
AN ANALYSIS OF LEGAL AND SOCIAL CHALLENGES IN ADDRESSING SEXUAL OFFENCES AGAINST MEN IN INDIA

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ABSTRACT

When we hear the word "rape," we usually think of a crime committed against a woman. This isn't because rapes only happen to women; rather, it doesn't match with the notion that a guy can also be raped. The rules pertaining to sexual offences have been modified in recent years in response to societal shifts, but there has been no change in the treatment of male sexual misconduct. Sexual offences against men remain a largely overlooked and under-researched area within the Indian legal and social context. Despite the enactment of the Bharatiya Nyaya Sanhita, 2023, legal provisions continue to be gender-specific, recognizing women as primary victims while excluding men, particularly male students subjected to sexual abuse by teachers, both in male-to-male and female-to-male scenarios. This exclusion creates systemic barriers for male survivors, who face societal stigma, cultural stereotypes of masculinity, and institutional neglect, preventing them from reporting incidents and accessing justice. The study identifies urgent gaps in the legal framework, educational institutions, and societal attitudes, underscoring the need for gender-neutral sexual offence laws, enhanced reporting mechanisms, trauma-informed counseling, awareness campaigns, and judicial sensitization.

Keywords: Rape, sexual offenses, male survivors, societal stigma.

INTRODUCTION:

Anyone can experience sexual abuse or assault. Age, gender, and identity are irrelevant. Boys or male survivors of sexual assault may have many of the same emotions and responses as other female survivors. However, societal perceptions of men and masculinity may differ, as may attitudes towards sexual abuse of boys or men. In addition to workplaces and organisations, male rape also occurs frequently in prisons, coaching facilities, schools, and sometimes even homes.

Sexual violence has historically been understood as a gendered crime, with women identified as the primary victims and men as the perpetrators. This perception has shaped laws, policies, and social attitudes in India and globally. However, increasing evidence indicates that men and boys are also vulnerable to sexual offenses, including rape, assault, harassment, and exploitation.

Roberta Chinsky Matuson claims that “Many individuals wrongly assume that harassment just affects women,” Physical force, psychological force, and a variety of other emotional coercion methods are also used by offenders against victims. Rape, which can be either female-on-male or male-on-male, is also a kind of sexual harassment at work.

Because of ingrained gender expectations that males should be powerful, unflappable, and always prepared to engage in sexual activity, male victims are invisible. The stigma that keeps male survivors from reporting crimes is strengthened by these preconceptions. Women are often the focus of legislators and legislation because the majority of the harassment or attacks that we witness are associated with women. Even though there is no system in place to deal with the problem, it is clear from looking at the real scenario that many males are victims of sexual harassment as well .

Male victims of sexual assault should not be disregarded, according to a recent statement made by Justice Devan Ramachandran, a judge in the Kerala High Court, in February 2024. Although rare, he said that it does exist. He acknowledged that women make up the majority of victims, but he also noted that the number of cases of sexual attacks on women is on the rise. He stated, "Here, we have assumed that the victims are women. There are men, young boys being abused. I have seen a couple of cases recently. There are more boys in POCSO matters these days.

Earlier in 2022 National commission for women researched upon the issue, it was discovered that nearly 1.4% of males in India has experienced the sexual harassment. The documented incidence is around 3,000 which is increase in 500 cases from last year.

It is believed that acknowledging that anyone can experience sexual violence, regardless of gender, caste, colour, sex, or any other factor, is a critical first step. This is a step in the direction of starting a change in the way society thinks and sees things. Furthermore, it will create a more equitable and supportive environment for all victims.

For a person who is a victim of any kind of violence, sexual violence in this case, is likely to be affected emotionally, and the scale would be very severe. Men who experiences sexual violence are said to suffer from many psychological problems like Post Trauma Stress Disorder, Stress, Anxiety, Hallucinations and even Depression. Some of them even think that now there is no meaning of their existence and see suicide as their only way out.

It should be obvious how society, in particular, views victims of sexual abuse. Some men may require sleeping medicines because they suffer nightmares. A young kid who has experienced sexual violence will not want to attend school any longer and will want to stay at home, away from strangers and crowds.

In India, the criminal law framework remains gender-specific. Section 375 of the Indian Penal Code (IPC) defines rape as an offense committed by a man against a woman, excluding men from the scope of victimhood. While Section 377 IPC provides some recognition in cases of non-consensual anal or oral sex, its application is limited. For children, the Protection of Children from Sexual Offences Act (POCSO), 2012, offers gender-neutral protection, but adult men remain inadequately protected. This legal vacuum highlights a crucial gap between constitutional guarantees of equality (Articles 14 and 21) and the lived experiences of male survivors of sexual assault.

REVIEW OF LITERATURE:

Redressing the Imbalance: Legal Gaps in Protecting Men from Workplace Sexual Harassment" By Ishita Sharma and Pragati Patidar September 2, 2024 Published by Manupatra Articles. This article critically examines the existing legal framework concerning workplace sexual harassment in India, highlighting the significant gaps in protecting male employees. The

authors argue that while the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (SHWW Act) provides a comprehensive mechanism for addressing complaints from female employees, it fails to extend similar protections to male employees. The article delves into the implications of this gender-specific legislation and the resulting legal vacuum for male victims of workplace sexual harassment.

Sexual Harassment of Men: A Crime That is a Reality by Lalit Bhardwaj, Babu Shivnath Agrawal, Volume II Issue III | ISSN: 2583-0538, published by ijirl. This article delves into the often-overlooked issue of sexual harassment experienced by men, challenging the prevalent notion that such incidents are rare or non-existent. The authors present empirical data indicating that a significant number of men have faced sexual harassment, with 16% reporting female perpetrators and 2% identifying male perpetrators. The study highlights the psychological impact on male victims, including feelings of shame, guilt, and social stigma, which often deter them from reporting such incidents. The article critiques the existing legal frameworks, particularly the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), for their gender-specific approach, which excludes male victims from legal protection.

"Sexual Harassment of Males" by Disha Kumar, a law student at Asian Law College, published on September 30, 2024, in Academike, a platform of Lawctopus. critically examines the often-overlooked issue of sexual harassment against men. The paper highlights multiple facets of male victimization, including underreporting due to societal stigma, psychological barriers, and myths that male harassment is rare or non-existent. It also addresses male rape victims, the molestation of male children, and the severe emotional and social consequences faced by male survivors. Kumar emphasizes that existing legal frameworks, such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, are gender-specific and fail to provide protection to male victims, leaving a critical gap in both legal and social recognition. The research identifies the urgent need for gender-neutral legislation to ensure that all employees, irrespective of gender, receive equal protection against workplace sexual harassment.

OBJECTIVES OF THE STUDY

- 1.To analyze the legal framework governing sexual offenses in India with special reference to its applicability to male victims.

- 2.To examine judicial interpretations and case laws relating to sexual violence against men.
- 3.To compare Indian law with international jurisdictions that have adopted gender-neutral sexual offense laws.
- 4.To identify challenges faced by male survivors in reporting, accessing justice, and receiving support.
- 5.To propose reforms for a gender-neutral and inclusive legal framework on sexual offenses in India.

SCOPE AND LIMITATIONS OF THE STUDY:

This study focuses primarily on the Indian legal framework, such as statutory provisions (IPC, BNS, POCSO, and judicial precedents in India. The study is limited to sexual offenses against men and does not extend to broader issues of domestic violence or economic offenses, though intersections may be highlighted where relevant.

HYPOTHESIS:

The existing Indian legal framework, including the Bharatiya Nyaya Sanhita, 2023, is inadequate in addressing sexual offences against men, as it remains gender-specific and excludes male survivors from equal legal protection. Male students, whether abused by male teachers (male-to-male abuse) or by female teachers (female-to-male abuse), face systemic barriers in reporting and accessing justice due to legal loopholes, societal stigma, and institutional neglect. This exclusion not only silences male victims but also perpetuates a culture of impunity for perpetrators. The denial of recognition to such offences undermines the constitutional guarantees of equality under Article 14 and the right to life and dignity under Article 21.

RESEARCH METHODOLOGY

This research adopts a socio-legal methodology, combining both doctrinal and non-doctrinal approaches. The doctrinal part examines statutory provisions such as the IPC, CrPC, POCSO Act, and relevant case laws, along with Law Commission Reports and scholarly commentaries. The non-doctrinal component is purely empirical, based on structured

questionnaire surveys conducted among respondents attitudes towards sexual offences against men. Quantitative responses will be analyzed using percentages, charts, and graphs, while qualitative comments will undergo thematic analysis.

SEXUAL OFFENCES:

Sexual offences are criminal acts that involve non-consensual sexual behavior, violating a person's bodily autonomy, dignity, and sexual integrity. These offences include acts such as rape, sexual assault, molestation, harassment, voyeurism, and sexual exploitation, whether directed at adults or children. In legal terms, a sexual offence is any act of a sexual nature committed without consent, or through coercion, threat, or abuse of authority.

LEGAL FRAMEWORK IN INDIA :

The Indian criminal justice system has historically been gender-specific in its treatment of sexual offences. While the legal framework has undergone significant reform following public outcry in cases such as the Nirbhaya incident (2012), the focus has remained on protecting women as victims. Male victims, except in cases involving children under the Protection of Children from Sexual Offences (POCSO) Act, 2012, are largely invisible in statutory law. This chapter analyzes the Indian Penal Code (IPC), POCSO Act, workplace harassment legislation, and judicial approaches to highlight the gaps in legal protection for men.

Indian Penal Code, 1860

Section 375 IPC (Definition of Rape)

- Section 375 IPC defines rape as penetration by a man into the vagina, anus, urethra, or mouth of a woman without consent.
- This provision is gender-specific, recognizing only women as victims and men as perpetrators.
- Even after the Criminal Law (Amendment) Act, 2013, which expanded the scope of rape to include various forms of penetration, male victims were excluded.

IPC Section 377 (Unnatural Offences)

- Therefore, Section 377—rather than Section 375—is the only avenue for male victims of rape or sexual assault to pursue justice. Both forced and consenting sodomy are punished under this section. This section may be used to punish zoophiles, sodomites, and pedophiliacs by declaring them crimes punishable by 10 years to life in jail.

Constitutional :

- Violates Article 14 (Right to Equality) and Article 21 (Right to Life & Dignity) of the Constitution by denying recognition to male victims.

POSCO

- In the Protection of Children from Sexual Offences (POSCO) Act, there are provisions for sexual abuse of children that include both males and females. A male and a female child are included in this act. This indicates that the legislation understands the fact that a male can be raped or sexually harassed, but there is no such provision that can provide security to an adult man in the society.

BNS:

Section 73 – Sexual Intercourse by Person in Authority

Punishes sexual intercourse by a person in a dominant position

Section 67 – Rape

Defines rape (similar to IPC §375), but continues to be gender-specific (woman as victim, man as perpetrator).

CASES:

Ghaziabad Case 2013: A student of Delhi University was raped by goons in Ghaziabad. After, his college, he was walking down the street when he was stopped by some goons, and suddenly he found himself naked on the street with wounds. There were eight people including one who was his girlfriend's father, who raped him and threw him to the dogs.

Mumbai Case: In the year 2015, a boy of 16 years was sexually abused by his best friend's mother by offering spiked drinks. The mother of his best friend forced herself on him, made an obscene video featuring him and blackmailed him into having a physical relationship with her for three months.

COMPARATIVE ANALYSIS:

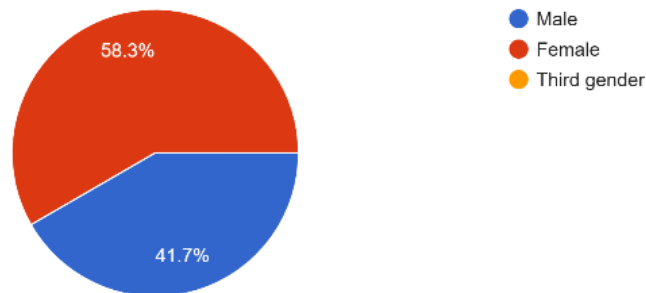
Jurisdiction	Definition of Rape/Sexual Assault	Applicability to Men	Special Features
UK	Rape includes vaginal, anal, oral penetration	Yes	Explicit recognition of male victims
USA	Gender-neutral federal and state laws	Yes	Consent-focused framework
Canada	Gender-neutral sexual assault (since 1983)	Yes	Broad protection of sexual integrity
Australia	Rape defined as penetration without consent	Yes	Institutional abuse recognition
South Africa	Comprehensive, gender-neutral laws (2007)	Yes	Equality-based constitutional model
India	Rape law gender-specific (female victims only); POCSO gender-neutral	Partially	Male victims only recognized under Section 377 IPC and POCSO

AN ANALYSIS OF THE SURVEY DATABASE:

GRAPH 1

What is your gender?

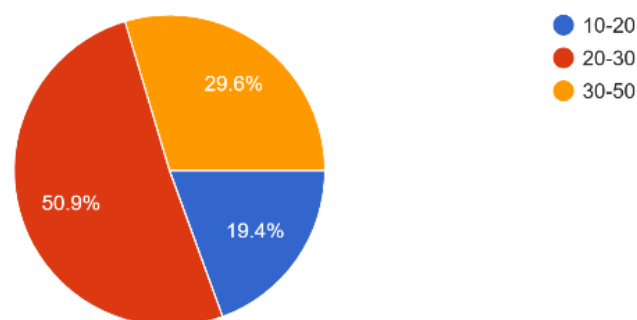
108 responses



GRAPH 2

What is your age?

108 responses

**CHALLENGES:****• Legal Vacuum in BNS**

The Bharatiya Nyaya Sanhita (BNS), 2023, continues the gender-specific framework of the IPC. Rape provisions (Sections 67–71) recognize only women as victims, ignoring male and transgender survivors. This creates a legislative gap where men cannot seek justice. The absence of gender-neutral language is a fundamental challenge.

• Right to Equality (Article 14)

The exclusion of men from rape laws creates discrimination based on gender. Article 14 guarantees equality before law, but male survivors are denied equal protection. This legal gap amounts to arbitrariness. Courts have held equality to include equal treatment and equal remedies.

- Violation of Non-Discrimination (Article 15)

Article 15 prohibits discrimination on grounds of sex. By making sexual offences laws gender-specific, men are indirectly discriminated against. Denial of remedies perpetuates bias. A gender-neutral framework is essential to uphold Article 15's mandate.

- Right to Life and Dignity (Article 21)

Male survivors of sexual violence suffer physical, mental, and emotional harm. Exclusion from legal recognition violates their right to live with dignity. The Supreme Court has read dignity as central to Article 21. Non-recognition amounts to state neglect of fundamental rights.

- Absence of Explicit Protection for Male Survivors

Male victims of sexual assault cannot file cases under rape laws. At best, they may try to pursue general assault provisions, which do not capture the seriousness of sexual offences. This legal loophole leaves survivors unprotected and offenders unpunished. It undermines the constitutional principle of equality before law.

- Social Stigma and Masculinity Norms

Deep-rooted stereotypes portray men as physically strong and invulnerable. Society often ridicules or disbelieves men who report sexual violence. This toxic masculinity narrative prevents them from acknowledging or disclosing abuse. It reinforces silence and invisibility of male survivors.

- Underreporting of Cases

Due to stigma and lack of faith in the system, most male survivors do not report sexual crimes. Official statistics like NCRB hardly reflect their reality. The silence creates a false perception that men are never victims. This underreporting further delays reforms.

- Police and Institutional Bias

When male survivors approach police, their complaints are often dismissed as jokes. Law enforcement officials may lack sensitivity and training to handle such cases. This leads to secondary victimization of survivors. Institutions reinforce patriarchal stereotypes, worsening the trauma.

- Lack of Recognized Data and Research

Absence of comprehensive data on male victimization is a huge barrier. NCRB reports classify sexual crimes only against women, creating invisibility in policy debates. Research on male survivors in India is scarce. Without data, it becomes difficult to push for legislative change.

- Mental Health Barriers

Male survivors suffer from trauma, depression, and post-traumatic stress disorder. However, they hesitate to seek psychological support due to fear of judgment. Counselors and health systems also lack gender-sensitive approaches. This deepens emotional isolation and long-term suffering.

- Limited Support Services

Most crisis centers, shelters, and NGOs are designed exclusively for women. Male survivors rarely find safe spaces for healing and rehabilitation. Helplines and medical facilities are not tailored for them. This exclusion reflects systemic neglect.

- Cultural Silence and Taboo

Talking about sexual abuse of men is considered shameful in Indian society. Male victims fear being mocked or not believed if they come forward. Cultural silence pushes them into lifelong secrecy. This taboo obstructs both healing and justice.

- Fear of Ridicule and Loss of Masculinity

Male survivors often fear being labeled “weak” or “less manly.” Such ridicule stops them from even confiding in family or friends. This societal judgment creates guilt and shame in victims. The fear of social rejection discourages them from filing cases.

- Comparative Jurisdictional Gap

Many countries like the UK, South Africa, and Canada have adopted gender-neutral rape laws. In contrast, India still limits rape recognition to women victims only. This international disparity highlights India's failure to adapt progressive legal standards. Male survivors thus remain invisible in law.

- Policy and Legislative Neglect

Committees such as the Justice Verma Committee (2013) considered gender-neutral laws but Parliament did not adopt them. Most policies are drafted solely for the protection of women. This repeated neglect of male victims shows systemic indifference. Law reforms remain incomplete.

- Intersectional Vulnerabilities

Male survivors from marginalized communities (LGBTQ+, disabled, prisoners, or children) face double discrimination. Their cases are even less likely to be reported or taken seriously. Intersectional challenges worsen their trauma and isolation. The system fails to recognize their unique vulnerabilities.

- Lack of Awareness and Education

Awareness campaigns on sexual violence focus almost exclusively on women's safety. Men are not educated about consent or the possibility of male victimization. Schools, workplaces, and media rarely highlight men as survivors. This lack of awareness perpetuates myths and invisibility.

CONCLUSION:

The present study highlights the critical gaps in India's legal system, particularly within the Bharatiya Nyaya Sanhita, 2023, which continues to frame sexual offences through a gender-specific lens. By excluding men and boys from its protective framework, the law perpetuates a systemic denial of justice for male survivors of sexual abuse, whether the abuse occurs in the form of male-to-male violence or female-to-male exploitation.

The findings underscore that male students abused by teachers—irrespective of the

abuser's gender—face severe barriers in reporting, owing to stigma, masculinity stereotypes, fear of disbelief, and institutional neglect. Such exclusion not only silences victims but also enables perpetrators to operate with impunity, creating an unsafe environment within schools and society.

From a constitutional perspective, this neglect undermines the guarantees of equality under Article 14 and the right to life and dignity under Article 21, both of which require gender-neutral protection in cases of sexual violence. A justice system that protects only women while ignoring male survivors fails to uphold the principle of equal protection of laws.

Therefore, the study concludes that there is an urgent need to reform Indian criminal law by making provisions on sexual offences gender-neutral, strengthening institutional reporting mechanisms, and promoting awareness campaigns to dismantle social stigma. Without such reforms, male survivors—especially vulnerable groups like school students—will remain invisible within the justice system, and the constitutional promise of equality and dignity will remain unfulfilled.

RECOMMENDATIONS

The Bharatiya Nyaya Sanhita, 2023 should be amended to include all genders under sexual offence provisions, ensuring male survivors receive equal legal recognition. This will close existing loopholes that exclude men and strengthen equality under the law. A gender-neutral approach will promote justice for all victims and reduce systemic bias. Legal protection must extend to both male and female students abused in institutional settings. Clear definitions of offences and penalties will enhance enforcement and accountability.

Specific legal provisions should address teacher–student abuse, recognizing both male-to-male and female-to-male abuse. These provisions must acknowledge the authority imbalance in educational institutions and the vulnerability of students. Schools should implement preventive measures and be held accountable for negligence. Legal safeguards should ensure swift action against perpetrators and protection for victims. Comprehensive policies will create safer learning environments for all students.

The POCSO Act should explicitly recognize boys as potential victims of sexual offences and ensure schools comply fully with its mandates. Institutions must be accountable

for reporting abuse and preventing cover-ups. Legal remedies should be made accessible for male students. Expanding the Act's scope will provide uniform protection and facilitate justice. Schools and authorities must actively participate in enforcement and monitoring.

A national policy should explicitly address male sexual abuse, covering prevention, reporting, legal redress, and support services. Coordination between schools, law enforcement, and healthcare providers is essential. Male victim protection must become a legal and institutional priority. Policy frameworks should include preventive and rehabilitative strategies. This will establish systemic support for male survivors.

Media outlets should report male sexual abuse cases responsibly, avoiding trivialization or sensationalism. Awareness of male victimization should be promoted through accurate narratives. Media must challenge stereotypes and support survivors publicly. Responsible reporting will influence societal perception positively. Sensitized media coverage will foster broader cultural change.

India should study countries with gender-neutral sexual offence laws and adapt suitable practices. Global standards can inform reporting, rehabilitation, and legal protection strategies. International models will help strengthen domestic law and policy. Male survivors should receive protection and support comparable to international benchmarks. Adoption of best practices will improve the justice system comprehensively.