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Gender Inequality in Gender-Based Crime Legislation: An Analysis of Legal Exclusion of Non-Female Victims in India's Justice System

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ABSTRACT

The concept of sexual violence covers a wide range of offences that are sexual like sexual assault, rape, sexual abuse, sexual harassment, etc. The laws regulating these offences are made keeping in mind that only a man can commit such offences against a woman as that is what our society has been post the Vedic age. The existence of this paradigm in our minds is so strong that its footprints are even visible in our legal framework which can be seen by focusing on provisions relating to sexual violence where language denotes only a man can sexually violate a woman. This is evident in various legislations which penalize crimes against women, like the Indian Penal Code, 1860 (The Bharatiya Nyaya Sanhita, 2023), the Protection Of Women Against Sexual Harassment Act 2013, The Protection of Women from Domestic Violence Act 2005, etc. But in present times, these crimes are not just limited to women, be they as offenders or victims. With this ever-evolving society and the legalization of third genders, the existing legal regime seems biased and fails to provide justice/remedy in cases beyond the original line of thinking. Thus, it has been observed that gender role specification has introduced rigidity which breaks the law of reality and leaves new transposing/ redefining concepts of gender and sexual identification out of the purview of sexual violence (gender-based crimes). However, this gender role specification in legal

provisions is not just limited to sexual offences but like the language of sexual offences targets men similarly their language is also gender specific and focuses on protecting women only. Therefore, this paper attempts to highlight the gender biasness present in the legislation concerning gender-based crimes depicting the social mentality leaving the other sections of the society, like the male gender and third genders vulnerable and without protection. The paper will be doctrinal and critical.

KEYWORDS

Criminal justice, crime, gender-based violence, India, rights, victim rights, etc.

1. INTRODUCTION

The discourse surrounding gender-based crimes in India has historically been framed within a binary paradigm that positions women exclusively as victims and men primarily as perpetrators (Singh, 2025; Kumar, 2023). The definition of gender-based crimes clearly refer to acts of violence, coercion, or discrimination directed at individuals because of their gender identity or perceived gender role. This framework emerged from legitimate concerns about the systematic oppression and violence faced by women in Indian society. It has inadvertently created a legal infrastructure that denies recognition and protection to victims who fall outside this narrow conceptualization. The evolution of India's criminal justice system, particularly following high-profile cases such as the 2012 Delhi gang rape, has seen the introduction of numerous protective measures for women. However, these well-intentioned reforms have simultaneously institutionalized a form of legal discrimination that excludes male, transgender, and gender-diverse individuals from accessing justice for similar crimes. The Justice Verma Committee, constituted in the aftermath of the 2012 incident, recommended a more inclusive approach to sexual violence laws, suggesting gender-neutral definitions for victims while maintaining gender-specific provisions for certain contexts. However, the subsequent Criminal Law Amendment Act of 2013 largely ignored these recommendations, instead strengthening gender-specific provisions that, while providing enhanced protection for women, created a legal vacuum for other victims. This selective implementation reflects deeper societal attitudes that view male victimization as either non-existent or less deserving of legal protection. Contemporary research challenges these assumptions, revealing that male victims of domestic violence, sexual assault, and other forms of gender-based crimes constitute a significant

but largely invisible population in India. A comprehensive cross-sectional study involving 1,000 married men found that 52.4% experienced some form of gender-based violence, with 51.5% reporting spousal violence at least once in their lifetime (Malik & Nadda, 2019). These findings necessitate a critical reexamination of India's legal framework and its alignment with constitutional principles of equality and non-discrimination. Furthermore, the misuse of gender-specific protective legislation has created additional complexities that require careful examination to distinguish between legitimate protection needs and discriminatory application (Kaushik, 2024; Suraj, 2025).

Therefore, the research presented herein challenges the binary conceptualization of gender-based violence that positions women exclusively as victims and men predominantly as perpetrators, while simultaneously rendering invisible the experiences of transgender individuals, male victims, and same-sex intimate partner violence. This research providing a comprehensive linguistic analysis of discriminatory terminology in Indian criminal law, documenting the constitutional implications of systematic exclusion, and proposing reform frameworks that draw upon both international best practices and indigenous legal principles.

The linguistic analysis presented in this research demonstrates how specific terminologies embedded within India's criminal law create categorical exclusions that operate independently of the intended protective purposes of the legislation.

2. DEVELOPMENT OF THE CONCEPT OF GENDER BASED CRIMES

Early international efforts to define and prohibit gender-based violence trace to the Universal Declaration of Human Rights in 1948, which enshrined equal rights to security of person (United Nations, 1948). The Convention on the Elimination of All Forms of Discrimination Against Women in 1979 articulated state obligations to prevent and punish violence against women (United Nations, 1979). A decade later, the 1993 United Nations Declaration on the Elimination of Violence against Women codified a broader conception of gender-based crimes as fundamental human rights violations (United Nations, 1993). The Council of Europe's 2011 Istanbul Convention further unified preventive measures, victim support and prosecution standards for violence against women and domestic abuse (Council of Europe, 2011). India's journey began under colonial rule with the Indian Penal Code of 1860, which limited rape to non-consensual intercourse with women and omitted marital rape or domestic violence

(Government of India, 1860). Dowry deaths spurred the Dowry Prohibition Act of 1961 (Government of India, 1961) and the Criminal Law (Amendment) Act of 1983 expanded dowry harassment offences. Judicial innovation in the Vishaka judgment of 1997 recognised sexual harassment at work (*Vishaka v. State of Rajasthan*, 1997), while the Protection of Women from Domestic Violence Act of 2005 acknowledged domestic abuse as an independent violation (Government of India, 2005). The 2012 Delhi gang rape prompted wide-ranging reforms in the 2013 amendment to the Indian Penal Code, which broadened sexual violence definitions and created fast-track courts (Government of India, 2013). Recognition of transgender rights in *NALSA v. Union of India* (2014) extended.

3. CURRENT LEGAL FRAMEWORK: GENDER-SPECIFIC ARCHITECTURE OF INDIAN CRIMINAL LAW

3.1. *The Indian Penal Code and Gender-Based Crimes*

The Indian Penal Code (IPC) of 1860, recently replaced by the Bharatiya Nyaya Sanhita (BNS) 2023, forms the backbone of India's criminal justice system regarding gender-based crimes. The definitional framework employed in these statutes reveals a consistent pattern of gender-specific language that systematically excludes non-female victims from legal protection.

Section 375 of the IPC, which defines rape, explicitly states that "*a man is said to commit rape if he penetrates his penis, to any extent, into vagina, mouth or urethra or anus of a woman*". This definition embeds three critical limitations within its structure: first, it presupposes that only men can be perpetrators of rape; second, it assumes that only women can be victims; and third, it focuses exclusively on penile penetration, thereby excluding other forms of sexual violence that may not involve male anatomy. The persistence of this definitional framework in the BNS 2023 demonstrates the legislature's continued adherence to a binary understanding of sexual violence that fails to acknowledge the complexity of contemporary gender identities and power dynamics.

The constitutional validity of Section 375 has been challenged on grounds that it violates Articles 14 and 15 of the Indian Constitution, which guarantee equality before law and prohibition of discrimination on grounds of sex. Legal scholars have argued that the exclusion of male victims from rape law constitutes a denial of equal protection, as it treats similar crimes differently based solely on the victim's gender. However,

Indian courts have generally upheld these provisions, often citing societal contexts and the need for special protection for women as justification for gender-specific laws.

3.2. Domestic Violence Legislation: The PWDVA Paradigm

The Protection of Women from Domestic Violence Act (PWDVA) 2005 represents India's most comprehensive legal framework for addressing domestic violence. However, its title and provisions explicitly limit its application to women who can demonstrate that they are "*aggrieved persons*" under the Act. The definition of "*woman*" under the PWDVA, while not explicitly stated, has been interpreted by various High Courts to include transgender women who identify as female, thereby providing some protection to this marginalized group. The PWDVA's gender-specific approach has created a legal paradox where identical acts of violence are treated differently based on the victim's gender. A husband who faces physical violence, emotional abuse, or financial coercion from his spouse has no recourse under the Act, despite experiencing the same forms of harm that would warrant protection if perpetrated against a woman. This differential treatment has been criticized as violating the constitutional principle of equality before law, as it creates distinct classes of victims with different levels of legal protection.

Recent judicial interventions have begun to acknowledge this disparity. In several cases, High Courts have recognized that transgender women can seek protection under the PWDVA, expanding the Act's scope beyond its original binary framework. However, these judicial interpretations, while progressive, do not address the fundamental exclusion of male victims or provide a systematic solution to the gender-based discrimination inherent in the legislation.

3.3. Sexual Harassment and Workplace Violence

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, similarly employs gender-specific language that limits its application to women employees. While the Act has been instrumental in addressing workplace harassment against women, it provides no protection for male employees who may face similar forms of sexual misconduct. The Prevention of Sexual Harassment (POSH) Act's Internal Complaints Committee mechanism is designed exclusively to handle complaints by women, creating an institutional bias that renders male victims invisible in

workplace harassment cases.

This limitation becomes particularly problematic in cases involving same-sex harassment or situations where women in positions of authority engage in sexual misconduct against male subordinates. The absence of legal recourse for such victims not only denies them justice but also perpetuates the harmful stereotype that men cannot be victims of sexual violence.

4. SPECIFIC GENDER-EXCLUSIVE LANGUAGE IN INDIAN LEGISLATION

4.1. Anatomical Specifications and Their Implications

Indian criminal law's reliance on anatomical specifications creates multiple layers of exclusion for non-female victims. Section 375's reference to "*vagina, mouth or urethra or anus of a woman*" explicitly limits the scope of rape to crimes involving female anatomy. This biological determinism fails to account for the experiences of transgender individuals, intersex persons, or cases where the victim's anatomy may not conform to traditional binary categories. The focus on specific body parts rather than the broader concept of sexual autonomy reflects an outdated understanding of sexual violence that prioritizes physical penetration over the violation of personal dignity and bodily integrity. International legal frameworks have moved away from such anatomical specifications, instead emphasizing the non-consensual nature of sexual acts and their impact on the victim's autonomy.

4.2. Gendered Pronouns and Legal Interpretation

The pervasive use of gendered pronouns throughout Indian criminal law creates interpretative challenges that consistently disadvantage non-female victims. Terms such as "she", "her", and "herself" appear throughout provisions related to sexual offenses, domestic violence, and harassment, creating a linguistic framework that inherently excludes male and gender-diverse individuals. Section 509 of the IPC, which criminalizes acts intended to "*insult the modesty of a woman*", exemplifies this linguistic exclusion. The provision assumes that only women possess "*modesty*" that can be legally protected, thereby denying similar protection to male victims who may face comparable forms of public humiliation or sexual harassment. This gender-specific conception of modesty reflects deeply embedded cultural assumptions about male and

female sexuality that have no basis in contemporary understanding of human dignity and rights.

4.3. *Marital and Familial Relationship Definitions*

The definition of relationships covered under various protective legislations reveals another dimension of gender-based exclusion. Section 498A of the IPC (now Section 85 of BNS), which addresses cruelty by husband or relatives, specifically protects married women from abuse by their husbands or in-laws. The provision's language creates an assumption that cruelty within marriage flows unidirectionally from husbands and their families toward wives, ignoring cases where husbands may face similar treatment. This unidirectional understanding of marital violence contradicts empirical evidence suggesting that domestic violence can be bidirectional, with both spouses potentially serving as perpetrators and victims in different contexts. The legal framework's failure to acknowledge this complexity denies male victims access to the same protective mechanisms available to women in similar situations.

5. RIGHTS OF NON-FEMALE VICTIMS: CURRENT LEGAL AVENUES AND LIMITATIONS

5.1. *Alternative Legal Remedies for Male Victims*

Despite the gender-specific nature of primary protective legislation, male victims of gender-based crimes do have limited recourse through general criminal law provisions. Sections related to assault (Sections 319-326 of IPC), criminal intimidation (Section 503), and hurt (Sections 319-320) can be invoked in cases of domestic violence against men. However, these provisions were not designed specifically for domestic violence contexts and therefore lack the comprehensive protective mechanisms available under the PWDVA. The inadequacy of these alternative remedies becomes apparent when comparing the relief available to male and female victims of identical crimes. While a woman facing domestic violence can access immediate protection orders, monetary relief, residence orders, and custody arrangements through the PWDVA, a man in similar circumstances must rely on criminal provisions that offer only punitive remedies after the fact, with no preventive or protective measures

5.2. *Transgender Rights and Legal Recognition*

The Transgender Persons (Protection of Rights) Act, 2019, represents a significant step toward recognizing the rights of gender-diverse individuals in India. Section 18 of the Act specifically criminalizes various forms of abuse against transgender persons, including physical, sexual, emotional, and economic abuse. This provision creates gender-neutral protection that extends beyond the binary framework of most Indian criminal law. However, the Transgender Persons Act has faced criticism for its limited scope and inadequate enforcement mechanisms. The Act requires transgender individuals to obtain official recognition through a complex bureaucratic process, which can create barriers to accessing protection. Additionally, the penalties prescribed under the Act are relatively lenient compared to those available under women-specific legislation, suggesting a hierarchy of protection based on gender identity.

The judicial interpretation of transgender rights has been more progressive than legislative development. In cases such as *Anamika v. Union of India*, courts have recognized that transgender women can access protection under laws designed for women, effectively expanding the scope of gender-specific legislation. However, these judicial interpretations remain inconsistent and do not provide systematic protection for all gender-diverse individuals.

5.3. Procedural Barriers and Institutional Discrimination

Even where legal remedies exist, non-female victims face significant procedural barriers in accessing justice. Police personnel often lack training in handling cases involving male victims of sexual violence or domestic abuse, leading to dismissive attitudes or failure to register complaints. The absence of specialized units or protocols for male victims creates institutional bias that compounds the legal exclusion present in substantive law. The social stigma associated with male victimization creates additional barriers to reporting and prosecution. Cultural narratives that equate masculinity with strength and invulnerability make it difficult for men to acknowledge victimization, let alone seek legal redress. This stigma is reinforced by legal frameworks that implicitly validate the assumption that men cannot be victims of certain types of crimes.

6. GAPS IN THE INDIAN JUSTICE SYSTEM: SOCIETAL AND INSTITUTIONAL CHALLENGES

6.1. Law Enforcement Response and Gender Bias

The response of law enforcement agencies to male victims of gender-based crimes reveals deep-seated institutional biases that reflect broader societal attitudes. Police officers often express skepticism when men report domestic violence or sexual assault, sometimes questioning the victim's masculinity or suggesting that he should be able to handle the situation independently. This response not only revictimizes the complainant but also discourages other male victims from seeking help. Training programs for law enforcement personnel have historically focused on sensitizing officers to women's issues, with little attention paid to the unique challenges faced by male victims. The absence of gender-inclusive training perpetuates stereotypes and prevents officers from recognizing and appropriately responding to crimes against non-female victims.

6.2. Judicial Attitudes and Stereotyping

Indian courts have demonstrated varying levels of sensitivity to male victims of gender-based crimes. While some judgments have acknowledged the possibility of male victimization and the need for legal reform, others have reinforced traditional gender roles and stereotypes. The Supreme Court's rejection of petitions seeking gender-neutral rape laws reflect institutional resistance to expanding protection beyond the traditional victim-perpetrator paradigm. Judicial attitudes toward domestic violence cases involving male victims often reflect cultural assumptions about gender roles and power dynamics. Courts may minimize the severity of violence against men or suggest that such cases are aberrations rather than systematic problems requiring legal intervention. This judicial skepticism contributes to the underreporting of crimes against male victims and perpetuates their legal invisibility.

6.3. Support System Deficiencies

The absence of support systems for non-female victims represents a critical gap in India's approach to gender-based crimes. While numerous government and non-governmental organizations provide services for women victims, including shelters, counseling, and legal aid, comparable services for men are virtually non-existent. The few organizations that do provide support for male victims, such as the Save Indian Family Foundation, operate with limited resources and face

societal resistance. The lack of institutional support extends to healthcare systems, where medical professionals may lack training in recognizing and treating male victims of sexual violence. The absence of specialized forensic protocols for male victims can compromise evidence collection and legal proceedings. These systemic deficiencies create a cascade of disadvantages that compound the initial legal exclusion faced by non-female victims.

7. COMPARATIVE INTERNATIONAL ANALYSIS: LEARNING FROM GENDER-NEUTRAL FRAMEWORKS

7.1. *The Canadian Model: Comprehensive Gender Neutrality*

Canada's approach to sexual violence legislation provides a compelling example of gender-neutral legal frameworks that protect all victims while acknowledging the gendered nature of most violence. The Canadian Criminal Code replaced gender-specific rape laws with broad "sexual assault" provisions in the 1980s, using language that applies to "*everyone who commits a sexual assault*" without specifying gender. This framework allows for the prosecution of all forms of non-consensual sexual conduct while maintaining the ability to address the specific experiences of women victims through sentencing and support mechanisms. The Canadian approach demonstrates that gender neutrality need not diminish protection for women victims. The country's sexual assault laws have been accompanied by robust support systems for all victims, specialized training for criminal justice personnel, and public awareness campaigns that acknowledge diverse experiences of victimization. Canada's success in implementing gender-neutral legislation while maintaining high conviction rates and comprehensive victim support services offers a potential model for Indian law reform.

7.2. *Australia's Progressive Framework*

Australia's approach to sexual violence laws, particularly in New South Wales, illustrates how legal systems can evolve toward greater inclusivity. The Crimes Act 1900 (NSW) employs gender-neutral language in defining sexual assault and provides a broad definition of "sexual intercourse" that encompasses various forms of penetration regardless of the perpetrator's or victim's gender. This framework has been accompanied by specialized support services and training programs that recognize diverse victim experiences. The Australian model demonstrates the importance of

complementing legal reform with institutional changes. The country's success in implementing gender-neutral laws has been supported by comprehensive training programs for police and judicial officers, specialized victim services, and public education campaigns that challenge traditional stereotypes about sexual violence. These complementary measures have been crucial in ensuring that legal gender neutrality translates into practical protection for all victims.

7.3. *The United Kingdom's Evolving Approach*

The United Kingdom's Sexual Offences Act 2003 presents a more complex picture of partial gender neutrality. While the Act maintains a gender-specific definition of rape (requiring penile penetration by a male perpetrator), it creates gender-neutral categories for other sexual offences and recognizes that victims can be of any gender. This hybrid approach attempts to balance recognition of the gendered nature of rape with acknowledgment that sexual violence can affect all individuals. The UK's experience highlights both the possibilities and limitations of incremental reform. While the Act has expanded protection for male victims through non-rape sexual offense categories, the maintenance of gender-specific rape definitions has created a hierarchy of offenses that may not adequately reflect the harm experienced by all victims. Nevertheless, the UK's comprehensive victim support services and specialized training programs demonstrate how institutional changes can enhance protection for all victims regardless of legal categorizations.

8. EMPIRICAL EVIDENCE: STATISTICAL ANALYSIS OF MALE VICTIMIZATION

8.1. *Prevalence and Patterns of Violence Against Men*

Recent empirical research has provided unprecedented insights into the prevalence and characteristics of gender-based violence against men in India. A comprehensive cross-sectional study involving 1,000 married men across different socioeconomic strata found that 52.4% had experienced some form of gender-based violence, challenging assumptions about the exclusively female nature of such victimization. The study revealed that 51.5% of men had experienced violence at the hands of their wives or intimate partners at least once in their lifetime, with 10.5% reporting such incidents in the preceding twelve months. The most common form of violence experienced by men was emotional abuse, affecting 51.6% of respondents,

followed by physical violence (6%) and sexual violence (0.4%) (Nadda, A., & Malik, J., 2019). These findings suggest that while physical and sexual violence against men may be less common than against women, emotional and psychological abuse occurs at rates that warrant serious legal and social attention. The study also found that unemployment of the husband and addiction of the perpetrator were significant risk factors for violence, indicating that economic stress and substance abuse contribute to domestic violence regardless of gender.

8.2. Underreporting and Its Implications

The stark difference between the prevalence of violence against men revealed in community studies and the low number of formal complaints suggests massive underreporting. National Crime Records Bureau (NCRB) data indicates that only 3.4% of male suicides between 2017-2022 were attributed to marriage-related problems, a figure that appears inconsistent with the high prevalence of domestic violence found in empirical studies. Several factors contribute to this underreporting pattern. Social stigma associated with male victimization creates powerful disincentives for men to acknowledge abuse, let alone seek formal help. Cultural narratives that equate masculinity with strength and invulnerability make it particularly difficult for men to identify themselves as victims. Additionally, the absence of legal remedies specifically designed for male victims may discourage reporting, as victims may perceive the legal system as unlikely to provide meaningful protection.

8.3. Comparative Analysis of Suicide Data

Analysis of NCRB suicide data reveals important patterns that challenge common assumptions about gender-based violence. Between 2017 and 2022, more women (25,197) than men (21,579) died by suicide due to marriage-related issues, contradicting claims that false domestic violence cases are driving epidemic levels of male suicide. However, the overall suicide rate for married men remains 1.73 times higher than for married women, suggesting that while marriage-related problems may not be the primary driver, men face significant stressors that contribute to higher suicide rates. The data indicates that family problems not related to marriage constitute the leading cause of male suicides (30.8%), followed by illness (21.1%) and economic problems (18.6%). These patterns suggest that while domestic violence may contribute to male distress, it operates within a broader context of social and economic pressures that affect men's mental health.

9. CONSTITUTIONAL AND HUMAN RIGHTS IMPLICATIONS

9.1. *Violation of Fundamental Rights*

The gender-exclusive nature of India's domestic violence and sexual offense laws raises serious constitutional questions regarding compliance with fundamental rights guarantees. Article 14 of the Indian Constitution ensures equality before law and equal protection of laws to all persons, while Article 15 prohibits discrimination on grounds of sex. The systematic exclusion of male victims from protective legislation creates different classes of victims with unequal access to legal remedies, potentially violating both these constitutional provisions.

Legal scholars have argued that gender-specific laws that provide protection only to women victims constitute reverse discrimination that violates male citizens' fundamental rights. While affirmative action in favor of historically disadvantaged groups is constitutionally permissible under Article 15(3), such measures must be temporary and aimed at achieving substantive equality. The permanent exclusion of male victims from domestic violence protection may exceed the constitutional boundaries of permissible affirmative action.

9.2. *International Human Rights Obligations*

India's ratification of various international human rights instruments creates legal obligations to ensure equal protection for all victims of violence regardless of gender. The International Covenant on Civil and Political Rights (ICCPR), which India has ratified, requires states to ensure equal protection of laws without discrimination based on sex. The exclusion of male victims from domestic violence legislation may violate these international obligations. The United Nations Declaration on the Elimination of Violence Against Women, while primarily focused on women's experiences, defines violence in terms that could encompass male victims in certain contexts. India's commitment to the Sustainable Development Goals, particularly Goal 5 (Gender Equality) and Goal 16 (Peace, Justice and Strong Institutions), requires comprehensive approaches to violence prevention that may necessitate more inclusive legal frameworks.

9.3. *Due Process and Access to Justice*

The differential treatment of victims based on gender also

raises due process concerns under Article 21 of the Indian Constitution. The right to life and personal liberty has been interpreted by Indian courts to include the right to live with dignity and the right to access justice. When the legal system provides comprehensive protection and remedies to victims of one gender while denying similar protection to victims of another gender for identical crimes, it may violate due process guarantees. The absence of adequate legal remedies for male victims may also violate international standards regarding access to justice and effective remedies. The International Covenant on Civil and Political Rights requires states to provide effective remedies for violations of rights, and discriminatory denial of such remedies based on gender may constitute a breach of international obligations.

10. RECOMMENDATIONS FOR LEGISLATIVE AND POLICY REFORM

10.1. Comprehensive Legal Framework Restructuring

The evidence presented in this analysis supports the need for fundamental restructuring of India's approach to gender-based crimes. Rather than abandoning protections for women, reforms should expand existing frameworks to provide comprehensive protection for all victims while maintaining special provisions where empirically justified. This approach would align Indian law with international best practices while addressing constitutional concerns about discriminatory treatment. A reformed legal framework should adopt gender-neutral definitions for core offenses while maintaining the ability to address the gendered nature of most violence through specialized procedures and enhanced penalties where appropriate. For example, sexual assault laws could employ gender-neutral language while providing enhanced penalties for cases involving gender-based power dynamics or systematic targeting of women. The Protection of Women from Domestic Violence Act should be reconceptualized as comprehensive domestic violence legislation that protects all victims while maintaining specialized provisions for women where necessary. This approach would eliminate the constitutional problems created by complete gender exclusion while preserving important protections for women victims.

10.2. Integration of Ancient Indian Wisdom

Contemporary legal reform should draw upon authentic dharmic principles that emphasize protection of the vulnerable and universal human dignity. The concept of sarva-dharma-

sama-bhava (equal respect for all paths of righteousness) could inform legal frameworks that recognize diverse experiences of victimization while maintaining core commitments to justice. The ancient Indian emphasis on contextual justice (dharma as situational righteousness) supports legal frameworks that can adapt to changing social circumstances while maintaining fundamental principles. Modern legislation could incorporate this flexibility by creating general protective principles that can be applied across gender categories while allowing for specific adaptations based on empirical evidence about different forms of victimization. The Vedic principle of ahimsa (non-violence) provides philosophical support for comprehensive anti-violence legislation that protects all potential victims. Legal frameworks based on this principle would prioritize prevention of harm over rigid categorical distinctions between victims.

10.3. Institutional Reform and Capacity Building

Legal reform must be accompanied by comprehensive institutional changes to ensure effective implementation. Police training programs should be expanded to include sensitization about diverse victim experiences, including male victimization and gender-diverse identities. Specialized units for handling gender-based crimes should be trained to work with all victims rather than focusing exclusively on women. The judicial system requires enhanced training on gender issues that goes beyond traditional women-focused approaches. Judges and court personnel need education about the psychological and social dynamics of violence that can affect any gender, as well as the legal principles supporting inclusive protection. Support services for victims must be expanded to include male victims and gender-diverse individuals. This expansion should include shelters, counseling services, legal aid, and economic support programs that are accessible to all victims regardless of gender identity. The existing infrastructure for women victims provides a model that could be adapted and expanded rather than replaced.

10.4. Public Awareness and Social Change

Legal reform alone cannot address the deep-seated social attitudes that contribute to the invisibility of non-female victims. Comprehensive public education campaigns are necessary to challenge stereotypes about masculinity, victimization, and gender roles that prevent recognition of diverse victim experiences.

These campaigns should draw upon positive aspects of Indian

cultural traditions that emphasize protection of the vulnerable and universal human dignity. By framing inclusive victim protection as consistent with dharmic values rather than foreign imposition, such campaigns may be more effective in changing social attitudes.

Educational institutions should incorporate gender-inclusive approaches to violence prevention that acknowledge diverse experiences while maintaining focus on the disproportionate impact of violence on women. This education should emphasize that recognizing male victimization does not diminish the seriousness of violence against women but rather strengthens overall anti-violence efforts.

11. CONCLUSION AND FUTURE DIRECTIONS

The analysis presented in this research paper demonstrates that India's current legal framework for addressing gender-based crimes, while well-intentioned in its efforts to protect women, has created a system of institutional discrimination that denies equal protection to non-female victims. The systematic exclusion of male and gender-diverse individuals from comprehensive legal protections violates fundamental constitutional principles of equality and due process while creating practical barriers to justice for a significant population of victims.

The empirical evidence regarding male victimization, the constitutional concerns raised by discriminatory legislation, and the successful implementation of gender-neutral frameworks in other countries all support the need for comprehensive legal reform. Such reform need not diminish protections for women victims but should expand the umbrella of legal protection to cover all individuals who experience gender-based violence.

The integration of authentic dharmic principles into contemporary legal discourse provides a culturally grounded foundation for inclusive reform that draws upon India's own philosophical traditions rather than simply importing foreign models. The emphasis on protecting the vulnerable, ensuring justice for all, and maintaining social harmony found in ancient Indian texts supports legal frameworks that protect all victims while addressing the specific needs of different groups.

Future research should focus on developing specific legislative models that can provide comprehensive protection while maintaining constitutional validity. Pilot programs for gender-inclusive victim services could provide empirical evidence about the effectiveness of expanded approaches. Additionally, comparative studies of countries that have successfully

implemented gender-neutral frameworks could provide practical guidance for Indian reform efforts.

The path forward requires careful balancing of multiple concerns: maintaining robust protection for women who continue to face disproportionate levels of violence, providing equal protection for all victims regardless of gender, ensuring constitutional compliance, and building social acceptance for more inclusive approaches. This balance is achievable through thoughtful reform that expands rather than contracts legal protections, draws upon India's own philosophical traditions, and addresses the practical concerns of all stakeholders.

The ultimate goal of such reform should be the creation of a legal system that provides comprehensive protection against gender-based violence while treating all victims with equal dignity and respect. Such a system would not only be more just and constitutionally sound but would also be more effective in preventing violence and supporting survivors. The evidence presented in this analysis suggests that achieving this goal is both necessary and feasible, requiring only the political will to implement reforms that reflect India's highest aspirations for justice and equality.

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