

MEN FALLING VICTIM TO FEMALE CRIMINALITY: A CRITICAL ANALYSIS

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Abstract

No specific gender is strong nor is it weak. It's all about the psychology not the gender when it comes to crime. Today in this 21st century if a woman claims that she has been raped then there will be no benefit of doubt that will be brought forward. It is then a binding fact that yes, she has been raped. But in the same way if a man claims that he has been raped exactly the opposite reaction will be seen. It's a different issue that a man will rarely claim that he has been raped due to unending social constraints.

In This Article the attempt is to explain some of this gender disparity by analyzing the results of the "Biosocial Study," one of this country's largest longitudinal studies of biological, psychological, and sociological predictors of crime.²

This article examines how women's crime has been reflected in crime statistics and media crime reporting. Looking at a long-term historical perspective, the developments from the beginning of the 20th century until the present. The overreaching processes that underline the decline in the gender gap in conviction of crimes such as rape, molestation, murder, theft, and all other violent crimes respectively, at different times during the past century till the present 21st century. A critical analysis on society and its psychology, critically analyzing the laws prevailing in the

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² <https://www.tandfonline.com/doi/full/10.1080/2578983X.2019.1657269>

society in relation to the above-mentioned issue and what are the loopholes, 'if existing' both in the society and in the laws.

Introduction

In everyday we get to hear about some or the incident where a women fell victim to either Domestic Violence or Rape or Sexual Harassment or assaults. It's like a normal occurrence now, it doesn't shock anyone. Some just criticizes the government and some even dare to criticize the women- the victim.

Now, consider if the society is in such a state where it can't even give protection to women and instead dare to judge them and criticize them for their action, for the dress the wore or just the fact that she mixes up with different men; what reaction or protection can we expect now from this very same society on the issue of men who are victims of Rape, Domestic Violence, Sexual Harassment and assault, moreover the fact that all of it is done by a woman. Will the society be able to digest it?

India in particular still depends on customs, old thinking, and most of the population are backwards. If women are still fighting for their basic Rights and protection, how can it be expected that men will have any right in consideration to this aspect. the fact that woman beat up a man makes people laugh and think that it's not possible and some just feel it's funny cause he deserved it maybe. It's fine if he is getting up. And some will just look down upon that victim and criticize him for not being manly enough. This all stops the very Victim to come up front, to talk about it, to show his bruises. Because to the society it is shameful.

Is it just the society or even the law that is not enough? Is it just the situation In India or even Internationally? Are India's policies lacking and backdated?

International stand on violence over men by women

Internationally violence against men by women is known aspect and quite a discussed topic.
³Internationally Men do not usually lodge complain about Domestic Violence or sexual assault, due to known social stigma prevailing in the society. Where Men are expected to be macho and other denigration of their masculinity. Intimate partner Violence (IPV) against men is generally less accepted by the society. IPV against men is a controversial area of research, with terms such as gender symmetry, battered husband syndrome and bidirectional IPV provoking a great deal of debate. Men are under protected when it comes to them getting justice for being victim of IPV. As there are arguments presented such as: women most of the time use violence over men domestically only after the man uses violence on the women first. It was even considered all the anti-feminist groups are the one raising such issue to undermine the problem of male-perpetrated abuse by championing the cause of the man. It is also pointing out the fact that usually in the case of IPV men tend to cause more harm to women than what a woman does to a man. As the physical strength is different. Is this even point of consideration? Punishment should be given according to the capacity of the crimes committed under on crime. And not generalize the whole crime on the favor of female.

Statistics according to surveys

Domestic Violence

Internationally in different countries there have different surveys conducted through which they came to the conclusion as what men are facing. How men don't report of violence by women due

³ https://en.wikipedia.org/wiki/Domestic_violence_against_men

to expected masculinity from them by the society. In the **United Kingdom**, by comparison, over 1.9 million people aged 19-59 told the Crime Survey for England and Wales (2017) that they were victims of domestic violence and 79% did not report their partner. And very interestingly over 1.2 million were and 713,000 were male. Not a small number to ignore male victims, isn't it? In the **republic of Ireland**, a 2005 report carried out by the National Crime Council found that 15% of women and 6% of men had suffered severe IPV in their lifetime equating to about 213,000 women and 88,000 men. In **Northern Ireland**, police records for 2012 listed 2,525 male victims of domestic violence, an increase of 259 cases from 2011.

In the **United States**, the National Violence against Women Survey carried out by the department of Justice in 2000, and found that 7.4% of men reported physical assault by a current or former spouse, cohabiting partner, boyfriend/ girlfriend. Additionally, 0.9% of men reported experiencing domestic violence in the past year, equating to 834,732 men. In **New Zealand**, the twenty-one-year Dunedin Multidisciplinary Health and Development Study, published in 1999, reported that of their sample of 1,037 people 27% of women and 34% of men reported being physically abused by a partner, with 37% of women and 22% of men reporting they had perpetrated IPV. Also in New Zealand, a 2009 report by the Journal of Applied Social Psychology evaluated samples of university students, general population, and incarcerated participants, and found that 16.7% of male respondents reported physical abuse, while 29.5% reported bidirectional violence.⁴

Sexual Assault

⁴ https://en.wikipedia.org/wiki/Domestic_violence_against_men

There have been many such surveys that have been conducted over a period of time and according to which, sexual victimization by women is more common than gender stereotypes would suggest which all surveys are mentioned in The Atlantic article.⁵

In the **United States** the FBI's Uniform crime Report 2012 redefined Rape as: "The penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim". This made the Rape law gender neutral. This new law encourages male rape victims to seek justice for themselves.⁶ In the **UK** instead women cannot be charged of rape instead they can be charged with sexual assault by penetration. Or causing sexual activity without consent. A country such as china though made the law of forcible indecency under Article 237 gender neutral but still offences that constitute rape of males may be tried under this article, with offender facing a maximum of five years in prison. And same punishment is given to the offender for the rape of boys.⁷ The punishment ratio is highly unequal when compared to women being the victim of rape. Why is it so? Do men and smalls don't go through the same trauma too? How are the rapist raping women different from the ones raping Men? A woman raping a man is any less crime in the humanitarian ground? Why is it so?

In Indonesia men cannot be raped, it is considered Rape can be only defined as a sexual assault against female. But under **Indonesia's** Penal code paragraph 289, the victim of "vulgar actions" is not defined as male or female and the punishment given to the offender is maximum of 9 years. But sadly, when it is concerned with women being the offender of such a case there is no punishment for them. Because it is deemed that women perpetrator that force males to have

⁵ <https://www.theatlantic.com/science/archive/2016/11/the-understudied-female-sexual-predator/503492/>

⁶ <https://edition.cnn.com/2013/10/09/living/chris-brown-female-on-male-rape/>

⁷ https://en.wikipedia.org/wiki/Rape_of_males#cite_note-cnn-30

intercourse with her do not do harm or result in something bad to male victims, such as pregnancy in females. Why only a female can get psychological damage? Is pregnancy the only factor for deciding the punishment? If females can ask for equality in every field though there is difference in the physical strength of a women and men, but on the basis of equal hard work they want equality. Why the same point can't be considered when deciding on punishments for women rape offenders. In **Philippines** though legally recognizes Rape of males, both by other males and females. But the punishments are very different male victim's offenders get punished for maximum of six to twelve years, whereas offender of female rape get punishment of lifetime imprisonment.⁸

There are many other ways by which women assault the male such as, women file false complaint against male of domestic violence, and sometimes of Rape or even sexual assault. Just to fulfill their own interest. It has been seen in many situations in India as well as internationally how women assault men with false accusation.

International cases

The Cierra Ross Case: this case got a lot publicity at its time. Cierra Ross a 25-year-old waitress and mother of two was arrested and charged with aggravated criminal sexual assault and armed robbery. According the facts Cierra Ross offered to give the man a ride. After the man accepted the ride, Ross is accused to have pulled out a gun and ordered the man to get back at the back seat and have intercourse with them. She had a female companion with herself who asked the man to take his clothes off. The victim was assaulted by them. The man reportedly begged them to stop, but eventually escaped by running out of the car half naked. The main later filed a

⁸ https://en.wikipedia.org/wiki/Rape_of_males#cite_note-cnn-30

complaint and following that Ross was arrested but the other woman was not charged. Ross was held in lieu of \$75,000 bail for aggravated criminal sexual abuse and armed robbery.

A similar such case includes James Landrith, who was made to penetrate a pregnant female in a motel room. He was drugged, raped and forced to stay quiet by the pregnant women.⁹

Mormon Sex in Chains Case: in the UK this case brought increased awareness of the possibility of female-on-male-rape. A young Mormon missionary named Kirk Anderson went missing in 1977, in Ewell, Surrey, after being abducted from the steps of a church meetinghouse. A few days later, Anderson made a report to the police that he had been abducted and imprisoned against his will. He said that he had been abducted and imprisoned against his will. He said that while he was chained to a bed, Joyce Bernann McKinney attempted to seduce him, and then raped him. McKinney fled to the US, extradition was not pursued by Britain, and the English court sentenced McKinney in absentia to a year in jail. Under the then sexual offences Act 1956, due to the gender of the victim no crime was committed, though indecent assault of a man applied.¹⁰

Mary Katherine Letourneau: This is a strange criminal case where Mary Katherine Letourneau raped a minor boy but people still question “It was Love or Rape?”

In this case Mary was a 34-year-old an American school teacher who plead guilty in 1997 to two count of felony second-degree rape of child, Vili Fualaau, who was 12- 13 at that time and was a student of the accused. As the case was going on it was found that both Mary and Fualaau were in Platonic relationship which turned into a sexual one. They were first caught by the police in Mary’s car where Mary lied about his age and said he was 18 years old and the fact that they did

⁹ <https://chicago.cbslocal.com/2013/09/05/woman-charged-with-raping-man-bond-set-at-75k/>

¹⁰ https://en.wikipedia.org/wiki/Manacled_Mormon_case

not touch each other anywhere. But later on, Mary was arrested on 4th March, 1997, after a relative of her husband contacted the police. Mary pleaded to be guilty to two counts of second-degree child rape. She had Fualaau's child when waiting for her sentence. The state sought to sentence her to six-and-a-half year in prison. Through a plea agreement sentence was reduced to six months in the country jail and three years of sex offender treatment.as part of her plea agreement Mary could not contact her five children or Fualaau, and have no contact with any other minor. But Mary was again found in a car with Faulaau by th police and there was evidence both had met several times since Mary's release from jail. In 1998, the judge revoked Mary's prior plea agreement and reinstated the prison sentence of seven and a half years for violating the no-contact order.¹¹

A similar such case of **Debra Lafave** is of the same nature. Where lafave was a teacher at an American School. In 2005, she pleaded guilty to lewd or lascivious battery against a teenager. The charges started from a sexual encounter with a 14-year-old student in min 2004. Lafave's plea bargain includes no prison time, opting for three years of house arrest due to safety concerns and seven years of probation.¹²

There have also been cases where underage male rape victim has been asked to take responsibility of the child that his female rapist conceived during the course of intercourse. It is rightly stated in the case of **Hermesmann V. Seyer**.

India's stand on criminality against men by women.

When it comes to gender neutral laws, and specially one protecting the male victims from female criminality India is an important county to study. It's not because India has gender neutral laws,

¹¹ https://en.wikipedia.org/wiki/Mary_Kay_Letourneau

¹² https://en.wikipedia.org/wiki/Debra_Lafave

or that it gives absolute proper laws to protect its male population from violation. But, instead it's because of the movements that has been brought forward by group of males as well as female to get the certain laws gender neutral. It's because a country like India that mostly run with customs and societal norms till date, and that goes with the belief of male being the only dominating and women being the submissive one. The country that has been discriminating in genders since ages. Considering women, the weaker group of people and male the masculine and stronger one and always the head of the family. In a country where females fought for their rights, and are still fighting in some or the other way. How will that country deal with gender neutrality law? How will that country accept its men being sexually assaulted, or getting violated by the same women that they considered for ages to be weak, to be submissive. Will it accept? Will it protect its men from the female criminality or will it stay biased?

So far, there have been few exceptions made in laws to protect men from female cruelty but are those enough?

There are various types of violence that a man can be a victim of and where the women are the proprietor. Domestic violence is well known as one of a kind when it comes to men criminality and there are various cases to prove that. Sexual assault is another type of violence that men are victims of and it does not only fall under sexual assault by spouse but even in and out of family members. Yes, in and out of family, the idea sounds bizarre. But it's a fact. It is discussed hereinafter.

Domestic Violence

According to a study. 51.5% males experience domestic/ spouse violence at the hand of their wives at least once in the lifetime. According to the National Family Health Survey, 2004, this violence is not always done by the wives but more by the relative of the wives. When physical

violence by relative on men is taken in to account it can be considered that at least 3 crore men are facing domestic violence. In a study conducted by my Nation along with save Family Foundation (Delhi) on domestic violence against men, between April 2005 and March 2006. 1,650 men were interviewed and their personal cases looked into. The study concluded that Indian women were the most abusive and dominating.

From all over India 98% of the respondents had suffered domestic violence. The study covered Indian husbands from various socioeconomic strata. Nadda et al found much higher physical violence, respectively, against women this reflecting Indian women are much less physically aggressive than Indian men. Gender symmetry does not exist in India for physical violence.¹³

Domestic violence can be done in two ways:

Physical Violence- where the man is abused physically by the wife/intimate partner or by the relative of such. This can include slapping, hitting by wife/intimate partner, her parents, or relatives, throwing objects at the man. Slapping was identified as the most common form (98.3%) and the least common was beaten by weapon (3.3%).¹⁴

Psychological violence- where the man is violated and abused psychologically. Resulting in mental abuse. Where the wife/intimate partner abuse the man by affecting them psychologically. It is a very common way of assaulting men. Females and sometimes their family file false cases against their intimate partner for rape or domestic violence and harass the man and his entire family. Many such men lose their job in this process as the society always considers the women to be right without any doubt when it comes to violence against them. Females even do it by assaulting their husband /intimate partner in public by insulting them and ruining their reputation.

In emotional violence, reported 85% abuse against the men was criticism, 29.7% were insulted in

¹³ <https://journals.sagepub.com/doi/full/10.1177/2631831819894176>

¹⁴ <https://journals.sagepub.com/doi/full/10.1177/2631831819894176>

front of others, and 35% were threatened or hurt, it can be in the form of mental abuse such as the constant threats to the husband and his family under false allegations of dowry and domestic violence.¹⁵ Due to this many men committed suicide as well. The rate of suicide of men due to domestic assault or mental abuse faced by their wife/intimate partner has increased by time.

Legal protection

These men who are victims of domestic violence in any form do not get much of protection from the law. They are still not given the consideration as a victim of domestic violence. Domestic violence till date only is a term used to define women getting domestically violated by men. Instead, women can be held liable for mental cruelty towards husband.

Ant dowry laws dowry prohibition Act,1961, and later section 498A passed by the Supreme Court of India already show the concern asked to stop the Legal Terrorism in the form of misuse of 498A and the necessary changes to be made by the Parliament.

Legal Terrorism:

498A of IPC: Husband or relative of husband of a woman subjecting her to cruelty.¹⁶

Cases

Narendra vs. K.Meena on 6 October; 2016

In this case the wife continuously forced her husband to live separately from his family. The wife was live alone with her husband and child and keep all the earning of the husband to herself. She leveled fake charges against her husband stating how he had extra marital affair with the maid. Further she had attempted to commit suicide by burning herself after pouring kerosene oil,

¹⁵ <https://journals.sagepub.com/doi/full/10.1177/2631831819894176>

¹⁶ Indian Penal Code Bare Act, (45 of 1860)

without any reasonable ground to do so. The high court passed the judgment stating that no cruelty was done to the husband in this case. Later On, Oct. 06, 2016, the bench, comprising of Justice Anil R. Dave and Justice L. Nageshwara Tao after consider the law fixed in previous judgments, held that such continuous pressure on husband to separate from his family by his wife is considered to be cruelty because firstly, in Indian society it is very normal for the son to maintain his parents, and secondly, in the Hindu society maintaining the parents is a pious obligation of the son. Such husband has the right to demand divorce from his wife, who has level fake charges against him and even tried to kill herself and. According to the bench if the wife would have been successful in committing suicide the husband would have had to go through serious legal trouble even when he did nothing wrong.it is mental cruelty to husband and all these grounds were thus enough for him to get a divorce. Hence, the order passed by the High Court of Karnataka, against the appellant, is said to be set aside and quashed.¹⁷

Shri Mangesh Balkrushna Bhoir v. sau. Leena Mangesh Bhoir

In this case the appellant i.e., the husband filed for divorce on the ground of facing mental cruelty from his wife from before and after the marriage by filing fake complaints against him when he did not follow, he demands. The Bombay High Court has given some relief to the community of harassed husbands from the fake complaints of wives through this case. Justice R.D. Dhanuka of Bombay HC. Stated that if some wife gets registered a fake FIR her husband and in-laws, and the husband and in-laws of the lady get acquittal from the charges, leveled against them; then in such case, the act and conduct of registering fake FIR against her husband

¹⁷ <https://indiankanoon.org/doc/130314186/>

an in-laws will be treated as cruelty against the husband. Further, such husband has the right to submit the divorce petition on the ground of such cruelty.¹⁸

Sexual Assault

The term Sexual assault constitute all type of sexual activities under it that gives us a victim and an Offender. When the term of sexual Assault is brought forward the first thing that comes to one's mind is a woman getting sexually abused by men, but the thought of a man getting sexually abused by women is rare. It occurs in to the mind of ones who were the victims of those sexual assaults. And obviously those men kept it to themselves, their story that they are either ashamed or scared to share. In India there are several such cases were boys and men get molested but, those cases u won't find in any law sites or court rooms because men don't file and boys are scared to even talk about it, and in certain cases they don't even realize what is happening to them until they have grown up.

There have been several surveys conducted by the government and groups that aims at protecting men against violence and through all of them various stories have come forward where it is evident that male rape, molestation is not just any myth. It's a fact and it's happening.

All the stories were boys got molested and some raped by their nanny, or other relative and some by their teacher and at such a young age where they didn't even understand what was happening to them and even if they did, they were scared enough to not tell. Same goes with men who face these assaults at work place and even outside of it, men facing sexual assault by their own wives.

Looking at child sexual abuse specifically, the Indian government did find in 2007 that, of surveyed children who reported experiencing several sexual abuses, including rape or sodomy, 57.3% were boys and 42.7% were girls. More recently, the Delhi based center for civil society

¹⁸ <https://indiankanoon.org/doc/87001434/>

found that 18% of Indian men surveyed reported being coerced or forced to have sex. Of those, 16% claimed a female perpetrator and 2% claimed a male perpetrator.¹⁹

Though boys are protected under child protection Act, but even that Act would allow for a charge of sexual assault, but not one of penetrative sexual assault, codified as male-only. A women won't be considered as a rapist.

The demand for gender neutral law is valid and absolutely in need. Rape or any kind of sexual assault is not only something physical that a person is suffering from but even psychological. Just like women and small girls' men and boys get affected to. Psychologically as well as physically. Just the difference is the Indian society gives importance to the virginity of a female only and the fact that female rape victims sometimes get pregnant when they are abused. Which causes them to carry the burden with themselves the entire life. But considering that men don't get affected is wrong maybe don't have to carry a child for 9 months and that absolutely because of biological circumstance and they can't help it but they have to carry the fear the memories the hatred towards women forever. In the process some even ruin their life because they are not psychologically stable.

In response of, making rap a gender-neutral crime, there have been many arguments that have put forward. Some say men don't get affected as they enjoy it, as it's not their loss. Are all men same? Then prostitution should be generalized as well, stating all women are prostitutes maybe harsh but that's what people say. The center of civil society's jai Vipra has noted the critique that gender neutrality is certainly possible but its probability and effectiveness are suspect. Many fears the possibility of a male rapists counter-accusation of, "she raped me!" in response to a female survivors initial reposting. Again, while this is technically possible, there are plethora of

¹⁹ <https://ccs.in/indias-law-should-recognise-men-can-be-raped-too>

other counter-accusations that can be, and often are, employed by male rapists, ranging from consensual sex fabricated allegations.²⁰

A woman has been raped or not can be proved in various ways in the court of law that only asks for prove but for men it is way difficult to prove that they have been raped by a woman, but in the case of women it is way difficult to prove whether the women is giving false accusation and giving false statement to police regarding rape. There is Bengali movie” parineeta” where it is shown how easy it is for a woman to falsely accuse a man in India and the law supports it.

If the laws be discussed there are no position for men in the laws to call them as rape victims. As earlier said in Indian law Rape only define women as a victim under it. Boys get few protections under PCSOA but even here it’s not the ultimate law that can protect the boys.

Indian law very recently saw a change when section 377 of IPC was amended. Following the new law as, sec 377- unnatural offences- whoever voluntarily has a carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. This law does give protection to men but not from female male rapists. As this law concentrates more on homosexual rape.

Accordingly, maybe not a very huge change but yes, a positive that the Indian law got in the favor of men is in the case of **Priya patel v.the state of M.P**-this case holds its importance for being the only case in which the question whether a lady may be prosecuted for gang rape has been taken up. It is an appeal filed against the decision of the High Court of M.P. the rationale

²⁰ <https://ccs.in/indias-law-should-recognise-men-can-be-raped-too>

given by the High Court was that though a woman could not commit Rape, but if a woman facilitated the Act of Rape, she should be prosecuted for gang rape.²¹

Conclusion and suggestion

Conclusion

After the whole research it can be concluded that Men do not get equal rights before the law. In 21st century where the whole world is so progressive. Still men have to fight for their basic rights. And this situation is not only in India but all over the world. Some countries have given recognition to gender- neutral laws and some countries did not even move an inch towards it.

India specifically has shown certain progress in its laws but still not consider male rape as a rape is like taking away their basic fundamental rights under Art. 21 of the constitution. Indians law making system is still lagging behind as it's more leaning toward her old customs and thoughts of the society. Not saying it needs to let go of its custom. But as it did in the past did let go of certain old school thoughts just like that it needs to let go of the thought that men can't be raped and that women can be perpetrators. In personal basis a survey was conducted of 86 people where more than 60% people supported the change required in the constitution and how males require more protection under the Indian law when it came to female criminality.²²

Suggestions.

²¹ <http://www.legalserviceindia.com/article/l401-Priya-Patel-Vs-State-Of-M.P.html#:~:text=The%20present%20case%20holds%20its,High%20court%20of%20Madhya%20Pradesh.&text=He%20committed%20rape%20on%20her.>

²² https://docs.google.com/forms/d/e/1FAIpQLSd6ZvbdRqfDS2_MwHUrzzc9yfYofEYTTTS2nE6920eelPcp_-g/viewform?usp=sf_link

The society has done a wonderful job at bringing equality to females. All the feminists and all supporting feminism did work hard to establish what women are and what they need to survive in the society. But it will be wonderful if the society became safe for some men too. Again, stating all men are not same. Some are just stuck in their own misery, own memories that killing them every day. And a suggestion to all parents don't just tell your girl child's that it not right if someone touches u in the private place its wrong. Don't let them do speak it out if something happens as such, pleased teach your little boys the same too. It might lessen some numbers of affected childhood.