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# Reevaluating Legal Protections for Men against Harassment through the Lens of Gender Equality

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## ABSTRACT

*The Increasing number of suicides by men due to familiar disturbances especially by the spouse is the clear implication of harassment towards men in society. Men and their vulnerability are mostly under-explored in Indian culture for various reasons. Men are expected to embody emotional restraint, assertiveness, dominance, and physical toughness, with societal pressure emphasizing that they must never appear weak or vulnerable.*

*However, The existing legal framework primarily focused on women's empowerment to uphold equality before the law and equal protection of the law. But there is a growing concern that in the name of protection, the increasing harassment and mental torture of men are being overshadowed. The instances of abuse of the law by women are raising questions about the fairness of the current Social Justice system.*

*The Constitution of India upholds the principle of gender-based non-discrimination, ensuring equality for all. However, when it comes to issues like domestic violence, relationship blackmail, the threat of false FIR, and particularly the increasingly dangerous phenomenon of media and social media trail, the legal system reveals its inherent bias. This is a clear violation of Article 21 of Individuals. The paper seeks to identify the challenges for men in the legal system and the societal factor and find gaps in the legislative framework.*

## I. INTRODUCTION

In contemporary Indian society, a concerning trend has emerged that demands immediate scholarly attention: the rising rate of suicide among men due to familial disturbances, particularly those involving spouses. This disturbing pattern serves as a stark indicator of the harassment men experience within domestic settings—a reality that remains largely invisible in both public discourse and policy considerations. The cultural landscape of India traditionally expects men to embody emotional restraint, assertiveness, dominance, and physical toughness,

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creating an environment where male vulnerability is systematically suppressed and delegitimized.

The underreporting of male victimization represents one of the most significant barriers to addressing this issue. As documented in research, "Domestic Violence against men is among the most under-reported crimes worldwide. Due to social stigmas regarding male victimization, men who are victims of domestic violence face an increased likelihood of being overlooked by healthcare providers. This stigmatization creates a cycle where men are reluctant to report abuse, leading to insufficient data collection, which in turn perpetuates the misconception that male victimization is rare or negligible.

The consequences of this social blindness are severe. Research indicates that *"Every year thousands of men end their life because of domestic abuse against them. But, there is not a single shelter home to offer them help when they need it"* (Milaap, 2024). This absence of institutional support mechanisms leaves men facing domestic violence without resources for emergency assistance, counseling, or temporary housing—services that are widely available to women in similar situations.

The constitution of India and other applicable laws including BNSS seems to have many provisions and protections available for women, but when it comes to men, there is significant disparity as regards to the protection available to them for those of them facing violence, harassment, multiple false accusation, fake dowry acceptance but the violation of these provisions, particularly for harassment, domestic violence, and false accusations. This shows that much still needs to be done even though the constitution, i.e. our mother law guarantees everyone equality before law. This study attempts to address the shortcomings in the laws pertaining to protection of men, scrutinize existing regulations and propose reforms to achieve true gender balance in the legal system of India.

## II. BACKGROUND

India's legal system and its approach towards gender issues reveals a very ambiguous or we can say complex kind of relation between law, gender diversity and cultural realities. The Constitution of India through various articles, a) Under Article 14 it grants equality before law along with equal protection of laws to all the citizens of the country; b) Article 15 explicitly prohibits discrimination on grounds of sex, c) while Article 21 enshrines the right to life and personal liberty for all persons. These are primarily the constitutional provisions that establish a framework that theoretically supports gender-neutral legal protections. (Coelho, 2023).

Yet, the execution of these constitutional tenets has been influenced by the sociocultural history

of India, wherein women have been subjected to discrimination and oppression. Acknowledging this condition, policymakers have taken a stance that aims at ensuring the welfare of women in the form of protective affirmative legislation. This policy was particularly strengthened after independence of India and was further strengthened in the globalization period which saw major transitions in the place and contribution of women in the society and economy. Now the concern is no sort of equal protection under law is being provided to men and hence women are misusing the law as per their wish. While targeted protections for historically vulnerable groups need to be had, however, concerns arise when there are no parallel protections for men at all, especially when the context of the guarantees at issue are the ones arising from the constitutional rights.

This analysis of legal protections for men against harassment through the lens of gender equality represents not merely a research activity but an urgent social imperative.

The significance of this research is underscored by several compelling reasons for the need for this particular study to be conducted as part of an attempt at a more comprehensive analysis of gender justice in India. In addition, there is social stigma to reporting and helping if the victim is male.

The research shows that “A man in those situations of domestic violence feels the stigma and shame to even talk about it, forget about trying to get help”. This stigmatization results in massive underreporting, and the cycle feeds on itself since just the lack of data feeds the myth that male victimization is in any way rare, discouraging reporting and an institutionally responsive response. Making laws on abuse of domestic violence, sexual harassment, etc. only in favor of women, implicitly implies that men can’t be victims of such abuse. This assumption contradicts both empirical evidence and the constitutional principle of equality. It is made worse by the rise of trial by media and social media. Digital platform tends to spread false allegations quickly giving the public views before their due legal process. (**Chaujar, Bakshi, 2016**). The research takes up both the empirical as well as the theoretical angles to completely evaluate the problem. It provides an empirical look at male suicide rates, rates of domestic violence perpetrated against men, and reports of women accusing men of unwanted sexual advances to determine the size and impact of the problem. Interviewing simulations of fundamental ideas such as equality, justice, and protection through the legal system, included in a theoretical analysis of (whether such sensitivities merit courts’ uncritical deference or should prompt critical questioning), it attempts to frame laws in light of current ones for evaluation and reform.

### **III. LITERATURE REVIEW**

#### **1. Empirical Insights into Male Victimization and Institutional Neglect (Waldo, Berdahl, & Fitzgerald, 1998)**

Emerging empirical studies challenge the myth of male invulnerability. Research by Berdahl et al. (1996) reveals that 31% of men in workplace settings experience harassment, primarily from male perpetrators, though they often downplay its severity due to societal norms. Results indicate that men experience potentially sexually harassing behaviors from other men at least as often as they do from women; But professionals in the study said there were institutional biases, and male victims are met with skepticism from legal authorities and lack of shelter as India has no male-centric support systems.

#### **2. Position of Males in Indian Laws: Inequality or Biasness? ( Chaujar, Bakshi, 2016 Supra)**

Today, with the presence of females at almost every aspect of society, it makes her not only the victim of violence but also a chief perpetrator of it. The widespread violence of cruelty and assault against men largely is not reported by these men due to the fear of being ridiculed by the society or being laughed at by the colleagues. In addition to this, the fact that the Indian Government has a policy of not granting protection to men under gender specific laws has made all these problems worse. The society is evolving, and women are no longer confined to the 4 walls but rather independent. The issue related to biasness is not new as previously few men help groups have protested before the authorities but unfortunately it is true that in the pursuit of gender equality, the Indian legal system has largely focused on protecting women's rights, often overlooking the struggles and concerns of men. During all this time #MeToo became an international widespread movement with the further exposure of contradictions in institutional responses. By magnifying women's voices, it cut out male victims.

#### **3. Sociocultural Theories of Harassment and Gendered Power Dynamics (Barzun, 2020)**

MacKinnon's feminist legal theory frames sexual harassment as a mechanism of patriarchal control, asserting that systemic male dominance perpetuates gendered violence by normalizing objectification and coercion. While foundational for understanding women's oppression, this framework inadequately addresses male victimization, as it assumes men occupy monolithic positions of power. Recent critiques argue that rigid sociocultural models overlook intersectional vulnerabilities—such as caste, class, or sexual orientation—that render certain men susceptible to harassment or the like by their peers. Organizational theories complement this by emphasizing workplace dynamics: gender-neutral power imbalances (e.g., supervisor-

subordinate relationships) can enable harassment regardless of perpetrator-victim gender pairings. Most of the studies focuses on issues of women facing on daily basis and safeguards provided to them through legal mechanism. However, There are various instances of abuse of existing legal safeguards provided to women.

#### **4. Theoretical Underpinnings of Gender-Based Harassment and Victimization (Cuenca-Piqueras, Fernández-Prados, & González-Moreno, 2023)**

Scholarly discourse on harassment and victimization has historically been anchored in feminist and socio-cultural frameworks. MacKinnon's (1979) socio-cultural model posits that sexual harassment stems from patriarchal power structures, where men leverage societal dominance to control women<sup>3</sup>. While this model effectively explains systemic oppression of women, its gender-exclusive focus fails to account for male victimization, particularly in contexts where power imbalances transcend traditional gender binaries.

### **IV. RESEARCH GAP**

#### **Psychological Impact of Legal Gender Asymmetry**

While suicide statistics demonstrate correlation between legal bias and male mental health crises, no studies exist measuring the causal relationship between gender-specific laws and psychological trauma. S. 354, 509, and 63, 74, 75, 76 of the Bharatiya Nyay Suraksha which deal with sexual assault, namely, outraging the modesty of a woman, eve teasing and committing rape of a woman, all assume that men cannot be subjected to these crimes. Preliminary findings from the International Institute of Population Sciences suggest men facing false harassment cases exhibit 4.2 times higher depression rates than the general population. (Bhatnagar, Bhatnagar, 2024)

#### **Digital Form of Harassment**

Social media trials are identified as a concern that is not studied in emergent forms of digital harassment against men. Out of the revenge porn victims in a 2024 Meta Safety Report, 38 percent are Indian men, and Section 66E of IT Act is essentially still a gender specific law. In that not having that information about how the preservation of evidence on blockchain or AI defamation can be sex biased doesn't really provide a legal community with either scholarly examination around how those different issues impact male victims differently. (Halder & Basu, 2024)

## V. ANALYSIS

### Initiatives Taken by the Indian Government

India has implemented significant measures to address gender-based violence, though these initiatives primarily focus on women's protection. The Ministry of Home Affairs established a Women Safety Division specifically to enhance women's security, with various initiatives funded through the Nirbhaya Fund. The government has strengthened sexual assault laws through the Criminal Law Amendment Act 2018 and implemented technological solutions including the Investigation Tracking System for Sexual Offences (ITSSO) and National Database of Sexual Offenders (NDSO). However, these initiatives reveal a critical gap: they are exclusively designed to protect women, with minimal consideration for male victims of harassment. During this research, the author did not come across even a single law that offers protection for the crimes committed by women over men, and sadly it is a very concerning issue. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013 ("*POSH Act*") provides comprehensive protection for women in workplace settings but offers no equivalent safeguards for men experiencing similar harassment (**Giri, 2024**). While women's protection is essential in view of historical discrimination, such gender-specific approach in fact results in protection gaps for other genders. In the case of *Suresh Kumar v. State of Haryana* (AIR, 2019) the Supreme Court noted that false cases of dowry harassment are a serious concern in the country and the law is misused, but this ruling has not been effectively implemented.

The Indian government has implemented several initiatives aimed at addressing issues related to domestic violence and harassment, primarily focused on women's protection. Key legislative measures include:

- a) Protection of Women from Domestic Violence Act (PWDVA), 2005: This landmark legislation provides civil remedies for women facing domestic violence but does not explicitly protect men, despite evidence indicating that men can also be victims of domestic abuse.
- b) Section 498A of the Indian Penal Code (IPC): This provision criminalizes cruelty towards wives but is often criticized for its misuse against men, leading to wrongful arrests and social stigma. The Supreme Court has mandated a preliminary inquiry before arresting individuals under this section, yet the conviction rate remains low, with only about 15% of cases resulting in conviction

Despite these initiatives, significant gaps remain in addressing men's rights. The absence of

gender-neutral laws leaves male victims vulnerable and without adequate recourse. A rare case that we can note is **Sumana Bhasin v. Neeraj Bhasin & ors.** Wherein the court dismissed the complaint of the wife. The women had filed domestic violence case against her husband but the court after due investigation rejected the complaint holding that she falsified and fabricated facts and evidence and her intention was to harass her husband and his in laws by hiding the facts.

## VI. LEGISLATIVE GAPS

The existing legal framework in India is heavily skewed towards women's protection, often neglecting men's rights. Key legislative gaps include:

- a) **Lack of Gender-Neutral Laws:** While laws like the PWDVA focus on women's protection, there are no equivalent provisions addressing domestic violence against men. The IPC does not recognize male victims in cases of sexual harassment or assault, rendering them legally invisible.
- b) **Misuse of Anti-Dowry Laws:** Laws intended to protect women from dowry-related abuse are frequently misused against men, leading to wrongful accusations and societal ostracism. Such misuse of law leads to rising cases of suicide by men .
- c) **False accusation against men :** Men has to deal with various consequences as the existing law only protects women from harassment, insult, outraging modesty and sexual offenses. But the instances where men are getting sexually assaulted often go unnoticed as men are always considered as perpetrator by the society.

### Human Rights of Men

- a) **Right to Life** - The male victimization raises serious concern of violation of right to life and personal liberty. Due to societal perception that male are symbol of muscularity and always dominant over women discourages man to come forward raise voice against all kinds of harassment they are facing. Since the existing social stigma that women are vulnerable and needs to be uplifted from all odds leads to violation of right to life of men.
- b) **Medial Trial** - The selective coverage of media with different propaganda in terms of women empowerment, male victimization is always a matter of concern. Media through there narratives can ruin the reputation of someone and can change the societal perception. In case of allegation against men before judiciary takes any steps media houses ruins the reputation of the accused. Such damage to reputation is causes mental harassment, mental trauma to cope with the society.

Globally there is growing need for gender-neutral harassment laws that protect all individuals

regardless of their gender. The United Kingdom, Denmark, Australia, and the United States (to name a few) are among the about 77 countries that have adopted gender-neutral legislation for dealing with harassment and sexual violence. Without exception, these countries agree that harassment is an affront to fundamental rights that does not discriminate on the ground of the victim's gender.

The International Labour Organization (ILO) Convention on Violence and Harassment has a framework that covers workplace harassment of all types, from whatever gender perspective.

The gist of this approach is that workplace harassment can affect anyone and that there should be universal protections not gender-specific. Countries have realized that gender specific legislation produces unintended inequalities, which they have reformed.

For example, the UK's Equality Act 2010 protects all individuals from harassment related to sex, replacing earlier gender-specific legislation. Australia's Sex Discrimination Act is gender neutral and protects all from all kind of sexual discrimination (AHRC,2018)

## VII. RECOMMENDATIONS

Based on a comprehensive analysis of the existing legal framework in India and insights drawn from international best practices, a range of nuanced recommendations can be proposed to foster a more inclusive and equitable system. Having said that, the quintessential legislative reforms put forward shall be revising the POSH Act in order to make it gender -neutral making sure there is ample protection against sexual harassment for every individuals irrespective of their gender identity. Likewise, the key provisions of Bharatiya Nyaya Sanhita, 2023 that speaks about offenses that deals with Rape, Outraging of Modesty, Kidnapping, Insult, Domestic Violence, Harassment etc., should be reformed/ modified in a way to acknowledge and accommodate the victims inclusive of all the genders. In addition to that, the initiation of gender-neutral domestic violence is quintessential to guarantee extensive umbrella of protection for all the victims, while taking into consideration the unique risks and experiences that each kind of gender group faces. While talking about Institutional Mechanisms, workplaces should be mandated/ requested to establish grievance redressal systems which would be accessible to each and every individuals of all genders facing harassment. Just as important is the creation of specific training programme designed for law enforcement officials, members of the judicial services and internal workplace committees, to fortify them to the specific harassment complaints from the male victims and to make sure that the complaints are handled without any biasness or prejudged notions. On a larger scale, collaborative efforts must be made to initiate public awareness campaigns that actively challenges the triumphing stereotypes and societal

norms that usually discourage men from reporting instances of harassment. Concurrently, there is an urgent need to educate employers, academic institutions, and the public at large fostering a culture of empathy, equality, and zero tolerance for any kind of abuse or discrimination by raising the notion of awareness and pervasiveness across all gender identities.

## **VIII. CONCLUSION**

The author through this brings to light the legal protections available for men against harassment in India through the lens of gender equality, revealing significant gaps in the current framework. Although there have been significant advances in handling violence and harassment against women in India, male victims' experiences have largely been unheard both in written legislation and the institutional mechanisms. Though underreporting limited the statistical data, things prove otherwise when it comes to harassment of men being a serious issue and related to larger issues of men's mental health and high suicide rates. Such an ambiguous legal approach regarding gender actually leads to the paradox of perpetuating inequality through laws which are usually touted as the best means to end gender inequality.

Gender neutral laws around harassment are consistent with international best practices of protecting individuals regardless of gender without recognising the greater severity of certain forms of harassment in relation to some genders. Inclusivity turns out to strengthen, not weaken, the entire framework for preventing harassment.

These recommendations, put forward in this research, aim to fill the gaps with legislative reform, institutional mechanisms, better data collection, greater public awareness, more sensitive judiciary and responsible media reporting. These measures would create a more equitable system that protects all individuals against harassment while acknowledging the historical and ongoing discrimination faced by women.

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