

SECTION 354 D and SECTION 375 OF THE INDIAN PENAL CODE, 1860

Sealed Lips on Male Stalking and Rape

NIKHIL DAHIYA *

INTRODUCTION

think girls and women are the
only ones sexually assaulted?

think again!



“*Duo non possunt in solidonam rem possidere*” is a Latin maxim which means two cannot possess same thing each in entirety. In India, it has been found that crime of stalking is being performed irrespective of his / her gender but if we talk about laws for protecting male security, we will discover that there is no single law defining punishment for male's security.

It is assumed that males are stronger as compared to girls and hence they can protect themselves. But in reality, boys too are the victims of stalking and rape.

We talk about gender equality when it comes to opportunities for girls. But we forget that gender equality is not limited for girls only but boys too deserve to have equality rights when it comes to protection. They too deserve laws for their protection as well. We have seen so many of cases of rape when it comes to girls. But there are so many of incidents when boys too get raped but they never being mentioned because in our society, boys rape is not given priority and they have to suffer alone. Only the victims know how much it takes time to recover from such heinous incident. Rape is something that is painful for both male and female. But instead of understanding their pain and taking action for it, we usually ignore boys' pain. We need to understand that gender equality should be treated as a major problem

* Nikhil Dahiya, Student of BBA.LLB. ,2nd year,FIMT-School of Law, GGSIPU, New Delhi, Contacted through dahiyacc@gmail.com

and if we really want to get gender equality then we should definitely need to make laws for boys' security as well. Also, it is a need that not only should the laws be considerate towards every gender, but it also should be free from any ambiguity. Any loophole in law facilitates the commission of the crime of gives the criminals an upper hand in escaping the liability.

SECTION 354 D

The law under section 354 D prime facie indicates that it is biased towards female members of the society. Even though the majority of victims of stalking have been the females, still the cases of stalking for male or even the other gender are not something unheard of.

As per the factsheet released by National Crime Victims Right Week (NCVRW), in 2018 on stalking, it was found that 5% boys were victims of stalking as compared to girls who faced stalking 16% of the total population. Considering the urge in the cases of stalking and upon the revelation that this particular crime is not subjected to the gender of a person, the law commission in its 172nd report has emphasized that the laws should be made gender neutral.

In *Priyadarshini Mattoo*¹ case, she was a young law student, was raped and murdered at her Vasant Kunj home by her stalker Santosh Singh, son of a former IPS officer. Let us take an example of some other cases.

In *Radhika Tanwar* case, she was, a second year DU student, was shot dead near a foot overbridge outside Ramlal Anand College near Dhaula Kuan by a “*psychopath*” stalker named Vijay alias Ram Singh.

We know about these cases just because the incident happened to a female and not to a male. There are so many of males out there who too the victims of stalking are. But they never came into notice. There is lack of awareness among the society that males can also be the victims of such crimes and we need to protect them. Crime does not take place by looking at the gender. Males too suffer a lot and the females too deserve punishment if she perform or stalk any male. We need to understand that criminal can be anyone, whether male or a female. We should just provide justice to the victim irrespective of their gender.

SECTION 375

Now if we talk about the rape of a female, we have so many of names that strikes in our mind just by the word “*rape*”, but if we talk about rape of a male, hardly we know even a single name. There are a lot of reasons behind this discriminatory law. There are a lot of myths around

¹ *Santosh Kumar Singh v. State through CBI*, (2010) 9 SCC 747.

male rape and molestation which is why men don't report the abuse. The common myths are that sexual abuse doesn't affect men and questions the masculinity of the person. Also, that women cannot practically rape men is among the top myths associated with male rape. This is why males often spend years before they even acknowledge a violation has taken place. They need our support and instead of bringing this issue in front of the court, we usually ask the victims to be silent as there is no law for their protection.



- **This is the percentage which we came to know when we asked the male victims about their incident.**

Research has found male survivors suffer from the effects of assault similar to that of female survivors. Rape trauma syndrome and post-traumatic stress disorder are common psychological manifestations of sexual assault. With societal constructs of men's emotional strength and stoicism, there are additional concerns for men who have been sexually assaulted. Thus, it is important to address the issues faced by both male and female survivors. And for making them more comfortable in expressing their pain, the laws need to be changed their discriminatory nature. And there should be some kind of relief that must be provided to the victims of such incidents. We can never feel their pain until we suffer the same pain. But at least we can understand and should make laws for them as well. It's not always about a female survivor but male too survives without even sharing their incident because of embarrassment. There are a lot reports which states that the percentage of male getting raped or getting stalked is not much less than that of female. And we have to believe that some of our laws need to be changed.

CONCLUSION

Among many reasons for not being aware, discomfort and embarrassment is foremost. Male rapes and molestations have always been a taboo, not only in India but all over the world. It is sexist, stereotypical and outdated to still believe that men cannot be forced upon or taken up against their will. Living in a male dominated society where men have always been considered

the stronger sex, male rape and molestation lives mostly in the shadows. We need to make changes for the betterment of society. We need to make the victims comfortable so that they can raise their voice against the system which is biased when it comes to protection of males. That's the only way to get justice. They don't deserve to suffer alone and just because there is no law for protecting males. The criminals who usually perform such act never get afraid of punishment. If we really want to cover the differences between both the genders, then we have to be unbiased in every situation. Only the society can take action by raising their voice so as to protect many males who have been suffered and who are going to be victims in future.

REFERENCES

1. Indiankanoon.org
2. Constitution of India, J.N Pandey, 20th Edition
3. Indiancode.nic.in
4. Times of India

