

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Megha Middha



Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

LONG WAY TO ACHIEVE EQUALITY

CO-AUTHOR- MS. GUNJAN SANKLECHA
SYMBIOSIS LAW SCHOOL NOIDA

ABSTRACT

The legal framework pertaining to men's rights in Indian family courts is thoroughly examined in this paper, with particular attention paid to issues like marital equality, alimony rules, child custody disputes, and protection against false accusations. It also examines the POSH Act and the lack of clear legislation in India that shields males from sexual harassment, contrasting it with gender-neutral policies in other international contexts such as the US and the UK. The research explores the difficulties in enacting gender-neutral rules within the confines of current legislation. Further research emphasizes social norms and obstacles that lead to the underreporting of incidents of sexual harassment involving men. Further sexual harassment, research highlights the difficulties in enacting inclusive rules by contrasting worldwide practices with India's absence of gender-neutral legislation. The analysis also discusses cultural barriers and prejudices that contribute to the underreporting of occurrences of sexual harassment involving men. It promotes the debunking of unfavourable assumptions and the creation of supportive environments where victims feel empowered to seek assistance. This study offers a comprehensive overview of men's rights in Indian family courts and emphasizes the need for gender-neutral laws to prevent sexual harassment.

KEYWORDS: Workplace harassment, gender neutrality, sexual harassment, men's rights, and Indian family courts.

INTRODUCTION

Sexual harassment is a widespread problem that affects people in a variety of contexts and populations and crosses gender boundaries. Legal frameworks that address workplace harassment in India, with a primary focus on women's rights protection, such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act), represent

significant advancements in the field. But the lack of clear legal protections for males highlights the need for a more inclusive strategy to stop sexual harassment. The legal environment around men's rights in Indian family courts is examined in this study, along with the lack of legislation that are gender-neutral and shield males from sexual harassment. In addition, it examines international viewpoints on gender neutrality in sexual harassment laws by examining US and UK legal frameworks. In addition to advocating for gender-inclusive policies to promote safer and more equal workplaces, this study seeks to offer light on the difficulties faced by men in seeking justice against sexual harassment by examining case studies and legislative analysis.

RIGHTS AVAILABLE TO MEN

Men's Rights in Indian Family Courts

To create a more equitable and well-rounded system, family court procedures in India have experienced substantial changes in dynamics. Though there has been progress, questions remain about whether men's rights in family court cases are acknowledged and upheld.¹ So, the legal nuances surrounding men's rights in Indian family courts are examined below.

Equality in Marriage and Divorce: In India, getting married is considered a contract, and getting divorced signifies the formal end of that relationship. Family laws in India are guided by the equality principle, which is incorporated in the Constitution and permits divorce proceedings to be initiated on gender-neutral grounds by both men and women. In *Rani Nirshimha Sastry Vs. Rani Suneela Rani*², the husband was alleged to have committed an offence under Section 498A of IPC³ but on trial, the husband was acquitted. So, this amounted to cruelty by the wife against the husband and the husband was entitled to decree of a divorce by the court of law.

Alimony and Maintenance Laws: Although women have historically been the main beneficiaries of alimony and maintenance, legislative frameworks are changing to be more inclusive. After a divorce, men are now able to demand maintenance or alimony from their former partners. Family courts have the authority to grant maintenance based on the other party's financial necessity and ability to pay under Sections 125 of the Code of Criminal Procedure⁴ and 25 of the Hindu

¹ Sahodar, 'Know Your Rights: A Simple Guide to Men's Rights in Indian Family Courts' (Sahodar, 8 January 2024) <<https://sahodar.in/know-your-rights-a-simple-guide-to-mens-rights-in-indian-family-courts/>> accessed 15 March 2024

² 'Rani Narasimha Sastry v. Rani Suneela Rani' (Supreme Court Cases, 23 November 2021) <<https://www.supremecourtcases.com/rani-narasimha-sastry-v-rani-suneela-rani-2/>> accessed 15 March 2024

³ 1860 (India Penal Code) s 498A.

⁴ 1973 (Code of Criminal Procedure) s 125.

Marriage Act.⁵ An instance of it is reflected in *Bhagyashri v Jagdish*⁶, a schoolteacher who was ordered by the Bombay High Court to give her ex-husband, who claimed to be unemployed, interim maintenance. The court cited Hindu Marriage Act Sections 24 and 257 to establish that the needy spouse has the right to request either temporary or permanent alimony.

Child Custody Battles: The best interests of the child come first in emotional child custody conflicts. Custodial cases are governed under the Guardians and Wards Act and the Hindu Minority and Guardianship Act. Regardless of gender, both parents are entitled to request visiting and custody rights. When making custody decisions, courts take into account several variables, such as emotional and financial soundness. In *Selvaraj v Revathi*⁸, the court observed that granting custody to the Respondent/Mother at this stage would not be in the child's best interest. However, as agreed, the mother will have visitation rights, and she can call the child.

Protection Against False Allegations: There might be serious repercussions from false accusations, such as those involving dowry harassment or domestic abuse. Courts have the authority to address false allegations made during family court proceedings under Section 340 of the Code of Criminal Procedure⁹. When faced with such accusations, men may file counterclaims for defamation or false prosecution and must gather evidence to support their positions.

Fatherhood in Adoption and Guardianship: Traditionally, mother preferences have overshadowed fathers' participation in adoption and guardianship. Nonetheless, legal modifications recognize the importance of a father's role in a child's upbringing. In certain situations, fathers can apply for adoption or guardianship under the Hindu Adoption and Maintenance Act and the Guardians and Wards Act. This reflects the rising acknowledgment of fathers as crucial caregivers.

PROTECTION OF MEN FROM SEXUAL HARASSMENT

Is there any law in India that protects men from sexual harassment?

Though we know that India lacks laws to protect men against sexual harassment, this does not mean that all laws forbid sexual harassment against women. Laws that protect men are-

⁵ Hindu Marriage Act 1955 s 25.

⁶ *Bhagyashri v Jagdish* AIR 2022 Bom 116

⁷ Hindu Marriage Act 1955 s 24.

⁸ *Selvaraj v. Revathi*, 2023 SCC OnLine SC 1644

⁹ 1973 (Code of Criminal Procedure) s 340.

- Earlier Section 377 of the IPC¹⁰ criminalizes sodomy without consent. This law recognizes men as victims of rape. However, under the proposed Bharatiya Nyaya Sanhita, 2023, there is no provision made to protect male victims of sexual assault. As per the proposed BNS 2023, the clause of sexual offences, listed in Chapter V, is limited to ‘offences against woman and children’. Therefore, “rape” under Section 63 of the Sanhita becomes gendered and it is committed by men against women or children, not any other way around. As a result, non-minor men have no legal recourse against forced sexual acts. To date, Indian law does not recognise men as victims of rape but the IPC at least mentions “carnal intercourse against the order of nature with any man, woman or animal” as an offence. The only thing that the proposed Sanhita mentions is “unnatural lust” in two places – under Section 38, protecting the “right of private defence of the body” and Section 138, protecting against kidnapping.
- The Protection of Children from Sexual Offences (POCSO) Act of 2012 which criminalizes sexual harassment of anyone under the age of 18 is gender neutral in terms of perpetrator and the victim.

For several reasons, the POCSO Act's gender-neutral design represents a positive change. Legal systems around the world, including India's, have traditionally prioritized defending female victims of sexual offenses over the rights of male victims and victims who don't conform to traditional gender norms. The POCSO Act provides broad coverage by recognizing that sexual assaults can affect anybody, regardless of gender. This is especially important in a culture where male victims of assault frequently experience additional shame and find it difficult to report the assault because of social norms associated with strength and masculinity. The gender-neutral approach of the law guarantees that those who violate it are held responsible and gives all children a voice.

The Criminal (Amendment) Act 2013, commonly known as the Nirbhaya Act takes a gender-neutral view towards acts like acid attack and attempt to acid attack. Anyone regardless of gender can file a complaint under the sections for Acid Attack and Attempt to Acid Attack. In Surya Sankar Barik. Vs. The State of West Bengal and others¹¹. The state legal services authority has been ordered by the court to reconsider the compensation claim of a male acid attack victim in light of the fact that, notwithstanding his gender, he is entitled to additional compensation for continued medical treatment and

¹⁰ 1860 (India Penal Code) s 377.

¹¹ Surya Sankar Barik. Vs. The State of West Bengal and others, (2014) 4 SCC 427

rehabilitation. The victim's employment as a school teacher should not be a barrier to his eligibility for additional compensation, the court emphasized. It has been decided that the 3 lakh rupees minimum compensation that the law requires is insufficient.

- *University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015* – a sexual harassment prevention law which applies to all colleges, universities and deemed to be universities- is also gender-neutral.

GENDER NEUTRALITY AND THE POSH ACT

In many societies, including Indian society, patriarchy has historically perpetuated discrimination, sexual harassment, and gender bias primarily against women. This is evident both in personal and professional settings, where men often hold senior management positions and constitute the majority of the workforce. Consequently, the protection of women in such environments has been a priority, leading to the enactment of laws such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act).¹²

However, contemporary discourse acknowledges the blurring of traditional gender norms and the increasing acceptance of gender diversity. This evolution prompts discussions on various aspects of sexual harassment and misconduct, including the identities of perpetrators and victims. As organizations strive for gender inclusivity, there is a growing recognition of the need for policies that transcend binary gender distinctions.

Critics often highlight the perceived gender bias inherent in the POSH Act, which applies exclusively to cisgender women. This exclusion raises concerns about the protection of individuals identifying with other genders. As a result, there is a call for organizations to adopt gender-neutral approaches in their sexual harassment policies.¹³

While the legal mandate for gender-neutral policies may not be explicitly defined at present, there is a strong argument for their implementation as a best practice. Such policies would enable individuals of all genders to report incidents of sexual harassment without facing discrimination

¹² Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013

¹³ Datta M, 'Spotlight On Implementation And Enforcement Of POSH Law' (8 March 2024)

<<https://www.livelaw.in/law-firms/law-firm-articles-/posh-law-sexual-harassment-lgbtq-bharatiya-nyaya-sanhita-2023-kochhar-co-251616>> accessed 15 March 2024

or exclusion.¹⁴ This proactive approach aligns with principles of equity and inclusivity, fostering a safer and more respectful workplace environment for all employees.

The Australian Human Rights Commission defines Sexual Harassment as "an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances"¹⁵

The Act also delineates the term "workplace," which encompasses any location accessed by an employee by virtue of or during their employment, including transportation arranged by the employer for commuting to and from work. In the case of *Saurabh Kumar Mallick v. Comptroller & Auditor General of India*¹⁶, three criteria were established to determine the conditions under which a location would qualify as a workplace for the application of the POSH Act: proximity to the place of work, management's control over the location/residence where the working woman resides, and the requirement that the residence be an extension or contiguous part of the workplace.

The Act applies to companies with more than 10 employees, imposing a widespread obligation for compliance. Non-compliance with the Act's provisions carries significant consequences. It mandates annual reporting, compelling companies to disclose the number of filed and resolved cases, thereby fostering transparency and accountability. The Act mandates the establishment of a committee, the Internal Complaints Committee (ICC), to address grievances.¹⁷ Additionally, it provides for local committees (LCC), wherein district governments are required to establish committees at the local level to investigate and respond to complaints of sexual harassment from the unorganized sector and from establishments lacking an ICC due to having fewer than 10 employees or when the complaint is against the employer.

Sexual harassment represents a significant societal issue affecting individuals across diverse demographics. It encompasses unwanted sexual advances, requests for sexual favors, or other

¹⁴ Patel C, 'Revisiting POSH Act to Make It Equitable for All Persons' The Times of India <<https://timesofindia.indiatimes.com/blogs/voices/revisiting-posh-act-to-make-it-equitable-for-all-persons/>> accessed 15 March 2024

¹⁵ 'Resources on Positive Duty' (8 August 2023) <<https://humanrights.gov.au/our-work/sex-discrimination/projects/positive-duty-under-sex-discrimination-act>> accessed 15 March 2024

¹⁶ *Saurabh Kumar Mallick v Comptroller & Auditor General of India* (1997) 3 SCC 433

¹⁷ Munjal D, 'Explained | What Is the PoSH Act and Why Has the Supreme Court Flagged Lapses in Its Implementation?' The Hindu (15 May 2023) <<https://www.thehindu.com/news/national/explained-the-indian-law-on-sexual-harassment-in-the-workplace/article66854968.ece>> accessed 15 March 2024

verbal or physical behaviors of a sexual nature that disrupt an individual's work or academic performance or create an intimidating, hostile, or offensive environment. This phenomenon transcends gender and setting, manifesting across socio-economic strata and organizational structures.

The workplace, often regarded as a space promoting professional development and collaboration, can unfortunately become a fertile ground for harassment. This underscores the relevance of addressing "sexual harassment at the workplace," where individuals endure unwelcome sexual attention or advances within their employment context. Such behavior not only violates an individual's dignity but also inflicts profound psychological and emotional repercussions.

According to the framework of Indian legislation, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, commonly known as the POSH Act, serves as a pivotal measure for safeguarding women against workplace harassment. The legislation mandates the establishment of Internal Complaints Committees (ICCs) to facilitate the lodging of complaints and their subsequent resolution. However, despite the laudable strides taken, men and transgender individuals continue to lack explicit legal provisions for their protection.

The Preamble of the POSH Act lays down the objective to provide an equally safe and sound environment for Women at the place of business, trade and profession under Articles 14 and 15. This is a fundamental right of the women derived from Article 21 of the Constitution of India. According to Article 21 of the Constitution of India, every individual has a right to life and live with dignity as a Fundamental Right. POSH ACT is only protecting women from sexual harassment and applies to women. It is not protecting the rights of Men against sexual harassment. Whereas the act was incorporated to protect equality and dignity fundamental rights in society but it is only protecting the rights of women against sexual harassment.

The Prevention of Sexual Harassment (POSH) Act, introduced in India to combat workplace harassment and ensure a secure working environment, represents a significant advancement in safeguarding the rights and dignity of women. However, a critical aspect often overlooked is the Act's lack of gender neutrality. While the legislation primarily targets harassment against women, it inadequately addresses and protects individuals of other gender identities, notably men and transgender individuals. This narrow perspective not only disregards the actual experiences of

harassment encountered by these groups but also perpetuates the misconception that harassment is exclusively a concern for women.¹⁸

Nevertheless, certain clauses within the Act demonstrate a gender-neutral approach, suggesting potential avenues for broader inclusivity. For instance, Section 18 of the Act, which outlines the process for appealing decisions made by Internal Complaints Committees (ICCs) or Local Complaints Committees (LCCs), employs the term "any person" eligible to file an appeal. This implies that individuals of any gender identity can seek recourse through the appeals process. Moreover, the Act mandates a balanced representation of genders within each organization's internal complaints committee, requiring the inclusion of both male and female members. Additionally, the Act establishes mechanisms to protect whistleblowers, enabling employees of all genders to report incidents of sexual harassment without fear of retaliation.

In the case of *Hiral P. Harsora v. Kusum Narottamdas Harsora*¹⁹, the Supreme Court recognized that the definition of "Respondent" in Section 2(m) of the POSH Act encompasses individuals of all genders, acknowledging that both men and women can be perpetrators of sexual harassment. This acknowledgment extends to situations involving sexual harassment between women, including instances involving individuals who identify as lesbians. However, despite these provisions, individuals other than women lack formal recourse under the POSH Act if they experience sexual advances or harassment in the workplace. This issue of gender neutrality was addressed in the December 2011 parliamentary standing committee's 239th report on the Bill, which proposed exploring the feasibility of including provisions to address instances of workplace sexual harassment involving men.²⁰

Moreover, the committee suggested the inclusion of cases of male sexual harassment in employers' annual reports to gain a more comprehensive understanding of the prevalence of sexual harassment. Despite these recommendations, the Standing Committee Report ultimately excluded the gender neutrality aspect, citing the disproportionate impact of harassment on women. Surveys conducted by Economic Times-Synovate in 2010 and Viacom 18 in 2013

¹⁸ Kapoor AS, 'POSH Act : Discussing Gender Neutrality, Transgender Rights & Inclusion Of LGBTQ' (6 June 2020) <<https://www.livelaw.in/columns/posh-act-discussing-gender-neutrality-transgender-rights-inclusion-of-lgbtq-157906>> accessed 15 March 2024

¹⁹ *Hiral P Harsora v Kusum Narottamdas Harsora*, AIR 2016 SC 4774

²⁰ livelaw, 'Read All Latest Updates on and about Hiral p Harsora and Ors vs. Kusum Narottamdas Harsora Amp Ors' <<https://www.livelaw.in/tags/hiral-p-harsora-and-ors-vs.-kusum-narottamdas-harsora-amp-ors>> accessed 15 March 2024

underscore the prevalence of sexual harassment against men in the workplace, highlighting the urgent need for broader legal protections.

Similarly, the current law fails to explicitly acknowledge cases of sexual harassment affecting individuals who identify as Gay, Bisexual, Queer, Asexual, and other allied individuals who may not identify as heterosexuals. However, despite the limitations of the law, many companies have adopted gender-neutral policies to safeguard their employees against sexual harassment.

CHALLENGES

Introducing a gender-neutral Prevention of Sexual Harassment (POSH) policy within the framework of the Internal Complaints Committee (ICC) presents legitimate concerns that necessitate careful deliberation during its formulation. The existing law has vested the ICC with powers akin to a Civil Court, obligating it to adhere to principles of natural justice. Some stakeholders argue that adopting a gender-neutral policy may dilute the ICC's primary focus, which historically has been centered on addressing sexual harassment against women, as mandated by the POSH Act.²¹

Expanding the policy's purview to encompass all genders could potentially introduce complexities in proceedings, resulting in delays in case resolution and placing strain on the ICC's resources. There is apprehension that such a policy might overshadow the specific rights and protections afforded to women under the Act and could be susceptible to misuse for issues unrelated to gender, leading to unintended consequences. Nevertheless, in addressing these concerns, it is imperative to maintain a balanced approach.²² A well-crafted gender-neutral policy should ensure the preservation of the progress achieved in safeguarding women's rights while extending protections to individuals of all genders. Effective measures such as robust training, clear guidelines, continuous monitoring, and comprehensive awareness initiatives can collectively help alleviate these concerns, thereby fostering an ICC that is both effective and

²¹ Holland, Kathryn & Rabelo, Verónica & Gustafson, Amber & Seabrook, Rita & Cortina, Lilia. (2015). Sexual Harassment Against Men: Examining the Roles of Feminist Activism, Sexuality, and Organizational Context. *Psychology of Men & Masculinity*. 17. 17-29. 10.1037/a0039151.

²² Froger-Michon CFLA-C and Bénistan M, 'Designation of a Harassment Officer: A New Measure to Fight against Sexual Harassment and Sexist Attitudes' (Lexology, 7 May 2019) <<https://www.lexology.com/library/detail.aspx?g=73c6f229-97bc-488d-8c3c-dfd630b3b8b8>> accessed 15 March 2024

inclusive in preventing workplace harassment for all employees.²³

GENDER DYNAMICS IN GLOBAL CONTEXT

UNITED KINGDOM

In the United Kingdom, the issue of sexual harassment falls under the jurisdiction of the Equality Act 2010. This legislation delineates sexual harassment as any unwelcome behaviour that undermines an individual's dignity or creates an environment that is intimidating, hostile, degrading, humiliating, or offensive. Section 26 of the Act specifically proscribes three categories of harassment concerning the protected characteristic of sex:

Sex-related harassment: This pertains to unwanted conduct associated with an individual's sex as a protected characteristic. Harassment of a sexual nature: This involves unwelcome behaviour of a sexual nature. Less favourable treatment based on an individual's response to sex-related harassment or sexual harassment, regardless of whether it involves rejection or submission. In January 2020, the Equality and Human Rights Commission (EHRC) issued technical guidance on workplace harassment, which forms the basis for a statutory code of practice. Furthermore, the EHRC has provided guidance on the inappropriate utilization of Non-Disclosure Agreements (NDAs) or confidentiality clauses in cases of discrimination.

UNITED STATES

In the United States, workplace sexual harassment is categorized as a form of sex-based discrimination, rendering such misconduct illegal nationwide. Federal laws governing sexual harassment in workplaces apply exclusively to employers with fifteen or more employees.

The Civil Rights Act of 1964 protects both employees and job applicants from employment discrimination based on factors such as race, color, religion, sex, and national origin. Title VII, a component of this Act, comprehensively addresses all aspects of employment decisions, including recruitment, selection, termination, and conditions of employment.

According to the Code of Federal Regulations, sex-based harassment violates Section 703 of Title VII. This includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature. The definition of sexual harassment encompasses instances

²³ Datta M, 'Spotlight On Implementation And Enforcement Of POSH Law' (8 March 2024) <<https://www.livelaw.in/law-firms/law-firm-articles-/posh-law-sexual-harassment-lgbtq-bharatiya-nyaya-sanhita-2023-kochhar-co-251616>> accessed 15 March 2024

where submission to such conduct is made a condition of employment, where submission or rejection influences employment decisions, or where such conduct unreasonably interferes with an individual's work performance or creates a hostile work environment.

The U.S. Equal Employment Opportunity Commission clarifies that harassment can extend beyond sexual harassment to include offensive remarks about a person's sex. However, isolated incidents or casual comments typically do not constitute sexual harassment under the law. Harassment becomes unlawful when it is severe or pervasive enough to create a hostile work environment or results in adverse employment actions. Employers bear the responsibility to maintain a zero-tolerance policy towards harassment and must enforce stringent regulations to prevent and address such incidents effectively.²⁴

The Uber sexual harassment case, which emerged in early 2017, exposed a toxic workplace culture at the ride-sharing company. Former Uber engineer Susan Fowler detailed her experiences of harassment and discrimination in a blog post, revealing a systemic failure to address employee complaints adequately. In response, Uber commissioned an independent investigation by the law firm Covington & Burling, resulting in the "Covington Recommendations." These findings highlighted inadequate HR procedures, cultural issues inhibiting reporting, and deficiencies in diversity and inclusion efforts within Uber.²⁵

The recommendations emphasized the need for Uber to strengthen HR practices, reform company culture to promote respect and inclusion, hold leadership accountable, and implement diversity and inclusion initiatives. Uber's subsequent actions, including executive changes and cultural reforms, illustrate how allegations of harassment can precipitate organizational transformations and underscore the imperative of fostering respectful and inclusive workplaces.

REASONS FOR UNDERREPORTING OF CASES

Stereotypes of masculinity that have been instilled in society are closely linked to the stigma associated with male experiences of sexual harassment. Boys are conditioned from an early age to think of themselves as tough, resilient, and emotionally immune. Because of this, males

²⁴ Raj A, Johns NE and Jose R, 'Gender Parity at Work and Its Association With Workplace Sexual Harassment' (2020) 68 Workplace Health & Safety 279 <<http://journals.sagepub.com/doi/10.1177/2165079919900793>> accessed 15 March 2024

²⁵ 'Addressing Sexual Harassment | United Nations - CEB' <<https://unsceb.org/topics/addressing-sexual-harassment>> accessed 15 March 2024

frequently experience intense pressure to live up to these ideals when they encounter sexual harassment or hostile work circumstances. Phrases like "man up" and "act like a man" serve to further solidify these standards by suggesting that showing emotion or asking for help is in some way weak or unmanly. Men who have been sexually harassed may thus be afraid to speak up for fear of being laughed at or ignored, which can result in feelings of guilt and loneliness. Furthermore, the assumption that males should always be in charge and capable of handling any issue on their own is perpetuated by the concept of toxic masculinity. In addition to keeping men from getting assistance, this poisonous narrative also makes it harder for men to feel empathy and compassion for other guys who are experiencing sexual harassment. Essentially, cultural standards of masculinity are at the core of the social stigma and shame that surround male experiences of sexual harassment. To break down these barriers, negative stereotypes must be dispelled, candid communication be encouraged, and safe spaces be established where victims feel empowered to ask for support.

Stereotypes in society that frequently minimize or ignore the experiences of male victims of sexual harassment are the main cause of the lack of awareness regarding these victims. Many people think that women are the primary victims of sexual harassment and that neither males nor women can be the harassers. Because they worry that their experiences won't be taken seriously, male victims may distrust their own and be reluctant to report them. Despite these myths, new information is challenging these presumptions, as evidenced by surveys like the one the Economic Times conducted.

The research indicates that a noteworthy proportion of participants revealed having experienced harassment from their female coworkers, underscoring the pervasiveness of harassment conducted by women. It is imperative to increase knowledge and comprehension of sexual harassment as a problem that is gender-neutral in order to successfully address this issue. We can foster a more encouraging atmosphere where victims feel empowered to come forward and ask for assistance by recognizing and supporting the experiences of all victims, regardless of gender.

CONCLUSION

In conclusion, a complex interaction between statutory requirements, changing gender dynamics, and society norms is reflected in the legal frameworks protecting men's rights in Indian family courts and safeguards against sexual harassment. Even while India's family laws have made progress toward gender equality, there are still gaps when it comes to protecting men's rights after

divorce, alimony rules, child custody disputes, and protection from false accusations. Furthermore, the lack of specific legislation shielding males from sexual harassment emphasizes how important it is to implement gender-neutral rules in order to preserve everyone's safety and dignity at work. This research highlights the need for comprehensive legislative reforms and cultural shifts to demolish stereotypes and foster inclusive environments where victims of sexual harassment, regardless of gender identity, feel empowered to seek support and justice. It does this by drawing insights from global perspectives, particularly those of the United Kingdom and the United States. In order to create fair and courteous workplaces for all, this study will advocate for gender-inclusive policies and raise awareness of male experiences of sexual harassment.

