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Domestic Violence against Men in India

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ABSTRACT

Domestic violence is a social issue prevalent even in the 21st century which is causing tremendous dirt on a country's growth, though India is not averse to this social phenomenon. In a general sense, domestic violence has become a social stigma that is common to all cultures, religions, classes, ethnicity, and regions. Domestic violence in simple terms means any such violence caused by family members towards a person within four boundaries. It is mostly done by a partner or a spouse and can happen wherever or under whatever cause. This social phenomenon has the aura around it that a preconceived notion has been made restricting the consensus to relate it with women. Whenever or wherever the domestic violence issue is raised the general approach of the population is to restrict it to women alone. However, the reality is far from understanding as men are also victims of this social issue. The assumption that women are the only affected section is because Indian society followed the idea of a patriarchal system in the previous centuries. Furthermore, the stereotypical view that men should be strong and should not show their emotions are one of the reasons. Another reason for building up the stereotypical view is when a man shows his weaknesses and vulnerabilities publicly, he is considered inept and cowardly. Therefore, the concept of Domestic Violence against Men appears as absurd, illogical, and vague. Still, when the world is focussing on achieving Gender Equality for Women, men are being abused domestically like women. Thus, it would be prudent to grasp that domestic violence is not only exclusive to women but also against men in these current social circumstances. The major ambition of this research paper is to understand domestic violence against men in India, the reasons for domestic violence, its impact on health and society, and solutions to solve this social issue.

Keywords: Domestic Violence, Violence, Violence against men, men.

I. INTRODUCTION

Domestic Violence against Men is an issue that is not getting much attention though the problem causes different social issues. Intimate partner violence can affect any of the partners i.e., either wife or husband, and not only by women. While India has stringent laws to regulate and protect women's abuses there is still an absence of laws against domestic violence against men. This

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makes it evident that the concept of domestic violence has never achieved any consideration or recognition in the Indian socio-political context. The fundamental cause of the ineffective treatment of males who have been abused is that there are far fewer of them than there are of female victims. The ratio of male victims to female victims is typically 1:4. This does not, however, entitle the legal system to inconsiderate such victims. Men make up more than half of the people in the nation, so it is important to consider their rights and complaints. In discrete, men do disclose and make allegations of marital abuse, but they rarely do so publicly. Because of evolving balances of power, financial autonomy, and authority over finances and assets, violence against males by women is not a recent phenomenon and would become prevalent in the future. Men's fear of losing power and women's enthusiasm over their empowered position will both be impacted by this shift in power dynamics, which will also have an impact on relationships between men and women. In this situation, it is crucial for the welfare of society as a whole to set up "power" amongst both these genders, spousal relationships, and families.

II. GLOBAL PERSPECTIVE ON DOMESTIC VIOLENCE AGAINST MEN

A critical problem that is frequently underreported or neglected is the domestic violence against men. In close relationships, men are susceptible to financial manipulation and dominance as well as bodily, psychological, and sexual misconduct or abuse. The World Health Organisation says that 1 out of every 7 men is a victim of domestic violence in the world. But these cases of domestic violence majorly remain to be unreported due to the societal pressure. Moreover, this problem faced by the men is not only restricted in India or to the South Asian Countries but it is also seen in the western world. Data suggest that in USA, 1 in 9 men have experienced some form of domestic violence from a spouse or an intimate partner. This concept of Domestic violence against men has also become prevalent in United Kingdom and Australia. However, the African countries are also not far behind in this race. The Crime survey of England & Wales suggests that there have been 84,734 cases of Domestic violence in the year March 2021 out of which 26.9 % was against men.³ The prevalence of this concept in the developed countries also proves that, it has nothing to do with the financial status or condition of the family. Various surveys and studies from different countries proves that domestic violence against men is not so uncommon, it is just that people don't talk about it.

III. DOMESTIC VIOLENCE AGAINST MEN FROM AN INDIAN PERSPECTIVE

Whenever we discuss the concept of domestic violence the first gender that comes to our mind

³ GOV.UK, <https://www.gov.uk/government/publications/supporting-male-victims/supporting-male-victims-accessible> (last visited May. 1, 2023).

is the “women” but every time the case is not so. Even the male gender is subjected to domestic violence but it usually goes unreported and unheard in the society. From time immemorial the Indian society is considered to be a patriarchal and male dominant society so often, a male reporting the case of domestic violence faced by him poses a question to his manliness and bravery. These questions create an unnecessary psychological pressure on the men. However, this practice is changing at a very slow rate, there are men who are courageously coming forward and reporting the cases of domestic violence faced by them. The NGOs are working to bring these incidences in limelight and are also helping the male victims to get justice. In our country, this concept also leads to very important question:

In what ways do women harass men?

In this case harassment not only means physical violence committed by the women towards the men it also includes the mental and the psychological unrest caused by the women at large. Moreover, in Indian family’s majority of women are housewives, they are often responsible for forcing their husband to send his parents to old age homes. They also behave with their in-laws in a very rude manner. Sometimes the wives also hamper the financial freedom of their husbands. Therefore, all these incidents towards men are the ways by which a man is harassed.

In India there are various active legislation for protecting women against domestic violence by their spouse or near ones but there are no such legislations which are neutral or specifically protecting men from domestic violence by their wives. This leads us to the Gender Biased laws in India.

IV. GENDER BIASED LAWS THAT ARE AGAINST THE MALE VICTIMS

The existing laws related to the domestic violence are mostly gendered biased. Moreover, these gender biased laws are often misused against the male gender. This can be clearly proved by the statistics which say about 8% of the total reported rape cases after investigation are found to be false and fake.⁴ The number of false cases or false allegations against men are also increasing. The latest data from National Crime Records Bureau says that the total number of marriage related suicides has been 7239 in the year 2020 out of which 3343 people were men.⁵

The existing Gender biased legislations relating to Domestic Violence are:

Sec 498A of IPC (Indian Penal Code)⁶, talks about - Husband or relative of husband of a

⁴ Mayank Patel, *Domestic Violence Against Men in India*, *JUS CORPUS LAW JOURNAL* (May. 01, 2023, 11:40 AM), *DOMESTIC VIOLENCE AGAINST MEN IN INDIA* - Jus Corpus .

⁵ NATIONAL CRIME RECORDS BUREAU, *Accidental Deaths and Suicides in India* | National Crime Records Bureau (ncrb.gov.in) (last visited May. 1, 2023).

⁶ Indian Penal Code, 1860, § 498A, No. 46, Acts of Parliament, 1983 (India).

woman subjecting her to cruelty- According to this section, only men can be held accountable for abusing his wife at home. There isn't a single subsection in this section that holds women accountable for domestic abuse.

Sec 3 of the Domestic Violence Act of 2005⁷, has provisions which safeguards only women from such abuse. No provision of the Act safeguards men against such violence. The existence of such a legislation creates the presumption that males are always guilty and women are always innocent.

Therefore, these legislations and sections of the respective Acts, being completely gender biased in nature, also poses a question to their constitutional validity, as it could be against Article 14 of the Constitution of India ⁸ which confers equality before law and should be looked there upon.

V. CAUSES OF UNDERREPORTING OF MALE VICTIMS OF DOMESTIC ABUSE

There have been several reasons due to which the incidents of domestic violence against men remains unreported. Some of them are as follows:

- General prejudice against men - Men frequently experience discrimination or feel uncomfortable discussing the abuse that they encounter because they are afraid of being judged and characterized as wimpy and sissy.
- Aversion to phoney cases - Due to the gender-biased or gendered rules in our Constitution, men frequently believe that disclosing the assault can create unnecessary annoyance and are afraid of the legal repercussions. They believe they must depart from their families and do not wish to lose custody of their kids, a process that is frequently time-consuming.
- Familial and Societal pressure - Even after getting married, the majority of Indians stay in their family' homes. Men are embarrassed to talk about the violence because of this aspect. Additionally, the society has a significant impact on the development of stereotypes and laws that are biased against one gender over another.
- Denial - Most individuals believe that only women can experience domestic violence. And when they learn that men can experience domestic violence as well, they continue to live in denial. In essence, no one ever really wants to talk about it.

⁷ Protection of Women from Domestic Violence Act, 2005, § 3, No., Acts of Parliament, 2005 (India).

⁸ I NDIA CONST. art. 14, § 1, cl. 1.

- Impotency of the male member – This is an exceptional sexual situation in which the male member or the husband in a marriage relationship is infertile and cannot satisfy the female partner. But even this uncontrolled incidence has also become a cause for the domestic violence situations being unreported. The male member quietly bears and sustains the wrong and the torture done to him just being afraid of the social image which would be destroyed if the wife or the women spreads the news of him being an Impotent.

VI. SOLUTIONS & LAWS AVAILABLE TO MEN

There are no such legislations which provides direct protection to the men against the domestic violence. However, there are some laws which may be interpreted for the protection of the men against their victimisation, but these laws are not completely for men, these laws are neutral to gender biasedness. These Legislations include:

Section 13 of the Hindu Marriage Act⁹ – This section provides the provision of divorce which says that, if the petitioner experiences cruelty after the marriage is solemnised, he can opt for divorce. Moreover, it allows the marriage relationship to end, if there is any kind unrest between the husband and the wife.

In accordance with sections 200 and 153(3) of the Criminal Procedure Code, the husband is also permitted to go to the district magistrate and file a complaint. The magistrate will review the complaint after taking the complainant's oath, witnesses' testimony, the complainant's statement, and any statements from friends, family members, or even neighbours that corroborate it¹⁰.

Sections of the IPC that may also be helpful in these circumstances include sections 319, Sec 320, Sec 323, and Sec193. If the offended party observes any fabricated proof being logged against them, he may file a complaint under this section, which penalises false evidence. Anyone who causes bodily pain, disease, or infirmity to another person is said to have caused that person bodily harm under Section 319.¹¹

There are also certain judgments given in the recent past which has been seen in promoting Gender Neutral Laws, thereby overriding and setting aside the Gender biased laws and its interpretation. Some of these Judgments are as follows:

⁹ Hindu Marriage Act, 1955, § 13, Acts of Parliament, 1955 (India).

¹⁰ Amulya Parashar, Domestic Violence with Men, Legal Services India E-Journal (last visited May. 1, 2023), Domestic Violence With Men (legalserviceindia.com) .

¹¹ Amulya Parashar, Domestic Violence with Men, Legal Services India E-Journal (last visited May. 1, 2023), Domestic Violence With Men (legalserviceindia.com) .

It was made clear in 2017 by a ruling in the Mohammed Zakir case from the Karnataka court. The Court stated: "If the word 'adult male' is deleted from the aforementioned sub-section, it would appear that any individual, male or female, who feels wronged and claims that the Act's provisions have been violated, may invoke the provisions under the Act. In light of this, the petitioner's suit could not have been dismissed on the grounds that the Act could only apply to women and does not consider provisions for men."

VII. CONCLUSION

The values, culture, and customs of society have changed significantly in recent years as a result of modernization and Westernisation. Men were once seen as the family's protectors, however nowadays men and women work, nurture kids, and handle their homes, making equal financial contributions to households. Men are now beginning to publicly disclose their pain, misery, and difficulties because of the forms of domestic abuse they come across. No longer are men stronger than women. It is time for statutes and legislation to acknowledge their issue as a societal issue or problem. It is possible to recognize domestic abuse against men by making legislative reforms that are effective, raising awareness, and dispelling prejudices and preconceived beliefs.
