
CHALLENGES TO IMPLEMENTING GENDER-NEUTRAL CRIMINAL LAWS IN INDIA: A DOCTRINAL REVIEW

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INTRODUCTION

Background and Context

Criminal laws in India have historically been framed with a significant focus on protecting women from various forms of violence and abuse. These targeted provisions, while critical in addressing gender-based crimes, often overlook the possibility that men and non-binary individuals can also be victims. Over the years, calls for gender-neutral legislation have gained momentum, driven by the evolving understanding of human rights and the recognition that laws should accommodate all gender identities. Contemporary debates highlight the inadequacy of rigid, gender-specific statutes in responding to crimes committed against a broader range of victims.

Several high-profile legal reforms in India such as the introduction of specific protections against domestic violence underscore the legislature's intent to safeguard vulnerable populations. Despite these well-intentioned initiatives, the exclusivity of language in many statutes raises concerns about the exclusion of certain groups who might need legal recourse. Gender neutrality in criminal law seeks to address such disparities by ensuring that everyone, irrespective of their gender identity, receives protection under the same legal framework.

Research Problem

Although the principle of equal protection is enshrined in the Indian Constitution, the legal infrastructure often relies on traditional notions of victimhood, primarily associating women with the role of victims in particular offences. Consequently, legislation that aims to shield one segment of society may inadvertently neglect or marginalise others. This leads to a pressing question: *How can criminal laws in India be effectively reformed to include all genders without diluting existing protections for women?* Addressing this challenge requires a careful

doctrinal investigation into statutes, judicial precedents, and interpretative trends.

Research Objectives and Questions

Objectives:

1. To analyse the language and structure of key gender-specific provisions in Indian criminal law.
2. To identify the social, cultural, and legal obstacles that hinder the adoption of gender-neutral legislation.
3. To propose doctrinally sound recommendations for making these laws more inclusive without compromising the safety of traditionally vulnerable groups.

Research Questions:

1. Which provisions of criminal law in India explicitly or implicitly focus on a single gender?
2. What doctrinal complexities arise when advocating for gender neutrality in these provisions?
3. How do societal norms and legal traditions influence the discourse on amending criminal laws to be inclusive?
4. What potential strategies can effectively balance the need for gender-neutral laws with the continuing need to protect historically disadvantaged populations?

Significance of the Study

The discourse surrounding gender-neutral criminal laws transcends legal theory, touching on broader questions of social justice, human rights, and equality. By undertaking a doctrinal review of Indian criminal statutes and relevant case law, this study aims to contribute to an ongoing dialogue about how best to accommodate the realities of all victims. If properly implemented, gender-neutral legislation can reaffirm the principle of equality before the law, promoting fairness and ensuring that no individual's experience of victimhood is dismissed based on preconceived notions of gender roles.

Moreover, this research can provide legislators, judges, and policymakers with an informed perspective on how to integrate gender neutrality without undermining the valuable protections currently extended to women. Such insights can spur a more thoughtful approach to future law reform efforts.

Scope and Limitations

The scope of this research is confined to a doctrinal analysis of select Indian laws, including Bharatiya Nyaya Sanhita (BNS) and associated legal provisions where gender-specific language is prevalent. While references to international models, especially from common law jurisdictions, may offer comparative insights, the central focus remains on the Indian legislative and judicial context. The study does not delve into extensive empirical data or field research, but rather relies on statutory interpretation, judicial pronouncements, and scholarly commentaries to build its arguments. These choices aim to maintain depth in the legal examination while acknowledging the practical constraints of time and resources.

LITERATURE REVIEW

Conceptual Foundations of Gender-Neutral Laws

The concept of gender neutrality in criminal law stems from broader legal theories emphasising equality and non-discrimination. Early feminist legal scholars primarily focused on women's rights to address systemic biases embedded in patriarchal legal structures. Over time, however, these discussions expanded to acknowledge that not all individuals who suffer from violence or discrimination identify as women. Theories of liberal egalitarianism argue that law should be framed in a manner that affords equal protection to every person, regardless of gender identity. In this context, shifting the legislative language to terms like "person" or "victim" instead of "woman" or "man" is perceived as a crucial step toward inclusivity.

Additionally, critical legal studies illuminate how laws often reflect dominant social narratives, potentially marginalising groups that fall outside conventional categories. By advocating a move away from gender-essentialist perspectives, these scholars encourage scrutinising the subtle ways in which laws may perpetuate stereotypes or inadvertently exclude certain populations. Hence, the push for gender-neutral statutes is seen not only as a legal reform but also as an evolution of societal norms concerning identity and victimhood.

Review of Previous Studies

Several domestic and international studies address gender-specific legislation, highlighting both its protective strengths and inherent limitations. Indian scholarship often focuses on Bharatiya Nyaya Sanhita (BNS) provisions related to sexual crimes, noting how these sections are primarily framed in a way that envisions women as the only victims and men as the primary perpetrators. Legal commentators have underscored that this approach, while well-intentioned, might overlook instances where men or non-binary individuals experience similar harms.

In particular, studies examining ***domestic violence legislation*** observe that statutes such as the Protection of Women from Domestic Violence Act, 2005, were pivotal in recognising the power imbalances frequently present in household dynamics. Nonetheless, critics argue that limiting these legal remedies solely to female victims fails to consider situations where men, transgender persons, or non-binary individuals may also suffer domestic abuse. Scholarly discussions further point out that societal norms and stigma often prevent male and non-binary victims from seeking help, exacerbating the imbalance in legal redress.

Comparative research has highlighted jurisdictions like the United Kingdom and certain American states that have amended their laws to employ gender-neutral language. These case studies suggest that inclusivity can be achieved without necessarily diminishing the focus on safeguarding historically marginalised groups. However, the success of such measures also depends on robust implementation and public awareness, which remain key challenges in India.

Methodological Approaches in Past Research

Much of the existing literature on gender neutrality in Indian criminal law employs doctrinal and comparative methodologies. ***Doctrinal research*** typically involves analysing statutes and case law to determine the scope, interpretation, and potential ambiguities of existing legal provisions. Such studies often highlight how certain sections of the BNS, like Sections 63 and 64 (defining rape), are drafted in gender-specific terms, underscoring the need for reexamination.

On the other hand, ***comparative studies*** place Indian statutes alongside the legislative frameworks of countries that have embraced gender-neutral language. Researchers use this approach to identify parallels, differences, and potential models for reform. In doing so, they

reveal the interplay between legal provisions and cultural or societal attitudes, showing that successful reforms rely not only on legislative changes but also on shifts in public perception and judicial practices.

Empirical research, though not as extensive, offers valuable insight into how current laws function in practice. Surveys and interviews with legal professionals, victims, and law enforcement officials shed light on gaps between statutory provisions and real-world implementation. While such empirical data is limited, these studies underscore the need for ongoing research that blends doctrinal analysis with ground-level realities.

THEORETICAL AND LEGAL FRAMEWORK

Doctrinal Methodology Explained

A doctrinal or black-letter law approach provides a systematic examination of statutes, judicial decisions, and legal principles. This method focuses on interpreting the language of the law, identifying ambiguities, and reviewing how courts have applied or interpreted legislative provisions. By concentrating on existing legal texts, doctrinal research uncovers gaps in coverage or inconsistencies in application, thereby forming a basis for recommendations for reform.

In the context of gender neutrality in Indian criminal law, employing a doctrinal methodology is particularly relevant. It enables the researcher to pinpoint where legal language privileges a single gender or presupposes a male perpetrator and female victim. Close scrutiny of statutes such as Bharatiya Nyaya Sanhita (BNS) and related legislation helps highlight both explicit and implicit biases. Furthermore, analysing judicial interpretations, including landmark rulings and evolving precedents, offers insight into how the courts have grappled with or sometimes reinforced gender-specific legal provisions. This approach not only clarifies how the law currently operates but also elucidates pathways for potential legislative change.

Overview of Gender-Specific Laws in India

India's criminal law framework largely derives from the BNS, enacted in the colonial era and minimally updated in the post-independence period. While certain amendments have addressed contemporary issues, several provisions continue to reflect traditional assumptions about gender roles. For instance:

1. ***Sexual Offences:*** Sections 63 and 64 of the BNS define rape and prescribe its punishment, yet these provisions predominantly conceptualise women as the only possible victims. This perspective, although invaluable for protecting women, leaves little scope for acknowledging that men and individuals of other gender identities can also be subjected to sexual crimes.
2. ***Domestic Violence:*** The Protection of Women from Domestic Violence Act, 2005, explicitly centres on women as victims of familial abuse. This law was significant in recognising household power imbalances and giving women broader protective remedies. Nevertheless, it does not extend the same legal channels to men or non-binary individuals who might also experience domestic abuse.
3. ***Offences Against Modesty:*** Statutory provisions such as Section 79 of the BNS describe offences that outrage the “modesty” of a woman. While well-intentioned to deter harassment, the language risks excluding other victims who do not fit the traditional female paradigm. Similarly, it perpetuates the notion that modesty is applicable solely to women.

Such gender-specific framing initially arose from social conditions in which women were commonly viewed as the more vulnerable demographic. Although these provisions have played a crucial role in safeguarding women from violence, they also illustrate inherent limitations when it comes to comprehensive victim protection. A strictly gendered lens may prevent recognition of victimhood experiences encountered by men, transgender persons, and other individuals whose identities fall outside conventional definitions.

Emergence of the Demand for Gender-Neutral Laws

In recent decades, a heightened awareness of human rights and equality principles has catalysed discussions about modernising India’s legal architecture to embrace inclusivity. Multiple factors have contributed to this push:

1. ***Judicial Signals:*** Courts have occasionally indicated the desirability of more inclusive interpretations, even while applying gender-specific statutes. Some judgments have subtly questioned the narrow scope of certain provisions and observed that victimhood is not confined to a single gender.
2. ***Changing Social Landscape:*** As social movements draw attention to the rights of

LGBTQ+ communities, questions regarding the binary framing of criminal laws have gained urgency. Transgender individuals, for example, increasingly seek legal recognition and protection, compelling lawmakers to consider how existing statutes might inadvertently exclude them.

3. ***Advocacy and Activism:*** Non-governmental organisations, legal aid clinics, and rights-based groups have begun to highlight the stories of male and non-binary survivors of violence. Through public campaigns and court interventions, these organisations argue for laws that reflect the diverse experiences of victims, irrespective of gender identity.
4. ***Comparative Models:*** Examples from countries that have revised their criminal codes to remove gender-specific terminology serve as practical touchstones. While these jurisdictions have grappled with unique cultural contexts, their experiences demonstrate that the inclusion of all potential victims need not weaken protections for traditionally vulnerable populations.

ANALYSIS OF KEY PROVISIONS AND THEIR LIMITATIONS

Sexual Offences (BNS Sections 63 and 64)

Indian criminal law on sexual offences is primarily encapsulated under Sections 63 and 64 of Bharatiya Nyaya Sanhita (BNS). These provisions define the offence of rape and prescribe punishments that can range from rigorous imprisonment to life sentences, reflecting the grave nature of the crime. However, the language of these sections typically assumes that the perpetrator is male and the victim is female.

1. ***Gendered Language:*** The statutory wording focuses on the violation of a woman's bodily integrity, leaving little space to acknowledge male or non-binary victims. This structure is historically rooted in the perception that rape is predominantly a crime against women a viewpoint that, while valid, may not account for the experiences of other victims.
2. ***Limited Recognitions of Diverse Victims:*** Although legal reforms have expanded the definition of rape over time, the focus on the gender binary (male perpetrator, female victim) restricts the law's applicability. Survivors who do not fit these categories may find themselves without a straightforward avenue for legal recourse.

3. **Judicial Interpretations:** Courts have occasionally commented on the possibility of extending legal protections to a wider array of victims. However, in the absence of statutory amendments explicitly introducing gender-neutral language, judges remain bound to interpret the text largely within its existing framework.

Limitation: The principal limitation lies in the mismatch between the law's emphasis on female victims and the reality that sexual crimes can affect individuals of all genders. This gap can leave other survivors either reliant on less specific provisions such as those dealing with general assault or facing a lack of clarity about their legal protections.

Domestic Violence Laws

India's principal legislation addressing domestic violence is the ***Protection of Women from Domestic Violence Act (PWDVA), 2005***. Enacted to safeguard women from physical, emotional, and economic abuse within household settings, the law marked a significant advancement in recognising and penalising forms of domestic violence beyond mere physical assault.

1. **Exclusive Focus on Women:** As indicated by its title, the PWDVA is oriented toward protecting women. This specificity has been celebrated for spotlighting the historically overlooked issue of violence against women within the domestic sphere. Nevertheless, the Act does not extend similar legal remedies to male or non-binary victims who might encounter similar forms of abuse at home.
2. **Breadth of Protective Measures:** The Act offers comprehensive protections, including protection orders, residence orders, and monetary relief. While commendable in covering a wide spectrum of abusive behaviour, these remedies are currently available only to women or, in some cases, female relatives.
3. **Societal and Cultural Dimensions:** In many Indian households, patriarchal norms remain deeply ingrained, which has traditionally placed women in a vulnerable position. While acknowledging this social reality, critics argue that drafting the law to exclude other genders inadvertently perpetuates a legal blind spot.

Limitation: The central limitation stems from the Act's narrow focus, which reinforces the assumption that domestic abuse is largely a female-centric issue. Men and non-binary

individuals facing domestic violence may lack specialised legal redress, forcing them to rely on more general provisions under the BNS or civil law remedies, which are not tailored to address domestic abuse.

Offences Related to Modesty and Harassment (e.g., BNS Section 79)

Offences designed to protect the “modesty of a woman” are codified in provisions such as **Section 79 of the BNS**, which criminalises acts intended to insult the modesty of a woman. This includes words, gestures, or actions that may intrude upon a woman’s privacy or dignity.

1. ***Concept of ‘Modesty’***: The idea of modesty underpinning these provisions is inherently gendered, rooted in the notion that women possess a unique form of modesty necessitating special legal protection. While acknowledging women’s frequent exposure to harassment, this framing omits the possibility that harassment can be directed at anyone, regardless of gender.
2. ***Legal Interpretation***: Courts traditionally interpret the term “modesty” with reference to conventional social norms about how women should be perceived and treated. This approach can overlook harassment faced by men or non-binary individuals, who may also experience verbal or physical conduct intended to degrade or humiliate them.
3. ***Societal Ramifications***: The singular focus on “women’s modesty” potentially reinforces gender stereotypes, suggesting that other victims might not suffer equivalent harm or require specific safeguards. It also perpetuates the assumption that men cannot be the recipients of comparable forms of harassment, thereby contributing to underreporting in such cases.

Limitation: The main shortcoming here is the narrow scope of protection, which fails to encapsulate the broader spectrum of harassment. By adhering to a traditional understanding of women’s modesty, the law risks neglecting the experiences of other individuals who may endure equally demeaning or distressing behaviour.

CHALLENGES TO THE IMPLEMENTATION OF GENDER-NEUTRAL LAWS

Social and Cultural Barriers

One of the most significant obstacles to adopting gender-neutral criminal laws in India is the

deeply ingrained social perception that women are inherently more vulnerable than men or non-binary individuals. In many communities, patriarchal norms continue to dominate, influencing how violence and victimhood are understood. This mindset can lead to skepticism when individuals who do not fit the traditional image of a “female victim” report abuse or seek legal redress.

Additionally, stigma plays a notable role. Men and non-binary persons who face sexual or domestic violence often confront societal ridicule or disbelief, discouraging them from coming forward. This culture of silence not only reduces the visibility of non-female victims but also hinders the development of robust data that would otherwise support the need for inclusive legislation. In effect, the absence of openly documented cases fosters the misconception that such violence rarely occurs outside the female demographic, reinforcing resistance to gender-neutral legal reforms.

Legal Challenges and Judicial Interpretation

The existing body of criminal law in India including statutes like Bharatiya Nyaya Sanhita (BNS) was originally drafted with a clear focus on female victims, reflecting social realities of the time. While revisions have occurred, many provisions retain gender-specific language, making any shift toward neutrality a complex legal endeavour.

Judicial interpretation also poses challenges. Courts typically rely on precedent and statutory wording, so if a law explicitly references “woman” as the victim, judges are constrained by this language unless directed otherwise by higher judicial authorities or legislative amendments. Moreover, courts may be cautious about reading gender neutrality into statutes for fear of overstepping their interpretative role. As a result, incremental changes through individual judgments often fail to establish uniform standards that can be broadly applied, prolonging the need for clear legislative intervention.

Legislative Resistance

Legislative hesitation frequently arises from concerns about diluting the protections afforded to women, who still constitute a disproportionately large segment of victims in various crimes. Some lawmakers and advocacy groups worry that introducing neutral language might undermine existing legal mechanisms designed to address women’s historical marginalisation

and the prevalence of gender-based violence.

Political considerations may also discourage sweeping reforms. Proposing changes to long-standing laws can be politically contentious, especially if stakeholders perceive these reforms as undermining the efforts and gains made to protect women. In such an environment, legislative bodies may prioritise safeguarding existing protections over adopting a more inclusive approach resulting in only incremental changes or stagnation.

Potential for Misuse

Another commonly cited challenge is the apprehension that gender-neutral laws may lead to increased misuse of legal provisions. Critics argue that opening up statutes to protect all genders could make it easier for frivolous or malicious complaints to arise against women, potentially reversing the positive impact of the current women-centric provisions.

This concern, while noteworthy, can overshadow the fundamental principle that the law should be equitable. Balancing robust safeguards against false accusations with the need to recognise all victims' rights is therefore essential. In practice, the misuse of legal provisions can occur under any framework. The focus should be on designing robust safeguards and fair investigative processes, rather than on restricting legal recognition to a single gender.

JUDICIAL PERSPECTIVES AND LANDMARK DECISIONS

Over the years, Indian courts have grappled with the gender-specific language embedded in criminal statutes, sometimes singling the need for more inclusive interpretations. While the legislature has not always responded with statutory amendments, certain judgments offer insights into how the judiciary perceives the evolving notions of victimhood:

1. ***Expanding Definitions of Victimhood:*** In several instances, higher courts have acknowledged that crimes such as sexual assault can, in theory, be committed against individuals regardless of their gender identity. Although bound by statutory language, these judgments highlight judicial recognition of the broader reality of abuse.
2. ***Protecting Fundamental Rights:*** Courts have occasionally invoked constitutional principles such as equality before the law when interpreting provisions in favour of a more inclusive approach. This line of reasoning suggests a growing judicial awareness that laws requiring exclusive reference to female victims might be at odds with the constitutional

commitment to non-discrimination.

3. **Highlighting Legislative Gaps:** Certain rulings explicitly note the absence of legal remedies for male or non-binary victims in specific contexts. Judges, however, often emphasise that legislative intervention is necessary to rectify these shortcomings, as courts cannot unilaterally amend statutory text.

Trends and Emerging Patterns

A review of case law reveals a few emerging patterns that, collectively, nudge the system toward a more inclusive stance:

1. **Sympathetic Interpretation:** While unable to rewrite statutes, courts sometimes engage in “purposive interpretation” to cover scenarios not explicitly mentioned in the law. This practice can offer interim relief to non-traditional victims, although its impact depends on the judge’s discretion.
2. **Judicial Advocacy for Reform:** In their decisions, certain judges have openly appealed to lawmakers to consider adopting gender-neutral language, particularly in contexts like sexual offences. These judicial remarks, though not binding, carry moral weight and can influence public discourse and legislative agendas.
3. **Balancing Protections with Misuse Concerns:** Courts frequently address the tension between safeguarding the rights of women and ensuring that legal provisions are not weaponised against innocent individuals. This concern often appears in bail decisions or appeals involving misuse of Section 85 & 86 (related to cruelty against married women), underscoring the delicate balance between necessary protection and potential misuse.
4. **Growing Recognition of LGBTQ+ Rights:** Recent decisions upholding the rights of transgender individuals, particularly in the realm of family and personal law, signal a broader acceptance that legal frameworks must accommodate diverse gender identities. Although these cases may not directly address criminal statutes, they establish a climate in which calls for gender-neutral criminal laws may be more favourably received.

Impact on Gender-Neutral Discourse

These judicial perspectives play a critical role in shaping the dialogue around gender neutrality

in criminal law. When high courts or the Supreme Court emphasise the importance of inclusivity or criticise outdated, gender-specific language, public interest groups, media, and policymakers often take note. This can invigorate lobbying efforts for reform and catalyse discussions in legislative and academic forums.

Despite these positive indicators, structural and cultural barriers remain. Judges can only interpret within the confines of the law as written, making comprehensive reform heavily dependent on legislative action. Nonetheless, judicial voices advocating for inclusive reforms lay the groundwork for more sustained conversations about adopting gender-neutral statutes.

COMPARATIVE INSIGHTS

Gender-Neutral Approaches in Other Jurisdictions

Several jurisdictions across the globe have taken steps to make their criminal laws more inclusive by removing gender-specific language and emphasising the broader principle of protecting any individual who experiences harm:

1. United Kingdom

- The *Sexual Offences Act 2003* employs largely gender-neutral terminology, using language such as “person” rather than specifying “man” or “woman.” This approach broadens the scope of legal protection to encompass victims of all gender identities.
- Legislative discussions in the UK have underscored that gender neutrality does not diminish the seriousness of offences against women but instead ensures universal safeguards.

2. United States

- While legislation varies across states, many jurisdictions have updated their penal codes to define crimes like rape, sexual assault, or domestic violence without specifying the victim’s or offender’s gender.
- Terms such as “intimate partner violence” are often used, acknowledging that abuse can occur in any relationship configuration. This development grew out of both feminist

movements advocating for women's safety and broader human rights advocacy focusing on inclusivity.

3. *Canada*

- Canadian criminal law treats sexual assault as a gender-neutral offence. Legislative reforms in the 1980s replaced the term "rape" with "sexual assault," reflecting a recognition that such crimes could be perpetrated by and against individuals of any gender.
- This change aimed to capture a wider range of unwanted sexual acts and ensure that all victims have equal access to justice.

Through these examples, it becomes apparent that a gender-neutral approach can be legislatively encoded without undermining existing protections for historically vulnerable groups. By directing attention toward the nature of the offence itself rather than the specific identity of the perpetrator or victim these jurisdictions endeavour to address potential cases more comprehensively.

Lessons and Adaptability to Indian Context

India's unique social, cultural, and legal landscape may require adaptations before any wholesale transplantation of foreign legal models. Nonetheless, there are instructive takeaways:

1. *Inclusive Legislative Drafting*

- Employing terms like "person," "complainant," or "victim" can expand legal coverage to all individuals who experience harm. This shift does not negate the possibility of special provisions for populations such as women who remain at higher risk of violence. Instead, it creates a baseline of legal protection that applies universally.
- Clear definitions within statutes help avoid ambiguity, ensuring that law enforcement agencies and courts have consistent guidelines.

2. *Balancing Protections and Misuse*

- Some critics worry that gender-neutral provisions may be more susceptible to misuse.

However, experiences from other jurisdictions highlight the role of procedural safeguards such as impartial investigations, rigorous evidence requirements, and judicial oversight to address false complaints.

- Courts in countries that have gender-neutral laws still recognise the particular vulnerabilities of certain groups, indicating that neutrality need not come at the expense of targeted support or victim assistance programs.

3. *Societal Sensitisation*

- Public education campaigns and professional training (for police, judges, and social workers) are vital for ensuring that newly introduced legal measures are effectively implemented.
- These efforts help dismantle stereotypes such as the notion that men cannot be victims of sexual violence or domestic abuse and foster a culture in which all survivors feel empowered to seek redress.

4. *Gradual Implementation*

- Jurisdictions that have successfully integrated gender-neutral laws often did so in stages, combining legislative changes with judicial interpretations and community engagement. This gradual approach helps manage resistance from stakeholders who fear losing the emphasis on protecting women from violence.

RECOMMENDATIONS FOR REFORM

Proposed Legislative Amendments

1. *Inclusive Terminology in Statutes*

- Replace gender-specific references such as “woman” or “man” with neutral terms like “person,” “victim,” or “complainant.” This shift would ensure that survivors of any gender identity have access to the same legal protections.
- Revise provisions in Bharatiya Nyaya Sanhita (BNS) and special legislations (e.g.,

Protection of Women from Domestic Violence Act, 2005) to clarify that offences including sexual assault, domestic violence, and harassment may be committed against individuals of all genders.

2. Clear Definitions and Scope

- Introduce precise definitions to delineate the nature of offences, ensuring legal clarity even as language shifts toward gender neutrality. For example, updated sections on sexual offences should detail prohibited acts without presuming the gender of either the accused or the survivor.
- Incorporate specific clauses that acknowledge heightened risks for women, children, and other vulnerable groups, so that neutrality does not inadvertently dilute existing protections.

3. Streamlined Procedural Safeguards

- Amend procedural laws, including the Bharatiya Nagrik Suraksha Sanhita (BNSS), to maintain fairness for all parties. Provisions that guard against misuse such as penalties for filing frivolous complaints can be clarified and strengthened. This addresses concerns that gender-neutral statutes might lead to baseless accusations, while still preserving broad victim protection.

Judicial and Policy Measures

1. Guidelines for Judicial Interpretation

- Issue practice directions or guidelines encouraging courts to interpret existing laws in a manner consistent with constitutional principles of equality and non-discrimination. In the absence of immediate legislative changes, these guidelines can bridge interpretive gaps, ensuring that courts are not unduly confined by outdated gender-specific language.
- Encourage higher courts to form specialised benches or committees that regularly review case law on gender neutrality, offering recommendations to policymakers on emerging issues.

2. Training and Sensitisation

- Implement targeted training programs for judges, prosecutors, and law enforcement personnel to help them understand the nuances of gender-neutral statutes. This could include sessions on recognising victims of different gender identities and avoiding unconscious bias.
- Provide guidelines on handling sensitive cases involving male, transgender, and non-binary survivors to reduce stigma and ensure that these survivors receive equitable treatment in investigations and court proceedings.

3. Holistic Support Systems

- Strengthen or establish victim support services hotlines, counselling centres, and shelters accessible to individuals of all genders. Legal aid clinics should also receive expanded resources to accommodate an anticipated rise in diverse victims seeking assistance.
- Develop collaborative protocols between police, social welfare departments, and medical facilities to streamline responses to sexual and domestic violence cases, irrespective of the survivor's gender identity.

Public Awareness and Advocacy

1. Educational Campaigns

- Launch widespread public education initiatives to inform communities about the existence and scope of gender-neutral laws. By highlighting real-life stories of survivors outside the conventional female victim paradigm, these campaigns can combat stereotypes and encourage reporting of crimes.
- Integrate discussions on consent, healthy relationships, and respectful behaviour into school curricula and community programs, helping to deconstruct patriarchal norms that often underlie gender-based violence.

2. Collaboration with Civil Society

- Engage non-governmental organisations, activists, and community leaders in drafting and

advocating for gender-inclusive reforms. Their ground-level experience can illuminate the practical hurdles survivors face, ensuring legislation is responsive to real-world challenges.

- Foster public dialogues through seminars, workshops, and online platforms that enable citizens, survivors, and experts to contribute to policy development. Meaningful participation can help align reforms with the lived realities of diverse communities.

3. *Sustained Monitoring and Review*

- Establish an independent body or commission to periodically review the efficacy of gender-neutral laws. This institution could track case outcomes, assess enforcement levels, and propose adjustments as social conditions evolve.
- Promote transparency by publishing annual or biennial reports detailing the progress made in implementing gender-inclusive reforms. Such accountability encourages governmental agencies, law enforcement, and the judiciary to remain committed to upholding these measures.

CONCLUSION

This research paper has highlighted that the quest for gender-neutral criminal laws in India is driven by the principle of ensuring that all victims, irrespective of their gender identity, receive legal protection. While current statutes particularly those focusing on sexual offences, domestic violence, and harassment have significantly contributed to safeguarding women, they often adopt language and assumptions that exclude other potential survivors. A doctrinal analysis of existing laws and judicial decisions reveals multiple challenges, including cultural perceptions of victimhood, legislative inertia, and fears about potential misuse. Nevertheless, there is a growing consensus reflected in court observations and advocacy efforts that India's legal framework must evolve to better align with constitutional commitments to equality.

By examining the origins and limitations of gender-specific legal provisions, this study underscores the importance of inclusive legal language. It situates the conversation within India's socio-legal context while drawing comparative insights from jurisdictions that have successfully adopted gender-neutral approaches. Through a doctrinal lens, the paper adds to the body of knowledge that critiques the binary understanding of victim-perpetrator dynamics,

thereby contributing recommendations intended to support an inclusive and balanced legal framework.

Although the paper adopts a doctrinal methodology, future studies could incorporate empirical data such as survivor testimonies, police records, and court statistics to gauge the practical impact of any proposed reforms. Interdisciplinary research, encompassing sociology and psychology, can shed light on how cultural attitudes influence reporting behaviours and legal outcomes. Additionally, examining specific case studies of transgender or male survivors could deepen insights into the types of stigma and institutional gaps they encounter.

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