

MALE ABUSE: ADDRESSING GENDER ISSUES IN INDIA'S DOMESTIC SOCIETY

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ABSTRACT

The issue of domestic violence is neither limited to poor or rich people nor related to color or religion of an individual. It can happen to anyone living in the society. Physical abuse is not distinguished with the personal details of a person. Domestic violence is not just bruises over the body but is wounds that remain forever in the heart. It is a very painful experience of an individual; many of the people have died due to domestic violence. However, when it comes to the topic of domestic violence, the first thought that comes in the mind is that it's the women who, is suffering from the problem. On contrast to that, there are times that men also become the victim of domestic violence. The following study deals with the problem of men that are facing issues related to domestic violence. The research is conducted in order to understand the patterns in domestic violence towards a man. To conduct the study, the author has gone for doctrinal research. Various research papers, news articles, certified websites are taken into consideration. The results of the study show that, just like women men are also becoming the victim of domestic violence and there are no laws formed for the protection of men. There are instances where women are the culprit and men are the victim. By looking at the trends in domestic violence, the authors have suggested recommendation, by the application there are chances that the level of crime reduces towards men.

Keywords: domestic violence, male victim, gender neutral laws.

INTRODUCTION

When people hear the term "Domestic Violence", on the first instance the mind goes for sympathy toward women only, that she must have been facing any type of problems in her life. It is very difficult to accept the fact that "*men do face domestic violence*". It is a well-established fact that the society is stereo type in judging people by their gender. However, it's the time where the society do realize that there are cases where men are the victim and women is the perpetrator. On the other hand, the while narrating the terms like dowry, domestic violence and so on, one would only think it's the women who is suffering however, there are number of cases registered where it is found that men are also facing problems for such issues [1]. This research paper is an attempt to spread awareness in the society for the harsh treatment towards the men. In the following assessment there would be a discussion on the topic of "domestic violence against men". On the beginning of the paper, the meaning of domestic violence will be cited and instances who men became the victim of domestic violence will be cited as well. For having the view over practical aspects in the society, statistical data has been collected by the author for knowing the appropriate value of cases where men are facing issues related to the topic. In the coming phase of the paper, it will be proved that men do became victim of domestic violence and there are times where women is the one who is offender and men is the one who became victim in the case. In India, the matter is not completely hideous by the law makers hence, the legal scenario will be discussed and relevant laws that protect men from being the victim in every case will be mentioned with the help of landmark cases as well [2]. There is an irony that men even after becoming the victim of domestic violence do not report the case or discuss it with their peers, there are material reasons for the same that has been observed by the author by research and will be covered in the paper as well. After the deep analysis on the topic, brief conclusion will be made upcoming with the recommendations.

VIOLENCE AGAINST MEN IN INDIA

The term domestic violence refers to a very broad range of meaning the covers violent acts by done by one or more family members against another. The situation became very complex for the victim as a person can fight from the society but when it comes to the family, the hands are tied down in majority of the cases. It is true that women often report cases of domestic violence but there is instance where men are the victim of domestic violence [3]. It refers to

ill treatment by one family member to another; it can also be faced by children from their parents or other family members. It is not necessary that only physical harm is covered in the definition of domestic violence, but mental assault, sexual abuse, verbal abuse also considered to be domestic violence. Domestic violence has serious impact over the psychological effect of mental health. There is a difference between general assault and domestic violence, the major difference is in domestic violence a family member is the one who is abusing the victim and in general assault it is not necessary that the offender is a family member or a known person [4].

There are many ways by which a woman commits series of crime against men in the terms of domestic violence. For instance, forcing a man to live separately from their parents comes in the range of cruelty and in a landmark case it was held a valid ground for divorce. Another type of violence is physical abuse to a man, there are so many cases where men have reported physical violence from their wife and in some of the grave cases while committing physical violence, the woman accidentally murders her husband. The trendiest way is by blackmailing men and their family for false cases of dowry. The former Chief Justice of Kerala and Karnataka, Honorable Justice Malimath, have led a committee, in which he recommended to make section 489A, a bailable. In his report he had mentioned that there are thousands of cases where women have false acquisition over the husbands and their families and taken advantage of the situation. This particular section has been misused so bad that majority of the reported cases of dowry is only for the sake of revenge or taking monetary advantages of the husband's family.

STATISTICAL ESTIMATES RELATED TO DOMESTIC VIOLENCE AGAINST MEN

To prove a theory, there are always needed several figures and estimation to check whether the hypothesis of a topic is valid or in-valid. It is a calculated analysis of a theory for discovering the patterns and trends that are witnessed by the society. Such data is also helpful for comparative studies of different cities as well as different countries [5]. In the following assessment the author has gathered numerical data which would help in assessing whether men face domestic violence or not.

In the study conducted by Malik and Nadda, it is seen that around 52.4% of men have experiences domestic violence and gender-based violence. The study had been conducted in 2019 and has significant value to this study. They have collected data from 1000 men and the results show that out of 1000 men. They have selected age group of 21-49 years old and gone for random sampling method. The results came out completely shocking it says that there are 51.5 percent who have witnessed domestic violence from their wives/ other half at least once in their lifetime. Malik and Nadda stated that emotional violence is very common in a marital couple for being exact 51.6% whereas, 6% of men have witnessed physical violence and in one-tenth of the men were the victim of severe physical violence [6].

WHETHER MEN SUFFERS SEXUAL ABUSE BY WOMEN

Sexual abuse refers to any acts or an attempt to take sexual pleasure from a person either the way of violence or coercion. The acts also amount to trafficking of a person that is not related to any relationship with the victim. In India, there are verities of laws for women against sexual harassment whereas when it comes to men, people are not even aware about the fact that "he can also be sexually harassed". Sexual harassment can be happened to any person regardless of the gender, age or color of an individual. Men are considered to be the strongest person, whom has the power of fighting and raising his voice. The masculine behavior is hard to believed that can be sexually harassed or there is a common belief by the people that men do not have emotions or feelings. There are numbers of laws for the protection of women against any kind of violence however, in the modern times there are instances where men became the victim of sexual offenses [7].

When we hear about sexual offences at the workplace, the first legal framework comes to the mind is "The Vishakha Guidelines". The guidelines are made for the protection of women from sexual harassment at the workplace. In contraction to the above statement, in the modern era even men became the victim of sexual harassment at the workplace though no one even bothers to take care of such situations. There are female co-workers often blackmail their male colleagues for registering fake cases and take advantage of them. Mostly men are sexually harassed by male colleagues or their female bosses, it is a very issue arising out of the blues that no one is talking about.

A very famous instance can be related with the topic of sexual harassment of men. Reynhard Sinaga is known as the most Britain known as bountiful rapist. There are evidences that he had targeted at least 190 victims out of which 70 victims remains unidentified. All the victims he had targeted was men. He had rapped 136 men in his life and is sentenced to jail for his heinous offences [8]. Another example was recorded in Muzaffarnagar, where a 10-year boy was raped by a woman. The minor child reported the incident to his parents and afterwards the parents took their concern to the police officials [9]. Such incidents are recorded officially however, there are thousands of men facing the problem of sexual harassment by male and females both.

LAWS RELATED TO VICTIMIZATION OF MEN

There are many laws available to the men for saving themselves from false cases however, there are no laws available to men for the protection of domestic violence from women or men. Men do have the chance of filing a counter complaint against his wife or her family. If a false case is registered in the name of a man or his family, there are verities of provision available to him and his family that are mentioned below: -

- Section of 120B IPC, 1860 states that “Whoever is a party to a criminal conspiracy to commit an offence punishable with death, or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both”.

With the help of the above provision a man can file a complaint against his wife alleging that she is committing the crime of conspiracy, by building a false case against him or his family. Both, the wife and her family can be dragged to the court of law under this provision [10].

- Section 167 of IPC, 1860: “Whoever, being a public servant, and being, as 1[such public servant, charged with the preparation or translation of any document or electronic record, frames, prepares or translates that document or electronic record] in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both”

The above provision of the law protects a man from his wife if he finds that any public servant (police authorities) is trying to lodge a false complaint or false case, he has the right of filing complaint against the public servant for framing false documents [11].

- Section 182 of IPC, 1860: deals with the provision of giving false information against a person. The above provision of IPC deals with the, guidelines and punishment of giving false information to a public servant such police officer or court. This provision protects a man from recording of false or misleading information [12].

ECONOMIC PRESSURE ON MEN

Even though the modern and advance India, the liability over men for the financing household and other stuff will remain forever. In the rising demand of equality, women often demand for the rights and powers that are only restricted to men, on the other hand no women demand for equal responsibility. Whenever there is a discussion over rights, women are given utmost priority whereas, the time it comes for financial responsibilities, it is the men who becomes questionable. In a study conducted by Heilman, Guerrero-López, Ragonese, Kelberg, and Barker, it is found that since childhood, males are expected to behave like “men”. The dictionary of manhood requires so many aspects which often become burden over young boys. It is expected from boys to be less sensitive over issued and they often hear a repeated dialogue from parents, teachers, friends and every acquaintance that “men do not cry”. It is found that men are forced to behave strong and express less emotion to the society. Compared to women economic pressure over men is more, and due to that reason, many men have committed suicides. A study conducted by Alini has proved that during economic crisis, suicidal rate tends to increase and the majority ratio is always men. Around thousands of men commit suicide due to lost or job or their business, the suicidal rates is three times higher in men as compared to women [13]. A man’s self-worth is often calculated by his income, if he is earning a good life, he is likely to be respected by the society however, those men who do not earn well are known as losers in the society. Men do suffer from high stress and depression just because of economic pressure over their shoulders, this is another reason why men die from heart attack [14].

In India, the culture of arrange marriage is still in practice. The traditional families only allow arrange marriage to their children as love marriage is considered to be a crime for some of the families. The first question that is asked to a man is their monthly and annual income. Many of the boys are rejected by women for marriage because of their low income. For being a suitable man, the first criteria is to have a good income and rest can be adjusted. There are thousands of men not able to marry because of their low income and becoming a house husband is considered to be a shame for a man which is not at all accepted by the society. The above contention is some of the practical and real example that proves that men do suffers from economic pressure and other aspects of so-called manhood.

REASONS WHY MEN DO NOT REPORT CASES

There are certain norms and practices made by the society and for fit in, if not practices as the general practices, the society do create obstacles for the individuals and creates direct and indirect pressures over individuals for accepting the norms. For instance, a man will only be accepted in the society if he is strong enough. If a man complaint about being beaten by women, it will be called as a shameful act for himself. This is one of the reasons why men do not

report cases of domestic and sexual violence. Men are pressurized by their families to not speak up regarding the violence done by women. If men report such crimes to the police authorities, first of all not even police take such allegation seriously. Even if the police authority supports men of being the victim of domestic violence, they do not have any provision under which women can be held liable for causing domestic violence to a husband. Hence, men have nowhere to go for their demanding their rights. Another reason why men do not report the case as it is often treated as feminist behavior of men to be beaten by a woman as well as they will be considered weak in society. Even though they do report the crime a very few of the people support them and the majority of the people blames the men only in case of domestic violence.

CONCLUSION AND RECOMMENDATION

After the analysis of the above assessment, it is hereby concluded that domestic violence refers to violent acts by done by one or more family members against another. There is a difference between general assault and domestic violence, the major difference is in domestic violence a family member is the one who is abusing the victim and in general assault it is not necessary that the offender is a family member or a known person. There are many ways by which a woman commits series of crime against men in the terms of domestic violence. For instance, forcing a man to live separately from their parents comes in the range of cruelty and in a landmark case it was held a valid ground for divorce. The most common way is to report a false case against a man of cruelty or dowry. There are no laws available to men against domestic violence however, there are varieties of laws available to men and their family from protection of false cases for instance "Section of 120B, 167, 182 of IPC, 1860.

In the study there are evidence that men are suffering from economic pressure and due to such pressure thousands of men commit suicide. The suicidal rates increase at the time of recession, and it is also found that suicidal rates are three times higher in men as compared to women. Even though men do not believe in reporting their cases. They have the fear of being weak in the society as well as they also fears that there is no remedy for their problem.

Hence, after identifying problems of men related to domestic violence, here are some solutions which can bring a change in society as well as help men to fight against domestic violence:-

- Educate children regarding domestic violence and teach them gender neutral laws. it is important to make children aware of the topic as if the society teach good habits to children, it will pass on to next generation. Moreover, there shall be an interactive session in school and ask children that whether any of the family member is facing any problem related to domestic violence. If yes, police authorities or NGOs shall be intimidated and provide help to the victim.
- The NGOs shall take initiative to provide help to the victims as well as provide awareness in the society. Men shall also be made aware of domestic violence and encourage them to take step against violence whether it is physically or mentally.
- There are so many NGOs working for women's rights but there are a very few that are fighting against men's right. Those NGOs shall also be providing help to men, they shall be promoting gender neutral rights.
- Article 14 guarantees equal rights to the men and women both, yet there aren't any laws against molestation/sexual violence/ rape for men. As per Indian laws only a women can become the victim of domestic violence not a man. Hence, there is a deep need of changes in the Indian legal system and amendments shall be made for inserting new gender-neutral laws.

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