



Gender Neutrality- Its Role And Impact In Society

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ABSTRACT

India is a secular nation which have inculcate that democracy, secularism, liberty towards its citizens and country. One of the most important elements which India as nation focus as a equality in India. Gender neutrality is a term that depend the equal treatment of men and women. Gender neutrality being huge population and challenges traditional binary norms, promoting inclusive and equality. Equality towards the laws, rights, duties to everyone. India, has no discrimination is done on the basis of race, caste, gender, colour. Gender neutrality is about how we treat all the gender in a neutral and unbiased way in India. Gender neutrality not based upon men and women, but the status is being unbiased towards any gender in society. Being gender specific or sensitive is not the intention but to treat the genders in a neutral and equal way and right to equality, Equality means where equal opportunity is given to all, like if a man can lift 200 -300kgs in weightlifting than a woman can also lift that much weight. Gender neutrality develop when we will not think gender specific. To prevent discrimination arising from the perception that there are social roles for which one gender is better suited than another, gender neutrality refers to the idea that policies, language, and other social institutions should avoid making distinctions and, roles according to people's opinion gender. Gender neutrality stresses the non-discriminatory and equitable treatment of men and women in society, the economy, and the law. Under article, researcher wants to focus upon the factor where gender neutrality suffers with specific to sexual offence and other related offence and their punishments.

Keywords: Legal-Justice-Social –Gender –Equality -Offence –Neutrality

CHAPTER 1

INTRODUCTION

Gender is a term that signifies and refers to males and females, under the Bharatiya Nyaya Sanhita 2023. The pronoun “he” and its derivatives are used of any person, men and women or transgender. The definition of gender is Men and Women or whether he/she a male or female. Men and Women both are most accepted type of two different human body having distinct composition of mental and physical appearance with each other who can be easily distinguish. Article 14 of Indian constitution is providing equal rights for men and woman. Article 14 of the constitution provides that every citizen of india shall be entitled to equality before law and equal protection of law within the territory of india. The expression of the state that it prohibits discrimination on the grounds of religion, sex, caste, race colour or place of birth. Breeds of human beings have been polarized as their works are divided or explicated according to the sex, for example cooking is considered under women's destination, behemians which is a prerogative of men but with. Things are supposed to evolve like people adapts gender neutrality. Gender Neutrality refers to not classifying or specifying anything on gender but through the ability of a human being to do such as a woman can also become her business's women, a women can reside and run the country and simultaneously man also be a chef in kitchen could perform everyone household work that lady ever does. Gender Neutrality is about treating all the gender in a neutral and unbiased manner. Gender neutrality has nothing to do with man and woman it is about being gender unbiased. The goal is not to be gender specific or gender sensitive but to treat the genders, at least in a neutral and equal way. This equal opportunity given to each and everyone comes with equality. The Gender specific or sensitive policy is not a way to welfare the society. The welfare of society will only be achieved if everyone is given a good chance. A crime is a wrong done to an individual, but causes effects on the society as a whole on account of it being actus reus committed by the accused. You do any crime against someone, there will be justices for that individual criminal act. In this research paper the author will study only about crime against not specifically is women but crime done against any gender or individual

Although India is a secular country, India is unbiased country which treats everyone equally but done some criminal acts especially sexual offence does not consider that neutrality but rather draft statutes being gender specific or gender sensitive. Law which are framed for women are not like for men as men cannot face or be a victim of those sexual offence for which a woman can easily be a victim . Many debates have been done for crime against men which it is very difficult for a man to prove that he has been raped or stalked or sexually harassed or a victim of domestic violence.

In this case men been suffered , The difficulty in proving the crime against men is the mental intellect of the society which has not been that much diverse which can see beyond those gender specific or sensitive mentally. The research will focus on the laws which has to be amended on having a view of gender neutrality rather having an approach of gender specific. Crime is a factor of society which can be done against any individual or animal, and the society or judiciary must grant justice to the victim. According to Bharatiya Nagarik Suraksha Sanhita 2023 , victim means a person who has suffered any loss or injury caused by reason of the act or omission of the accused person includes the guardian or legal heir of such victim;¹, it indicates that any person can be a victim who has suffered any injury so being gender specific or sensitive will not be justifiable under any offence .

REVIEW OF LITERATURE

The literature on gender neutrality explores the concept as approach to minimizing gender-based biases and promoting equality across various domains. It emphasizes the use of inclusive as language, policies, and practices that avoid reinforcing traditional gender roles. Key studies analyze its application in education, workplace, environments, and legislation, demonstrating its potential to foster inclusive and reduce discrimination. and there are Critics argue that it may dilute cultural norms or oversimplify complex gender identities. However, proponents highlight its role in addressing systemic inequalities and creating equitable spaces. The literature also explores intersections with non-binary identities, emphasizing the importance of diverse and adaptive frameworks.

RESEARCH GAPS

Research on gender neutrality is growing, but several gaps remain. by the Key areas include the-more impact of gender-neutral policies on societal norms and behaviors, or particularly in different cultural contexts. There is also limited exploration of how gender-neutral language affects individual identity development and interpersonal relationships. The internationalize of gender with race, class, and sexuality in gender-neutral spaces has been under explored. Additionally, the long-term effects of gender-neutral education on children's cognitive and social development require further study. Finally, more research is needed on the legal and political challenges surrounding gender-neutral recognition and implications for public policy.

¹ Section 2 (1)(y), Bharatiya Nagarik Suraksha sanhita 2023

HYPOYHIESIS

Gender neutrality suggest that the gender role and identities and socially constructed rather than determined it proposes that individual should able to express themselves freely without being confined that traditional gender norms and stereotypes this hypothesis challenges the idea of biological sex inherently defines gender, advocating for a society where people can identify and live authentically without pressure to conform to gendered expectation .proponents argue that the gender neutral approach promotes equality ,freedom, and inclusive,allowing individuals to define their own identity and experience without restrictions based on gender.

RESERCH QUESTION

1. What does neutrality mean to you, how do you express your gender identity?
- 2.How can we promote gender neutrality in daily life and why is gender neutrality is important in society?
3. What are the biggest challenges facing gender-neutral individuals, whether gender neutrality has progressed in recent years?

RESERCH METHODOLOGY

This research will utilize a approach of mixed -methods which includes:

- 1.Qualitative and qualitative methods to capture diverse perspectives and experiences.
- 2.examine intersections of gender, race, class, and sexuality.
- 3.Analyze power dynamics and social constructs.

CHAPTER 2

Gender Neutral. laws

Gender-neutral laws in India were laws that are designed to ensure equal treatment and protection under the law for all individuals, regardless of their gender identity. And These laws are aimed at eliminating discrimination against people based on their gender and promoting gender equality.

Some examples of gender-neutral laws in India include:

1. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013: This law provides protection against sexual harassment at the workplace for all individuals, regardless of their gender identity."²
2. The Protection of Women from Domestic Violence Act, 2005: This law provides protection to-victims of domestic violence, which can be perpetrated against individuals of any gender.
3. The Indian Penal Code,1860: IPC contains offences relating sexual offence including rape, molestation and sexual harassment. The rules apply equally to all people, irrespective of gender identity. [1]
4. Meaning of “offence”–The word “offence” means an act punishable under the BNS, except in respect of the chapters and sections referred to in sub -clauses (a)and (b).
- 5.The Transgender Persons (Protection of Rights) Act, 2019: ³This law recognizes the rights of transgender persons and prohibits discrimination against them. It also allows for the establishment of welfare boards to address the social welfare needs of transgender individuals.

These laws want to mimic a free of discrimination community where everybody is treated equally and has the same rights as everyone else. But we still have a long journey ahead of us to reach gender equality. India and the push to strengthen laws with a gender-neutral lens and their implementation. Gender-neutral laws in India : Gender-neutral laws are defined as laws and policies that do not distinguish between people on the basis of their gender. These laws are designed to different the rights and practises of all persons no matter their gender identity.

India has made quite a few attempts lately. It should also cover the context of laws which need to be gender-neutral, especially in regard to marriage and adoption as well as inheritance and ownership rights. For instance, the 2005 amendment to the Hindu Succession Act granting equal rights in ancestral property to daughters. In the same vein, under the Protection of Women from Domestic Violence Act: as enacted in 2005, domestic violence is defined broadly as an act involving harm or mischief which can be committed against any person not limited to women. The act not only defines domestic violence but also includes the categories

² The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013

³The Transgender Persons (Protection of Rights) Act, 2019

of domestic violence, which is physical, sexual, emotional, verbal and economic abuse. And, removing additional gender-specific vocabulary from official documents and forms. For example, many government forms have replaced father with "parent"

. Despite these efforts, there is a long way to go in achieving gender equality in India. Gender-based discrimination and violence against women and LGBTQ+ individuals remain pervasive issues in the country.

CHAPTER 3

Impact on Society

Gender neutrality refers to the idea of removing gender distinctions from society, and treating individuals regardless of their gender. It means creating a society where individuals are not judged by their gender, but rather by their skills, abilities, and accomplishments. Gender neutrality aims to eliminate gender-based discrimination, promote gender equality, and create an inclusive environment for everyone.

Positive impacts: Reduce gender –based violence and discrimination. Promotes diversity , inclusivity and equality

Social impacts: Challenges traditional norms and stereotypes

Economic impacts : Reduce gender pay gap

Cultural impacts : Creates inclusive and accepting environment

The notion of being gender neutral is a relatively new one; however, it has been gaining ground rapidly in the last few years due to people yearning for a more inclusive society. Part of the drive towards gender neutrality is the acknowledgment that individuals face different treatment depending on their gender. In numerous communities, sex based distinction is sickening and the belief of sexual orientation are settled.

I feel gender neutrality has a complex impact on everything in society. In essence, gender neutrality strives for a society that is equal and just for all — irrespective of one gender. Gender neutrality allows individuals to chase their targets and dreams without the obstacles that come along with gender discrimination[1], gender neutrality also prevents the oppression of women in terms of violence or harassment. It provides a culture of respect and decency to all, without judgment regarding gender or sexual orientation. It helps to establish a culture of consent and respect, which reduces the incidence of sexual assault, harassment, and discrimination. A major outcome of gender neutrality is improvement in mental health. Without the restrictions of the gender binary, people can be their genuine selves. This can alleviate the pressure and mental stress associated with trying to conform to conventional gender roles.

Yet some contend that gender neutrality isn't practical or preferable. There are those who think that gender distinctions are a part and policy of the social rules which guide us, and to do away with those would create

pandemonium. Still others believe that gender neutrality is just another brand of political correctness and it negatively constrains individuals from expressing themselves how they want.

However, in spite of these arguments the benefits of gender neutrality are clear. It supports a just, inclusive, and supportive society free of discrimination and harassment. It allows individuals either to express their gender identity authentically, free from the constraints of traditional gender roles.

Gender Based Language Reform and the Social Construction of Meaning [1] Susan Ehrlich and Ruth King; Sage, 1992

Gender neutrality is a concept that has been gaining more attention and significance in recent years. It refers to the idea of not associating individuals with any particular gender, but instead treating them as individuals first and foremost. The aim of gender neutrality is to eliminate any form of discrimination or bias based on an individual's gender, whether it is male, female, or non-binary.⁴

Gender neutrality is essential because it allows people to express themselves and identify in the way that feels most natural to them. It promotes equality and fairness by removing stereotypes and expectations associated with gender. Moreover, gender neutrality helps to create an environment in which all individuals feel safe and accepted, regardless of their gender identity. One of the key roles of gender neutrality is to promote inclusivity and diversity. By removing the focus on gender, it allows individuals to be defined by their unique characteristics and abilities rather than by their gender. This helps to create a more welcoming and accepting society in which everyone can thrive.

Gender neutrality also has a positive impact on the workplace. It encourages companies to create policies and practices that promote equality and fairness for all employees. This can lead to a more diverse and productive workforce, as individuals are selected based on their skills and qualifications, rather than their gender. Moreover, gender neutrality also has a positive impact on education. It encourages schools and universities to create an environment in which all students feel valued and included, regardless of their gender identity. This can lead to a more positive learning experience for students and can help to reduce discrimination and bullying based on gender.⁵

Overall, gender neutrality has a significant impact on society. It promotes inclusivity, diversity, and equality, which are essential for creating a fair and just society. By removing gender stereotypes and expectations, it allows individuals to be defined by their unique characteristics and abilities, rather than by their gender. As a result, gender neutrality helps to create a more welcoming, accepting, and productive society in which everyone can thrive.

⁴ M.P. Singh, "Gender, Law and Sexual Assault", 32 EAPW 1997

⁵ Altekar, A S 'The Position of women in Hindu civilisation', Moti Lal Banarasidas, Delhi 1992 162-65

Gender neutrality is a concept that aims to treat individuals based on their abilities rather than their gender. It seeks to create a society that is free from gender biases and prejudices, individuals are judged on based of their merit and not their gender. In India, gender neutrality has been gaining importance in recent times as a means to tackle the issue of gender discrimination. India is a country that is deeply ingrained in traditional beliefs and customs. It is a society. where gender role highly defined, and gender discrimination is rampant. Women are often subjected to discrimination, harassment, and violence. There are a lot of stereotypes and prejudices. that exist in society, which are deeply rooted in the traditional mindset.

The concept of gender neutrality is important in India. because it helps to challenge these stereotypes and prejudices, It seeks to create a society where individuals are judged based on their abilities, rather than their gender. This is especially important for women, who have been traditionally relegated to the domestic sphere and have been denied equal opportunities in education and employment.⁶

Gender neutrality can have a positive impact on various aspects of Indian society. For instance, it can lead to greater gender equality in education and employment. It can help to break down gender stereotypes and prejudices, which can lead to greater social acceptance of individuals who do not conform to traditional gender roles. This can lead to a more inclusive society, where individuals are valued for who they are, rather than their gender.

Gender neutrality can also help to tackle the issue of gender-based violence. In India, women are often subjected to various forms of the violence including domestic violence, physical abuse, emotional manipulation, sexual harassment, and rape. Gender neutrality can help to challenge the mindset that promotes violence against women.⁷

CHAPTER 4

Gender Neutral laws in USA

There are various gender-neutral laws in the United States that aim to eliminate discrimination and promote equality for all individuals, role that regardless of their gender identity.

Here are some example there are:-

1. Title VII of the Civil Rights Act of 1964: This law prohibits employment discrimination on the basis of race, colour, religion, sex, or national origin.⁸

⁶ Megha Ahuja, "Is India Ready for gender neutrality ", legal service India

⁷ Baxi, Upebder (1987): 'Towards the Liberation of Women 'ICSSR Newsletter , volume XVII (3),pp6-12.

⁸ Title VII of the Civil Rights Act of 1964, <https://www.eeoc.gov/statutes/title-vii--civil-right-act-1964>

2. Title IX of the Education Amendments Act of 1972: This law prohibits sex discrimination in education programs or activities that receive federal funding,⁹
3. The Equal Pay Act of 1963: This law requires that men and women be paid the same wage for the same work.¹⁰
4. The Americans with Disabilities Act 1990s includes protections for gender identity.¹¹
5. The family and medical leave act .
6. The affordable care act .
5. Matthew Shepard and James Byrd Jr. Hate Criminal Prevention act 2009 includes protection for gender identity.

State Laws

1. California gender recognition act 2017
2. Oregon's gender identity law 2017
3. New York's gender expression non-discrimination act 2019

Additionally, several US states have passed laws that aim to eliminate gender-specific language from official documents and laws. For example, California has passed a law that mandates the use of gender-neutral pronouns in official state documents. This law ensures that all individuals, regardless of their gender identity, are treated equally in the eyes of the law. Despite these strides towards gender-neutral laws, there is still a long way to go in both India and the USA. Discrimination based on gender and sexual orientation is still prevalent, and many laws have not been amended to reflect gender neutrality. However, these steps towards gender-neutral laws have helped address the main issues about the victim's moral character and sexual history that had been sidestepped. In cases involving custody, the demand for redistributing the burden of proof regarding consent has been largely granted.¹²

⁹ Title IX of the Education Amendments Act of 1972, <https://www.epa.gov/external-civil-rights/title-ix-education-amendments-act-1972>

¹⁰ The Equal Pay Act of 1963, <https://www.eeoc.gov/statutes/equal-pay-act-1963>

¹¹ The Americans with Disabilities Act 1990, <https://www.dol.gov/general/topic/disability/ada>

¹² Tukaram v state of Maharashtra AIR 1978 SC

Significance of gender and rape laws

Significance change to rape legislation in its 172 ND reports and the law commission of India has a suggested that the rape law were a gender neutral the idea based on the assumption that rape will be heterosexual society will change by rewriting a sexual offence that occurs in a phallocentric cultural .during 1980 the anti rape campaign has served as the focal point around which the India women movement has rotated . At the time, the hope was that the initial reforms would open the door for more significant improvements in the years to come. But, the joy of the campaign's success was short-lived as the post-amendment phase of the revised statute began to play out in courtrooms. The lengthy and traumatic procedures persisted, the investigative apparatus was lax and corrupt, and the cross-examinations of the victims were demeaning and humiliating. By giving less than the required punishment of seven year for general rapes and ten year for gang rape ,custodian rapes and minor rapes the judge showed significant concern and sympathy for “young offender” and “ first offenders ” this made the deterrence penalty theory absurd . in contrast to predictions, the number showed a rise in reported cases and conviction rate .

Recent trends of amendments & its concern

About this ,two fresh issues began . The first dispelled the idea that the rape only happens in shady streets away from the private power , case of sexual abuse by father, uncle ,brother ,cousin and grandfather and in-laws started to leak out the public .

There a maltreatment of male youngsters in charge in orphanage and receiving facilities went hand in hand with this under section 377 unnatural offence and

The national commission for women created the sexual violence against women and children bill in 1993 in response to this perceived need.

The Delhi High Court was also made aware of the legal gaps in incest and child abuse cases¹³. A senior government employee was accused of assaulting his six-year-old daughter sexually. The behaviours included oral sex and finger penetration. Instead of charging the father with the crime of rape, the police filed the complaint under Section 377. Unnatural offence BNS 2023, deleted ¹⁴.The mother approached the Delhi High Court with a writ petition to have S 376 applied to the offence. Arun Jaitley , the current law minister, appeared on behalf of the mother and argued for a reasonable interpretation of the rape laws (Sections 375and 376). He argued that when a man pushes a foreign object into a woman's vagina without her consent, such as a stick or a bottle, it qualifies as rape under Section 376. And Under BNS 2023 section 63and 64.

The court rejected this claim and determined that inserting a bottle into the vagina would merely constitute a "violation of modesty," which carries a two-year maximum punishment. The court dismissed the petition, stating that "Penal provisions must be strictly construed." The accusation must be an offence according to the

¹³ SJ v KCJ and others 62(1996)Delhi law time 563

¹⁴Section (ipc)unnatural offence , BNS 2023 deleted.

words plain meaning before the court can rule on it. The court found that these sections' provisions could only be expanded by the legislature.

Revised Rape Laws

In terms of the plight of women, during the two decades of battle, not a single instance of a reversal of gender roles in the context of a sexual offence had ever appeared in India, not had it ever been discussed. No one has ever raised the defence of female sexual abuse throughout history. Yet, the main issue has been the sexual abuse of both male and female youngsters as well as other men and women by men. The debate has centred on the social stigma attached to aggressive male sexuality, expressed through violent, penetrative sex, both within and outside of marriage, in the private secrecy of bedrooms and in the open spaces of civilian life, as well as the violations committed by the state in incarceration. Nevertheless, paradoxically, while tackling this issue, women have now been painted as criminals and held accountable for a wrong that has little to do with the reality of their social existence.

The three women's rights organisations that were consulted have backed the idea of gender neutrality, potentially by adopting a western model where legislation have been made more gender neutral through the active involvement of feminists. Yet later, this approach came under fire from feminist legal experts who believed that the equality model had harmed women and children. For instance, Martha Fineman" has remarked that reformers can and frequently do accomplish this by adopting poorly thought-out techniques that they seem compelled to use while utilising the law to try to create a more ideal society. The reforms are limited and defined by the rhetoric of equality. She contends that abandoning equality as the overarching reform premise is necessary in order to achieve equity. This would be much more relevant in Indian contexts, where domestic and public violence against women have significantly increased and the status of women has decreased over the past 20 years. Murdering wives, pressuring young wives to commit suicide, dousing girls in acid for rejecting sexual approaches, maiming and killing young women for selecting a sexual partner are all now commonplace. A gender-neutral rape law would create opportunities for an already marginalised group to suffer even more misery and shame, defeating the whole goal of change. This assumption cannot be made under the guise of protecting the rights of other marginalised groups. It might not be the best course of action to just copy the errors made by western feminists. Women's organisations are working to broaden the definition of rape and extend the crime beyond peno-vaginal attacks, which can be done without relying on the gender neutrality concept

There are some suggestions for promoting gender neutrality and understanding its role:

1. Education and Awareness: Incorporate gender-neutral teachings and discuss India is a secular nation which have

democracy, secularism, liberty towards its citizens and country. One of the most crucial elements which India as a nation focus is equality in india .

CHAPTER 5

Conclusion

Gender neutrality, meanwhile, is the principle that language, policies and practices be considered and implemented in a way that avoids discrimination between people of any gender or social gender. It is an approach that seeks to cultivate equity and inclusion, regardless of gender identity. Gender neutrality is the idea that gender should not be considered or focused on in any way such as, sexual activity, social relations etc. It also supports gender equality, women's empowerment, and the recognition and respect of all people regardless of their gender identity or expression.

Now that we know how to be gender neutral, here are a few suggestions on how we can create more understanding about what it means:

Education and Awareness: gender-neutral teachings and discussions in schools or college level education institutions. To Enlighten kids into the many different sexualities, practices and also why equality is needed Foster an inclusive environment, respecting all people and treating them with dignity. This is education-incorporated, language, and security to be included in our steps to success.

Language: Use inclusive language and avoid assumptions about the both sex. And Promote the Gender Neutral Pronouns like they/them “he, she” About Individual who do not identify as either male or female in any particular official capacity Create policies that encourage inclusive language within all forms of communications and documentation.

All workplace equality policies should be framed with the right direction on gender equality in terms of work environment/ types. Equitable treatment of genders to ensure equal pay, fair hiring practices and opportunities for advancement. Offer resources and guidance to employees on how to deal with gender-related issues and foster an inclusive workplace.

Representation and Media: Promote diverse and authentic representations of gender identities in audiovisual, media, entertainment, and advertising media. Take positive role models across the gender divide pallor village late Come barren October Catch up And chin promo Urge media outlets to feature non-binary and transgender people

Healthcare and Services: Provide inclusive, respectful, and culturally competent healthcare services and facilities centered around individuals' gender identities. Train health professionals on the targeted needs and issues of trans and non-binary patients Provide support groups and resources for those who need help

Policy Issue: Legal Protections Advocate for laws prohibiting discrimination based on both gender identity or expression. Advocate for policies and initiatives that protect the rights of non-binary and transgender individuals in employment, housing, healthcare, and public accommodations.

Promote Open Discussions : Promote discussions around gender identity and expression. Invite people to talk about their lives, struggles and views. Foster understanding between various gender identities to create a more welcoming community. Gender neutrality plays a vital role in fostering an inclusive society liberating individuals from the shackles of gender stereotype and discrimination. The goal is to create an environment where people can express their gender identity freely and live with human rights, dignity, and respect. Being gender neutral is an important part of equality and less discrimination in society, which will make us a much better place. Recognizing and promoting good and fair treatment of people, irrespective of gender by embracing, valorising all diversitiesgender therefore represents a critical means of ensuring that everyone is treated with dignity and respect.

REFERENCE

1. Title VII of the Civil Rights Act of 1964, <https://www.eeoc.gov/statutes/title-vii--civil-right-act-1964>
2. Title IX of the Education Amendments Act of 1972, <https://www.epa.gov/external-civil-rights/title-ix-education-amendments-act-1972>
3. The Equal Pay Act of 1963, <https://www.eeoc.gov/statutes/equal-pay-act-1963>

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