



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

REDEFINING RAPE: THE URGENCY OF GENDER-NEUTRAL SEXUAL OFFENCE LAWS

AUTHORED BY - ARYAN DATA

ABSTRACT

According to conventional gender norms and prejudices, the prevalent view of rape legislation centres on male offenders and female victims. Nonetheless, there has been a noticeable increase in awareness in recent years of the pressing need for a gender-neutral framework in dealing with sexual assaults. The purpose of this essay is to examine the difficulties and possible repercussions of enacting gender-neutral rape legislation in modern nations.

The historical background of rape laws is reviewed in the first section, which also highlights the laws' gender-biased origins and effects on survivors of all genders. The study then examines how society has come to define gender, challenging binary viewpoints and recognizing the experiences of those who are not on the male-female spectrum. It is highlighted how gender neutrality promotes equality, breaks preconceptions, and fosters inclusion. The study emphasizes the difficulties in implementing gender-neutral rape legislation by drawing on case studies and legal analysis from various countries. Examined topics include victim-blaming, cultural opposition, and the preservation of due process, offering a thorough understanding of the complex challenges.

The study also explores the possible advantages of gender neutrality in rape legislation, such as higher rates of reporting and prosecution, better protection for all survivors, and the development of a more equitable judicial system. Concerns about false allegations and the necessity of fair procedures to safeguard the rights of accusers and the accused are also covered in the paper. The report eventually supports an inclusive, gender-neutral strategy that preserves the values of equality and justice for all people, regardless of gender identity or expression, while appreciating the complexities of this transition.

INTRODUCTION

"Nothing is so unequal as the equal treatment of unequal people," as Thomas Jefferson famously stated.

As is the situation in India and the majority of other developed or developing nations, men are only covered under the perpetrator side of rape laws, not the victim side. Laws against rape that are gender-neutral are already being called for in India. It is unjust to the excluded gender since, despite the fact that the absence of such legislation has been noted, no real action has been taken. Because they are inclusive of all genders, gender-neutral rape laws enhance rather than limit people's rights. The implementation of the legislation may include cautious measures.

The cornerstone of Indian law is the presumption that the victim may only be a woman. As a result, it is assumed that rape is only a sexual act committed to satisfy the offender's immediate sexual want. An alternative perspective, on the other hand, contends that the act may be viewed as an act of power and that it includes both actions of desire and acts of humiliating behavior in order to demonstrate the supremacy of a certain religion, caste, community, or class over the victims. Because of this, some people who hold onto conventional or patriarchal beliefs think that employing sexual assault as a tactic will enable them to show their dominance over others. But as development has progressed, so too have times. Despite the fact that our legal system is founded on the principle of "innocent until proven guilty," women are always presumed innocent until proven guilty and males are considered guilty unless proven innocent under the rape laws.

Section 375 of the Indian Penal Code (IPC) addresses the crime of rape in India. It lists the components of rape and the related punishments. To provide tougher penalties for sexual offenses, the clause has undergone several revisions. A man is said to have committed "rape" under Section 375 of the Indian Penal Code (IPC) if he coerces a woman into having his penis placed in her mouth, urethra, anus, or vagina, or if he does any such act with him or another individual. This section also discusses different levels of consent.

Nonetheless, it seems that the law assumes that the rapist in rape cases is a man and requires female victims. Rape is considered a felony under Section 376. It lists the components of rape and the related punishments. In order to provide more severe penalties for sexual offenses, the

clause has undergone several revisions. Following a modification to Section 114A of the Indian Evidence Act, the law now presumes guilt and shifts the burden of evidence to the offender if a woman claims there was no consent. Again, it is believed that the only individuals who can be enslaved by those in positions of power are women, regardless of who they are. However, this viewpoint is untrue.

Any sexual activity that is "against the order of nature," or gay behavior, as well as oral and anal sex, are prohibited by Section 377 of the Indian Penal Code. In the 2018 case of *Navtej Singh Johar v. UOI*, the Supreme Court declared this legislation unconstitutional, as is well known. Nonconsensual intercourse between two guys is now covered. Nonetheless, one can question why such a situation does not qualify as rape. Men's choices were somewhat aided by this, but they are still not afforded the same liberties and privileges as others.

Although men and transgender people are rarely raped, this does not negate their right to recognition and equality. Roughly 77 countries have enacted gender-neutral laws and taken legal action on the issue. Nonetheless, the Indian Parliament has continuously opposed the notion of gender-neutral legislation. ^{viii} While gender inequality is an issue in India at every level, certain countries are making strides toward gender equality. The Justice Verma committee was founded in 2013 with the idea that victimization under section 375 of the IPC should be gender inclusive and that anybody, including transgender individuals, may be involved. This was also the view of India's 172nd Law Commission. Gender neutrality is criticized by certain women and social conservatives who see it as anti-woman and a reaction against feminism.

EVOLUTION OF GENDER-SPECIFIC RAPE LAWS IN INDIA

Charting the history of sexual assault in India from the 1870s to the present is empirical. For years, women have been banding together to fight sexual violence in India by changing the definition of rape. The term "rape" was first used in the Indian legal system in the 1860s, during the drafting of the Indian Penal Code. However, before 2004, rape's sole legal meaning was the vaginal-penile one.

The entire nation was rocked by the Mathura Rape Case in 1972. Two police officials in Maharashtra sexually assaulted a young tribal girl as she was being held captive in the police

station. This incident is currently considered to be among the most well-known cases of prison rape in India. Under pressure from her family, she sued these two cops for rape, and the case made it all the way to the Supreme Court. In this instance, the SC said that the woman did not even sound an alarm during the rape and did not exhibit any physical signs of pain or struggle since she was probably used to having sex and could have asked the cops to have sex with her. Once it was shown that the victim was not a virgin, the court ruled that there had been voluntary sexual contact rather than rape.

Following this case in 1979, a number of protests took out across the country when four academics addressed an open letter of complaint to the chief justice of India. They all argued that the lady ought to have to show that the intercourse was not based on consent. Consequently, "Custodial rape" was added to the list of definitions for rape. The amendment further stipulates that the victim's name cannot be made public and prohibits the "character assassination" of rape victims in court. The history of rape laws saw a number of adjustments as a result. The result of the Mathura rape case was the 1983 criminal law change.

Significant changes in the history of rape laws were also shown to have brought about by the Nirbhaya rape case. It rocked the country, bringing attention to the protection of women and demanding that conventional offenders face tougher punishments for rape. The Justice J.S. Verma Committee was formed in December 2012 as a result of the above-described incident. The goal of this group was to draft changes to the criminal code that would guarantee speedy trials and severe punishments for anybody convicted of sexual assault against women. The January 23, 2013, report's recommendations mostly focused on sexual assault and rape.

In its conclusion and suggestion, the Committee also addressed the creation of gender-neutral rape laws, pointing out that sexual assault against men, gay men, and transgender individuals is a reality that the law has to acknowledge. Nonetheless, the government was convinced by the circumstances of the moment to preserve the gender-specific nature of the legislation, and the Criminal legislation (Amendment) Act, 2013 was enacted as such. It changes the law to preserve people's privacy and adds previously unheard-of sections that make sexual voyeurism and stalking crimes to the Indian Penal Code. Furthermore, two regrettable rapes led to the Criminal Law Amendment 2018.

instances, one in Kathua, Jammu and Kashmir in 2018 and one in Unnao, Uttar Pradesh, in 2017. It introduced several changes to the Criminal Law, but one of the most significant ones

was raising the penalty for rape under Section 376 from seven to ten years.

In 2019, Rajya Sabha member KTS Tulsi filed a private member bill with the goal of changing the provisions of the present Indian Penal Code. The bill is known as the 2019 Criminal Law (Amendment) Bill. It goes beyond just proposing criminal punishment for sexual offenses against men and transgender individuals. Its goal is to punish offenders irrespective of their gender or sexual orientation. Furthermore, because victims of various sexual orientations are unable to identify their victimization, it demonstrates how the restrictive application of such norms damages them. Still pending in the parliament, this bill has not yet been passed into law.

Study: Criminal Law (Amendment) Bill, 2019

KTS Tulsi, who was then a member of parliament, presented the Criminal Law (Amendment) Bill, 2019 to the Rajya Sabha on July 12, 2019. The bill belonged to a private member. The measure proposes gender-neutralizing rape laws, which has also been proposed previously. The bill's recommendations are based on the rights to equality and life guaranteed by the Indian Constitution. It alludes to the previous statute Commission study and gender neutrality amendment statute. Changing the legislation to protect persons of all sexes, genders, and sexual orientations while also allowing them to get appropriate justice and reparations is a key component of the suggested reform.

The main changes that have been proposed for the Indian Penal Code, 1860, are as follows:

- I. To add the term "transgender," to amend Sections 8 and 10, which define "gender," "man," and "woman," respectively, and to add Section 8A, which provides a definition of modesty that is appropriate for all genders,
- II. A new law that renders assault and the use of physical force meant to breach modesty gender-neutral should take the place of Section 354, which should be repealed.
- III. Gender-specific language should be replaced with gender-neutral ones such as "anyone" and "any individual" in the definition of sexual harassment included in Section 354A.
- IV. Section 354B will be amended to include a new phrase that defines assault or the use of unlawful force with the intent to disrobe as affecting "any person" as opposed to just "women."

- V. Similar gender-neutral definitions of voyeurism and stalking have been proposed for Sections 354 C and D.
- VI. Additionally, the bill suggests using the phrase "any person" in favor of the phrase's "man" and "woman" in Section 375's definition of rape. This change is substantial. This will increase the definition's applicability and provide equal protection for men and transgender individuals. Similar suggested changes have also been made to the provisions of Sections 376 C and 376 D pertaining to "gang rape" and "rape by a person in authority."
- VII. In order to counter sexual assault, the proposal proposes a new provision. Sexual assault is defined as "any non-consensual act of groping another person's genital area or the use of words or acts that create fear of an unwanted sexual risk" under Section 375A of the law. A severe jail sentence of up to three years, a fine, or both are the suggested punishments.

In addition, several changes have been proposed to the relevant sections of the Indian Evidence Act of 1872 and the Code of Criminal Procedure of 1873. It also uses the well-known case of Criminal Justice Society v. Union of India & Ors. to bolster its argument for the proposal. The Supreme Court stated in its decision that it believed Parliament ought to follow suit, noting that the petitioner's call for gender-neutral rape laws had merit.

Finally, since India is a signatory to the 1948 Universal Declaration of Human Rights, it is imperative that Parliament amend the country's current criminal code to make it gender-neutral in order to implement the aforementioned, which protects the right to equality and the prohibition against discrimination.

ARGUMENTS IN FAVOUR OF GENDER-NEUTRAL RAPE LEGISLATION

For laws against rape to be deemed "gender neutral," they must recognize that transgender individuals, as well as men and women, can be the victims of rape. This is consistent with current beliefs about the nature, dynamics, and outcomes of penetrative and non-penetrative sexual activity. According to this concept, the only way to perceive and comprehend rape is as an act that violates the victim's human rights. However, this view would be at odds with the widespread gender-specific rape legislation. If this Offense violates human rights, neither the penalty nor the protection should be based on the gender of those who do it. By virtue of being

a human, everyone is entitled to core human rights including equality, life, personal liberty, and dignity. Therefore, irrespective of gender identity or expression, everyone has a right to it.xxv

Numerous data points provide strong support for this claim. The Universal Declaration of Human Rights' preamble states that each member of the human family has inherent dignity and equal, inalienable rights, which serve as the cornerstone of freedom, justice, and world peace. According to Article 2xxvi of the UDHR, no one is excluded from any of the freedoms enshrined in this Declaration because of their gender or any other status. Article 7xxvii guarantees equal protection under the law. Article 8 states that citizens have the legal right to seek proper remedies from qualified national tribunals for acts that infringe upon their basic rights, which are safeguarded by the constitution and the law. To make it obvious that everyone is granted these rights without discrimination based on factors like sex or gender, these clauses are carefully and explicitly gender-neutral.

Formal equality, not substantive equality, is what the aforementioned provisions stand for. While substantive equality recognizes that sometimes granting equal treatment requires treating a class of people differently, formal equality places more emphasis on consistency of treatment.

The rationale for the government's use of the legal system, particularly the criminal code, to control sexuality must be considered in the practice and concept of human rights. Even though many nations have seen significant changes in sexual attitudes and practices over the past century, it might take some time for regulations to catch up. Reforming sex laws in particular is infamously difficult.

Constitutional Perspective:

The fact that the Constitution calls for both formal and substantive equality suggests that the framers understood that if formal equality were enforced consistently, it would only serve to reinforce structural inequality already in place. In reality, India's equality law has long shown signs of legal equality's limitations, undercurrents, stubbornness, and possible reaction, and it exhibits a strong conviction that a more substantial idea of equality is required.

"The State shall not refuse to any person inside Indian territory either equality before the law or equal protection of the laws," according to Article 14. The "State is not permitted to

discriminate against someone on the basis of their race, caste, sex, place of birth, or any combination of these factors alone," as stated in Article 15(1) "Nothing in this article should prevent the State from passing particular laws protecting women and children," however, as stated in Article 15(3). This is how the Indian Constitution has included the idea of positive discrimination. Thus, among many other things, it expressly permits the State to provide for women and children in whatever manner, including by going against the fundamental prohibition against discriminating against individuals based on gender. One could be inclined to use Article 15 to bolster the legitimacy of Section 375 of the IPC. Despite being meant to be ameliorative, Article 15(3) may be seen as simply allowing the state to provide women and children with higher standards of protection while upholding its constitutional duty to protect its citizens from violations of human rights. Furthermore, in Indian criminal law, situations of severe sexual assault that cause a victim's physical integrity to be violated without any alternative legal remedy are handled solely under the crime of rape, as defined by Section 375. Regardless of the actor's sex, it seems that there is a stronger case for treating acts of equivalent heinousness equally than for distinguishing between penetration of the male and female bodies. The State is legally obligated to ensure that the aforementioned duties are fulfilled in this regard. It is widely accepted that countries have a duty to ensure that human rights are treated fairly within their boundaries. The National Human Rights Commission of India adopted a similar stance, declaring in a finding that protecting each person's right to "life, liberty, equality, and dignity" is the State's first and most crucial responsibility. The State also has an obligation to prevent any infringement of basic rights, whether it happens directly or indirectly as a result of negligence or conspiracy.

Human rights jurisprudence holds that the State is responsible for the conduct of both its own agents and non-State actors operating inside its borders. Any inaction that permits or promotes a violation of human rights is also the responsibility of the state. There are significant concerns regarding the validity of gender specificity in Indian rape laws given that there is no other option for equal gravity under Indian criminal law. The notion of gendered protection of the same seems to be incompatible with a state's obligation to guarantee the defense of its people's fundamental human rights within its boundaries.

Evidence in Favour of Arguments:

Similar to how the IPC gives the public the idea that only males may exert power because men are biologically supposed to be stronger than women, there is an assumption that people always

view a male as the perpetrator and a woman as the victim. The victim and the perpetrator are the two components that can be taken into account under the present gender neutrality framework. The way that the current legal system mistakenly solely views women as the victims of sexual offenses has been thoroughly examined in the past.

There is no formal record of the number of rape cases involving men and transsexual individuals. First, the Apex Court did not recognize transgender individuals as belonging to the "third gender" until 2019, and second, there is no law that criminalizes coercive or non-consensual sexual acts against men.

A section on victimization by sexual orientation was included in the 2013 National Intimate Partner and Sexual Violence Survey, which was published by the National Center for Injury Prevention and Control in Atlanta, Georgia. Just 28.6% of heterosexual men reported having male assailants, compared to 54.8% of women and 16.6% of men and women who had experienced sexual violence other than rape in their lifetimes. Additionally, 43.8% of lesbians reported experiencing rape or other physical violence, and 67.4% of them thought that only women were responsible for the attack. The National Crime Record Bureau of India did research in 2008 and discovered that married men commit suicide at a rate of one every nine minutes, which is far greater than the rate for women. Pressures from the economy and society are to blame for these suicides.

Two conclusions may be drawn from these facts: First of all, the fact that women are capable of committing any other kind of sexual offense against males refutes the notion that they are physiologically incapable of rape. This argument was never convincing since rape in India is defined broadly and does not just refer to penetration of the penile-vagina. Second, women are capable of sexually assaulting others.

The Supreme Court ruled in *Bodhisattwa v. Shubha Chakraborty* that Indian rape laws continue to uphold the status quo and their stigmatized stereotype of masculinity, which holds that men should be independent so they cannot be sexually abused or exploited by women, even though it has long been customary that rape violates the fundamental rights of men and women to life, liberty, and privacy.

This argument addresses the old but significant ruling of *Priya Patel v. State of M.P. & Anr.*,

which addressed the question of whether a woman may be prosecuted with gang rape. The court responded negatively, ruling that a woman is incapable of committing rape. Although the Criminal Law (Amendment) Act of 2013 significantly changed the landscape of rape law, the judgment seemed acceptable given the limited applicability of Section 375, IPC at the time it was rendered. However, since there had not been a recent decision on the matter, it was crucial to discuss it. It is now possible that women might rape both men and women due to changes in the law and the disclosure of the previously specified facts.

Sometimes the main reasons why women fabricate rape claims against men are laws that are biased in favor of women and a lack of a legal support system for males. Male rapes are common and consistent, but because of the shame associated with them, they are rarely reported. The US Supreme Court noted that gender-specific laws usually stem from societal presumptions rather than deliberate attempts to further legislative goals. xxxvi

Judicial Precedents:

The Indian Judiciary and the Parliament have not yet given regard to the aforementioned gender neutrality in the rape statute, although, from a worldwide perspective, it is not unusual.

The Court of Appeals considered a challenge to the legality of Section 130.35 of the Penal Code of New York in the 1984 decision of *People v. Liberta*, holding that a man committed first-degree rape when he engaged in sexual intercourse with a lady under the influence of another individual.

The aforementioned phrasing, in the defendant's opinion, was not gender-neutral and went against the fundamental precept of equality before the law. The aforementioned rule only applies when a man violently rapes a woman, not the other way around, hence the court determined that it did, in fact, violate the equal protection principle. Because it is less common, a gender-neutral policy would be preferable than one that solely exempts one gender because it would be more successful.

In a different decision, *Orr v. Orr*, the US Supreme Court declared that a legislation that imposes alimony obligations only on the husband and not the woman is unconstitutional because it violates the equal protection clause.

Two articles of the Tasmanian penal code were contested in the 1994 court case *Nicholas Toonen v. Australia* because they prohibited particular types of intercourse between two males and were in violation of ICCPR paragraphs 2, 17, and 26. As the proceedings went on, Tasmania admitted that one of the aforementioned rules, which prohibited only male-on-male sexual behavior, did discriminate based on sex. Even the court decided that the clause breached Articles 17 and 2. However, the argument that rape laws need to be gender-neutral is sufficiently supported by the state's capitulation.

These decisions are being cited to emphasize that the state is in charge of making sure that protecting everyone's human rights must be taken into account when it is drafting its laws, rather than to claim that gender-specific rape laws and definitions are inherently unconstitutional. When human rights are only partially upheld because of the victim's or perpetrator's sex and gender, they are incompatible with the ideals of gender justice.

IS INDIA READY?

Despite the fact that it seems like a fantastic notion, gender neutrality cannot be effectively implemented in an Indian context. When we think about such a scenario, a number of challenges do come up. A PIL that aimed to gender-neutralize laws addressing sexual harassment, rape, stalking, voyeurism, sexual assault, and other issues was also denied by the Supreme Court, which called it a "imaginative petition" for the contemporary world. Examining the obstacles that India faces in passing gender-neutral legislation is essential.

In India, women are considered to be the most vulnerable category, which is unfortunate but accurate. There are many examples of crimes, torture, assault, and other forms of prejudice against women in India. Although statistics show that women are disproportionately impacted, we do not dispute that men and transgender individuals face discrimination and are the targets of crimes. It becomes imperative to protect their rights, and if they require specific laws that support them along the road, that ought to be allowed.

Furthermore, India has historically been a male-dominated nation, and the people there do have a tendency to view the world in a patriarchal manner. The majority of men do hold more political, financial, and physical power, and some of them misuse this position to damage women through rape, assault, stalking, and other voyeurism-related behaviors. Men that are

passionate and hateful toward certain women have also been known to commit crimes against them. As a result, we cannot simply assume that women are safe and foolishly suggest gender-neutral regulations under the guise that some women would mistreat them. If gender-neutral regulations are put in place, we cannot prevent the possibility that many false cases will be brought up against women, and it's also likely that men may begin reporting instances of abuse by either men or women. Many of the women prisoners awaiting trial will either not have the funds to pay for their defense or will not have the support of friends and family.

Sexual assault is experienced differently by men and women. Several stigmas, especially for women, make it extremely difficult for them to even file a lawsuit against the wrongdoers because they are typically the targets of both discrimination and blame-seeking. When a woman contacts an authority to file a case, several premises are developed, such as the following: she must be wearing something revealing, she must have been out at inappropriate hours of the night, she must be a slut, she may have given her consent, she may not be emotional, etc. This just assigns the victim's blame. Things are made worse by the wildly inappropriate two-finger test.

Not a single case of female-to-male rape has ever occurred in India. Except for children, no male would go to the police and say that a woman had sexually assaulted him. They would make fun of him. Furthermore, males under the age of 18 are already protected from sexual offenses by a provision in the POSCO Act 2013.

INTERNATIONAL GENDER-NEUTRAL LEGISLATION

United Kingdom:

Man-on-man rape is recognized by Section 142 of the Criminal Justice and Public Order Act of 1994, but only if the offender is a guy. According to the definition, it is illegal for a man to rape a woman or another guy. Consequently, it does not completely recognize gender neutrality even when it addresses male rape. According to the Sexual Offenses Act of 2003, rape occurs when a person's penis invades another person's mouth, anus, or vagina. It is clear that it considers men as individuals who perpetrate sexual offenses against both men and women, rather than only considering women to be rape victims.

United States of America:

In 2013, the Federal Bureau of Investigation (FBI), USA, changed the definition of rape in the Uniform Crime Reporting (UCR) Program. The updated definition states, "Penetration, however small, of the vagina or anus with any body part or object, or oral penetration by a third party's sex organ, without the victim's agreement." This updated definition includes both men and women and acknowledges rape as penetration by any object or body part. This has expanded the scope for statistical reasons because data may now be gathered regardless of gender, penetration by objects will now be regarded as rape, and sexual offenses when no force was used but the victim was drugged before being raped will also be included.

Canada:

In the Canadian Criminal Code, the word "rape" is not used. ^{xlvi}; rather, "sexual assault" is defined in the statute under Section 271. Due to the usage of "everyone" rather than "man" or "woman," the offense is gender-neutral. The word does not mean "penetration," either by an item or by a part of the body. It also sets sanctions for serious sexual assault and criminalizes sexual assault committed with a weapon or while the victim is afraid of harming a third party. Additionally, "Sexual interference" is defined as a crime under Section 151 of the Code. Since it forbids "any individual" from touching a body part or using an item to have sexual contact with another person, the legislation is gender neutral.

CONCLUSION AND RECOMMENDATIONS

Gender equality indicates that men and women, as well as young girls and boys, have access to the same opportunities, resources, and safeguards. It does not mandate that women and men be treated equally or that girls and boys be treated the same. In a nation like ours, the importance and necessity of gender-specific laws must be recognised and emphasised since they contribute to the safety of women and the advancement of equality by assisting a highly underprivileged segment of society. For decades, women have struggled for their identities and rights; perhaps there will never be a conclusion to this fight. Their efforts were not in vain, though, since there has been a significant improvement in women's status compared to then. Numerous female activists have devoted their whole lives to enacting these reforms, some of whom have also perished in the process.

However, given the multiple examples mentioned in this article, it is impossible to deny the

frequency of sexual offences against males and transgender people. The idea to make criminal law gender-neutral is ambitious given that rape against women is a very severe problem and that there has been an increase in the frequency of such occurrences. However, this should not be used as an excuse to minimise the suffering endured by males and transgender people. Regardless of the victim's sex or gender, sexual offences in general and rape, in particular, include a traumatising violation of the victim's body. The fact that this horrible conduct is not criminalised when it is performed against men or transgender individuals makes this pain worse in the absence of gender-neutral rape laws. For a number of reasons, including their concern with being stigmatised as weak, queer, or feminine, men who have experienced sexual assault usually keep their experiences to themselves. Their own family members and acquaintances have occasionally disagreed with their statements. This leads to a highly disturbing scenario where male crime victims are frequently made fun of and helpless to stop it. We also observe that despite activists' efforts to change the law in response to the predicament of women, which resulted in harsher penalties and more restrictive legislation, the law did not respond as it ought to have. If we take the same steps to protect male victims, there is a good chance that, even if the rules are changed to be more gender-neutral, the situation with male sexual assault will not shift significantly. Therefore, it is preferable to investigate this problem by acknowledging that Men are victims of ideology and adopting it into national legislation.

Reforming the laws and making them gender inclusive for victims can be one method to address this issue. It won't help to claim that India just has gender-neutral legislation. It would be beneficial to acknowledge that men may also be victims and to raise awareness of this, as well as to include transgender people as victims. Given the current Indian scenario, it can be said that adopting legislation that specifies that the victim can be gender-neutral while the offender remains gender-specific is the primary recommendation. No matter how controversial this may sound, it can still be a stepping stone towards gender equality in criminal Laws, especially Rape Legislation.

Some other recommendations towards a gender-neutral legislative shift:

- It is essential to acknowledge that gender inequality affects both men and transgender persons at various points in their life. The Indian Evidence Act, the Code of Criminal Procedure, and the Indian Penal Code must all be adequately altered in order to make rape laws gender-neutral.

- It is strongly recommended that legislation be gender-neutral as some women abuse these provisions to their advantage and no rule can punish women in these sorts of circumstances. Additionally, the State can create an equal burden of proof rules to redress the power imbalances that exist between men and women in Indian culture. The rape of men and transgender individuals while they are in the custody of the police must also be considered, as must sectarian and caste violence.
- Protections must be implemented in rape cases to stop counter-allegations. The perpetrator of sexual harassment should get the proper punishment, but if it was utilised inappropriately, everyone should face an equally severe penalty. There must be clear evidence of rapes committed against men and transgender individuals.
- The JK Verma committee's advice to progressively modify the rape legislation while concealing the gender of the offender and encompassing all victims is the best course of action for India. The male and transgender communities are guaranteed protection from gay rape, while women are protected from allegations made in retaliation against them.
- Since each sort of sexual assault offender must be dealt with independently and gang rape can come from either side, male or female, our laws must take women into account in situations of gang rape or abetment of rape. Transgender laws must be established independently, and they must be taught to police officers as part of their first training, to ensure that they are protected against sexual harassment everywhere they go and while reporting it to the police.
- Raising awareness is crucial to eradicating the stigma associated with male and transgender rape and cultivating empathy for such victims. In order for male and transgender students to speak out and report any such incidents, this crime must be made a priority in the classroom and at the university level.

In addition to this, other problems must be taken into account, such as whether the same law regulating the revelation of the identification of rape victims applies to males and transgender victims. It already exists in a hazy region, and if it is not resolved sooner, it might become troublesome. As well as substantial attention must be paid to problems like marital rape and domestic violence against males. Since we are a democracy, no one's rights must be ever infringed. The adventure has yet to even begin, therefore there is a long road ahead. Finally, it should be noted that following what many feminist groups, LGBT organisations, and other activists have said, laws should be gender-just as well as gender-sensitive.