

ADULT MALE VICTIMS OF SEXUAL ASSAULT

Written by *Bhumika Verma*

2nd Year BA LLB Student, NMIMS Kirit P. Mehta School of Law

ABSTRACT

The underlining object of this research paper is to understand and analyse why is there need to recognize adult males as victims of sexual assault and rape. Also, to analyse the instances present so that we can see how societal and police treatment hinders them from coping up from the situation. This research paper also consists why there is need of gender-neutral rape laws in India and compare it with other country's laws in relation to gender neutrality of rape laws.

In a country like India where from the very start only the main issue which many people in the society faced was of getting unequal treatment. In an Indian history there are many instances of people not getting equal treatment as compared to others. They are denied of equality in terms of living with dignity in the society, caste, creed, color, gender, sex etc. We witness people getting unequal treatment in our daily life. Debates, discussion about how to overcome with this is now a everyday scenario. Whenever there is any core issue like dowry, female infanticide, child marriage, sati, rape, denial of girl's education and many other evil practices present in the society people always uses this term called "equality". As a citizen of India, we have always witnessed women getting unequal treatment as compared to men. They were always considered inferior to men. All the above-mentioned evil practices largely affected women only in some or the other way. So, reformers, activists and the general people always tried to uplift the conditions of the women so that they can come to the mainstream of the society. All the efforts in doing the same came out to be successful as the condition of women is much better as compared to the olden times. Our Indian Constitution also talks about equality in article 14 and 15. Article 14 speaks about equality before law and equal treatment before law ¹and article 15 talks about prohibition of discrimination on the basis of caste, colour, creed,

¹ Indian Constitution, Article 14

sex, place of birth etc. ²So, Indian laws are in the favour of treating both the genders equal as mentioned in the article 15 about prohibition of discrimination on the basis of sex. In providing an equal status to females of our country males are completely neglected in present scenario. Giving equal status to female means if male is on the X platform then female should also be put up on the same platform but it doesn't mean to side track the male from their platform or put down from their platform. This is not equality rather than it is unequal treatment between both the genders.

India is a highly patriarchal country and it doesn't only affect the women it affects men too. Men are always expected to be strong and behave in a manly manner. Boys don't cry, boys don't wear pink, boys are strong etc etc are the social norms or ethics that is exposed on men. They are always expected to stand by these so-called norms and if they are not doing the same then it is a stain on their masculinity.

Rape is the one of the most heinous offences committed against a person. It is the most serious issue which our country is facing in the present scenario, how to deal with it, what measures we can take to decrease the rate of rape, what can be done for victims of rape and many more things. In Indian Penal Code, 1860 rape is defined under section 375. The need for changing the rape laws was realized after the Nirbhaya gang rape case in 2012 which was way too brutal to handle. Male victims of sexual assault and rape are not recognized as victims by the Indian society because of the stereotype thinking and mindset. There are loopholes in Indian laws also. Indian laws don't recognize males as victims of the same. According to section 375 a man can only be a perpetrator and only a woman can be a victim. People are not ready to accept men as victims of such an offence. They also go through the same mental trauma as women go through in fact they face more difficulty in dealing with it because of attitude of the people against them. The rape laws should be gender neutral it should not be gender specific when it comes to sexual assault or rape. The laws shouldn't be biased towards one gender. When we want equality then equality should be provided to both the genders and not only one gender. Our Indian Constitution also prohibits discrimination so while determining the victims the laws should be gender neutral as to do justice with both the genders otherwise it will be unfair on

² Indian Constitution, Article 15

the part of one gender. The main aim of the law is to provide justice and it should do the same. Indian laws should recognize male as a victim of sexual assault and rape.

POLICE AND SOCIETAL TREATMENT

Our Indian society has always been regressive when it comes to mindset or thinking. The stereotype thinking is painted in the minds of most of the people of Indian society. They are never ready to change with the dynamics of the society. Either they don't want to accept the reality and wants to live in their mythical world or they are never ready to accept new changes in the society. Whenever it comes to the most highlighted issue RAPE, people, politicians, female activists, our youth, media houses talk about female victims of rape her mental agony and how will she cope up with the situation but no one talks about male rape or adult male victim of sexual assault and how they feel shame or hesitate in even telling it to their closed ones or the society. The same perception of people that men always to be strong, men always to be protective, men can never be a victim, men don't cry and many more shits and if they don't be up to the mark of this so-called standards to be called as "men" then that will be a big black spot on their masculinity. There are many laws for women so they can take the help of law and even large no. of people are supporting the female victims and are open about it but opening up about this but for a man it is more difficult considering laws are not in favour of them and society not accepting it at all. From the very childhood boys are taught not to cry like a girl as if it's a girl thing or it is meant to for girls. If a boy cries then he not "mard" or he does something that deviates him from the norms of his gender. So, these perceptions are in their mind from childhood only as a result they are not able to open up in front of the society or their closed ones because they fear that everyone will make fun of them as they came across a thing that it's not meant for their gender. People in the society stigmatised male being a victim. Both the genders are equal so they can have same emotional aspects. Men can cry, they can feel bad about something and can express it, they can suffer emotional pain or distress. The main thing is that they can express and there is nothing wrong in it. They are not meant for only protecting their family, children etc. They can also seek protection as they also need emotional support.

People have certain assumption about male rape that is just a myth nothing else because reality is something very different. First of all, people think that there is no such thing as male rape and men can't be raped so this assumption is completely false as there are instances present in which men are sexually assaulted or raped.

John Kelly, rising senior at Tufts University and rape crisis counsellor at the Commonwealth Massachusetts is a survivor of rape and intimate partner violence.³ He was raped twice in a college. In one he was victim of oral sex by intimate partner and in other he was forcibly penetrated. According to him the former experience was as painful as the later experience. He was not able to convey it to the people or the society. Due to shame and fear he even tried to commit suicide as his school was also not much responsive.

This is what happens when people are not ready to accept the reality and try to sympathize with these victims. Instead of getting support if you are demeaned, be the matter of fun then people eventually die internally so they see suicide as an only option.

It is a real-life story of a man who was raped by his uncle at the age of 7, and then at 12 he was gang raped by his uncle's friends. When he got to understand at the age of 18 that what had been happening to him, then he refused first time to his uncle and when he told her mom about all this, her statement was that 'I never knew such things could happen with boys'. They get abused but they have no right to voice because they are supposed to be protector.⁴ *He tried getting legal help but law doesn't recognize male as victims of sexual assault and rape because at that time he was 18 years old an adult.*

Family also plays a very important role when it comes to how these victims are coping up. The biggest support can be given by a family member or a friend only but these victims are even hesitant in telling their family members as they have this presumption in their mind that they won't believe them. As in this above case also his mother was really having a hard time in believing that these things happen can happen with a boy too.

³ John Kelly, 'I'm a Survivor of Rape and Intimate Partner Violence--And I'm a Man', TIME, July 2, 2014

⁴ This story of a male rape survivor will shock you, The Times of India, January 12, 2016

In 2015 two females somehow tricked a taxi driver for coming in the house for taking money then offered him wine and asked for sexual favours.⁵ On the denial for the same one of the girls tore his cloth, then kissed him and tried to have sex with him and the other girl was filming it. In order to save himself he jumped from the first-floor balcony and broke his leg. They were arrested also by the police.

Open-ended interviews were conducted with thirty-three men contacted through Islington Victim Support Scheme or through Hobdell's contacts with police and probation officers.⁶ Nineteen of these men had more than one reported experience of violent victimization in adulthood. They were mainly white and heterosexual, although some were homosexual or bisexual, and some were from the ethnic minority communities.⁷

Five men were in intensive care and others faced varied periods in hospital. Eight men were off work for more than six weeks. Over half the men interviewed received out-patient treatment in hospital. Over half of the men reported long-term physical problems as a result of their injury.⁸

Of the thirty-three men interviewed, ten felt this experience of victimization had radically altered their lives and to some extent their personalities. For five, this was a totally negative outcome, leaving them with feelings of anger, vulnerability, fear, and mistrust. Three men experienced severe psychological problems, two of whom were referred to psychiatric

⁵ SIMON TOMLINSON FOR MAILONLINE, Female duo who trick male taxi drivers into entering their home before raping and filming them hunted in India, 16 July, 2015

⁶ Elizabeth A. Stanko; Kathy Hobdell, Assault on Men - Masculinity and Male Victimization, 33 *Brit.ain J.Criminology* 400 (1993), Page No. 403, Heinonline, Accessed on Monday, September 7, 2018, 10:46:01

⁷ Elizabeth A. Stanko; Kathy Hobdell, Assault on Men - Masculinity and Male Victimization, 33 *Brit.ain J.Criminology* 400 (1993), Page No. 403, Heinonline, Accessed on Monday, September 7, 2018, 10:46:01

⁸ Elizabeth A. Stanko; Kathy Hobdell, Assault on Men - Masculinity and Male Victimization, 33 *Britain J.Criminology* 400 (1993), Page No. 407, Heinonline, Accessed on Monday, September 7, 2018, 10:46:01

departments. There was no apparent evidence of any existing psychological disturbance in any of these three men prior to the assault.⁹

I'm afraid I'm not so sociable as I was... I won't casually talk to people like I used to... I've definitely changed. (Gerard)¹⁰

I think's that's what makes me depressed. You can't talk about it. You feel you've got to hold on to your masculine image. You feel like a sissy. (Tim)¹¹

The Delhi-based Centre for Civil Society found that approximately 18% of Indian adult men surveyed reported being coerced or forced to have sex. Of those, 16% claimed a female perpetrator and 2% claimed a male perpetrator.¹²

We can infer from the interviews, instances, statistics and stories that people on the one hand people don't believe that there something exist as male rape and men can be victims of sexual assault and rape and on the other these experiences of male victims can give a shock to person. The mental trauma from which they go is really very disturbing for a person to handle it. Female victims also face the same problem and it's not like this that they are not affected, they are but male victim experience more pain and distress because law is not in their favour plus society is not much concerned about it. They are not able to express their feeling unlike women. They have a legal recourse to tackle the situation. Also, there are many people who would help them and mentally support them.

People also assume that they themselves wanted sex and it's a matter of privilege for them. They basically enjoy it so it is nothing to be worried about and it is not as painful and serious as female rape. They also question the victim's sexual orientation that if a male rape a male

⁹ Elizabeth A. Stanko; Kathy Hobdell, Assault on Men - Masculinity and Male Victimization, 33 Britain J.Criminology 400 (1993), Page No. 408, Heinonline, Accessed on Monday, September 7, 2018, 10:46:01

¹⁰ Elizabeth A. Stanko; Kathy Hobdell, Assault on Men - Masculinity and Male Victimization, 33 Britain J.Criminology 400 (1993), Page No. 407, Heinonline, Accessed on Monday, September 7, 2018, 10:46:01

¹¹ Elizabeth A. Stanko; Kathy Hobdell, Assault on Men - Masculinity and Male Victimization, 33 Britain J.Criminology 400 (1993), Page No. 408, Heinonline, Accessed on Monday, September 7, 2018, 10:46:01

¹² India's law should recognise that men can be raped too, Centre for CIVIL SOCIETY

and if the person is homosexual then it is a matter of fun and privilege for them because they are gay. If a heterosexual person is raped then they tag them as girl, gay etc.

Police is the first person to whom people report for taking and strict or legal action. He is the person to whom First Information Report (F.I.R.) is filed but the person who is entitled to have the first information should be very responsible in doing that. The state of mind of a victim is disturbed due to the pain and distress they suffered. So, it is very important that the treatment given to the male victims by the police should be in a way that they feel comfortable and be able to open up well.

A research by Kelly et al states that the rate of reporting of men is 69% whereas of women is of 75%.¹³ A research of UK survivors states various reasons behind the males not reporting, the reasons are: Unaware of the fact that it is crime, fear of not being believed and that sexuality may become an issue.¹⁴

Some even reported that the treatment which they get after reporting to the police is worse than the offence committed against them.

The Metropolitan Police recently published statistics on the recording of allegations of male and female rape. It was found that of 677 allegations of rape reported in London between April and June 2005, 511 (75.5 per cent) were recorded as crimes, with 32 (4.7 per cent) being 'no crimes' and 134 (19.8 per cent) recorded as 'not crime'.

In the most recent study of 40 British male rape victims Walker *et al* found that five reported to the police. They noted: From all the people who reported only according to one man that the police were responsive and helpful and the rest of the other found that police to be unsympathetic, disinterested and homophobic. Out of those who did report, only one man said that the police were responsive and helpful. The other four found the police to be

¹³ Philip N. S. Rumney, Policing Male Rape and Sexual Assault, 72 J. Crim. L. 67, 86 (2008), Page No.69-70 Heinonline

¹⁴ Philip N. S. Rumney, Policing Male Rape and Sexual Assault, 72 J. Crim. L. 67, 86 (2008), Page No.70 Heinonline

unsympathetic, disinterested, and homophobic. Even they regretted their decision of reporting it to the police as they were not taken seriously.

Some of the people interviewed revealed that they didn't reported due to the fear that their family's reputation will be on stake. They also revealed that they were asking same question again and again in a twisted way adding information that is even not included by the victim. The victim got confused and the police was doing so because he was not believing in his story and was trying to make fun of it. They even question their sexual orientation by asking questions like that whether he is gay or not or is he having gay friends and stuff like that. Basically, they have that approach that if a guy is homosexual then it's less traumatic or not traumatic at all for the victim.

There was a crime reporter who was stalked by a girl on the social media sites. She used to prank call him and make sexually inappropriate comments. At one point he got irritated and he reported to the Superintendent of Police. She replied if a girl is teasing you, why you don't just be happily teased by her (*Ladki ched rahi hai toh chid jao na*).¹⁵ This is how Indian police treat the victims then how can one approach the police to whom the duty is vested to look into the offences committed at the first place. The guy said that "Men too feel harassed and yet there doesn't seem to be a forum where we can safely talk about it"¹⁶. He was of the view that his complain should also be taken seriously as if it would have been taken in the case of women. There was yet another case of a man who was harassed by his female colleague and when after the water was on its brim he complained to the HR. The HR replied that no man has ever complained him something like this and didn't what to do. He replied do the same you would have done in the case of a woman's complain. So, here he was not even ready to take the complaint stating about the future, job and marital status of that girl.

The person who is serving for the interest of the people should not serve for one gender or one community of people only. When police will response like this how will men ever be able to

¹⁵ Zara Khan, Adam, what do you mean you were teased?, thread, *The Hindu* May 2, 2017

¹⁶ Zara Khan, Adam, what do you mean you were teased?, thread, *The Hindu* May 2, 2017

open up? For them it is just a matter of fun and it just acts as an amusement or entertainment case. They don't even take it seriously.

GENDER NEUTRAL LAWS

In India laws related to sexual harassment and rape of a person is gender specific and it serves the purpose for one gender only. Gender neutral rape laws means that while determining victim or perpetrator there should be no specific gender already mentioned in that provision. The sexual harassment and rape laws of Indian are covered under Indian Penal Code, 1860. IPC provides the definition, provision and punishment for the same. The laws are gender specific, specifically victimizing women. The laws recognize only women as victims.

Rape is defined under section 375 in Indian Penal Code. Section 375 of IPC, 1860 states that A man is said to commit "rape" if he— (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person.¹⁷

In accordance with this section firstly it is specifically mentioned that "a man is said to commit" that means only a man can be a perpetrator in a case related to rape. Women are not eligible to qualify as a perpetrator in case of commission of an offence. Secondly it is stated in the above-mentioned section that penetrates his penis into the vagina or basically doing oral sex that clearly means that when it comes to victim only one gender i.e. women can be a victim and can seek legal recourse in the ambit of Indian laws. Indian rape laws don't consider adult male as victims of rape. If genuinely any offence is committed against a man and he wants to take legal help he simply can't because there are no such provision as male rape victims in Indian laws.

¹⁷ Indian Penal Code, 1860, Section 375

If there is rape committed by male on female rape committed then clearly a woman can seek legal help as the section specifically talks about male on female rape. If there is rape committed by female on male then there is no such provision in Indian law so that male victim can seek recourse and it's not like that female don't commit rape they definitely do. The ratio is less as compared to men committing rape but it doesn't mean that we will ignore the male victims who are actually take a great pain in coping and some people never cope from that situation also. I have covered instances in India where a man is sexually harassed by a woman.

When I talk about rape it doesn't only means that it is mandatory that there should be sexual intercourse. Even the act of throwing up, sexually harassing, doing oral sex is also termed as sex only. Now, after the amendment even section 375 considers oral sex as part of commission of rape. When we see from a victim's point of view if a woman or a man becomes victim of such an act no matter there is penetration, sexual intercourse or not but the very fact that what will be the mental status of the victim and from what trauma they go through when they were sexually assaulted proves the point that there should be proper punishment. It also consists denial of sexual autonomy and that is what happens with the victim irrespective of their gender. Sadly, Indian laws does understand this only from the one gender's point of view and left the other gender i.e. male to cry in pain.

The female on female rape is also not covered under the ambit of section 375 but section 354 which deals with assault or criminal force to women with the intent to outrage her modesty. So, under this section it is mentioned "Whoever" assaults or uses criminal force. Hence, a woman can be held liable for outraging modesty of another woman. In *State Govt. v. Sheodayal* (1956), Madhya Pradesh (M.P.) High court opined that modesty of a woman can be outraged by another woman under the purview of Section 354 of IPC.¹⁸ Section 376-D of IPC, 1860 states that where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall

¹⁸ Sneha Annavarapu, Hetero-normativity and Rape: Mapping the Construction of Gender and Sexuality in the Rape Legislations in India, *International Journal of Criminal Justice Sciences (IJCJS)* – Official Journal of the South Asian Society of Criminology and Victimology (SASCV) ISSN: 0973-5089, Page No. 258, July, December, 2013

not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine. In this section it is mentioned woman is raped by "one or more person" so person is a gender-neutral word so according to this section a woman can be held liable for rape if she had done it in furtherance of common intention and committed the act in a group.

If a male commits rape on a male then prior to section 377 of IPC was repealed, it was not termed as rape but was an offence under IPC because they termed it as "against the order of nature" but now it is not an offence. Indian laws don't recognize any such thing as male rape. Section 354 of Indian Penal Code states that whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.¹⁹ It is evident that this section is gender neutral in respect of perpetrator but not in case of victim. Again, male victims are left behind and are not qualified as victims.

Section 354-A states that a man committing any of the following acts:

1. Physical contact and advances involving unwelcome and explicit sexual overtures;
or
2. demand or request for sexual favours; or
3. Showing pornography against the will of a woman; or
4. Making sexually coloured remarks, shall be guilty of the offence of sexual harassment.²⁰

In this section the gender is specified as it is clearly mentioned that a man can only commit and against the will of a woman. Hence, this section too puts the scope of definition in the water tight compartment where there is no scope of adult male victims of sexual assault. Section 354-C of IPC states that any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation

¹⁹ Indian Penal Code, 1860, Section 354

²⁰ Indian Penal Code, 1860, Section 354-A

of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished.²¹

According to this section if a woman commits the offence of voyeurism against a man then she can't be held liable.

Section 354-D of Indian Penal Code states that any man who—

1. 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
2. Monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking.²²

There are instances of women stalking men but law explicitly mentions that it can be only done by a man and can be committed against a woman only. Even in an instance I mentioned above that girl was stalking him on social media sites and in public.²³

Although, child survivors of both sexes are covered by the Protection of Children from Sexual Offences Act 2012 but there is no remedy for adult male victim of sexual assault or rape.

In May, 2016, the University Grants Commission notified a set of regulations wherein it set forth that sexual harassment was gender-neutral and that male students were just as vulnerable to many forms of sexual harassment as their women and transgender counterparts.²⁴ Even the Vishaka guidelines that are there for the prevention of sexual harassment at workplace is also women centric and not gender neutral. Even men are also harassed at the workplace as I have mention above an instance where a men was harassed vy a female co-worker at the workplace.

In the case of *Sakshi v. Union of India and ors.*²⁵, NGO called Sakshi filed a writ petition for involving all types of forcible penetration, even the oral sex also and not the sex perceived in

²¹ Indian Penal Code, 1860, Section 354-C

²² Indian Penal Code, 1860, Section 354-D

²³ Supra Note 13

²⁴ Zara Khan, Adam, what do you mean you were teased?, thread, The Hindu, May 2, 2017

²⁵ Writ Petition (crl.) 33 of 1997

the traditional sense. It should not be only limited to penis/ vaginal penetration. The court didn't alter the definition of rape under section 375 but asked law commission to respond and give recommendations on the issues raised by Sakshi. According to 172nd law commission report rape should be substituted with sexual assault, making the offence gender-neutral and applicable to a range of sexual offences other than forcible penile/vaginal penetration. In changes recommended in the IPC, 1860 the report gave its observation that not only women but young boys, are being increasingly subjected to forced sexual assaults. Forced sexual assault causes no less trauma and psychological damage to a boy than to a girl subjected to such offence. Boys and girls both are subjected to oral sexual intercourse too.²⁶

In 2002, the Indian government decided to change the definition of rape and make it gender neutral but was criticized on the grounds that this would harm the interests of female rape survivors and victim

After the brutal case of Nirbhaya rape case there was a dire need to amend the rape laws in order to protect the interest of the women. Criminal law amendment act, 2013 was passed and it changed the definition of rape including oral sex also as an offence of rape. The criminal law amendment act failed to make rape laws gender neutral in spite of the recommendations from the Justice Verma committee due to the mixed reactions of the people and it was also opposed by the many women social groups.

In February, 2018 Supreme Court dismissed the plea for making rape a gender-neutral offence.²⁷The petitioner-in-person, advocate Ridhi Malhotra was of the view that term 'man' should be replaced by 'whoever' as to make both men and women liable for offence.

²⁶ Law Commission of India, 172nd Report, Review of rape laws, March, 2000

²⁷ Krishnadas Rajagopal, Supreme Court dismisses plea to make rape a gender neutral offence, *The Hindu*, 2 February, 2018

COMPARATIVE STUDY

At the one hand where India is having tough time in digesting the fact that men also go through these things and suffers a lot, on the other hand there are countries who have gender neutral laws in respect to rape and sexual assault. Indian laws don't give space for the adult male victims of sexual assault of rape. I have taken 4 countries to analyse what are the rape laws present there in respect to gender neutrality.

In Bhutan legally rape is defined a defendant shall be guilty of the offence of rape, if the defendant has sexual intercourse with another person: (a) Without the person's consent or with consent, when consent is obtained by putting the person or a third person in fear of death or of grievous hurt; (b) Compels the other person to submit to sexual intercourse by force, or by threat of imminent death, bodily injury or serious bodily injury or the commission of a felony to that person or a third person; (c) Substantially impairs the other person's ability to appraise or control the conduct by administering drugs, intoxicants, or other substances without consent for the purpose of preventing the person's resistance to the sexual intercourse, or (d) Renders the other person unconscious for the purpose of committing sexual intercourse.²⁸

In Bhutan the rape law is gender neutral as it is mentioned that "defendant" has sexual intercourse. Defendant can be both a male and a female. It is a gender-neutral word. The perpetrator can be both a male and a female and victim can also be both male and female as the word "person" is used which is a gender-neutral word. The Bhutan rape laws are gender neutral unlike India considering Bhutan is a developing and patriarchal country like India.

In Sweden laws rape is defined as a person who by violence or threat which involves, or appears to the threatened person to involve an imminent danger, forces another person to have sexual intercourse or to engage in a comparable sexual act, that having regard to the nature of the violation and the circumstances in general, is comparable to enforced sexual intercourse, shall

²⁸ Penal Code of Bhutan, 2004, Chapter 14 Sexual Offences, Section 177

be sentenced for rape to imprisonment for at least two and at most six years. Causing helplessness or a similar state of incapacitation shall be regarded as equivalent to violence.²⁹

In Sweden also, the law is gender neutral as the word person is used in respect of both perpetrator and the victim. World's first rape crisis centre has already been setup in Sweden for men. Sodersjukhusct hospital in the country has started a 24-hour care for men and boys who have survived rape and sexual violence. It is opened as to provide care and attention irrespective of the gender.

In Germany rape is defined as whosoever coerces another person 1 by force 2 by threat of imminent danger to life or limb or by exploiting a situation in which the victim is unprotected and at the mercy of the offender to suffer sexual acts by the offender or a third person on their own person or to engage actively in sexual activity with the offender or a third person, shall be liable to imprisonment of not less than one year.³⁰

In German laws as well the rape law is not gender specific the perpetrator is mentioned as whosoever which means irrespective of the gender and victim is mentioned as victim only gender is not specified in the definition. In 1997, Sweden rape laws were made gender neutral.

CONCLUSION

I think in my opinion that whenever any offence is done against any person it has the same negative impact on that person irrespective of race, sex, caste, creed etc. So, the laws shouldn't be biased. Crime is not defined by gender anyone can commit an act so laws should also not fit in water tight compartments and be gender specific. Both the genders commit offence for the same reason so they should be given equal punishment. There are many cases where a male is victim of sexual assault and rape but the problem is that it is not reported and adult male

²⁹ Swedish Penal Code, 1965, Chapter 6, On Sexual Crimes, Section 1

³⁰ German Criminal Code, Section 177

victims of sexual offences is still considered as taboo in an Indian society. People are not ready to change their mindset and many people also think that making rape laws gender neutral will hinder women's interest but it's nothing like that. Men are also the crucial part of our society and their interest should also be taken into consideration. If their right is violated or they are facing any problem then it should be redressed. Other countries recognize male as victims of sexual assault and rape and there are even hospitals too for supporting them mentally. India has considered making rape laws gender neutral but still the rape laws are not altered. Developing countries like Bhutan also has gender neutral rape and many other countries have gender neutral rape laws. Male victims have recourse to seek legal help unlike in India. Gender neutral words should be used while drafting the rape laws so that it does not specify any particular gender. It should be gender neutral in respect to both the ways i.e. perpetrator and victim like it is in Sweden laws where word 'person' is used. We have grasped and learnt many things from other countries so we should also get inspired by seeing how other countries have drafted their as to provide justice to all irrespective of the gender and how they are supported also from coping up from the situation. Law changes society and society changes law. So, according to me until and unless the mindset and outlook of the people will not be changed nothing can be done because even if rape laws will be made gender neutral and the people will not change their mentality and keep judging the male victims then they won't be able to open up in front of the society. People should be made aware about the facts that these things happens to a boy too and it's completely fine because this is normal as human being so that people can break the walls of myth. We should not leave men hide in pain and shame. It was enough from a very long time patriarchy affecting women, not men now.

There is need for researching on this topic as this issue is considered as taboo and one gender of the society is left unaddressed in case of sexual offences. The rape laws in India are also not gender neutral. Hence, to compare it with laws of another countries for analysing what we can grasp from other country's laws. Also, why there is need to start considering adult male as victim of sexual assault and rape.