

Sexual Harassment With Men- A Socio-Legal Study



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Abstract

Commonly, when people talk about sexual harassment at workplace, their mind immediately thinks it from the women's perspective and considers a picture of a woman being harassed by a male co-worker, supervisor or boss. While in most of the cases of sexual harassment at workplace, victim is female, but an increasing number of cases are there against both men and women harassing male employees. Anyone can be a victim of Sexual assault, without concerning their age, sexual orientation, or gender identity. Men and boys who have been sexually assaulted or abused may have many of the same reactions and feelings as other survivors of sexual assault, in addition they may also face some sufferings because of social attitudes and stereotypes about men and masculinity. There are enough laws in India to safeguard women's position from sexual offences but there are no adequate laws to secure men's rights thereof. Though, so many social organizations are working in India for the rights of men in society but there is still a great need of sufficient laws to secure the rights of men from sexual offences. This paper attempts to study the concept of sexual harassment with men at workplace in India and the need of prevalent Laws for the same to secure the ends of justice on the part of both men and women.

Keywords: Sexual harassment, gender, masculine, workplace

Introduction

Recently, sexual harassment has become a global social issue that affects all working class, regardless of age, color, social status, ethnicity, or work category. It can also occur in different disciplines such as academics, in the public and in workplace. Different definitions for this issue have been carried out by many researches done in many countries and in many contexts. Many theorists have argued that behaviors such as sexual harassment and rape lie on a single continuum of male sexual aggression against women. Many researchers in this field have also argued that sexual harassment is about, gaining or retaining power over subordinates by those in position of power of authority. In fact, according to the gender dominance perspective, sexual harassment is a means by which men in higher positions have reinforced their privilege and maintained dominance over women at work and in society.

This societal arrangement has harnessed men to be powerful actors in the labor market, and women to be targets of sexual harassment because of their lack of power. It reflects the

underlying dynamics of gender and power in our culture.

Sexual Harassment

Workplace sexual harassment is defined by the Equal Employment Opportunity Commission (EEOC) as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly affect an individual's employment, unreasonably interferes with an individual's work performance; or creates an intimidating, hostile or offensive work environment." Examples of sexual harassment might be unwelcome touching, being pressured to go on romantic dates, or being called an offensive sexual nickname. It can also include less obvious behavior, like making derogatory or offensive remarks about others, posting sexually explicit pictures or regular conversation of a sexual nature.

Common Reactions

Men and boys who have been sexually assaulted may experience the same effects of sexual assault as other survivors, and they may face other challenges that are more unique to their experience. Some men who have survived

sexual assault as adults feel shame or self-doubt, believing that they should have been “strong enough” to fight off the perpetrator. Many men who experienced an erection or ejaculation during the assault may be confused and wonder what this means. These normal physiological responses do not in any way imply that you wanted, invited, or enjoyed the assault. If something happened to you, know that it is not your fault and you are not alone.

Men who were sexually abused as boys or teens may also respond differently than men who were sexually assaulted as adults. The following are some of the common experiences shared by men and boys who have survived sexual assault:

- Anxiety, depression, post-traumatic stress disorder, flashbacks, and eating disorders
- Avoiding people or places that remind you of the assault or abuse
- Concerns or questions about sexual orientation
- Fear of the worst happening and having a sense of a shortened future
- Feeling like "less of a man" or that you no longer have control over your own body
- Feeling on-edge, being unable to relax, and having difficulty sleeping
- Sense of blame or shame over not being able to stop the assault or abuse, especially if he experienced an erection or ejaculation
- Withdrawal from relationships or friendships and an increased sense of isolation
- Worrying about disclosing for fear of judgment or disbelief
- Perpetrators of Sexual Assault against Men and Boys

Perpetrators can be any gender identity, sexual orientation, or age, and they can have any relationship to the victim. Like all perpetrators, they might use physical force or psychological and emotional coercion tactics.

Present Sexual Harassment Laws in India

Currently, sexual harassment laws in India are not gender-neutral, and, for the most part, recognize that in sexual harassment cases, the victim is a female and the perpetrator is a male. For instance, the Section 354 of IPC criminalizes assault or use of criminal force to woman with intent to outrage her modesty. Other sections of the IPC include 354A (punishes sexual harassment committed by a man against a woman), 354B (punishment for intent to disrobe a woman), 354C (voyeurism), 354D (stalking), 375 (criminalizes rape of a woman by a man) and section 509 (word, gesture or act intended to insult the modesty of a woman). Section 377 of the IPC which is widely understood as an anti-sodomy law recognizes male as victims in sexual harassment cases, however, section 377 will have limited application in the kind of sexual harassment cases which are generally faced by men at the hands of women.

It is worth noting that the Justice Verma Committee which was constituted to recommend reforms to sexual harassment laws in 2013 had proposed gender-neutral language for sexual offences in India. However, this suggestion was not eventually incorporated in the Criminal Law (Amendment) Act, 2013. Also, while most of the provisions in the Protection of Children from Sexual Offences Act are gender-neutral with respect to the perpetrator, Section 375 (which criminalizes "penetrative sexual assault") does not apprehend a female perpetrator. Finally, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act is aimed at prevention of sexual harassment directed against women and does not recognize male victims of sexual harassment at workplace. By contrast, the equivalent law in the US, namely, the regulations of the US Equal Employment Opportunity Commission, treat sexual harassment at workplace as gender-neutral.

Arguably, the first gender-neutral sexual harassment law in India is the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations 2015 which incorporate a gender-neutral meaning of sexual harassment. While we talk about how wrongly

feminism is portrayed across the world, and how the safety measures taken to safeguard the women of our country are just not adequate, some light needs to be shed on how the scenario is equally scary on the other end of the spectrum as well.

In a study conducted by M.A. Straus in 1977, a professor at University of New Hampshire, a man is assaulted by his wife/girlfriend every 14.6 seconds. Sexual harassment of men, even though shoved under a dirty carpet, is a serious problem. No denying the fact that the number of incidents might not be close as to the numbers of the fairer sex, but it is still common. Call it dark comedy, but the Indian legislation completely negates the fact that men can be victims too. In fact, IPC section 354A, 354B, 354C, 354D, deal with sexual harassment, disrobing, stalking and voyeurism, and clearly state a man being the perpetrator, and the woman being the victim. Even sections 376 and 509 speak about rape of a woman, and outraging the modesty of a woman. The question of modesty, if at all, only exists in women. We are talking about a country with over 1.5 billion people. A country that's apparently on its way to becoming a superpower in the coming years. You must also know that this is a country where the only form of any recognized sexual wrongdoing towards a man is sodomy, under section 377 of the IPC. So basically, a man needs to be condomized for the government to take notice. It's called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013. The complete ignorance of men makes it much more of a problem in our society.

Supporting Male Survivors

It can be hard to tell someone that you have experienced sexual assault or abuse. You may fear that you will face judgment or not be believed. For many male survivors, stereotypes about masculinity can also make it hard to disclose to friends, family, or the community. Men and boys also may face challenges believing that it is possible for them to be victims of sexual violence, especially if it is perpetrated by a woman. Below are a few suggestions on how you

can support a man or boy who discloses to you that he has experienced sexual assault or abuse.

Listen. Many people in crisis feel as though no one understands them and that they are not taken seriously. Show them they matter by giving your undivided attention. It is hard for many survivors to disclose assault or abuse, especially if they fear not being believed because of stereotypes about masculinity.

Validate their feelings. Avoid making overly positive statements like "It will get better" or trying to manage their emotions, like "Snap out of it" or "You shouldn't feel so bad." Make statements like "I believe you" or "That sounds like a really hard thing to go through."

Express concern. Tell them in a direct way that you care about them by saying something like "I care about you" or "I am here for you."

Do not ask about details of the assault. Even if you are curious about what happened and feel that you want to fully understand it, avoid asking for details of how the assault occurred. However, if a survivor chooses to share those details with you, try your best to listen in a supportive and non-judgmental way.

Provide appropriate resources. There may be other aspects in men's lives that could limit their ability to access resources and services after experiencing sexual assault or abuse. For example, trans men may face barriers when navigating medical care or black men may have concerns about reaching out to law enforcement. Be sensitive to these worries, and when supporting a survivor try your best to suggest resources you feel will be most helpful.

Organizations Following are some of the organizations who actively work for men's rights in India:

- Save Indian Family Foundation
- Save Indian Family-Karnataka: <http://www.sifkarnataka.org/>
- Save Indian Family: <http://www.saveindianfamily.in/>
- All India Front against Persecution by Wives (Akhil Bharatiya Patni Atyachar Virodhi Morcha)
- MyNation

- Child's Right and Family Welfare
- Purush Hakka Sanrakshan Samiti
- Gender Human Rights Society
- Save Family Foundation
- Confidare Research: A Bangalore-based organization
- Men's Rights Association
- Karnataka Rajya Purushara Rakshana Samithi: A Karnataka-based organisation that is opposing abuse of marriage laws.
- Sahodar Trust: A Delhi-based law firm which provides legal advice to men in divorce and family law cases.
- Vaastav Foundation: A Mumbai-based organisation providing aid to falsely-implicated husbands.
- Avijan -West Bengal:
<http://www.avijanformen.com/>

Purusha Commission: An organisation based in Odisha which is demanding a State Commission for Men. Hridaya-Nest of Family Harmony: A Kolkata-based organisation. Suggestions to Make Sexual Harassment Laws Gender Neutral in India The men should be engulfed in the “Sexual Harassment at Workplace Bill, 2012’ as soon as possible. Also, some specific sections should be inserted under Indian Penal Code to protect harassment against males, as we are having only 1 section related to sodomy under Indian Penal Code. Also, the need of the hour is to change the mindset of the people of Indian society who believe that a man is not made to cry and only a woman cries. This is a completely wrong notion as all have heart and souls, are also having dignity, emotions, self-confidence and respect too for themselves. Acts like harassment attacks the soul and it is immaterial whether the soul is of a male or of a female, harassment kills the soul and pushes a person into a state where he or she begins to reflect that they are not of any worth. In addition to this, it is also very important to note down that harassment with any human being is wrong as we are all humans first then males and females. For the sake of humanity, it is a very brutal act and both the male as well as female perpetrators must be punished equally under law. For this reason,

the question whether harassment of females need more attention or of males is immaterial. So, the point is to give equal rights to the male victims as of female and to invoke the legislation to furnish ‘equal access to justice in India’. Nicole Kidman has rightly said that, “Imagine a bold plan for a world without discrimination, in which women and men are equal partners in shaping their societies and lives. Let’s picture it!”

Conclusion

There is still large number of men who are still unclear about what is sexual harassment is all about and feels that their sexual attitude is normal for men. This is further substantiated with the fact there is no laws on this behavior in Malaysia and most organizations still do not take report made on sexual harassment seriously. Taking into considerations that there is a general lack of knowledge on the real definition of sexual harassment amongst men, it can be concluded that sexual harassment should not be viewed as a personal problem but a social problem. Given the incidents of sexual harassment faced by men in India, it is worth exploring whether the country needs gender-neutral sexual harassment laws. The first step towards this could be for the Indian government to conduct nation-wide surveys to determine the statistics of such crimes in India, and to invite public deliberations on these issues. This would ensure that a legislation (if any) on this issue is well-informed instead of it being a knee-jerk reaction. The strongest criticism against such laws would undoubtedly be the potential for misuse of the law by a man against an innocent woman. However, it must be borne in mind that the danger of misuse of the legislative machinery cannot by itself be the reason for not enacting laws to protect men against sexual harassment. Instead, the law must focus on having adequate safeguards in place to guard it against potential misuse.

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