

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Megha Middha



Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC - NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and

learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

SOCIAL STIGMA AND CULTURAL BARRIERS THAT MALE SURVIVORS OF SEXUAL ASSAULT FACE IN INDIAN SOCIETY WITH AN EMPIRICAL STUDY

AUTHORED BY: - SUSHMITA DAS

Mail id: sushdas014@gmail.com

Phone: 8718066854

Student: - 9th semester B.A.LL. B

Christ Academy Institute of Law, Bengaluru

Abstract

Sexual assault is any sexual act or attempt to obtain a sexual act by violence or coercion, acts to traffic a person or acts directed against a person's sexuality, regardless of the relationship to the victim, and when we look in India, laws are made to only protect women from sexual harassment or rape. There are no legislations or statutes to protect men from the ruthless act of sexual harassment or rape. Under Indian law, there is only Section 377 of The Indian Penal Code, 1860 which talks about 'sodomy'. All the other sections are meant for women. The key thing to be noted is that for committing sexual violence, the perpetrator and the victim can be of any gender, unlike what is mentioned in Section 354A to 354D and Section 375 of The Indian Penal Code, which states that only a man can be the perpetrator. This paper would investigate the matter in dept with an empirical study where survey was done to understand what others think for the subject.

Keywords

Sexual assault, men, laws, masculinity, false narrative, false case.

Introduction

According to Indian Penal Code 1860, Section 375, where the term “raped” have been defined, which somehow is discriminated, because as per Indian law only a woman can be raped not the opposite, when looked deeply though there are countries who have laws for male as well for specifically rape. But what is more interesting is to look is that even they have limitation its own,

the laws are not so strong as regarding any female rape laws. The countries which do have law for male rape do follow Neutral Law Policy in their country which also helps them to take benefit out of it. Benefits of a Neutral Law Policy can only be fully realized when accompanied by efforts to raise awareness, change societal attitudes, and promote gender equality in all aspects of life.

Several countries have laws that specifically address male victims of rape/sexual assault and provide legal protection and support though they are not enough but they have addressed about it, such as:

- **United Kingdom:** The Sexual Offences Act 2003 in the UK recognizes that both men and women can be victims of rape, though still here only men can be principal offenders (because of the requirement of penile penetration of the victim by the perpetrator), women can be secondary offenders¹ as the law defines rape as non-consensual penile penetration of the victim, regardless of their gender.
- **United States:** In the United States, laws regarding rape and sexual assault vary at the state level, many states have specific provisions that include male victims and provide legal protections for them but some does not take the cases as serious as other state.
- **Canada:** Canadian law recognizes that men can be victims of rape, and the Criminal Code of Canada includes provisions for male survivors of sexual assault.
- **Australia:** Australian law acknowledges male victims of rape, and sexual assault laws apply to both men and women. Each state and territory in Australia have its own legislation regarding sexual offenses.
- **Sweden:** Swedish law recognizes that men can be victims of rape, and the Swedish Penal Code includes provisions addressing sexual offenses against men.

Section 354 A of IPC² talks about sexual harassment and punishment for sexual harassment, even here the section begins with ‘a man committing’

Statement of the problem

Sexual abuse or violence can happen to anyone no matter what their gender might be it is a common belief and perception that separates male and female in terms of expression of their

¹ Siobhan Weare: Towards a case foe legally recognising and labelling ‘forced- to-penetrate’ cases as rape at CambridgeCore blog, 5 June 2019 Last update: 21/06/19 16:21

² 1860

feelings and it can be a matter of shame for men to disclose their suffering in a men-dominated society, as it can be perceived as 'feminine behaviour'. The problem is somewhere is the mindset of the individuals where majority is still is in delusion and does not want to accept the fact.

Relevance of the study

As per the statistics by National Crime Records Bureau (NCRB), about 74% of rape cases under Section 376 of the Indian Penal Code end up acquitting the accused³, here the applicant/petitioner usually are female/woman who files false cases against the man whom with they were in relationship but because as they broke off just to take revenge or to humiliate the man or his family or to traumatized the guy as “how he can break up with her” Most of the case which usually the court hears are almost are similar to these situation only, but the most important part of all above is that how these same woman are not being punished for their false cases they put forward they are usually are left with warning. The laws which were to protect woman who suffers all the kind of crimes are now misusing all the laws for their own benefit. Now the issue is laws are nothing but became a joke to all the people who file false cases and do win them accordingly. Consensual sex and rape are totally different and pole apart terms which can be never be in same sense. There are many cases where opposite happens, a woman is trying to harass a man but when is caught, she puts the blame on the man, as it is easy to put the blame on them as no one will believe them.

Objectives of the Study

The paper objective is **to bring awareness** among the society to understand the perspective from all the sides of the parties just judging them from hearing one part is not done nor it allows to give proper justice to anyone as there is a say **“Let Hundred Guilty Be Acquitted But One Innocent Should Not Be Convicted”** but it seems when it comes to punishing a man for such crimes law already had set their mind that he definitely did it, though he might try to proof himself innocent, in public eye he already became the culprit, though even law might have acquitted him, with proper evidence where it has been proofed that he was guilty of the act but society will still look down on them and make their living in society tough, which even cause them to leave their native place, their state or even country just to hide from these cruel society who already had set their mind that they are guilty no matter what, which mostly lead them to

³ Tanya Trivedi, 74% of all rape cases filed in India are fake, tfipost.com, 4 March 2022

go in depression commit suicide because of the pressure of society.

It is **also important to understand that the world has changed in many perspective** just as in cases of sexually harassing/rape, the paper is not trying to change the mindset totally but it needs to be developed that now world has changed and now a man can be also be sexually harassed or can be raped [no definition has been provided anywhere as it is believed that man can't be raped because the definition provided under section of IPC⁴ doesn't fulfil the necessity. Also, to be noted that there is no definition or any kind of reference given in favour of man when it comes to them, when they face the same scenario as woman.

Hypothesis

This paper though will mainly focus on perspective of male as the society and law believes that, blaming man, putting allegation on man is easier, as law always favour woman over all over cases, no matter how of good character, personality they have or how much they have respect in society.

Research questions

- 1) Why the definition under Section 375 IPC of India, has not been redefined till now and included male in it as well, even after knowing the circumstances of the society.
- 2) Will sex education help the generation to understand or it will make it worse.
- 3) Laws available for male and female in India for rape or any other sexual abuses.

Research methodology

The research work has been done with the help of empirical and doctrinal method which carries the survey done by circulating google form and it also emphasises on legal structure, case analysis and legal framework, the doctrinal information has been taken from different legal articles and case laws which took place and same has been mentioned.

Why the definition under Section 375 IPC of India, has not been redefined till now and included male in it as well, even after knowing the circumstances of the society.

⁴ Section-375 Indian Penal Code, 1860

According to section 375 of IPC⁵ as read the sexual assault law, which was amended in 2013, widened the definition of rape but it did not make any changes to include men or transgenders as victims under the law, which somewhere is said to be is not needed now. But is it really the reality. Plea to make rape law [Section 375 IPC] Gender Neutral: SC refuses to interfere⁶, said the decision must be done by parliament, court cannot take decision its own in this matter. But the biggest question is that if not now than when will the laws will be amended and till when the male victims would need to suffer to get justice. The biggest failure of our country is that we never let the gender be in same position. We always make biased decision when it comes to male and female roles before only male gender had the freedom to study to roam around the world, they always had the back of their family for everything, but then females were not treated right, they were just like mere slaves to just serve all the male and also were degraded for every small things, and now females are being put in priority but then males are being degraded, why can't be both male and female be in same level of status or can same level of priority in the society why always some other gender has to have upper hand why can't both or any other can have equal respect and priority. Is it important to degrade other gender to pull above the other cannot things be done by prioritising all the gender and being bias in any way. Why is it important to always have competition among genders in every field, every person works for himself/herself, not to proof the other that they are any better. For once in the field of work or education biasness can be tolerated but it is not possible to do the same in the field of justice. Law is equal for every individual, similarly it is also need to be understand that every individual rights need to be protected by the law, and for the same reason fundamental rights have been implemented so that there could be no discrimination on the basis race, sex, gender, caste or colour everyone is equal before law, and every individual will be given justice, without being bias in any form.

When investigate practicality of life it seems that there is lot of gender biasness while making the laws as well, which is made to protect them, but somewhere even it misses out some of the essential ingredients. It is not wrong to say that woman is the most victims of the most crimes but is it not necessary to investigate the matter where other gender is also suffering the same kind of criminality were even, they are equally victim as woman. Why woman pain is pain but no other gender, why woman rights are rights but when it comes to other gender everyone becomes blind.

⁵ Indian Penal Code,1860

⁶ livelaw.in

We all talk about woman empowerment, we always encourage woman for every aspect of their life but when it comes to man, we all are somehow started degrading them, in every aspect now it has become new era to blame or accused man, just to satisfy the ego, hoe ironic is that the things which were once done by male genders are now are being done by female. But is it fine to do so just because they have the right to do so.

Whenever any woman beats up man in open, no one asks the question what was the mistake of the man rather they all start to beat him till either he become unconscious or die. There are many cases where woman uses their rights in way beyond way, not caring how that can affect the other party.

Example: Lucknow cab driver assaulted⁷, 59 women booked for assaulting man in Kerala⁸ because of misunderstanding.

When look in dept we can come to conclusion that even man are deprived from their fundamental rights give to them by The Constitution of India⁹, Article -14: Equality before law and Article - 21: Protection of life and personal liberty.

Article 14, clearly states that how every individual is equal before law no matter what race, gender, sex, colour, or caste he/she belongs to, law does not see who is rich or poor, nor it discriminate between anyone, law believes in equality, no matter what position the person hold in the society, for law the most important thing is to provide justice and to make sure that no innocent is being deprived of his/her right.

Article 21, also clearly states that how law is liable to protect the life of an individual and his/her personal liberty, it does not discriminate between the gender and similarly it should be with the crime that happens in the society including sexual abuse where even man/men are the victims.

Section 375 of IPC¹⁰ literally starts with **‘a man is said to commit “rape” if he’**

⁷ indianexpress.com

⁸ The Hindu, January 07, 2023 07:29 pm | Updated 07:29 pm IST - Thrissur

⁹ 1950

¹⁰ Indian Penal Code, 1860

The reasons why the redefinition of Section 375 IPC¹¹ to include male victims has not happened yet might be:

- **Legal Process:** Changing a legal definition, especially one as significant as the definition of rape, is a very complex process, it will require to make amendments in the Indian Penal Code, and this process involves legislative and legal considerations. It can be time-consuming, and any changes must be carefully crafted to withstand legal challenges, because if any words which can be interpreted in wrong way will anger the common people and it will be trouble for people in laws profession to handle the cases that would come for the same.
- **Political Consideration:** The issue of changing the definition of rape, particularly to include male victims, can be politically sensitive which can anger the public in large, policymakers may be concerned about potential backlash or opposition or public, and the issue is not a top priority for some politicians, till now in present, even still in Bharatiya Nyaya Sanhita, 2023, does not include any punishment for ‘unnatural sexual offences against men’ because men if rape does not fall under the definition of rape as defined but rather falls under unnatural sexual offence.
- **Societal Attitude:** Attitude towards male victims of sexual assault have evolved over time, but there are still societal stigmas and stereotypes that can influence policymaker for the same though everyone now understands the circumstance of the situation but no one wants to accept it so that partiality and biasness would continue in name of “there is no law which talk about it” and there would be some people who may be hesitant to acknowledge or address male victimization, as they will feel as their male/female ego has been hurt which can slow down reform efforts.
- **Diversity of Opinion:** Reforming the definition of rape is a complex process, and there is diverse opinion on what the new definition should entail, some argue for a gender-neutral definition that covers all victims, regardless of gender, while others may have reservations or differing views on how this should be done, which again is delaying the whole process and making it more difficult for others to live harmonious life.

It is not so very diverse topic which can't be discussed or be solved, there are many cases where even male is also properly victim of rape but the irony is, it can't be called as rape rather unnatural sexual offence, though the same thing might be happening with the male what is

¹¹ 1860

actually defined under the definition of section 375¹².

Two male friends raping an 18-year-old boy, who then died by committing suicide. The matter was reported to the police, and the case was registered as ‘unnatural sex’¹³. There is lot difference between section 375 and section 377 under IPC¹⁴, 1860. Section 377 of IPC clearly states that, **“whoever voluntarily has carnal intercourse against the order of 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.”** What is not acceptable in this act is that how when a man goes through the same situation as mentioned under section 375, they can only file case in the purview of section 377 of IPC which talks about ‘unnatural offenses’ here the scope does increase between the gender but again the question goes to section 375 as why woman have very specific law and not the one where there is more scope of gender to file cases.

“I am a survivor of child sexual abuse. I was raped by a male relative for 11 long years from the age of seven to 18”¹⁵

“The consequences of rape for a woman are far-reaching. She must battle social stigma, social mindset. While fixing marriages, nobody asks a man if he is a virgin”¹⁶. But is it really that is easy for man as well do not even they had to grow through other hardship and society stigma of being a “real man” or being “enough masculine” to be called as man, they should not show their emotions nor they should cry over any kind of things no matter what, as they are man and man do not cry or there is another one a famous one though **“mard ko kabhi dard nahi hota: man, never get hurt.”**

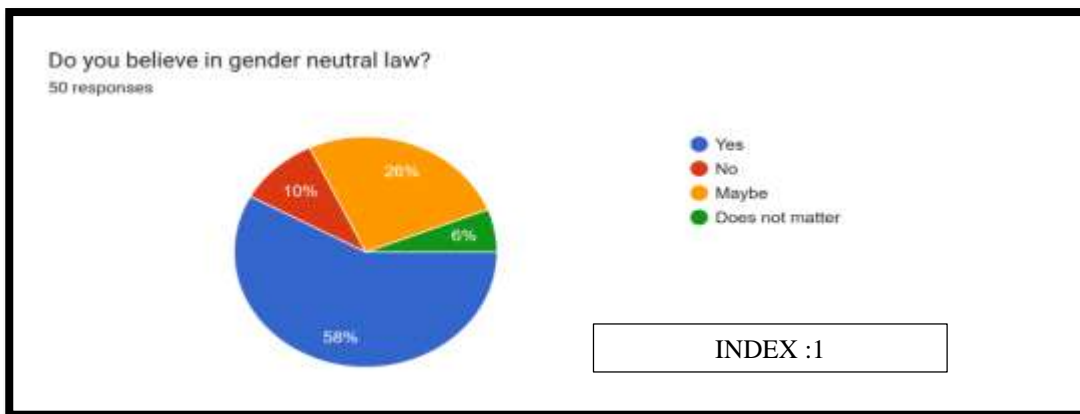
¹² Indian Penal Code, 1860

¹³ Sophiya Chaudhary, Men Are Raped Too, But Apparently Not, According to Indian Rape Laws, womensweb.in, August 30, 2021.

¹⁴ Indian Penal Code

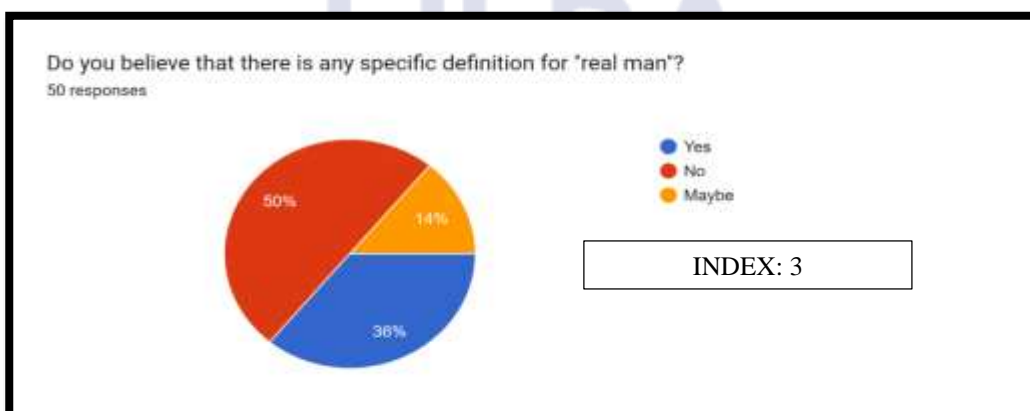
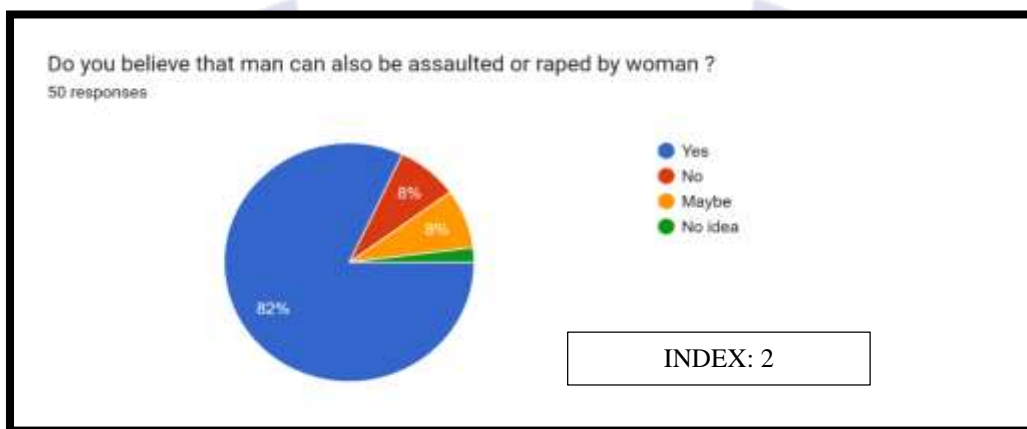
¹⁵ Subhojit Goswami, Reality Behind Male Rape Cases in India, mapsofindia.com, May 15, 2021.

¹⁶ Subhojit Goswami, Reality Behind Male Rape Cases in India, mapsofindia.com, May 15, 2021

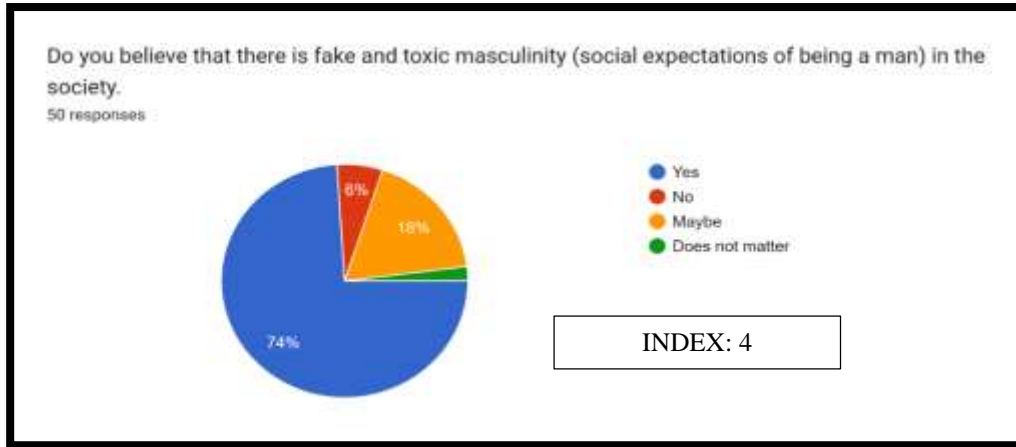


The index 1 shown above shows variety of colours which states that how much of different thoughts that people carry on the gender-neutral laws.

The index 2 shows that how people have acknowledged the fact that men can also be assaulted by woman, and the percentage is higher than other.

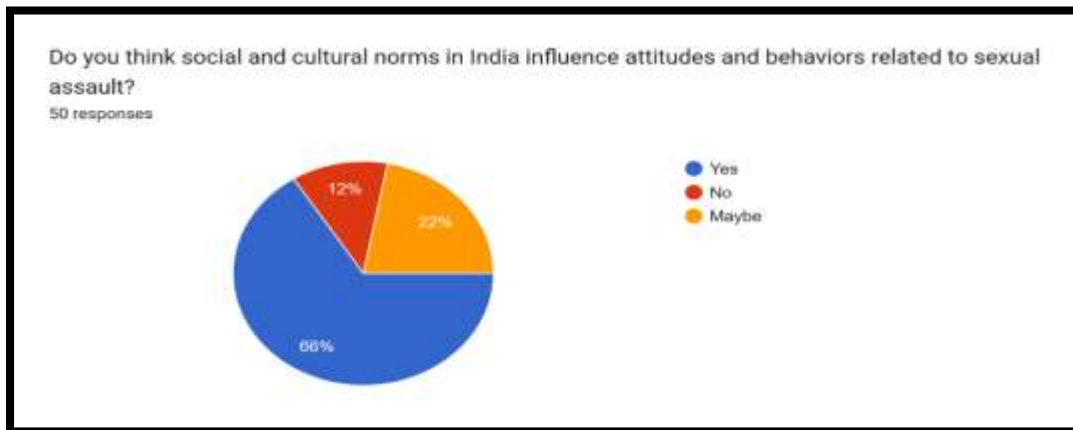
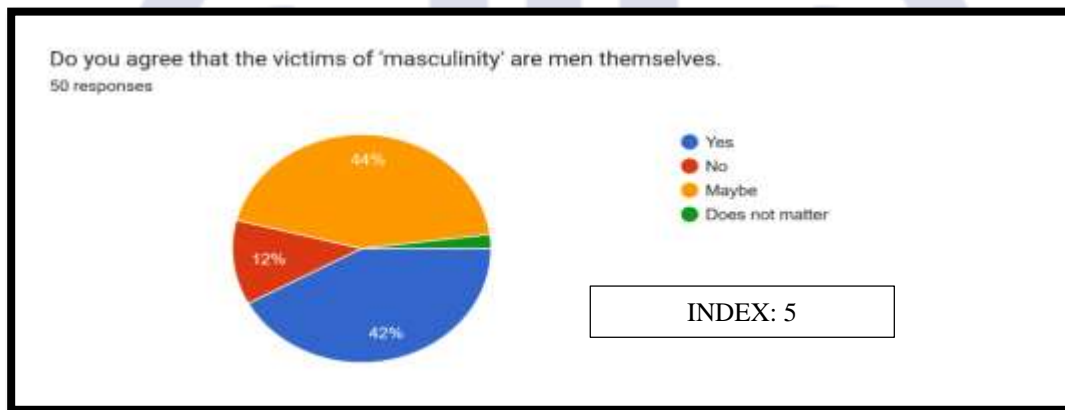


It is important to understand that there is specific definition of men which is being trendy in today's era where it is judged by their looks, body, the way they walk or talk or behave, and if they fulfil the criteria then only they are called **Real men**, and the index 3 is an example for the same where 50% has agreed on it and others 50% have different opinions.



It is not wrong to say that there is fake and toxic masculinity in the society for man though the same is for woman, but acknowledging for man its totally different and the same can be seen above index 4.

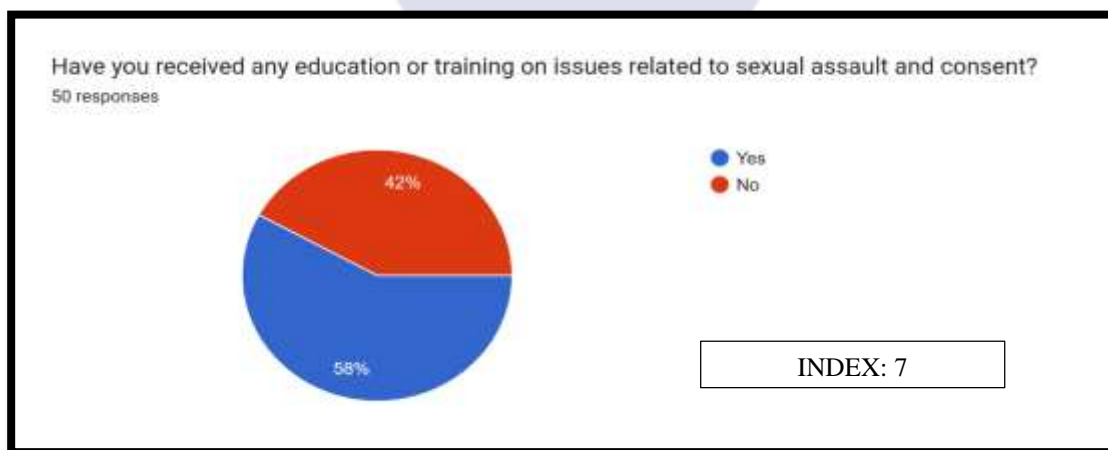
As shown below in the index 5, here the percentage shows that the victims of masculinity are men themselves, means its men only who are making other men to go through the fake masculinity and how important it is.



The index 6 above shows that there is acceptance that its society and its norms who is making people not let their voice raise, because at the end the victim no matter what the gender is will be questioned or judged.

Will sex education help the generation to understand about sexual offence no matter what their gender is or it will make it worse in India.

When we talk about sex education in India, lots of opinion could be emerged from every individual family or parent and discussing about sex education have been a subject of debate, and there are varying views on this subject, minority believe that comprehensive sex education can help address issues related to sexual offenses and promote a healthier and safer approach to relationships and sexuality and other major parts have concerns about the content, age-appropriateness, and cultural aspects of sex education, leading to hesitancy or opposition.



The index shown above shows that there is still people who are not been taught about the education where they would know about sexual assault or consent, which must increase a little more in percentage, to let other also being independent of choice as well to feel protected.

“Real men” do not get raped but reality is totally different what we see or wants to believe, yes, men get raped too and most of them suffer in silence,¹⁷ whenever a woman is raped, nor just society accepts it but also give their voice so that they can fight to get justice but when it comes to man you will in rare cases would find their voice could be heard they are majorly being deprived of their right as an individual of the country. When investigated the statistic from 2015 to 2019, 13,184 cases were registered under POCSO¹⁸, and out of these, 2,213 cases were

¹⁷ This story of a male rape survivor will shock you, The Times of India, January 14, 2016, 10:50 AM IST Team Social in Everything Social, India, TOI

¹⁸ The Protection of Children from Sexual Offences Act, 2012

concerned with the sexual abuse of 2,250 boys¹⁹.

In 2014, police in Muzaffarnagar, UP, registered cases against three inmates of a government-run protection home, for allegedly “sodomising” a fellow inmate, and a Madrasa teacher, for similar sexual assault on a 12-year-old student in Shamli. A further slew of cases was reported in 2017 in Mumbai, when a 13-year-old boy was raped in Powai and another 16-year-old schoolboy was raped, blackmailed, and physically assaulted by 15 other boys for a year, the shocking incident confirmed by a medical examination.

12-year-old boy in ‘critical condition’ following alleged gang-rape in New Delhi, the alleged assault was carried out by three males – all minors known to the victim – including a family relative²⁰.

India definitely somewhere lacks in providing proper sex education to it’s growing youth, because they all are shy to ask their parents or relatives, so they adhere to the information available in internet or from their friends, but the question here how many of those friends also have proper knowledge for the same, or how can they believe everything available in internet. A movie has been made on the same topic in India, OMG 2, which deals with the same issue and is an eye opening movie for parents as well as growing youth, where a devout father takes on a dogmatic school - and his own moral convictions - after his son is expelled from school for an embarrassing video that has gone viral- and takes a heinous step- and then father decides to file complain against the school as well himself for not providing proper knowledge on sex education.

Awareness and Understanding: Sex education provides information about sexual health, relationships, and consent and this knowledge can help individuals to make informed decisions and understand the boundaries and implications of sexual activities which they will enter into no matter what their age is, having awareness and understanding is must so that no wrong can happen.

¹⁹ Susanti Sarkar, Dangerous silence around male sex abuse in India Societal stigma prevents boys from speaking out, October 4, 2021, [mediaindia.eu](https://www.mediaindia.eu)

²⁰ Hannah Ritchie, Manveena Suri and Rhea Mogul, CNN, Published 4:49 AM EDT, Mon September 26, 2022(edition.cnn.com)

Empowerment: Sex education can empower individuals to have a better understanding of their own bodies, boundaries, and rights, and it will equip them with the tools to recognize and report sexual offenses if happens with them, so they can raise their voice and stop it immediately or can file case for the same.

Promoting Consent: Sex education often includes discussions about consent, which is crucial to understand and to prevent sexual offense, teaching individuals about the importance of enthusiastic and ongoing consent can help reduce the incidence of sexual offenses, in many ways good touch and bad touch which is taught to female should not be limited to one gender, each child should know about good and bad touch.

Reducing Stigma: Sex education can help reduce the stigma surrounding sexual issues and discussions, making it easier for individuals to seek help and support, youth goes on researching about their problems and not discussing it with their parents or doctor for proper help because of shyness and embarrassment, and when they go through their they find solutions which are not possible or make them fall in deeper problem, which can anxiety, depression or hormone imbalance which can be very bad for someone's health

Gender Equality: Sex education can be a platform to discuss gender equality and challenge stereotypes and harmful attitudes that can contribute to sexual offenses, as many sexual offences took place when they comment on someone's sexuality or on their stamina, or on their pleasuring issues, where they cannot finish what they have started.

Many of the so-called feminists' activists who themselves are woman have advocated against the concept of gender neutrality because according to them, the recognition of male-victimization does not curtail the value of the feminist understanding of rape. The problem is that people usually take the meaning of feminism so wrong that they do not know that it means to bring men and women at the same pedestal, in very simple words both sexes must co-exist. Thus, an express recognition of either of them does not necessarily undermine the position of the other. We are not at all forgetting about the female victims but at least they have number of laws to support its just they need to have awareness about the same, but do the male have the same choice?

As per the report of EEOC (Equal Employment Opportunity Act)²¹, a total of nearly 6822 sexual harassment claims were filed with EEOC, out of those 6822 claims, approximately 17.1 % of those cases were filled by men claiming that they had been sexually harassed²².

It is very much true that female rape victims face a lot of social stigmas, but male victims also face a different set of social stigmas, it is true that male domination has been a reality for so many past hundreds year, therefore, if a man opens about his non-consensual sexual experience with a woman, then he is weak. But even this is true that they can also be raped, and if men can get raped by other men, then also such a victim is mocked by society.

Laws available for male and female in India for rape or any other sexual abuses.

Laws are much more flexible from the part of female or woman where they have no issue to bring or adopt or enact new laws whenever however possible, it is not criticism at all rather it shows the power that legislative hold, the power that governments hold, it shows that if they want, they can bring laws. Some important acts bought by them for woman are mentioned below:

- Indian Penal Code (IPC)²³: Section 354: Assault or criminal force to woman with the intent to outrage her modesty.
- Protection of Children from Sexual Offences (POCSO) Act²⁴: This act is gender-neutral and protects both girls and boys under the age of 18 from sexual abuse.
- Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act²⁵: This act addresses sexual harassment at the workplace with punishment.
- Dowry Prohibition Act²⁶: This act while not specifically related to sexual abuse, this act addresses the issue of dowry and harassment related to dowry.
- Criminal Law (Amendment) Act²⁷ (Nirbhaya Act): Enacted after the infamous Nirbhaya gang rape case, this act introduced several amendments to existing laws to provide more stringent punishment for sexual offenses.
- Protection of Women from Domestic Violence Act²⁸: While not exclusively focused on sexual abuse, it addresses various forms of violence and abuse against women within the

²¹ 2015

²² Law Corner: Laws Relating to Sexual Harassment of Men, 2020

²³ 1860

²⁴ 2012

²⁵ 2013

²⁶ 1961

²⁷ 2013

²⁸ 2005

home, which can include sexual abuse.

- The Indecent Representation of Women (Prohibition) Act²⁹: This act prohibits indecent representation of women through advertisements, books, magazines, films, etc.
- The Prohibition of Child Marriage Act³⁰: This act prohibits the solemnization of child marriages
- The Immoral Traffic in Women and Girl Act³¹ as amended in 1986: This act prohibits trafficking of persons for the purpose of prostitution.
- The Medical Termination of Pregnancy Act³²: This act provides termination of certain pregnancies by registered medical practitioners.
- Muslim Women (protection of rights on marriage) Bill³³: This bill is to outlaw Triple Talaq passed by the Supreme Court making it illegal.
- Information Technology Act³⁴: This act makes certain offenses against women punishable.

Whereas as we investigate laws in favour of men, we always must interpret the laws to male it looks like it can also be interpreted in that way to defend the accused. Section 377 of IPC³⁵ states about unnatural sex, where it is the only law available to men to defend themselves, then they have, POSCO act³⁶, but the issue with this is that it focuses on only children, and it is gender neutral law.

The below mentioned cases are worth reading once to know what is happening in the society as such now, that how there are people who uses their rights as weapon to destroy someone's life just to get benefit out of it, and mainly its woman who does this act more often.

1. Woman fined Rs 10k for a false rape case: On April 26, 2022, A woman from Prayagraj in Uttar Pradesh, who had accused her husband of raping her before marriage, was fined Rs 10,000 by the Allahabad High Court for registering a false FIR against her husband³⁷.

²⁹ 1986

³⁰ 2006

³¹ 1956

³² 1971

³³ 2017

³⁴ 2000

³⁵ 1860

³⁶ Protection of Children Against Sexual Abuse, 2012

³⁷ Wahid Bhat, Rape cases that proved false in India, groundreport.in, December 8, 2022

2. Indore teen tries to fool police in a fake rape case: She was involved in a similar case earlier as well and got compensation of Rs 2 lakh from the government, so it is very possible that she has hatched a fake scheme to earn some more money³⁸.
3. Police had earlier stated that the Delhi woman's claim was "false." She made up the story to seize possession of property she was arguing over with the accused³⁹.
4. Younger daughter falsely accuses father of rape: In 2017 in Ghaziabad, during the trial, the daughter admitted that she had filed the complaint at the insistence of her uncle and that her father was innocent. His maternal uncle has been sentenced to one month in jail and a fine of Rs 50,000⁴⁰.
5. Woman fakes rape story to marry boyfriend: On Dec 14, A 19-year-old woman, who filed a fake police complaint of gang-raping allegedly for marrying her boyfriend, kept Nagpur Police on its toes all day⁴¹.
6. Indore Girl "Stabbed Herself" Before Filing False Gang-Rape Case⁴²: A case will be filed under section 182/211 against the girl after man investigation by the police revealed that these claims were false," said Police.
7. False allegation of rape causes distress & humiliation to accused': Supreme Court acquits man after 23 years in rape case⁴³.

The irony is, mostly its woman or female who always used their modesty as the weapon to gain benefit out of the situation because till date I never heard that a man has accused a woman of rape and he did that to gain financial gain as property or money from them but opposite happens all the time, and many times they succeed also. Again, what is difficult to digest is, the woman who files these false cases after destroying someone's reputation, modesty, they are only punished with fine and mere 2-month imprisonment⁴⁴.

When we investigate a case where, Acting United States Attorney Bob Murray announced today that RACHAEL MYLA STAGNER, of Lander, Wyoming, age 36 was sentenced in U.S. District Court by Federal District Court Judge Alan B. Johnson. Johnson sentenced her to 21 months of

³⁸ Wahid Bhat, Rape cases that proved false in India, groundreport.in, December 8, 2022

³⁹ ABP News Bureau, Ghaziabad: Woman Who 'Fabricated' Gang-Rape Story To Grab Property Arrested, 22 Oct 2022 11:31 PM (IST)

⁴⁰ Wahid Bhat, Rape cases that proved false in India, groundreport.in, December 8, 2022

⁴¹ ndtv.com, Woman Fakes Gang-Rape Story To Marry Boyfriend, Triggers Massive Op: Cops, 14 December 2021

⁴² Reported by Anurag Dwary, edited by Harish Pullanoor, This Article is From Jan 21, 2021 Indore Girl "Stabbed Herself" Before Filing False Gang-Rape Case: Police, ndtv.com, Jan 21, 2021

⁴³ Manak Chand v. State of Haryana, 2023 LiveLaw (SC) 937

⁴⁴ justice.gov, United States Attorney's Office District of Wyoming

imprisonment. Stagner was indicted on September 16, 2020 and later pled guilty on January 4, 2021 for making false accusations that she was sexually assaulted by a white male on the Wind River Indian Reservation.

Conclusion

It can be concluded through this paper that there is still scope and chance to understand the problem and to get a proper solution for the same, and it should not be overlooked, the more it will be overlooked the more issue will raise, so having solution is more important. And that there is false narrative over masculinity and that social and cultural norms are restricting from moving on from the past problems, it is important to understand that the laws must develop according to the era and time and need of the society, and sexual assault rape are one of the most important part of law and it should make sure that no one being discriminated on the basis of sex.

