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## MALE RAPE VICTIMS - THE HUSHED SUFFERERS

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### ABSTRACT

In today's society, male rape is considered a myth. It has taken decades for society to acknowledge female rape victims, but now is the time to broaden the definition of "rape" and recognize that other genders can also be raped. This article examines statistics from several countries that reveal that men and LGBTQ+ people are also raped, but their voices are silenced. This article discusses the laws of the IPC and POCSO, as well as how adult males are viewed as perpetrators of rape and women as victims of rape. Male children are protected under POCSO; however adult male rape victims are not protected under Indian law. The world has seen a lot of movements and tried to raise the voice for the enactment of gender neutral laws. India, the world's largest democracy, nevertheless has a long way to go before enacting gender-neutral legislation in all fields. While Article 15 of the Constitution empowers the parliament to enact women-centric legislation, it does not address male protection. This paper primarily focuses on rape myths and stereotypes that involve false assumption about male rape victims.

**Keywords:** male rape, victims, perpetrators, LGBTQ+, POCSO, IPC, male rape myths.

## 1. INTRODUCTION

Rape is a sexual act that is performed without the consent of another person. Rape is unlawful sexual intercourse or any other form of sexual penetration. Sec. 375<sup>1</sup> of Indian Penal Code states rape as “sexual intercourse with a woman against her will, without her consent, by coercion, misrepresentation or fraud or at a time when she has been intoxicated or duped or is of unsound mental health and in any case, if she is under 18 years of age”.

### I. RAPE- NOT JUST A FOUR-LETTER WORD.

It has already taken decades for society to understand that rape isn't a four-letter word. We have only accepted that females can be raped so far. We still have a long way to go until we realize that men or any other gender for that matter can be raped as well.

When one hears the term “rape”, the only image that comes to mind is of a man raping a woman; when we hear the word marital rape’, the only image that immediately springs to mind is of a husband forcing his wife to engage in sexual activity. Rapists are almost always believed as men, and a woman must be the victim of rape. The Indian Penal Code, Section 375, presumes that rape is always committed by a male against a woman. It may be true in Indian legal books, but it is not true in reality. Why it is not considered rape if someone forces a man to have intercourse with them?

Rape is viewed as an explicitly patriarchal offense in India. It's all because society is ruled by a belief that men are more powerful than women. Males are incapable of being raped. It's time to debunk these myths and preconceptions.

### II. Society and Male Rape Victims

Boys in our society are taught from a young age that men are expected to be strong—physically, emotionally, and mentally. Real men don't cry, complain, or overshare their deepest anxieties and fears. The Society believes that boys are the one always having Sexual Desires, because males are physically strong, society is unable to acknowledge the idea that they can be raped. There have been instances where a woman assaults a man and he is labeled as the luckiest man

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<sup>1</sup> Indian Penal Code, 1860, section 375

on the planet. Any gender other than women can be raped, but society is not ready to accept this, this is the harsh reality of the society.

### **III. Male child and Male adult are like chalk and cheese.**

POCSO (Protection of Children from Sexual Offenses) exists for sexual assault of a male child, there is no similar provision for an adult male. “Children” according to the Act are individuals aged below 18 years. The Act is gender-neutral. But what about 18+ year males or 19 or 20 years boys for that matter? Is there any reason why similar conduct performed against a male minor should be regarded differently than a similar act committed against an adult male? Unfortunately, there isn't a valid reason for this. The sole reason for this is the myth that adult males are not vulnerable and they always want sex.

### **IV. RAPE AND THE WORLD**

The world started to recognize men rape In September 2021. #mentoo where one in five women and one in four (24.8%) men in the U.S. experienced some form of contact sexual violence in their lifetime.

81% of women and 43% of men reported experiencing some form of sexual harassment and/or assault in their lifetime.

About one in four male victims of completed or attempted rape first experienced it between the ages of 11 and 17. Over half (52.4%) of male victims report being raped by an acquaintance and 15.1% by a stranger.<sup>2</sup>

Millions of men in the United States have been victims of rape. As of 1998, 2.78 million men in the U.S. had been victims of attempted or completed rape. 21% of TGQN (transgender, gender queer, nonconforming) college students have been sexually assaulted, compared to 18% of non-TGQN females, and 4% of non-TGQN males.<sup>3</sup>

### **V. RAPE IN INDIA**

In India there are still no official data on the rape of male victims since India believes rape can

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<sup>2</sup> NSVRC, <https://www.nsvrc.org/statistics> (last visited March 15, 2022).

<sup>3</sup> RAINN, <https://www.rainn.org/statistics/victims-sexual-violence> (last visited March 15, 2022).

only happen to women, rape is something that only a man can do to a woman. India respects women victims of rape but is also time to recognize rape victims of all genders, enact rules and provide justice to them.

In 2017, a 13-year-old kid was raped in Powai, and a 16-year-old schoolboy was raped, blackmailed, and physically assaulted for a year by 15 other boys, according to medical reports. The 13-year-old victim committed suicide after the rape in Powai in 2017, presumably because he was afraid of his family and peers finding out.<sup>4</sup>

An article published in India Today on August 14, 2021, entitled "Teacher among four booked for sodomy in Muzaffarnagar" is just one more example of a peculiar distinction that has remained firmly ensconced in Indian parlance: the idea that men can be sodomized but not raped.<sup>5</sup> Similarly, there are lots of cases in the armed forces where men are subjected to lots of sexual violence.

Article 14<sup>6</sup> states that "the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India". Further as per Article 15<sup>7</sup>, "the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them". Besides, clause 3 of Article 15 states that "nothing in this article shall prevent the State from making any special provision for women and children". As a result, the state has the legal authority to make the women-centric definition of rape included in Section 375 of the IPC. However, if we follow this logic, we can protect males as described in Article 15 by amending Section 375 of the IPC. Because we must recognize that sexual assault is neither about sex nor about gender, the state can implement gender-neutral rape legislation.

## **VI. MALE RAPE STATISTICS**

### **#MenTooMovement**

Many countries have already raised voices for the men too movement. But not all countries recognized these voices. India in 2019, and also Nigeria in 2021 raised the voice.

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<sup>4</sup> Susanti Sarkar, Dangerous silence around male sex abuse in India, Media India Group, (March 15, 2022), <https://mediaindia.eu/society/dangerous-silence-around-male-sex-abuse-in-india/>

<sup>5</sup> <https://ccs.in/indias-law-should-recognise-men-can-be-raped-too> (last visited March 15, 2022).

<sup>6</sup> INDIA CONST. art.14.

<sup>7</sup> INDIA CONST. art.15.

Many people feel that men cannot be raped, while others fear that if these voices are heard and gender-neutral laws are passed, fake rape charges can be made. However, we cannot afford for actual rape victims to live in anguish and agony simply to prevent false allegations. Today, in India, the true rate of false sexual charges by women is estimated to be around 9-10 percent (2875 out of 28469 cases registered in 2018).

## **VII. WHY IS IT A CONCERN?**

It is a Concern. The main cause for the lack of gender-neutral laws and no laws for male rape victims is the misconception that "all males are much more powerful than women, and women cannot harm men". Even though men suffer less harm than women, the act should be recognized, even if it is minor. The notion that men cannot be vulnerable and that they always want sex is absolutely bizarre.

According to Dariwala, of the 71% of men surveyed who said they were abused, 84.9% said they had not told anyone about the abuse. The primary reasons for this were shame (55.6%), followed by confusion (50.9%), fear (43.5%), and guilt (28.7%).<sup>8</sup> In July 2019 KTS Tulsi, brought a gender-neutral bill ("Criminal Law Amendment Bill, 2019") before parliament to make the rape laws gender-neutral in India. As per him: "Law needs to be balanced. The balance has been disturbed. All sexual offenses should be gender-neutral. Men, women, and other genders can be perpetrators and also victims of these offenses. Men, women, and others need to be protected."

Furthermore, it is past time to seek solutions to the false rape allegations. Not only men who are wrongly accused of rape, but also men who are the victims of rape, are affected by false rape accusations. We need stricter laws to overcome all these problems. And better execution of laws is also needed because when we talk about false accusations it does not only affect the accused it also shows the miscarriage of justice and misuse of law.

## **VIII. How can men be raped?**

Here, till now we saw why not having gender-neutral law is a concern but we still have an answer to find. How can a man be raped? Section 375 of IPC tells how a female can be raped but the society does not even know that of men. Where we see that it is nearly impossible for

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<sup>8</sup> The Guardian, <https://www.theguardian.com/global-development/2018/may/23/indian-study-male-sexual-abuse-film-maker-insia-dariwala> (March 16, 2022).

a man to be hurt either physically or emotionally there is also a possibility that somewhere in the world a man is being abused. Anal sex, physical abuse such as beatings, coercive intercourse, or sex without consent by both men and women is the answer to the question. In some cases, their genitalia has been cut off. This is all terrifying. There are so many questions which the Indian judiciary and the parliament have to look for answers.

## **CONCLUSION**

We are already in the third decade of the twenty-first century, and in my opinion, it is past time to enact gender-neutral legislation. It's high time to speak up for male victims as well. Making gender-neutral laws does not mean that we stop speaking out against sexual assault against women; it simply means that we identify the injustices that males face and speak out against them. Enact more stringent regulations for all rape victims, regardless of gender.

Rape is rape, be it to anyone. Rape is a crime. Society has never given a chance to men to express themselves, the biggest myth for men is that they are emotionally very strong, they do not feel pain, and nobody can harm them. We have seen so many movements for raising voices regarding female rape victims, which is a thing to appreciate in itself, but we have never raised a voice for male victims. #metoo is for men too. My mere point in writing this article is to say that it is a phenomenal job done by feminists in recognizing women rape victims, but now let's help recognize male and LGBTQ rape victims too, because India believes in equality. India has a long way to go, so let's just solve these issues one by one. However, there is POCSO Act which criminalizes sexual assaults against a male child, but there is no such provision for an adult male.

It's a relief to see the rape victims receive justice. However, not enacting gender-neutral legislation in the hopes of reducing the number of false rape complaints in the future is disappointing in itself. It's time that we make these laws gender-neutral. Gender equality does not only mean giving women equal rights to men, it also means talking about men who are suffering too. Men also need safeguards in the laws to protect them. The fact that there are increasing rape incidents in the country is embarrassing in itself, but not having the rape cases reported is far worse. Each gender deserves equality and justice.