inequality in Rape Laws, International Journal of Law Management & Humanities, Volume 4, Issue 4, 2035-2054 (2024). Available at <https://ijlmh.com/paper/gender-inequality-in-rape-laws/>

<sup>10</sup> Susmita Sen, False Rape Allegations and its Implications on basic Legal Rights of the accused, Jus Corpus Law Journal, 2023. Available at <https://www.juscorpus.com/wp-content/uploads/2023/02/139.-Susmita-Sen.pdf> (last accessed on April 17, 2024).

<sup>11</sup> AIR 2021 P & H 1084 (2021).

*encourages them to perform such activities. This piece of paper tends to focus on the injustice to men. There should be equal rights for both men and women; where there is a heinous crime, a mere confession of a girl might destroy a man's life.*

*John C. Thomas & Jonathan Kopel<sup>12</sup>*

*In the above article the author has asserted that comparison to female rape victims, the literature on male rape victims continues to be of growing interest to counselors and scholars. The aim of this paper is to examine the growing body of material on male sexual assault victims. The review focused on male victims of sexual assault including an overview of male sexual assault, male rape myths, prevalence, responses to male victimization, populations and perpetrators of male victimization, the impact of sexual assault against men, help-seeking, and implications for counseling etc. The aforementioned article fails to propose adequate solutions upon the said problem faced by men. It has failed to establish or enact a separate legislature for the injustice caused.*

### **Hypothesis**

The current study is intended to evaluate the following hypothesis, which was established after analysing the available literature on the subject. The following is a statement of the current research's hypothesis:

1. Establishing a Men's Commission will promote gender equality and empower men who encounter prejudice, as gender disparity is not limited to women.
2. The commission will propagate positive masculinity and break down the harmful gender stereotypes.
3. The formation of Men's Commission will eradicate the number of fabricated allegations and promote parenting, caregiving and domestic responsibilities to men.

### **Research Methodology**

*The methodology employed is Empirical Research Methodology. The study is both quantitative and qualitative in nature. The data collection method is literature review, interviews, surveys and ethnography. And the source of research shall be both primary and secondary sources.*

**Survey Method (Primary Data):** *This primary data collection approach used a questionnaire*

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<sup>12</sup> John C. Thomas & Jonathan Kopel, Male Victims of Sexual Assault: A Review of the Literature, National Center for Biotechnology Information (NCBI), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10135558/> (last accessed on April 17, 2024).

conducted via an online survey with multiple-choice questions (MCQ) format. Participants were chosen using a probability sample procedure, with an emphasis on those aged 18 and up. The survey questions were designed to elicit direct responses about thoughts, feelings, and behaviours in order to produce accurate estimates of the population's opinions. The questionnaire sought to determine the proportion of people who see gender inequality as more than just a women's issue, examine men's experiences with sexual harassment, and assess the significance of gender-neutral legislation. The study sought to gather information supporting the need for more gender inclusion in public perceptions and legal frameworks by challenging the binary understanding of gender while also considering men's opinions into account.

**Deductive Method (Secondary Data):** The deductive approach of secondary data collecting entails obtaining information from the opinions of prominent scholars, evaluated journal articles, social activists, politicians, historical legislation in India with amendments, and reports from various committees. This information is used to determine whether the sources support or oppose a specific hypothesis. The purpose of this paper is to provide an accessible summary pertaining to prominent individuals' perspectives on the need for rape legislation reform.

### **Survey Report Analysis**

**Section 1:** This survey's impact can be comprehended as either positive or negative. What one person perceives as negative stress may differ from another's, emphasizing the relevance of individual opinions on situations. This study indicates to assist individuals identify and resolve negative impacts, thereby supporting them in efficiently handling impediments. The survey includes 6 questionnaires distributed to people aged 18 and above, including both men and women. A total of 73 persons took part, with 45.2% being female and 54.8% male.

### **Section 2: Eye-opening findings**

Table 1: Respondents were asked if *they were familiar with the concept of a Men's Commission*. Out of 73 respondents, 49.3% strongly disagreed with the assertion that they are unaware of the concept of a Men's Commission, while 50.7% agreed with it. This was as follows:

**Table 1**

Were you previously aware of the concept of a Men's Commission?  
73 responses

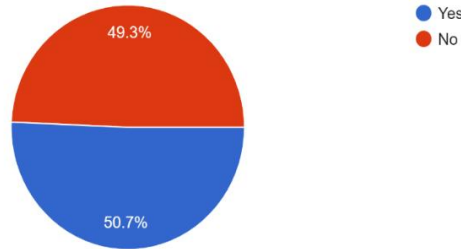


Table 2: Similarly, when asked if they believe there is a need for a Men's Commission to address specific difficulties faced by men? The findings may surprise you, as few respondents believe there is no need for a men's Commission to address specific concerns faced by males. On the one hand, 91.8% of 73 replies support this approach, while 8.2% believe that a men's Commission is unnecessary to address unique difficulties faced by males. The graph is attached below for reference:

**Table 2**

Do you believe there is a need for a Men's Commission to address specific challenges faced by men?  
73 responses

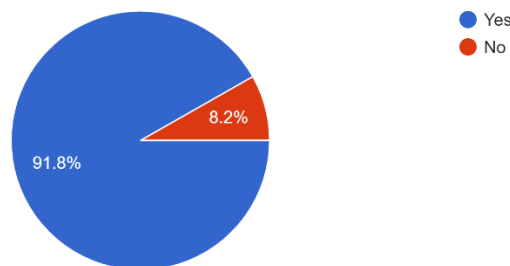


Table 3: The next question asked was that what are the challenges you think a Men's Commission shall address? The majority of participants, 47.8%, identified mental health as a major challenge that must be addressed, while 26% believe there are family court and custody issues, and 15.1% believe there are educational discrepancies. The graph is attached below for reference:

Table 3

If yes, please select the challenges you think a Men's Commission should address:  
73 responses

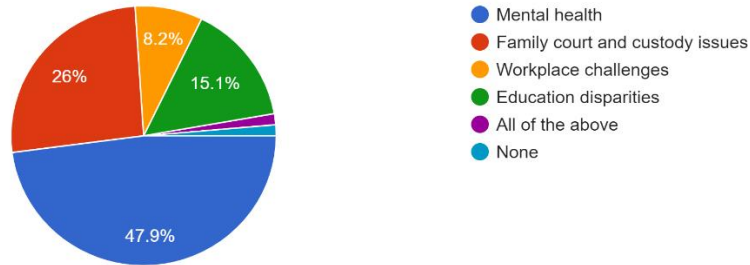


Table 4: The researcher next asks them (respondents): *Do you have any issues or complaints about the establishment of a Men's Commission?* The response to this particular issue resulted in a significant shift in opinions because people had conflicting feelings, i.e., they had their own concerns about establishing a Men's Commission. Among 73 respondents, 37% believe there is a risk of reaction, 34.2% believe there is a disconnect with our country's gender equality goals, and 19.2% believe there is no need. Only 2.7% believe there are no concerns about the matter, while the rest chose alternative possibilities such as unemployment, unfamiliarity with the notion, etc. The graph is attached below for reference:

Table 4

Do you have any concerns or criticisms regarding the establishment of a Men's Commission?  
73 responses

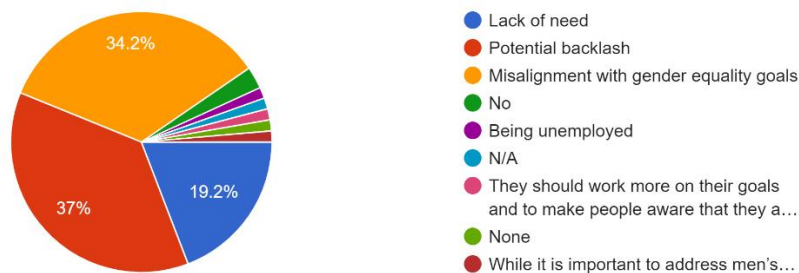
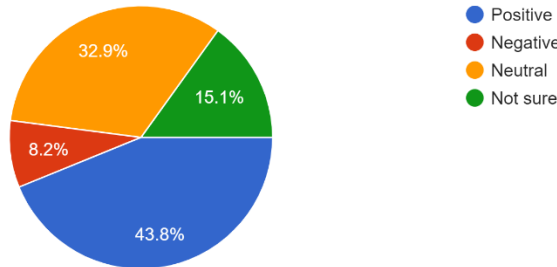


Table 5: Then respondents were given a question that: *How do you think the general public might perceive the establishment of a Men's Commission?* where the findings were as follows-

Table 5

How do you think the general public might perceive the establishment of a Men's Commission?  
73 responses

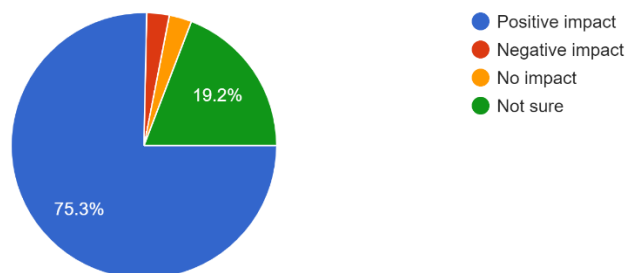


Approximately 43.8% believe that the general public will positively perceive the proposal of establishing a Men's Commission. Only 8.2% believe that there will be a negative influence on the public. While 32.9% had a neutral response to the subject, the remainder were unsure.

Table 6: Finally, researchers questioned them: *In your perspective, how may the establishment of a Men's Commission affect gender relations and society attitudes in the long run?* According to the results, approximately 75.3% believe that the establishment of a Men's Commission will have a long-term impact on gender relations and society attitudes, while 19.2% are unsure. The graph is attached below for reference:

Table 6

In your opinion, how might the establishment of a Men's Commission impact gender relations and societal attitudes in the long term?  
73 responses



**Section 3: Coverage & Scope-** The survey was limited to a small sample size due to its tactful content. The research project aims to expand the scope of the survey by incorporating perspectives from prominent scholars, journals, lawyers, committees, existing laws in India with amendments, and case studies.

## 1. *What Are Men's Right?*

*The Men's rights movement (MRM), also known as Men's rights activism (MRA), masculism, or "The Men's Human Rights Movement," is a fringe movement that believes that social, legal, and economic discrimination against men exists in society to such an extent that combating it requires an organized effort comparable to that of feminism, and that any and all variants of feminism do far more harm than good. Some may depict Men's rights as a loose association of concern organizations addressing with issues such as inadequate financing for testicular cancer treatment or other real issues that are specific to males. Sadly, this isn't the situation. These aren't about "Men's issues," but about a non-existent subject called "Men's rights."*

*According to activists, society has grown biased and sexist against males. They also allege that men face discrimination in the media, the government, and the Supreme Court. Men's rights organizations are battling custody rules that favor mothers over dads, as well as violence against males, false rape charges, disproportionate jail terms for men, and conscription. For instance, the corporation is perceived as discriminating each time a woman is passed up for an office position. However, it is regarded typical when a male coworker loses his position due to a female employee. These are some of the inequities that Men's rights organizations are attempting to rectify.*

## 2. *Understanding Men's Rights: Disseminate Myths and Misconceptions*

*The origins of a self-identified modern Men's rights movement can be found in an 1856 article in Putnam's Monthly, which advocated for an end to laws that held men legally responsible for the actions of women in relationships. An example of one such law was the 'heart balm' suit, which awarded financial compensation to the person who broke off an engagement to marriage (usually the woman receiving compensation). Women were known to abuse this suit by 'gold-digging,' which involved pretending to be in love before breaking off the engagement or blackmailing men they were engaged to.*

*A Putnam's Monthly article published in 1856 marked the beginning of the Men's Rights Movement (MRA), which called for the repeal of laws holding men legally accountable for the behaviour of women in intimate relationships. One such statute was the 'heart balm' action, which offered financial recompense to the individual who broke off a marriage engagement. Women were known to abuse this suit by 'gold-digging,' pretending to love and calling off an engagement, or blackmailing men to whom they were engaged. By the late 1920s, the scam had spread like wildfire and was a lucrative business for both scam artist attorneys and tearful*

*pretend girlfriends. Ernest Belfort Bax, a Marxist writer and anti-suffragist, was the first well-known author of Men's Rights Movement literature. He published *The Legal Subjection of Men* in 1908 and *The Fraud of Feminism* in 1913. Bax advocated against discriminatory sex favoritism toward women, claiming that capitalism inevitably places males in a slave relationship with women, and that only socialism could liberate men from women.*

*During the late 1970s, a self-conscious liberal feminist movement known as the "Male Liberation Movement" came to an end. Members of the movement had entirely divided into two groups by the early 1980s: those who concentrated on the "cost of male gender roles to men" and those who just saw sexism as a system in which men oppress women. The 1980s witnessed the growth of "Men's Rights Activists" who concentrated mostly on Men's oppression and less on feminist concepts of altering societal roles in general. According to MRAs, feminism and women "went too far" and hurt males in the process. With the rise of the internet, fringe groups of Men's rights activists began communicating with one another, establishing discussion forums for the wretched existence that males were forced to live in a world dominated by women. Outside of radical voices, Men's rights in the modern world are a niche market, although certain groups have helped influence attitudes of laws and their implementation in divorce courts, custody fights, and other legal forums.*

*Men's Rights activists (MRAs) found a new home on the internet, where they developed a complicated pseudo-academic framework. The movement and its offspring established a little orgy of phrases and notions, many of which are redundant. A notable example is the Red Pill community, which divides males into distinct categories depending on social status. The necessity of these concepts for a reasonable critique of current feminism is beyond comprehension.*

### **3. Debunking The Myth of Antagonism Between Feminism and Men's Rights**

*Debunking the anticipated animosity between feminism and the Men's Rights Movement (MRM) requires a thorough assessment of the two movements' common ground, goals, and possibility for collaboration. Feminism advocates for gender equality by challenging patriarchal structures, promoting women's rights, and countering negative stereotypes. It is anchored in resolving historical and systematic inequities faced by women. Simultaneously, the Men's Rights Movement (MRM) focuses on addressing specific issues that men experience, such as bias in family courts and mental health stigmas.*

*The misunderstanding of enmity stems from a naive belief that supporting one movement undermines the other. In actuality, feminism and the Men's Rights Movement both strive for a*

*fairer society by overcoming limiting gender norms and stereotypes. Recognizing that addressing one set of gender-related concerns does not diminish the significance of the other allows for a more inclusive a discussion.*

*For a comprehensive response to gender issues, constructive collaboration between feminism and the Men's Rights Movement is required. Collaborative efforts can focus on intersectional areas where both groups' goals align, such as promoting shared parenting models, challenging conventional gender stereotypes, and fighting for mental health awareness and support for all. A more inclusive and cooperative strategy can emerge by understanding and addressing the distinctive problems of each movement.*

*It is critical to transcend the myth of antagonistic relations and realize the possibility of collaboration between feminism and the Men's Rights Movement. Dispelling this myth allows for a more nuanced view of gender dynamics and develops an environment in which both groups may collaborate to create a society that tackles the numerous difficulties that people of all genders experience. This collaborative approach promotes positive change for the benefit of all and contributes to a greater understanding of the complexities inherent in gender issues.*

#### **4. Navigating Men's Challenges**

*To navigate men's concern, it is essential to address prejudices in family courts for equitable domestic relationships, ensure that false accusations of rape receive a fair legal response, overcome stereotypes that limit emotional expression, push for extended paternity leave to challenge traditional gender roles, and support shared parenting models to address disparity in parental rights and custody disputes. Fostering an equal and supportive society that acknowledges the different needs of every person, regardless of gender, requires a collaborative and inclusive approach. The challenges are as follows:*

- 1. Domestic Relations: Biases in family courts are a common obstacle faced by men managing domestic relations issues. These prejudices may show up in court cases involving child custody and maintenance awards, when preconceived notions about conventional gender roles could impact the outcome. Men's rights activists emphasize the relevance of a fair legal process that considers the best interests of every individual involved, regardless of gender.*
- 2. False Rape accusations: The controversy of false rape allegations underlines the critical significance of having a fair, unbiased legal system that respects all people's rights. Even though fabricated accusations are uncommon, those who are wrongly accused can*

encounter severe repercussions. In order to handle this issue, it is vital to maintain a balance between meeting the demands of the victim and ensuring that the accused is fairly tried. *Rape is not only an offence against the person of a woman rather a crime against the entire society. It is a crime against basic human rights and violates the most cherished fundamental right guaranteed under Article 21 of the Constitution of India (State of Punjab v. Rammed Singh, 2003).* When reading the Supreme Court's above comment, one could conclude that rape is a crime against society as a whole. Also, the assumption that a woman may only be a victim or survivor of rape must be eradicated. Furthermore, with the recognition of homosexuality as a legitimate sexual orientation, there is growing concern about converting the gendered rape statute to a gender-neutral one.

3. *Stereotyping and Social Norms: Stereotypes and societal expectations that enforce conventional roles and restrict emotional expression are commonplace for men. It is critical to challenge these norms in order to foster a more inclusive and accepting society. In order to further the notion that men and women should be allowed to express a wide variety of emotions and choose different positions in society; advocates work to dispel damaging preconceptions.*
4. *Occupational Health Concerns: Men are disproportionately employed in dangerous jobs, which raises the risk of workplace accidents and fatalities. Advocating for better safety laws and working conditions is part of addressing occupational health issues. It also entails raising awareness of the physical and mental health issues that men in these occupations experience.*
5. *Limited Paternity Leave alternatives: The scarcity of paternity leave alternatives perpetuates traditional gender norms in which women are primarily responsible for caregiving. To encourage men to actively participate in family life and to promote a more equal distribution of caregiving tasks, proponents of Men's rights argue for legislation that allow for prolonged and flexible leave periods.*
6. *Disparities in Parental Rights and Custody Conflicts: Men navigating parental rights and custody conflicts frequently confront obstacles in the judicial system. In order to guarantee that both parents have a significant and equal role in their children's lives, shared parenting methods are encouraged. This approach aims to challenge beliefs about parental obligations and emphasizes the crucial role of a child's relationship with both parents to their overall well-being.*

## 5. Exploring The Shift Towards Gender Neutrality

*“Men who are sexually assaulted should have the same protection as female victims, and women who sexually assault men or other women should be as liable for conviction as conventional rapists. Considering rape as a sexual assault rather than as a special crime against women might do much to place rape law in a healthier perspective and to reduce the mythical elements that have tended to make rape laws a means of reinforcing the status of women as sexual possessions.”<sup>13</sup>*

Gender neutrality is a revolutionary movement aimed at breaking down gender stereotypes and promoting a more accepting, equal, and compassionate society. This movement includes language, regulations, institutions, and cultural attitudes, among other facets of existence. Gender-neutral language is being embraced in many contexts, including communication and language, with the goal of fostering a linguistic environment that values the variety of gender manifestations. Dynamics in the workplace are also essential to the transition to gender neutrality. Businesses are working to provide gender-neutral workplaces that prioritize diversity, equitable pay, and promotion chances. More gender-neutral workplaces are a result of diverse and inclusive programs, flexible work schedules, and parental leave opportunities for both genders.

As a result of society's growing recognition and celebration of the diversity of gender identities, cultural views are also evolving. These changing views are influenced by media and popular culture, which increasingly depict a range of gender perspectives. There is a campaign for legal recognition of non-binary and gender-neutral identities; several countries have modified their legal documents to incorporate alternatives to binary gender classifications. One of the main drivers of the transition to gender neutrality is the increased social acceptance of gender's ambiguity and complexity.

Most specifically, the move toward gender neutrality encompasses a complex strategy which challenges long-standing beliefs, promotes inclusion, and acknowledges the significance of validating and respecting people regardless about their gender determination. The goal of this revolutionary movement is to establish a society in which individuals are free to live their true selves without being constrained by traditional gender norms.

## **6. Analysing The Potential Effects and Consequences of a Men’s Commission Involves Considering Both Positive and Negative Aspects:**

A Men’s Commission could address issues that impact men disproportionately, such as parenting,

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<sup>13</sup> Camille E. LeGrand, Rape and Rape Laws: Sexism in Society and Law, 61 Cal. L. Rev. 919 (1973), available at <https://lawcat.berkeley.edu/record/1110639?ln=en&v=pdf> (last accessed on April 17, 2024).

mental health, workplace safety, and educational inequities. It could encourage gender equality by collaborating with existing efforts to solve issues that affect both genders. The commission could additionally engage in legal advocacy to address alleged gender disparities in areas such as family law, custody issues, and criminal justice. Furthermore, the commission could concentrate on Men's health concerns, increasing awareness and lobbying for better healthcare regulations and resources.

The establishment of a Men's Commission could bring about negative implications, such as causing division, weakening existing initiatives, creating backlash, and challenging inclusion. The committee might be interpreted as a danger to gender equality aims or as a response to challenges from women's rights movements. Critics believe that it will distract attention and money away from addressing structural difficulties that women confront. Furthermore, the commission may inspire anti-feminist sentiments or contribute to a narrative that downplays the necessity of addressing historical gender discrimination against women. Finally, it may be challenging to strike a balance between meeting men's needs and maintaining an inclusive approach without promoting traditional gender stereotypes.

The establishment of a Men's Commission could result in both beneficial and bad consequences, depending on its organization, purpose, and alignment with society gender equality ideals. Its success is dependent on a balanced strategy that takes Men's concerns into account while retaining inclusion and collaboration. Monitoring the commission's progress and effects is critical for determining its efficacy and adjusting measures accordingly.

## 7. *Judicial Precedents*

*In a series of landmark decisions, the Apex Court of India has proven a persistent commitment to recognizing and protecting the rights of male victims, promoting a progressive and inclusive approach to combating gender-based violence. These historic verdicts not only recognized the vulnerability of male victims, but also emphasized the significance of implementing gender-neutral standards to ensure fair and reasonable judicial outcomes. The State of Punjab v. Gurmit Singh (1996)<sup>14</sup> decision is a significant example, in which the court acknowledged for the first time ever that false allegations of rape might cause just as much harm as actual rape. Recognizing the serious impact of false claims on the accused, the court highlighted the need of not only protecting the accused's reputation but also maintaining the trust of genuine victims. This ruling demonstrated the court's commitment to ensure that those who bring fraudulent accusations face*

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<sup>14</sup> AIR 1996 SC 1393.

appropriate penalties.

Similarly, the decision in *Shree Kant Shekari v. State of Himachal Pradesh (2004)*<sup>15</sup> enhanced the legal framework by finding that making false claims of rape is an infraction under Section 211 of the Indian Penal Code (IPC). In this instance, the court placed a strong focus on safeguarding innocent people from unfounded allegations and creating a deterrent to filing false claims. Furthermore, the decision in *Madhukar Narayan Mardikar v. State of Maharashtra (1991)*<sup>16</sup> was critical in recognizing that males can also be victims of abuse. By defining “criminal force” and explaining how it applies to any force that causes damage or suffering to a person's body, the court broke free from previous prejudices and emphasized the need of protecting the rights of male victims.

In the decision of *Lalita Kumari v. Government of Uttar Pradesh (2013)*<sup>17</sup>, the Supreme Court underlined the importance of treating male assault victims as seriously as female victims. The court emphasized the need of fast action, urging law enforcement to submit First Information Reports (FIRs) in all incidents of assault, regardless of the victim's gender. At last, the case of *Bodhisattwa v. Shubha Chakraborty (1995)*<sup>18</sup> challenged conventional preconceptions by recognizing that rape violates both men and women's fundamental human rights. This case acknowledged the need to move beyond old concepts and emphasized the significance of deconstructing gender stereotypes within legal structures.

Collectively, these decisions demonstrate the Supreme Court's continuous commitment to recognizing and safeguarding the rights of male victims. A more inclusive and just legal landscape in India has been advanced by the court through the adoption of gender-neutral methodologies and the advocacy for equal protection and remedies for all victims, regardless of gender.

## **8. Effective Men's Commission Measures: Solutions and Implementation**

A comprehensive and nuanced strategy is necessary to address the various difficulties that men encounter while maintaining the values of gender equality and inclusion are required to form an effective Men's Commission. The agenda of the commission need to be inclusive, acknowledging the intersectionality of Men's experiences from different backgrounds. It is important to engage in collaboration with established gender-focused organizations, such as women's rights groups

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<sup>15</sup> 2004 Case No. 589 of 1999.

<sup>16</sup> A.I.R. 1991 SC 207.

<sup>17</sup> Writ Petition No. 68 of 2008, Registration of FIR in Light of Lalita Kumari v. Govt. of Uttar Pradesh: Case Analysis, Manupatra, <https://articles.manupatra.com/article-details/Registration-of-Fir-in-Light-of-Lalita-Kumari-V-Govt-of-Uttar-Pradesh-Case-Analysis> (last accessed on April 17, 2024).

<sup>18</sup> A.I.R. 1996 SC 922.

and LGBTQ+ organizations, in order to mitigate the perception of resistance and promote a more cohesive comprehension of gender-related matters.

One essential element is the development of good masculinity, which calls for initiatives that dispel myths and promote emotional expressiveness. Programs for men-only mental health assistance can help combat the connotation pertaining to mental health issues. Advocating for enhanced parental leave legislation helps to dismantle old gender stereotypes, promoting a fairer allocation of caring obligations. Educational outreach in schools and workplaces can help to challenge preconceptions and shape future generations' perspectives about gender.

Legal reforms aim to increase fairness and overcome prejudices, especially in family court hearings and custody battles. Men's concerns research and data collecting ensure focused and successful initiatives by giving policy suggestions an evidence-based basis. Raising awareness and gaining support requires public participation through forums and media initiatives. Regular review methods will enable the flexibility of the commission's programs to changing social requirements, leading to a responsive and impactful Men's Commission that promotes gender equality for people of all genders.

## Conclusion

This paper has highlighted a number of difficulties with male rape in the legal system and the courts. This study argues that legal definitions of male rape do not adequately represent the realities of male rape victims. As a result, the perception that "male rape is not really a social problem" is perpetuated in legislation and the courts, while male rape victims are isolated. Some views about male rape may be disregarded in court and the legal literature, thereby discouraging males from coming forward and receiving the assistance and care they require. However, drawing conclusions concerning the treatment of male rape victims in court from a small number of sources and instances should be done with caution. Nonetheless, this research emphasizes the need of educating the defense on the realities surrounding male rape. After the research, it is clear that the hypothesis has been partially proved:

1. Establishing a Men's Commission will promote gender equality and empower men who encounter prejudice, as gender disparity is not limited to women.
2. The commission will propagate positive masculinity and break down the harmful gender stereotypes.
3. The formation of Men's Commission will eradicate the number of fabricated allegations and promote parenting, caregiving and domestic responsibilities to men.

Thus, the paper aims to provide justice to the male community by establishing a Men's commission same as to the National Commission for Women to address the problems of gender inequality and to form gender neutral laws.

### **Recommendation And Suggestions**

To properly implement a Men's Commission, numerous proposals might be considered:

1. **Establishment of the National Commission for Men:** Create a specific body to address men's difficulties, well-being, and complaints in a fair and sympathetic manner. This panel should focus on a variety of issues, including improved living circumstances for men in jail, steps to combat male child labor, healthcare support for men working in difficult industries, and more.<sup>19</sup>
2. **Helpline and Special Campaigns:** Establish a nationwide helpline where men can report concerns and get help. Implement particular efforts to prevent male suicide, address gender-neutral issues such as abuse and exploitation, and provide better living conditions for rescued males from abuse.
3. **Teaching value-added courses:** Improving the education system is the first step towards creating an ideal society. The underlying cause of our problems stems from our upbringing and education. There shall be mandatory subjects on gender equality or other relevant fields to teach kids the do's and don'ts from the start.
4. **Awareness and Health Initiatives:** Launch national initiatives to promote awareness about men's health issues like prostate cancer. Include males in data gathering measures for health and well-being to ensure their special requirements are met.
5. **Legal Reforms and Support Services:** Examine laws that may discriminate against males and breach their constitutional rights. Provide rehabilitation, aid, and skill development to homeless males. Ensure that fathers are treated fairly during divorce proceedings to avoid alienation from their children.<sup>20</sup>
6. **Data Collection and Gender-Neutral Laws:** Collect statistics on crimes against men and create gender-neutral regulations to effectively combat these crimes. Amend laws that

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<sup>19</sup>Commission on the Status of Women, 48th Session, "The role of men and boys in achieving gender equality," Division for the Advancement of Women, DAW Website, Department of Economic and Social Affairs, United Nations, <http://www.un.org/womenwatch/daw/csw/csw48/Thematic1.html>.

<sup>20</sup>Formation of "NATIONAL COMMISSION FOR MEN" in INDIA, Change.org, <https://www.change.org/p/narendra-modi-formation%20of-national-commission-for-men-in-india> (last visited Apr. 17, 2024).

discriminate against and violate men's rights. Focus on shared parenting during divorce processes to keep fathers involved in their children's lives.<sup>21</sup>

7. International Cooperation: Work with international organizations such as the European Commission to coordinate gender equality policies and share best practices for combating gender stereotypes that affect both men and women.<sup>22</sup>

Implementing these recommendations may enable a Men's Commission to successfully address the special issues that men confront in society, promote gender equality, provide support services, and assure equitable legal treatment.

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<sup>21</sup> United Nations Department of Economic and Social Affairs, Expert Group Meeting on Equal Participation of Women and Men in Decision-Making Processes, Addis Ababa, Ethiopia, 24-27 October 2005, available at <http://www.un.org/womenwatch/daw/egm/eql-men/index.html>.

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