

THE NEED FOR A NATIONAL COMMISSION FOR MEN IN ADDRESSING ALLEGED MISUSE OF GENDER-SPECIFIC CRIMINAL LAWS: A CRITICAL LEGAL ANALYSIS (INDIAN CONTEXT)

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I. Introduction: A Shield That Can Also Cut

A kitchen knife is meant to cut vegetables, but the same knife can hurt someone if it is misused. Gender-specific criminal laws in India - laws written to protect women from cruelty, dowry harassment, and sexual violence- work the same way. They exist as a shield. The question this article asks is what happens when a shield is occasionally swung the wrong way, and whether India needs a dedicated body, a National Commission for Men, to look into such complaints.

This is a sensitive and contested debate, and it deserves a fair hearing on both sides. This article does not argue that these laws should be diluted, nor does it dismiss the genuine hardship some men say they face. It simply lays out the legal position, several recent cases that brought this issue into public conversation, and the arguments on both sides.

II. What Are 'Gender-Specific' Criminal Laws?

Indian criminal law has several provisions written specifically to protect women. Section 498A of the Indian Penal Code, 1860 - now Section 85 of the Bharatiya Nyaya Sanhita, 2023 - punishes cruelty by a husband or his relatives.² The Protection of Women from Domestic Violence Act, 2005 gives women civil remedies against abuse within the household.³ Rape law under Section 375/376 IPC, now Sections 63-64 BNS, similarly protects women specifically. These laws were built for a real reason: decades of underreported dowry deaths, domestic abuse, and sexual violence. The debate is not about whether such protection is needed - almost nobody

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²The Indian Penal Code, 1860, s. 498A; The Bharatiya Nyaya Sanhita, 2023, s. 85.

³ The Protection of Women from Domestic Violence Act, 2005.

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disputes that. The debate is about what happens on the rare occasion when a complaint itself is false.

III. When Courts Noticed the Problem

The Supreme Court first used the phrase that defines this whole debate in *Sushil Kumar Sharma v. Union of India*: it said that while Section 498A was a valid law, its misuse by "unscrupulous persons" could unleash a new "legal terrorism," and that the provision was meant to be a shield, not "an assassin's weapon."⁴ A decade later, in *Arnesh Kumar v. State of Bihar*, the Court noticed that police were arresting husbands and relatives automatically the moment a complaint was filed, and laid down a checklist officers must follow under Section 41 CrPC before making any arrest.⁵

In 2017, in *Rajesh Sharma v. State of U.P.*, the Court went further and directed every district to set up a Family Welfare Committee to screen 498A complaints before any arrest could be made.⁶ This attempt did not survive for long. In *Social Action Forum for Manav Adhikar v. Union of India*, a three-judge bench held that such committees had no basis in the Criminal Procedure Code and could not be allowed to perform a police officer's job, though it kept the Arnesh Kumar arrest safeguards in place.⁷ Think of it like a school trying to stop cheating in exams by hiring untrained volunteers to check answer sheets before the teacher does - well-intentioned, but not something the rulebook actually allows.

IV. What the Numbers Actually Say

Both sides of this debate lean heavily on statistics. NCRB's 'Crime in India' report for 2018 recorded a conviction rate of about 13 to 14 percent in Section 498A cases, compared to roughly 41 percent for IPC crimes generally.⁸

Men's rights groups point to this gap as proof of large-scale misuse. Women's rights researchers push back, arguing that a low conviction rate is not the same as a false complaint - cases fail for many reasons, including weak investigation, out-of-court settlements, and witnesses turning

⁴(2005) 6 SCC 281.

⁵(2014) 8 SCC 273.

⁶(2017) SCC Online SC 821.

⁷(2018) 10 SCC 443.

⁸ The National Crime Records Bureau, Crime in India 2018.

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hostile under family pressure. Studies relying on National Family Health Survey data suggest that only a small fraction of women who actually face domestic violence ever file a police complaint in the first place. Both facts are true at once: the conviction rate is genuinely low, and most real domestic violence in India genuinely goes unreported. Neither fact, on its own, proves what is happening in any individual case.

V. Recent Cases That Shook the Nation

On 9 December 2024, **Atul Subhash**, a 34-year-old AI engineer in Bengaluru, died by suicide, leaving behind a 24-page note and a lengthy video.⁹ He described nine legal cases filed against him, including a murder charge tied to his father-in-law's death - a charge his wife, Nikita Singhanian, is reported to have admitted was false during cross-examination - and alleged his in-laws demanded a settlement of about three crore rupees. Singhanian, her mother, and her brother were arrested for abetment of suicide and later released on bail; the matter remains before the courts, and the allegations against them are, as of this writing, unproven at trial.¹⁰

The case was quickly followed by others that Indian media directly compared to it. On 1 January 2025, **Puneet Khurana**, a 40-year-old Delhi bakery owner going through a divorce from his wife Manika Pahwa over a business dispute, died by suicide after posting a 59-minute video alleging harassment by her and her family - a case press coverage explicitly called "Atul Subhash-like."¹¹ Weeks later, on 23 January 2025, a 39-year-old Bengaluru cab driver, Manjunath H, set himself on fire outside the home of his estranged wife, Nayana Raj, after she refused to withdraw a pending divorce petition; his mother filed a police complaint alleging the family was responsible for his death, though no criminal case of the kind discussed in this article had been filed against him.¹²

A different but related case unfolded in Kerala in January 2026. **Deepak U**, a 42-year-old sales manager from Kozhikode, died by suicide two days after a social media influencer, Shimjitha Musthafa, posted a viral video accusing him of inappropriately touching her on a crowded bus.

⁹BBC News, "Atul Subhash: A man's suicide leads to clamour around India's dowry law" (23 December 2024).

¹⁰Business Standard, "Bengaluru techie Atul Subhash's wife, in-laws arrested in suicide case" (15 December 2024).

¹¹Business Standard, "Delhi bakery owner dies by suicide in Atul Subhash-like case: All we know" (2 January 2025).

¹²LatestLY, "Bengaluru Shocker: Man Sets Himself on Fire Outside Wife's Home... Case Registered" (24 January 2025).

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His family maintained the contact was accidental and that no formal police complaint had ever been filed against him; after his death, police arrested Musthafa for abetment of suicide.¹³ Unlike the earlier three cases, this one did not involve a formal complaint under any gender-specific criminal law - it involved trial by social media - but it was widely discussed alongside them as part of the same national conversation about accusations, evidence, and consequence.

VI. From Public Anger to a Court Petition

The idea of a National Commission for Men is not new, and it did not begin with these cases. In 2023, advocate Mahesh Kumar Tiwari filed a petition before the Supreme Court seeking guidelines on suicides by married men facing alleged domestic harassment, and the constitution of a National Commission for Men, modelled on the existing National Commission for Women.¹⁴ The petition cited NCRB accidental-death data for 2021, noting that married men accounted for a much larger share of that year's suicides than married women.

On 3 July 2023, a bench of Justices Surya Kant and Dipankar Datta declined to entertain the plea. The Court observed that men already have legal remedies available under existing criminal law, and the petitioner withdrew the case with liberty to make a representation to the government instead.¹⁵ No National Commission for Men has been constituted since, though the demand resurfaced with new urgency after each of the cases described above.

VII. The Other Side of the Argument

Women's rights organisations generally oppose creating a separate Commission for Men. Their central worry is that a body built around the idea of "misuse" could end up functioning as a counter-pressure on police and prosecutors in genuine cases, much like the Family Welfare Committees did before the Supreme Court struck them down. They also point out that India already has the National Human Rights Commission, State Human Rights Commissions, and ordinary remedies such as defamation and malicious-prosecution suits, all open to men without needing a new institution.

¹³Republic World, "Woman Who Uploaded 'Sexual Misconduct' Video that led to Kozhikode Man's Suicide Arrested" (21 January 2026).

¹⁴*Mahesh Kumar Tiwari v. Union of India*, (2023) SCC Online SC 811.

There is also a structural difference worth noting. The National Commission for Women exists because women, as a class, have historically faced systemic disadvantage in the criminal justice system - from police reluctance to register complaints to social stigma that keeps survivors silent. A Commission for Men would rest on a different premise: not systemic disadvantage in reporting, but the risk of false reporting by a minority of complainants. Critics argue these are simply not the same kind of problem.

VIII. A Middle Path Worth Considering

Between building an entirely new commission and doing nothing, there is a narrower option: strengthening safeguards that already exist. Consistent, nationwide enforcement of the Arnesh Kumar arrest checklist, faster disposal of matrimonial cases, and accessible mental health and legal-aid helplines for men in family disputes would address much of what these cases exposed, without touching the substantive protections Section 498A and the Domestic Violence Act give women.

A useful analogy is airport security. Nobody argues for removing metal detectors because most passengers are not smugglers; the answer is a better-calibrated machine, not throwing out the machine. Likewise, the answer to imperfect screening of matrimonial complaints is a better-calibrated process - such as the Arnesh Kumar checklist properly followed — not necessarily a brand-new commission running parallel to the existing system.

IX. Findings

Three findings follow from this analysis. First, the concern about misuse of Section 498A and related laws is not fringe or imaginary - it has been recognised by the Supreme Court since 2005, and reflected in a cluster of specific, well-documented, and tragic recent cases. Second, the data cited by both sides is real but incomplete: low conviction rates and low reporting rates can both be true simultaneously, and neither alone settles the debate. Third, the Supreme Court's 2023 refusal to order a National Commission for Men was not a rejection of the underlying problem, but a view that the remedy lies with the legislature and executive, not the judiciary.

X. Conclusion

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The case for a National Commission for Men rests on a real and documented problem: some complaints under gender-specific criminal laws are false, and the human cost of that, as Atul Subhash, Puneet Khurana, and others showed the country, can be devastating. The case against it rests on an equally real concern: that a body built around "misuse" risks weakening protections for the far larger number of women who never even reach a police station. India does not have to choose one tragedy over the other. Whether through a new commission, stronger enforcement of existing safeguards, or both, the honest starting point is to admit that gender-specific laws can fail in two opposite directions at once - and that fixing one failure should never be allowed to recreate the other.

