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Domestic Violence Against Men: Hidden Victim

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ABSTRACT

From ancient times, India has been a male-dominated country, and it is difficult to imagine a situation of a guy becoming a victim and a female the perpetrator. Domestic abuse is rarely discussed in society from the perspective of a male victim since information is scarce and incidences are frequently unreported. Spousal abuse is a severe issue that affects both men and women. While dowry-related harassment and crimes against women are widely highlighted in the media, an increasing number of males are being harassed and subjected to physical and psychological abuse at the hands of their spouses. The law in India does not recognize domestic violence against males. Men, it is often assumed, cannot be victims of violence. This allows women to get away with it. Domestic violence against women receives a lot of attention, while domestic violence against males by women is mostly ignored. Domestic abuse affects women exclusively in India, according to feminists and the government. However, a rising proportion of males are reporting that they are victims of domestic abuse as well. The prevalence of domestic violence against males is substantial, despite the fact that it goes undetected. Intimate partner violence is a serious issue that affects people all over the world. Men are more often than not the offenders of this form of violence, but they can also be the victims. This study provides an insight on how men can be affected by domestic violence and why the law is silent with provisions and also identifies and explore the issues which are, or maybe, relevant to understanding the position of men in India who experience domestic abuse and also focuses on making improvements to the current system while adhering to the principles of equality.

Keywords: Domestic violence, cruelty, Male victimization, Intimate Partner violence

I. INTRODUCTION

Since the time of ancient Babylon, domestic violence has been an issue in civilization. Most lawmakers, policymakers, legal and social service professionals, and community advocates have seen “domestic violence” as predominantly a problem of men’s aggression against a female partner. Domestic violence is defined as an act of hostility perpetrated by a spouse or

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family member against another person. Male victims of domestic abuse remain mute and do not report instances to authorities because they believe it is a personal concern that they can handle themselves. Both men and women are entitled to human rights and gender equality.² Gender-neutral legislation is urgently required in today's world when males are wrongfully accused of rapes, domestic abuse, and sexual assault. Domestic violence is a word that does not imply that only women may be victims of domestic violence; men can be victims as well as perpetrators. Domestic violence should be classified as spousal violence because it affects both men and women. Male victims of domestic violence rarely report their incidents of abuse. According to Sensex, a male is abused by his female partner every 14.6 seconds. Domestic violence is always thought to be perpetrated towards women in India. Men, too, are victims of domestic abuse, as evidenced by personal interactions with many males in society and in organized settings such as industries and workplaces. It starts with the obvious presumption that men are incapable of being victims. Men are not made to be victims of such abuse because of their masculinity and dominance. This is more apparent in a nation like India, where men are discouraged from expressing their feelings. They are classified as weak if this is done. As a result, some victims blame themselves for the abuse and refuse to bring the issue to light.

The common types of abuse that male victim's experience is emotional, physical, and psychological. The three main reasons why men stay in abusive relationships are assuming blame, dependency on the abuser for survival, and for the children.³ Children are also a reason why men stay because they believe that if they leave, their children will face the same repercussions as they have, and they stay to protect them. Domestic violence cases involving males are dismissed by the court system because the prosecution makes the victims feel guilty, the victim's emotions toward the abuser tend to change with time, and the victims believe the occurrence was caused by their actions. Men who are harassed by their wives are mocked and joked about, and men who speak out about their problems are branded 'unmanly.'

II. STATISTICS ON DOMESTIC VIOLENCE AGAINST MEN IN INDIA

Men who have been elevated to the status of a society's supremacy have no choice but to be victims. On the one hand, if a woman is subjected to such abuse, the consequences for the perpetrator are severe and will result in a prison sentence. On the other hand, men are expected to cry silently. The question is why India's laws are unconcerned about the maltreatment of

² BERK, R., BERK, S. F., LOSEKE, D. R. and RAUMA, D. (1983), 'Mutual Combat and Other Family Myths', in D. Finkelhor, R. J. Gelles, G. T. Hotaling and M. A. Straus, eds., *The Dark Side of Families: Current Family Violence Research*. Sage: Newbury Park.

³ CAMPBELL, J. C. (1999), 'Forced Sex and Intimate Partner Violence', *Violence against Women*, 5: 1017–35.

men. All laws are enforced with the goal of protecting women, including the Domestic Violence Act of 2005. There are no laws that benefit men. According to the empirical survey, 10% of males said they had encountered psychological abuse from at least one spouse during their adult lives, whereas only 17% of women said they had experienced such abuse.



- 6 percent of men and 12 percent of women reported jealous or controlling behaviour.
- 3 percent of men and 10 percent of women reported being repeatedly made to feel worthless
- 2 percent of men and 5 percent of women reported threats of physical harm.
- 3 percent of men and 6 percent of women reported isolation from friends and relatives, and perpetrator threats to hurt themselves or actually hurting themselves as a means of control (2 percent of men and 4 percent of women).

(A) Kinds of issues faced by men, the empirical data shows:

- Behaved in a jealous or controlling way – reported by 6% of men and 12% of women
- Repeatedly put you down so that you felt worthless – reported by 3% of men and 10% of women
- Threatened to hurt you – reported by 2% of men and 5% of women
- Stopped you from seeing friends/relatives – reported by 3% of men and 6% of women
- Threatened to/attempted to/actually hurt themselves to make you do something/stop you doing something – reported by 2% of men and 4% of women
- Stopped you from having your fair share of household money/taken money from you –

reported by 1% of men and 4% of women

- Threatened you with a weapon (e.g. ashtray or bottle) – reported by 2% of men and 3% of women
- Threatened to hurt your other/previous partner – reported by 1% of men and 3% of women
- Threatened to kill/attempt to kill themselves to make you do something/stop you from doing something – reported by 1% of men and 3% of women
- Threatened to kill you – reported by 1% of men and 3% of women
- Threatened to hurt someone/other living thing close to you (e.g. children, other family, friends or pets) – reported by 0% of men and 3% of women

III. DOMESTIC ABUSE

According to Section 3 of the Domestic Violence Act 2005, domestic violence is defined as physical, psychological, sexual, verbal, emotional, or financial abuse ‘against a woman’ of a family by any other member of that family with whom the victim is, or has been, in a domestic relationship.⁴ This definition denies a man’s position as a victim of domestic abuse and thereby contradicts Article 14, Article 15(1), and Article 21 of the Indian Constitution. Domestic abuse against women and girls is illegal in India. However, no equivalent legislation exists to defend men’s rights. The different types of abuse include:

- Physical abuse (assault and physical attack involving a range of behaviours)
- sexual abuse (acts that degrade and humiliate women and are perpetrated against their will, including rape)
- Mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money, and other types of controlling behaviour such as isolation from family or friends) are all examples of domestic abuse (as gender-based abuse).

(A) Men suffer in silence:

- To protect children
- Fear of cases
- Parental pressure

⁴ Anupam Dubey, The issue of Domestic Violence against Men in India, available at: <https://www.daaman.org/post/the-issue-of-domestic-violence-against-men-in-india>

- Denial of justice
- Lack of legislation
- Stereotypes about men in general
- Fear of not being believed
- Denial of access to children

Only a man can be held accountable for cruelty to his wife, according to Section 498A of the Indian Penal Code 1860. There is no paragraph or clause in the legislation that makes a woman responsible for domestic abuse. ⁵No one, not even the police, listens to guys who try to open up and report on the torture and physical assault they are subjected to. There is a myriad of false cases where women unjustly accused a guy of rape or domestic abuse because of the biased rules in the Indian Penal Statute that favour women, and the unfortunate part are that these biased laws inherently presume that a male can never be the victim. Women are not required to provide any proof of their legitimacy. By the biased laws, they are assumed to be genuine beings.

IV. DIFFERENT TYPES OF CRUELTY AGAINST MEN

- **LEGAL CRUELTY:** this is a kind of abuse in which women utilize the legal system to force a partner or spouse to comply with their own demands. The males will very certainly be abused by a member of the wife's family or relatives. Misuse of Section 498A of the Domestic Violence Act 2005, rape or molestation laws, withholding custody of a child in the event of separation, and maintenance laws are all common examples.
- **PHYSICAL CRUELTY:** Apart from attacks with lethal weapons, physical cruelty has been documented in which the husband or male partners have been punched, scratched, bit up, and various objects have been thrown up at them by the female partner. Because there is no legal structure in place to protect males from such violence, victims receive little or no medical assistance at all, and they are even unable to speak about their physical wounds owing to the lack of a legal framework to protect them.
- **ECONOMICAL CRUELTY:** refers to the wife's or the wife's family members' frequent illogical demands on the husband. Demands might take the shape of jewellery, real estate purchases, high-end apparel, hospitality, feminine beauty products, and

⁵ DOBASH, R. P., DOBASH, R. E., CAVANAGH, K. and LEWIS, R. (2000), *Changing Violent Men*. Thousand Oaks, CA: Sage.

opulent restaurants. Even if a guy fails to satisfy his female partner's financial requirements, he is vulnerable to mental and physical assault.

- **EMOTIONAL CRUELTY:** involves requests for a separate residence or threats of police action and legal consequences if the wife's demands are not granted when a guy is being forced to split from his relatives and parents. When the wife's needs are not met, emotional abuse occurs.

V. JUDICIAL APPROACH

The judiciary has an essential role in preserving both men and women's rights. In the current situation, the court places a strong focus on gender-based legislation, which includes a clear articulation of the ethics involved in dealing with gender-based violence. Before passing a sentence, courts should make an effort to comprehend the national and international aspects of domestic violence against men and women. Although there are many Acts that favour males, the court system should grasp the reality and dig deep to uncover the flaws in the system that are present in society when dealing with domestic abuse against men. The Supreme Court has broad discretionary jurisdiction to resolve the case and can advise the legislators on the subject of male domestic abuse in today's world. Despite the fact that the Honorable Supreme Court has issued several judgments in favour of men, the court system must still determine the core cause of domestic violence by making recommendations for implementing the Act and providing remedies to men as well.

VI. SUGGESTION

- Legal system should identify and remove impediments to males seeking civil or criminal legal protection.
- Innovative service provision for both women and men who abuse their male partners should be developed.
- Additional measures and modifications are necessary to create gender-neutral legislation that will assist victims in obtaining redress and punishment for the perpetrators, regardless of gender.
- Legislation must include domestic violence against men as a punishable offence.
- It is the responsibility of the law to listen to both men and women rather than jumping to judgments based on gender.

VII. CONCLUSION

Society's values, culture, and conventions have altered dramatically in recent years as a result of industrialization and westernization. When it comes to gender-based legislation, only the NCW and WCD Ministry, which are focused on women, are consulted, while men's issues and difficulties are neglected previously, males were viewed as defenders of their families, but nowadays, both men and women work, raise, and manage their households, contributing equally to their salaries. Men have begun to come out about the domestic abuse they endure, and they have begun to publicly share their sorrow, misery, and challenges. Men are no longer superior to women in terms of strength. It's past time for statutes and legislation to acknowledge their problem as a societal issue or concern. Domestic abuse against males can be identified through effective legislative changes, public awareness campaigns, and the dismantling of prejudices and preconceived beliefs. Males are an essential element of society who are underrepresented in India's legal system, and the government must recognize this and thereby, gender-neutral legislation, a constitutional authority, or a forum are all urgently needed to address men's difficulties and concerns.
