



## Men can get raped too you know, The legal tussle

*“A murderer kills the body, but a rapist destroys the soul” - Justice Krishna Iyer.*

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Only women are protected by law in India from rape and sexual harassment. There are no laws or statutes to shield males from the heinous act of rape or sexual harassment. The sole section of the Indian Penal Code, 1860 that discusses "sodomy" is Section 377. The remaining portions are all geared toward women. The most important point to keep in mind is that, contrary to Sections 354A through 354D and Section 375 of the Indian Penal Code, which specify that only men may commit sexual violence, both the perpetrator and the victim may be of any gender.

### **Can men file a rape case against women in India?**

In India there's no law if a male rapes another male or a female rapes a male. At most, they can be sodomised under sec 377 of IPC that is modelled on the Buggery Act, 1533 where unnatural sex is an "Act against god". Except for this section, all other laws and sections are meant only for females. Only women are considered victims of rape under Indian Penal Codes 375 and 376. Simply put, India's one-sided rape laws ignore sexual assault against women and harassment against men. Moreover, all most every case goes unreported. If we consider the ground reality that is reflected in the survey of InsiDariwala which surveyed 1500 male out of which 71% of men surveyed said they were abused, 84.9% said they had not told anyone about the abuse and the primary reasons for this were shame (55.6%), followed by confusion (50.9%), fear (43.5%) and guilt (28.7%)

However, a man can be coerced into a relationship by another male, and I'm sure that happens frequently in India. We are unable to hear it because the victim is ashamed and afraid to talk about it. Therefore, laws must exist to protect them.

### **There are men in India who get raped, but their case is never registered by the police. Police doesn't take them seriously. How can a man get justice?**

The mindset of people is the issue. Both men and women in our society are discouraged from reporting sexual attacks due to gender

preconceptions. Men should enjoy the developments in sexuality because women are sluts. Most people fear that severe regulations involving bogus rape cases would be enforced. Regardless of guilt, a man accused of rape loses everything in his life.

A law will only do so much to address this issue. There is no maturity in Indian society nor in the Indian jurisprudence to ensure such a person will get any justice. Laws of any land are always based on its philosophical bent, its values and assumptions. Today's India is not equipped to handle complex gender issues. I do not see any way in the current situation to get justice. So, stay very careful when you are around women, respect them and do not let your guard down. Prevention is the only way.

### **If these happened to women, then it would have beensensational headlines.**

This was about 6 months ago when a 13-year-old boy was kidnapped and raped by both male and females. Everything past this point is what is on a police report and what was said to a reporter friend of mine. He was kidnapped, pulled into a car, and driven over 30 minutes away. They (being 1 male 1 female) had his head covered for the 3 hours he was taken. They took his clothes off to rape him. She did this until he ejaculated inside her, and she stopped. The man began to rape him anal so hard that the boy had to have 10 surgeries to fix the internal organs damaged. They put him in the car and dropped him off about the same place they took him, naked and bleeding.

In another case a boy got raped by his nanny who took care of his sister. This issue took place around 1995. When the boy is around 10 years of age, both his parents who were working adults left him and his sister under the care of his nanny. She was a married woman and was in her late 40s. When his parents left for work, she would cajole him to undress and 'play' with her, after putting his sister to bed. His parents noticed his mood swings, changes in grade, etc. Curious with his behavioural change, his mother sat him and enquired about what was bugging him. He told her what his nanny did.



With hand gestures, even if he didn't understand what the action was called. His religious parents accused him of lying and consulted with a local pastor about his evil thoughts. He was sent to volunteer at church to '*purify his soul*'. They blamed it on his bad company of friends who must have taught him about sex and adult stuffs. Naturally, the nanny was alerted to be careful around him. She got away. No interrogations, no prodding. She *just* got away. Reason? 'Boys can never get raped'.

He is a man. And he was raped. Men get raped, too.

**Well, what can we do despite all this?**

1. Gender-neutral laws should be implemented with the eradication of gender-biased laws.
2. Men should be added in Sexual Harassment in the Workplace 2012.
3. Awareness should be spread regarding sexual violence against men in the form of campaigns, reports, articles etc.
4. Just like there is a separate court for women, MahilaAadalat, a separate court should be made for men too.
5. Separate commissions should be made which deals with research against crimes against men specifically and the same must be done for women too.
6. Male and female perpetrators of sexual violence should be punished equally without any discrimination.

Around the world, there is a lot of research being done on sexual assault of men, and numerous nations have passed laws addressing the issue. It is time for our Indian courts to begin treating cases of sexual assault against men seriously and for laws to be passed to safeguard males from such crimes. Every day, males are sexually assaulted in India. It is time for the public to recognise this fact, stand with male victims of sexual assault when they come forward, and demand equal legal punishment for both men and women who commit sexual assault.