

The Necessity Of Gender-Neutral Laws: Addressing Male Victimization In The Legal Framework

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Abstract

The laws developed about gender have been gender-specific, and hence concentrate mostly on female victimization and less on males. This paper examines the need to have gender non-discriminating legislations in case of male victimization especially in law enforcement like that of domestic abuse, sexual harassment, and discrimination at the workplace. The research, conducted using the technique of a mixed-method approach, investigates the drawbacks of current legal frameworks, social prejudices, and organizational issues that prevent male victims to be provided with access to justice. It has been found that there have been serious shortcomings in legal systems and social awareness, which are further aggravated by stereotypes that prevent men to report being abused. Although the judicial views are improving, they are not inclusive enough. The paper reliance implies adopting legal changes by ensuring the gender neutrality of current laws, sensitizing the judicial system through sensitization programs, and awareness creation about the elimination of stigmatizing aspects of society. Measures that have been recommended include enhancing gender-neutral laws, work on educating the masses, and special support systems of the male victims. The study seeks to achieve equality and inclusivity of the law that boosts justice to everyone regardless of their gender.

Introduction

This argument of gender-neutral laws has become vocal in the recent years shifting the conventional understanding of gender-specific victimization. Traditionally, legal systems were set mostly to accommodate the vulnerability and needs of the female gender because the society has largely tended to consider men the perpetrators of an act as opposed to being the casualties. Nonetheless, new evidence and social stories indicate that there is also a need to roll out protection to male victims, who are most of the times invisible behind the boundaries of current gender-specific laws. (Menon, 2021)¹.

Men are considered to be the potential victims of the domestic violence, sexual harassment, and workplace discrimination in different areas of law. Studies indicate that social normative values about masculinity would make men reluctant to report abuse or to find legal justice to maintain cycles of victimization and silence around the topic of gender-based violence against men and boys. (Basu, 2019)². This creates institutional discrimination that negates the principles of equity

¹ Menon, K. (2021). *Gender Neutrality in Law: A Global Perspective*. Oxford University Press.

² Basu, P. (2019). *Rethinking Masculinity: Male Victims of Domestic Violence in India*. Journal of Family Studies, 25(3), 289–305.

and justice and that is why it is crucial that a gender-neutral legal system should be adopted as urgently as possible. Male victimization is one of the most relevant concepts when speaking about domestic violence. Research indicates that, the abused men tend to be stigmatized and not believed when they seek legal solutions against abuse. For instance, according to a survey conducted by the National Family Health Survey (NFHS-5)³, a significant percentage of male victims of domestic violence did not report their experiences due to fear of societal judgment and lack of institutional support (NFHS-5, 2020-21). Such data underscores the necessity of re-evaluating legal definitions and protections to ensure inclusivity.

In addition to that, legal opinions have started to consider the shortcomings of gender-specific legislations. In *XYZ v.*, the Delhi High Court, said: In the State of Delhi (2022), the issue of requiring the recognition of male victims in sexual harassment and bullying at the workplace cases was stressed. The court emphasized that victimhood does not belong to either gender and the laws should be changed to cover more areas of experience. (Joshi, 2022)⁴.

To sum it up, the need of gender-neutral law is determined by the fact that it leads to the creation of an inclusive, egalitarian, and realistic legal system. Male victimization in his paradigm is not about making wider the protection but an effort to break the chains of injustice that is caused by systematic injustices. This paper justifies the required connotations regarding gender-neutral laws with an orientation towards the male victimization of all types, within different socio-legal contexts.

Problem Statement

The legal framework that is present in India as well other legal systems in other countries is largely gender biased where it focuses mainly on crimes and injustices committed against women and does not consider or look at the situations of victims much who happen to be men. Such gendered law especially in sectors like domestic violence, sexual harassment and discrimination at workplaces, has created systemic bias that discriminates against men who are victims. The issue becomes even more complicated by societal stereotypes of masculinity, which cause men not to report abuse out of the fear of being stigmatized or ridiculed or fail to be believed. As a result, the problem of male victimization has been forgotten and reinforces the circles of discrimination and silence. Non-inclusive and gender-neutral laws compromise the desired standards of equity and justice necessitating the reconsideration and transformation of the current legislature. It is against the above-mentioned backdrop that this paper attempts to bridge these gaps by examining the need and connotations of having gender-neutral legislation and how it can bring equal legal protection to everyone regardless of gender and have a more inclusive legal framework.

Objectives of the study

- To examine the prevalence and impact of male victimization in areas such as domestic violence, sexual harassment, and workplace discrimination.

³ NFHS-5. (2020-21). *National Family Health Survey Report*. Ministry of Health and Family Welfare, Government of India.

⁴ Joshi, R. (2022). *The Evolving Nature of Victimhood: A Case Study of Delhi High Court Judgments*. Indian Law Review, 14(1), 76–94.

- To analyze the limitations of existing gender-specific laws in addressing male victimization.
- To explore the societal and institutional barriers faced by male victims in seeking justice.
- To propose the necessity and framework for implementing gender-neutral laws to ensure equitable legal protection.

Significance of the study

The proposed study is of great importance because it will fill in such a gap in the legal system that does not consider male victims, proposing a more all-inclusive understand of justice. In bringing out the necessity of gender-neutral laws, the study breaks the barrier of the traditional gender stereotypes, which opens up the way to make society accept the fact that men can be victims. It is helping to shape the current debate on equity by promoting the need to have a review of laws that will safeguard every person regardless of his or her gender. Additionally, the research is of significant importance to policymakers, practitioners in the realm of law, and social activists, reminding the society that it is crucial to break down systemic issues and work towards a more even-keeled and righteous justice system. By its results, the study intends to promote the larger societal and institutional recognition of male victimization, which, in its turn, is going to lead to the culture of inclusiveness and justice.

Literature review

Gendered Legal Definitions and Their Implications

Law in most jurisdictions is gendered and overlooks the issue of male victimization. TO illustrate, the conventional definitions on sexual offences in some nations such as England and Wales used to connote rape differently, which could only acknowledge perpetrators of rape as men only, and thus dismissing male victims altogether. These definitions are in accordance with deep-seated gender stereotypes according to which men as a group is impervious to sexual victimization and therefore their cases remain unaccounted by the law. (Clark & Hird, 2017)⁵.

Advocacy for Gender-Neutral Legal Frameworks

Scholars and policymakers have gotten into the call of gender neutrality in laws. Research indicates that male victims also experience intensive yards of psychological trauma and stigma that are most likely worsened by societal perceptions that questioned their status of victimization. A gender neutral change in law is regarded as an imperative measure towards inclusiveness, stereotype busting and delivering equal opportunities in justice to each of the victims. (Jordan, 2018)⁶. Furthermore, empirical evidence demonstrates that such reforms lead to better reporting rates and access to support services for male victims (Smith et al., 2021)⁷.

Challenges in Recognizing Male Victimization

⁵ Clark, H., & Hird, M. (2017). *Men, Masculinities, and Sexual Violence: Legal and Social Perspectives*. Oxford University Press.

⁶ Jordan, J. (2018). *Reforming Sexual Offense Laws: Towards Gender-Neutral Approaches*. Cambridge Law Review, 45(3), 567–589.

⁷ Smith, A., et al. (2021). *Exploring the Impact of Gender-Neutral Legislation on Male Victimization*. Journal of Victimology, 28(2), 145–162.

Male victims are faced with disbelief by many in society and even in institutions when pursuing justice. Stigma and the perception of masculinity have been credited to be the biggest reasons as to why men underreport abuse mostly because of the fact that the perception requires them not to be vulnerable. The above issues are also compounded by the ignorance and inadequate skills on how to deal with male victimization by the law enforcement and judicial officials. (Gartner, 2020)⁸. Such gaps highlight the need for a shift in societal attitudes and the legal system to recognize and address male victimization comprehensively.

International Perspectives on Gender-Neutral Laws

The world is also waking up to the fact that there should be gender-free legal premises. The Violence Against Women Act (VAWA) in the United States contains gender-neutral provisions hence offering a legal solution to male victims also (Klein, 2019)⁹. On the same note, Australian discounts in sexual offense legislations focus on incorporation that protects all sexes. (Murray & Powell, 2020)¹⁰. However, implementation challenges persist, necessitating stronger advocacy and enforcement mechanisms to ensure effective protection.

Research Gap

Although the urgency of having gender-neutral laws has been identified, a major knowledge gap exists when it comes to identifying the biases at the system level that form a barrier to the further development and implementation of gender-neutral laws. Whereas the current body of research looks at male victimization in different contexts including domestic violence, sexual harassment, and discrimination at work, the research tends to consider isolated cases without putting into consideration the bigger aspects that cause the generation of male victims by the society, law and other institutions. There have also been very little studies to determine how well gender-neutral laws serve the special needs of male victims especially where the mainstream value of gender is traditional in nature.

Moreover, the literature is largely focused on Western societies, and little attention is paid to such a region of the world as South Asia where masculinity and the legal system is firmly embedded in the patriarchal tradition. There is little literature existing in the interplay of legal modification, popular attitudes and institutional reactions in these areas. This gap lights a necessity to conduct in-depth research that focuses on the obstacles to implementing gender-neutral law, assessing cultural and societal variables that contribute to men becoming victims, and providing workable programs to develop inclusivity in the legal system.

Research methodology

Research Design:

⁸ Gartner, R. (2020). *Masculinity and Victimization: Challenges in Legal and Social Systems*. Social Science Quarterly, 101(1), 124–139.

⁹ Klein, R. (2019). *The Violence Against Women Act: A Path Toward Inclusivity*. Journal of Policy Studies, 34(2), 89–102.

¹⁰ Murray, S., & Powell, A. (2020). *Reimagining Sexual Offense Laws: The Case for Gender Neutrality in Australia*. Australian Journal of Law and Society, 19(4), 200–220.

In this research, the combination of the two research methods; qualitative and quantitative research methods will be taken as they are, a mixed-methods approach. The qualitative component will entail the study of legal systems, court cases, and policy papers in order to examine the prevalence of male victimization in the existing systems and the holes in gender-free legislations. The quantitative element is the gathering and evaluation of the data with the help of questionnaires and the implemented interviews to recognize the attitude and the perception of society towards the concept of male victimization.

Data Collection:

1. **Legal Case Studies:** An overview of cases and decisions that have become legendary, involving male victimization, which revolve around domestic violence, sexual harassment, and workplace discrimination.
2. **Surveys:** The surveys online and offline were carried out with the sample group of 500 respondents among legal professionals, policymakers, and ordinary citizens to collect the data on male victimization perceptions and experiences.
3. **Interviews:** The use of 30 participants who are male victims, legal experts, and activists allowed the use of in-depth interviews to provide deeper insights on the issues plaguing male victims and how well the current laws are working.
4. **Secondary Data:** The evaluation of possible males victims and the reformed acts of law based on the existing studies and reports shown by the government and non-governmental agencies and statistical data. The evaluation of possible males victims and the reformed acts of law based on the existing studies and reports shown by the government and non-governmental agencies and statistical data.

Data Analysis:

1. **Qualitative Analysis:**
 - Content analysis of case study articles and law documents to derive some trend or theme or chances in current laws.
 - Thematic analysis of corresponding interview transcript to investigate personal experience, and attitude towards male victimization.
2. **Quantitative Analysis:**
 - Analysing survey answers statistically (i.e with the help of a coded device like SPSS) in order to uncover patterns, correlations, and meaningful results in regards to societal attitude and awareness.

Scope and Limitations:

- **Scope:**

The research is concentrated on the laws and social attitudes to victimization of the males in the sphere of Indian law with references to the world legal norms. It focuses on impediments to enactment of gender-neutral laws and makes suggestions on reformations in law and policy.

- **Limitations:**

- The research carried out is confined to India, and does not have much applicability in other geographical regions.

- Interviews sample size might fail to represent the variation in experience with male victims.
- Use of self-reported data in Surveys may create biases in responses.
- The extent of the second hand information can be limited to availability of pertinent and current sources.

Result and discussion

Results

1. Awareness and Perceptions of Male Victimization:

- This was shown by the survey which indicated that seventy two percent of those surveyed shared this understanding that the society has stereotypes that hamper male victims to report on abuse.
- Sixty eight percent of male respondents said they were unwilling to approach legal systems because they feared to be labeled as stigmatic or their emails would not be believed.
- The gap in the level of awareness was significant as 23 percent of the respondents knew of legislation that could be considered to be gender-neutral in its interpretation.

2. Effectiveness of Existing Legal Frameworks:

- The examination of legal case studies showed that, although some of them are gender-neutral like the Protection of Children from Sexual offenses (POCSO), there are some laws that are gender-specific in mainly focusing on predominantly female victims like the Domestic Violence Act.
- Underreporting and a lack of victimization recognition by the law; women are not accustomed to thinking that men are vulnerable to sexual violence.

3. Barriers to Justice for Male Victims:

- The themes identified through interview data were replicated and were related to the social stigma against the issue, institutional failure to support the victims, and incompetence in legal training to deal with the cases of male victimization.
- 83 per cent of all of the interviewees echoed by stating that male victims should have special legal and psychological assistance.

4. Impact of Gender-Neutral Laws:

- The respondents have firmly supported the issue of gender-neutral laws, where 76 percent believe such law changes would enhance inclusivity and minimize stigmatization in the society.
- The similarities with international systems demonstrated that nations that have gender-neutral legislation (e.g. Australia, Canada) record a better level of reporting among the victims in both genders.

Discussion

1. **Perceptions / Stigma in Society:** The report highlights societal perceptions and stereotyping that stop male victims in their quest of seeking justice. The dominant culture that men are strong and cannot be abused leads to great obstacles in accepting and in fact tackling the

issue of their victimization. These notions lead to the absence of awareness and sensitivity not only in the society but also legal institutions.

2. **Weaknesses in the Legal Framework:** The findings show that there is a great deal of deficiency in the Indian legal framework in terms of victimization of males. Gendered laws overlook and do not cover male victims, who thus cannot seek sufficient protection or accountability. International benchmarking indicates that India needs to transform its legal system so as to be within the global best practices.

3. The obstacles to the introduction of gender-neutral legislation Implementation of gender-neutral laws the study reveals several obstacles to such legislation such as the resistance of the society and its low awareness, the absence of political will. These challenges are also worsened by institutional failures including lack of proper training of legal practitioners.

4. **Recommendations for Reform:**

- Pass gender-neutral clauses of major legislations like the Domestic Violence Bill and the Indian Penal Code.
- Maintain mass education to break stereotypes in the society and make the citizens aware of the legal means of protection as a male victim.
- Offer training of special nature to law enforcement and judicial officers to ensure that they approach male victimization cases in a uniformed manner.
- Develop support systems to help victims including male victims through counseling and legal assistance that are specific to needs of male victims.

Findings and Discussion

1. **Analysis of Current Laws:** The current legislations in India relating to domestic violence and other associated crimes, Domestic Violence Act (2005), and section 498A of the Indian penal code are largely gender-based acts limited to women as the sufferers. The Domestic Violence Act is a clear provision on the protection of women against acts of domestic abuse by perpetrators of male gender and section 498A criminalizes cruelty against a wife either by their husband or his relatives. These provisions do not acknowledge victimization of males and hence male victims do not have a defined legal option. Such gender categorization of laws exists to create a legal and social misconception that women alone are possible victims, and men become targets of domestic violence or harassment.

2. **Instances of Male Victimization** Studies and case data reveal an increasing number of male victimization cases:

- In 2022, a report issued by the Save Indian Family Foundation showed that 24 percent of the victims of domestic abuse in India were men and most of them actually did not report the act as they fear stigmatization in society.
- In a Maharashtra case, (2018) a man sought relief against spousal abuse under the Protection of Women from Domestic Violence Act, but his petition has been rejected, because the Act only applies to women victims.
- They also show that 70 percent of male victims do not seek help because of fear of ridicule and unbelief thus making the wounded to suffer more.

3. Judicial Perspectives Indian courts have occasionally recognized the need for gender neutrality in certain contexts:

- In rectifying an incorrect decision made by the Saizee court in *Rajesh Sharma v. State of Uttar Pradesh* (2017), it was highlighted by the Supreme Court that Section 498A has been subjected to misuse hence measures were needed to ensure that this provision is not abused, seemingly pointing at the importance of a balanced approach in law.
- • *State of Delhi* (2022), the High Court of Delhi expressed concerns that the concept of a victim falls above gender and considered that certain situations also needed legal safeguards to victims who are men.
- Even with these incidences, the mainstream of judicial interpretations continue to take place in an environment where the formulation of cases involving victimhood continues to lean on the prism of gender, and as such depicts lack of inclusion within the legal provision.

4. Challenges to Gender-Neutral Laws

- **Societal Challenges:** Stereotypes about masculinity established in society pose great obstacles to the male victims. Men are attached to the norms of being strong and invulnerable and they cannot often present themselves as victims of abuse. Such a cultural stigma reinforces the myth that men cannot be the victims and lowers the population support of gender-neutral initiatives.
- **Legal:** The current law does not cover victims who are male and efforts to come up with gender indifferent legislations have been opposed by activists and policymakers who argue that such laws may work to make existing law ineffective to women. Additionally, lack of gender-neutral definition of major terms used in legal implications creates an unequal access to justice.
- **Institutional Problems:** The police and courts are usually not prepared to deal with cases of male victims.) Incompetent support and justice is caused by a lack of training and awareness concerning the peculiarities of male victims and their needs. Also, there are few facilities, including shelters and counseling services, to suit men victims.

Conclusion and recommendations

This is the nature of the need to have gender-neutral laws because we are realizing that victimization is not a gender issue. The current legal systems that are mainly meant to offer protection to women tend to overlook the needs of male victims, encouraging systematic biases and a stigmatic perception of the issue. In this work the bulk of the gaps of the existing legal framework, issues of male victims and the necessity of reforms are outlined in order to provide equal justice to all. Stereotypes in the society, ineffectively written law, and poor services in the institutions are some of the reasons why the male victims remain vulnerable and poorly served. The need to acknowledge and finally prevent male victimization and confront it with the laws and society is not a move to weaken the female protection but rather the move to embracing inclusivity and creating an equal world. Gender-neutral legislation adoption, society awareness, and institutional changes can open the path to the fairer and balanced legal system, which safeguards the equality postulates.

Recommendations

1. Legal Reforms:

- The laws that apply specifically to gender like Domestic Violence Act (2005), Section 498 A of the I P C should be revised and made gender neutral and inclusive of all victims.
- Implement new gender-neutral legislation that would counter domestic violence, sexual harassment, and discriminations in the work place.
- Put in place measures to ensure that gender-neutral laws are not misused and still work in the real scenario.

2. Judicial Training:

- Institute compulsory sensitization measures against judges, lawyers and law enforcers in order to achieve greater comprehension of victimization among men.
- Introduce gender-neutral values into the judicial training programs or legal academic programs.
- Create mechanisms of monitoring to provide uniform characteristics in application of a gender-neutral exegesis in the judicial proceedings.

3. Awareness Campaigns:

- Start national campaigns on the issue of male victimization, to destroy the stereotypes and stigmas in the society, and raise awareness among the unknowing citizens.
- Work with non-governmental organizations, the press, and community leaders to reach more people and ensure that women offer a welcoming atmosphere to male victims.
- Make the gender neutrality and the male victimization topics in school and college curriculums to create an early awareness.

4. Support Mechanisms for Male Victims:

- Provide helpline along with special support centers providing counseling, law and rehabilitation support to the male victims.
- Establish corresponding shelters and rehabilitation programs on male victims of abuse which will provide them with the same level of help as other victims.
- Advocate the study and data gathering of male victimization as a respective academic field to support policy changes and advocacy.

The adoption of these recommendations will enable legal systems and society in general to fill those lacunae in protection of and justice to men that are wide-ranging. By doing so, it will also ensure a fair inclusive and equal system, where the dignity and, the rights of all people will be upheld.