

Male Victim of Child Sexual Abuse in India: A Hushed Topic

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ABSTRACT

Child sexual abuse, like many other social issues is an increasing problem which does not seem to end. It is a shocking fact that this crime is increasing in India day-by-day, even after specific enactment which penalises the predators harshly in terms of child sexual abuse. Child sexual abuse is done secretly and the prosecutrix is silenced for life, rather he or she be given an opportunity to speak up and fight for justice. Though it is generally seen that the children are afraid to talk about any sexual wrong which fails the opportunity to be reported. Secondly, if at all the child complains or reports the sexual wrong on him/her to the parents, they are generally silenced and the justice again fails to find a track.

Child sexual abuse affects the child in different ways which include, sexual health, physical health, emotional and mental harm which is the worst of all. Pain, fear, self-harm, guilt, stress disorder, suicide attempts, shame, abusive behaviour, introvert behaviour or difficulties during adolescence are few of the harmful damages done to the victim. Long-term effects may include difficulty to make interpersonal relationships, inmate relationships and trauma which does not allow the victim to lead a normal life even after years of the incident.

Rape is defined as the crime which is committed by men against women. It has been intellectualized that the sexual victims are women and the perpetrators are male. However, there have been researches which have proved many a times that the male sexual abuse too is a problem in our society. Over and above, the bigger problem is that these male sexual abuse cases go non reported due to many societal issues. Though the Protection of Children from Sexual Offences Act, 2012 is one of a kind, which penalises the offenders of male sexual abuse acts too. Yet again the problem stays the same as the statistics on child abuse suggests that there are quite a number of cases of male child sexual abuse but the data of reporting of the same does not match the statistics of the crime done.

This research paper will discuss the problem of negligible reporting of male child sexual abuse cases, even after the POCSO Act protects the boy child equally as it protects a girl. Let us discuss what is the relationship between societal norms and negligible reporting of male child sexual abuse cases.

Keywords: Child Sexual Abuse, Male Victim of Child Sexual Abuse, Silenced male victims, Protection of Children from Sexual Offences Act, 2012, Child Sexual abuse a stigma, Male sexual abuse, Male sexual cases.

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I. INTRODUCTION:

India has witnessed many recent cases of young boys being abused in different forms. After which this topic has come forward in common conversation. Looking into the past, several times video footage have gone viral, portraying a male child, subjected to some or the other sort of child sexual abuse by the perpetrator either known or unknown to the victim and the parents.

It is evident through various data that female child abuse cases are rarely reported. Male child abuse cases though are at worst situation. And generally, it is not when the perpetrator is someone from the family itself. But when it comes to a male child sexual abuse case, it is a high probability that the case will not be reported which is guided by several social factors.

This attitude of parents, guardians in some way or the other is guided by the old social norm of our society being a patriarchy society. There is an age long social mindset that when there is a crime against a female, the society somehow blames the female for the same. Which is not in the case where a male is the victim. When it comes to the cases of male child sexual abuse, these cases are majorly suppressed and not brought in the eyes of law.

Practically, when a girl is sexually abused, many problems get attached which are either physical, mental problems or social stigmas. Women are supposed to be pure and pious till she is legally married, which gets ruined when a girl is sexually abused. Somehow, this stigma is not hitched to a boy in both the cases where he was in a mutual sexual relationship, was the perpetrator of sexual abuse or for that matter a victim of sexual abuse.

Also, since the ancient times, it has been considered that a male cannot be a victim to offences such as sexual abuse or rape, considering that he is taken to be the dominant creature in the society and that he cannot be dominated in atleast this aspect.

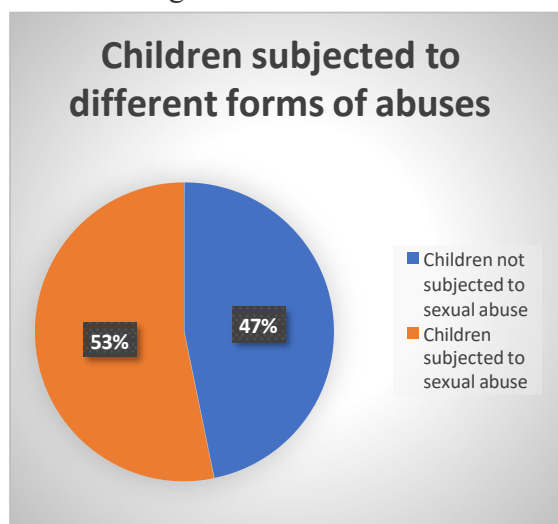
This theory can be thought to be backed by the penal statute of the land where in the Indian Penal Code, 1860, the section for sexual offence i.e., section 375 is only in protection of a female and the language of the section itself portrays that in the offence of rape, a woman is the victim and by default a man is the perpetrator. Let's not forget the fact that this law was enacted way before India got Independence.

The Penal statute leaves us to ponder that why was it thought that a male cannot be a victim of sexual abuse. Though males get protection from the sexual abuse offences but the word used in section 377 of Indian Penal Code, 1860, is "against the nature". Which denotes a sexual act between two men, because if done between a woman and a man, it should not be considered as "against the nature", for that matter whoever is the perpetrator.

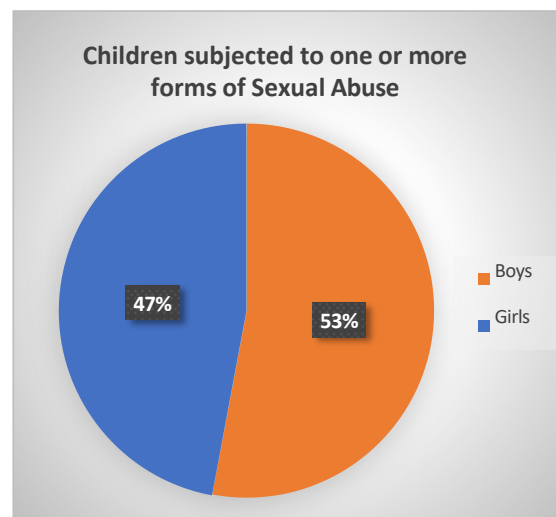
II. STATISTICAL ANALYSIS:

India has been ranked sixth most unsafe country for children in the world inspite that 40% of Indian population is that of children. Way back in the year 2007, when India witnessed quite a

hike in the child abuse cases, Ministry of Women and Child Welfare, in support of United Nations Children's Fund, Save the Child and Prayas, conducted a survey and study to understand the extent of child abuse in India. The results beyond expectations were horrifying. As per their findings, 53.22% children faced one or more form of sexual abuse. Among them, percentage of boys who were abused were 52.94% and girls were 47.06%.



This data is an eye opener that practically, it is the boys who are subjected to sexual abuse has a high rate than that of girls being sexually abused in our country. All the more it has been proved by many researches and statistics that even if the incident of female child sexual abuse is reported or there is rise in rate of reporting of these cases, there is still a vacuum when it comes to reporting the male child sexual abuse cases. We can blame the problem to the patriarchy system of society, which does not allow the society or makes the society to visualise a male as a victim of child sexual abuse.



III. MALE SEXUAL ABUSE

The rape subjected on men is sought of an unacceptable topic in the society, as if men cannot be subjected to rape. Though in common term, both male and female can be subjected to sexual harassment, abuse or assault. The rape of males is connected with negative impact to their perspective of manliness and masculinity. Consequence of which is that most victims fear to report the sexual assault they have experienced as their existence comes in question. They are generally worried that people will doubt their sexual identity and label them homosexual or may call them unmasculine if they open up about the assault.¹

This sought of fear and despair which the society has put on the shoulders of male is the basic reason why the male victims hide and deny their victimization which results in thousands of cases being unreported. There are several social obligation, myths or social stigmas which are attached to the image of a male personality which does not allow a male to show or depict himself to be a susceptible being. Following are few of the many myths or social stigmas:

1. Men are looked upon not to be

vulnerable: In a male dominant society as that of India, men are seen to be muscular, strong and are just not supposed to be someone who are allowed to do things which will decrease the manliness. For that matter of fact, crying openly also shall demean the very existence. This perception that the male is the strongest attaches the conclusion that males cannot be sexually assaulted in any manner. This gives a notion that only females can be raped.²

2. Sexual desires of man are

greater: This can be termed as another stereotype in regard to the male dominated society and it has always been taken for granted that a male gets aroused easily or in other words, the sexual desires of male are greater than as compared to women. This theory though has no backing to prove it practically. It is just an assumption made and the society has accepted this myth that males are the ones who have greater sexual desires. This making it easy for the society to again believe that female cannot harass a male.

3. Traumatization:

There is this another notion that males are subjected to less traumatization hence there is least possibility that males would be affected by any sought of abuse.

There notions though are embedded in the heart of the society are totally vague and absurd. But these are few reasons why there is an assumption made

that male cannot be sexually harassed. Now after the notion which is fixed by the society, it becomes very difficult for the victims to face the society on the notion the society has no acceptance. Which makes it even difficult for the family to face the society and this is the reason that maximum cases of male sexual abuse of all sought go unreported.

IV. INDIAN LAWS REGARDING RAPE OR SEXUAL ASSAULT

¹ India's law should recognise that men can be raped too, Centre For Civil Society (2014), <https://ccs.in/indias-law-should-recognise-men-can-be-raped-too> (last visited Apr 14, 2020)

² Owen Jones, Male rape survivors suffer in silence. We need to help them talk | Owen Jones, The Guardian, January 16, 2020, <https://www.theguardian.com/commentisfree/2020/jan/16/male-rape-victims-sexual-abuse-support>

In India, section 375 of Indian Penal code, 1860, prescribes the definition of Rape which starts as:

“S. 375- Rape- A man is said to commit "rape" if he-

(a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or

(b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or

(c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or

(d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person, under the circumstances falling under any of the following seven descriptions: First-Against her will.

Secondly-Without her consent.

Thirdly-With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.

Fourthly-With her consent, when the man

knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly-With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of

that to which she gives consent.

Sixthly-With or without her consent, when she is under eighteen years of age. Seventhly-When she is unable to communicate consent.

Explanation 1. For the purposes of this section, "vagina" shall also include labia majora.

Explanation 2. Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1.-A medical procedure or intervention shall not constitute rape.

Exception 2.-Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age. {Changed from 15 years to 18 years vide Supreme Court, Independent Thought v. Union of India, 2017.}³

After reading this section, it becomes clear that the offence of rape is believed to be committed only by a man the offence broadly consists of the act of penetration of penis or any object to

³ S. 375, *Indian Penal code, 1860*

any extent in the mouth, vagina, urethra or anus of a woman. With exhaustive definition provided in sub section (c) and (d). but the crux is that this offence is said to be committed by a man on a woman by various different means, without her consent. Which makes it evident that a woman cannot be liable of the offence under section 375 of Indian Penal Code, which is the penal definition of offence of rape.

INGREDIENTS OF RAPE:

- (i) Intercourse by a man by penetrating the penis or any body part or any foreign object to the private with a woman,
- (ii) Without the woman's consent,
- (iii) Such penetration done by obtaining consent while putting her or any person whom she is interested in under fear of death or hurt,
- (iv) Such penetration done by obtaining consent under misconception of fact that the man is the husband of her,
- (v) Such penetration done by obtaining consent by reason of unsoundness of mind or under influence of intoxication or any other stupefying substance,
- (vi) Such penetration done with women under 18, without consent as authority of husband of the woman,
- (vii) Such penetration done while the women is unable to communicate her consent.

Examining the ingredients, we can very well infer that the offence of rape in India is an offence which by default is understood

scope of the vice versa being taken into consideration. The language of the section specifies that the man commits the offence on a woman.

The irony being that ten years ago by enactment of Protection of Children from Sexual Offences Act, 2012, the legislature gave protection to the children against any sought of sexual abuse which includes both a girl and a boy by virtue of section 2 sub clause (d) which defines a child protected under this section as, "child means any person below the age of eighteen years"⁴. Once a boy crosses the age of 18 years, there lies no protection to him in terms of sexual abuse.

Though we can then consider section 377 of the Indian Penal Code, 1860 which provides, "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1 [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.

Explanation. —Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

Going into the details of this very section, unnatural offences are divided in to two sub headings,

- (a) Sodomy
- (b) Bestiality

Taking the first heading for our consideration and discussion as second one is out of the purview of this research paper. Now the word 'sodomy' generally denotes intercourse *per anus* by a man with a man or with a woman. Sodomy may either be homosexual or heterosexual as

that the victim is a woman whereas the perpetrator is a man. Also that there is no

⁴ Section 2(d), Protection of Children from Sexual Offences Act, 2012

depending upon the gender of the parties of intercourse. Here consent unlike rape is not a defence to the charge.

INGREDIENTS OF SECTION 377, IPC

The section though requires proof of the following conditions to hold a person liable for the offence under section 377, they are:

- (i) The accused must have had a carnal intercourse with a man, a woman or an animal,
- (ii) The act was against the nature,
- (iii) The act was done voluntarily by the accused,
- (iv) There is a proof of penetration.

The question here is what if there was no carnal intercourse but offence such as sexual assault as defined under section 7 or 11 of the Protection of Children from Sexual offences Act, 2012 which defines the offences as following-

“Section 7. Sexual Assault.- Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.

Section 11. Sexual Harassment.- A person is said to commit sexual harassment upon a child when such person with sexual intent,--

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word

or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or

(ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or

(iii) shows any object to a child in any form or media for pornographic purposes; or

(iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or

(v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or

(vi) entices a child for pornographic purposes or gives gratification therefor.

Explanation.-Any question which involves "[sexual intent]" shall be a question of fact.”

For the time being let us not read the offence committed upon a child. What about the same offence if committed on a male who is above the age of 18 years? There is no reason specified, as to why the offence sexual assault on a male child are treated differently and in a grave manner from a similar act committed against an adult male in India. It has been 10 years since the enactment of the POCSO Act, where the legislature realised that there is need to protect a male child also from the sexual abuse, but yet not the male adults have come in to the consideration of the law makers.

The basic idea again as discussed above is that the men in India are considered as

invulnerable and as ones who use their power to exploit women and there is no consideration of vice versa. However, if we consider the ground reality that is reflected in the survey of Insia Dariwala which surveyed 1500 male out of which 71% of men surveyed said they were abused, 84.9% said they had not told anyone about the abuse and the primary reasons for this were shame (55.6%), followed by confusion (50.9%), fear (43.5%) and guilt (28.7%).⁵

The interpretation of the offence of rape in India is only restricted to insertion of penis or object in the vagina. Which makes it clear that the victim at any cost has to be a woman and the perpetrator a male. While the cases of rape and sexual assault of male has been rising continuously, but because of the paucity of law, their voices are unheard.⁶

For instance, on 16th of June 2018, a 20-year-old boy had to endure the sexual assault by five men in Ghaziabad and a foreign object was inserted into his rectum but since our law does not account for such offence, the case was registered under section 377 of IPC. Similarly, there are lots of cases in the armed forces where men are subjected to lots of sexual violence.⁷ This is the case where there was any sought of penetration, there are many cases unheard where there is no penetration or insertion but because without penetration, section 377 of IPC cannot be brought into force, the victims do not get justice even if they are ready to report the same, which again is very rare due to the reasons discussed earlier in this paper.

It is high time that the law makes should consider that a gender-neutral penal

provision is the need of the hour, considering that there are many instances which are occurring where a male is subjected to sexual abuse and without penetration there is no option for him to get justice in the present penal scenario.

V. APPROACH TOWARDS GENDER NEUTRAL LAWS IN INDIA

The 172nd law commission of India in March 2000 recommended that rape laws in India should be made gender-neutral to protect male victims too. The underlying principle behind it is a presumption that offence of rape will be desexualized and the stigma attached to it will vanish.⁸ However, the government did not act to implement the suggestions.

Later in 2017, a PIL was filed at the Delhi High Court by adv. Sanjiv Kumar, which challenged the constitutionality of the rape laws under the Indian Penal Code (IPC). In his petition he stated:

“Gender neutrality is a simple recognition of reality — men sometimes fall victim to the same or at least very similar acts to those suffered by women...Male rape is far too prevalent to be

⁵ “The mindset is that boys are not raped”: India ends silence on male sex abuse, The Guardian, May 23, 2018, <https://www.theguardian.com/global-development/2018/may/23/indian-study-male-sexual-abuse-film-maker-insia-dariwala>

⁶ Patrizia Riccardi, Male Rape: The Silent Victim and the Gender of the Listener, 12

Prim. Care Companion J. Clin. Psychiatry (2010),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3067991>

⁷ Dhananjay Mahapatra | TNN | Dec 24, 2006, & 23:11 Ist, Rape, sodomy equal before law? | India News- Times of India, The Times of India, <https://timesofindia.indiatimes.com/india/Rape-sodomy-equal-before-law/articleshow/915960.cms>

⁸ Flavia Agnes, Law, Ideology and Female Sexuality: Gender Neutrality in Rape Law, 37 Econ. Polit. Wkly. 844–847 (2002),

<https://www.jstor.org/stable/4411809>
termed as an anomaly or a freak incident. By not having gender-neutral rape laws, we are denying a lot more men justice than is commonly thought."⁹

On the same reasoning on July 2019 K.T.S. Tulsi, a senior lawyer and Parliamentarian in the Rajya Sabha also brought a gender-neutral bill "Criminal Law Amendment Bill, 2019" before parliament to make the rape laws gender-neutral in India. As per him:

*"Law needs to be balanced. The balance has been disturbed. All sexual offences should be gender-neutral. Men, women, and other genders can be perpetrators and also victims of these offences. Men, women and others need to be protected."*¹⁰

The basic idea behind the bill is to propose necessary changes in Indian Penal Code (IPC), the Criminal procedure Code and the Indian Evidence Act so that the gender-specific words like "any man" and "any woman" likewise, mentioned in 354A, 354B, 354C, 354D, 375 and 376 of IPC to be replaced by gender-neutral words like "any person".¹¹

This would provide protections to all gender i.e., women, men and transgender. Addition to it also talks about the insertion of sec 375A in the IPC that defines sexual assault as "intentionally touches the genitals, anus or breast of the person or makes the person touch the vagina, penis, anus or breast of that person or any other person, without the other person's consent except where such touching is carried out for proper hygienic or medical purposes."¹² This section ensures that not only inappropriate touching of female parts constitute sexual assault but inappropriate touching of the male part also constitutes it.

The demand for insertion of all these expansions in the prescribed sections is only to increase the scope of the penal statute.

RESISTANCE TO GENDER NEUTRAL SEXUAL PENAL STATUTE

In 2013, the centre passed a criminal amendment act under the recommendation of Justice Verma Committee which replaced the term "rape" from "sexual assault" to cover all the genders however later changes were reversed due to the criticism and resistance from feminists and women's group. These groups see a call for gender-neutral laws as an attack on feminism and believe rape is an explicitly patriarchal crime.¹³

⁹ ccl nluj, The Criminal Law (Amendment) Bill, 2019 and Gender-Neutral Sexual Offences in India, The Criminal law Blog (2020), <https://criminallawstudiesnluj.wordpress.com/2020/03/27/the-criminal-law-amendment-bill-2019-and-gender-neutral->

sexual-offences-in-india

¹⁰ Aneesha Mathur New Delhi July 13, 2019UPDATED: July 13 & 2019 23:44 Ist, Bill to make sexual crimes gender neutral introduced in Parliament, India Today, <https://www.indiatoday.in/india/story/bill-to-make-sexual-crimes-gender-neutral-introduced-in-parliament-1568504-2019-07-13>

¹¹ *Supra Note 9*

¹² Bill in Parliament to make sexual crimes gender-neutral: Read full text | India News- Times of India, <https://timesofindia.indiatimes.com/india/kts-tulsi-introduces-bill-in-rajya-sabha-to-make-sexual-crimes-gender-neutral-full-text-of-the-bill/articleshow/70202016.cms>

¹³ Gazala Parveen, “Ought The Rape/Sexual Assault Law In India Be Gender-Neutral?”, iPleaders (2019), <https://blog.iplayers.in/rape-sexual-assault-law-india-gender-neutral>

VI. LAWS IN REGARD TO RAPE OF MALE ACROSS THE WORLD

1. UNITED KINGDOM

Initially, the “Criminal Justice and Public Order Act, 1994” made changes in the then existing laws regarding rape that removed buggery from the statute and they added the term “non-consensual anal as well as vaginal penile penetration”. This was the very first move in United Kingdom legal system where the step was taken to recognise the need of rape of male laws.

Later, another Act which is “The Sexual Offences Act, 2000 (England and Wales)” redefined it to a step forward to include even the non-consensual penetration into the mouth. The offence is defined as “**when someone intentionally penetrates**

the vagina, anus or mouth of another person with their penis, without the other person's consent.”

“The Sexual Offences Act, 2003” says that someone commits rape if all of the following happens:

- The person intentionally penetrates the vagina, anus or mouth of any other person with their penis.
- The other person does not consent to the penetration.
- There is no reasonable belief that the other person consented.

It thus can be said that the offence does not specify the gender of the victim or the perpetrator for that matter of fact. The words “someone or person” is rather used,¹⁴ though, by adding the term “with their penis” the law again takes a U-turn from being a gender-neutral one.

2. SCOTLAND

In Scotland, the “**Sexual Offences (Scotland) Act, 2009**” brought serious changes in their rape laws and redefined it as:

*“The intentional or reckless penetration of the penis (to any extent) into the vagina, anus or mouth of another person, without that person consenting and without any reasonable belief that consent was obtained”.*¹⁵

In this definition again gender-specific term “women” was replaced by “person” to include male victims in the ambit of definition.

3. NORTH IRELAND

In Northern Ireland, rape laws have been changed to recognise the rape of men also. Earlier the definition of rape included the

term “non-consensual intercourse by a man” which the was later

14 <https://rapecrisis.org.uk/get-informed/types-of-sexual-violence/what-is-rape>

15 <https://www.scotland.police.uk/what-s-happening/campaigns/2021/get-consent/what-is-consent-know-the-facts>

replaced by “non-consensual intercourse by a person” under the “**Criminal Justice (Northern Ireland) Order, 2003**” to provide justice to male victims of rape and make the law gender-neutral. Further the “**Sexual Offences (Northern Ireland) Order, 2008**” extended this definition to include oral rape. It incorporated significant changes to the law in relation to sexual offences in Northern Ireland, better protection for young people from sexual abuse and exploitation and seeks to clarify issues surrounding consent in sexual assault cases and rape. Key elements included:

- lowering the age of sexual consent from 17 years of age to 16 years of age
- a set of offences to protect persons with a mental disorder
- new offences of kerb crawling and soliciting for prostitution
- tighter penalties for keeping a brothel
- more clarity on the abuse of positions of trust offences
- gender neutrality.¹⁶

4. UNITED STATES OF AMERICA

The rape laws vary across the United States. A general definition can though be determined by studying all the laws of individual states. Thus, the definition of

the offence of rape as per United States Department of Justice, 2012 is as follows:

“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.”¹⁷

It is evident by the definition that in United States, the offence of rape includes all the gender of victims and offenders as well and the offence is not limited to a male committing it on a female. Also, now the US statutes also considers that the offence of rape with any object is as serious and distressing as a non-consensual penile penetration. US is also the first country which has equated the object penetration and penile penetration and has considered both as equal footage considering both as rape which is unlike any other country which keeps both as separate offence treating the object penetration generally as less grave offence. Thus, US laws are to far extent a gender neutral law in relation to offence of rape where the gender of victim and offender is neutralised and making object penetration and penile penetration in vagina and anus, both on same footage makes it all the more a strong gender neutral law.

5. CANADA

Canadian Government while making the rape laws more gender-neutral, has gone bit more further aligning with US laws. Canadian legislature categorises this offence under three categories of sexual assault. It also recognises the penetration through object amounts to rape and penile penetration cannot be sole ground to constitute the offence of rape.¹⁸

16 <https://www.amh.org.uk/wp-content/uploads/2019/03/northern-ireland-sex-and-the-law.pdf>

17 <https://www.law.cornell.edu/uscode/text/10/920>

18 https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr14_01/p10.html

VII. CONCLUSION

Since last few years, we have witnessed that the rape laws in India have gone through ample of revision by the lawmakers basically to meet the requirements of the society in relation to this offence. Major changes and amendment were seen after the onset of Nirbhaya case which was an incident which shook each and every Indian. Despite all these changes through past years which though have proven to be beneficial to great extent to the victims, but the male victims are overlooked and are unsung. With the lack of legal provision for the offence of sexual abuse or to be specific, penetration suffered by the adult male victims, the government is totally unjust as this crime is still seen to be a gendered differentiated crime. The law protects the sexual abuse of all sought on a male victim along with the female victim till the male victim attains the age of adulthood.

It is agreed that that the State is entitled to enact laws and statutes for protection of women and child who is regarded as vulnerable class. But why should the State overlook the crime on the male of the society?

The accused in *Sagar Dinanathh Jadhav*

v. State of Maharashtra was alleged to have committed penetrative sexual assault and sodomy on a 16-year-old minor boy, was acquitted on the grounds that there were no evidences of sexual assault on the victim. Clothes of the victim also did not show any traces of blood or semen. Also, that there was a history of quarrel between the accused and victim as victim had misbehaved by puncturing cycle tyre of the accused's sister, thereafter the victim had damaged the indicator of two-wheeler of appellant's uncle, due to which appellant had given 2-3 slaps to the victim. Later there was a heated exchange of words between victim's uncle and appellant as in the evening they had come to the appellant's house. The quarrel was the reason for false implication of the offence as against appellant. Appellant also has an alibi on the date of incident as he along with his family was attending 'satsang' which is proved by witnesses. Rebutting the presumption of section 29, 30 of POCSO Act, by the defence resulted in proving the appellant innocent. Thus, Hon'ble High Court acquitted the appellant of the charges of section 4 of POCSO Act, 2012 and section 377 of IPC, 1860.

The decision of the Hon'ble judge is though not in question but this brings forward the cases where due to lack of evidence we seek as similar to the offence when subjected on female and looking to the presumption of these offences being a gender bias, there may be many male victims who do not get justice.

It is high time now that the sexual abuse and related offences be stop treated as a gender biased offence to provide justice to the male victims of this offence.