

## RAPE HATH NO GENDER: A PLY FOR GENDER NEUTRAL RAPE LAWS IN INDIA

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### ABSTRACT

*From time immemorial, women have faced oppression, violence and many untold cruelties by men. They still do so even in this present era where feminism plays a vital role in our developing society, but It's not just the women that need protection from the crimes ranging from homicide to sexual offences, Men, Transgender and the children need it too. Presently, the rape laws in India are women-centric and it is very reasonable to have such laws present, but we need to take The LGBT community into consideration because they, like women too, have also suffered oppression from the hands of the society. In recent years, many men have come out with their stories. Some of them have either faced sexual trauma from a very young age, or they have been sexually assaulted as adults now. Awareness is much needed regarding the fact that not only women, but men, irrespective of the fact that they are straight, bisexual or gay, can be raped and sexually assaulted too.*

*It is to be noted that when a man commits non-consensual intercourse with another man, it is not called "Rape" rather it is called "Sodomy". The change of one terminology can create havoc and that's what we see, as Sodomy victims are not taken as seriously as Rape victims and there isn't any remedy in the IPC or for that matter any Indian law. If a person approaches the court saying he was sexually assaulted by a man or a woman alike, then even the somewhat remedy of section 377 of the IPC is not applicable. This paper primarily talks and highlights the need for gender neutral rape laws to protect Men, Women and Transgender. The paper also highlights the plight of the sexual violence being committed on the LGBT community.*

**Keywords: Rape, Sodomy, LGBT community, IPC, gender neutral**

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## I. INTRODUCTION

Rape is defined as the act of sexual assault perpetrated by one person against another, typically involving non-consensual sexual penetration with a penis or an object. According to the definition stated in Section 375 of the Indian Penal Code (1860), rape is considered a crime committed solely by a man against a woman. Consent plays a crucial role in rape laws, and the methods used to obtain that consent must comply with the law. Numerous court cases have demonstrated that men engage in acts of rape against women, regardless of the female's age, whether she is an adult, a minor, or of unsound mind. Such instances are increasingly visible in the mass media and communication platforms we encounter almost daily.

Rape has been a significant issue not only in our present society but also throughout history. Historical records document numerous rape cases, such as the enslavement of people from the defeated country by the victors after a war. Women and young girls were often forced into prostitution, while men were utilised as labourers by the wealthy elite.

For instance, historical accounts reveal that Alauddin Khilji, the Sultan of the Khilji Dynasty, reportedly had an extensive harem consisting of approximately 70,000 slaves, including males, females, and even children. It is also recorded that the sultan engaged in coercive acts with men, reflecting his bisexual orientation.<sup>1</sup>

## II. RAPE LAWS BEING GENDER SPECIFIC AND NOT GENDER NEUTRAL

Rape is not limited to any particular gender and can occur between individuals of any gender. This is not a new problem that has emerged due to modernization; rather, it is an unfortunate truth that has plagued our society for thousands of years. The reason why rape laws primarily focus on women is because the majority of reported rape cases involve female victims. When we compare the number of female victims to male victims in cases of rape, the ratio heavily favors women. This fact alone justifies the need for more rape laws to protect women. However, this reason does not justify overlooking the plight of male victims.

Crimes committed against women are no longer concealed; they have emerged as a subject of intense discussion in recent times. Women endure a range of abuses, including domestic violence, mental and emotional trauma, assault, acid attacks, and,

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<sup>1</sup> · Dr.JB Ratti 'ALAUDDIN KHILJI (1250-1316) – the Jihadi Barbarian Killer, Rapist & Homosexual' (November 19, 2017) <<https://drjbratti.wordpress.com/2017/11/19/alauddin-khilji-1250-1316-the-jihadi-barbarian-killer-rapist-homosexual/>>

undoubtedly, rape. Nevertheless, it is imperative to recognize that men can also fall victim to sexual abuse. Crimes targeting gay men, specifically, are frequently underestimated and, at times, disregarded altogether. Within our society, a man who has experienced sexual abuse is not typically identified as a "rape victim" but rather as a "sodomy victim."

The notion that only men can commit rape is incorrect, as there are cases where women are also perpetrators. The concept of dominance and submission comes into play here, challenging the age-old assumption that only men possess dominant traits. It is erroneous to assume that only men can be dominant, as there can be dominating women too.

In a horrifying case that challenges the notion that only men can rape, a woman handcuffed a man to a bed and forcefully administered Viagra to him without his consent. As a result of the drug, the victim was unable to control his erection and experienced excruciating pain due to increased blood flow to his genitals. Taking advantage of his debilitated state, the woman engaged in non-consensual intercourse by inserting his penis into her vagina. In this scenario, she coerced sexual intercourse against his will. The victim attempted to seek help and shared his story with others, but he was often met with disbelief. When asked why he didn't leave the house where he lived with the perpetrator, the victim explained that it was his own house and he faced financial difficulties that prevented him from moving out.<sup>2</sup>

In another incident, a 25-year-old woman failed to file a police report against another woman who she claims sodomised her using a sex toy and subjected her to repeated physical and sexual assaults in 2018, shortly after the Supreme Court decriminalised homosexuality. The victim, who had traveled to Delhi from an eastern Indian state for work, alleges that the 19-year-old accused woman raped her and subjected her to ongoing abuse. Her ordeal continued when the police at the Seemapuri Police Station in Delhi refused to register a case against the accused, despite finding her.<sup>3</sup>

### III. SOCIETY ON MALE VICTIMS OF RAPE

Critics of gender neutrality in rape laws often argue that men and women react differently to sexual assaults, suggesting that considering male standards and reactions

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<sup>2</sup> Katie Silver 'If a woman forces a man to have sex, is that rape?' <<https://www.bbc.com/news/stories-49057533>> (BBC 5 July,2019)

<sup>3</sup> Debayan Roy 'Woman Alleges Rape by Another Woman, But Fails to Get Her Booked in First Such Case After 377 Verdict' (News18, October 3, 2018) <<https://www.news18.com/news/india/woman-alleges-rape-by-another-woman-but-fails-to-get-her-booked-in-first-such-case-after-section-377-verdict-1896639.html>>

would disadvantage women. However, contrary to this belief, numerous studies have indicated that men exhibit similar feelings of helplessness when faced with such attacks. In a 1989 study conducted by American researchers, it was found that men responded similarly to women in cases of sexual assault. The victims, regardless of gender, displayed similar characteristics, experienced comparable reactions, and often reacted with a sense of frozen helplessness and passive submission due to overwhelming fear. Nevertheless, men faced challenges in reporting these incidents to authorities, fearing societal judgments of weakness or disbelief and the politicization of rape as solely a feminist issue.<sup>4</sup>

In her article addressing male experiences of rape and sexual assault, Karen Weiss discusses society's persistent emphasis on hypermasculinity, patriarchy, and societal expectations placed on men. These deeply ingrained notions necessitate a complete transformation of our preconceived ideas about sexual violence and gender in order to recognize men as victims. Weiss highlights that, according to the Bureau of Justice Statistics (DOJ, US), approximately 9% of rape and sexual assault victims in 2003 were male. She refers to data from the National Crime Victimization Survey (NCVS), which reveals similarities in the experiences of male victims in cases of both rape and attempted rape, where perpetrators demonstrate a sense of entitlement and refuse to respect boundaries. Despite the existence of evidence countering this notion, society struggles to accept that men can be victims, and the victims themselves feel ashamed to report such crimes due to the fear of being perceived as unmanly.<sup>5</sup>

The influence of patriarchy significantly contributes to the mockery and belittlement of male victims of rape. Unlike women who are considered to be delicate and prone to danger of assault due to the nature of their femininity, males are to be considered male macho men who fear nothing, and nothing such as rape can happen to them. Despite having an inclination towards gender equality, many men struggle to embody it fully due to societal and peer pressures. This failure not only perpetuates gender inequality but also subjects men themselves to negative consequences. One aspect through which a patriarchal society impacts men is by imposing the expectation of constant interest in sexual intercourse, disregarding the existence of consent for males.

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<sup>4</sup> Male Rape: Making the System Neutral - India Legal, <<https://www.indialegalive.com/did-you-know-facts-about-news/perspective-news/male-rape-making-the-system-neutral-68529>>

<sup>5</sup> Ibid.

In 1988, a research study conducted among college students revealed that both men and women frequently encounter instances of unwanted coerced sexual activity. The findings of the study shed light on the societal pressure men face, which compel them to engage in sexual encounters. Men often feel obligated to accept advances from women to avoid being perceived as anything other than a "real man" or potentially being labelled as gay. The patriarchal framework imposes significant pressure on men to accumulate sexual experiences, with virginity being stigmatised as a form of failure. A prevailing belief among the opposite sex that "Men are out for only one thing" emerges as a common reason for sexual coercion experienced by men.<sup>6</sup>

In its 2017 report titled 'The Irresistible & Oppressive Gaze,' Oxfam India raised concerns about the negative impact of Indian films on the country's youth. The report highlighted that approximately 86% of Indian films incorporated sexist humour, which serves to trivialise misogyny and violence against women. Indian cinema often presents various aspects as comedic that should not be considered humorous, including voyeurism, rape jokes (as seen in the movie "3 Idiots"), negative stereotypes about women and queer individuals (as depicted in "Pyaar Ka Punchnama"), and explicit sexual assault ("Kambakkht Ishq"). Similarly, the portrayal of men in Indian movies reinforces patriarchal stereotypes, where instances of male molestation are treated as comedic material (as seen in "Badrinath Ki Dulhania"), and a man choosing another man as a life partner is portrayed as a downgrade ("Zero"). Consequently, these depictions in Indian films perpetuate the stereotypical image of hypersexualized patriarchal males lacking empathy.<sup>7</sup>

According to Claire Cohen, a notable author who focuses on male rape victims, there is a tendency to feminize these victims in order to make the concept of a female perpetrator more acceptable to readers. Cohen specifically mentions the book "Deadly Temptation" as an example, describing it as an explicit, pornographic story that incorporates elements of BDSM and assault. She argues that this book contributes to the perpetuation of the misconception that male rape victims are weak or incapable of defending themselves. As a result, many victims are discouraged from coming forward and speaking about their experiences.<sup>8</sup>

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<sup>6</sup> Lawrence A. Greenfield, "An analysis of Data on Rape and Sexual Assault", (Bjs.gov. January 1995), <<https://bjs.gov/content/pub/pdf/SOO.PDF>.>

<sup>7</sup> Ibid

<sup>8</sup> Ibid

#### IV. PRESUMPTION THAT ERECTION OR SEXUAL STIMULATION DURING SEXUAL ASSAULT IMPLIES AS CONSENT

In cases of sexual assault, defense attorneys often use the presence of an erection or sexual stimulation as a factor to argue consent on behalf of the victim. However, both male and female rape victims may experience mixed feelings of confusion or guilt if they had physical responses during the assault, such as ejaculation or an erection. This misconception surrounding sexual stimulation stems from a lack of understanding of the human body. Research suggests that orgasm can be experienced at a physical and mental level, sometimes even separately. Therefore, individuals can experience physical pleasure despite feeling mentally inhibited.<sup>9</sup>

Laboratory studies have shown that during a sexual assault, the fight-or-flight response activates the nervous system, leading to the release of adrenaline in the body. This results in increased blood flow and lubrication in the genital areas, indicating that a person being sexually assaulted will not necessarily have unresponsive genitals when experiencing fear. In a study conducted in 1982, it was conclusively demonstrated that men can have involuntary erections during sexual assaults.<sup>10</sup>

Defense lawyers attempt to establish consent based on the victim's sexual arousal, disregarding the fact that achieving orgasm during a sexual assault has long been deemed irrelevant in determining consent by many courts in the USA. Unfortunately, such biased thinking continues to prevail in society, resurfacing from time to time. In an English case, a man filed for divorce, claiming coercive sexual intercourse as cruelty. The judge, upon learning that the man had an erection during the act, deemed it consensual and dismissed the appeal.<sup>11</sup>

In his widely renowned article, Sigmund Fruchs emphasized that having an erection during rape does not imply consent. The complex relationship between sexual desire and physical stimulation, along with the judicial treatment of such behaviour, results in the denial of justice and rehabilitation for male victims. Fruchs also discussed how perpetrators of sexual assault intentionally induce victims to climax for multiple

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9 Roy Levin and Willy Burlo, 'Sexual arousal and orgasm in subjects who experience forced or non-consensual sexual stimulation' (2004) 11 *Journal of Clinical Forensic Science* 82.

10 Philip Sarrel and William Masters, 'Sexual Molestation of Men by Women', (1982) 11(2) *Archives of Sexual Behavior* 117.

11 *Willan v Willan* [1960] 1 WLR 624.

reasons, such as discrediting the victim's testimony, establishing dominance, and reaffirming the fantasy of consensual acts.<sup>12</sup>

Fruchs also noted that victims may sometimes wilfully climax to expedite the end of their ordeal with the perpetrator. An example is an Indian case where a renowned movie director allegedly performed oral sex on an American research scholar. The victim testified that she resisted and dissuaded him numerous times but he ignored her, so she faked an orgasm to quickly end the ordeal. While the trial court convicted the director, the appellate court overturned the conviction, arguing that a feeble "no" from the woman did not establish a lack of consent for the perpetrator. Such experiences highlight that both men and women may climax willingly during a sexual assault to bring the ordeal to a swift conclusion.<sup>13</sup>

Physiological studies, as discussed by Clayton Bullock and Mace Beckson in their article, have established that erections are not fully under voluntary control and can arise from emotional states like fear, stress, and excitement.<sup>14</sup> The findings from these studies indicate that the swelling of the penis is frequently misunderstood as consent for males, similar to how vaginal lubrication is misinterpreted in the case of females. It is crucial for society and the legal system to transcend these misconceptions and gain a deeper understanding of the intricate dynamics surrounding sexual assault.

## V. EFFORTS TO MAKE THE RAPE LAWS GENDER NEUTRAL

Following the Gang rape of Nirbhaya in December 16, 2012, a law commission recommended replacing the term "Rape" with "Sexual Assault" in the Indian Penal Code (IPC) to create a gender-neutral definition. The proposal was accepted by the Centre, and the Justice Verma Committee, formed in response to the heinous incident, suggested using the term "person" instead of "woman" to encompass all victims of sexual violence. In February 2013, following the horrific Gang rape incident of 2012, the then UPA government introduced the Criminal Law (Amendment) Ordinance, which incorporated a gender-neutral definition of rape.

However, due to criticism from women's rights activists, the gender-specific definition of rape was reinstated. In a PIL filed by Mr. Sanjiv Kumar, director of the NGO Knewmax Benevolent Foundation, advocating for gender-neutral rape laws, the Centre

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12 Siegmund Fruchs, 'Male Sexual Assault-Issues of Arousal and Consent' (2004) 51 Cleveland State Law Review 93.

13 Mahmood Farooqui v State (Govt. of Delhi) 2017 SCC Online Del 6378.

14 Clayton Bullock and Mace Beckson, 'Male Victims of Sexual Assault' (2011) 39 The Journal of the American Academy of Psychiatry and the Law 197.

responded in court on July 5th. The Centre argued that rape laws could not be made gender-neutral as women are the primary victims, and the Supreme Court had previously dismissed a similar PIL. The PIL aimed to make laws related to rape, sexual harassment, stalking, voyeurism, and outraging modesty gender-neutral, challenging the constitutional validity of several sections of the Indian Penal Code.

The PIL contended that these sections violated Article 14 (right to equality) and Article 15 (prohibition of discrimination based on sex) of the Constitution. However, the Chief Justice Dipak Misra-led bench considered the petition imaginative and noted that the sections in question provided affirmative provisions for women's protection, making the classifications valid.<sup>15</sup>

In 2013, the Verma Committee recommended a gender-neutral approach to identify the gender of victims of sexual violence while acknowledging the perpetrator as male. Unfortunately, the Criminal Law (Amendment) Act (2013) restored the gender-specific definition of sexual violence for both the perpetrator and the victim. Justice Leila Seth, a member of the Verma Committee, expressed concern over this decision, stating that Parliament failed to recognize the injustice done to many men and transgender individuals.

The Law Commission, in its 172nd Report, emphasised that not only women but also young boys are increasingly subjected to forced sexual assaults, causing similar trauma and psychological damage.<sup>16</sup> Another petition filed by the Criminal Justice Society of India before the Supreme Court highlighted the need to recognize male and transgender rape victims, as the current lack of recognition hinders victims from acknowledging their own victimization. The Supreme Court directed the responsibility to amend the statute to Parliament.

## VI. SURVEY AND STATISTICS

### ➤ **United States of America:**

The Bureau of Justice Statistics in the USA provided an analysis of data on rape and sexual assault, revealing that in 1995, approximately 260,300 cases of rape and attempted rape, along with nearly 95,000 incidents of other sexual assaults and threats, were experienced by individuals aged 12 or older. It was reported that about 10% of the rapes in three states did not fit the Uniform Crime Report

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<sup>15</sup> Male Rape: Making the System Neutral - India Legal, <<https://www.indialegallive.com/did-you-know-facts-about-news/perspective-news/male-rape-making-the-system-neutral-68529>>

<sup>16</sup> Ibid



definition of forcible rape. Furthermore, the National Crime Victimization Survey defined rape as forced sexual intercourse, encompassing victims of any gender and offenders of the same or different sex.<sup>17</sup>

➤ **United Kingdom:**

The Crime Survey for England and Wales conducted in March 2017 estimated that 20% of women and 4% of men had experienced sexual assault since the age of 16, resulting in approximately 3.4 million female victims and 631,000 male victims. The official joint statistics bulletin on sexual violence released by the Ministry of Justice, Office for National Statistics, and Home Office provided an overview of sexual offending in England and Wales, stating that around 12,000 men and 85,000 women aged 16-59 experience rape, attempted rape, and sexual assault by penetration every year. It was also noted that only 15% of sexual violence victims reported the crimes to the police.<sup>18</sup>

➤ **India**

According to PEW research statistics from 2014 on online sexual harassment, 25% of women and 13% of men between the ages of 18 to 24 have experienced sexual trauma.<sup>19</sup> A survey conducted among 222 Indian men revealed that 16.1% had been coerced into having sex. When focusing on child sexual abuse, the Indian government's survey in 2007 found that 57.3% of the children who reported experiencing rape and sodomy were boys, while 42.7% were girls. Additionally, a recent study by the Delhi-based Centre for Civil Society discovered that 18% of Indian adult men surveyed reported being coerced or forced to have sex, with 16% indicating a female perpetrator and 2% indicating a male perpetrator.

In a tragic case, a class XII student from Maharashtra committed suicide after being sodomized by fellow classmates and staff in his hostel. Fourteen people, including a minor, were arrested and charged with abetment to suicide and

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<sup>17</sup> Lawrence A. Greenfield, "An analysis of Data on Rape and Sexual Assault", (Bjs.gov. January 1995), <<https://bjs.gov/content/pub/pdf/SOO.PDF>>

<sup>18</sup> Statistics - Sexual Violence, Rape crisis, <<https://rapecrisis.org.uk/get-informed/about-sexual-violence/statistics-sexual-violence/>>

<sup>19</sup> 'Sexual Harassment of Men', <<http://www.legalservicesindia.com/article/2039/Sexual-Harassment-of-Men.html>>

unnatural offenses under the IPC and POCSO Act in connection with this incident.<sup>20</sup>

## VII. PRESENT REMEDIES AVAILABLE FOR MALE, FEMALE & TRANSGENDER SURVIVORS

India recently reinstated Section 377, which addresses sodomy and bestiality, but it contains a significant loophole. The section does not differentiate between consensual and non-consensual sexual acts among adult males. Consequently, if a man approaches the court alleging violation by another man, even if the perpetrator did not violate him through conventional means such as penile penetration, the remedy provided by Section 377 does not apply to the victim.

In addition to this provision, there is no specific law in place to protect male survivors from any form of sexual assault or harassment. The Indian Penal Code (1860) lacks provisions that safeguard men from sexual violence, and it often allows female perpetrators to evade prosecution, denying justice to male victims.

The relevant sections pertaining to sexual offences under the Indian Penal Code are as follows:

- Section 354: Assault or criminal force to a woman with the intent to outrage her modesty.
- Section 354(A): Sexual harassment.
- Section 354(B): Assault or use of criminal force to a woman with the intent to disrobe.
- Section 354(C): Voyeurism.
- Section 354(D): Stalking.
- Section 375: Rape.

After the gender-specific definition of rape was established in 2013, LGBTQ activists highlighted the lack of clear legal remedies for transgender individuals in cases of sexual violence under current laws. In a 2017 case in Pune, a 19-year-old transgender person was beaten and subsequently gang-raped by four men. The accused were booked under Sections 377 (unnatural offences), 323 (voluntarily causing hurt), 504 (intentional insult with the intent to provoke breach of peace), and 506 (punishment for criminal intimidation) of the IPC. However, the trial court found all the accused

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<sup>20</sup> Shailini ojha, "Maharashtra: Class-12 boy commits suicide after sexual abuse, 14 arrested", NewsBytes, Jan, 23, 2020 available at: <https://www.newsbytesapp.com/timeline/India/56650/263366/14-arrested-for-sodomizing-boy-in-maharashtra>

innocent since Section 377 does not explicitly mention the third gender, underscoring the helplessness felt when the law, meant to protect, fails to do so.<sup>21</sup>

One potential remedy that awaits government approval is the Criminal Amendment Bill 2019. This bill proposes the substitution of new sections for Sections 375 and 376 of the Indian Penal Code, 1860. The 11th point of the bill introduces Section 375A, which defines the offense of sexual assault, including intentional touching of genitalia, anus, or breasts without consent, or using words, acts, or gestures of a sexual nature to create unwelcome threats or advances. The punishment for such offences may include rigorous imprisonment of up to three years, a fine, or both.

Similarly, under the 12th point of the Criminal Amendment Bill 2019, the term "woman" is substituted with "person" to refer to the victim. This change aims to remove gender biases and ensure that the victim is treated in a gender-neutral manner. The bill acknowledges the universal truth that victims can belong to any gender, transcending the notion that only women can be victims. It was presented in the Rajya Sabha on July 12, 2019.<sup>22</sup>

## VIII. CONCLUSION

Experiencing rape evokes a range of intense emotions such as shame, guilt, sadness, anxiety, fear, and anger. The societal judgments associated with rape can lead to feelings of self-loathing, addiction to substances, self-harm, and even suicide. Rape survivors often suffer from Post-Traumatic Stress Disorder (PTSD), which is a prevalent psychological disorder among them.<sup>23</sup>

The pursuit of justice for sexual assault poses substantial difficulties for individuals who identify as lesbians, gays, bisexuals, or transgender. The lack of available legal recourse further intensifies the psychological trauma experienced by these victims, who already contend with conditions such as post-traumatic stress disorder (PTSD) and, in certain instances, severe depression. These challenges stem from societal judgments and a sense of self-loathing that can persist among survivors of rape.

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<sup>21</sup> 'India Legal, Male Rape: Making the System Neutral- India Legal', (India legal, 13 July, 2019)  
<<https://www.indialegalive.com/did-you-know-facts-about-news/perspective-news/male-rape-making-the-system-neutral-68529.>>

<sup>22</sup> The Criminal Law (Amendment) Bill, 2019,  
<<http://164.100.47.4/BillsTexts/RSBillTexts/asintroduced/crimnal-E-12719.pdf>>

<sup>23</sup> Symptoms of PTSD After a Sexual Assault, Verywell mind (Verywellmind, September, 28, 2019)  
<<https://www.verywellmind.com/symptoms-of-ptsd-after-a-rape-2797203>>

The LGBT community encounters various problems, including bullying, verbal and physical abuse, emotional and psychological abuse, violence, harassment, and sexual assault. Although the decriminalisation of Section 377 provided some recognition to the community, they still have a long way to go in terms of receiving adequate acknowledgement and establishing a platform to voice their concerns and perspectives. One aspect that often goes overlooked is sexual assault against male victims. It is crucial to highlight the fact that men, regardless of their sexual orientation (homosexual, bisexual, or heterosexual), can be subjected to rape or sexual assault. Unfortunately, there is a lack of appropriate remedies, and societal judgments discourage these victims from reporting their offenders. The fear of having their masculinity or sexual orientation questioned prevents them from coming forward and sharing their stories.

While it is undeniable that women are often portrayed as the weaker gender and require support for their empowerment, it is incorrect to assume that every woman is weaker than every man. There are instances where a man can be weaker than a woman, as well as situations where a man can be vulnerable to another man's harm, or a woman can be vulnerable to another woman's harm. Currently, our legal system is ill-equipped to handle cases of "woman-to-woman," "woman-to-man," "man-to-man," and even "man-to-woman" sexual assaults. It is evident that substantial changes are needed in our existing laws to create a safe environment for individuals of all genders and orientations.

## **IX. SUGGESTIONS**

It is crucial to increase the representation of women and the LGBTQ community in parliament. Their inclusion in the legislative body not only contributes to their empowerment but also ensures their voices are heard and recognized. Additionally, this representation is essential for addressing and addressing the specific needs of women, children, and the LGBTQ communities. In New Zealand, for example, under the leadership of Prime Minister Jacinda Ardern, women held 38% of parliamentary seats. They enacted a law that guarantees paid leave for victims of domestic violence. This legislation provides victims with the necessary time to relocate and protect themselves and their children from abusive situations. While political representation alone cannot guarantee physical security for a population, it marked a positive step forward.<sup>24</sup>

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<sup>24</sup> *NPR Choice Page*, <<https://www.npr.org/2018/07/26/632601325/new-zealand-will-provide-paid-leave-to-domestic-violence-survivors>>

Furthermore, our laws should recognize the perpetrators and the victims alike of sexual violence as gender-neutral. This approach ensures the protection of individuals regardless of their gender identity - be it men, women, or transgender people - from sexual violence. To achieve this, it is imperative to replace the term "man" with "person" in Section 375 and replace instances of "woman" with "person" throughout relevant legal provisions. It is essential to acknowledge that rape can be committed by anyone against anyone, irrespective of their gender. It is also crucial to establish legal provisions and resources specifically for male victims who experience various crimes such as stalking, sexual assault, and molestation. These provisions should go beyond the scope of Section 377.

Moreover, considering the plight of heterosexual men and LGBTQ rape survivors, the Honorable Supreme Court should formulate guidelines to protect and provide relief for them. Furthermore, the Supreme Court should direct the government to amend existing laws and make the definition of rape and other related provisions gender-neutral, ensuring equal protection for all individuals.