

# LEGALFOXES LAW TIMES

## UNHEARD MALE VICTIMS EXIST

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### **ABSTRACT: -**

In this paper we explore the scope of rape and sexual harassment on men. We categorize to explain various examples where men are brutally raped. Moreover, I chose to highlight the message that we should communally accept men as victims of Rape and sexual assault being acted upon in our own vicinity. My primary intention was to throw some light on how even a man's voice deserves a sense of equality and right to be heard like a woman's does. Given below are the articles about some cases that emphasize the motive behind how Right to life and right to equality was violated. The given below is a piece of information falling under the context of how men suffer due to the lack of legal support and basic fundamental rights where in on the other hand the Perpetrators assaulting men are exonerated from the allegations because no such remedies of men protecting themselves exist. #himtoo moment should be taken forward in India with a larger sense of responsibility among everyone from our country. In the below paper, I present a comparative analysis that gives an accomplished result about how many rape cases of men are reported, under which organizations and how the matter was resolved for the sake of a male victim's protection.

### **UNHEARD MALE VICTIMS EXIST**

Sexual assault on men is just a rumor in today's society. Rape on men is barely acknowledged by the judicial system as well as by the human rights defenders. Due to our country having Secularism most of men have courage to speak about it. In India, "men can't be sexually

assaulted” is a misbelief. Male becomes the Rape victim when he is involuntarily involved in sexual activity. The intension of rape is malicious, be it to hurt or overpower someone without his own consent.

In a primary sense, sexual assault can happen to anyone, be it women or men. However, the question is, Do men have any rights if they are sexually assaulted?

Men do face challenges to prove themselves after being sexually abused resulting from stereotyped thinking of society that considers communally constructed Masculinity. There are specific kinds or genres of sexual harassment such as sexual harassment at workplace, rape at workplace, using abusive language, undesirable sexual contact, further narrowing down to 3 categories namely Physical, Verbal and Visual. We usually hear about women being sexually assaulted but we are almost unaware that men on the other hand, face the same.

Once searched over the wide world web about sexual assault or harassment, only 20% out of all the search strings consider and showcase the possibility of men being the victims.

The main reason in India is this possibility about sexual assault of the men or boys is not accepted or not even contemplated enough to have many of such cases reported. Due to such1 approach based on a myth, there is lack of awareness in the society. It is unjust for the men to bear unwelcome sexual contact because of the society’s misconceptions that men can't be sexually assaulted. Most of the people in India do not believe in Gender Fluidity making them jump on to needless conclusions that sec 377 is a taboo. This brings up the question, how will then people believe in sexual harassment of men? This question should be held as a foremost topic of issue because once the society accept about such harassments going around in their vicinity, is when men will be heard, their mental trauma will be recognized and not only will they get justice but also a sense of freedom .

**Sec 375 of IPC** defines rape as something which is only done to women by men. Male victims don't get a legal acceptance or any acknowledgment in this section.

Only the **section 377** is been mentioned for 'sodomy', rest all the sections are protection for women against the sexual assault. This turns out to be very unfair at the part of the men. Without sparing any additional hours, it should be duly noted that Perpetrators can be of any gender.

**Art 14 of Indian constitution** propounds about Right to Equality and in here it seems that, the right is violated if a woman is being protected for sexual assault but not men. Right to equality is the basic fundamental right which states that everyone is equal before law, so why is it not necessary for the society to have an equal approach towards men and women?

**Sec 509,376 354 of IPC** are basically for protection for women. This section contains remedies when sexual harassment or rape takes place. But in any of above sections nothing is mentioned about men and even remedies if man is sexually harassed or he is being raped. Right to equality is not present in the case of sexual harassment on men and therefore art 14 is violated.

### **If there is #metoo movement then why not #himtoo?**

Did this question ever cross all your minds? It's not just about the sexual assault on men but also the false allegations imposed on the men about sexually assaulting a woman. This is the exact reason why #himtoo movement took birth. This movement is not followed in our country but is having a great impact on other countries. It was started when a mother tweeted that her son was afraid to date freely due to false allegations. Men faces sexual harassment at workplace, public places, even the most obvious one being a local train, or the safest place for a child in School. Men keep facing such unsolicited sexual contacts in their school but most of them are still unheard.

**Art 21 means Right to Life or Right to Personal Liberty.** When a man is raped or being sexually assaulted, art 21 is being violated as constitution states that no one should be deprived of the personal liberty and life. Every man is entitled to have right to live in dignity and even work in safe environment but the risk of being raped or sexually assaulted should get eliminated. Right to privacy is also infringed when a man is sexually assaulted or being raped.

Due to sexual harassment the victims usually suffer from mental trauma which affects their mental well-being and most of them face depression were most of them attempt suicides due to violation of right to privacy and right to live with dignity.

In the case of **Nasiruddin Ali vs The State of Assam** it was explained that Rape is the violation of Art 21<sup>1</sup>

**This was the incident where the man was gang raped by 5 people in Vashi (Navi Mumbai):**

-A 36-year-old man was brutally raped by 5 men in Vashi (Navi Mumbai). He was being raped by 5 unknown people and he underwent an emergency surgery where his right to life was violated. A case is registered under art 377 and art 34 of IPC.<sup>2</sup>

A 22-year-old man was again raped by 4 men in a moving car for 3 hours continuously and was dumped by the road. Victim used to post his picture on Instagram where accused tracked his location and raped him. This again Violated Art 21. FIR was filed against 4 of them under Sec 377.<sup>3</sup>

All over the world the men are sexually assaulted: -

- In US military force almost 1 lakh men were sexually assaulted recently. Almost 10000 soldiers are sexually assaulted each year. In this case the victims were the low-ranking soldiers.<sup>4</sup>
- In El salvadore, 76% of the political prisoners were sexually assaulted.<sup>5</sup>
- A study of 6,000 concentration-camp inmates in Sarajevo found that 80% of men had reported of being raped.
- Mostly, 8 men are sexually assaulted every hour..
- In national crime victimization survey 38% casualty are men.

<sup>1</sup>Gauhati High Court

**Nasir Uddin Ali vs The State Of Assam And Anr on 31 August, 2020**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)Case No. :Cr.L.A. 227/2016

<sup>2</sup> <https://mumbaimirror.indiatimes.com/mumbai/crime/36-year-old-man-gang-raped-by-five-in-vashi-undergoes-emergency-surgery/articleshow/71310362.cms>

<sup>3</sup> <https://www.indiatoday.in/crime/story/mumbai-man-raped-moving-car-instagram-location-1627346-2019-12-11>

<sup>4</sup> [https://en.wikipedia.org/wiki/Sexual\\_assault\\_in\\_the\\_United\\_States\\_military](https://en.wikipedia.org/wiki/Sexual_assault_in_the_United_States_military)

<sup>5</sup> <https://www.theguardian.com/society/2011/jul/17/the-rape-of-men#:~:text=In%20El%20Salvador%2C%2076%25%20of,men%20reported%20having%20been%20raped>

Back in 1996, an 18-year-old boy was sexually assaulted by a Sergeant who obstructed Mr. William and fell unconscious. Furthermore, he was brutally raped over a desk while everyone was asleep, not just once but twice. The men who were sexually assaulted were not protected under the American Military Force. It was a national security threat.

After his graduation, he reported the complaint at Airforce authorities expecting for the man who raped him to get investigated and arrested. Unfortunately, no action was taken for the sake of his security and no response or any news was heard by the investigators later.

Since he was sexually assaulted twice, he got medically unfit along with damaged kidneys and torn rectum. Due to this, he missed his training sessions which further resulted to a mental trauma.

Paul Lloyd, another victim in the Army National Guard was sexually assaulted and mistreated in the shower which resulted into immediate hospitalization the next day. It was brought to notice that he had severe internal bleeding and a torn rectum. He wasn't vocal about his experience and consequently suffered from a mental health condition.

These two incidents were disturbing as both of them had an unsettled mental health condition along with medical issues after the incident. On account of such incidents and many more that are happening everyday but aren't brought to notice, there should be an implementation of more rigorous laws for men who get sexually assaulted. Justice should equally consider such cases and render equality towards the concern for these victims. As of now, the total number of men who are sexually assaulted are less as compared to woman but this rate is estimated to intensify in the near future. Thus, to provide men the freedom for justice, laws should be passed for the safety of men considering their right to feel safe.

These are given Reports as per TOI,

According to the survey in India: -

“In Bangalore, 51% of the respondents had been sexually harassed, while in Delhi and Hyderabad, 31% and 28% of those surveyed said they had been sexually harassed. Around 38%

of the respondents across 7 cities in India said that in today's workplaces, "men are as vulnerable to sexual harassment as women."

Given above are statistics from India but according to UK, a country known to have supporters for the male victims.

According to the Survey of UK: -

- 4% of men have experienced sexual harassment at their age of 16 years. 12000 men are raped in UK in almost a year and 70,000 are sexually assaulted.
- Survivors UK is the organization where most of the men get justice if they are sexually assaulted.
- Rape on men is accepted in UK but not in India.

According to survey in America: -

- The population between 18-24 years of age are at greater risk of being sexually assaulted.
- In 1998, 2.27 millions of men were sexually assaulted.
- 1/10 is the ratio of the rape cases on men in America.
- America is most raped country in all over the world.

- **Conclusion:** -The laws should be made strict if a male is raped. We have to make sure that every man should be protected against rape or sexual assault and that's why we need to make sure that some sections should be insinuated in the IPC.
- A rape is rape, it can happen to any gender so we have to stand by them and protect the victims with some remedies which can be judicially applicable. It causes the same impact on both men and women.
- As we have art 14 which follows right to equality as women and men are equal so they should be equally protected as attempted rape is equally hurtful.

- Spreading of awareness is must so that men will have a courage to speak up about it and even to register some cases.
- Men should have a right to be heard and get justice. Women should be punished in case she is the perpetrator. No mercy should be given to any perpetrators.
- There is a need to inbuilt a change in laws and the bill “sexual harassment at workplace 2012” should be passed. When a man is raped, everyone should have a sense to protect him and punish the rapist instead.

**MALE SHOULD BE GIVEN EQUAL OPPORTUNITY TO BE HEARD AND JUSTICE TO THE LAW.**

