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Understanding Gender Neutrality in Law

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ABSTRACT

This article critically explores the concept of gender neutrality in criminal law, examining its theoretical foundations, social implications, and legal applicability in the Indian context. It begins by defining gender neutrality as a framework aimed at eliminating sex-based discrimination by treating individuals equally under the law, irrespective of gender. The discussion highlights how gendered assumptions—particularly the portrayal of men as perpetrators and women as victims—have historically influenced the construction of criminal law, often to the detriment of male, transgender, and non-binary victims. Drawing on legal reforms like the Criminal Law (Amendment) Act, 2013 and landmark judgments, the article evaluates whether current laws reflect an inclusive approach. It presents both dissenting and consenting perspectives: critics argue that a gender-neutral approach undermines protections for women in a patriarchal society, while proponents advocate for equal protection for all genders under the principle of equality before law. Ultimately, the article calls for a balanced legal framework that ensures justice without reinforcing gender stereotypes or excluding vulnerable communities.

KEYWORDS

Gender, Neutrality, Discrimination, Equality, Inclusivity

UNDERSTANDING GENDER-NEUTRALITY

One might ask, as to what law has to do with gender? Or, why are certain laws different for different genders? It is because it is necessary to have certain provisions for a particular gender so as to ensure their rights are not violated and they get equal treatment as their counterparts. The popular construction of gender roles and responsibilities in India have for centuries been the subject of varied contemporary discourses. Legal frameworks and policies within India have commonly been extensions of such

perceptions.¹ Criminal law, in particular, has been deeply rooted in defining crimes within the traditional male/female or paternalistic relationship norms.² However, in contemporary India, women have increasingly come to occupy various professional roles and spaces that were previously considered to be the exclusive domains of men. Many of these roles had historically been bequeathed primarily to men, reflecting a significant gender imbalance in various sectors. Consequently, perceptions about gender roles and responsibilities have been altered significantly in recent decades, leading to a more dynamic and evolving understanding of gender. Despite these important shifts in societal attitudes, Indian criminal law and its enforcement mechanisms continue to remain entrenched in earlier conceptions that delineate the division of roles and responsibilities between men and women in a rather traditional manner.

The historical narrative surrounding gender neutrality within the context of criminal law in India serves as a poignant reflection on the evolving societal norms and governance practices that ultimately affect the creation and imposition of legal norms. An in-depth understanding of these historical narratives allows for a deeper appreciation of the contemporary societal and systemic challenges, as well as the deficiencies that exist in relation to gender-neutral legal governance. It is hoped that a fuller comprehension of this historic evolution will engender appropriate reforms aimed at enhancing gender neutrality within both the law and legal governance frameworks in India, thus contributing positively towards achieving greater equality and justice for all genders.

- **What is Gender Neutrality?**

Gender equality, also referred to as gender neutrality or the gender equity movement, is based on the idea that laws, language, and social structures should not assign roles based on gender or sexuality. The goal is to eliminate sexism by challenging the notion that certain social roles are inherently more suitable for one gender than another.³ Gender neutrality refers to grey areas in gender classification. The legal recognition of gender distinctions remains a complex challenge, particularly due to the existence of individuals who identify as intersex, third

¹ Gopal Krishna Thakur, "Dimensions of Gender Inequality in India and Education as an Instrument for Women Empowerment", 2(10) *Asian Journal of Multidisciplinary Studies* 153 (2014).

² Whose Problem is it anyway? Crimes against women in India, available at <https://pubmed.ncbi.nlm.nih.gov/25053256/> (last visited 4th February 2025)

³ J. Richard Udry, "The Nature of Gender", 31 *Springer Nature* 562 (1944).

gender, transgender, genderqueer, or non-binary.

According to Merriam-Webster, the term “gender-neutral” is defined as not being associated with either sex but referring to people in general. Similarly, the Cambridge Dictionary defines it as relating neither specifically to men nor to women. Thus, the concept of gender neutrality applies to individuals without categorizing them as male, female, or third gender. For example, terms like Firefighter, Police Officer, and Security Guard are gender-neutral, whereas Policeman is a gender-specific term. The term 'gender-neutral' signifies the absence of any association with either male or female. It applies to various aspects such as definitions, language, and design. However, what is often perceived as gender neutrality may, in certain fields like research and data distribution, actually result in gender blindness.

Gender blindness refers to the notion that both sexes are treated as identical, disregarding their biological and historical differences. It fails to acknowledge that in social, economic, political, and societal contexts, the roles and responsibilities of men/boys and women/girls are often assigned or structured differently based on cultural and systemic factors.

Gender neutrality in the legal field is based on the principle that legal provisions should be applicable without gender-based discrimination, ensuring equal treatment for all individuals under the law. It seeks to remove systemic biases and prejudices that have historically favored one gender over another, thereby creating a more just and equitable legal system. The goal is to eliminate traditional gender roles and stereotypes embedded within legal frameworks, fostering fairness, equity, and inclusivity in both legal interpretation and implementation.

While gender neutrality plays a crucial role in achieving true gender equality, its implementation in legislative practice remains a complex and evolving challenge. Many legal systems still contain inherent biases that make gender-neutral reform difficult to fully realize. Moreover, differences in cultural, social, and political landscapes further complicate efforts to apply gender neutrality uniformly across all legal jurisdictions.⁴

⁴ Rigmor Argren, “The Evolving Recognition of Gender in European and International Law”, *Springer International Publishing* 2023.

The term 'gender neutrality' is often murky, and as Arvind Narrain states, it "perhaps disguises more than it communicates." Narrain identifies three key perspectives of gender neutrality:

- A. Gender neutrality in relation to the victim
- B. Neutrality concerning the perpetrator
- C. Neutrality in custodial, communal, war, and conflict scenarios

A. Gender Neutrality in relation to the Victim

Traditionally, the term 'victim' has been understood to exclusively refer to women. It is concerning that Indian rape laws still operate on the assumption that only a woman can be a victim of rape. This belief stems from the erroneous notion that rape is solely an act of sex, intended to gratify the perpetrator's desires.⁵ However, awareness is increasing that sexual assault is not just about lust or desire, but also functions as an assertion of power and dominance—a means of establishing superiority based on caste, class, religion, or community.

If rape is a tool of power and humiliation, then there is no justifiable reason to exclude men from being recognized as rape victims under Indian law.⁶

Furthermore, the concept of 'gender' has been conventionally understood as being limited to the male and female binary. This perspective assumes that human bodies are strictly classified as either male or female, disregarding individuals who do not conform to these normative definitions of gender. As a result, violence suffered by individuals who do not fit into these traditional categories is overlooked.

In particular, the transgender community, including hijras and kothis in the Indian context, as well as intersex individuals, face legal and societal neglect. Intersex individuals are those born with ambiguous sexual characteristics, which do not fit conventional definitions of male or female.

⁵ Arvind Narrain, "Violation of Bodily Integrity" 48(11) *Economic and Political Weekly* 2013.

⁶ Ibid.

The following section will explore these issues in greater detail, shedding light on the systemic exclusion and vulnerabilities faced by non-binary and transgender individuals in the context of gender neutrality.⁷

i. The Trans-Gender Society

There is substantial historical and mythic verification indicating that India has long been inhabited by the transgender community. The Hijra community, in particular, can be drawn back to find its origins in mythological references in the Ramayana and the Mahabharata. Given this deep-rooted presence in Indian culture, why is it that Indian law offers them minimal recognition?⁸

The term 'transgender' refers to individuals "who do not conform to traditional gender identities, appearances, or expressions". This category includes "hijras, kothis, and transsexuals". While some transgender individuals opt for surgical procedures and medical interventions to transition to the opposite sex, others adopt roles traditionally associated with the opposite gender. Due to their diverse identities, they are particularly vulnerable to sexual violence, as noted by Arvind Narrain (2013).⁹

In India, multiple researches have shown the sexual and physical violence faced by the transgender community. A study conducted by the "People's Union for Civil Liberties – Karnataka (PUCL-K)" examined human rights violations against transgender individuals in Bangalore, and its findings were deeply disturbing:

"Sexual violence is a recurring and pervasive theme in nearly all the narratives collected in our report. In addition to physical abuse such as beatings and threats of disfigurement with acid bulbs, hijras frequently become targets of invasive curiosity, often escalating into severe violence. As indicated by these accounts, the

⁷ Nivedita Menon, *Seeing like a Feminist* (Penguin Random House, New Delhi, 2013).

⁸ Being a Eunuch, available at <https://countercurrents.org/gen-narrain141003.htm> (last visited on 6th February, 2025).

⁹ Arvind Narrain, "The Criminal Law (Amendment) Bill, 2012: Sexual Assault as a Gender Neutral Offence", 47(35) *Economic & Political Weekly* (2012).

*police routinely subject hijras to degrading treatment, including asking invasive sexual questions, groping their breasts, stripping them, and, in some instances, raping them. Regardless of whether physical violence is involved, such actions constitute a gross violation of the individual's sexual integrity and privacy."*¹⁰

Transgender individuals and hijras are frequently subjected to police harassment, discrimination, and physical assault, often under the pretext of "Section 377" of the "Indian Penal Code". This section criminalizes "*carnal intercourse against the order of nature with any man, woman, or animal.*"

Originating from colonial-era laws, "Section 377" was historically used to target and persecute individuals based on their gender identity and sexual orientation. The law inherently assumes that hijras, transgender persons, and homosexual individuals engage in unnatural sexual acts, thereby exposing them to arbitrary police scrutiny, social exclusion, blackmail, wrongful arrests, and custodial violence.¹¹ Due to the vague and broad nature of this provision, authorities have used it as a tool of oppression, reinforcing the marginalization of the LGBTQ+ community and denying them basic human rights.

B. Neutrality with respect to the Perpetrator

While there is broad agreement on ensuring gender inclusivity for victims, the question of whether a female can be a perpetrator remains a topic of ongoing debate. There are arguments both in favor of and against recognizing women as offenders under rape laws.

In its 172nd report, the "*Law Commission of India*" recommended that rape laws should be gender neutral. Subsequently, the "*Criminal Law (Amendment) Ordinance of 2013*" introduced gender-neutral provisions for the offense of rape. However, with the enactment of the "*Criminal Law (Amendment) Act, 2013*",

¹⁰ People's Union for Civil Liberties-Karnataka, "Human Rights violation against the Transgender Community" (September 2003)

¹¹ Whose Problem is it anyway ? Crimes against women in India, available at <https://pubmed.ncbi.nlm.nih.gov/25053256/> (last visited 4th February 2025)

the gender-specific nature of rape laws persisted, leaving the debate unresolved.¹²

- ***Dissenting Views on Complete Gender Neutrality***

A. Rape of a Man by a Woman is Not Possible

Susan Brownmiller says “*I think it is a biological impossibility*”.

“I have doubts whether a woman can commit rape; the reason is that a man has to be aroused sexually to be able to have sex with a woman. If a woman tells a man that he must have sex with her, it won't work because the man will be so frightened and disorientated that he won't really be able to do it. Under that circumstance, the man won't be able to be in the proper physical mood to be able to have sex with the woman.”¹³

This argument assumes that men possess greater physical strength, making them capable of committing rape, whereas women are incapable of doing so due to the belief that it is physically and biologically impossible for them to force a man into sexual intercourse.

B. The notion that ‘Real’ Men can defend themselves against Sexual Assault/Rape

“Rape became not only a male prerogative, but a man's basic weapon of force against woman, the principal agent of his will and her fear. His forcible entry into her body, despite her physical protestations and struggle, became the vehicle of his victorious conquest over her being, the ultimate test of his superior strength, the triumph of his manhood.”¹⁴

¹² Law Commission of India, 172nd Report, available at [\(https://www.advocatekhaj.com/library/lawreports/witnessidentityprotection/22b.php?Title=Witness%20Identity%20Protection%20and%20Witness%20Protection%20Programmes&STitle=172%20nd%20Report%20of%20the%20Law%20Commission%20\(2000\)\)](https://www.advocatekhaj.com/library/lawreports/witnessidentityprotection/22b.php?Title=Witness%20Identity%20Protection%20and%20Witness%20Protection%20Programmes&STitle=172%20nd%20Report%20of%20the%20Law%20Commission%20(2000)) (last visited on 7th February, 2025)

¹³ Can a Female commit rape ? It's Difficult for a Man to be Raped, available at <https://www.vanguardngr.com/2013/04/can-a-female-commit-rape-its-difficult-for-a-man-to-be-raped-prof-itse-sagay/> (last visited on 7th February, 2025)

¹⁴ Susan Brownmiller, *Against Our Will: Men Women and Rape* 283 (Penguin

It is argued here that rape is a manifestation of power and control exerted by men over women. The common belief that men are physically stronger leads to the assumption that they should be capable of defending themselves against rape. As a result, the idea of a man being unable to resist sexual assault is often considered an impossible notion.

C. Contradicts Social Reality

“There are no known instances in India where women have committed sexual assault upon men and the proposal to make sexual assault gender neutral in non-custodial situations is not based on any empirical evidence.”¹⁵

It is widely believed that women raping men is not a societal issue. It is often emphasized that throughout history, no documented cases of a woman raping a man have been reported in India. This argument asserts that since no such cases have surfaced, there is no basis for recognizing women as perpetrators of rape. The law, therefore, cannot be made gender-neutral unless substantial empirical evidence proves that men have been victims of sexual assault by women.

D. The Post-Sexual Assault Experiences are different for Men and Women

This argument is based on the stage that because men and women are not treated the same in a patriarchal society, the impact and consequences of sexual assault also vary between them. As a result, a single legal framework cannot govern both genders in the same way.

Women often face severe social stigma after sexual assault, making them hesitant to even file a police complaint against the perpetrator. If they do, they are frequently mocked and harassed by law enforcement officers. However, the ordeal does not end there. Victims must also endure the humiliating two-finger test, conducted by doctors to assess the assault. Fortunately, the two finger test had been banned in India.

Random House, New York, 1975)

¹⁵ J. Richard Udry, “The Nature of Gender”, 31 *Springer Nature* 562 (1944)

Society, rather than supporting the victim, often blames her for the incident. Common accusations include questioning why she was out at night, what she was wearing, or whether she had consented. Labels such as “she is a slut” are carelessly assigned. During the legal proceedings, every aspect of her behavior is scrutinized, including her emotional state during testimony. If she does not appear to be distressed, it is often assumed that she is lying. Court judgments often emphasize that rape is a matter of “*deathless shame*,” reinforcing the stigma surrounding survivors.¹⁶

Even when society expresses sympathy towards the victim, it often leads to a reduction in her self-esteem, making recovery even more challenging. Women are expected to conform to specific behavioral norms, while no such expectations apply to men. Consequently, sexual assault deeply affects the psychological well-being of women, whereas men do not face the same societal consequences.

E. Patriarchal Society

A key argument against gender-neutral laws for women is that the status of women in India has always been inferior as compared to their counterparts, and implementing such laws would only exacerbate their situation.¹⁷ In Indian society, a woman’s virginity is often regarded as her most valuable asset. Women who engage in pre-marital sexual relations are frequently labeled immoral. Even judges have been known to make derogatory remarks about the character of victims in court rulings.

One of the most degrading practices that was used in rape investigations is the two-finger test, a deeply invasive and humiliating procedure conducted to examine the victim’s sexual history. Due to its controversial nature, this test has been discontinued.

Studies have revealed that in cases where medical reports indicated the victim was sexually active before marriage, offenders received lighter sentences, even though the law explicitly prohibits the consideration

¹⁶Madan Gopal Kakkad v. Naval Dubey, (1992) 3 SCC 204.

¹⁷ Flavia Agnes, Law, Ideology and Female Sexuality, 37(9) *Economic & Political Weekly* 844-847 (2002).

of past sexual history in such cases.¹⁸ This highlights the deep-rooted biases within the legal system and how patriarchal attitudes continue to influence judicial outcomes.

The court has the power to reduce the sentence of a person convicted of rape, but only under certain special circumstances.¹⁹ However, these circumstances are not explicitly defined in the law. Judges often justify lenient sentences by citing reasons such as the offender losing his job, facing societal humiliation,²⁰ being too young to control his impulses,²¹ or the victim getting married during the trial,²² thereby reducing the harm caused.

These justifications lack any logical basis and instead reinforce patriarchal stereotypes, such as ‘men will be men’, ‘it is the woman's fault’, and ‘marriage is the most significant aspect of a woman's life’.

Unless these patriarchal biases are actively challenged and judges, police, and society are sensitized, the law should not be made gender-neutral, as men and women do not occupy the same social position. As Fran Olsen aptly states, it is futile “to pretend that men and women are similarly situated”.²³

F. Implementing Gender-Neutral Laws Could Adversely Affect Women

Flavia Agnes is of the opinion that “A gender-neutral rape law would open up avenues for inflicting even greater trauma and humiliation| to an already marginalised section and hence defeat the very purpose of reform.”²⁴

Female victims would face increased pressure to

¹⁸ Dr. Mrinal Satish, “Virginity and Rape Sentencing”, *Times of India* (January 8, 2014).

¹⁹ Ibid

²⁰ *Bharwada Bhoginbhai Hirjibhai v. State of Gujarat*, (1983) 3 SCC 217

²¹ *Raju v State of Karnataka with Krishna v State of Karnataka*, (1994) 1 SCC 453

²² *Baldev v State of Punjab*, AIR 2011 SC

²³ Frances Olsen, 42(3) *Feminist Critical Theories* 63, (Stanford Law Review, California, 1990)

²⁴ Whose Problem is it anyway ? Crimes against women in India, available at <https://pubmed.ncbi.nlm.nih.gov/25053256/> (last visited 4th February 2025)

withdraw their cases, as offenders would have the ability to file counter-complaints with ease, leading to a hostile legal environment for survivors.²⁵ This would create fear and anxiety among female victims, making them hesitant to report sexual crimes due to the possibility of retaliation. Many victims might feel trapped in a cycle of legal intimidation, further deterring them from seeking justice.

Since a large number of rape cases already go unreported due to societal stigma, victim-blaming, and fear of law enforcement hostility, introducing gender-neutral laws would only exacerbate these issues. Women, who already struggle to come forward, would face even greater obstacles in accessing justice, as the fear of counter-litigation and legal harassment could further silence their voices.²⁶ Ultimately, such laws could undermine the legal protections intended for female survivors, making it even more difficult for them to seek redress for crimes committed against them.

• ***Consenting Views on Gender Neutral Laws***

A. Rape of a Man by a Woman is Possible

This argument is founded on the assumption that rape solely involves ‘penile-vaginal penetration’.²⁷ However, under Indian law, the definition of rape has expanded beyond its traditional scope. It now includes insertion of objects, as well as ‘oral’ and ‘anal penetration’.²⁸

Additionally, even in cases of penile-vaginal penetration, the presence of arousal or an erection cannot be taken as an indicator of consent. Various scientific studies have demonstrated that anxiety, fear, and humiliation can also trigger involuntary physiological responses, including erection, further

²⁵ Bindu Shajan Perappadan, “Wanted: Gender-Just Rape Laws”, *The Hindu*, (November 17, 2021)

²⁶ Rukmini S., “India Officially Undercounts All Crimes Including Rape”, *The Hindu* (December 4, 2021)

²⁷ Jai Vipra, “A Case for Gender-Neutral Rape Laws in India”, available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ccs.in/sites/default/files/2022-

10/A%20Case%20for%20Gender%20Neutral%20Rape%20Laws%20in%20India.pdf (last visited on 11th February, 2025)

²⁸ The Criminal Law (Amendment) Act, 2013 (Act 13 of 2013), s.375.

debunking the notion that arousal equates to willing participation.²⁹

It is crucial to understand that the human body's physiological reactions are not always aligned with emotional or psychological intent. An erection can be a reflexive response to external stimuli rather than a conscious sign of consent. Many survivors of sexual violence, including men, have reported experiencing involuntary arousal despite being subjected to coercion or force. This biological response is often misunderstood and has led to misconceptions regarding male victimhood in cases of sexual assault.

Recognizing that arousal is not a reliable indicator of consent is essential in ensuring that legal and societal perceptions of sexual violence are based on scientific understanding rather than outdated assumptions. Expanding awareness on this issue is necessary to prevent victim-blaming and ensure that all survivors, regardless of gender, receive proper legal protection and support.

B. There are Documented cases of Men being Raped

This argument acknowledges that women are more frequently the victims of rape, while simultaneously highlighting that men can also be victims—most often at the hands of other men, but in some cases, by women as well.³⁰ Different surveys and studies have collected substantial empirical data, providing evidence that women can and do commit acts of sexual violence against men.

“Victim surveys of British and American males have shown that 3 to 8 percent of males reported at least one adulthood incidence of sexual assault in their lifetimes with at least 5 to 10 per cent of all rape victims being male. While the majority of these crimes are committed by male offenders, an estimated 6 to 15 percent of these sexual assaults can involve female perpetrators.”³¹

²⁹ P.M. Sarrel, “Sexual Molestation of Men by Women”, 11(2) *Archives of Sexual Behaviour* 117-131 (1982).

³⁰ Ayeshea Perera, “Why a Gender-Neutral Anti-Rape Law isn’t Anti-Women”, *Firstpost*, (March 12, 2013)

³¹ *Ibid*

There is a rise in global recognition of cases of sexual violence where men are the victim. Several jurisdictions have implemented gender-neutral laws, including Canada, all Australian states, the Republic of Ireland, Finland, England and Wales, as well as several states in the United States.³²

Gender neutrality is often perceived as being opposed to feminist principles and as an attack on women's activism. However, the reality is that recognizing male victimization does not contradict feminist perspectives on rape. Many feminists have acknowledged that sexual violence affects individuals regardless of gender.³³

For example, Susan Brownmiller, in her book *'Against Our Will: Men, Women, and Rape'*, argued that rape laws should not be restricted by the victim's gender.³⁴ In kernel, gender-neutral laws do not make female victims more vulnerable; rather, they simply acknowledge the existence of male victimization without diminishing the struggles faced by female victims.³⁵

C. Equality

Part III of the Indian Constitution grants fundamental rights to every citizen, ensuring legal protection and equality.³⁶ "Article 14" upholds the right to equality before the law, while "Article 15" prohibits discrimination based on sex. Therefore, men must be granted the same legal rights and protections as women. Although instances of male rape are statistically less frequent than those of female rape, denying men equal legal safeguards would violate the principle of equality.

Jocelynne Scutt emphasizes this point by stating:

"The fundamental principle of criminal law dictates that all individuals should receive equal protection from harm of a similar nature... The argument for

³² Philip N.S. Rumney, "In Defence of Gender Neutrality within Rape", 6(1) *Seattle Journal of Social Justice* 481 (2007)

³³ Ibid

³⁴ Being a Eunuch, available at <https://countercurrents.org/gen-narrain141003.htm> (last visited on 6th February, 2025)

³⁵ Rukmini S., "India Officially Undercounts All Crimes Including Rape", *The Hindu* (December 4, 2021)

³⁶ The Constitution of India.

treating equally heinous crimes in the same manner is far stronger than one that justifies distinguishing between the penetration of a female body and that of a male body, regardless of the sex of the perpetrator.”³⁷

D. Aftermath of Male Rape

The social stigma faced by female victims of sexual violence is an undeniable reality in India. However, this should not be used as a justification for denying legal protection to male victims of the same crime. Men also experience societal stigma and consequences, albeit in a different manner.

If a man claims that he was raped by a woman, he is often not perceived as a ‘real man’ due to the deeply ingrained patriarchal belief that men are inherently stronger and more dominant than women. This same male-dominated mindset and patriarchal conditioning are precisely what discourage male victims from reporting cases of sexual violence. Forman found that approximately 90-95% of male rape victims choose not to report their assaults.³⁸ The fear of being mocked and harassed, coupled with the stigma surrounding masculinity, prevents them from speaking out.³⁹ A male victim is often ridiculed and blamed by society, with people questioning how he could have been overpowered by a woman, ultimately shifting the blame onto him instead of acknowledging the crime.

CONCLUSION

The evolution of gender roles in criminal law reflects the broader societal struggle between tradition and progress. While Indian society has seen significant shifts in gender dynamics—with women entering previously male-dominated spaces and non-binary and transgender individuals asserting their identities—the criminal justice system has largely remained rooted in conventional binaries. This persistence of gender-specific frameworks not only excludes male, transgender, and non-binary victims from protection but also reinforces patriarchal norms that marginalize female survivors through systemic biases.

Arguments against gender-neutral laws emphasize the continued

³⁷ Supra note 35

³⁸ Forman B.D., “Reported Male Rape”, 7 *Victimology* 235-236 (1982).

³⁹ Supra note 35.

vulnerability of women in a patriarchal society and highlight the risk of traumatization through misuse of legal provisions. At the same time, ignoring male and non-binary victimhood undercuts the principles of equality enshrined in the Constitution, particularly Articles 14 and 15. As global jurisprudence moves toward inclusivity, India too must confront the inadequacies in its legal framework that arise from limiting definitions of gender and victimhood.

Achieving true gender justice requires a balanced and evidence-based approach—one that protects marginalized communities without compromising the gains of feminist legal reform. Gender neutrality, if implemented thoughtfully, can coexist with gender sensitivity. It is not about erasing the struggles of women, but about extending justice to all individuals, regardless of gender identity. Reforming criminal law through this lens will not only fulfill constitutional mandates but also uphold the fundamental principle that justice must be equal, inclusive, and humane for all.