**ABSTRACT**

The discourse around gender-neutral criminal laws in India is knotty and stratified. It is a

very serious conversation of acknowledging rights of different gender which have unrolled

in the last few decades apart from Male and Female. Neither of the offences described in

Indian Penal Code1860(hereinafter referred as IPC1860) , are those which can only be

committed against females. Criminal Procedure Code 1973(hereinafter referred as

CRPC1973) is a procedural law with certain substantive features to it protecting interests

of women in different chapters. No doubt these laws were established by the Legislature

for the purpose of protecting women against a patriarchal society, but Men, Transgender

are equally exposed to the evils in the society. The Legislature has passed 3 new criminal

law bills reviving certain provisions in favor of not only women but other categories of

Gender also. This is an extensive step taken by The Indian Legislature towards

restructuring the criminal justice system of India. This study is a comprehensive anatomy

of the transition from Gender specific criminal laws to Gender neutral Laws by the newly

introduced BNS and BNSS, known as BHARTIYA NYAY SANHITA 2024 and BHARATIYA

NAGARIK SURAKSHA SANHITA 2024 , Respectively. These bills received Its Presidential

assent in January’2024 and will be taking effect from July1’2024.

**Keywords:** Bharatiya Nyay Sanhita2024(BNS), Bharatiya Nagarik Suraksha Sanhita 2024(BNSS), Gender-neutral laws, New criminal law bills, Indian legislature, men, women, transgender, criminal justice system, offences.

**INTRODUCTION**

**METHODOLOGY**

The research methodology employed in this study incorporates a combination of comparative

analysis and literature review to achieve the research objectives effectively.

**Comparative Analysis:** This research method involves comparing the Provisions through bareacts of the Old Act and new Bills. By examining various instances where different classes of gender have faced difficulty to seek justice because of the previously existing criminal laws, facilitating a nuanced understanding of the subject.

**Literature Review:** A comprehensive review of existing literature on the Indian criminal justice system through the perspective of gender discourse, the BNS and BNSS 2024. This involves studying scholarly articles, research papers,legal documents, government reports, case studies, and relevant legislation. By analysing existing knowledge, the study gains a solid foundation.

The comparative analysis provides empirical evidence and real-world examples, while the literature review offers theoretical frameworks, historical context, and insights from existing studies. Together, these methods contribute to a robust research methodology that facilitates a comprehensive examination of the transition from a gender specific to gender neutral criminal laws.

**LITERATURE REVIEW**

Gender has always been the core to India’s experience of Colonialism. From deciding the marrying age of a woman to abolishing social evils like sati, several reforms resulted in gradual changes the way society treated women. Women have always been actively contributing in every tangent of country’s development and reinstating the same, Legislature has time and again proved to protect women against the social evils and the offences committed against them. Abolishment of social evils like Sati, child marriage, dowry, domestic violence, female foeticide, gender Inequality, etc and Introducing various female centric laws In the country like, Dowry Prohibition Act 1961; Equal Remuneration Act1976; sexual harassment of women at workplace Act; Domestic Violence Act2005 have played quite a significant role to deal with the patriarchal society. Several provisions under IPC AND CRPC shield a ‘Wife’ from her ‘Husband’ or a ‘Female’ from a ‘Male’ But neither of them functions vice versa.

While conducting this study, the Author failed to dig out a single Law which protected Men from Intimate partners violence. There is no doubt in acknowledging the fact that women are subjected to violence from men but that does not constitute a reasonable ground to believe that men are not subjected to violence from their intimate partners. Hence, there was a pressing need to make necessary amendments to the existing legislation, especially IPC1860 and CRPC1973.

Though Indian legislature made law recognizing the rights of third gender through Transgender (protection of rights) Act 2019, It never gave them recognition against the offences committed under IPC,1860 along with the other genders (male and female).

The preamble of our Constitution which is very much considered to be its significant part represents that Justice, Equality, Liberty together play an important role in assuring fraternity; Article 14 of The Indian Constitution guarantees equality before Law and equal protection of law; Article 15 prohibits discrimination based on the 5 essential grounds of Race, Religion, sex, Caste and Place of birth; Article 21 guarantees Fundamental right to life and Liberty. No law shall be made as and against the spirit and principles of Indian constitution, though omission of men and transgender from penal laws does not go against the constitution but not including them in the changing dynamics of India would deprive them from justice.