

GENDER NEUTRALITY IN SEXUAL OFFENCES LAW IN INDIA: A CRITICAL ANALYSIS

AUTHOR – DAMINI* & PROF. (DR.) SIMRANJEET KAUR GILL**

* RESEARCH SCHOLAR, CT UNIVERSITY, LUDHIANA, PUNJAB.

** PRINCIPAL, SCHOOL OF LAW, CT UNIVERSITY, LUDHIANA, PUNJAB.

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ABSTRACT

Sexual offences laws in India have traditionally been gender-specific, recognizing women as victims and men as perpetrators. However, evolving social structures, international legal standards, and constitutional mandates emphasize the need for a gender-neutral approach. This thesis critically examines the Bharatiya Nyaya Sanhita (BNS), 2023, particularly Sections 63 (Rape), 75 (Sexual Harassment), and 82 (Unnatural Sex), in light of their gendered application. It also explores judicial interpretations, constitutional provisions, and international human rights frameworks such as CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) and the Yogyakarta Principles. A comparative analysis of legal frameworks in the UK, USA, and Canada provides insights into best practices that India could adopt. The study argues for an inclusive legal structure that ensures justice for all victims of sexual crimes, irrespective of gender, while addressing concerns regarding misuse and evidentiary challenges. The research is based on legal analysis, case studies, and empirical data, advocating for balanced legislative reforms that align with India's constitutional values and international obligations.

Keywords: Bharatiya Nyaya Sanhita, constitutional rights, Gender neutrality, international law, legal reforms, sexual offences.

1. Introduction

Indian sexual offence laws traditionally viewed women as the sole victims of criminal sexual acts and men as the only perpetrators of such crimes. Throughout the Indian Penal Code (IPC) 1860 and its successor Bharatiya Nyaya Sanhita (BNS) 2023 there exists gender-based provisions. The latest statutory structure adopts numerous gender-specific expressions from its preceding laws particularly in relation to rape offenses, sexual harassment cases, and prosecutions for unnatural sex. The growing discussion around gender rights proves the requirement of a gender-neutral legal system that protects all people equally without regard for their gender identity (Kumar, 2023).

1.1 Background of Sexual Offences Laws in India

Indian law has traditionally protected women as its focus but neglected to address criminal actions against male and LGBTQ+ community members and transgender and intersex individuals. According to Section 375 of the IPC sexual intercourse between a man and a woman without consent constituted rape but did not protect male or transgender or intersex victims (Basu, 2022). Section 354 and Section 509 supported the misconception that only women can experience sexual violence through violations of their modesty standards.

With the decriminalization of homosexuality in *Navtej Singh Johar v. The increasing recognition of transgender rights under the Transgender*

Persons (Protection of Rights) Act, 2019 and Navtej Singh Johar v. Union of India (2018) created a present need for gender-neutral sexual offenses laws. After the Nirbhaya gang rape the Justice Verma Committee (2013) proposed gender-neutral rape laws through its recommendations yet the systemic change did not materialize (Verma, 2013).

1.2 Need for Gender Neutrality in Sexual Offences Laws

Sexual violence must receive equal attention in all legal frameworks according to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Yogyakarta Principles (UNHRC, 2018). Numerous cases in India show that male and transgender victims receive minimal protection under the law. In XYZ v. The Maharashtra court recognized in State of Maharashtra (2023) the necessity to shield male sex assault victims while noting functional restrictions in laws stood in the way (Sharma, 2023).

Further, in Sushil Kumar Koushal v. The Supreme Court first endorsed Section 377 IPC for prohibiting same-sex relations during Naz Foundation (2013) but changed their position through Navtej Singh Johar (2018) which heightened public understanding of LGBTQ+ sexual violence. Bharatiya Nyaya Sanhita (BNS), 2023 maintains legal definitions of rape as a women-specific offense which fails to protect male or transgender victims from abuse.

Indifference to gender must exist in sexual offence laws to guarantee equal justice treatment for victims regardless of their biological characteristics. Indian laws need to adopt a legal framework recognizing sexual violence as a crime affecting any person to fulfil both international human rights standards and constitutional equality and non-discrimination protections under Article 14 and Article 15 of the Indian Constitution (Choudhury, 2021).¹³³⁷

¹³³⁷ Basu, A. (2022). India requires legislation improvements to address gender equality throughout sexual offense investigations. Indian Journal of Law and Society, 9(1), 45-63.

2. Legal Framework Governing Sexual Offences in India

The legal system of sexual offenses in India has evolved heavily after the Indian Penal Code (IPC), 1860 transitioned to Bharatiya Nyaya Sanhita (BNS), 2023. The modernized criminal laws through these reforms maintain a female-centric definition of sexual offences which restricts protection to women only (Sharma, 2023). The Protection of Children from Sexual Offences (POCSO) Act, 2012 functions as a principal statute for handling sexual crimes against minors in India. This section analyses both contemporary and past rules that control sexual criminal offenses in India.

2.1 Bharatiya Nyaya Sanhita (BNS), 2023

Established in the year 2023, the Bharatiya Nyaya Sanhita (BNS) succeeded the IPC in a larger criminal law reform process in India. Nonetheless, the BNS continues to use gendered definitions of major sexual offences meaning that male and transgender survivors are not accorded legal recognition (Kumar, 2023).

2.1.1 Section 63 (Rape)

Rape is stipulated under section 63 of the BNS 2023 as an act of sexual intercourse with a woman with her consent. This is in line with the definition of rape provided in Section 375 IPC where rape was also defined from the vantage of gender (Singh, 2023). It leaves out male and transgender persons though there are judicial remarks in such as in XYZ v. In State of Maharashtra (2023), Ramya Sharma addressed that the rape laws should be gender neutral (Sharma, 2023).

2.1.2 Section 75 (Sexual Harassment)

According to Section 75 of the BNS, 2023, sexual harassment describes a scenario where a man

Choudhury, S. (2021). Gender Neutrality and Indian Rape Laws: A Constitutional Analysis. Journal of Human Rights Studies, 12(2), 102-118.
Kumar, R. (2023). Bharatiya Nyaya Sanhita and Its Implications for Gender Neutrality in Sexual Offences Laws. Indian Legal Review, 15(4), 233-254.
Sharma, P. (2023). XYZ v. State of Maharashtra: The Judicial Push for Gender-Neutral Rape Laws in India. Supreme Court Journal, 16(1), 90-105.
UNHRC. (2018). The Yogyakarta Principles and the Universal Declaration of Human Rights: A Framework for Gender-Inclusive Laws. United Nations.
Verma, J. (2013). Report of the Committee on Amendments to Criminal Law. Ministry of Home Affairs, Government of India.

makes an improper advance or makes contact in any area of the woman's intimate Individual rights. This does not consider male and LGBTQ+ victims although there are so many of them like in the case of Lt. Col. S.K. Bhardwaj v. In Union of India (2021), male officers also revealed workplace sexual harassment and yet they do not have an effective legal remedy towards the injustices (Basu, 2022).

2.1.3 Section 82 (Unnatural Sex)

Section 82 punishes the unnatural sexual intercourse, thus preserving in a way the core of Section 377 of the IPC which has been partially decriminalized in Navtej Singh Johar v. Finally, in September of 2018, which was in the case of Navtej Singh Johar and Ors vs Union of India, same-sex relations were legalized. However, there is also disagreement over the fact that this clause may be used to prosecute consensual sexual activities between couple regardless of their sexes under various pretexts (Choudhury 2021).

2.2 Indian Penal Code (Prior to BNS)

The BNS, 2023 did not repeal the IPC, 1860, which prior to it regulated sexual offences as follows:

- Section 375 (Rape): The law strictly prohibits those disgusting men who have the courage to raid a woman's purity and abomination is not given any legal status for male victims.
- The section 354 (Outraging a Woman's Modesty): Protects woman's honour, attempt to prohibit men as victims of these offences (Verma, 2013).
- Section 377 (Unnatural Offences): legalised non-consensual same-sex intercourse until a part of it was decriminalised in Navtej Singh Johar (2018).

2.3 Protection of Children from Sexual Offences (POCSO) Act, 2012

POCSO Act 2012 is the only law in India exclusively dedicated to protecting children from sexual offences. In contrast, gender, neutral legal definition of the POCSO Act make it

possible to both boys as well as girls to be given a status of the victims (UNHCR 2018). It covers:

- Sexual Assault (Section 3 & 7) – Protecting minors from non-consensual sexual acts.
- Aggravated Sexual Assault (Section 5 & 9) – An offence with higher penalties with regard to offenders who are in positions of authority.
- Child Pornography (Section 13-15) – Addressing the online sexual exploitation of minors.¹³³⁸

3. Judicial Interpretation and Landmark Cases

Interpretation of the laws by judicial officers is very significant in the development of Gender Neutrality in sexual offences laws. Indian courts have been quite active in filling up the lacunae in statutory legislation and extending the rights available to the females, but work under the bind of sex-specific laws. Several precedents have rather critically impacted debates about 'severely male gendered sexual offences legislation' in relation with masculine sexual abuse victims, the LGBTQ+ population, married women, and the meaning of consent. The following cases outline the development of judicial considerations regarding such important matters.

3.1 Recent Case Laws & Judgments

3.1.1 XYZ v. State of Maharashtra 2023 – A Perspective to Men as Rape Victims

One of the most relevant contemporary rulings that is relevant to male victim of sexual violence is XYZ v. State of Maharashtra (2023). In the present case, the petitioner is a male survivor of sexual assault who wishes to avail Section 375 (Rape) of the IPC as amended became section 63 of the BNS 2023. The current laws of rape do not allow male and trans-sexual individuals to

¹³³⁸ Basu, A. (2022). *Gender-Specific Laws and the Exclusion of Male Victims: A Legal Critique of Indian Sexual Offences Laws*. Indian Journal of Law and Society, 10(1), 37-52.

Choudhury, S. (2021). *The Legal Challenges of Gender-Neutral Sexual Offences in India*. Journal of Human Rights Studies, 14(2), 88-104.

Kumar, R. (2023). *Bharatiya Nyaya Sanhita and Its Implications for Gender Neutrality in Sexual Offences Laws*. Indian Legal Review, 15(4), 233-254.

Sharma, P. (2023). *XYZ v. State of Maharashtra: The Judicial Push for Gender-Neutral Rape Laws in India*. Supreme Court Journal, 16(1), 90-105.

claim any form of justice mainly due to the rising cases of sexual violence against men and members of the LGBTQ+ community (Sharma, 2023). The court recommended that the legislature should be contacted in order to amend the statute and make it gender inclusive, however the court was helpless in this case since the article was gendered. This brought back the debates concerning the need for change in the law to protect all sexually assaulted individuals.

3.1.2 Navtej Singh Johar v. Union of India (2018) – Decriminalization of Homosexuality and Its Impact on Gender-Neutral Laws

The landmark case of Navtej Singh Johar v. Sepoy (2018) played the crucial part in demythologizing the Indian legal structures and challenging the heteronormative mindset in Indian society. The Supreme Court repealed Section 377 of the IPC that regarded “unnatural offences” making the sexual right of the LGBTQ+ people legal (Choudhury, 2021). Although the case was primarily concerning one’s right to homosexuality, the court recognized a general need for sexual assault legislation that is not gendered. It is the court signalled that protection based on gender must include men and non-binaries since Article 14 of the constitution outlaw’s discrimination on the same ground (UNHRC, 2018). However, in the present state the Bharatiya Nyaya Sanhita (BNS), 2023 which define rape and sexual harassment still have gendered approach, which means the LGBTQ+ category is still left open to receive all legal provisions implemented.

3.1.3 Sushil Kumar Koushal v. Naz Foundation (2013) – Earlier Ruling on Section 377 and Its Implications

In the IA 2017 (OS 5549 of 2016) case, Navtej Singh Johar (2018), the Supreme Court came up with a ruling made in Sushil Kumar Koushal v. In 2013 when Section 377 was upheld and it was submitted that the right of the gay individuals was a minority right, in this context, their observations were right (Singh, 2023). This

contributed to GBV activism’s legal loss, mainly in terms of gender-neutrality of criminal sexual offences, as it provided for the authority to criminalise consensual sex as per morality and societal standards. The ruling was greatly condemned by human rights activists and later reversed in Navtej Singh Johar (2018). This case is a rather good example of how the judiciary approach underlines the problem of gender neutrality and the necessity for consistent change in legislation that will protect citizens.

3.1.4 Independent Thought v. Union of India (2017) – Marital Rape Exception and Its Impact on Gender Neutrality

In Independent Thought v. In Union of India (2017), the Supreme Court of India heard about the exception in Section 375 of the IPC that permits a husband to have the non-consensual intercourse with his wife only in case the wife is above the age of 15 years (Verma, 2013). The court set aside this provision for minor wives which the court held provided that the rape of a girl below the age of 18 years is rape under the POCSO Act, 2012 (Basu, 2022). However, the judgment did not go overboard and failed to criminalise marital rape for women who are above the age of consent is an indication of how institution of Indian sexual offences laws remain gendered. The judgment is meaningful since it evinced the judiciary’s capacity to evolve on the provisions of the law, despite the legalisation of marital rape for the women of India. This aspect also underscores the need to fully sensitize the law for gender blindness particularly now that marital rape remains a crime against both genders among married people (Kumar, 2023).

3.1.5 State of Karnataka v. Krishnappa (2000) – Concept of Consent and Sexual Violence

The case of State of Karnataka v. Krishnappa cases 2000 is a landmark and very important decision with regards to the consent in the situation of sexual violence. The Supreme Court noted that no amount of resistance signifies consent and that any kind of forcible sexual intercourse constitutes rape (Singh, 2023). This

was helpful in breaking the traditional parameter of consent to include more than mere lack of physical resistance in determining consent due to its influence on shaping the modern judicial system concerning sexual violence. However, this judgment was again confined to the victimized women only and left men and queer survivors of the gruesome act again in the realm of illegitimacy. As mentioned in the later cases, the key to affirmative consent has been restated, however, the language of laws remains patriarchal that provides legal protection to women only (Sharma, 2023).¹³³⁹

4. Comparative Analysis: Gender Neutrality in International Jurisdictions

Thus, there has been a move from individual countries to come up with laws on sexual offences with equal weight on men and women. Whereas laws in India continue to be still gendered, laws in countries like UK, United States and Canada among others have been change to accommodate both male and the LGBTQ+ survivors of sexual violence. This section identifies the legal systems of these jurisdictions and looks at their responses to the issues of gender neutrality in regards to sexual offences laws, and possible lessons that can be learned from them by India.

4.1 United Kingdom

The United Kingdom has a balanced gender agenda towards the cases of sexual offence. The Sexual Offences Act of 2003 offers the definition of rape, whereby any individual penis deliberately inserts it into the vagina, anus or mouth of the other person without his/her consent (Crown Prosecution Service, 2023). Unlike India's gender-specific definition, this law does not confine victims to a specific gender since both men, the transgenders, and the non-

binary persons are recognized can become rape victims (Davies, 2022).

Also, the UK law entails sexual assault, harassment, and exploitation of both females and males are clearly articulated in the UK law and protects a variety of offenses including without consent and forced sex, knowingly causing another to expose their private parts, and voyeurism among others (Home Office, 2022). The shift to recognize consent as being more critical than gender in the UK legal system is a plus to all survivors of the act.

4.2 United States of America

Sexual offence laws in the United States differ with state laws; however, the federal law as well as most state laws use the gender-neutral terms. The Violence Against Women Act or VAWA that was passed in 1994, was at first meant for protecting women only but was later extended to cover men and Lesbian, gay, bisexual, live, and transgendered individuals (US Department of Justice, 2003).

Currently, nearly all states have either repealed gender-specific terms from the statute defining rape and/or sexual assault. For instance, in California, rape is described as sexual intercourse with a person without consent and regardless of the gender of the victim (California Penal Code §261, 2023). Likewise, in New York, rape and sexual abuse are acknowledged without distinction of gender so as to afford a legal protection to the male and the transgenders (New York Penal Law §130, 2023).

It also has sound laws regarding same-sex sexual violence, which is still a grey area in India. The landmark case of Lawrence v. Texas (2003) made it easier for the protection of the LGBTQ+ in cases of sexual violence (Smith, 2023). In the given subject, the US legal framework is considerate to gender involving the principle of consent, unlike the Indian legal provisions.

4.3 Canada

In the Canadian legal system, sexual offences are one of the most progressive and gender

¹³³⁹ Basu, A. (2022). *Gender-Specific Laws and the Exclusion of Male Victims: A Legal Critique of Indian Sexual Offences Laws*. Indian Journal of Law and Society, 10(1), 37-52.

Choudhury, S. (2021). *The Legal Challenges of Gender-Neutral Sexual Offences in India*. Journal of Human Rights Studies, 14(2), 8-104.

Kumar, R. (2023). *Bharatiya Nyaya Sanhita and Its Implications for Gender Neutrality in Sexual Offences Laws*. Indian Legal Review, 15(4), 233-254.

Sharma, P. (2023). *XYZ v. State of Maharashtra: The Judicial Push for Gender-Neutral Rape Laws in India*. Supreme Court Journal, 16(1), 90-105.

sensitive as for now. The Charter of Canada's Criminal Code has a gender-neutral approach for sexual assault since the victim, as well as the offender, may be of any gender (Canadian Department of Justice, 2023).

The Criminal Code contains the essence of rape under sexual assault and unlike other statutes, erases the gendered assumptions that are normally prevalent concerning rape stating that the lack of consent is the key consideration (Bailey, 2022). Furthermore, the same-sex sexual offences and other offences of sexual nature are prosecuted in the same way with equal protection for LGBTQ+ people who are victims of those crimes.

It also includes marital rape, a concept that is not effectively addressed in India even now. The case of *R. v. Ewanchuk* (1999) also denied the assumptions of consent when the woman is married or had consensual sexual relations with the man before (Miller, 2023). This is different from the marital rape exception in India where rape within marriage is not considered as a criminal act.¹³⁴⁰

5. Challenges and Concerns in Implementing Gender-Neutral Laws

As much as the provisions of gender-neutral laws are crucial to deliver justice to all victims of the sexual offenders, this type of laws has some legal, evidentiary and social implications. Some of the issues include vulnerability to exploitation by third parties in the course of seeking the services, proven challenges in other related sexual offenses due to lack of corroborative evidence, underlying cultural beliefs, as well as related stigma among existing attitudes towards male and LGBTQ+ survivors of sexual violence. These problems require proper formulation of laws alongside relevant measures to be taken by courts not to worsen

the situation for the parties involved, while offering fair justice for the survivors.

5.1 Possibility of Misuse and False Accusations

The most common objection about the passage of gender-neutral rape laws is misuse and false reporting. Currently, there are arguments likely to be made that extending the definition of rape and sexual harassment to male and transgender individuals is likely to result in a number of false cases similar to what has been noted under section 498A IPC (dowry harassment) and sexual harassment cases (Sharma, 2023). Though the number of false accusations of sexual offence accounts to a marginal portion to the absolute number of such crimes, the repercussions they have on the accused are severe, as they result in social isolation, legal costs, and loss of face (Kumar, 2023).

The incident shocked the entire nation largely after several other higher-profile cases emerged in India which raised the serious issues of misuse of sexual offences laws. In *Mahendra Chawla v. State of Madhya Pradesh* (2019), the Hon'ble Apex Court stated that falsified rape cases are capable of devastating lives under section 376 of the IPC and demanded severe punishment for the offenders of Section 498 A of the CrPC (Singh, 2023). However, the literature review has evidenced that the onus placed on men and members of the queer community to avoid being falsely accused of rape should not be used as a basis to exclude the genuine male and LGBTQ+ survivors from being protected by the law (Basu, 2022). Compromise is the way to go when it comes to the implementation of gender-neutral laws, especially in ensuring punishments to a culprit and protection to the survivors.

5.2 Evidentiary Challenges and Burden of Proof

Even regularly, the confirmation of sexual offences is still challenging, so such laws could only complicate matters. Each case of rape in India is tried on the basis of the testimony of the

¹³⁴⁰ Bailey, J. (2022). *Gender-Neutral Legal Protections in Canadian Sexual Offences Law*. *Canadian Law Review*, 18(2), 92-109.
California Penal Code §261. (2023). *California State Legislature*. Retrieved from www.legislature.ca.gov.
Canadian Department of Justice. (2023). *Criminal Code of Canada: Sexual Assault and Gender Neutrality*. Government of Canada.
Crown Prosecution Service. (2023). *Sexual Offences Act, 2003: A Comprehensive Guide to UK Rape Laws*. UK Government.

victim and the medical evidence collected with the help of medical experts and other witness statements are secondary to the testimony of the victim. Nevertheless, the situation becomes even worse for the male and transgender survivors, as there are no open injuries and prejudices exist that deny the possibility of male sexual violence (Bailey, 2022).

The burden of proof is still another issue that shall be a challenge. The burden of proof shall still be an issue of importance. In *State of Karnataka v. Krishnappa* (2000) legalizing the verdict made by the Supreme Court of India, it had been established that the absence of physical violations does not mean consent existed in the legal framework which upholds the aspect of no consent as being the major offer of rape (Singh, 2023). Nevertheless, if the alleged rape survivors are male, or if they are transfigendered males, they are certain to produce higher evidence to support their allegations because many still believe that males cannot be rape (US Department of Justice, 2023). This means that male and LGBTQ+ survivors end up limping on the legal justice system and are denied justice.

5.3 Societal Perception and Stigma

One of them is culture, which tends to be the largest challenge that prevents gender-neutral legislation to be put into practice. Indian society depicts men as sexually aggressive and women as sexually vulnerable, so society does not accept men and transgenders to report such cases of abuse (Basu, 2022). Male gender thus feels ashamed and stigma of weakness; such sentiments deter them from seeking justice, and many times, they are not believed (Kumar, 2023).

Research conducted by the Centre for Social Research in the year 2019 indicated that more than three quarters of the male victims of sexual abuse in India never take the issue to court as they are resultant of shame and are not provided legal protection (Home Office, 2022). Furthermore, complication of discriminator at the institutional level exists

where many policewomen fail to consider registering their complaints due to prejudice against the LGBTQ+ individuals (Canadian Department of Justice, 2023). This systematic erasure implies that even if the male or the transgender man or the non-cis male or the Transgender man has the courage to report a case of sexual violence, there are several obstacles that are put in place that are not found in case of a woman (Miller, 2023).¹³⁴¹

6. Recommendations and Conclusion

The topic concerning gender neutrality in the laws of sexual offences reveals loopholes in the existing legal provisions in India. Despite many countries having incorporated the gender sensitive laws in their legislation, the Indian law of crimes against sexual assault only allows a woman to seek legal recourse. Exclusion of the male and the transgender survivors is unconstitutional and is a violation of the international human rights Acts. Thus, changes should be made in order to provide equal protection of individuals' rights and prevent possible improper actions.

6.1 Need for Legislative Reforms in India

The BNS of 2023 follows the traces of the IPC, 1960 with regards to language and definitions of rape and sexual harassment. Section 63 (Rape) and Section 75 (Sexual Harassment) offer protection to only women who are victims several times over as the cases of sexual assault against men and the transgenders are on the rise (Kumar, 2023). In order to address this, there is a need to enter the following legislative reforms:

- Explain rape and sexual assault in ways that are gender neutral, same to the way they were defined in the UK Sexual

¹³⁴¹ Bailey, J. (2022). *Gender-Neutral Legal Protections in Canadian Sexual Offences Law*. Canadian Law Review, 18(2), 92-109.

Basu, A. (2022). *Gender-Specific Laws and the Exclusion of Male Victims: A Legal Critique of Indian Sexual Offences Laws*. Indian Journal of Law and Society, 10(1), 37-52.

Canadian Department of Justice. (2023). *Criminal Code of Canada: Sexual Assault and Gender Neutrality*. Government of Canada.

Choudhury, S. (2021). *The Legal Challenges of Gender-Neutral Sexual Offences in India*. Journal of Human Rights Studies, 14(2), 88-104.

Offences Act, 2003 (Crown Prosecution Service, 2023).

- Quality – It also need to include men and LGBTQ+ individuals as potential victims, so to provide equal legal protection (Basu, 2022).
- Some measures include; reducing false cases through the compounding of charges to those filing false complaints while at the same time protecting genuine victims, (Sharma, 2023).

6.2 Constitutional and Human Rights Perspective

That the male and the transgender are excluded from the sexual offences laws also goes against Article 14 (Right to Equality) and also Article 15 (Prohibition of Discrimination) of the Indian constitution (Choudhury, 2021). Furthermore, India is also a member of the international conventions like the Convention on the elimination of all forms of discrimination against women (CEDAW) and also the Yogyakarta principles on gender-inclusive laws (UNHRC, 2018). According to gender-neutral laws, India will be compliant with the human rights standards and reaffirm the constitutional provisions on equality.

6.3 Balancing Gender Neutrality with Safeguards

One of the concerns regarding the gender-neutral laws is the fact that there are high chances of abuse. Eventually, it has been revealed that the occurrence of false reports is low and as such the victims who are genuine should not be made to suffer due to this vice (p. 103). A balanced legal framework should:

- While doing so, it is important to also have stringent measures put in place to deal with cases of those who make false complain to the police while still protecting those genuine complainants from secondary victimization.
- Training in awareness of gender bias to the law enforcement agencies and judiciary as a way of ensuring that they

do not have a biased approach when handling the cases (Miller, 2023).

- To encourage male and LGBTQ+ survivors to report these cases, the legal and psychological support must be provided by the survivors (Canadian Department of Justice, 2023).¹³⁴²

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¹³⁴² Basu, A. (2022). *Gender-Specific Laws and the Exclusion of Male Victims: A Legal Critique of Indian Sexual Offences Laws*. *Indian Journal of Law and Society*, 10(1), 37-52.

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