
AN INSISTENCE ON GENDER NEUTRAL LAWS IN INDIA

Vatika Chaudhary, LL.M., University of Delhi

ABSTRACT

The feminist movement started throughout the world differently, at different times but sought to achieve similar goals ultimately everywhere. In India, this movement was widely supported by some prominent political leaders during the 20th century which led to some colossal changes in the laws and customs of the country. We have come a long way but it seems like similar movements might be needed in the near future for men who still feel neglected when they are faced with same or similar situations but do not have remedies available to them in the form of law. It is not just women who need protection but also men and other gender identities who are victims. Even after all these years, we seem to have neglected men that suffer similar horrors and have overlooked the fact that they too are facing extreme violation in cases of sexual abuse and the law still does not recognize such violation as a crime.

The paper highlights the turn that our legal system is taking in order to protect its people but how it comes out as one sided in various places and the impact of such neglect. In our country, some laws seem to be going out of their way to be in favor of women but make us raise questions when it comes to making laws gender-friendly for all those facing the same horrors. Special attention has been given to the newly introduced bills in the parliament to replace the existing major criminal laws of the country. The possible changes and initiatives that can be taken in this direction also find a mention in the paper along with the already existing practices and constructive interpretations made by the courts which curb discrimination on the basis of gender.

Keywords: gender neutral, rape, sexual assault, sexual harassment.

AN INSISTENCE ON GENDER-NEUTRAL LAWS IN INDIA

A statement made by Ms. Mridula Bhatkar in an interview on gender friendly laws in India, seems like the best way to start here with, she said- “a gender friendly law should also be gender neutral”.¹ It has been a very difficult path for women all over the world to fight for their rights and to continue fighting for that every single day even when the law seems to have made some radical changes along the way. It is evident from the way things are handled now across the globe, that we certainly have made tremendous progress in making women reach where we are today even though it’s a long way to go. What we need and have always needed is ‘balance’. The balance we need is for both men and women, and with people becoming more and more aware about their bodies and choices, for other gender identities as well.

We have laws preventing and punishing wrongs done specifically towards women but we do not have the same law protecting men in case such an offence is committed against them. Now the time has come that we recognize that the laws are not just required to be made women friendly but a little more gender neutral, this is what we needed before and what we need now and if not looked into, might lead to consequences where we are left with a section of society feeling violated in more ways than one and in need of a similar movement like feminism to claim their rights. Favoring a gender neutral law for men does not mean opposing women-specific laws but acknowledging that we need to have a gender-friendly legal system. There are some areas of law like the criminal laws and family laws where the legal system has proved to be protective and women-friendly because it was always needed but now is the time where men also need some amount of that legal-protection in this direction. Regardless of age, sex, gender identity, religion, or any of it, sexual harassment, rape, outraging modesty, insulting modesty and other such offences can happen to anyone. With India stepping new stones every day, it is called for that we must take a leap and change the way things have always worked in this direction and that our legislature acts upon this fact and look towards the limited legal framework we have to address such crimes against the victims who constitute a minority when it comes to facing such situations and prepare to introduce a more gender-friendly law in the country.

¹ ‘Our society needs to reach that level of maturity for laws to be made more gender neutral’, Times of India, *available at* <https://timesofindia.indiatimes.com/blogs/the-interviews-blog/our-society-needs-to-reach-that-level-of-maturity-for-laws-to-be-made-more-gender-neutral/> (last visited on August 26, 2023)

Laws are made for the benefit of victims, as a redressal to their grievances but there are many instances where these laws are misused and manipulated and people are falsely accused of something they have not committed. But that should not and cannot act as a deterrent to stop or neglect formulating laws which shape the society and protect against wrongs. Also, when similar situations happen with men or other gender-identities, their rights are not recognized, protected and considered in the same manner as that of a woman. India is off to becoming a developed country in the not so distant future and a country's legal system is one of the many factors that are responsible for its overall growth as a nation. In the line of legal systems of countries like the US, UK, Canada, Finland, Australia etc., India still stands behind when it comes to embracing laws which do not discriminate on the basis of gender. We have made tremendous growth by making our laws gender friendly but we forgot to be gender neutral in this race. Recognizing men as well as women as both victims and perpetrators of sexual offences is what should have been accepted as part of our legal system a long time ago. But we still seem to be struggling to make that choice.

Sexual Offences & gender neutrality

In India, thousands of rape cases are reported every year throughout the country and a large number of such cases go unreported because of shame and fear of a tainted reputation. Our country is considered amongst the ones where women are not safe. But the question is whether our men are also safe when it comes to these offences? It is not certain if no males were sexually assaulted in the past or was it just not common for a boy or a man to have become a victim of sexual assault so they never talked about it. But now, things are changing and not for the good. These horrors have always existed but it was not until recent times that they are beginning to get reported against. There have been multiple such instances now in our own country every day where even men get sexually assaulted, raped but do we have a law for such an assault against men? Or is it not there just because the notion of men getting sexually assaulted has always been unknown or unimaginable to us as a society and to the law makers? Or have the cases of such assaults against men not piled up enough for the legislature to take appropriate action, to make laws for their protection as well?

Gender neutrality in sexual offences and mainly rape related laws first came up in the case of

*Sudesh Jhaku vs KC Jhaku*² where the court recognized the need to give same protection of laws to men who are a victim of sexual assault as is given to women victims. In 2000, the 172nd Law Commission's Report suggested the substitution of the definition of 'rape' under section 375 IPC by 'sexual assault'. This might have given an interpretation to the term 'sexual assault' as including such assault against any person and not only women. The definition of 'rape' in section 375 is very wide and through 2013 amendment it also has added sexual assaults other than vaginal penetration to be considered rape, but still it's not wide enough to consider such assault being committed against men as a sexual assault or as something which is an offence and should be punishable. Section 375 of the Indian Penal Code (IPC), 1860, only covers instances of rape of a woman by a man.³ It does not take into account non-consensual sexual assault inflicted on a woman by a woman, on a man by a woman, on a man by another man, on transgender by another transgender or a man or woman.⁴ The present section 375 starts with- "A *man* is said to commit "rape" if he-....", but it is not only penetration of penis which amount to rape but inserting anything and applying mouth also constitute rape.⁵ These acts can be done by woman with any man or women without his or her free consent which must be criminalized.⁶ The Delhi-based center of civil society found that approximately 18% of Indian adult men surveyed reported being coerced or forced to have sex and of those 16% claimed a female perpetrator and 2% claimed a male perpetrator.⁷

The laws in our country never really take sexual assault against men seriously and do not consider the after effects of such an assault on a man unlike a woman. May it be women, men or other associated gender identities, all face physical as well as mental trauma if they get sexually assaulted and there is a need for a gender neutral laws to recognize it as an offence against anyone that is a victim, irrespective of the gender, and punish the offenders accordingly. There is a need to realize and accept the truth that even a man can be raped, sexually assaulted, violated in the same way as

² 1998 CriLJ 2428

³ Priyanka Mittal, 'Plea seeking gender-neutral rape law filed in Supreme Court', Livemint, *available at* <https://www.livemint.com/Politics/mQAawFlpYjNVoeVEtgHnhL/Plea-seeking-genderneutral-rape-law-filed-in-Supreme-Court.html> (last visited on August 26, 2023)

⁴ *Supra* note3

⁵ Dasanalysis, 'Rape by women or rape of men', Legal Service India, *available at* <http://www.legalserviceindia.com/legal/article-661-rape-by-women-or-rape-of-men.html> (last visited on August 23, 2023)

⁶ *Supra* note5

⁷ *Supra* note5

a woman. Same goes with the other gender identities as well, even they get sexually assaulted but go unnoticed because of the same reason that no laws are there for their protection or even recognition of their rights per se. Moreover, let us not forget that we have for long had a law where sexual intercourse by a man with a woman with false hopes of marriage would be considered rape if the man refuses afterwards. But, if a woman who is a major is entering into a sexual relationship with a man with her own consent, may it be due to the false promise made by that man, and it is presumed that the woman knows the consequences that might follow from sexual intercourse and foreseeable results in case the man ditches her later. For a long time, the woman in such cases has been presumed to be innocent and sometimes even irrespective of the circumstances but a change can be expected with the recent cases being decided by the courts taking into consideration the rational aspect of it and not heeding a strict interpretation of the law when needed as per the circumstances. Also, the proposed Bharatiya Nyay Sanhita Bill, 2023 for a new law in place of IPC has done away with this particular offence and would no longer recognize it as an offence. In a recent judgment⁸, the Orissa High court has posed a question to take a serious look at the law which criminalizes sex on false pretext of marriage as it is outdated and erroneous as when two adults enter into an intimate relationship with their consent, one of them cannot be made a subject of punishment.

Matrimonial cruelty and domestic violence against husband

When it comes to matrimonial cruelty, the most powerful provision has been Section 498-A of IPC which provides punishment for a husband or relative of husband subjecting a woman to cruelty. Sometimes in the name of cruelty, a large number of false cases have also been seen in the past against husbands and their relatives which made Sec. 498-A IPC to be one of the most misused sections. Recently, Calcutta High Court has stated that “Section 498-A is sometimes used as a tool for “legal terrorism” instead of seeking justice⁹”, as the provision has been one of the most widely misused provisions in the history. Cruelty under this particular section includes both physical and mental cruelty. There has been improvement in the matters related to cruelty now as investigation process has been made more stringent especially to avoid false cases. But we still have a long way to go when it comes to recognition of such offences being committed against the husband. There

⁸ *Santosh Kumar Nayak vs State* W.P.(C) No.7629 of 2022

⁹ *Swapan Kumar Das vs State of West Bengal & Anr.*, W.P.(W) No 25340 of 2010

is no gender neutral interpretation of this law unlike the right to maintenance being interpreted as gender neutral, time and again, under Section 24 and 25 of Hindu Marriage Act, 1955. It's high time that we change the way things have been done until now and bring about a change in laws according to the requirement with changing times.

Same goes with the domestic violence laws, husband can inflict violence on his wife and vice versa and we need some provision if not the whole Act for such matters as well. There can be all the same kind of violence being inflicted upon a man by his wife as is generally presumed to be done by a man towards his wife. It can be economic violence, like not sharing the payment of rent even when she is able to and the husband can hardly do it all alone. It can be verbal violence, emotional violence, and sexual violence and so on. Not only wives can always be the victim and we might need more than just judicial interpretation of existing laws to make it gender neutral and do justice when it comes to domestic violence cases against husbands. A husband is not always the only one inflicting cruelty upon his wife, even wife and her relatives can inflict cruelty upon the husband at times. In a matter before Rajasthan High court, it was held that forcefully and fraudulently taking the house of the mother in law, beating her, making her husband being beaten by her brother when he objects to such harm towards his mother, making false statements of dowry are all a matrimonial cruelty.¹⁰

Here, what is needed to be pointed out is that there is no provision in the Indian Penal Code which punishes the cruelty done by a wife or the relatives of wife on her husband specifically, while it is there for the wife, it can be mental or physical or both. Even in the newly proposed Bill¹¹ introduced to replace more than a century old IPC, 1860, there is no specific or gender neutral law recognizing and punishing matrimonial cruelty against husband.

Harassment at workplace

When this question is posed as to being a victim of sexual harassment at workplace, what comes to mind are generally women only because it has been true and for so long women have faced severe workplace harassment in various incidences and none of those were reported because of the

¹⁰ *Smt. Pramila Bhatia vs Vijay Kumar Bhatia*, AIR 2000 Raj 363

¹¹ The Bharatiya Nyay Sanhita Bill, 2023 has been introduced in the Lok Sabha Monsoon Session of 2023 along with the Bharatiya Nagrik Suraksha Sanhita Bill, 2023 and Bharatiya Sakshya Bill, 2023 to replace current laws of Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 respectively.

absence of appropriate authorities at workplaces. But it cannot be denied that many such instances of assault and harassment at workplace include such offences being committed against men as well. Now that the society is adapting to different gender identities other than binary being a part of it just like males and females, the number of open LGBTQ employees at work places is increasing and so are the harassment incidents against them. It's not just a one-time occurrence but a daily usual ordeal for some offenders which makes people quit instead of having to go through such things and not having a remedy available to them.

Before 2013, there were provisions for women against sexual harassment, rape, eve-teasing, domestic violence, etc. but no provision was there to protect the women at their workplaces. After the Vishakha case¹², the Supreme Court issued a no. of guidelines for harassment at workplace and what steps are needed to be taken, after which The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed for the prevention, prohibition and redressal of any kind of sexual harassment done to a woman while at work.

Now the question is what law do we have if similar kind of harassment is faced by a man or others at workplaces and do we even need such a law specifically or not? There have been instances where it is seen that young boys below and even above the age of eighteen years, especially those with poor economic backgrounds are harassed sexually by their colleagues or even their employers and they don't come forward because they are in need of the job and are left with no other option but to continue. There is specific law for such cases in case it happens to a minor but when it comes to adult boys/men/others facing such crimes, the law is silent and intentionally so. The punishment which such offenders harassing young men should be getting is actually faced by the innocent victims because they have to suffer. The point here is that these are some areas where generally no attention is paid or which remain neglected because of the fact that only a few instances come to light. But the other side of this is that not many cases are voiced out because of the shame and pride attached to the males being harassed and because of the lack of legal remedies available for the same. But this requires our attention, our law makers' attention before more of such men become victims of sexual harassment at the workplace. We cannot ignore such harassment against men and the need for remedies to be within the reaches of everyone irrespective of differences

¹² *Vishaka and Ors vs State of Rajasthan and Ors*, AIR 1997 SC 3011

based on gender.

Maintenance in matrimonial disputes

Keeping aside the personal laws here, even the common and secular provision for maintenance under Section 125 of the current Criminal Procedure Code which applies to all irrespective of religion, is not left untouched where men remain left out. The Section uses the word 'person' but this person includes a woman only when it comes to the maintenance of the parents sometimes and not the maintenance of husband. The Section makes it obligatory for a husband to maintain his wife in case there are no sufficient means with which she could make her survival. But there can be cases where the husband is not in a condition to finance his own survival but the wife is economically strong to finance herself and also her husband even if divorced. When it is the duty of a husband to maintain his wife even after they divorce, then why is it that the wives have been kept away from this obligation even if the husband is not in a condition to earn for himself due to some justifiable circumstances. The provision was added with the intention of making a weaker section of society, i.e., women, empowered as was reiterated by J. Krishna Iyer in *Bai Tahira v. Ali Hussain Fissalli Chothia*¹³. This provision has proved to fulfill its purpose over the time but the only problem is the redundancy of the strictness and gender-specificness of this provision in today's era. With more and more women becoming financially independent, it is time we re-look at the way maintenance has been sought after. At one end, we are making women strong and financially stable but they are not required as per the law to share the liabilities same as a man is duty bound to do even when she is placed better financially and the husband is unable to sustain himself in certain cases. There needs to be in the laws to make it obligatory for a husband and a wife to provide for maintenance to the other if having sufficient means to do so. Although, in the Hindu Marriage Act, 1955, a husband can ask for maintenance if he is not in a position to maintain himself and the wife is earning well, but this is not applicable to all. Moreover, another law which is secular in nature, i.e., The Special Marriage Act, 1956, also contains provision which makes only the wife eligible to claim permanent alimony and maintenance.¹⁴ For a change, in a very recent judgment, the Uttarakhand High Court has made a landmark judgment highlighting that "a parent, regardless of gender, possessing adequate means yet neglecting or refusing to provide for

¹³ 1979 AIR 362

¹⁴ The Special Marriage Act, 1956 (Act 43 of 1954), Section 37

their minor child, whether legitimate or not, is liable for child maintenance¹⁵." This can be taken as a classic example of a gender neutral interpretation of the term "person" used under Section 125 of CrPC to be construed as including both male and female. The petitioner had challenged a family court order on maintenance of the child. It's incredible how judiciary has always been the protector of rights whenever legislature leaves a loophole or fails to enact laws in the meantime. But it does not discharge the law-making organ from its duty to enact appropriate law at the right time.

We can find so many such examples of such provision when we look at different personal laws like when we look at the Hindu Succession Act of 1956, if the deceased has no will, the spouse, mother and children inherit the property belonging to the deceased.¹⁶ The father is only entitled if the deceased does not have a spouse, mother or children.¹⁷ A father is the closest of all relations to a person along with his/her mother, spouse or children but the law presumes a man to be in financially strong position always and that is why a father is not considered amongst the first class heirs who are going to inherit property of a deceased. There are many such discriminatory provisions for both males and females in religion-based personal laws but that is altogether a different topic of discussion. Here, what we are concerned with is that even the most basic major laws of the country, which are applicable to all irrespective of religion, are devoid of such gender-neutral provisions and filled with minute but significant loopholes which lead to the victims being deprived of justice for the lack of proper legislation.

Even the newly drafted Bhartiya Nagrik Suraksha Sanhita Bill, 2023 has not brought any changes to the law regarding such gender neutrality in the provision for maintenance and it still leaves us right where we started many years ago by leaving it up to the courts to make suitable interpretations whenever there is a need for the law to be clear on such non-gender-friendly provisions. The legislature seems least bothered or concerned about the importance of bringing about the required changes in law even when we are being presented with an entirely new draft of a major procedural law and when these issues have been in question for so long. One or two provisions were touched to give it a hint of bias-free shape but it does little to nothing for the actually existing issues at hand. Although there are few cases where various courts have interpreted the law and where, as

¹⁵ *Anshu Gupta vs Adwait Anand*, CR No. 133 of 2013

¹⁶ *Infra* note 13

¹⁷ The Hindu Succession Act, 1956 (Act 30 of 1956), Section 8 r/w Schedule

per the facts and circumstances of each case the wives are sometimes made to pay maintenance to the husband or simply denied maintenance in case she earns more than her husband. But it is one thing to have the courts use their power to decide a matter and it is another to have a specified & fixed law for such conditions. The legislature should not put the burden on the courts only when it is its duty to formulate the law accordingly. How long would the courts be interpreting the law this way, and also, how can we expect different courts in different States to provide same or similar explanation to a law which is silent on such an important question. We see these judgments coming from different High courts but the law needs to be formulated when multiple such cases are knocking on the doors of judiciary and this should be enough to make the legislature re-think the way this concern is being dealt with.

Introduction of new laws in the parliament: Bringing about some requisite changes

Recently, three important bills replacing the current criminal laws, have been introduced in the Lok Sabha, namely- the Bharatiya Nyay Sanhita Bill, 2023, the Bharatiya Nagrik Suraksha Sanhita Bill, 2023 and the Bharatiya Sakshya Bill, 2023 in order to replace the Indian Penal Code, 1860, the Criminal Procedural Code, 1973 and the Indian Evidence Act, 1872 respectively. This has been much awaited as the Indian Penal Code that we currently use is more than a century old law and has been made in the era when India was under the British rule. This very old law has many provisions which are redundant today or have completely lost their value but still continued to be in force. A plethora of changes were needed to be made in the current criminal law but the new draft does not seem to have taken into consideration all of it as there are still a lot of vacant spaces left to be filled and this is saddening that even a new law has not been able to introduce the most required modern changes in the criminal justice system.

The purpose of introduction of new laws as a replacement is to do away with the existing discrepancies and uselessness of certain provisions which are no longer meaningful but the long raised issues are still untouched and the very foundation remains the same. The only gender neutral provision introduced in the new Bill replacing IPC is making the offence of Voyeurism a gender neutral offence which punishes such act being done to anyone irrespective of the gender of the victim. Other offences like sexual harassment (only a man is held liable for committing such an offence under Section 354 A of IPC), outraging modesty, rape, street sexual harassment have been left as it is under the existing Sections 354, 376, 509, 354(iv), respectively, without heeding to the

need to bring about the necessary changes which are needed to not make it specific to only one gender being the victim.

The provision of IPC for unnatural offences, Section 377, which was previously struck down unanimously by a Supreme court in the case of *Navtej Singh Johar vs UOI*¹⁸ in the year 2018 to the extent it criminalizes same sex relations between consenting adults, has been removed from the new proposed bill. This step was taken by the Supreme Court previously in order to acknowledge the right of people to embrace their sexual autonomy in privacy. But little or no changes have been made by the legislature in this direction which can be said to be actually effective today. We might have a long way when it comes to societal acceptance of something they collectively consider as different but it is the duty of the law to take the foremost steps to ensure that the law is not hindering their development and existence as a regular person in the society. The most widely revered right provided under our Constitution is the Right to equality under Article 14 and it is the duty of the State to not violate this right of every citizen and to ensure them being an equal part of the State as much as every other citizen of the country. Inaction towards the needs and rights of supposedly minority section of the society who might be facing sexual offences being committed against them, like men and other gender identities, does contribute to the State becoming a mute spectator which is sitting silently while people are being violated, just because there are not enough number of such victims.

Movements that should make us re-think the law

We have come a long way from suppression of women, their unrecognized status in society, movements for their upliftment- which still continues and will go on for years to come, forms of harassment for being considered weaker than men in every aspect of life, daily heinous offences which have become a routine till date to the me too movement and so on. But now, with the emergence of 'mentoo' and 'theytoo' movements, we are forced to re think the entire scenario which stirs something and forces us to realize that now women are not the only ones who now need societal support and protection of law in order to get their rights protected. There are others as well with the need of recognition and a swift action is in demand. *#MeToo* Has Shaken Up

¹⁸ AIR 2018 SC 4321

Men's Rights Activism in India, and the result is #MenToo¹⁹ which has people raise slogans like- "To be born a man in India is a crime, and to marry an Indian girl is a heinous crime, and this is because of anti-men laws in the name of laws to protect women."²⁰

Other gender identities and different sexual-orientations

Giving recognition to a third gender in India was a much needed step in the light of changing awareness. But only recognition has not served much to those belonging to the non-binary gender identities and people who have a different sexual orientation than the generally perceived one. Except for an extra column of 'third gender' in some public forms, no relief has been provided to the people who still do not feel belonged. They are still considered 'different' from all of us which is still fine but their being different does not make us entitled to make them feel that they do not belong and the amount of condemnation they face by the society everyday is at par with any other normal day for a person who considers himself as a binary. Why? - Because so many basic rights have actually not been conferred on them. Like for transgender people, we don't have laws to protect them or for relief in case of the offence of rape, sexual harassment, outraging their modesty and no laws are there for the punishment for or prevention of their sexual harassment at the workplaces because there are a few or negligible number of such people actually working at the places where men and women work, because of their non-acceptance by the society even after recognition.

Same sex relationship has been given recognition through the decriminalization of such relationship if being carried on privately²¹ (Section 377 of IPC). But gay couples and lesbian couples have not yet gotten any rights pertaining to their relationship. Forget about the matrimonial rights, property related rights, right to divorce or even maintenance; it is extremely difficult for them to even find a place to live because of the society's denial to accept them. There have been matters like women couple leaving their families and eloping in order to stay at some place where their relationship can be accepted and they remain safe as their families were against such same sex relationship. But it is so hard for these people to find any decent places and they have to face

¹⁹ Pallavi Pundir, '#MeToo Has Shaken Up Men's Rights Activism in India, and The Result is #MenToo', Vice, available at https://www.vice.com/en_in/article/8xzd3g/metoo-has-shhaken-up-mens-rights-activism-in-india-result-is-mentoo (last visited on September 12, 2019)

²⁰ *Supra* note18

²¹ *Navtej Singh Johar vs UOI*, AIR 2018 SC 4321

condemnation from everywhere and everyone they go to. This is the sad truth of us being condemning of those who we do not believe are like us in any minute way. In the end, some of such people have been confirmed to end up committing suicide. Such is the condition of our country. Mindsets take time to change but law can perform its part in the meanwhile.

Changing the language of the law goes a long way

A replacement of the word “man”, being loosely used to address the possible perpetrator of sexual offences, with “a person” goes a long way. The possible perpetrator of any offence can be a man, a woman, a third gender or any other gender identities and similarly, a victim can be any of these. Using gender neutral terms is all we need to start something big and to cater to the needs of millions of people. The use of term “spouse” would be more appropriate when addressing marital relations and would make law more justiciable for all. These small but considerable changes would ensure that no offender goes unpunished and no victim remains devoid of justice because of legal technicality or lack in the language of the law. The intention of the legislature plays a vital and most important role in shaping a law which might have an un-ambiguous language. We are amongst the countries that are on their way achieving milestones every passing day; we must take action when the time is right. We must make all our people feel heard and protected.

CONCLUSION

We know what is happening; we know what is needed to be done to prevent it from getting any more damaging and we know this is the right time to do it. The long drawn neglect should come to an end now and gender-neutral laws must find their place in our legal system as soon as possible. We have seen tremendous progress made by the judiciary in this regard by giving silent laws a constructive interpretation to ensure that justice is done. But when there is lack of legislation on a particular subject, the opinions and judgments are bound to differ from one court to another. We have seen that some provisions have been amended in this direction but the major ones still remain intact. The Central as well as local laws must strive to keep in check the violation people might be facing just because of simply existing like a decent, regular human being instead of only keeping it as a matter of gender specific crimes. There are growing numbers of cases which include men, transgender, other gender identities getting cornered due to lack of appropriate and adequate laws for their protection and redressal of their grievances. Making a few provisions gender-neutral and

leaving out the others does not serve justice. The offence of rape, sexual assault, outraging modesty and other related sexual offences need to be framed in a way where it recognizes that anyone can be a victim or an accused irrespective of their gender.