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MEN AS VICTIMS OF SEXUAL HARASSMENT

Meenu Nair

INTRODUCTION

When we hear or read the term “sexual harassment,” an image of a female being sexually harassed by a male, either by making unwanted advances or certain comments, comes to our mind. It is because this idea that sexual harassment only occurs to women is embedded in the minds of people from the very beginning, and we never think about what if a female is sexually harassing a male. Regardless of age or gender, anyone can fall prey to sexual harassment. From the very beginning, we have been hearing that women are being sexually harassed, and many cases against sexual harassment of women were being reported, so the primary focus of the lawmakers was on women. But now the scenario has changed, males are also being made the victims of sexual harassment by females. Everyone raises their voice when injustice is done to women, but what about men who are made to undergo such injustice?

UNDERSTANDING THE MEANING OF SEXUAL HARASSMENT

Performing sexual acts without consent, such as rape, sexual harassment, unnatural sex, etc, is an example of sexual harassment. The major question that comes to our mind is what safeguards does a male get if he becomes a victim of sexual harassment? As in India, the laws majority focus on women, i.e., sexual harassment or rape against women. Except for IPC section 377, which talks about ‘sodomy’. Apart from that part, all the regulations/ laws are for women, but this provision has now been removed by the newly introduced BNS. In one constitution, it talks about the Right to Equality, but still, the right of its citizens is violated as there is unequal access to justice for males. Sexual harassment can affect the physical and mental health of a person, which leads to long-term depression, trauma, anxiety, physical injuries, low self-esteem, suicidal tendencies, etc. It would result in dropping out of school and being unable to work, etc. In a real-life situation, if a woman says that she has been sexually harassed, then people take it seriously. In terms of men, if they say that they have been sexually

harassed, then people would laugh at them and don't believe them, saying, "Men don't get raped". Due to the gender stereotypes of people and legal bias that had been deeply rooted in the minds of the people, they always consider women as the victims and men as the perpetrators. These perceptions are outdated and need to be changed as soon as possible.¹ Even after legal advancements and growing awareness, our legal system fails to address males as the victims of sexual harassment due to fear, cultural bias, and because of the fear of misuse of the laws. The thing to ponder upon is why these perceptions are there; it is deeply rooted, as their perception is that men are stronger, they are masculine, so how can they be the victims? Rather, they would be penetrators only. Sexual harassment of men is a major public concern that should not be neglected at any cost. It requires urgent judicial and public attention.

STATISTICS

According to the statistics, in 2010, a survey was conducted by the Economic Times, which was a Synovate Survey, it was conducted in 7 cities to see the number of men who are victims of sexual harassment. 527 people have completed the survey, out of which 19% said that they have faced some kind of sexual harassment at the workplace. In Bangalore, around 51% of the respondents said that they had been sexually harassed, and in Delhi and Hyderabad, the numbers were 31% and 28% respectively. In 2010-2012 Centers for Disease Control and Prevention CDC in the US conducted a study and found that 1 in 17 men reported being forced to penetrate at some point in time. In 2020, around 826 cases under IPC section 377 and 955 cases in 2022 were reported. A study was conducted by the National Commission for Women in 2022, in which around 1.4% of males in India have experienced sexual harassment, and 3000 cases of sexual assault on men were reported. In the recent poll done by the Centre for Civil Society in 2023, it was found that 18% of Indian men were subjected to sexual coercion.²

The thing to focus on is that these are the cases that were reported to the police; there would be many more incidents that would not have been reported due to the societal deep-rooted mentality and fear of being laughed at due to the fear of shame by the people, who will question their masculinity if they report such incidents. When it comes to the mental health of men in India, the conversation is always muted or ignored, and many such victims suffer in silence due to the societal stigma and the fear of re-experiencing sexual harassment. The current scenario is also the same; the newly introduced Bhartiya Nyaya Sanhita (BNS) lacks specific

¹ . SEXUAL HARASSMENT OF MEN: A CRIME THAT IS A REALITY: by Lalit Bhardwaj, Babu Shivnath Agrawal

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC10135558>

provisions for offences like sexual harassment against men. This exclusion of protection of men from the BNS has left many vulnerable to sexual abuse.

LEGAL PROVISIONS IN INDIA AND OTHER COUNTRIES

In India, there is no specific legal provision for males who become victims of sexual harassment. But here the statistics themselves portray that there is an urgent need to make all these laws gender neutral. In 2015, the Supreme Court stated that rape can be committed against both men and women, irrespective of their gender. This was a significant step taken by the court to protect the rights of male sexual assault victims. In many countries like the US, Australia, the UK, etc, the laws are gender neutral, but unfortunately, in India, the law related to sexual harassment is not Gender neutral, and it focuses on women. But in other countries, it is a different scenario.

UNITED KINGDOM – In the case of the UK, there is a provision that sexual victims have the right to file a complaint with the Equality and Human Rights Commission. The Equality Act 2010 is there for protection from harassment related to “protected characteristics” like sex or sexual orientation, and gender reassignment. It defined sexual harassment as any unwanted conduct of a sexual nature that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment for someone. The sex discrimination Act of 1975(which was revised in 2008) requires employers to safeguard their employees from suppliers, customers, etc.³.

AUSTRALIA-In Australia, sexual harassment is any vulnerable conduct of a seriously demeaning nature by a person in circumstances in which a reasonable person would have expected the possibility that the person harassed would be offended or intimidated. Here, the sex Discrimination Act governs sexual harassment in Australia. It is designed to prevent discrimination based on sex, sexual orientation, and gender identity. A person who has been made a victim can file an official complaint with the Australian Human Rights Commission.

JAPAN-There are gender neutral laws in Japan. The male-female equal opportunity law was revised in 1999, which made it mandatory for the organization to take stringent measures against the harasser. When it comes to India, many incidents of sexual assault can be seen. Like in a newspaper, the news of a man being sexually assaulted on a moving bus was reported. It

³ <https://www.legislation.gov.uk/ukpga/1975/65/enacted>

is just one of those cases among several cases where men are being made the victims of sexual assault and sexual harassment, too. This is proof that men are not safe either. They also become victim of sexual harassment.

SUGGESTIONS

GENDER NEUTRAL LAWS-There is an urgent need for making laws for sexual harassment, gender neutral. The laws should be equally applicable to men and women so that justice is not denied to them. Men should be added to sexual harassment in the workplace in 2012, too. These are essential, as when the constitution itself talks about Equality under Section 14, it should apply to everyone irrespective of gender, then only justice will be done.

AWARENESS More and more awareness has to be raised. Like organizing certain camps and awareness campaigns, which would help to change the societal stigma so that men don't hesitate to seek help.

HELPLINES- There is a need to create a helpline for males, too, where if they face issues like sexual harassment, they would get help. This would help men to openly speak about their issues or incidents without keeping them to themselves and struggling silently.

CONCLUSION- The current legal system does give protection to women who are victims of sexual harassment, but when it comes to men, they are not at all protected. The time has come to change the mindset that only women can be the victims of sexual harassment; rather, the data itself clearly shows that men too can be the prey of such offence. It's high time to stop treating sexual harassment of males as an anomaly; we need to support every survivor irrespective of their gender. Both men and women perpetrators should be punished equally under the law. The Indian court should start taking such sexual violence against men seriously and introduce new legislation for their protection, or at least make the laws gender neutral.

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