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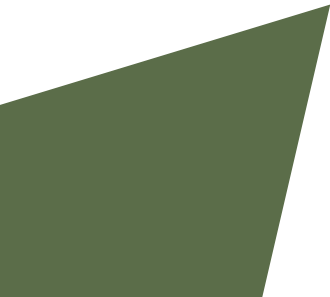
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**Acquaintance rape- A Bosom Betrayal**

**Hitika Gupta**

## ABSTRACT

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*Rape is the sexual assault which involves sexual intercourse or other types of sexual infiltration against an individual without the individual's will and consent. When the perpetrator is someone who is known to any degree by the victim, it is known as Acquaintance Rape. The rapist may be a friend, co-worker, teacher, school or college mate, employee, spouse, neighbour, relative, religious guru, any service provider etc. "Studies have reportedly shown that the acquaintance rape is the most common type of rape as it is estimated to make up 60-80% of all the rapes." Most of the times acquaintance rapes go unnoticed, unacknowledged and unreported. The most widely recognised explanation given by the survivors of sexual violence for not reporting the crime or for not even revealing the wrong doing is that it is the 'Private or Personal issue'. This personal matter implies that the rapist is someone previously related to the victim. The other reasons are the blaming of the victim, lack of evidences, traditional myths and beliefs, no support from the family and friends, social stereotypes, lack of trust in police, large percentage of male law enforcement officers. That is why the prevalence of acquaintance rape get underestimated under the rape crime statistics. However, acquaintance rape is as tragic as stranger rape and have the same legal consequences as are of stranger rape. Legal definition of rape remains unaffected by the relationship between the victim and the rapist and so is the legal punishment. No one can touch your body if you have said no and there are no exceptions to this rule. No matter how long you know that person or how good relationship you share. But something which definitely gets altered because of their relationship is the reporting of the crime. The acquaintance rape may take place at any place, it may be a restaurant, office, school, college, home or prison. Acquaintance rape is a broad category in itself which includes subcategories of incidents. Marital rape, date rape, intra-family rape are the main types of acquaintance rape. Prison rape, child rape, gang rape, statutory rape also comes under this category if the parties have known each other or met before the incident. The motivation behind the acquaintance rape may differ in each category and from person to person. For some, it may be to satisfy their male ego or to prove their dominance and hostility towards women. For others it may be the outcome of their rage and aggression. Some people just enjoy sex more with someone who is helpless, crying, pleading and resisting. Gang rapes are generally conducted to show off masculinity, to take some revenge or sometimes just to be a part of the group. Marital rapes are more about proving superiority, control and Power. Date rapes may take place because of insecurity or to prove belongingness. The inability to resist sexual desire and lack of self-control is the most common reason for all types of rape. The acquaintance rape may or may not give physical injuries to the victim but the mental agony may leave the survivor devastated. Rapists not only rapes the body of the victim but also breaks her trust and confidence, puncturing her heart and soul. The victim may suffer anxiety disorders, restlessness, sleeping disabilities, nightmare, suicidal ideation, mental and psychological problems. Aftermath of acquaintance rapes are more pathetic than the rape itself. The fact that a person closes her life has become the horror of her life torments her, making her feel helpless and completely vulnerable. The worst part of such rapes are that the pain does not end with the act on the contrary it gets initiated with the act.*

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<sup>1</sup> Elise C Lopez, Mary P Kiss, Katelyn Kennon: The Encyclopaedia of Women and Crime, 1-8, 2019

**Keywords-** acquaintance rape, victim, assault, sexual, women, person or private issue

## INTRODUCTION

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Acquaintance means familiarity and contact. It means knowledge of something or someone. <sup>2</sup>Rape means “unlawful sexual intercourse or any other sexual penetration of the vagina, anus, or mouth of another person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the victim.” So acquaintance rape means forceful and unlawful intercourse or sexual penetration between two or more individuals who were known to each other before the incident. This type of rape is the rape in which the perpetrator is already known to the victim in some way or another. It involves sexual assault by a person who is a friend, family member, colleague, boss, tutor or just someone the victim knows casually like the house guard, building manager or landlord. Perpetrator may be a person with whom the victim had sex earlier like spouse, boyfriend or ex-boyfriend. But the problem with these kinds of rape is that they are not considered as grave as stranger rape. People don't take acquaintance rapes seriously just because of the previously existing relationship between the parties. Many people have certain misconceptions about these rapes. For some, rape only means physical injuries caused because of physical violence. But in large number of cases which are related to acquaintance rape, penetrator utilise psychological coercion to assault the victim. So, there may not be any signs or marks of forceful intercourse. The explanation to this is the perpetrator remains in the position to dominate the will of the victim. That is the reason there are probabilities of no indication of physical viciousness on the body of the victim. There may not be any physical injuries yet the psychological misery of an acquaintance rape victim can be terrible. Even the survivors of associate assault don't for the most part believe their assaults as rape and do not confront their wrong doer. More than that they may even continue to have sex with the perpetrator. That is why acquaintance rapes are also called 'hidden rapes'. Many times, victims don't even know that they are being raped and the society don't consider it as 'real rape'. Certain people believe that it is an agenda to support fake feminism and they carry an opinion that women call it rape if they had 'bad sex'. Generally, victims are held responsible for the acquaintance rape specially if there are incidents of intimacy between the rapist and the victim prior to the rape. Society remain more concerned about what the victim was wearing, what was she drinking, and at what place and time was she at the time of incident. People still believe that a husband cannot rape his wife. But spousal rape exists. Sex is about will and consent, and the sex without will or consent is 'rape'. No matter who the offender is, 'rape is rape'. Myth implies that women should remain at home because home is safe and nothing bad can happen at a place called home where you are surrounded by dear ones. Also the rapes can be avoided by steering clear of certain places, but the

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<sup>2</sup> <https://www.dictionary.com/browse/rape>

**Keywords-** perpetrator, sex, physical, hidden rape, real rape



facts state that the victims are often raped at their own homes by their own people. Beneath all these stereotypes the cases of acquaintance rape remain grounded, perpetrator remains unaffected and the justice remain buried. Public opinions, traditional myths and beliefs contribute mainly to the prevalence of acquaintance rape. And these are also the main factors behind their under reporting.

## **TYPES OF ACQUAINTANCE RAPE**

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Marital rape, date rape, intra-family rape are all the subcategories of acquaintance rape. And the gang rape, child rape, prison rape, statutory rape get also included in this category if the offender is previously known to the victim. <sup>3</sup>According to NCRB information (2014), out of an aggregate of 37,413 instances of sexual assault enrolled in our country, in 32,187 cases, the accused was an acquaintance of the victim and in 674 of them, the accused was the dad, sibling, grand dad, step dad or a child of the victim.

- 1. Date Rape** – The rape by a person with whom the victim was romantically or sexually involved before the incident. It does not necessarily means rape by someone whom the victim is dating. However, date rapes explicitly alludes to a sexual assault wherein there has been a type of romantic or conceivably sexual connection between the two parties. The rape can take place when both the individuals are in a romantic or sexual relationship or when the relationship is over. These rapes generally takes place in schools, colleges or work places. <sup>4</sup>The probability of then taking place in college campuses are maximum. In date rapes link has been sustained between the rape and use of alcohol or drug either by one or both of the parties. The rapes when committed after alcohol consumption or drugs usage, specially by the victim are considered to be less serious. Sometimes even the victim does not considered it as a sexual assault against herself and many a times the victim remains unaware of the fact that she has been raped. That is why mostly rapists use alcohol and other drugs as a weapon, generally with the women who have less or no drinking experience. In date rapes, the victim is further victimized and gets blamed for having romantic and sexual relationships. The concept of date rape is rather new. <sup>5</sup>Earlier, date rape were not considered as serious as the rape by a stranger. But now it has been progressively thought of as 'real rape' and a serious threat to the women.

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<sup>3</sup> <https://www-livemint-com>

<sup>4</sup> Smith, Merrill D. (2004). [The Encyclopedia of Rape](#). Greenwood. p. 54. ISBN 978-0313326875.

<sup>5</sup> Ward, Colleen (1995). [Attitudes toward Rape: Feminist and Social Psychological Perspectives \(Gender and Psychology series\)](#). SAGE Publications. ISBN 978-0803985940.

2. **Marital Rape** – Marital rape means the sexual intercourse or any other type of sexual penetration between the already married couple (husband and wife) against the will of either one of them. Marital rape is a serious sexual assault against a woman as well as a method of domestic violence.<sup>6</sup> Where most of the countries of this world criminalise marital rape, India is still one among thirty six countries where marital rape is not treated as a criminal offence. There are no legal punishment for marital rape in our country, making it an exception of “Section 375 of Indian Penal Code.” But marital rape will still be a crime in India if the wife is below fifteen years of age.<sup>7</sup> Apex court of India and several other High courts are at present over flooded with writs petitions exacting the lawfulness of this exception (the exception which is acting as a shield to the rapists). In some of the current landmark judgements, the Supreme court sanctioned the forceful and unwilling sexual encounter with a spouse between the age limit of fifteen to eighteenth years. It is utterly heart-wrenching and extremely disappointing to hear that present government, in RIT foundation versus Union of India, conservatively stands on the view that criminalising marital rape would “demolish the sacred institution of marriage in India” and could turn into simple apparatus to torment the husbands. It’s beyond understanding why marital rapes are not considered as disgraceful as other kinds of rape. Why the survivors of marital rape are being deprived of their fundamental rights, “Article 14 of the Indian constitution- Equality before the law or the equal protection of law” and “Article 21 of the Indian constitution- Right to life, liberty and security.”<sup>8</sup> The husband in India can only be criminalised on the account of having unnatural sex or for outraging her modesty. Indians need to understand that marriage does not imply the consent to rape. The punishment for the marital rape is still a far cry in our country. It is not a legal crime, but it should be, it is needed to be. Spousal rape is not only violating the rights of an individual, it is also a threat to her dignity and respect.<sup>9</sup> “Rape is rape”, no matter if the perpetrator is the spouse of the victim. Indian government and judiciary needs to have a view on the point that the rapists are being shielded in the name of 'Indian values', 'traditional culture' and 'holiness of marriage'. They are required to see that in order to protect the institution of marriage, they are putting the women of their country at stake.<sup>10</sup> Once the Home minister, Haribhai

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<sup>6</sup> Marital rape in India: thirty six countries where marital rape is not a crime, India Today, March 12, 2016

**Keywords-** relationship, alcohol, drugs, sexual

<sup>7</sup> Marital Rape- A Noncriminalized Crime In India, January 1, 2019 by Sarthak Makkar

<sup>8</sup> Nimeshbhai Bhatatbhai Desai versus State of Gujarat (2017)

<sup>9</sup> Rape Is Rape: How denial, distortion and victim blaming are fuelling a hidden acquaintance rape crisis by Jody Raphael, JD

<sup>10</sup> Why isn't rape a criminal offence in India? By Kalpana Sharma

**Keywords-** marital, courts, law, India, marriage, criminalised, exception, rights, family, adolescent

Chaudhary had said that because of India's high illiteracy rate, poverty, extreme religious beliefs and the very ' sanctity of marriage', marital rape can not be made a criminalised offence here. But these all should not be the excuses to jeopardize the women of our country and the legal punishment should be there for marital rapes as well.

- 3. Intra-family rape-** Sexual assault against an individual, committed by a family member of that very individual is known as intra-family rape. The rape inside the home of the victim by a person who is family to the victim is intra-family rape. Within the family, the rapist can be anybody, and anybody can be the survivor, but probability of the victim to be an adolescent is more. In adolescence, victims are too soppy , feeble and fragile to understand the difference between right and wrong. The victims don't even realise that they are being assaulted and the perpetrator keeps on raping for days, weeks, months or years. The rape of a child is so odious, it exposes a child to sexual activities at a very tender age, which may have adverse effects on the physical and mental health of the children. Adolescents are like soft clay, ready to be moulded in any direction and because of sexual assault they are likely to become sex addicts or sadists in the near future. As a matter of course, the rapist may not be a blood relative, but someone who is a part of the family or considered to be a part of the family. The survivors of intra-family rape suffer extreme emotional agony and may have more trust issues. When a survivor is assaulted by a person, who is ought to protect her from all these monstrous acts, himself becomes the monster, her calibre to love and believe in other may get ruined. The trauma of being raped by a person who is supposed to be safeguarding, hits differently. Though the most affected person by the intra-family rape is the victim, obviously but the effects of sexual violence go a long way past individual survivors. They effect the nearest connections of the people associated with the victim and the offender. That's why majority of the cases of intra-family rape never comes out. They get buried, may be by the victim or her family.

## **EFFECTS OF ACQUAINTANCE RAPE ON THE VICTIMS AND THEIR RECOVERY**

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A heinous crime like rape leaves the victim completely devastated and shattered. And when these unbearable suffering is given by someone already known by the victim the agony may get worse. Aftermath of these rapes can be terrible. The worst part of the acquaintance rape is that the woe does not ends with the act but it is more likely to be get initiated with the act. The throes and heartache given by someone close to your life may impact your whole life and that

is only the beginning. Victim may start to distance herself from loved ones, well wishers and even the people whom she cares about and people who cares about her. She may avoid to have anymore emotional ties and bonding. High probabilities are there that she may become incapable of loving and trusting anyone, anymore. This can tear down her personal and social life apart. It is not necessary that the victims suffers physical pain in acquaintance rapes, but the marks and scars of this evil may remain lifelong on her mind and soul. With the body, the trust of the victim also get raped in this kind of rapes which can have more hazardous effects on victim's mental state. The victim may start having nightmares and can develop sleeping disabilities. Post- traumatic street disorder may make home just after the rape or at any point in life after the incident. Suicidal tendencies may dwell in. Sometimes victim may consider herself responsible for the crime against her and begin self blaming. The survivor in order to get over the affliction or come out of her prolonged dejection may seek the help of alcohol or drugs. <sup>11</sup>Male victims may develop anger, rage, aggression and a desire to take revenge. The fear of losing their masculinity or turning into a gay or homosexual may haunt them. Male victims suffer more social problem because society believes that males can not be raped and they are always the one to rape. The physical injuries that can be suffered by the victims(both male and female) include transfer of infections like HIV/AIDS, walking can get dysfunctional, ulcers, broken bones, retching, gagging and Crohn's disease. The bodily problems associated with female survivors can be anal or vaginal bleeding and vaginal infections. Troubles with the menstrual cycle and fertility may be there. In worst case scenarios, they can get pregnant. The victims of sexual assault may become uniquely vulnerable and emotionally too delicate. They may be crying out for emotional support, love, empathy and condolence. They highly stand in need of mental peace and strength which should come the near and dear ones the victim. In the worst situations the help of a counsellor, therapist or psychiatrist is vital. May be they can join a support group to not to feel isolated or alone. The aftermath of acquaintance rapes are never easy to cope up with yet with the correct assistance and bolster of correct people they can be managed. Victims needed to be reminded of their strengths and powers. They should be made to do typical things with typical people, which will make them feel the part of the normal world again and not everyone they trust is bad. It is essential to understand that the flashbacks and trauma of such a monstrous act can not get over overnight. So the victim should be treated with patience and kindness. For someone whose once completely standard life has been ruined with an odious crime like rape and the rapist is someone whom

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<sup>11</sup> Rape of males- Wikipedia

**Keywords-** family, relative, child, mental, physical, males

the victim trusted, it is absolutely normal for that individual to disconnect herself from social world.<sup>12</sup> Victims find it really difficult to cope up with the fact that they have trusted someone whom they shouldn't, but the right people can bring back her trust.

## REPORTING OF ACQUAINTANCE RAPE

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The main problem associated with Acquaintance Rape is that the majority of them goes unreported. The acquaintance rapes are least likely to be reported because of the involvement of an acquaintance in the crime. The studies indicate that the appropriate reason behind the under reporting of these rapes is entangled. There are wide scope of reasons which led victims to not to raise their voices against the encounter with lewd behaviour. Forget about approaching to the police authorities and law enforcement officers, victims even resist to share the crime with their family and friends. What's more, even if the survivor shares the issue, the family either don't believe her or they don't let her stand for the cause. The family in the fear of embarrassment or reprisal, don't allow her to go to the police and register the complainant. "According to police statistics four out of ten cases of rapes get reported if the rapist is a family member".<sup>13</sup> Only 18-40 percent of the cases are reported of the rapist is an acquaintance. Rape is the most personal crime. Many people avoid talking about sexual matters at all, so how can they fulminate against a sexual crime? If victim is brought up in a milieu where talking about sex is still considered to be a taboo, she will be more averse to report a sexual assault against her. Mostly the victim and the rapist have mutual friends. So many times the victim don't get the back of her friends or worse the friends may be in the support of the perpetrator. Here, the victim suffers the other assault after the primary sexual assault. The other assault is of victim blaming. And this is one of the biggest fear of the victims which forbids them to tell anyone. Either no one believes her or people held her responsible for the assault. In the fear of losing her connections, the victim don't complain or if she complains, her people in order to avoid ruining their bond with the perpetrator, do not support her. Without the support the victim feels too weak to go and report the crime. If the victim is a male, the complaining and reporting of rape is even more difficult for him. Our society is still living in the perception that the males can not be raped. The rape is still being considered as a crime against the women but even the men are not immune to sexual assault. It might be arduous for a male victim to report a sexual assault, particularly in a general public with a solid masculine custom. The

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<sup>12</sup> [helpguide.org/articles/ptsd-trauma/recovering-from-rape-and-sexual-trauma.htm](http://helpguide.org/articles/ptsd-trauma/recovering-from-rape-and-sexual-trauma.htm)

<sup>13</sup> [Why-is-sexual-assault-under-reported.pdf](#)

**Keywords-** pregnant, taboo, unreported

questions may be raised on their sexualities, especially if they are assaulted by a male.<sup>14</sup>” According to a psychotherapist, males have additional weight of confronting a general public to strongly holds an opinion that rape is not something that can happen to man at all.” One of the most important reason behind the under reporting of acquaintance rape is the blaming of the victim. The people don’t blame the perpetrator for the crime, on the contrary they victimise the victim by considering her responsible for the rape. People seems to be more concerned about the clothing and drinking habits of the victim and her relationship status. In one way or another they find some reason to blame the victim for the assault against her. In order to protect herself from the mortifying and degrading blames the victim do not report the crime. Mostly people blame the victim to feel better about themselves. They believe that rape is happened to the victim because “she has asked for it” but it can’t happen with them because they are not like her. Because of this mentality and attitude of the people around her, victim never feels secure and comfortable in speaking and reporting about the crime. People needs to understand that by Victim blaming, they are making things worse for the survivor and somehow protecting the perpetrator, making the way for more such crimes. The fact is no one can cause the rape other than the rapists.

The acquaintance rapes are generally carried out with the help of coercive power of the perpetrator on the victim. So there may be no intimation of physical injuries on the body of the victim. Though no hints of resisting and fighting doesn’t approve of consent, but still it is difficult to prove in the courts of law that the sexual involvement is forceful. Many rape cases end up because there are no physical evidences and only the body fluids cannot prove the lack of the consent of the victim. There may be no proof. When there are no bruises or cuts on the body, victim strongly believes that she will not be believed so it is better for her to not to say anything.

Another reason may be the lack of trust in the police. Victim tends to have a view that police either could not do anything or they will not do anything other than humiliating her. She may not believe in the police department or fear the questions she will be asked. The other factor may be large number of male enforcement officers with few or no female officers. And the female victims tends to be naturally uncomfortable with talking to a man regarding the matters of sexual intercourse. There may be lack of privacy and confidentiality. Or maybe not the police, the victim is scared of judicial system. Obviously it is not at all easy for anyone to answer the questions on sexual matters in front of everyone. The procedure of reporting the

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<sup>14</sup> [https://en.m.wikipedia.org/wiki/Rape\\_of\\_males](https://en.m.wikipedia.org/wiki/Rape_of_males)

**Keywords-** friends, blaming the victim, male, physical evidence

crime and taking the statement of the victim can be very humiliating. She may be asked to repeat her story of rape several times. In order to avoid facing the questions related to rape, victim do not even report the crime.

In the cases of acquaintance rape the victims may feel that the matter is not a 'serious issue', not at all serious to get reported. Some victims do not even consider it to be a rape. Or the victim may not report the crime in order to protect the perpetrator. The offender may be so closely related to the victim that she do not want him to get in ant trouble. Victim may love their offender despite the fact that the latter is treating her like a sex object and assaulting her .Many others consider it to be a private matter and do not want everyone to know about it. They may be too embarrassed to talk about it. There are many such cases also, where the victim don't even realise that they have been raped. They may either be intoxicated or not in the condition to know what is happening with them (they may be small children or mentally challenged people).

## CONCLUSION

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There are different perceptions of different people on acquaintance rapes. Some contemplate it as a synonym of stranger rape where others don't even regard it as real rape. But acquaintance rapes are true rapes, “<sup>15</sup> ninety three percent of rapes committed in India are carried out by a person previously known to the victim.” There are subcategories of acquaintance rapes and all types of rape have same civil and criminals remedies in our country, except for the marital rape, which is still needed to be criminalised in India. But according to our government and judiciary, it can not be made a legal crime in a country like ours. It is really daunting and heart-wrenching to know that such an atrocious crime is being neglected by the legislature and judiciary of our country. The horrendous effects of acquaintance rapes and their dreadful aftermaths can never be disregarded. They haunt the mind of the survivor and torments their body. The degree of impact may be unlike on divergent survivors, but impact is always there. The recovery from the traumatic experience is possible but the right people and right methods are utterly important for that. Everyone one heals in their own way taking their own time. The survivors need proper care and guidance for regaining normalcy. Mental agony corresponding to the acquaintance rapes can be beyond our understanding but the brain's anguish can not be demonstrated in the law courts, hence physical evidences are of vital importance to prove the

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<sup>15</sup> <https://www.news18.com/>

Keywords- police, embarrassment, serious issue

crime and due to their insufficiency, acquaintance rape rarely get proved or even reported. There is normally a shortage of bodily evidences in acquaintance rapes because the weapon used in these rapes is coercion. There may not be any signs of fighting back, but it does not imply free consent or will. Many other such factors are prevalent, preserving the rapists. Due to these elements the percentage of unreported acquaintance rapes is quite high. <sup>16</sup>”In accordance to a national survey twenty nine percent of stranger rape versus three percent of acquaintance rape were reported to the police.” The traditional rape myths act as a catalyst in under reporting of acquaintance rapes.

In my research paper, I have generally used ‘she’ for the survivor but both male and the female can be the victims of sexual assault. It is just that the probabilities of a woman to be the victim of such a crime are more but it doesn’t mean that the men are immune to the sexual assault. The males can also get raped by their acquaintances. And the offenders, can either be a woman (female-on-male rape) or another man(male-on-male rape). Male rapes are even more troublesome to get acknowledged and reported. According to the society we are living in, the thing like 'male rape' don’t even exists. “Men can not be raped”, is merely a gender based stereotype.

“ I simply need to rest. A state of insensibility would be decent or on other hand amnesia. Or do I need to die? Anything, just anything to dispose these flashbacks, these murmuring in my psyche. I am terrified, I am shaking, I am numb, I am lost. I have tried everything, I have meditated, I have taken the pills. But nothing is working, nothing is helping. All I can feel is that monster crawling over me. Did he assaulted by head as well or it was just my body? But the deepest wound I carry is of betrayal of my trust. This little world of mine does not feel safe anymore. The rain has now turned acidic, the flowers got thorns.” This may be how an acquaintance rape survivor feels everyday after the incident. Rape by an acquaintance is the extreme betrayal of trust and the most devastating of all the crimes. They should not be ignored, not at any cost. Today’s ignorance is a threat on tomorrow. Our negligence is an ultimatum for our own future generations. It is the high time to open the blindfold of fake myths and beliefs and face the harsh reality.

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<sup>16</sup> [https://en.m.wikipedia.org/wiki/Acquaintance\\_rape](https://en.m.wikipedia.org/wiki/Acquaintance_rape)

**Keywords-** negligence, harsh reality, gender based stereotype, rape myths