

## ABSTRACT

### **NEED FOR GENDER NEUTRAL RAPE LAWS IN INDIA AND ISSUES ARISING IN ITS ABSENCE-A STUDY OF THE RESTRICTIVE DEFINITION OF RAPE AND THE SOCIO – LEGAL FRAMEWORK IN INDIA**

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This paper analyses the present laws regarding rape in the light of gender, sex and victimization. It condemns the marginalization of men and the third gender as victims of the crime which is based on the belief that the weaker section as believed by the society, women, are the only ones who can be assaulted. The paper makes an attempt to break through the shackles of stereotyping and assumed gender roles prevalent in the society. The lack of opposition to the gender-biased laws does not provide a logical base for arguments against it. The author aims to problematize the heteronormativity of the rape legislation in India and lays an argument along with rigorous research to substantiate why gender neutral laws will help India develop in entirety. The harm done by the current public policy is weighed down by the harm done by lack thereof. The paper aims not just to criticize the harm done by the current legislation – Indian Penal Code, 1860 and the Criminal Law (Amendment) Act, 2013 but also to explore the possibility of a more inclusive law. Section 375 of the Indian Penal Code, 1860 defines the perpetrator as a man who sexually assaults a woman allowing no other interpretation of the crime. The definition is restrictive, gender biased and non-inclusive of other factors. The extensive effort to relate gender and crimes has blindfolded the society into believing that it is just to protect the assumed ‘weaker’ sections and not every single class and gender in the country. Unless steps are taken in the direction of achieving equal laws for all the citizens, as is the aim of the Constitution, the dream of achieving peace and justice will be a long shot.

**Keywords:** Rape, Gender, Heteronormativity, Indian Penal Code, Criminal Law (Amendment) Act, Gender- biased.