

## THE LEGAL PARADOX OF MALE-DIRECTED SEXUAL VIOLENCE IN INDIA

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### Abstract

Male-directed Sexual Violence is an undocumented topic. In gender-based violence, women, girls and children take the main attention regarding humanitarian issues and vulnerable groups. There is either no representation or under-representation of male victims of sexual offences either on the international stage or in their respective municipal limits. Various factors need to be studied and considered to have a multi-dimensional approach towards victimhood of men in sexual offences. This paper tends to find cause and effect in this research problem via empirical research methodology. Law, society, gender orientation sensitisation, and vulnerability, all needed to be taken into consideration while addressing this issue of male victimhood under the heading of unwanted non-consensual sex and sexual violence against men in a general adaptive sense. Criminal Law Amendment Act of 2013 introduced various new offences relating to the human body as well as sexual offences. Stalking and voyeurism were the offences that were introduced in India through the Criminal Law Amendment Act, 2013. The sad part from the year 2013 onwards is that instead of making our Criminal laws more gender accommodating we moved towards a singular approach to address issues of one gender. There is a stunning dichotomy of law and social standards for both genders. The paper examines these issues in light of law, psychology and sociology. The issues about Gender violence against males need to be researched and brought to the light of law so that we don't have a veiled group which is bleeding and in pain just because of legal disparity. This research paper through a questionnaire has tried to get responses on this issue although it is also to be taken into a note that males who suffer sexual violence are part of hard to reach population to collect data for the same.

**Keywords:** Hyper-masculinity, Male-directed Sexual Violence, Male victimisation, Masculinity, Patriarchy, Sexual, Violence.

### Introduction:-

*"A woman simply is, but a man must become. Masculinity is risky and elusive. It is achieved by a revolt from women, and it is confirmed only by other men. Manhood coerced into sensitivity is no manhood at all."* –Camille Paglia

Since time immemorial men have reigned on the throne as superior and strong gender against their counterparts. The quotations above tell a story of becoming 'the Man' who is not emotional or sensitive but forced to reckon with, the society sees them as dominant creatures of stoicism and toughness. Unfortunately, this also comes with a price and in recent times with women-centred laws the men have endured the victimisation for which there is less attention by law as well as by the society. The pain, the violence, the ripping off of bodily anatomy in form of unwanted nonconsensual sex and sexual violence against them.

As men and women are pillars of society and no society can make any progress without their equal participation in all the spheres of life. Men and women both are individuals and deserve respect and equality. We should eliminate any kind of contemplations and contrasts between them. It's not that only women and not men should be respected. Respect the person and not the Gender. Respect is not based on their quality of character, not their religion or not in their gender it's all the self-respect of an individual which decides his/her position in the society

A perpetrator generally uses violence as a tool to put forth his command and control over the victim. All the cultures across the globe have constructed masculinity in their peculiar idealised characteristics related to toughness, unemotional attitude, and heterosexuality. This amalgamation of pride 'man-hood' is done by the socialisation of these ideals in young males.

Gender role socialisation is a social and psychological construction of various ideals given to particular gender. In men being in a patriarchal set-up, this is to acquire an aggressive, tough and dominant behaviour.

Men may feel the need to be silent about their abuse because of the internalized belief that men can't be victims, or that men should not express weakness. This type of socialization depicts victimization as feminine and uses shame as a tool to suppress behaviours and feelings associated with femininity. Avoiding femininity and practising stereotyped male gender roles helps men maintain power, or at least the perception of what power and safety might mean. When a man does want to reach out to ask for help related to his victimization and healing, he may not have the language to understand or talk about what happened. Men may even express an attitude of "no big deal" related to sexual violence.

Sexual violence and vulnerability towards such violence and its victimhood have been voiced and condemned against fairer sex but in the corners of the laws, the other gender that is the male finds few options when there is an urgency to get justice on similar grounds of violence. As in today's world, almost all victims are female, but we never consider that males are the victims of a sexual offence. In dynamics of time gender bias in the laws dealing with sexual violence, especially in non-consensual experiences, is creating a void in society. Like women as victims of such experiences men too exhibit similar psychological trauma, post-traumatic stress disorder {PTSD}, and depression. So question arise when the human body shows nearly similar post-traumatic expression after such unwanted and non-consensual sexual experience, why it is hard to judge the same crime, simulated in terms of gender and victimhood?

The right to equality and the right to a dignified life as embraced in Article 14 and Article 21 respectively under the Constitution of India portrays a serene picture of equality and dignity. The nexus of these along with Article 15 of the constitution of India protects and creates confidence towards the State that there wouldn't be discrimination and a person's right to life and equality will be protected. Unfortunately, this whole serene picture is tarnished if we start digging deep about male victims of sexual violence. The cruelty of law is in its derogatory prejudice to address the victimhood of men. Sexual violence and assault is not just a crime on one's body but mind and soul. The scars of sexual violence-hit deep to the victim of crime and it is utter hypocrisy to protect against sexual violence and on other hand make laws against it, leaving one very important group out of its remedial system and placing that group in the terminology of a perpetrator of the crime

Equality in terms of the human spirit, law, justice and equity can never be achieved if we ignore the better half of our society, family, community, and social group. The advent of Hyper masculine culture has led to some very distorted myths and societal standards which has carved a different unsettled macho psychology which disgusts feelings and experiences of various emotional-hood. Emotions and feelings are cast towards being more feminine and hence captioning as weakened gender. The Notion that Men don't feel pain or "*Mard ko Kabhi dard nahi hota*" "*Aur Na hi Mard Kabhi Rote Hai*" "*Men are not frail*" and "*Men can't complain*" has snowballed over the male gender itself. Unfortunately, this has also led to a disparity in law which is now harming society at large.

Male victims of sexual violence may have one way or other may have endured sexual violence in forms like assault, non-consensual unwanted sex, sexual coercion etc. The worst part of all this is that male victims are hard to reach a group/population. The toxicity of hyper-masculinity has led to such an unapproachable population of victimhood. It is hard to study and collect data for such a hard-to-reach group. Therefore for us, it was a hard task to collect data in such a scenario but whoever opened the questionnaire, led us towards hard truths about society, gender biases and psychological challenges faced by victims of study.

Since Indian society is a majorly patriarchal society (if we ignore certain areas where matriarchal set-up is still prevalent as in some parts of Southern India and North East ) it has not only created problems for the female gender but has fueled misconception of machismo and hyper-masculinity on the notion of unemotional superiority towards others and testosterone riddled egoism. This patriarchal approach can be seen in our laws too where we have to strive to make hard laws regarding sexual violence against women which is also having its legacy in the very setup. But losing

gender neutrality in such laws has its long-drawn repercussions, some of which will be laid further in this research paper.

### Statistical Data of male-directed Violence in India

Of those convicted of rape, the US Department of Justice has stated that 99percent are men, and 1percent are women. Ideally, India would be able to provide its owners with statistical comparisons. However, given that rape by legal definition cannot be committed against men, there is no good way of determining just how many male survivors exist in India.

In looking at child sexual abuse specifically, the Indian government did find in 2007 that, of surveyed children who reported experiencing severe sexual abuse, including rape or sodomy, 57.3percent were boys and 42.7percent were girls. More recently, the Delhi-based Centre for Civil Society found that approximately 18percent of Indian adult men surveyed reported being coerced or forced to have sex. Of those, 16percent claimed a female perpetrator and 2percent claimed a male perpetrator.<sup>1</sup> Male directed violence data is still discrete and non confirmed data. if Laws in India are in favour of male directed sexual violence then in coming year we may have that data.

The only way to bring any form of justice to these male survivors has at times been charges under Section 377 of the IPC, India's recently reinstated anti-sodomy law. Problematically, however, this law both does not consider "sodomy" as actual rape and makes no distinction between consensual and non-consensual sexual acts between two male adults; its conviction statistics tell us very little. For those who were violated in a non-penile manner, not even this recourse exists.<sup>2</sup>

Our society considers only women to be vulnerable and weak whereas men are powerful, dominating. Where there is presently an echo of feminism and gender specific legislation favoring women all over the world, men's rights have suffered a massive strike, which must be addressed in order to achieve ideological balance, removing all inequities, and advancing towards gender neutral laws. The cacophony of women-centric regulations not only obscures challenges encountered by males in society and how they are forced to bow before gender-biased laws, but it also has an extensive impact on gender equality philosophy.

Indian Penal Code 1860 has dedicated sections In India, some sections are only meant for girls, i.e. Chapter XVI (of offences affecting the Human Body) Section 354, Sec 354A, Sec 354B, Sec 354C, Sec 354D, Sec 375, Sec 376, Sec 376A, Sec 376B, Sec 376C, Sec 376D, Sec 376 DA, Sec 376 DB, Sec 376E, Chapter XXII (or criminal intimidation, insult and annoyance)Sec 509 of the Indian Penal Code, 1860. In these sections, Men are not taken as victim but as perpetrator of violence in these crimes . Only men can commit a crime against women, and if males and females can commit a crime against men, there is no provision for in-laws. It's like a privilege to women given bylaws. Its discrimination against men, and only men can be perpetrators of women's abuse. There are numerous cases where men are innocent and still are harassed by women of the same sex.

In the modern era, every human being is vulnerable according to the circumstances which they have endured every day. It's not like only females/women, children, older people, and LGBTQ+ are vulnerable but heterosexual males are also vulnerable in some parts. Example- Taunting about impotency, harassed for their unemployment, not earning enough money, not completing sexual desire of her partners. These are some of the examples where heterosexual males face the issue.

Like women, men who experience sexual assault may suffer from depression, posttraumatic stress disorder (PTSD), and other emotional problems as a result. However, because men and women have different life experiences due to their different gender roles, emotional symptoms following trauma can look different in men than they do in women.<sup>3</sup>

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1 'India's law should recognise that men can be raped too' (*Centre For Civil Society*) <<https://ccsindia.org/indias-law-should-recognise-men-can-be-raped-too>> accessed 13 February 2022

2 Stokes J, "India's Law Should Recognise That Men Can Be Raped Too" (*Scroll.in*, September 10, 2014) <<https://scroll.in/article/676510/India's-law-should-recognise-that-men-can-be-raped-too>> accessed April 30, 2022

3 "VA.Gov | Veterans Affairs" (*Sexual Assault: Males - PTSD: National Center for PTSD*) <[https://www.ptsd.va.gov/understand/types/sexual\\_trauma\\_male.asp](https://www.ptsd.va.gov/understand/types/sexual_trauma_male.asp)> accessed April 15, 2022

In the case of *Madan Gopal kakkad Vs naval dubey*<sup>4</sup>, the court held that the right to life includes the right to live with human dignity. A male rape victim's dignity is harmed during a non-consensual sexual act by his partner. A judge once said that "a rape is a matter of "deathless shame". Our constitution of India provides everyone dignity. 'Woman Not Prosecuted If She Tricks Man With False Promise Of Marriage': Kerala High Court Says Rape Should Be Gender-Neutral Offence. The bench remarked that a woman's consent on a promise to marry is an 'enigma for the prosecution to prove' while pointing out that the statutory provisions of the offence of rape in the IPC are not gender-neutral.

A woman, on a false promise of marrying and having a sexual relationship with a man, with the consent of the latter obtained on such a false promise, cannot be punished for rape. However, a man on a false promise of marrying a woman and having a sexual relationship with the woman would lead to the prosecution's case of rape. The law, therefore, creates a fictitious assumption that the man is always in a position to dominate the will of the woman.<sup>5</sup>

'Men' generally feels less of a man when he has been sexually assaulted. They start ending their relationships with friends and relatives. It is a mind-set of people that Men who are raped are not the real man because of the only reason that a real man can save himself from sexual abuse, including even unwanted contact, an attempt to rape or even a force to commit sexual acts. The researcher is doing survey on sexual offence against men.

The issues relating to men's right have always been straggled and issues of women have always been glamorized, such as "me too movement", "feminist movement" etc., with all the woes of women right, men's have always suffered and their grievances have never been redressed much. The dilemma of feminist movement have been substantially surveyed and analysed by SIFF. An article namely "A MISDIRECT MOVEMENT CALLED FEMINISM", portrays the problem of fake feminism and compare feminism with 'dictatorship' and 'unjustified propaganda' by certain "hypocritical women" in the society. However, in the era, where we talk about gender neutral laws, such hypotheses reflect only an extremist view against females. Well, the present study reflects a gender neutral approach rather than extremist approach taken up in the article aforementioned and wants to develop<sup>6</sup> a concern towards men's right so as to strike balance between both the ideologies

Researchers have shown that those men who strictly adhere to the hegemonic masculinity norms and don't come out in the open to tell their problems have worse mental health issues.

### **Statement of Problem**

In Indian society, only women have been vulnerable for the last hundred decades, and society does not change the mindset. But now that technology is changing men's and women's lives. Both are equals in society. Even so, women are more powerful in society. They gave most of the laws to women, and some women are misusing the laws and filing false cases against men to show their powerful position in society. Our society thinks men and women can harass only women. They cannot harass men or women in society because women are innocent and vulnerable. But because of societal changes, men are also being sexually assaulted or harassed by same-sex or women, but we do not have appropriate laws to tackle sexual offences against men. Even men are equally prone to sexual offences. And there is an urgent need to address sexual violence against males.

### **Research Objective**

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<sup>4</sup> (1992) 3 SCC (204)

<sup>5</sup> Varghese HM, "'Woman Not Prosecuted If She Tricks Man With False Promise Of Marriage': Kerala High Court Says Rape Should Be Gender-Neutral Offence" ("Woman Not Prosecuted If She Tricks Man With False Promise Of Marriage": Kerala High Court Says Rape Should Be Gender-Neutral Offence, June 2, 2022) <<https://www.livelaw.in/news-updates/kerala-high-court-bats-for-rape-to-be-gender-neutral-offence-200652?infinitemscroll=1>> accessed June 6, 2022

<sup>6</sup> Mark J S, heppner and P P, "Gender Role, Gender-Role Conflict, and Psychological Well-Being in Men." (*APA PsycNet*) <<https://psycnet.apa.org/record/1991-33056-001>> accessed April 15, 2022

The aim of undertaking this study is to assess the need to address issues related to sexual offences against men in the context of India from a gender-specific to a gender-neutral law. Some major concerns in this respect are. Examination of various aspects relating to the problem relating to sexual offences against males provides the opportunity to analyse the concept of gender equality and how it impacted the life of the male gender in the society, what constitutes sexual offences against men?

### Review of Literature

In the case of Vijay Nair who is a Mumbai based entrepreneur and founder of the Only Much Louder (OML) company. There was a female perpetrator who stalked him. He tweeted about the incident, but besides having sympathy towards him people said, “You’re lucky a girl is stalking you and wants to talk to you”. But what if he did the same thing as the women had done with him, people would say “NO”. The police would have arrested him. But in his case, the girl was roaming free because India has an anti-stalking and anti-voyeurism law but not for men.<sup>7</sup>

More than a decade ago the Economic Times had conducted a Survey- ET-Synovate survey conducted in seven cities with 527 executives from across sectors such as telecom, FMCG, durables, banking, ITeS and others were polled. The executives were in three different age groups—25-35; 35-45; and over 45 years. According to it even men aren't safe from sexual harassment in the workplace. They conducted the survey between the metropolitan cities of India. The results were shocking. Even the male employees were harassed by their bosses or colleagues of the same sex or female itself.<sup>8</sup>

Report of the Prevalence, Incidence, and Consequences of Violence against Women (Patricia Tjaden Nancy Thoennes) in this report there are different surveys conducted by the researcher on men and women or minor in every chapter there is a huge difference between male and women as victims. It's also triggered in some reports male are more victims of the crime still there are a lack of laws to file the cases.

Men have traditionally been emotionally ignored. This separation between the males and females is unquestionable and most likely the driving force behind global gender inequity. Gender equality, often known as sexual orientation uniformity, is a concept based on the belief that all genders have equal rights, are generally conscious, and have equal liberties. Gender disparity is a dubious basis for separation, leaving society even more helpless.<sup>9</sup>

In its 172nd report, dated March 25, 2000, the law commission had sought to widen the definition of rape under section 375 of the IPC. Owing to a substantial increase in the sexual abuse of boys, the commission attempted to alleviate the gender biasness in the rape laws. However, the amending of the existing legislation as per these recommendations is still awaited. 20 years down the line, and the gender biasness still exists in the laws, which has for a fact even risen in the recent past. Supreme Court lawyer Karnika Seth spoke about the rising number of cases involving men as victims of cyberstalking. She said that until a few years back, 75% of the cases she investigated involved women as victims. However, now, the ratio is 50 to 50.<sup>10</sup>

It has become a stigma when a man expresses his feelings and emotions which is another reason why sexual assault of men and boys has been ignored since time immemorial. This is one of the worst things we can do to a man, that is, not let him be himself because he has gender roles to fulfil.

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<sup>7</sup> Agarwal D, “Vijay Nair Sexual Harassment Case: Rising Incidents against Men Emphasise Need for Gender-Neutral Laws in India-India News , Firstpost” (*Firstpost*, May 17, 2017) <<https://www.firstpost.com/india/vijay-nair-sexual-harassment-case-rising-incidents-against-men-emphasise-need-for-gender-neutral-laws-in-india-3452286.html>> accessed April 16, 2022

<sup>8</sup> Bureau E, “Even Men Aren’t Safe from Sexual Harassment at Workplace: Survey - The Economic Times” (*The Economic Times*, August 22, 2010) <<https://economictimes.indiatimes.com/special-report/even-men-arent-safe-from-sexual-harassment-at-workplace-survey/articleshow/6389438.cms>> accessed April 15, 2022

<sup>9</sup> Dworkin R, “Ronald Dworkin, What Is Equality? Part 1: Equality of Welfare - PhilPapers” (*Ronald Dworkin, What is equality? Part 1: Equality of welfare - PhilPapers*) <<https://philpapers.org/rec/DWOWIE>> accessed April 17, 2022

<sup>10</sup> Rai D, “Role of the Law Commission of India against Sexual Violence and Rape” (*iPleaders*, February 3, 2021) <<https://blog.ipleaders.in/role-law-commission-india-sexual-violence-rape/#:~:text=In%20its%20172nd%20report%2C%20dated,%20biasness%20in%20the%20rape%20laws>> accessed June 9, 2022

“Our patriarchal society holds males to be the stronger sex and expects men to be able to protect themselves. Many men who have survived child sexual abuse have been subjected to comments such as “Why didn’t you beat him up? You are a man”<sup>11</sup>

{Siddhant Talwar has started a campaign related for Male i.e. Mardaangi which generally means Masculinity. In this campaign many male survivor have talked about their sexual assault and violence done by the same gender or opposite gender. Most of the male survivors have faced these things in their childhood and in their youth. And they talk about Rape, Abuse & Incest National Network (RAINN) and how they can help the male survivor. He tries to understand the need for gender neutrality and how he can help the male victim.<sup>12</sup>

As in Indian society, only women are vulnerable for the last many decades, and society hasn’t sensitized itself to come out of this patriarchal mind-set. At present the technology is affecting lives of men and women, making both in parity with various unforeseen experiences related to sexuality and their orientation . Even so, women seem to have more addressable remedies from law compared to male counterparts.

The sad fact as well as belief is that its the men at most times who are cause of grave sexual offences against women. Hence the law is made to see aggressor-victim complex when male is always taken on aggressor part. In dynamics of times in the society, men are also being sexually assaulted or harassed by same-sex or women, but we do not have appropriate laws to tackle sexual offences against men. Even men are equally prone to sexual offences. And there is an urgent need to address sexual violence against males.

The legal apathy toward masculinity is such that a guy might imagine himself chained against gender-biased legislation, with no way out of the terrible web of gender privilege laws unscathed. This current mindset has even made its way into the consciousness of society. When the prevailing assumption is maligned that men are always presumed as predators and females are always assumed as victims, the issues of men appear to have been shut up in the tombstone.

The scope of study revolves around the inception of difficulties and concerns surrounding men's or boys' linked Human Rights, mental health, and position in society being severely harmed by women who are brazenly exploiting the provisions of law, particularly those connected to sexual abuse designed in favour of female.

The research methodology in this paper has adopted the empirical research method where both primary and secondary sources of research have been used, the researcher shall be Primary data was collected by piloting a questionnaire to targeted groups of various age groups.

### **Research Methodology**

The present study uses an exploratory method, considering qualitative research designs to identify the problem. The information was gathered through qualitative research methods. A well-structured questionnaire was used to collect data from respondents. These instruments were designed to collect information so researchers could fully comprehend it. Research Journal, indexes, prominent newspaper editorials, Published research done in the respective subject field are referred to as secondary Data. The questionnaire consists of fifteen questions.

### **Gender Vulnerability and Victimhood**

Vulnerability cannot be just evaluated on the basis of gender ethnicity, age group, geography etc. But in certain special cases it may be circumstantial and factors they are facing in their life. In recent times, the male gender has found themselves in situations and circumstances of vulnerability

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<sup>11</sup>Pardhan S and Grover S, “Don’t Boys Get Raped? Breaking the Silence on Sexual Abuse of the Male Child in India &ndash; Rostrum’s Law Review” (*Rostrum’s Law Review*, April 30, 2018) <<https://journal.rostrumlegal.com/dont-boys-get-raped-breaking-the-silence-on-sexual-abuse-of-the-male-child-in-india/>> accessed April 18, 2022

<sup>12</sup> Dave madhur, “Men Can’t Talk About Sexual Assault; Siddhant Talwar Is Trying To Change That” (*Women’s Web: For Women Who Do*, August 22, 2019) <<https://www.womensweb.in/2019/08/siddhant-talwar-is-talking-of-mardaangi-and-male-sexual-assault-one-man-at-a-time/>> accessed April 18, 2022

when dealing with their sexuality, personal relationships, workplace relationships, and psychological factors. The stigma of being Hyper masculine has let their vulnerability to being a closed-door subject also called as hard. The heard or embarrassment and depression caused is thrown on the basis of their superior masculinity. Technology and the evolving world of social media have increased such a circumstantial vulnerability.

The circumstantial vulnerability related to males regarding unwanted non-consensual sex needs to be addressed in various forums the law being the first and foremost. Many times women, children, elderly people etc. are taken as soft targets for various crimes. There, victimhood has been recognized in various legal spheres across the globe. But, the victimhood of men in situations like this is ignored or taken leniently. In terms of redressal of the situation, the attitude of society and even men go against them in getting proper justice compared to women facing the same situation. For example- Sarvjeet jasleen sexual harassment case, the Girls' locker room case and many more cases are there in which boys who were innocent still faced criminal charges on them. And girls escaped from any criminal charges neither getting punishment nor fine. Boys, young men, and teenagers share good numbers in the name of the victim. Bullying in cyberspace or the physical world around them. Even the state mechanisms are not wholly equipped to answer their distress and their agony. Leading a very wide, grey area in the field of law, execution of law addresses the situation. The data availability regarding a sexual offence against men is very limited and vague and ambiguous.

To address various issues about Sexual offences against men in India, a questionnaire was circulated among people of different age groups ranging from 15 to 55 & above. Most of the people from the age group of 15 to 25 and 26 to 35 years of age have responded to the google form piloted online as due to Covid norms direct method for field response wasn't possible. Most of these respondents are either lawyers, law students, Accountants and professionals etc. who have replied to this form. A few years back the movement was started by males was #Metoo mentoo no one cares about this movement but a good number of males has shared their experiences in this movement.

In today's generation, everyone will talk about women being victims of sexual crimes but there is a total void when it comes to male victims of sexual offences against them. In this questionnaire piloted online, a total of 296 people have participated from different age groups. From 15-25 years 211 people i.e. 71.3percent, in 26-35 years 74 people i.e. 25percent, 36-45 years 6 people i.e. 2percent, 46-55 years people 1.4percent and 55 & above only i.e. 0.3percent 1 people have participated in this survey. People from across India like Punjab, Haryana, Chandigarh, Delhi, Kerala etc have responded to the piloted questions.

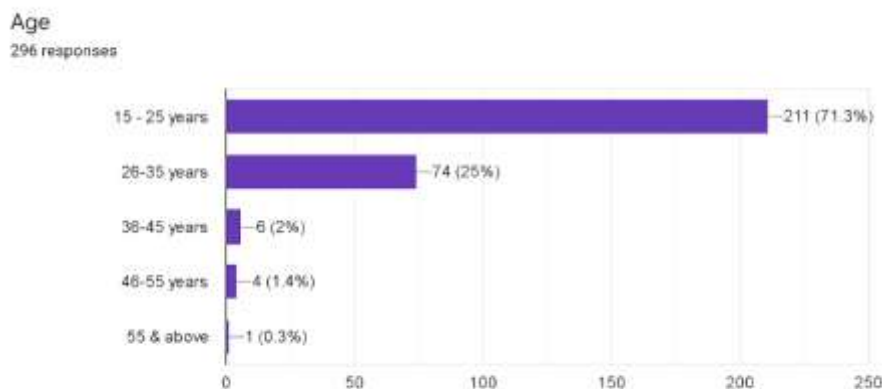


Table No1. Age

It was also found that mostly boys and young men were found to be vulnerable towards unwanted sexual advances as compared to grouping in age group above 25 years. For Young Boys in case of sexual assault and Gender wise division of respondents is shown below in Table No. 2

Gender  
296 responses

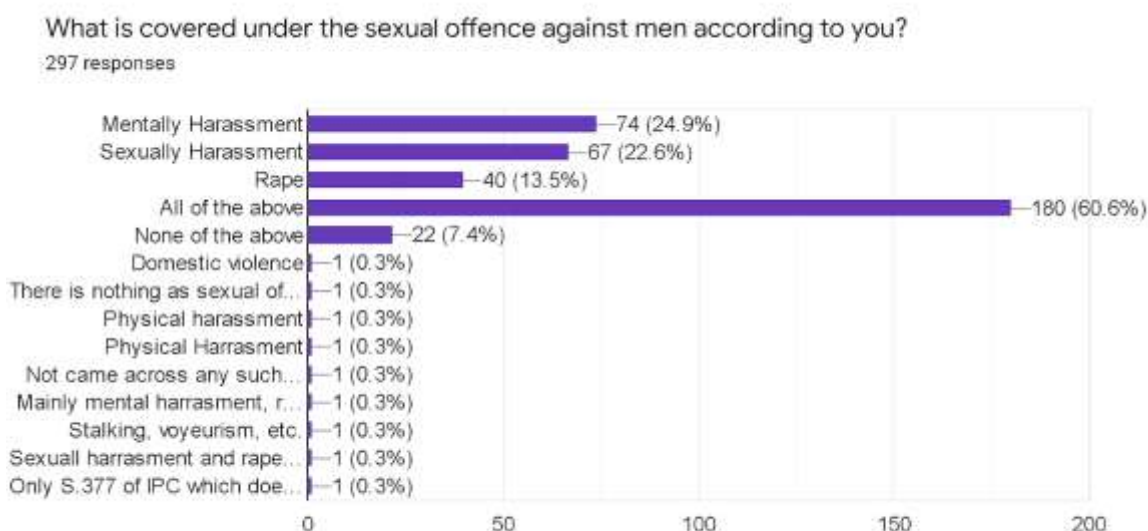


- Male
- Female
- Transgender
- Not listed

**Table No. 2 Gender**

In this survey, more than 50.3 percent of males have participated in this survey and 49.3 percent females have participated and only one transgender has participated in this survey.

In question, “what is covered under the sexual offences against men?” to know the common knowledge among various groups about their fair understanding of what they understand is taken under the umbrella of Sexual offences. Table No. 3d depicts the outcome of the response.



**Table No.3 Describing the term of a sexual offence against Men.**

According to them, sexual offences against men include mental harassment 24.9% Sexually harassment 22.6 percent, rape 13.5percent, All of the Above 60.6% (Mentally harassment, Sexually harassment and Rape) Other than this 7.4percent of people said none of the above is part of a sexual offence against men. 1 person said there is nothing as a sexual offence against men in India. According to him, there is no term like this and men can't be sexually harassed in India. It's a myth. But some they said there are other offences also for men in India are physically Harassment, stalking and voyeurism also part of the sexual offence against men in India. Males are also vulnerable according to the circumstances and the facts of their life. Above picture no. 3 describe everything that is covered or not covered under the sexual offences against men in India. Some people even describe offences against men in India.

Because of their sexual abuse, some males who have been sexually abused are viewed as flawed and toxic. Perhaps people already believe they are imperfect and toxic before they are abused. That is what led to the abuse. Of course, neither of these beliefs is correct. However, some people still believe this.

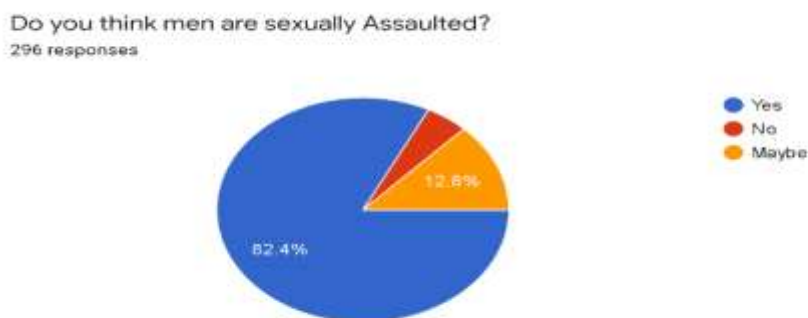
### Sexual abuse/coercion faced by men

Men too can experience sexual violence against them which can be perpetrated Men are sexually abused by their partner {Male or female or both MM, MF} some of the following situations can give an idea about what they may endure:



1. In a live-in-relationship, the female partner can control the man and withhold sex with him.
2. Non-consensual sex with the male partner
3. Sexual acts in order to get what she wants
4. Using Sexual flirtation against him
5. Grabbing his genitalia without his wish.

Manipulation or other tactics related to sex comes under the sex abuse which can't understand by the "Man". The response regarding a question about the sexual assault of men. The 82.4% of respondent replied yes to sexual assault of men as it is depicted as below in Table no. 4



#### Table no.4 Men are sexually Assaulted

In this question, More than 245 people i.e. 82.4percent said Men are also sexually assaulted in their daily life but 14 people i.e. 4.7percent said there is no sexually assaulted against men in India. There is no term like this but we have to think why more than 245 people said men are also sexually assaulted but in our law there is term like assaulted and sexually assaulted but they don't cover about men. They only cover women in their definition according to our laws that offences are gender bi-ased and women are vulnerable and all the offences are committed against them. But people's responses say even Male are also vulnerable too. 38 people i.e. 12.8 percent of people are not sure whether there is any term like men are sexually assaulted or not.

According to Indian Penal Code 1860, Section 354<sup>13</sup> The IPC criminalises any act by a person that assaults or uses criminal force against a woman with the intention or knowledge that it will outrage her modesty. Such an act is punishable with either simple or rigorous imprisonment of up to 2 years, or a fine, or both. Indian courts have ruled that the essence of a woman's modesty is her sex, i.e.: a woman possesses modesty by virtue of being a woman.

**Psychology and their aspects related to Male:-** Women can also employ psychological abuse tactics. These can be :

- Demeaning the man in their life
- Undermining the man's confidence
- Causing the man to feel isolated and dependent

These can manifest in a few ways for the man, including:

- Being socially cut off from friends and normal activities
- Calling names or intimidating
- Interfering in family relationships
- Making unfounded accusations of infidelity
- Constantly monitoring calls, texts, and social media
- Exerting financial control and manipulating or undermining behaviour — such as overspending.<sup>14</sup>

<sup>13</sup>"India Code: Indian Penal Code, 1860" (*India Code: Indian Penal Code, 1860*, October 6, 1860)

<[https://www.indiacode.nic.in/handle/123456789/2263?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362)> accessed April 19, 2022

<sup>14</sup>Smith, K. (2021, September 30). *Invisible Victims: When Men Are Abused* (lori lawrenz, Ed.). Invisible Victims: When Men Are Abused. <https://psychcentral.com/blog/invisible-victims-when-men-are-abused#signs-of-male-abuse>

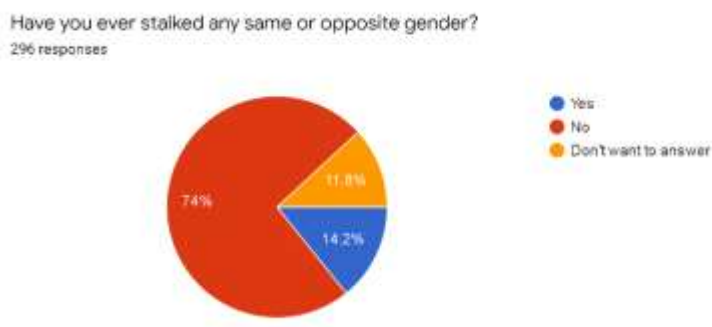
One study (focused on trauma in general rather than sex abuse in particular) found that survivors of chronic childhood abuse (four or more significantly traumatic experiences prior to age 18) are:

- .8 times as likely to smoke
- 1.9 times as likely to be obese
- 2.4 times as likely to experience ongoing anxiety
- 2.5 times as likely to have panic reactions
- 3.6 times as likely to be depressed
- 3.6 times as likely to be promiscuous
- 6.6 times as likely to engage in early-life sexual intercourse
- 7.2 times as likely to become alcoholic
- 11.1 times as likely to become intravenous drug users.<sup>15</sup>

The criminal laws although address the vulnerability of certain groups with punishment and fine but totally ignore or have biased approach towards other gender to lives the society itself vulnerability and proven to broken because the recent various psychology have found that men and who experiences such abuse at high risk of:-

1. Abusing their own family (Domestic Violence)
2. Using violence to saw their problems
3. Have emotional imbalance
4. Drugs and Alcohol intakes higher than usually among Male
5. Suicide Attempts
6. Trouble in learning
7. Highly Emotional
8. No socially contact in society
9. Mental Health issues
10. Seeing generally unwell
11. Traumatic Sexualisation
12. Betrayal

The response regarding stalking of any same or opposite gender?. The Responses depicted in Table no.5



**Table No. 5** Have you ever stalked any same or Opposite gender.

Out of 296 responses 218 people responded that they haven't stalked the opposite gender, but the problem here is people are not even aware of what constitutes the offence of stalking and in what medium, as besides physical stalking there is cyber stalking. People generally don't want to accept or recognise that they too have stalked someone at least in cyberspace. But the problem with the legal notion of every offence of stalking is that the offence is extremely gender biased on face of it. The dichotomy under Section 354D in Indian Penal Code, 1860 is that it will only be the man who will

<sup>15</sup> Weless R, "Treating Male Survivors of Sexual Abuse | Psychology Today" (*Psychology Today*, June 2, 2016) <<https://www.psychologytoday.com/us/blog/love-and-sex-in-the-digital-age/201606/treating-male-survivors-sexual-abuse>> accessed April 25, 2022

be liable under law for such crime no reprieve for him for his suffering under this head of offence but. This Section <sup>16</sup>read as “[Any man who--

- (i) Follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or
- (ii) Monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that-

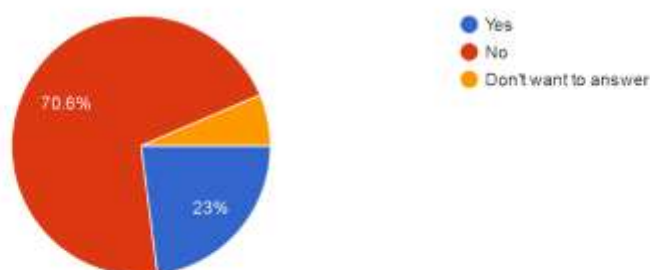
- (i) it was pursued the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
- (ii) It was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- (iii) In the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.]”

43 people i.e.14.2percent responded that they have stalked the same sex or opposite gender and they have stalked them in different places like online, Malls, institutions, College, Market etc. and 35 people i.e. 11.8percent said they don't want to answer whether they stalked someone of same or opposite gender.

The response regarding whether you are a Victim of Sexual Offence or not. Respondent 209 replied to it and depicted Table no.6

Are you a Victim of Sexual offence?  
296 responses



**Table No. 6** Are you a victim of a Sexual Offence.

In this question, 209 people i.e. 70.6percent said they are not victims of sexual offence but 68 people i.e. 23percent said they are victims of sexual offence and they have faced numerous things like inappropriate touching, Voyeurism, Bullying, the outrage of modesty, Body Shaming, Sexually and Mentally harassed by someone etc. And 19 people i.e. 6.4percent said they don't want to answer whether they are victims of a sexual offence or not.

Women are the main target of sexual violence but boys and men also face the same in various circumstances. Sexual violence can be conflict-based and gender-based for the male gender the stigma around masculine vulnerability, limited data and its underreporting cases are higher than reported cases. These men also include gay, bisexual or transgender women, and non-binary individuals, the heterosexual males also face the same issues as women. As it saw, it is hard for society to acknowledge that the male is a victim of rape or sexual vulnerability. Therefore, it is a stigma to think male gender as the “Victim of sexual” as a society still thinks of them as “Man”. “Male dignity under Article of Constitution of India, 1950 is to be taken as a secorcent right balancing it and mutually coexisting with Article 14 V/S Article 15(3).

<sup>16</sup> “India Code: Indian Penal Code, 1860” (*India Code: Indian Penal Code, 1860*, October 6, 1860)  
<[https://www.indiacode.nic.in/handle/123456789/2263?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362)> accessed April 19, 2022

The violence can be perpetrated by women towards the male who happens to be in a situation of manipulation/exploitation/vulnerability.

the response regarding whether one knows about any victim of a sexual offence. The 57.8% of respondents replied to it and is depicted in Table no.7

Do you know any victim of a sexual offence?  
296 responses

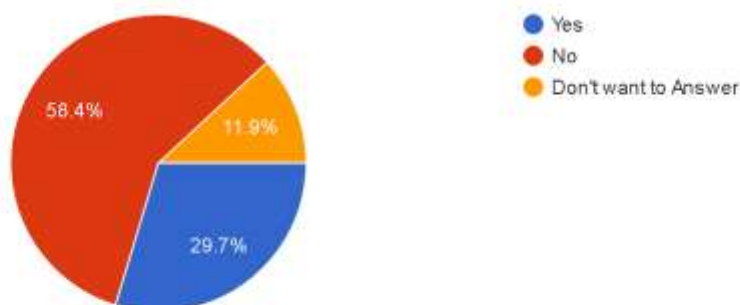


**Table no. 7** Do you know any victim of a sexual offence.

In this question, more than 57.8percent of people don't know about any victim of a sexual offence. Only 31.1percent of people said they know the victim of sexual offence and most of the people are friends, relatives, family members and strangers. And 11.1percent don't want to answer about the victim of a sexual offence.

The response to a question about whether one has shared the incident of being a victim of such a crime the response it depicted in Table no.8.

If You're Victim, have you ever told anyone about the incident?  
219 responses



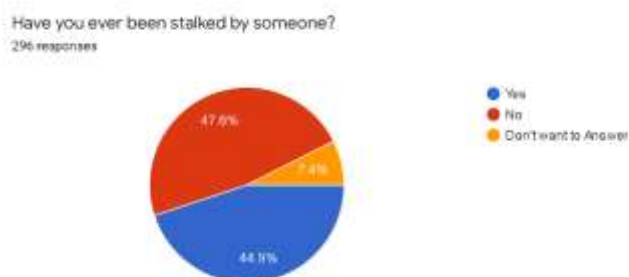
**Table No. 8** If you're the victim of any offence and you have talked about this incident to anyone.

In this survey, more than 58.4percent of people said they are not victims of any kind of sexual offence but 29.7percent of people said they are victims of sexual offence and they talked about this incident to their family members, stranger, relatives, acquaintances etc. and 11.9percent people said they don't want to talk about their incident and they don't feel comfortable to share the things with others.

As given by R.Weless (Psychology today,2016) "We tell men don't cry, don't show your emotions unless it's anger, be strong, don't ask for help, don't be vulnerable, be sexually aggressive, put work before relationships, put success before relationships. Basically we tell them that power and having power is central to being a man. [This means] it's against the rules for men to acknowledge trauma. So [as traumatized men] we spend a lot of time telling ourselves that whatever it is that happened to us wasn't painful, that we're not suffering."<sup>17</sup>

<sup>17</sup> Weless R, "Treating Male Survivors of Sexual Abuse | Psychology Today" (*Psychology Today*, June 2, 2016) <<https://www.psychologytoday.com/us/blog/love-and-sex-in-the-digital-age/201606/treating-male-survivors-sexual-abuse>> accessed April 25, 2022

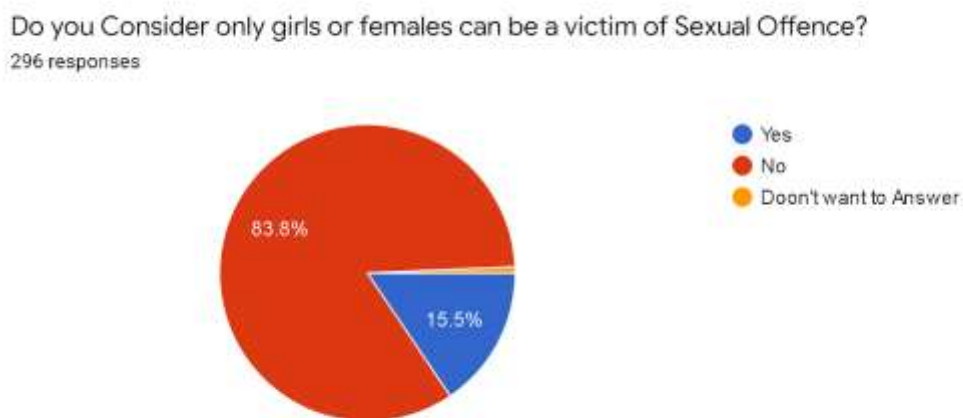
The response regarding have you ever been stalked by someone. The respondent 296 replied it depicted Table no.9.



**Table no. 9** Have you ever stalked someone and if yes, where it is.

In this question, more than 44.9percent of people said they are stalked by someone in their daily life at Online, School, College, Market, etc. And 47.9percent of people said they were not stalked by anyone in their life and that it is impossible to say that maybe they never felt like that and 7.4percent of people said they don't want to answer this question.

The response regarding whether do you considered that only girls or females can be a victim of Sexual Offence in this era. The respondent 83.8percent replied to it and depicted Table no.10.



**Table No. 10** Only girls or females can be a victim of a sexual offence and no other human being can be the victim of a sexual offence.

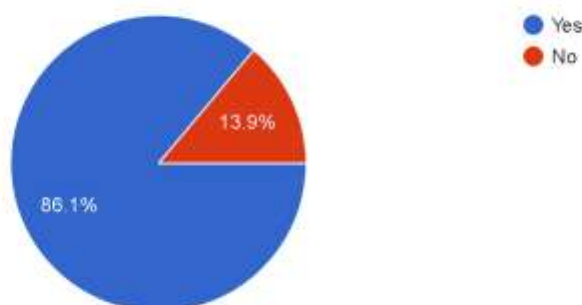
One of the interesting outcomes of the survey was that more than 83.8percent of people responded that girls and women are 'not' only the victims of sexual offences other but men too can be victims of the same crime related to a sexual offence. Out of this 15.5percent responded that women are generally the victims of sexual offences or more prone to the scale of vulnerability. And only a few per cent of people said they don't want to answer this question.

In response to a piloted query about whether women or girls are capable of Sexually Harassing Someone else. 86.1percent of respondent agreed that yes women too can be which is depicted in

Table no.1

Are women and girls capable of Sexually Harassing Someone else?

296 responses



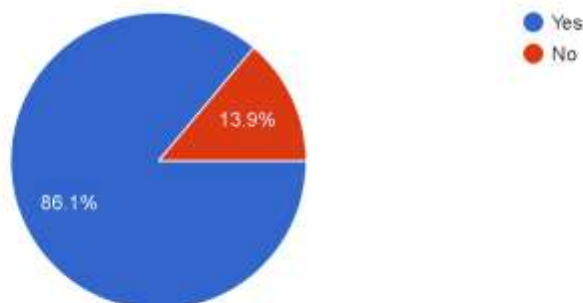
**Table No.11** whether any women and girls are capable of sexually harassing someone else ( any human being).

More than 86.1percent of people said yes Women are capable of sexually harassing others. Out of this 13.9percent said women are not capable of harassing someone else because they are victims of sexual harassment in their life.

The response to the question of whether the laws relating to Sexual Offences in India are gender-biased or not. 86percentof the respondents agreed that the laws are gender-biased and the laws answer better towards women in situations of sexual violence as compared to male counterparts it shown in Table no.12.

Do you think that the laws relating to Sexual Offences in India are gender-biased?

296 responses



**Table No.12** Do you think that the laws relating to sexual offences in India are gender-biased.

In response to this, more than 86.1percent of people said Indian laws are gender-biased towards men in society. Most of the laws are therefore women-centric in our criminal system i.e. As we can find by bare Act reading of Section 354, 354A,354B, 354C, 354D, 375,376 and so on under Indian Penal code,1860 and also there are Special laws which to address crimes against women such as Domestic Violence Act,2005, Indecent representation of women act,1986 and so on. And in these laws there is only provision for addressing women victimhood. Although 13.9% of people responded that the Indian laws are sufficient and they are not gender biased towards society.

It will be a very odd and passive mistake to just downgrade the women centric laws on behalf that they give little advantage to women in times of victimization or violence. But, along with this the other gender male has found itself in dire and desperate of situation of sexual abuse, violence for which the redressal mechanism is either non-existence or options in it are very limited. Example-Section 377<sup>18</sup>{Unnatural offences.—whoever voluntarily has carnal intercourse against the order of

<sup>18</sup>India Code: Indian Penal Code, 1860” (*India Code: Indian Penal Code, 1860*, October 6, 1860)

<[https://www.indiacode.nic.in/handle/123456789/2263?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362)> accessed April 19, 2022

nature with any man, woman or animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation.—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.} Section 377, if a man forces sexual intercourse with another man, it is classified as sodomy and the rapist may be imprisoned for it. However, if a man is raped by one or more women, it does not fall under Article 377 or any other law.

The continuous ignorance of the system towards such violence against men in putting society into/will lead to chaos. The state/legislature, executive and judiciary to answer towards such a grey area pertaining to sexual violence against a human being “Male gender.”

(The common definition of gender neutrality to be taken or incorporated in Section 354,354A, 354B, 354C, 354D, 375,376 and so on under Indian Penal Code,1860)

Under Indian Penal Code, 1860, Need to clear the definition of the same when answering when regarding “HE or SHE” reading of Section. It may read the term “Man” as including Women and vice versa also when interpreting the section 354,354A, 354B, 354C, 354D, 375,376 and so on. The Section must be criminalizing, sexual violence against “Human Being”

### **Legal Position in India**

Boys and men are socialized to see themselves as strong, tough, and self-sufficient. Acknowledging feelings and disclosing vulnerabilities are in some ways antithetical to traditional masculine roles. Men also frequently wear thick coats of shame, having internalized the blame. When they do disclose, they are frequently met with disbelief, such as “That’s impossible. A man can’t be raped.” Or they are met with invalidation and victim-blaming such as, “How could you let that happen?”<sup>19</sup>

In India there is no laws regarding for male victim only section 377 under Indian Penal Code, 1860 is there for male victim where the male predator do the sex with him get the punishment under this section but if any other gender i.e. Female or LGBTQ+ community do the same thing with man. It will not covered under the Section 377. There are no other sections and specials laws are there to protect man in India but in other countries are having their laws to protect all genders.

Section 66E of the Information Technology Act, 2000 talks about the private part of any person. This section is gender neutral but section 354C and 354 D<sup>20</sup> inclined towards Women.

But in India the data regarding such is discrete and unattainable. Rape is not gender biased crime. It can be happened to anyone in our Indian Penal Code, 1860 (IPC, 1860) rape is defined under section 375 and the punishment is given under 376 and in these section the interpretation is “A man who can commit crime”. No other human being can commit crime against any other human being. Only man can commit rape towards the female. Under the Section 377 of the Indian Penal Code 1860 unnatural sex is defined which is also used in term of sodomy. A women has non consensual forced sex against any of gender she would not be booked under the so called Rape laws of India( under section 376 of IPC, 1860).<sup>21</sup>

In India, male rape cases are most of the unreported because of there are not proper laws regarding this and there is no awareness among the society. Even they tried to open about the rape happened with them and then the society make fun of these things and that’s the reason why men don’t speak about the violence happened them. Around 77 rape cases are reported per day in India, which means in average around 28,105 rape cases per year and 1, 67,000 cases reported in last 5 years. Majority of sexual assault are not reported. Government data in 2018 shows 99% cases of sexual assault are unreported. This is really shameful. These stats are those where victims are women, but what about male victims? In India sexual abuse with men is not considered as rape. Men can only

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<sup>19</sup>E. Ellis Joan M. Cook PP, Cook, PhD JM and Ellis, PhD AE, “The Other #MeToo: Male Sexual Abuse Survivors” (*Psychiatric Times*, April 8, 2020) <<https://www.psychiatrictimes.com/view/other-me-too-male-sexual-abuse-survivors>> accessed April 27, 2022

<sup>20</sup> “India Code: Indian Penal Code, 1860” (*India Code: Indian Penal Code, 1860*, October 6, 1860) <[https://www.indiacode.nic.in/handle/123456789/2263?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362)> accessed April 19, 2022

<sup>21</sup> India Code: Indian Penal Code, 1860” (*India Code: Indian Penal Code, 1860*, October 6, 1860) <[https://www.indiacode.nic.in/handle/123456789/2263?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362)> accessed April 19, 2022

be a molester not a victim, says our society and even our laws. And thus Male rape cases in India are zero.<sup>22</sup>

In a cross-sectional study of gender-based violence against men in Haryana, 52.4 percent of men said they had experienced violence. Most probably, this is a low estimate since it doesn't include non-contact experiences, which can also have lasting negative effects, and these are just the 'reported' cases.<sup>23</sup>

Women can, of course, sexually assault men and other women. And their victims might define their experiences, morally in terms of having been 'raped'. For example, this is the situation for men who, against their will, have been forced or compelled to have penetrative sexual intercourse with a woman. Such men have not been 'raped' by their female assailants; they have 'only' been sexually assaulted.<sup>24</sup>

In case of rape where there is a male victim and a male perpetrator, his perpetrator can be booked under sodomy U/S 377, which now has safeguards against non-consensual intercourse.

According to the Declaration of rights of the Man, *Article 1* Men are born and remain free and equal in rights. Social distinctions may be founded only upon the general good. *Article 2*, the aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.<sup>25</sup>

Indians can adopt the new laws and amend the existing laws for betterment of the modern society.

To overcome this sensitive issue the researchers have given some suggestions regarding the legal paradox of sexual offence against men in India are:-

- To change the laws on these issues a gender neutral effort is made and suggestions from men who have faced such issues be taken into notice in formulation of gender neutral law on sexual violence.
- Sex Education- In schools, there must be subject related to sex education. Where the child learns about the education and implements this education in future.
- Data on male victims- NCRB must publish data on male victims every year in their report so it is easy for the appropriate authority to take necessary action towards the male victim.
- Section 376 of Indian Penal Code 1860, related to punishment of rape, which is the most commonly known sexual offence, provides many references to the word "woman". Similarly there are other Sections of IPC as well as some Special Acts which clearly put women on victim side. which are just interpreted for a particular gender. The law should be amended to the line of interpretation of such sections and should be strictly gender-neutral in its tome to punish the perpetrator of crime an alternative to this is a pronouncement of strong judgments from the judiciary where equivalent action is taken for offences against male and transgender as if the offence is committed against a woman.
- We need the 4th Wing in our federal system which is dedicated to managing law and order. The current design of "politicians legislating" is the fundamental flaw in the system. We have anarchy within a federal system which nobody wants to talk about.
- Laws which govern sexual assault, gender violence and nonconsensual sex need to be amended and made gender-neutral.
- Victimhood of men suffering from sexual violence and gender-based assault needs legal recognition so that they have remedial compensation for the same as women have.

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<sup>22</sup> sanha jyoyi, "Male Rape Cases in India Are ZERO! - The Siliguri Journal" (*The Siliguri Journal*, December 22, 2021) <<https://siligurijournal.co.in/2021/12/22/male-rape-cases-in-india-are-zero/>> accessed May 30, 2022

<sup>23</sup> Pawar L, "I Am a Sexual Abuse Survivor. No, I Am Not a Woman" (*ThePrint*, April 18, 2021) <<https://theprint.in/opinion/i-am-a-sexual-abuse-survivor-no-i-am-not-a-woman/641099/?amp>> accessed May 31, 2022

<sup>24</sup> CMorris BL, "CAN A WOMAN RAPE A MAN? | Bastian Lloyd Morris" (*CAN A WOMAN RAPE A MAN? | Bastian Lloyd Morris*, February 8, 2021) <<https://www.blmsolicitors.co.uk/2021/02/can-a-woman-rape-a-man/>> accessed June 1, 2022

<sup>25</sup> "Avalon Project - Declaration of the Rights of Man - 1789" (*Avalon Project - Declaration of the Rights of Man - 1789*) <[https://avalon.law.yale.edu/18th\\_century/rightsof.asp](https://avalon.law.yale.edu/18th_century/rightsof.asp)> accessed June 1, 2022



- Laws and rules relating to Workplace sexual harassment need a strict change in interpretation of gender and its terminology.
- Recognition of male-directed sexual Violence in form of law, victimhood, and support from the government.

## Conclusion

Masculinity often seems to be a force that tells men that their emotions are inadequate and they can't feel them. As Consent plays a vital role in finding the voluntariness or forcefulness of a sexual act, therefore the consent of human beings should be given importance, not its gender.

As it's a violation of one's privacy, body, mind and soul, therefore to differentiate one's pain and suffering on behalf of gender and sexual orientation is gross injustice towards human beings as well as the natural rights of a human being.

Gender sensitisation of both genders is to be taken seriously and workshops, online messages, and campaigns for such be run. As a lot of men tend to rework their sadness into anger, thus harming themselves and those around them. This is unhealthy to channel any kind of emotion therefore psychological and social helpline for such victims is the need of the hour.

As far as the current law is concerned, some relevant reforms are in urgent need of time. . The term "Women" is suggested to be changed to 'any person'. This makes the law gender-neutral and removes the indignant bias which causes suffering to various classes of rape victims, including men and transgender people. Rape laws in many countries, including many states in the United States, have changed to be fair to changing societies.

It should also be noted that while systems do exist for female victims with male perpetrators, they are oftentimes inefficient. Thus, a lot of times they do not give victims adequate justice. Rule of law and equality before the law is a balancing principle which should be implemented, imbibed and executed devoid of discrimination. Men too have a fundamental right to a dignified life and this can only be achieved when our laws address the crime in a gender-neutral way. Even 'Mard ko Bhi Dard Hota Hai' and 'Boys can also cry'. Everything seems to reinforce the notion that men can't feel hurt. But they also get from small things. 'No means No' for men.

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