
SEXUAL VIOLENCE AGAINST MEN: THE OVERLOOKED SECTION OF THE SOCIETY

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ABSTRACT

Sexual violence is often understood through a gendered perspective that primarily recognizes women as victims, leading to the neglect of male survivors in social and legal discourse. Despite evidence that men also experience sexual abuse, stigma and societal notions of masculinity contribute to significant underreporting. The Bharatiya Nyaya Sanhita, 2023 continues to define rape in a manner that excludes male victims, while the Protection of Children from Sexual Offences Act, 2012 provides gender-neutral protection only for minors. These gaps in law and recognition contribute to the continued invisibility of male victims. This law blog intends to shed light on sexual violence faced by men and how it affects their mental health when they do not receive adequate support. It also explores the legal protections provided to them in such situations by highlighting recent incidents, provisions, and relevant case laws.

Key Words: *Male Victims, Sexual Violence, Gender Bias, BNS 2023, Mental Health.*

I. INTRODUCTION

Whenever we hear or read about the term ‘sexual violence’, we automatically think of a picture in which a woman is a victim. But what about men? What if they are victims of the same offense? Does the law and society protect them? Historically, sexual violence has been predominantly perceived through a gender-specific lens. Society principally views and recognizes women as victims of sexual violence. While this framework showcases the harsh reality of society, it often leaves little room to acknowledge men of the same society who also encounter various acts of sexual violence and assault. Sexual offences against men often go unnoticed, are inadequately addressed, and are rarely reported, resulting in the structural exclusion of male victims.

Their exploitation rarely receives public attention. Men are mostly portrayed as perpetrators who commit acts of sexual violence against women. They are left alone, even by the criminal laws of India, leaving them feeling helpless and vulnerable within the system. This law blog intends to shed light on sexual violence faced by men and how it affects their mental health when they do not receive adequate support. It also explores the legal protections provided to them in such situations by highlighting recent incidents, provisions, and relevant case laws.

II. THE GENDERED NARRATIVE

According to the World Health Organization (hereinafter referred to as WHO), sexual violence can be referred to as any sexual act, attempt to obtain a sexual act, or any other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. This can include rape, sexual assault, childhood sexual abuse and exploitation, sexual harassment, and taking or sharing sexual images without someone’s consent. The above definition signifies that sexual violence is not limited to just one gender. Many men face significant sexual violence at different stages of their lives. These acts of aggression can be carried out by both genders, that is, males and females, but are predominantly carried out by males. Such abuse occurs in various circumstances, including domestic environments, custodial settings, and workplaces. According to a 2010-

2013 report, the majority of male victims were aged 11-20, and in 33.7% of cases, the perpetrator was someone familiar to the victim. Despite various acts of sexual violence against men, it remains considerably underreported because of societal and cultural stigma and institutional constraints. Prevailing notions of masculinity often impact the recognition of male victims and how they are understood.

This systemic invisibility of male victims stems from various stereotypes and assumptions of masculinity. Masculinity discourages the expression of vulnerability, and men are perceived as being incapable of being sensitive. These structurally embedded stereotypes conflict with male victimhood, ultimately silencing men with the fear of being mocked or laughed at. This curtails survivors from reporting or even opening up about it to someone close, pushing them into isolation and silence.

III. WHEN THE LAW FALLS SHORT

However, this silence surrounding male victims does not stop at societal attitudes. This is also reflected in India's criminal law, which continues to approach such abuse through a gender-biased lens and does not provide adequate attention to these victims. This limitation is evident in several legal provisions, where definitions often exclude males or male experiences. This exclusion makes men feel vulnerable, and the absence of adequate legal protection often leaves them feeling invisible and unseen.

The *Bhartiya Nyaya Sanhita, 2023* (hereinafter referred to as BNS), despite being a reformed criminal code, employs provisions of rape and sexual assault only to protect women; men are excluded as victims. Section 63 of the BNS categorically defines rape as a crime that can only be committed against a woman's body, and no male victim is recognized. Similarly, there are no specific provisions in the BNS to protect men from sexual assault. This suggests that the BNS has largely copied the IPC's gendered framework instead of substantially reforming it.

However, there is an exception to these gender-specific laws, that is, the *Protection of Children from Sexual Offences Act, 2012* (hereinafter referred to as POCSO), which is currently the only law protecting male victims, but is limited to minors (under 18 years), thus leaving adult males unprotected. After the *Navtej Singh Johar v. Union*

of *India AIR 2018 SC* judgment, Section 377 of the IPC was decriminalized, protecting consensual same-sex acts, leaving non-consensual same-sex acts committed against men unrecognized, thereby creating a huge legislative gap, which the BNS subsequently ignored. Globally, countries such as the UK, USA, Australia, Canada, and South Africa have already recognized the need for gender-neutral laws and applied them to their legal systems. This shows that India is lagging behind.

IV. THE EMOTIONAL EFFECT

For male survivors, establishing and maintaining healthy relationships is often challenging. At times, their trauma and PTSD haunt them, making it difficult to sustain normalcy in their daily lives. This leads to depression and anxiety, and social disbelief worsens their emotional distress, thus pushing them into a quagmire of emotional turmoil. Recent incidents have highlighted that male victimization is not just an abstract concept but an urgent and pressing social problem. One such case was seen in Kerala, where a 16-year-old boy was allegedly sexually abused by 14 men for two years (2026). Similarly, in Uttar Pradesh's Gorakhpur district, a 23-year-old man allegedly died by suicide hours after being gang-raped by four men at a hotel (2025). These are some of the many cases that reflect the depth of this problem in society.

V. LEGAL PROTECTION

Having explored the prevalence and impact of sexual offences against men, it is important to highlight the legal protection provided to these victims. The following are some of the legal protections:

1. The POCSO Act protects any victim, given the fact that s/he is under 18 years old. Under this Act, a boy receives the same legal protection as a girl, since this is a gender-neutral law.
2. As of now, there are no rape laws for adult men in the new BNS, and adult men can take relief under Sec 117- 124 of the BNS, that is, voluntarily causing grievous hurt. Although it does not specifically use the term 'sexual offences', it can act as an indirect remedy.
3. However, if the victim is a trans man, he can claim protection under the

Transgender Persons (Protection of Rights) Act, 2019. This law treats sexual abuse against a trans person as a specific criminal offence.

VI. CONCLUSION

Sexual violence affects men but remains socially invisible, isolating them under the pressure of societal norms. The legal protections provided to men are limited and often fail to offer real support due to the persistence of gender-specific laws, which continue to overlook male victimization. In addition to making victims more vulnerable, this lack of acknowledgment perpetuates the silence surrounding these crimes. Building an inclusive and survivor-centric legal framework requires acknowledging male victims, and it is equally important to start discussions about this issue at the societal level surrounding such offences. Unless the law evolves to acknowledge all victims equally, justice will remain incomplete and selective, leaving a significant section of society unheard and unprotected.

References

1. World Health Organization, *World Report on Violence and Health* (WHO 2002).
2. National Crime Records Bureau, *Crime in India 2022: Statistics* (Ministry of Home Affairs 2023).
3. Sharma, R., “Re-examining Gender Neutrality in Indian Rape Laws,” (2021) 63 *Journal of the Indian Law Institute* 112.
4. Singh, A., “Male Sexual Abuse and the Silence of Law,” (2020) 12 *NUJS Law Review* 45.
5. Jain, S., “Masculinity and the Invisibility of Male Victims,” (2019) 14 *Indian Journal of Criminology* 87.
6. Protection of Children from Sexual Offences Act, 2012, No. 32 of 2012.
7. Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023.
8. *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321.
9. Pillai, M., “Sexual Violence Against Men in India: A Legal Gap,” (2022) 5 *NALSAR Law Review* 133.
10. Verma Committee Report, *Report of the Committee on Amendments to Criminal Law* (Government of India 2013).
11. Rao, K., “Mental Health Implications of Sexual Violence on Men,” (2022) 8 *Indian Journal of Psychiatry and Law* 59.
12. Chatterjee, P., “Gendered Assumptions in Criminal Law: Need for Reform,” (2023) 71 *Indian Bar Review* 201.