
WHETHER INDIAN LAWS ARE GENDER NEUTRAL OR GENDER SPECIFIC: A CONSTITUTIONAL AND SOCIO- LEGAL ANALYSIS

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ABSTRACT

The Indian legal system is founded on the constitutional principles of equality, dignity, and non-discrimination, which are established in Articles 14 and 15 of the Constitution of India, which stipulate equality before the law and the ban on discrimination based on sex. Simultaneously, Article 15(3) of the Constitution permits the State to issue special treatment to women and children as a form of protective discrimination. The rigid gendered language of the law, including Section 63 of the Bharatiya Nyaya Sanhita, 2023, and the Protection of Women from Domestic Violence Act, 2005, remains prevalent in contemporary legislation.

The Indian judicial rhetoric is witnessing a growing receptiveness to this quandary. The courts have made the necessity to have women-focused protective policies, but at the same time, have cautioned on the possible misuse of certain gender-specific provisions and the necessity of procedural rationalisation and review of the gender underlying assumptions. The empirical evidence also indicates the socio-legal consequences of the present situation, such as false charges and overwhelming mental health burden imposed on men, which can be seen in the national suicide rates.

Within this context, this paper will conduct a constitutionally informed and socio-legal research on gender-specific laws in India to establish whether they still serve as instruments of substantive equality or imbalance in certain circumstances. This discussion will evaluate the scope and restrictions of gender-neutral reform, the necessity of inclusion and the sensitivity of the language in the law, with the risk of premature gender neutrality in a society that is still highly patriarchal. It will end by arguing in favour of a gradual and progressive reform, one that will reinforce the existing safeguards to women, but will progressively incorporate the principles of gender-neutrality in the emerging Indian legal system.

Keywords: Gender-Specific Legislation, Substantive Equality, Protective Discrimination, Procedural Safeguards, Gender Neutrality, Constitutional Equality

INTRODUCTION

A constitutional democracy keeps order, justice and human dignity by its law, a normative system. This system in the Indian context is firmly entrenched in the Indian Constitution, which is grounded on the principle of equality. Article 14 of the Indian Constitution guarantees equality before the law and equality protection of the law, whereas Article 15 prohibits discrimination based on sex, among others. These are the two provisions of the Indian Constitution that explicitly mention that the law will not be arbitrary and no person will be discriminated against due to their personal features. Meanwhile, Article 15(3) of the Indian Constitution provides a constitutional directive to the State to make special provision to women and children, who have historically, socially and economically been underprivileged and demanded affirmative action. This clause of the Indian Constitution was intended to offer substantive equality and not formal equality. Nevertheless, the fact that we still use gender specific legislation has presented a complicated constitutional issue in which the question is whether the legislation is still administering justice or whether it is breeding a new type of inequality.

This contrast is particularly evident in the contemporary criminal law system in India. A set of progressive definitional provisions, which can be viewed as evidence of an inclusivity intention, is present in the *Bharatiya Nyaya Sanhita, 2023*. The Sanhita clarifies that the legal use of the masculine pronoun he is intended to cover anyone, regardless of gender, male, female, or transgender, and thus rebuffs a strictly dichotomous idea of gender. Section 82 has an inclusive definition of the word person, which encompasses individuals and collective bodies, whereas Section 66, the section that deals with the extraterritorial application of offences, is gender-neutral, a characteristic signifying a general legislative policy against exclusion. Despite these favourable trends, there is also extremely gender-specific language in the substantive provisions of Sanhita on sexual offences. The definition of rape and other sexual offences in Chapter V (Sections 63-71) of the Sanhita is that of acts committed by a man against a woman and thus confines the victim to a woman. Section 74 punishes the offence of offending the modesty of a woman in isolation, and Section 85 equally affords special protection to female children. In comparison, Section 93 of IPC defines a child as an individual who is below the age of eighteen years, regardless of sex. This discrepancy of the law demonstrates that gender neutrality is offered at the definitional level, but at the substantive criminalisation level, it does not work, which provokes significant constitutional concerns regarding Articles 14 and

15.

The Protection of Children from Sexual Offences Act, 2012, takes a totally different and consistent approach. The child in the POCSO Act, Section 2, is defined as an individual who is below the age of eighteen years without any discrimination on the basis of sex. Subsections 3 and 4 of the Act make it a criminal offence of penetrative sexual assault without gender discrimination, that is, both male and female children fall under these provisions. Section 7 covers the crime of sexual assault by touching the vagina, penis, anus or breast of a child, whereas Section 11 addresses the problem of sexual harassment by verbal, gestural, or visual behaviour, which are gender-neutral. Section 13 also proclaims the use of a child in pornography in a totally gender-neutral manner. The other gender-related clause is in Section 77 that the medical examination of a girl child victim should be carried out by a female physician. This is the sole exception, which is procedural and dignity-oriented instead of substantive. POCSO can, therefore, demonstrate that gender-neutral laws can be used to offer effective protection.

Gender differences are deeply rooted in the family law system of India. The Guardians and Wards Act, 1890, specifically makes sex a relevant consideration in the decision to appoint guardianship. Section 42 of the Act, the appointment or declaration of a guardian required the court to have regard to the age, sex and religion of the minor. Thus, sex is such a statutory criterion in the decision of welfare. Section 44 of the Act further emphasises the matter of gender specificity by restricting the court's discretion to appoint a guardian for a minor's property in relation to a married female minor, giving preference to the husband if he is found suitable, while construing that the premises of a living father or mother, for other minors, are maintained. The act's focus on "married female" minors and its gendered presumptions about guardianship and property rights betray a patriarchal social ordering, which may not be consistent with contemporary constitutional notions of equality. Protection of Women from Domestic Violence Act, 2005, is one of the finest examples of gender sensitive legislations. Section 2 defines "aggrieved person" specifically as a woman, and "respondent" generally is an adult male. Section 3 is the one that defines domestic violence widely to include physical, sexual, verbal-emotional, and economic abuse, and builds a comprehensive remedial structure. Civil remedies like Sections 12 to 27 provide for specialised procedural relief in the form of a Protection Officer, counselling, welfare experts, in-camera trials, etc. On the substantive front, Section 18 enables the Magistrates to pass order for protection, Section 19 secures residence

of the woman in the shared residence, Section 20 provides for economic support, Section 21 enables temporary custody of the children to the aggrieved woman and Section 22 allows for compensation for mental torture and emotional suffering as well, Section 31 and 63 provide for the punishment in violation of protection orders and for default of statutory obligation on the part of the protection officer. Although the Act is a crucial step towards dealing with the issue of domestic violence against women, it completely ignores the role of the men who are the victims of domestic violence, thus promoting a one-way approach towards domestic violence and is subject to constitutional challenge on the grounds of Articles 14, 15, and 21 read with this judgment.

JUDICIAL APPROACH TO GENDER SPECIFIC LAWS

The judicial approach has also begun to recognise the dangers of over-narrow gender-based categorisation. In *Air India v. Nergesh Meerza*¹ The service regulations necessitated the dismissal of female air hostesses on marriage or pregnancy. While the Court upheld some differential standards, the Court's decision also included the following: Gender-variable classifications must be reasonable, non-arbitrary, and not founded upon stereotypical notions about women. In similar cases like that of *Sujata Sharma v. Manu Gupta*² and *Preeti Gupta v. State of Jharkhand*³, Courts have expressed concern over the abuse of gender-specific criminal laws, noting that "false or exaggerated complaints may lead to wrongful arrests, ruining one's reputation, one's livelihood and causing mental stress for people over a long period of time, if they are innocent." These judicial statements do not challenge the reality of abuse against women but underscore the danger posed by laws built on irrebuttable gender assumptions to the constitution.

The growth of equality jurisprudence has also moved away from the binary concept of sex. In *Supriya Chakraborty vs. Union of India*⁴, where the Supreme Court of India acknowledged the denial of legal recognition to queer relationships, which leads to denial of inheritance, adoption, pension, and compensation schemes, thus perpetuating systemic discrimination, the Supreme Court further refused to recognise a fundamental right to marriage. This consciousness of lived experiences was reinforced even further in the case of *Jane Kaushik v. Union of India*⁵ where

¹ *Air India v. Nergesh Meerza*, (1981) 4 S.C.C. 335 (India)

² *Sujata Sharma v. Manu Gupta*, (2017) 242 DLT 1 (Del)

³ *Preeti Gupta v. State of Jharkhand*, (2010) 7 S.C.C. 667 (India)

⁴ *Supriyo @ Supriya Chakraborty v. Union of India*, (2023) 8 S.C.C. 1 (India)

⁵ *Jane Kaushik v. Union of India*, 2024 SCC OnLine Del 153 (Del.)

the Court referred to the abdication of government in terms of implementation of Transgender Persons (Protection of Rights) Act, 2019, as 'omissive discrimination' providing that a government's failure to take appropriate steps toward promoting the rights of transgender persons will amount to 'omissive discrimination in terms of Section 21 of the act of 'omissive discrimination' in enforcing Section 21 of the statute and enforcement of the 'omissive discrimination' in respect of the obligation of private employers under the statute which is immediately enforceable as placing constitutional.

Parliamentary scrutiny has also contributed to the ongoing discourse on gender neutrality in criminal law. The 111th Parliamentary Standing Committee on Criminal Law examined the functioning of gender-specific penal provisions and highlighted concerns regarding misuse, procedural imbalance, and the absence of adequate safeguards⁶. While reiterating the necessity of protecting women against violence, the Committee stressed that criminal law must remain consistent with constitutional principles of equality, fairness, and non-arbitrariness, thereby reopening the debate on whether gender-specific criminalisation continues to advance substantive equality or inadvertently creates new forms of inequality.

The legislative awareness of gender imbalance is also reflected in the recent legislation in the Parliament. The National Commission for Men Bill, 2025, as a private member's bill, proposed in the Rajya Sabha, aims at establishing a statutory body to monitor the issue of discrimination against men, abuse of gender-specific legislations such as Section 498A and harassment at the workplace, as well as handling issues including mental health and suicidal rates among men, which is alarming. The Bill urges that family and criminal laws be reviewed by an institutional review, and that fast-track courts be created for family disputes, and that punishment be imposed for false accusations that are demonstrably untrue. While not yet a law, the Bill signifies a growing understanding that gender justice is about more than just being protective.

The empirical evidence for the need for this debate: According to National Crime Records Bureau statistics, it is found that a certain proportion of sexual offence cases are found to be false, and there are statistics in the case of suicides that men form a great majority of the suicide victims in India. These findings do not negate the fact of violence against women's existence, and rather warn against the formulation of legal systems that could inadvertently contribute to

⁶ Department-Related Parliamentary Standing Committee on Home Affairs, One Hundred Eleventh Report on The Criminal Law (Amendment) Bill, 2013–(2013) (India)

nonaccess or presumptive denial of justice to women.

It is in this context that the current research makes a comprehensive constitutional and socio-legal inquiry into whether or not the present legal system in India is really egalitarian. Through an examination of constitutional provisions, criminal and family laws, judicial decisions, parliamentary measures, and empirical evidence, this research will assess if gender-specific laws are still needed to fulfil their protective role or whether they could contribute to the creation of new inequalities and whether a carefully planned transition towards gender-neutral but context-sensitive legal systems is required to ensure that equality before the law is a lived reality and not just a constitutional ideal.

COMPARATIVE ANALYSIS

One can provide efficient safeguarding of violence without limiting legal interventions by gender, as demonstrated with the help of a comparative analysis of foreign legal systems. Corresponding legal systems that consider the nature of harm caused rather than the gender of the victim have been progressively enacted in countries such as the United States and the United Kingdom. These systems bear significant details on whether the essentially gender-specific approach by India remains the most efficient in constitutional and social perspectives.

The primary legislation that contains the Domestic violence and crime victims in the United Kingdom is the Domestic Violence, Crime and Victims Act of 2004. The law intentionally endeavours not to take into consideration the sex of the victim or the sex of the offender by addressing them as a person, a victim, and a vulnerable adult. Any victim of abuse (physical) or emotional, sexual or psychological abuse in a domestic or intimate relationship can receive protection under the Act. Courts can use criminal penalties, protection orders and restraining orders without considering an individual's gender. The UK framework ensures inclusivity, but in a system with high levels of protection for individuals who are highly vulnerable, since it focuses on behaviour and harm as opposed to identity. More importantly, gender-neutral language use has enhanced access to justice without undermining existing support systems, and not undermined the protection of women.

This is the same strategy that is being evidently employed by the United States. The biggest federal statute is the Violence Against Women Act, 2005, although it is applied in a basically gender-neutral manner. The Act does not bar the ability of male victims of sexual abuse in

domestic violence to access support services or the administrative branch in legal solutions. It provides financial aid to victims-support programs, counseling facilities, legal assistance, and shelters, available to all victims, no matter the gender. This model is a policy choice to acknowledge the historical vulnerability of women, but in a manner that does not exclude all other victims exclusively on a legal front. The American approach demonstrates how a combination of both inclusivity and sensitivity can be achieved by means of targeted protective policies and gender-neutral drafting.

The legal system of India is very much gender specific in comparison to these jurisdictions. Critical parts of the Indian criminal law conceptualise sexual crimes in such a manner that portrays that only women can be victims, and the Protection of Women from Domestic Violence Act, 2005, restricts civil actions only to women. Such formulations remain lacking in any direct redress or express legal acknowledgement to male victims of sexual or domestic abuse. The constitutional provisions in Articles 14 and 21 are worrisome about this structural exclusion, particularly in the wake of the shifting notions of equality and dignity.

The relative experience of the United Kingdom and the United States is a case in point; the gender, neutral law does not lower the consideration given to women. Quite on the contrary, they contribute to the legitimacy and fairness of the law system by ensuring protection originating in victimhood and injury as opposed to gender identity. The two jurisdictions are, however, yet to accept the fact that women can be more vulnerable due to the effects of social and structural conditions, though women are not deprived of the benefit of the law. The analogy shows that India can then gradually transform into a more inclusive paradigm by considering gender, neutral language and the victim, and in the process retaining and further legalising the services to women and other susceptible populations.

RESEARCH QUESTION

1. To what extent are gender-specific laws in India consistent with the constitutional provisions of equality and non-discrimination under Articles 14 and 15 of the Indian Constitution?
2. To what extent has the continued application of gender-specific provisions in criminal and family laws led to misuse, procedural imbalance, and unjust outcomes?
3. How have Indian courts dealt with concerns about misuse, arbitrariness, and gender

bias in protective legislation?

4. To what extent have the United Kingdom and the United States taken a gender-neutral approach in criminal and domestic violence laws, and what can be learned from these experiences for India?
5. Is it constitutionally and socially possible for India to move towards a gender-neutral legal system without compromising the security and effective protection of women?

OBJECTIVES OF THE STUDY

1. To investigate the application of gender-sensitive terminology in Indian criminal and family laws and evaluate its compatibility with the constitutional tenets of equality and non-discrimination.
2. To evaluate the application of gender-sensitive legal provisions for creating procedural imbalance and potential injustice between men and women.
3. To investigate the judicial treatment of the abuse of women-centric protective laws, specifically in relation to the evolution of procedural safeguards and judicial approaches.
4. To critically assess the findings and recommendations of the 111th Parliamentary Standing Committee on criminal law reforms, specifically in relation to gender neutrality and the abuse of legal provisions.
5. To conduct a comparative analysis of the strategies employed by the United Kingdom and the United States of America regarding gender-neutral drafting of criminal and domestic violence laws.
6. To evaluate the feasibility and desirability of implementing gender-neutral legal systems in India, while ensuring the continued protection of women and other vulnerable sections.

RESEARCH METHODOLOGY

The research at hand assumes the doctrinal and analytical research framework, because the

study is, in fact, concerned with the analysis of the legal principles, statutes, judicial constructions and the constitutional provisions concerning the gender-related and gender-neutral laws in India. There are no empirical research procedures involved in the research work, such as conducting surveys, interviews, or questionnaires. The study is grounded on the reviews of the legal sources to determine the suitability of the legal systems to fulfil the constitutional clause of equality.

It targets the evaluation of the constitutional and statutory framework regulating gender-based law protection in India critically through the doctrinal method. Articles 14, 15 and 15(3) of the Constitution of India are taken with particular interest by offering a critical analysis of the constitutional justifications of gendered legislation and whether they comply with the principles of equality, non-discrimination and substantive justice. In the research, particular provisions of Bharatiya Nyaya Sanhita, 2023, including Sections 64, 65(1), 74 and 85, are critically assessed to analyse the effects of gendered language within the criminal law. Moreover, the Protection of Women against Domestic Violence Act 2005 is also critically analysed to realise the scope and implications of civil justice to women and the omission of other possible victims from the protection of the statute.

The courts assist in making key decisions in this study. The case laws are thoroughly analysed to examine how the case courts have applied the gender specific laws in handling the issues relating to misuse, arbitrariness and justice of process. Among the cases that are considered in seeking the evolution of judicial thought on gender assumptions, misapplication of legislation protecting women and the emergence of safeguards to prevent injustices are *Sujata Sharma vs. Manu Gupta*⁷, *Preeti Gupta vs. State of Jharkhand*⁸, *Mathura vs. State*⁹ and *Independent Thought vs. Union of India*¹⁰. The cases are considered to find out how the judiciary has applied the constitutional tenets in managing to reconcile the requirement to accept that the need to protect women and the rights of the accused are in conflict with each other.

The study is also done using the comparative legal approach in order to put the Indian legal system in the global environment. The United Kingdom and the United States laws and policies are treated to comprehend how the countries have dealt with domestic violence and sexual

⁷ *Sujata Sharma v. Manu Gupta*, (2017) 242 DLT 1

⁸ *Preeti Gupta v. State of Jharkhand*, (2010) 7 S.C.C. 667

⁹ *Mathura v. State of Maharashtra*, AIR 1979 S.C. 185 (India)

¹⁰ *Independent Thought v. Union of India*, (2017) 10 S.C.C. 800 (India)

crimes in gender neutral terms. In particular, the Domestic Violence, Crime and Victims Act, 2004 (UK) and the Violence against Women Act, 2005 (US) are compared to determine the possibilities of using gender neutral methods in ensuring gender inclusive protection without undermining other vulnerable populations. The comparison method is used to identify potential teachings of the Indian legal system.

Lastly, the study uses the socio-legal methodology of secondary data analysis. The reports released by the National Crime Records Bureau (NCRB) are examined to understand the crime reporting, false charges, and suicide statistics patterns, more so within the gender context. The parliamentary papers, such as the report of the parliamentary standing committee on criminal law reforms, are examined with the aim of gauging the level of concern about misuse by legislators and the recommendations made to address these limitations. All these sources give an empirical background that can serve to calculate the implications of gender specific legal systems.

Such a combination of doctrine, comparison, and socio-legal studies should assist the study to critically assess whether the current gender-specific laws in India continue as effective instruments of substantive equality or whether they bring certain imbalances in other instances. The given methodology will assist in making a prudent judgment about the feasibility of the transition towards gender-neutral legal changes, and one should also make sure that the protective goals of women-specific laws are not diluted.

FINDINGS

The research at hand confirms that a significant portion of Indian criminal and family law is still functioning based on rigid gender-specific types of constructs, which portray women as victims and men as perpetrators. Bharatiya Nyaya Sanhita, 2023, sections 64, 74, and 85 and the Protection of Women from Domestic Violence Act, 2005, are all drafted in the interest of women alone without considering the prospects of male or gender related victims. Since these are laws created in response to actual violence issued to women, they do not extend such legal reprieve to male victims if they may be victims of domestic violence, mental torture, or harassment. Accordingly, the notion of equal opportunities in accessing justice is still gender-based.

These findings also determine that the use of gender specific constructs up to date has led to

procedural imbalance in particular instances. This concern has been institutionally recognised by the 111th Parliamentary Standing Committee on Criminal Law, which observed that the absence of adequate procedural safeguards in certain gender-specific penal provisions has resulted in misuse, arbitrary arrests, and disproportionate hardship, thereby raising serious concerns under Articles 14 and 21 of the Constitution¹¹. According to the records found in the judicial files and the parliamentary reports, this is due to the absence of preliminary action, thus leading to misuse of certain protective laws, particularly those that protect marital cases. Arrests, extended criminal proceedings, shame and loss of property, in addition to abject psychological suffering, have ensued because of false statements or exaggerated ones. These are some of the consequences to be worried about in the context of arbitrariness and the provision of due process under Articles 14 and 21 of the Constitution.

Nonetheless, it is also established that the Indian jurisprudence has not advanced in a rational way towards gender neutrality. Although the criminal law, including the *Bharatiya Nyaya Sanhita*, still asserts gender-specific clauses against sexual offences, the other laws, including the Protection of Children from Sexual Offences Act, 2012, demonstrate that there is no need to exclude the vulnerable segments of society by use of gender language.

A comparative analysis indicates that countries such as the United Kingdom and the United States of America apply a gender-neutral model of domestic violence and sexual offences legislation, which relies on the victimisation characteristics of the crime rather than the gender of the victim. This strategy is inclusive of the protection of all the victims and also grants the vulnerable people special protection, thereby implying that neutrality and safety do not oppose each other.

Finally, the existing socio-legal data, such as NCRB statistics and suicide data, indicate that men are placed in the role of unconditionally high psychological and social pressure because of false accusations, long cases in courts, and the absence of legal recognition of them as victims. Even though this does not rule out the fact that women are victims of violence, it also raises an implication that the current law lacks gender equality and delivers a balanced approach.

¹¹ 111th Parliamentary Standing Committee Report, *supra* note 6

SUGGESTIONS AND REFORMS

To tackle the identified lack of balance in the gendered laws and the lack of protection, as a parallelogram of forces, the rights of men should be targeted by the reforms that should be grounded in both institutional innovation and scrupulous statutory revision. Bringing a Bill to enact a National Commission for Men (NCM), 2025, is one of the many points of the proposal. This private member Bill, tries to have a statutory independent Commission whose roles would be: the investigations of the grievances of men, legal assistance to those who are actually wrongly accused, as well as making recommendations to alter the family law and the criminal law to make them gender neutral. More specifically, the introduction of these legislative changes in the Bill aims to discourage the abuse of dowry laws and women centric laws. As a good example, conversion of Section 498A IPC (dowry cruelty) to a bailable and compoundable offence only upon completion of a mandatory preliminary inquiry and establishment of criminal penalties (up to five years imprisonment) and heavy fines are just some of the measures contemplated in the Bill to prevent false complaints. These are coupled with the proposed fast-track courts, and the media regulations are set in an attempt to ensure that the rights of every accused individual are respected, and at the same time ensure that the law is not abused without ruling out justice altogether.

Legislation needs to be rewritten to a gender-neutral form. An example here is that of criminal law, the new Bharatiya Nyaya Sanhita (BNS), which includes the gender specific reference, like man, is eliminated, and whatever is replaced by the term whoever in crimes such as assault and sexual violation. The Parliamentary committee that discusses the criminal law bills has also emphasised the issue of gender, uniformity and impartial language in the laws.

Gender, Neutral Victim Protection: The majority of the models that have managed to be successful in terms of gender inclusion should be imitated. A perfect example is the Protection of Children from Sexual Offences Act (POCSO), 2012, adopted by India itself: its formulation is gender, neutral during intention to safeguard every child against abuse, independent of gender. City courts and the legislature have interpreted POCSO such that it equally applies to male victims and female offenders. Other laws, like the Protection of Women from Domestic Violence Act, 2005, however, by definition provide redress to women, hence denying such redress to men who are also the victims of a similar civil redress. Reformers must ponder upon the possibility of providing similar protection to officers or a relief order to every domestic

abuse victim, or provide a new, gender, neutral domestic violence act. This is indeed possible as the comparative experience demonstrates: an example of which is the Domestic Abuse Act (2021) of the UKs which has a completely gender, neutral definition of the term of abuse, therefore accepting that men (and same, sex couples), as well, can become its victims. Even with its title, the United States Violence Against Women Act has been interpreted and amended to include the provision of services to all family violence victims, hence constituting a more comprehensive means.

Adopting a non-discriminative perspective would most definitely aid in ensuring that men who fall victims of rape, beatings, or spousal abuse are not left to seek their redress in the courts.

Reforms of the institution and policies

First, the legal and law enforcement should be empowered so that gendered provisions are not abused. Examples of such specifics that can be implemented by authorities are mandatory rules that must be adhered to, such as a reasonable initial investigation before an individual can be arrested on suspicion of cruelty or harassment. The training programs at the police and the court should help bring out a clear understanding that the gender-based laws are not the avenue of taking revenge on someone.

The government can adopt a domestic violence cell or Vajrabahustyle (Vajra means wife's cells and Bhau means husband's cells) as a means of counselling the male and female complainants of the family dispute. Meanwhile, falsely accused men should receive more publicity and emphasis through paralegal services schemes, which will help ease the intimidating grip fear of false charges has had on fathers and spouses, such that they engage in the legal effort where custody and divorce litigation are concerned.

Reformation should be a possibility that is progressive. Procedural safeguards (prearrest inquiry, bail modifications, counselling, mandatory mediation) may be added initially without a significant transformation of the campaigns.

The Parliament (or state legislature) can make amendments to their statutes in the near term, on the genderneutral terms in the medium term, and vest the ability to do so in the right authority, to remedy. Lastly, an institutional change like the proposed Mens Commission may be established that has the statutory power and resources which the proposed policy can draw

on for monitoring the outcomes and proposing other possible changes.

Any new action should, all along, be consistent with the constitution just as conspicuously as it currently is: Article 15(3) explicitly provides regarding special consideration of women and children, but the assurance of equality in Article 14 makes it so that the responsibility to prevent unwarranted discrimination is not overlooked. Thus, modifications should be crafted in such a way as to correct real inequalities (e.g. by providing victim support services to male victims) and at the same time, should not weaken the efforts to protect vulnerable women. The two suggestions attempt to reach a compromise: on the one hand, preserving the original intent of women, directive provisions to defend women and, on the other hand, the justice of men through the implementation of an egalitarian model. Indicatively, with the law allowing the application of a false complaint penalty and the fact that dowry cruelty is compoundable, equally, the law should be open to the reality of actual abuse, and furthermore, ensure that those women who are, in fact, the victims are not abandoned. Each stage should be based on solidly designed data gathering on the effects of the changes on (e.g. male suicide rates, male victims of domestic violence, abuse of provisions, etc.), based on these causes. These changes will lead to a more balanced legal system that is, an ability not only to imitate what POCSOs can do, according to which the protection of all children is provided equally, but the duality of Articles 14 and 15(3) of the Constitution is also observed.

CONCLUSION

On balance, the path to gender justice in India involves the realignment of legislation and the institutions related to the original equality of genders. Substantive laws and procedures must be changed so that women and men are treated equally under the law, and they receive equal rights concerning evidence and due process. The National Commission for Men Bill, 2025, implements a certain understanding of such change, like adding a check and balance to the gender prejudice and the misconstrued prosecution via a gender approach.

In addition to this, parliamentary committees on criminal law reforms have shown that the law and the mechanisms need to be made gender neutral and provide mechanisms protecting the innocents against the abuse of the laws (including the preliminary investigations and set penalties on wrongful accusations). Even the recent assimilation of the criminal law code (Bharatiya Nyaya Sanhita) itself is a witness that the formulation of the laws free of gender sentiment is not only possible, but also constitutional.

Basically, the reforms ought to be done in a way that would be in line with the constitution.

As much as Article 15(3) allows the availability of specific aid to women and children, Article 14 stipulates that special provisions must be reasonable, not arbitrary. Thus, a new law or policy that protects the rights of men should not unlawfully impair the rights of women. Indeed, India's POCSO Act provides an example in which a law may be (and may be interpreted by a court to be) full of inclusiveness and work towards the protective goal all in the same breath. Similarly, the international standards state that domestic violence and sexual violence laws are more efficient in cases when victim support services (shelters, counselling, and legal aid) are available to both genders and are not one-sided.

In sum, the Indian reforms regarding gender laws stand to benefit when multi, step, research, supported by reform blueprints, begin with improvements of the procedures and accountability of the police, then turn the laws into a neutral form of word and add protections to the accused, and finally, cement the reforms in place with a National Commission of Men of a sort. These moves, since they are founded on comparative models and constitutional guidelines, would skew Indian law towards the notion of justice being inclusive. The final objective is to establish a system in which justice is rooted in truth as opposed to gender favouritism to ensure that all citizens enjoy equal protection as postulated in Article 14.