

A CRITICAL ANALYSIS OF THE RAPE LAWS FOR MEN IN INDIA**AUTHORS** – KESHAV MANIKERNIKA & K CHAKRA PANI, STUDENTS AT CHRIST (DEEMED TO BE UNIVERSITY)**BEST CITATION** – KESHAV MANIKERNIKA & K CHAKRA PANI, A CRITICAL ANALYSIS OF THE RAPE LAWS FOR MEN IN INDIA, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (1) OF 2024, PG. 455-462, APIS – 3920 – 0001 & ISSN – 2583-2344**ABSTRACT**

Rape has always been a heinous crime in our society. In a society like India, rape has been attached to religious and societal values and essence, making it not only a criminal act but an act against the societal fabric and peace. Indian law has defined rape as an offence under Section 376 of the Indian Penal Code (IPC). There are different forms of rape being made punishable under it, ranging from 376-A to 376-E, making it one of the most stringent offences leaving no loopholes for the accused. But there is one flaw: it considers only a woman as a victim. Framed during the British Era, when the 'man' was a 'masculine beast' and nothing could make him weak, the IPC has always had the patriarchal notion of the offence of rape, making only the woman a victim, and a man the perpetrator. There is a lack of gender neutrality in laws relating to rape. The only offence which relates most closely to the rape of men is Section 377 of the IPC, which defines unnatural offences. The cases of rape against men are never noticed, while only some appear in the light of the day. Rape of men is perceived as biologically impossible as per the latest definition in the IPC and as per the societal norms. The absence of a gender-neutral rape law poses a problem towards not only the safety of men but also the societal fabric surrounding men. Along with the feminist movements supporting the empowerment of women and posing patriarchy as a threat to be demolished, laws on the safety of men are not in sight. A woman cannot be charged for rape but can only be charged for facilitating such a crime. This notion of men not being able to get raped, but only sodomised, has questioned the theory of gender equality and feminism, which have roared for the women, but stayed silent for the men.

KEYWORDS – Gender equality, Criminal Law, Rape, Section 376 IPC, Section 377 IPC, Sodomy, Male Rape**INTRODUCTION**

The laws for the protection of women are varied and are found in all aspects and fields of law. They could range from Sexual Harassment⁸⁸⁵ to Rape⁸⁸⁶ to outraging the modesty of women⁸⁸⁷, etc. The protection of women in society could emerge from the idea of breaking the notions of male dominance and patriarchy in society. Being subjected to different treatment by society in all fields, women were a suppressed class of people for a long time. The power dynamic theory behind rape considers that

there is a hierarchy of power in society, with men placed at the top and women at the bottom. The threat of the existing power dynamic being usurped and those at the top losing their positions of power explains why those at the top of the hierarchy rape those lower down.⁸⁸⁸ In response to the same, the law and the judiciary have taken steps to ensure that women's rights are protected, thereby putting them on the same level as men in society. The movement of women's

⁸⁸⁵ Section 354A, Indian Penal Code, 1860

⁸⁸⁶ Section 375, Indian Penal Code, 1860.

⁸⁸⁷ Section 354, Indian Penal Code, 1860.

⁸⁸⁸ "[V]iolations of the human rights of sexual minorities and women" take place due to the "power dynamic that makes any group want to oppress any group that challenges its position." James D. Wilts, *Conceptualizing Private Violence Against Sexual Minorities as Gendered Violence: An International and Comparative Law Perspective*, 60 Alb. L. Rev. 989, 1006.

empowerment and feminism has brought a lot of changes in society, making the legislature and the judiciary more aware of the problems of women in society and making necessary changes. While this is always a commendable step in law, there is also the misunderstood and overshadowed concept of gender equality, which ironically, is the essence of feminism. Since this paper focuses on rape laws in India, when the same laws are looked at through the lens of gender equality, there is a significant flaw: no or very limited laws protecting men from rape. This paper contends that the existing framework of laws relating to rape has no sufficient protection for men from rape.

Gender equality has always been the objective when contending for the upliftment of women and their rights. The theory of gender equality emerged during the time of patriarchy and the oppression of women in society. While gender equality is aimed at the equality of men and women in the eyes of society, the same has been misinterpreted to empower women and protect them solely. The times of need for empowerment have changed, and this led to the need for a complete and broad approach to gender equality. The protection of women was one aim during the women's empowerment period. This led to stringent laws for the protection of women. Through the activism of the judiciary, subsequent developments include stricter laws on rape⁸⁸⁹, protection of women from sexual harassment at the workplace⁸⁹⁰, legislative provisions on acid attacks⁸⁹¹, etc. While this is a commendable development in the field of women-centric laws, what is often overlooked is the protection afforded to men in similar circumstances. This paper thus seeks to identify the flaws in the existing framework of laws on rape concerning the protection granted to men as victims.

It is not too presumptuous to believe that there may not have been a single publicized case of a woman raping a man in India because of two

reasons: There is a stigma attached to being raped as a man that discourages men from reporting a rape, and there are no laws that deal with such a situation. There is no reason to think that women do not commit rape if the crime is motivated by desire. Since the assumption that males always want sex, it is possible to speculate that if rape is motivated by desire and women do have desires, they may not feel that forcing a guy into sex is immoral. Interestingly, there is a higher likelihood of rape for guys who subscribe to these kinds of views. Hartwick, Desmarais and Hennig (2007) find that "the belief in men's sexual accessibility was predictive of sexual victimization for both men and women."

RESEARCH OBJECTIVES

This paper does not suggest reformative steps to be taken by the Legislature or the Judiciary to recognize the need for or the implementation of laws regarding the protection of men in cases of rape. There can be many contradictory theories on the same, most being gender-based where 'A man cannot be raped', as it is biologically not possible for a man to be raped by a woman. This paper does consider the impact of rape laws in cases of homosexual relationships or unfortunate incidents between two men, leading to the rape of a man. The lack of recognition of such instances, and the lack of protection afforded to the victims of such instances is the core focus of this paper, which seeks to highlight the same considering the evolving circumstances and practices of the society. Considering the Indian Penal Code, 1860, which is the sole most important source of criminal law in the country, dealing with the broadest scope of crimes which affect the society as a whole, the legislation is to be amended consistently to recognize and protect the evolving rights and nature of the society. And this has not led to a situation where men are granted equal protection under the law for rape as that of women, leading to a legislative loophole.

⁸⁸⁹ Mukesh & Anr. v. State (NCT of Delhi) & Ors. (2017) 6 SCC 1.

⁸⁹⁰ Vishaka & Ors. v State of Rajasthan & Ors. (1997) 6 SCC 241.

⁸⁹¹ Laxmi v. Union of India, (2014) 4 SCC 427.

RESEARCH QUESTIONS

The question being discussed throughout this paper is how the existing laws on rape in India grant no or insufficient protection to men whose victims of rape are committed against them, and what circumstances would have to be covered to recognise the protection needed.

LITERATURE REVIEW

The paper has conducted detailed doctrinal research by analysing the legislation at hand concerning rape. It has assessed different case laws along with relying on theoretical research papers to support the same.

The theory of gender equality and neutrality is found in the **Feminist Theory**, which propounds equality of men and women. However, this theory is most often misconstrued as empowerment and support of solely women.

Feminism is narrowly construed to only problems concerning women in society, such as households, workplaces, etc. The theory is overlooked for its consideration to put not only women but also men on the same status in the household as women in society. The paper places reliance on the true and effective area of feminism, which seeks to dismantle the predetermined gender roles and identities, which are formulated by either patriarchy or cultural practices. Feminism has always been partly about men and what to do about men.⁸⁹² This paper places reliance on the feminist theory not placing enough reliance, significance, and focus on the male aspect of so-called 'gender empowerment'. In contrast, the theory at times over-focuses on the female aspect of it, leading to over-empowerment of women in some respects ranging from household to society.

Liberal Reform Feminism

This type of feminist theory will be implied throughout the paper. This theory emphasizes gender equality as realizing the potential of women and men equally, albeit within the

current context of current gender order and social structures. It is argued that the source of gender equality is structural and not the outcome of personal attributes, individual choices, or unequal interpersonal relationships. An overall strategy for reforming the unequal gendered structure is gender balance.⁸⁹³

Male rape is considered taboo in society and is associated negatively with heterosexual men as it is always viewed from a masculine point of view. The male victims do not report the unfortunate yet heinous crimes that happened to them. The concern is that if the victims talk about the assault, people will judge them based on their sexual orientation and label them as homosexuals or unmasculine. This fear drove a large number of male victims to not disclose their abuse, which led to a large number of unreported rape cases.⁸⁹⁴ At first glance, one could assume that the problem of male-to-male rape is outside the purview of the women's movement. However, even a cursory examination of the matter indicates that male/male rape is a topic well within the purview of the feminist movement. An understanding of male/male rape also significantly draws on concepts of power, dominance, and gender, all of which are crucial in feminist studies of male/female rape.

Gita Gopal's '*Gender and Economic Inequality in India: The Legal Connection*' puts forth a different yet accurate view which the current paper contends. The paper asserts that the problem of implementation of laws is a problem, but this must be seen with the interrelation between legislation and the treatment of women. Many gender-biased legislative provisions, despite the constitutional guarantee of equality, continue to reiterate traditional feudal attitudes. In the present paper, the orthodox beliefs which form the basis of the current laws are that of the female dependence on men, and that women cannot

⁸⁹³ Judith Lorber, 2005.

⁸⁹⁴ India's law should recognise that men can be raped too, Centre For Civil Society (2014), <https://ccs.in/indias-law-should-recognise-men-can-be-raped-too> (last visited Oct 13, 2023).

protect themselves from men as only men can perpetrate crimes against women. Women do not have the required social freedom outside their household to commit crimes, and only men who are dominantly free to move in society are capable of committing crimes. While the paper does not explicitly talk about provisions on rape and feminist gender neutrality, it gives a good basis to not only look into the implementation of the already-gender-biased laws but also evaluate the consequences of not having gender-neutral laws, which in this case, would be regarding rape. The gendered notions of society make the woman the subject class in society, leading to more vulnerability and more threats against her life by the dominant class of males. The law rightfully protects the same. But this protection is, as established at various points in the paper, limited to only protecting females, while the same events for men are covered under a vague yet broad provision under the IPC.

CHAPTER I – THE PRESENT LAW ON RAPE UNDER THE INDIAN PENAL CODE, 1860

The provisions of rape in the IPC are concentrated mainly in two sections: Sections 375 and 376, which further have other Sections like 376A, 376D, etc. These related sections will be considered along with Sections 375 and 376. The paper does not directly attack the provision itself but goes into the details of such sections.

Focusing on the language of these Sections, Section 375 has an inherent gender inclination. Thereby determining and sealing the deal on who can be the accused and the victim. Section 375 starts as:

'375. Rape.—A man is said to commit "rape" if he...'

By wording it 'A man is said to commit rape', the legislators, during the British Rule, had the idea that the idea of rape would only be committed by men against women, considering the inherent dominant tendencies among all men while women being made to abide by the men. The idea of male dominance and patriarchy

ruled the British-Indian society at the time the IPC was brought out, and thus, the women would be more vulnerable to unwelcome sexual acts of strangers. Earlier, the idea of rape would include only the penal penetration of the man into the woman's vagina. But this scope was increased to include much more other offences and bring into the scope of rape any associated act which would amount to committing a crime similar to that of rape. Different situations were elaborated on and inserted into the Section after the Criminal Law Amendment in 2013, where the heinous gang rape of a Delhi Girl exposed the loopholes in the IPC on rape, but also the problem of implementation of the then-existing laws. There was a need for more stringent laws and punishments for different kinds of rape, and this led to the Criminal Law (Amendment) Act, of 2013, which was the essence of the JS Verma Committee report.

Based on the feudal mindset of patriarchy and male domination, several laws have placed immense protection for women, while ignoring the fact that the times have changed from the mindset of male domination to equal rights and protection. But this is not seen in the framework of laws on rape, particularly Sections 375 and 376 of the IPC. Section 376 and its various other sections from 376A to 376E reinstate the belief that only men can rape women and not the other way round. They all imply that the woman is the victim of such a heinous crime and the man cannot be a victim, but only the accused. But none of these laws have considered the possibility of men being a victim of rape. Although the society and the law think that men cannot be raped, there are cases of men being raped by other women. "The consequences of rape for a woman are far-reaching. She has to battle social stigma, social mindset. While fixing marriages, nobody asks a man if he is a virgin." (TNN 2012). This belief is tied in with the belief that men do not mind non-consensual sex, and that it does not matter if men are raped because society does not judge them.

While women can physically rape men, they do not do it. Or even if they do, it is so rare as to be

a freak incident. This view is that 'A woman cannot rape a man.' Legally sound and logically correct, this statement by the Supreme Court in the case of *Priya Patel v. State of Madhya Pradesh and Anr.*⁸⁹⁵ laid down the foundation of the belief that only men can be the perpetrators in matters of rape crimes and women can only be victims of the same. The case concerned the rape of the male victim by the appellant's husband. When asked for help by the victim, the appellant denied and allowed the husband to continue the heinous crime. The High Court upheld the charge of gangrape under Section 376(2) of the Indian Penal Code, 1860 on the appellant, holding that though there may not be an actual act of rape being committed, the act of facilitating a rape to occur would constitute gang rape under the IPC. The Supreme Court reversed the High Court's decision in the appeal and dismissed the charge of gang rape against the Appellant, holding on the contrary that a woman cannot be held liable for a gang rape offence even if she has facilitated the occurrence of it. Reliance was placed on the language of Section 375, which provides for the definition of 'Rape', which signifies that only a man can commit a rape against a woman, and a man can never be raped in the eyes of law.

This view of the Court can be condemned to not make the law on rape gender-neutral to safeguard men who are victims of rape. The paper does not consider the possibility or the happening of an unnatural event where a woman rapes a man but considers the lack of legal remedy in the existing legal framework to protect and prosecute for the same. This lack of protection for male victims of rape exposes a legal as well as a social loophole which ought to be filled up by the legislature to protect the rights and interests of not just one gender at all times.

The idea that a male cannot be raped and that a woman cannot commit rape is not only legally supported but is in line with society's unwritten morals and conscience. Many men

suffer in silence after being victims of heinous crimes, not just rape. But they are taught to be 'masculine' and 'manly', that men do not complain about their suffering and on the contrary, some men create suffering for other people, especially women, and must be punished for the same. This perception of society that men are strongest among human beings depicts that males cannot be raped nor even that they are vulnerable to it. These societies believe that only women can be raped.⁸⁹⁶

Forced oral and anal penetration can be considered rape; in fact, women's groups have wanted the definition of rape to be broadened⁸⁹⁷, albeit not for female-on-male rape. (Agnes, 2002)

CHAPTER II – SCOPE OF MALE RAPE UNDER INDIAN CRIMINAL LAW

Another view on rape laws is the existing framework of law is unable to deal with cases of male victims of rape in an appropriate manner.

It can be counter-contended that there are adequate provisions to protect men from rape under the IPC, the reference being Section 377 of the IPC, which describes 'unnatural offences' and not explicitly 'rape of men' or other similar connotations. The scope of Section 377 of the IPC would be argued to cover the entire gamut of male rape cases in India, and would also include other offences like Bestiality, etc. While the scope of interpretation of Section 377 was read down in *Navtej Singh Johar v. Union of India*⁸⁹⁸ to decriminalise homosexuality, the Court has not put a definite stand on the status of rape of men in India. The court decriminalised homosexuality, but the implications of such decriminalisation through the lens of protecting men from rape will be looked into later. For now,

⁸⁹⁵ *Priya Patel v. State of Madhya Pradesh*, (2006) 6 SCC 263.

⁸⁹⁶ Owen Jones, *Male rape survivors suffer in silence. We need to help them talk* | Owen Jones, The Guardian, January 16, 2020, <https://www.theguardian.com/commentisfree/2020/jan/16/male-rape-victims-sexual-abuse-support> (last visited Oct 13, 2023).

⁸⁹⁷ See *Sakshi vs. Union of India*, 2004. Sakshi is an NGO that filed a PIL to broaden the definition of rape which was rejected on the grounds that "unnatural" sex was already punishable under Section 377.

⁸⁹⁸ *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321, (2018) 10 SCC 1.

there are counter-arguments that Section 377 is wide enough to prosecute for offences which include rape of men.

Another Counter which can be placed is that although rape of men is not an explicit offence under Indian criminal law, the rape of male children is prosecuted under the POCSO Act. The POCSO Act, a special law made in response to gratifying sexual offences against children, was passed in 2012 to provide for a comprehensive law on the issue of sexual offences against children. A secular law, this Act applies to all religions irrespective of their personal laws, although there have been differing stands by the courts in different cases where the religious laws override the special legislation and vice versa. But the concern in this paper is the lack of laws or the inadequacy in the existing laws to provide for the protection of men from rape and punishment in case of such occurrence. The POCSO Act provides for three kinds of offences: sexual assault, sexual harassment, and child pornography. While the offence of rape is not explicit in the legislation, the Act is gender-neutral when it comes to charges in cases of offences under the Act. Both genders, male and female, can be prosecuted and tried for offences under this Act, irrespective if the victim is male or female. The Delhi High Court in *Jabbar v. State*⁸⁹⁹ observed: "As noticed in *Alakh Alok Srivastava (by Supreme Court)*, the POCSO Act is gender neutral. It does not, therefore, discriminate or distinguish between a boy and a girl, as victims of sexual offences. The jurisprudence that has developed, concerning the testimonies of girl victims, as witnesses would, therefore, apply, so far as the POCSO Act is concerned, mutatis mutandis to boy victims." This case was about a man sodomizing a 6-year-old boy, which the Court considered as 'aggravated sexual assault' under the POCSO Act and sentenced him to 15 years imprisonment.

While this does not give a solution to the protection of men from rape, it can be called a

step forward in protecting boys from sexual assaults and other unwelcoming sexual acts committed by others, which can include females. On a broad idea, a female can be prosecuted for sexually assaulting a boy. On some level, the aspect of gender equality is incorporated in this act through the lens of protection of men from sexual acts.

One lacuna in the POCSO Act is that, while it enshrines gender equality in all of its provisions to make both genders liable and to be the victim, the aspect changes when it comes to adolescent relationships or relationships between two teenage children. Usually occurring around the age of 16-18 years old, there is no surprise in the occurrence of rape or sexual harassment or sexual assault in the relationship. But the courts take the patriarchal notion again while deciding cases of relationships between two teenage minors, who are below 18 years of age. The accused is the boy, and the victim is the girl in case of charges of sexual assault, etc. There are many cases where the girls, along with their parents, confront the boys and threaten and blackmail them to do an act, failing which a false case with charges under the POCSO Act and the IPC would be levied. And such actions, after being committed, are filed as a false case of harassment or assault against the boys. To protect the boys from such a situation, the gender-neutral provisions of the law will cover them with such protection, but it will not extend to the concept of rape against men or children, which is the core focus of this paper to highlight the lacuna in the present provisions on rape.

While it is acknowledged that there are existing provisions for the protection of men from rape, the paper contends that such provisions do not capture the severity of the heinous crime which occurred against a man.

CHAPTER III – THE SCOPE OF MALE RAPE IN SAME-SEX RELATIONSHIPS

The last aspect this paper would talk about is the implication of male rape within same-sex relationships. With the decriminalisation of

⁸⁹⁹ Jabbar v. State 2018, CrI.A. 1444/2013, Delhi HC.

homosexuality in *Navtej Singh Johar v. Union of India*, the Court opened a new field of society: the homosexuality field. But with such opening and legalisation, there were unseen implications which followed, one of them being the rape of the partner or other people in such homosexual relations.

The main aim behind the decriminalisation of homosexuality under Section 377 was the idea to remove homophobic attitudes and accept the community as they are. Considering a society like India, where age-old customs, beliefs and practices stand at a higher peak than modern laws and beliefs, the idea of homophobia or hatred against the homosexual community is not soon to go. 'Going against the order of nature' is a crime in society's eyes, although not in the law thanks to the landmark judgement of *Navtej* (supra). The society still views it as a crime, and the punishment for the same is given by the society itself, not by law. Matters on the same are decided by the society without any intervention of law, and this is because there is no comprehensive law on the same to decide the matter accordingly. Even if there is no law, there are shortcomings in the existing law to deal with such matters.

Since this paper focuses on the aspect of rape of men, and this topic on the topic of rape in male-to-male relationships, which are now legal, there is no framework of law to deal with such cases, and the existing law on rape, which favours and protects women while making the men the perpetrators, finds in itself a shortcoming to deal with these cases.

The reason why the issue of male-to-male rape has not been addressed is the notion that there is a link between male/male rape and homosexuality. This, in conjunction with the homophobia present in society, explains why the issue is essentially treated as a nonissue. The fact that survivors of male/male rape question their sexuality and that society considers them homosexual would not be a reason for non-reporting were it not for society's treatment of homosexuals. Human Rights

Watch notes that in "virtually every country in the world people suffer from de jure and de facto discrimination based on their actual or perceived sexual orientation."⁹⁰⁰

Section 377, though decriminalises consensual homosexual relationships, still criminalises male-to-male rape, and other offences which go 'against the order of nature'. While this provision includes the scope of male-to-male rape, it can be misinterpreted to criminalise homosexual relationships, especially when homosexuality, although decriminalised by law, is still criminalised in the mind of society.

Rape Shield Laws refer to those laws which protect people from rape and similar offences, and provide punishment for the same, which in this case would be Sections 375, 376 and 377 of the IPC along with the POCSO Act. Male victims, therefore, require at least the same kind of protection that female victims receive under Rape Shield Laws, as well as additional protection that addresses their unique concerns. The concern raised about Section 377 is the interlinking aspect of homosexuality and male-to-male rape. In male same-sex rape, the victim is often forced to engage in anal intercourse, with the rape perpetrator acting as the active party. As a result, many juries will conclude that at least one, if not both, of the men involved in a same-sex rape are homosexual. This notion, however, is based on two flawed assumptions: that males participating in same-sex rape are generally homosexual, and that men who rape men are primarily interested in the sexual aspect of the assault.⁹⁰¹ The same can be the case here, where the victim or the accused is misjudged to be homosexual, and along with this, society judges the victim as being homosexual and is stigmatized for being a victim of rape. The victim's sexuality is questioned, and there is no

⁹⁰⁰ Sivakumaran, Sandesh. "Male/Male Rape and the 'Taint' of Homosexuality." *Human Rights Quarterly* 27, no. 4 (2005): 1274-1306. <http://www.jstor.org/stable/20069834>.

⁹⁰¹ Doude, S.B. (2019) 'Rape shield laws', *The Encyclopaedia of Women and Crime*, pp. 1-3. doi:10.1002/9781118929803.ewac0430.

attention given to the mental trauma and pain undergone by the victim, while the accused, like in male-to-female rape cases, is gone scot-free from the judgemental hands of society. But there is no law which criminalises such an act apart from Section 377, which is misread to interpret homosexuality as a crime. In addition to the bias that a male same-sex rape victim may face because he is viewed as gay and/or feminine, there is a substantial and specific stigma connected with being a raped victim. Our society, very disturbed by men being subjugated and humiliated in sexual assault, believes that "victims" are women. Women can be raped because their relative physical inferiority and social rank allow men to overpower them.⁹⁰² Men, unlike women, generally do not fear being harmed in this way and thus typically do not fear rape.⁹⁰³ There seems to be little recognition of men's differences in strength and social status, resulting in many people maintaining that men cannot be considered victims of sexual assault.⁹⁰⁴ By undermining these assumptions, male victims of same-sex rape disturb our society's definition of "victims."

CONCLUSION

The heinous crime of rape cannot be gender-neutral. Crime spares no one depending on their gender, and if rape is viewed through a gendered lens, then only select people can get the protection granted by law, and the others are left to justice delivered as per society's whims and fancies. Male rape is not a minor issue merely because it is 'masculinely' not possible, according to society, which views it through the homophobic lens. Rape is a crime in which the victim suffers stigma just as much as if not more than, the offender. This stigma is exacerbated when the victim is a male. Many people find it difficult to recognize the possibility, let alone the prevalence, of male-on-male sexual assaults, and it is easy to

overlook a man who becomes a victim. To increase reporting and prosecution of male same-sex rape, the criminal justice system must devise strategies for eliminating stigma and raising awareness of these crimes. The removal of the stigma attached to male-to-male rape is the starting step to ensure that not only women are protected, but also men, irrespective of their sexual orientation. And this was done by the Court in Navtej Singh Johar, but that is not the final step. The need for filling in the loopholes in the present women-centric laws is the need of the hour to ensure that protection is granted to all people from such a heinous offence. The need for a uniform rape law, as suggested by the JS Verma Committee post the Nirbhaya rape case, is growing, and with the recognition of homosexuality, the occurrence of male-to-male rape, excluding sexuality, is more, and there will be more suppressed voices of male victims under the garb of 'masculinity'. While men need to be men, and women need to be women, rape does not consider whether the victim is a male or female; it happens to all, including children. But this is not present in the current Indian Criminal Law system.

⁹⁰² *Id.*

⁹⁰³ Harriett R. Galvin, *Shielding Rape Victims in the State and Federal Courts: A Proposal for the Second Decade*, 70 *Mimi. L. Rev.* 763, 769-70 (1986).

⁹⁰⁴ A. Nicholas Groth & Ann Wolbert Burgess, *Male Rape: Offenders and Victims*, 137 *Am. J. Psychiatry* 806, 807 (1980).