
GENDER NEUTRAL LAWS IN INDIA: A CRITICAL NEED OR MISGUIDED REFORM

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ABSTRACT

In India, recent discussions of gender-neutral laws have gained momentum. It has shifted public attention to the issues of equality and fairness, as well as protecting the most vulnerable within our society. In this study, we will examine if creating gender-neutral legislation is a means for achieving true equality for all, or, if creating gender-neutral legislation will decrease protections that have historically been afforded to women under legislation designed to protect them. Historically, sexual offences, domestic violence and harassment laws were enacted primarily to protect women based on the fact that, in previous generations, they were considered to be at a social and economic disadvantage. However, the increased victimization of males and members of the LGBTQ+ community has exposed gaps in current legal protections created specifically for women.

This research will explore the benefits and drawbacks of gender-neutral legislation through a comprehensive investigation of the legal protections available, the case law decisions, the relationship between the frequency of violent crimes and the victimization rates of both males and members of the LGBTQ+ community.

By drawing on international expert perspectives about how gender-neutral laws are interpreted in their country and other parts of the globe, this paper provides insight into the global trends, best practices and possible paths to inclusive lawmaking. In making its argument, the paper emphasizes the need for balanced gender-neutral laws, while considering India's socio-cultural realities. Through an evidence-based, carefully drafted approach, the research concludes, inclusive laws must be created if equality, justice, and the changing needs of society are going to be met.

Keywords: Gender-Neutral Laws, Legal Reform, Equality and Justice, Victim Protection.

1. Introduction

The issue of Gender-neutral legislation in India has been gaining traction. There is now awareness across the world that this is a social issue, and not just one driven by activism. It is difficult to identify a single answer to the question of whether or not laws in India should be gender neutral as it lies in between constitutional principles, social constructs and the lives of real examples of people within our homes, workplaces and relationships. Historically, sexual violence, domestic abuse and matrimonial cruelty legislation has been written centering on women because of a long-standing tradition of dowry deaths, marital abuse and the silence of society about women's suffering. However, things are no longer as they were; family structures have changed, ideas of gender have broadened and thus the laws are now faced with experiences that they have never encountered before.

People who have been harassed emotionally and legally and are men, as well as women who have been sexually assaulted because they were transgender, and persons who have been bullied or harassed as partners in same-sex relationships and are not recognized by law, will often find that the existing statutes do not adequately protect them in any way; therefore, this is where the push for Gender Neutral Laws starts from, and the people making this request are often referring to Article 14 and the expectation that the law will protect a person based on the harm they caused, rather than by their identity. Gender Neutral Laws as a reform must be approached cautiously with a full understanding of the context surrounding Gender Neutral Laws; otherwise, justice will remain nothing more than a buzzword.

1.1 Gender-Neutral vs. Gender-Specific Laws

In discussions about gender-neutrality in laws, many people think of a legal system that defines the wrongful act as harmful without regard to the gender of the victim and the perpetrator. In theory this sounds very simple: if an assault occurs it should be dealt with by the law regardless of whether the victim is a man, woman, or a combination of both genders.

In contrast, gender-specific laws were created during different eras of history and cultural climates. In India, for instance, the laws created regarding domestic violence, dowry abuse, and sexual assault all targeted women because at that time most was happening to women who were abused, burned due to demands for dowry, and raped without recourse to justice.

1.2 Historical Rationale for Women-Centric Legal Protections

The Laws benefiting Women did not develop in isolation; instead, the long and often unpleasant Experiences of Women having almost no Rights and no Voice to represent themselves has led to this development. Throughout much of the world and India for centuries, Women were not permitted to own Property or receive Education, or Work for Pay, or to have very little Choice in their Households. The Family, including Fathers and Husbands, generally made the Decisions affecting Women, thus excluding any Group of Women from participating in any discussions about them.¹

By the time the Constitution was being framed, all of this was still fresh in public memory. The framers seemed to realize that simply declaring everyone equal on paper would not undo centuries of exclusion. Therefore, they accepted the need for special protections. In subsequent years, this way of thinking was translated into laws regarding domestic violence, dowry harassment, sexual assault, and discrimination against employees in the workplace, all of which are based upon the fact that far higher numbers of women than men were experiencing these kinds of injuries.

2. Evolution of Gendered Legislation in India

2.1 Development of Sexual Offence Laws in India

Under the Bharatiya Nyaya Sanhita (BNS), 2023.

The sexual offence definitions in the Bharatiya Nyaya Sanhita (BNS) 2023 do not appear to be a new creation but rather a continuation of the framework established in the Indian Penal Code (IPC) enacted in 1860 during colonial dominance of India. Though the language has changed somewhat, the fundamental basis remains as it was originally drafted.

Take Section 74 of the BNS, which talks about outraging the modesty of a woman. The idea of “modesty” itself raises eyebrows. It is vague, deeply gendered, and oddly moral for a criminal provision. The law appears to suggest that women possess some abstract virtue that can be damaged, rather than focusing on concrete harm or lack of consent. Courts have wrestled

¹ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* 9–15 (Oxford Univ. Press 1999).

with this word for decades, often falling back on notions of femininity, decency, or social respectability. None of this sit comfortably with modern ideas of autonomy.²

Section 79 is along the same lines. It maintains the older view of women as 'honourable', by issuing penalties for words or conduct that are intended to demean a woman's modesty.

An overlapping dynamic occurs with respect to the definitions of rape in section 63 of the Act. Section 63 contains the same presumption of a male perpetrator and female victim and specifies the act of penetration by the penis into the vagina as constituting the offence. As a result, male victims are rendered invisible along with transgender and non-binary individuals. Furthermore, the continued exception for marital rape (aside from the situation where the wife is under 18) implies that marriage provides a form of consent to engage in sexual relations.

The Nirbhaya case in 2012 forced the country to confront sexual violence in a way it had not before. The Criminal Law Amendment of 2013 did expand the legal language around sexual offences and introduced new categories of harm.

With the reworked concept, what is now Section 75 of the BNS describes a variety of behaviours, including sexual conduct that is unwanted, persistent sexual advances, requests for sexual favors, forcing someone to view pornography, and everyday verbal invasions encountered by women on public transport and in public places. Although this may appear to be an advancement, the protection afforded by this new definition only applies to women.

The assault with the intent to undress a woman (Section 76) was devised based upon very particular and horrific occurrences. The public exposure of such body parts in a humiliating situation was the reasoning for this law being implemented. Nonetheless, it is clear the legislation focuses on women exclusively; it is as though only women may experience the trauma associated with sexual humiliation.

Section 77 of Voyeurism was enacted to counter a growing form of abuse of authority. Having access to and being able to transmit digitally recorded photographic/electronic images of another person is now possible in seconds due to the growth of the internet. The law protects only women from voyeuristic acts committed against them; there are numerous instances of male, female, gay, bisexual, and transgender individuals who have experienced voyeurism due

² Ratanlal & Dhirajlal, *The Indian Penal Code* 357–62 (36th ed. 2019).

to a lack of consent involved in disseminating or using voyeuristic material. Similar to voyeurism, stalking falls into the same legislative framework.

The visible reforms in Sections 63-70 resulted in an expanded definition of what constitutes rape as the definition moved beyond just penis penetrating vagina. Much has already been done by law to acknowledge the fact that many rapes occur through object penetration or other forms of bodily penetration. Additionally, the additional categories of aggravated rapes illustrate a more difficult approach to addressing sexual assault offences including gang rapes, rapes that produce permanent harm or serious injury, and repeat rapes. However, the definition of sexual assault according to law continues to be an act of violence committed by men toward women. Men, as victims, and transgender persons remain excluded from the definition of sexual assault according to law.³

So yes, the post Nirbhaya changes did stretch the legal lens and made space for forms of violence that were earlier ignored. However, they stopped short of questioning the deeper belief that sexual offences must be built almost entirely around women as victims. The Bharatiya Nyaya Sanhita, despite its promise of reform, still leans heavily on that older logic.

2.2 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act)

The tension between gender neutrality and gender-specific protections is apparent in the POSH Act, 2013. The law is based on the definition of "aggrieved woman" and does not take into account any other type of person. Therefore, a male employee who has been subjected to continuous sexual advances by his superior, or a transgender employee who is subjected to inappropriate jokes about his gender identity, have no recourse under this particular statute because they do not fall within the definition of an "aggrieved woman."

People in favour of this design often refer to real experiences. Many women are still victims of sexual harassment at work and many women don't report it because of the stigma that comes with speaking out. Therefore, if we extend this definition of harassment too quickly, complainants who are already hesitant may become more fearful about reporting it.

The question is not whether women need protection, the answer is clear that they do. The more

³ K.D. Gaur, *Criminal Law: Cases and Materials* 412–435 (7th ed. 2021)

difficult question is whether a legal structure can provide a strong enough basis of protection for women, while at the same time addressing that harassment does not only happen to females.

2.3 Protection of Women from Domestic Violence Act, 2005 (PWDVA)

The passage of the Protection of Women from Domestic Violence Act, 2005, changed the way society viewed domestic violence. It was an opportunity to ask courts and society to see what's happening in the home beyond the physical injuries and how abuse occurs in other ways such as emotionally and financially, which may have gone unnoticed for years due to the subtle nature of the abuse.

The Act specifies who is eligible to be considered a victim under the laws within its specific parameters. Section 2(a) defines an "aggrieved person" simply as a woman. This definition does not include anyone else. Men who experience on-going psychological violence and same-sex partners who experience physical abuse do not fall within the definition of victims as described in the Act. Additionally, when you look at the remedies, this is very evident. Protection orders, the right to remain in the marital home, custody orders, and compensation are all based on a similar domestic violence storyline, that there is one dominant abuser who is perpetrating violence against someone else.⁴

Cruelty under BNS:-

As of the year 2023, sections 85 and 86 of the Bharatiya Nyaya Sanhita have now replaced old section 498A of the IPC and are very similar to it in terms of their overall approach to defining what is considered to be "cruelty" towards women. In that section 86 deals with the notion of "cruelty" only with respect to a married woman, the conduct described in this section could be defined as actions that would compel a married woman to take her own life, inflict serious physical/mental injury upon her or create a situation wherein the husband or his relatives were guilty of committing harassing acts against her in connection with demands for property or money from her.

A man facing sustained abuse at home, or a transgender or queer partner dealing with intimidation within a marital relationship, simply does not find space within these provisions.

⁴ Protection of Women from Domestic Violence Act, No. 43 of 2005, India Code (2005).

3. HARASSMENT & CRUELTY AGAINST MEN:

Women have had continued protective instincts to protect them from matrimonial cruelty in India. The instinct became legal under Section 498A in the Indian Penal Code; it is now carried forward in the Bharatiya Nyaya Sanhita, 2023, as Sections 85 and 86 and the Protection of Women from Domestic Violence Act 2005. However, as courts have repeatedly stated, the story does not end there.

Men increasingly face mental, financial, social, and legal cruelty in the form of false criminal accusations, repeated litigation, exaggerated maintenance claims, forced separation from children, and public defamation. Despite the gravity of such suffering, Indian law does not recognize men as victims of domestic or matrimonial cruelty. Their protection emerges only indirectly through judicial safeguards against misuse of law.

Judicial responses have attempted to fill this gap. In the case of **Arnesh Kumar v. State of Bihar**,⁵ the Supreme Court faced a familiar scenario. Following a complaint of dowry harassment, the husband and several of his relatives, including senior members of the family, were arrested without sufficient initial examination. Supreme court laid down guidelines which required that a police officer to provide a justification for the arrest and a Magistrate to give due consideration prior to ordering a detention and thus were seen to represent an effort to slow down a legal process that had become alarmingly routine.

The concern expressed by the Court in **Raj Talreja v. Kavita Talreja**⁶ brought about an important change from whether or not to arrest to whether or not to make an allegation. The Court held that the mental anguish caused by false, negligent, or willfully defamatory accusations made by one spouse against another constitutes an act of cruelty and can justify a divorce. The Judgement also provides a warning that the use of legal processes for the purpose of resolving harm should not be used as a tool to retaliate against an individual.

Judges today are now being faced with the dilemma of having to create a legal framework that embraces both views. While women need protection from real acts of violence by their partners, it is equally true that a husband being abused is invisible to the law until he seeks

⁵ Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 (India).

⁶ Raj Talreja v. Kavita Talreja, A.I.R. 2017 S.C. 2138 (India).

justice using the court system. Thus, it is essential to continue building towards a legal system where all parties to any dispute have equal rights.

3.1 Judicial Trend: from protective, gendered laws to cautious inclusivity

The last decade, within the Indian judiciary, has seen the courts trying to balance out both sides of the gender spectrum. On one side, the courts have been strengthening laws to protect all women. For example, they have placed greater emphasis on the judicial system in relation to workplace sexual harassment, dowry-related violence, and domestic violence cases. On the other side, the Courts have been starting to discuss issues in relation to gender identity. Inclusion of individuals by gender identity is no longer viewed as a negative impact on the rights of women.

One of the most significant developments concerning gender identity came about as a result of the case of **National Legal Services Authority v. Union of India**⁷ decided by the Supreme Court in 2014. In November 2014, the Court opened the door to broader definitions of equality and the dignity of transgender persons by making them a legally recognized gender category.

Similarly, the unanimous decision in **Navtej Singh Johar v. Union of India**⁸ (2018) read down Section 377 to decriminalize consensual same-sex relations between adults, explicitly grounding the decision in Articles 14, 15, 19 and 21 and emphasizing sexual autonomy and equality.

Even while broadening the discussion around constitutional issues, the Court has resisted becoming the sole arbiter of how protections should take the form of neutrality. For example, the Vishaka Guidelines established in 1997 are based on an understanding of the vulnerability of women in the workplace through their lived experiences, not an analytical symmetry. These principles established in the Vishaka Guidelines also became the basis for the Protection of Women from Sexual Harassment at Workplace (POSH) Act, which retains a substantial focus on the interests and well-being of women.

Joseph Shine v. Union of India⁹ adds another layer to this story. By striking down the adultery offence under Section 497 of the IPC, the Court dismantled a provision that treated women as

⁷ National Legal Services Authority v. Union of India, A.I.R. 2014 S.C. 1863 (India).

⁸ Navtej Singh Johar v. Union of India, A.I.R. 2018 S.C. 4321 (India).

⁹ Joseph Shine v. Union of India, A.I.R. 2018 S.C. 4898 (India).

passive objects rather than autonomous individuals. The language of the judgment moved away from ideas of marital honour and toward dignity and equal agency.

The combination of all of the decisions shows that rather than being confused, the courts are being cautious in their decisions. The courts are willing to expand rights in situations that clearly involve exclusion such as with transgender individuals or sexual minorities, while still being hesitant about limiting the protections available when gender-based harm continues to be a real threat. Thus, the approach taken by the courts does not produce a clear theory of neutrality or protection but instead represents a layered response to the complicated realities of society.

The decision in **Hiral P. Harsora v. Kusum Narottamdas Harsora**¹⁰ marked a quiet but important shift in how the Supreme Court reads domestic violence law. By striking out the words “adult male” from the definition of “respondent” under Section 2(q) of the Protection of Women from Domestic Violence Act, the Court acknowledged something that had long been awkward to ignore. The bench found that this narrow classification violated Article 14, since it denied equal protection without any convincing justification. Once that logic was accepted, the proviso shielding female respondents collapsed as well. The result was not a dilution of protection for women, but an expansion of responsibility. Complaints could now be maintained against any member of the household who contributed to abuse, regardless of gender.

The courts have demonstrated an ability to interpret new statutes in order to assure that the statutes do not discriminate against people based on their gender. Courts have historically limited their judicial interpretation to certain provisions contained within a statute. Many courts identify that legislation needs to address the issue of equality when they see it, and they will expand the scope of their judicial interpretation to include additional provisions of a statute, if they feel that it is warranted by circumstances. However, even when statutory language has been written in a neutral manner, unless there are effective procedural safeguards in place, trained investigators, and reliable data regarding who is being harmed, then there will not be an effective system established to protect people from being harmed by the judicial system.

4. Rationale for Adopting Gender-Neutral Laws in India

One of the most persuasive reasons people give for gender-neutral laws is how comfortably

¹⁰ Hiral P. Harsora v. Kusum Narottamdas Harsora, (2016) 10 SCC 165 (India).

they sit with Article 14 and its promise of equality. Harm does not arrive neatly sorted by gender. Abuse happens in homes, workplaces, and relationships in ways that the law does not always acknowledge. A man living with constant verbal or emotional violence, a transgender person subjected to sexual assault, or partners in a same-sex relationship often discover that the legal door is only half open to them. Gender-neutral frameworks try to respond to the injury itself rather than the identity of the person who suffered it.

Critics point to a lengthy history of debate about the abuse of certain protective laws. It requires careful consideration to argue against the potential for abuse of such laws as justification for reducing protection of women. On the other hand, a neutral legal framework may alter the perception that the system favors one side and may thus provide for more balanced decisions and decrease the tendency to view these types of cases with an instinctive bias. Neutrality, in fact, may be an attempt to balance the scales, rather than to dilute the rights and privileges afforded to women.¹¹

International norms provide an additional layer of context and guidance in the discussion of gender-based violence with instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights addressing issues of non-discrimination and equal protection under the law. A number of jurisdictions have already enacted gender-neutral definitions of domestic violence and sexual assault. The transition from current Indian law to these international norms will therefore be gradual rather than radical.

It may also help strengthen public confidence. When people perceive the law as fair and impartial towards all, they are more likely to report instances of gender-based violence or sexual assault, and there will be less resistance to comply with the law. Ultimately, the sense of fairness inherent in a justice system provides the foundation of that system's authority.

5. Challenges of Gender-Neutral Legal Frameworks

Gender-neutral laws are often perceived as uncomfortable because they do not completely match with the concept of protective discrimination which has been an established principle of Indian constitutional law for many years. The Supreme Court, in the case of **Yusuf Abdul Aziz v. State of Bombay, 1954**¹² stated that treating all people equally under the law does not mean that true justice is being delivered in practice. The Supreme Court upheld the use of laws

¹¹ Upendra Baxi, *The Future of Human Rights* (Oxford Univ. Press 2002).

¹² yusuf aziz v state of bombay citation 1954 AIR 321

providing for specific protection for women in recognition of unequal social conditions and that those laws were created as a corrective measure rather than a benefit for women.

The dynamics of power within families and social systems significantly influence how women experience vulnerability and oppression. The Court's recognition in **Vishaka v. State of Rajasthan (1997)**¹³ that women are victimized by structure, not by individual acts, confirms this point. Standard laws assume that both gender-based harassment parties are negotiating from equal ground, which will not always be the case in the real world, particularly to the extent that financial dependence, socialization, and stigma impact the decisions made by women daily. Thus, "neutral" laws can appear to be "equal" when they produce unequal and harmful results to women. In **Indra Sarma v. V.K.V. Sarma (2013)**¹⁴, the Supreme Court underlined that the DV Act is a social welfare statute aimed primarily at protecting women. Making such laws entirely neutral may blunt their urgency and shift how seriously complaints are treated by police and courts.

In addition, a neutral system raises an additional concern regarding how marital discord will develop. The law allows both parties to pursue similar criminal actions, which will create a cycle of counter-suits.

Also, the use of neutral terms in the legal system does not eliminate the existence of inequities and disparities in access to justice based on socioeconomic status or location. Women living in rural or disadvantaged communities are often unable to afford an attorney, lack knowledge of their rights, and lack a supportive family. In a neutral setup, they may struggle to defend themselves against counter-complaints filed by partners with better resources.

There is also another fear that does not get enough recognition and is quieter than the first, genuine victims may just stop reporting things all together. Women today are still often hesitant to come forward due to fear of stigma or shame associated with coming forward. If you add the possibility of retaliation through the legal system to this, the safer choice may be to remain silent about your experience.

Finally, timing matters. Gender-neutral laws tend to work best where social equality is already more or less in place. India is still grappling with gaps in education, employment, safety, and

¹³ Vishaka v. State of Rajasthan, A.I.R. 1997 S.C. 3011 (India).

¹⁴ Indra Sarma v. V.K.V. Sarma, A.I.R. 2014 S.C. 309 (India).

decision-making power. In that setting, neutrality risks becoming symbolic.

6. Critical Analysis: A Critical Need or Misguided Reform?

The demand for gender neutral law in India has become increasingly evident with changing concepts around constitutional morality, equality and identity. Domestic abuse against men happens, sexual violence against transgender persons occurs every day in India, and people engaged in same-gender friendly relationships also face coercion and control. Thus, in failing to recognise these experiences, legislation may create legal systems that are inadequate at best. From this perspective, gender neutrality could be viewed not as a radical new idea but rather a much-needed correction within legal systems.

The very notion of an original dispute evolving here from to become an everyday reality reflects the complexity of this change. For instance, sections 85 and 86 of the Bharatiya Nyaya Sanhita and the Protection of Women from Domestic Violence Act 2005 have been created in response to years of systemic discrimination against women, and are meant to provide protection to those women who need it most. In addition to being intended to help women who face the societal problems of dowry death, the rise of domestic violence in many societies, and a culture of silence amongst households about violence there is still a need for these laws. However, if we remove these laws or significantly alter them based on the principle of equalizing the same circumstances, when a larger portion of women will benefit from the "privileged" status accorded to those who will never experience any inequality, we create an environment of perceived fairness while creating an absence of legitimate justice.

The courts find themselves along a narrow path between the two extremes of supportive and protective. In many cases, courts have found that while protective laws may be misused, it does not mean that they should no longer exist. Specifically with regard to sections 85 and 86 of the Bharatiya Nyaya Sanhita, the Supreme Court has made it clear that these provisions must be investigated very carefully rather than simply responding with an arrest of the alleged violators immediately; however, the Supreme Court has not said that the protective law of sections 85 and 86 of the Bharatiya Nyaya Sanhita should not exist. One way to interpret this position is that the problem with these protective laws would not be necessarily that they should not exist,

but rather how they are being enforced.¹⁵

The social context in which violence occurs influences every type of harm and that influence is different for each person experiencing violence. For many women, economic dependence on men, social stigma associated with being abused, and cultural expectations surrounding obedience to husbands and marriages create an environment for abuse. Purely neutral terminology does not adequately express that complexity. Conversely, totally ignoring the existence of male and transgender victims of violence is increasingly out of touch with today's reality and also demonstrates a growing disconnect between many judicial interpretations of the definition of harm and the realities of all victims of violence. Therefore, this is not about choosing one victim group over another; this is about acknowledging that each type of harm may require different legal responses to properly address each victim's unique situation.

A more practical and sustainable route may be to have both gender- and non-gender-specific laws exist side by side, where all or most gender-specific laws are removed and rewritten into a new framework, which is more inclusive as well as gender-specific laws. Some jurisdictions have experimented with Hybrid models, so that gender-specific laws would have core components providing protection to those suffering as a result of gender-based discrimination, while having the same or similar protection offered by non-gender-specific remedies.

Asking whether Gender-Neutral Laws are a "critical" or "misguided" reform will only create a false dichotomy between Gender-Neutral and Gender-Sensitive Laws. At the same time, pursuing Neutrality that fails to take into account the context of lived experiences can have the effect of undercutting protections that have been fought for over decades. Conversely, refusing to entertain any reform at all could serve to freeze the law in place at a particular time in social history that has evolved. The harder task is crafting laws that are inclusive without being blind to inequality, and neutral without being indifferent to power. That demands patience, evidence, and a willingness to move beyond symbolic equality toward something more honest and humane.

7. Recommendations :

A slow and methodical approach seems more appropriate than instituting a global neutrality

¹⁵ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* 45–78 (Oxford Univ. Press 1999).

policy. There are many areas of law (for example: workplace harassment, domestic violence, sexual offences) that form part of a power structure where females continue to be in an inferior position. Women are likely to face risks that are not evenly distributed. Therefore, instituting total neutrality in these areas may result in diminishing the protections that have taken such a long time to develop. In some parts of the law (for example: procedural law and compensation for victims), such language will allow for increased access without necessarily diminishing or weakening the existing protections.

However, dealing with concerns regarding the potential for misuse should be a priority for policymakers, regardless of how they frame the legislation. Policies should enhance the review of pre-trial offences to allow for a greater scrutiny of malicious complaints, to provide protections to innocent victims of crime and to establish clearer guidelines for the investigation of complaints.. Reform, in that sense, should be about fixing how the system works, not just about rewriting its wording.

As well as focusing on the provisions that allow for protection of those who have already suffered violence (i.e., women and men), there is also a very real need for providing protections for those who currently fall through the cracks (i.e., Male victims of violence, Transgender and Non-binary victims). These individuals often do not know where to go when they experience violence. Although there may be gender-specific criminal offences in some areas, there will typically be a parallel sexual assault law which offers the same protections for all victims, regardless of gender. Services, such as gender-inclusive support services, counselling and access to legal aid will provide at least a foundational safety net for these victims.

Training of Judicial Officers and Police Officers is extremely important in order to help both understand the complexities of gender and stay alert to the existence of systemic inequalities. Without having this preparedness on both an institutional and an individual level, the best written law will still likely be unable to be properly implemented and enforced.

Matrimonial disputes raise slightly different concerns when they occur between spouses. Not every issue between spouses should result in the spouse being charged with a crime, and many courts are now encouraging mediation and counselling, as well as settlement before going to court, as long as there has not been any significant amount of violence between spouses. The objective of these changes is primarily to prevent situations from escalating to the point of requiring criminal charges to be filed, while still maintaining the possibility that if there is a

continuing pattern of significant physical or sexual abuse, criminal charges can be brought against the offender.

For any of these reforms to be effective, the voices of all parties need to be heard. Women's groups, LGBTQ+ communities, lawyers and criminologists all have a unique perspective on the issues. If there is only one strong voice, the law will lean towards that perspective. It will be difficult for Gender Justice to develop from polarized positions, and Gender Justice can only develop through finding a middle ground, being patient, and accepting that fairness will not always be reflected by everyone treating the same.

Conclusion

The ongoing debate about gender-neutral legislation in India demonstrates that this cannot be achieved in a 'one size fits all' manner; whilst on a theoretical level, gender neutrality does seem to make sense, once we look at people's daily interactions with one another, the real-world situation is much less than ideal. In India, both social and economic inequalities remain, and women are Victims of Abuse; victims; regardless of being an 'historical footnote', will continue to be discriminated against and abused. If we were to remove gender-specific protections too quickly, we would undermine the value of the many lived experiences that have led to these changes. Moreover, the silence in law on the part of Male, Transgender and Non-Binary Individuals regarding the abuse they face demonstrates there are considerable, real gaps within the legal framework which require serious attention.

The discussion about the proposed laws of 'Gender Neutrality' in India reveals that there is no simple solution that can fit all situations. While neutrality theoretically conveys an ideology of equality, applying concepts of 'neutrality' beyond theory will reveal the discomfort of this notion of applying equality via neutrality in everyday experience. Disparities in the levels of economic and social power still exist in India, resulting in a continued prevalence of physical violence against and discrimination against women that cannot simply be pushed aside as 'historical footnotes'. Therefore, if genderized protections are removed too quickly, it will flatten the lived experience and history of these women; hence the necessity for the genderized protections to remain in place until such time as the economic and social disparity ceases to exist.

In the end, framing the issue as neutrality versus protection misses the point. What really

matters is whether the law delivers fairness, preserves dignity, and offers meaningful remedies. It must protect those who have historically been vulnerable, while also opening its doors to those who have long been invisible. That balance is difficult, and perhaps a little uncomfortable, but it is where genuine justice tends to sit.

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