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Domestic Violence against Men: A Gloss Over

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Abstract

“Sometimes the shame is not the beatings, not the rape. The shaming is in being asked to stand judgment.”

-Meena Kandasamy

As social media is always occupied by domestic violence on women but what about men. While changing the dynamics of power, men are sufferers too. The above-quoted line wonderfully defines the Indian mentality that men were judged when they spoke on spousal violence. Women have suffered for centuries but in today's era violence against women is broken now it's time to take effective justice measures that can support male victims. Our Hippocratic society believes in women because of crocodile tears. Men are silent victims because they always considered as the perpetrator. We have to change the thought that women can't be violent and men can't be victims. Men get abused by various aspects such as economic, emotional, physical, and sexual by their intimate partner. They are also human, according to article 21 of the Indian constitution mere breathing is not life, living with choice and dignity is life.

In India, many laws are in favor of women and now women misuse the liberty provided to her. So, its high time now domestic violence act needs to be gender-neutral.

The ambit of the author research is to focus on why violence against men is not reported, analyze a static estimate of data, along with famous male victim cases. The authors conclude on a note that legislatures must strive hard to update laws and possibly, a lot more amendments needed in the future.

Keywords: Domestic violence, Men, Physical abuse, Emotional abuse, Marriage.

Table of Contents

S. No.	Title	Pg. No.
	<i>Abstract</i>	93
1.	Introduction	95
2.	Crimes Committed against Men in India	96
3.	Data Analysis of crime against Men	97
4.	Impact of violence on Men's Health	98
5.	Unreported violence against Men	99
6.	Rights of a Man against Crime	99
7.	Fight for Men's Right: An Overview	100
8.	International Men's Day	102
9.	Unfair Laws towards Men	102
10.	Conclusion and Suggestions	103

1. Introduction

Human beings are aggressive. Stereotype thinkers can never assume that women can be violent and men can be victims. Domestic abuse is a global issue. Domestic violence is also termed as Intimate partner violence. The substantial body of research only focused on female violence. Evidence shows that men are victims too. The extent of abuse on men of violence that they face is in private. There is always an imbalance in power, as from centuries women suffered now the empowerment in the position of women makes her violent and abusive in behavior. Physical aggression and threats are among the strategies available to humiliate, isolate, exhaust, punish and reward the partner to demonstrate power. Domestic violence includes not only physical harm but also threats and verbal, psychological, and sexual abuse. In some cases, men and women both are instigators of violence. Sometimes their behavior is affected by norms, values, and socio-cultural environments. Not always women are the only sufferers of all forms of violence. There are assumptions that men can never victim because they are superior, powerful, aggressive, and masculinity. In a study. This research paper exclusively deals with the amendments in the area of domestic violence by highlighting the ambiguities of in-laws. Moreover, the need for gender-neutral law.

Definition and Meaning

Domestic violence is a broad range of offenses. The act expressly used' the word 'any women'. Is it equality in developing countries like India? Male and female equally suffered psychological harm with mental health symptoms and severity of abuse experienced, irrespective of gender. According to section 3(a) of the domestic violence act 2005, the term domestic violence means any harms or injures or endangers the health, safety, life, limb, or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse¹⁰⁹.

¹⁰⁹ (THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005, n.d)

2. Crimes Committed against Men in India

In many states of India, a man with good looks or with income is abducted and forced to marry without his consent. They were slapped with false rape charges, false dowry, and cruelty cases that affect life in every way, physically, mentally, emotionally, and psychologically, and is a violation of basic human rights concomitantly, injustice with men. Article 21 which deal with the right to life, where Supreme Court said that mere breathing and physical existence is not life, rather a life with choice with dignity. In the present day, it's a direct assault on the right to life of the men. There were numerous cases where men and his parent have to suffer a lot because forged F.I.R is logged against the whole family member. Ironically men who want to lodge F.I.R against violence, they left out just because the domestic violence act 2005 expressly used the word 'any women' hence no laws for men. Even police do not register men's cases, and an incident was also witnessed that 33-year-old Jitesh Sachdev said that they both approached the police, they registered her case but not his¹¹⁰. Kumar Jahgirdar is the founder of the World's Rights Initiative for Shared Parenting, he said "This country is biased against men,".

Some forms of violence against men are:¹¹¹

- i. **Physical Cruelty:** In this form of abuse, the male partner suffers a punch, hitting from a deadly instrument, slapped from the female partner, hence no attention and medical care of being physically abused in a relationship. The male victim used to bewail in the absence of gender-neutral law.
- ii. **Emotional Cruelty:** The wife demands to separate from his parents and family, denigrate, yell, criticize, ignored. The wife doesn't allow her husband to meet his child in the non-fulfillment of her demand, restrict to meet his family and friends.
- iii. **Verbal Cruelty:** A female partner uses the derogatory name of her partner, with the intension to hurt.

¹¹⁰ Gole, E. (2018, November 19). *International Men's Day: 'I'm a Man Who Faced Domestic Abuse.'* TheQuint. <https://www.thequint.com/news/india/stories-male-victims-domestic-violence-india>.

¹¹¹ *I'm a man and experiencing domestic violence.* (2019). Family & Community Services. <https://www.facs.nsw.gov.au/domestic-violence/my-situation/im-a-man>.

- iv. **Economic Cruelty:** The female partner takes all decisions related to finance and purchase. She used to buy costly products, automobiles, real estate, cloth, beauty products, and demand money.
- v. **Sexual Cruelty:** Intimate female partner threatening to file cases of rape and molestation after consensual sex.

3. Data Analysis of crime against Men

The national crime records bureau was established with the aim to collect information on crimes and criminals. The crime bureau has done a fabulous job with regards to a crime against women in India. Due to media and law the number of crime were reported by women, but what about men? It's difficult to get data, from the national crime record of male victims. In 2015, 1,33,623 suicides in India were reported, of which 91,528 (68 percent) were by men, 42,088 were by women, Of the 86,808 married people who committed suicide in 2015, 64,534 (74 percent) were men, the NCRB data shows. According to data from National Crime Records Bureau (NCRB). Out of 60 males, 25 (2.5%) experienced physical violence in the last 12 months. The most common form of physical violence was slapping (98.3%) and the least common was beaten by weapon (3.3%). Only in one-tenth cases (seven males), physical assaults were severe. In all cases, the spouse was responsible for physical violence. The total prevalence of gender-based violence was found to be 524 (52.4%) among males. The majority (51.6%) of the subjects experienced emotional violence followed by physical (6%), then sexual violence (0.4%) by any female. The overall prevalence of emotional, physical, and sexual spousal violence¹¹².

In a large study of Navy recruits (1,307 men and 1,477 women), 32% of men and 47% of women reported using some form of physical aggression against an intimate partner¹¹³. Out of 1000 respondents, only four (0.4%) had experienced sexual violence, out of which only one

¹¹² Malik, J. S., & Nadda, A. (2019). A Cross-sectional Study of Gender-Based Violence against Men in the Rural Area of Haryana, India. *Indian Journal of Community Medicine : Official Publication of Indian Association of Preventive & Social Medicine*, 44(1), 35–38. https://doi.org/10.4103/ijcm.IJCM_222_18.

¹¹³ Swan, S. C., Gambone, L. J., Caldwell, J. E., Sullivan, T. P., & Snow, D. L. (2008). A review of research on women's use of violence with male intimate partners. *Violence and Victims*, 23(3), 301–314. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2968709/>.

respondent experienced it in the last 12 months. Only one female physically forced her spouse to have sexual intercourse and three physically forced to perform any sexual act with her against his will¹¹⁴. The study of saving family foundation and my nation reveals the data that, Due to domestic violence, 14,439 married men committed suicide in 2014. In 2015, a total of 21,545 married men committed suicide. Every year approximately 17,302 married men are committed suicide and in between, 2006 – 2015, around 1, 82,583 married men have committed suicide due to domestic violence¹¹⁵.

In research of further estimate data researchers came to know that a Wide range in perpetration rates: 1.0% to 61.6% for males. According to national samples, 0.2% of men have been forced to have sexual intercourse by a partner. Approx. 0.5% to 2% of men report at least one incident of stalking during their lifetime¹¹⁶. According to the National Crime Records Bureau in the year 2015 1, 33,457 men lost their civil liberties and they were arrested under s. 498A, I.P.C. without trial or investigation¹¹⁷.

4. Impact of Violence on Men's Health

Nowadays women are powerful because they are protected by law. No one can assume that innocent face and crocodile tears can also become violent in relationships. Abuse by an intimate partner is a devastating and negative impact on health. When the husband comes back from work wife starts murmuring and cursing. The wife doesn't serve food on time. Sometimes the husband has to cook by themselves. The wife withholds intercourse without any reason. Sex is like a weapon against men for bargaining anything. We live in an Indian society where men

¹¹⁴Ibid at 5.;

¹¹⁵ Mr. Swaroop Sarkar , B.Tech, DEM. (n.d.). "DOMESTIC VIOLENCE AGAINST MEN" STUDY REPORT BY Save Family Foundation Vice President of Manasa Global -Pune. <https://ipc498a.files.wordpress.com/2007/10/domestic-violence-against-men.pdf>.

¹¹⁶ DV RESEARCH. (2020). *Domestic Violence Facts and Statistics At A Glance – Domestic Violence Research*. Domesticviolenceresearch.Org. <https://domesticviolenceresearch.org/domestic-violence-facts-and-statistics-at-a-glance/>.

¹¹⁷ Mr. Swaroop Sarkar , B.Tech, DEM. (n.d.). "DOMESTIC VIOLENCE AGAINST MEN" STUDY REPORT BY Save Family Foundation Vice President of Manasa Global -Pune. <https://ipc498a.files.wordpress.com/2007/10/domestic-violence-against-men.pdf>.

can't have sex with other women, it's a crime. The wife takes all earnings of her husband and refuses to take care of husbands' old parents and mentally force her male partner to send parents to old age home. There were many cases where the husband parents lives in old-age home just to stop mental harassment on son. In the research data of saving family foundation out of 295, 91 men were mental torture and 99 were verbally abused.

The impact on health is physiological as well as physical. The habit of consuming alcohol and other injurious drugs. Because of frustration and stress, they go through depression¹¹⁸.

5. Unreported Violence against Men

Why violence against men is not reported, simply there is no law to protect man. The word men is a symbol of power that has been assumed and stated by our so-called Hippocratic society. Since childhood, both family and parents teach men "a boy can't cry". Why so much of restriction and judgment on the expression of emotions, they are also human they do have feelings. Men's victimization is mostly analyzed in the discourse on sexual violence in various social spaces. legal proceedings against her husband, and sit calmly watching that how her husband fight for his whole life to prove that he has done nothing wrong with his wife and even after doing so, what will be the result. At last, he will lose the case and will have to spend the rest of the life in some corner of a dark jail.

6. Rights of man against Crime

Marriage or relationship is the crucial factor of violence in India. Divorce is the first step taken by a large number of women. The legislature intended to prevent atrocities against women, but now domestic violence act used as a weapon to destroy her male partner. While seeing the

¹¹⁸ Mr. Swaroop Sarkar , B.Tech, DEM. (n.d.). "*DOMESTIC VIOLENCE AGAINST MEN*" *STUDY REPORT BY Save Family Foundation Vice President of Manasa Global -Pune.* <https://ipc498a.files.wordpress.com/2007/10/domestic-violence-against-men.pdf>.

current scenario and increased crime against men, the judiciary allowed the male partners to file a petition under the Domestic Violence Act, and that can be entertained¹¹⁹. In a verdict, the high court said that the ingredients of domestic violence are wholly absent, and both not persons living together in a shared household. Because of the vague allegation, the petition is dismissed¹²⁰. In a verdict, the Bombay high court proposed that if a wife is divorced, then she cannot file a case under the Domestic violence act to take benefit¹²¹. In a trial court, the wife, along with her minor son, filed a domestic violence petition against the husband, the court directed the husband to pay maintains. Afterward, the wife appealed to the additional sessions judge who enhanced the maintenance. Bombay High Court has quashed the trial court's order and allowed a husband to file a petition¹²².

The husband can also file a case of Divorce not under the domestic violence act but on the ground of Cruelty, i.e., Section 13(1)(i a) of the Hindu Marriage Act 1955. In a case "the wife filed a false complaint against the husband and his family members under section 498A of IPC, husband and his family members have acquitted, the husband was entitled to seek divorce on the ground of cruelty under section 13 (1) (i a) of the Hindu Marriage Act, 1955 against wife. The husband can file a criminal complaint against his wife¹²³.

7. Fight for Men's Right: An overview

We live in that era, where society is dynamic, but the law is still static. No doubt, women are suffering for centuries. The boundaries that have been broken and now its time to amend the law and make it gender-neutral. Women's rights and harassment is always rampant, but what about men's rights. To demand gender-neutral laws that save India Foundation held a candlelight vigil on April 04, 2013, in memory of Manoj Kumar, from Bangalore, who committed suicide because of unable to bear the harassment by his wife and mother-in-law.

¹¹⁹ Mohd. Zakir v. Shabana & Ors., (The High Court of Karnataka 2018).

¹²⁰ Kamlesh Devi vs Jaipal & ors., (October 4, 2019).

¹²¹ Sadhana vs Hemant, (Justice Giratkar, Bombay High Court April 18, 2019).

¹²² Vijayanand Dattaram Naik v. Vishranti Vijayanand Naik, (C.V. Bhadang, J. of Goa Bench of Bombay High Court February 13, 2019).

¹²³ Indian penal code, 352 (1860).

An NGO, Akhil Bhartiya Naari Raksha Manch, also took an initiative on an unheard issue; they focused that there is a gross misuse of women protection laws, and women marched from Rajghat to Parliament. They served a memorandum to Hon'ble President of India, Prime Minister, Home Minister, Law Minister, Ministry of Women and Child Development, and Commission for Women after holding a press conference.

Dr. Indu Subhash, a woman who fought for men's rights, and demand gender-neutral laws and rooted for national commission for men.

The root to fight for men's rights is rooted by Ram Prakash Chugh, a Supreme Court advocate, who deals with false torture and dowry cases. It was called Crime against Man Cell, also known as the Society for Prevention of Cruelty to Husbands.

In the year 2000, Men's rights activist Rudolph D'sSouza popularly known as Rudy and help the male victims who were abused by wife or face false dowry complaints. The movement knows as the misuse dowry act. In the year 2000, a helpline is initiated by Rudy and Goukal for the harassed in the wrong dowry case against male partners and family members.

Between 2006-2015, child rights and family welfare demand for laws for men, including child custody. The Karnataka high court on 12 September 2013, granted an equal right to custody of 12 years of a boy child. Both have to bear education and other expenditure.

In 2015, Vaastav Foundation released a calendar named Malender that highlights the special days of men, intending to raise awareness for the same. In the Mumbai marathon approx 150 men dress like ATM and take part in the marathon, to show that they are just an ATM for his wife.

There are millions of people who fight for women's rights, but Ms. Deepika Bhardwaj, a former journalist and documentary filmmaker, stand-alone and decided to raise voice for atrocities faced by men¹²⁴.

¹²⁴ *Man (disambiguation) explained.* (n.d.-b). Everything.Explained.Today. Retrieved August 24, 2020, from <http://everything.explained.today/Men>.

8. International Men's Day

Do we find that men's day is celebrated in the same way as women's day? On International Women's Day huge discount on women's product, Lots of lectures, Street plays, campaigns going on around this day. No doubt women empowerment is the need of the hour but men do exist they also need humanity. There were people for them, the men's day hardly matters. People didn't even know that on which day and why it was celebrated.

So, every year on 19th November international men's day was celebrated in the memory of Dr. Jerome Teelucksingh, father's birthday. Dr. Jerome Teelucksingh, a history lecturer at the University of the West Indies in Trinidad and Tobago¹²⁵.

The aim behind the celebration of International men's day is to generate gender equality, raise awareness of men's health. It's another goal is to protect men from discrimination, exploitation, violence, and inequality. On 19th November in 80 countries international men's day was celebrated every year. UNESCO also supported it. The theme of men's day is – 'Making a Difference for Men and Boys. Its goal is to give importance to men and boys. For the first time in 2007, the international men's day was celebrated in India. Though it was not much popular in India, and only Private organizations, NGOs encouraging to raise their voice for men¹²⁶.

9. Unfair Laws towards Men

India regularly gets pulled over shabby treatment of women but never assumed that women too harass a man. Under the Hindu marriage act, the Special Marriage Act, only the wife can claim permanent alimony and maintenance. According to section 304 B of the Indian Penal Code, it's

¹²⁵ *Why we celebrate International Men's Day, 2019 theme and how to do it right.* (2019, November 19). Hindustan Times. <https://www.hindustantimes.com/art-and-culture/international-men-s-day-2019-why-we-celebrate-international-men-s-day-2019-theme-and-how-to-do-it-right/story-NYDGJyyeIS0r5HYeNYJIPN.html>.

¹²⁶ *International Men's Day 2019: Everything you need to know.* (2019, November 19). Jagranjosh.Com. <https://www.jagranjosh.com/current-affairs/international-mens-day-2019-everything-you-need-to-know-1574134575-1#:~:text=According%20to%20the%20website%20of>

the husband's fault if the death of the woman is caused by burns or bodily injury within 7 years of marriage. As per the Hindu succession act, a boy is entitled to maintenance only till he turns 18, whereas a girl is entitled to maintenance till she gets married. As per Section 354 A of the Indian Penal Code, a man can serve up to 3 years of imprisonment for sexually harassing a woman, but there is no such law for women.

10. Conclusion and Suggestion

Everyone has an eye on women's empowerment. Sometimes women's emancipation became a political agenda. It's a truth that male partners never depend economically on female partners. In India, there are no laws for the protection of husbands. Is this justice to male victims? Research researchers found so much difficulty in getting the systematic data of male victims. What I realize is men's lives do not matter. They are just a source of income for her wife. The problem of men only whispered in India. The UN Charter of human rights clearly says a person must treat innocent until proven guilty. Still, in India, after filing a false complaint, the husband is treated as a culprit by our society.

There is no doubt that women have suffered for centuries, but now society and power are changing, and with this broken dynamic, women started to misuse the protection laws. In recent years the violence against men has increased, and they feel shame to report because, in the end, no proceeding would be against women for the same. Every year budget passed and a certain amount sanctioned for women empowerment, but what about men. The moto of equality creates a divide, and rights of men are ignored from everywhere.

In our constitution, there is a provision of equality, then the way our government does not make gender-neutral laws, anti-dowry laws, and a national commission for men.

Now it's time to save the male victim by amending our laws.