

The Urgent Need for Inclusive Rape Laws in India to Protect Men-Insights from the Movie 376 D -

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[Lara Stemple](#), Director of the Health and Human Rights Law Project at UCLA School of Law has conducted [extensive research on male rape](#) and *has argued for the recognition of male victims in sexual violence discourse. In her publications, she has highlighted the need for inclusive laws and policies that protect ‘all’ survivors of sexual violence.*

The Changing Face of Rape Laws: Why We Need Gender Neutrality

In the 21st century, the debate around gender neutrality in rape laws has become increasingly relevant. Traditionally, society has viewed sexual crimes through a gender-specific lens, with men as perpetrators and women as victims. As a result, laws have mirrored this view, focusing predominantly on female victims. But as our understanding of gender evolves and our society becomes more inclusive, it's clear that these outdated laws need a serious overhaul.

Take the [Bharatiya Nyaya Sanhita, 2023](#), for instance. This legislation, which covers sexual offences from Section 63 to Section 70, still clings to the notion that only women can be victims of rape. [Section 63](#) defines rape in a way that assumes only men are perpetrators. Even [stalking laws](#) are geared towards protecting females. It's like the law is stuck in a time warp, focusing only on female modesty and completely ignoring the needs of men and transgender individuals.

This gender-specific approach to sexual crimes reflects a broader societal assumption that women can only be victims and men can only be perpetrators. There's a deeply ingrained stereotype that men are not vulnerable and cannot be sexually assaulted or abused. This

mindset fosters a culture of indifference towards male victims, making it seem like their suffering is less legitimate or even taboo.

But as we move forward, it's clear that our laws need to catch up with our evolving understanding of gender and sexuality. We need legal protections that are inclusive of all genders to ensure that everyone, regardless of their gender identity, can seek justice and support when they are victims of sexual violence. The conversation is shifting, and it's time for our laws to reflect that change.

The Movie: 376 D

Bollywood rarely touches on men's issues, especially male rape victims. The 2004 movie "[Aitraaz](#)" was groundbreaking, showing a male victim assaulted by a woman. It had a stellar cast with Akshay Kumar and Kareena Kapoor, and it made a strong impact on audiences. However, male rape remains a taboo topic worldwide.

"[376 D](#)" is a Bollywood movie that tackles the same topic we don't hear about much: male rape. In a world where sexual violence is often seen as something that only happens to women, this film is a game-changer. It shines a light on the fact that men can be victims too, and they deserve the same recognition and justice.

The movie breaks down the old-school thinking that only women can be sexually assaulted and that men are always the aggressors. This is a huge step because, let's face it, society has a hard time seeing men as vulnerable. "376 D" tells us loud and clear that anyone, regardless of gender, can suffer from sexual violence.

What's great about "376 D" is that it doesn't just point out the problem; it calls for action. The film argues that our laws need to be updated to protect everyone, not just women. It pushes for gender-neutral rape laws that acknowledge and support male victims, as well as women and transgender individuals.

By bringing this issue to the forefront, "376 D" is starting important conversations about how we can create a more inclusive and empathetic society. It's not just about changing laws; it's about changing the way we think and talk about sexual violence. The movie reminds us that every victim deserves justice, and it's high time our society caught up to this reality.

So, if you haven't seen "376 D" yet give it a watch. It's more than just a film, it's a wake-up call to recognize and support '**ALL**' survivors of sexual violence.



The Unseen Issue of Male Sexual Abuse in India: Why Our Laws Need a Reality Check

Sexual abuse is a horrific crime, but in India, the legal definition often focuses narrowly on male-on-female rape. This outdated perspective ignores the reality of male abuse and allows these cases to slip through the cracks.

A study by the Ministry of Women and Child Welfare in 2007, supported by UNICEF, revealed the [shocking extent of child abuse in India](#). It found that 53.22% of children face some form of sexual abuse, with 52.94% of boys being abused compared to 47.06% of girls. In 2018, 204 male rape victims were [reported according to NCRB data](#). One horrifying [case](#) involved a 17-year-old boy in Ghaziabad who was gang-raped, with an iron rod inserted into his private parts. This was registered under [Section 377](#), but with the law now abolished under new criminal laws, older boys and men have no similar protection but, as shown in the movie 376 D, section 377 was not capable of addressing the issues of adult male rape cases. Also explained in [one of my blog posts](#).

The law and society's misconceptions about sexual abuse being a crime that only affects women lead to male survivors feeling stigmatized and ashamed, preventing them from speaking out. This stigma means that most male abuse cases go unreported, further perpetuating the issue.

The recently introduced Bharatiya Nyaya Sanhita Bill, 2023, aims to replace the outdated Indian Penal Code, 1860. There's still no clear basis for treating the sexual assault of a male child differently from that of an adult male.

Finding information on male sexual abuse online is tough because these cases are rarely reported. However, sexual abuse of men and boys happens more frequently than society realizes. Filmmaker and activist Insia Dariwala's [survey](#) of 160 men found that 71% had been abused, and 84.9% had never spoken about it. The main reasons for their silence were shame, confusion, fear of disbelief, and societal backlash.

Sexual abuse has long-term emotional, mental, and behavioural impacts, [leading to issues](#) like PTSD, depression, psychosis, and substance abuse. This trauma is even more significant for groups overlooked by the current laws.

India desperately needs gender-neutral laws to protect not just women, but also men and transgenders from sexual assault. While the [Protection of Children from Sexual Offences \(POCSO\) Act, 2012](#), covers children under 18, there's no equivalent protection for adult males. It's time for our legal system to recognize the reality of male sexual abuse and provide the necessary protection and support for all victims.

Conclusion

It is evident that the current rape laws in India are outdated and do not adequately protect male and transgender individuals who can also be victims of sexual violence.

Films like “376 D” are significant as they shed light on the often-ignored issue of male rape. This film serves as a powerful call to action, demonstrating that anyone, regardless of gender, can be a victim of sexual violence and deserves justice and support.

Statistics and real-life cases underscore the prevalence of sexual abuse among men and boys. However, societal stigma and outdated laws frequently silence their voices. Although the recent Bharatiya Nyaya Sanhita Bill, 2023, represents progress, it still falls short in providing explicit protections for male and transgender victims.

The Bharatiya Nyaya Sanhita Bill, 2023 operates largely in a binarized understanding of gender like many other laws. This binarism reflects traditional societal norms that have always defined gender narrowly. Thus, by maintaining this binary classification system, BNS continues to perpetuate these outdated norms and does not recognize the complexities and diversities of gender identities.

Legal systems that are truly inclusive of all genders must recognize a full range of gender identities. BNS can only provide an inclusive level of protection and rights up to a certain point because they follow a binary model. Such a binary approach excludes a significant section of the population, not being able to address each person's unique needs and realities. For instance, states need to have laws prohibiting discrimination based on sex/gender to ensure that justice and equality are extended to everyone, regardless of their gender identity.

India urgently needs gender-neutral laws that recognize and protect all survivors of sexual assault. It is imperative to update our legal framework to reflect our evolving understanding of gender and to ensure justice and support for all victims.



About the author...

Hey! Dear Reader,

My name is Sakkcham Singh Parmaar. I began my academic journey at Litera Valley School in Patna, Bihar, India, where I excelled in various activities, earning numerous accolades and forming lasting connections with inspiring teachers and friends. Currently, I am pursuing a B.A.LL.B (HONS.) at Jindal Global Law School, O.P. Jindal Global University, Delhi NCR, India, one of India's top private law colleges. Actively involved in multiple societies, I am deeply passionate about legal research, recognizing its importance in a legal career. As a sophomore, I am eager to learn and achieve even greater heights. My work ethic is highly praised by seniors and colleagues, who describe me as hardworking, eager for knowledge, dedicated, and able to maintain a disciplined yet friendly demeanour. With a keen interest in law, I seek to connect with new people, explore diverse experiences, learn new skills, and continuously strive for self-improvement.