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DOMESTIC VIOLENCE AGAINST MEN

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ABSTRACT

Domestic violence against women is always discussed by society. No one has talked about domestic violence against men. The society considered men as a perpetrator and female as a victim of domestic violence. Nowadays, domestic violence against men is most common in the world. But men don't report incidents of domestic violence because they have a fear of losing friends, families, etc. Even many countries didn't make laws for the protection of males from domestic violence. Without any law, the male victims of domestic violence do not get justice. This affected the fundamental rights of men. This article attempts to explore the problem of domestic violence against men, types of domestic violence and highlights the cause and effects on the health of male victims. The researcher also discusses the role of legislature and judiciary in protecting men from domestic violence. There is a need to make gender-neutral domestic violence laws and include men as a victim. Society should recognize domestic violence against men as a social problem.

Keywords - *Domestic violence, gender-neutral laws, fundamental rights*

INTRODUCTION

In this modern time, violence is the biggest problem in society. World health organization gave a proper definition of violence, and it means the intentional use of physical power or force, threaten or actual, against oneself, another person, or against a group of community, which either results in or has a high likelihood of injury, death, or psychological harm mal-development, or deprivation.¹ It includes various kinds of violence like sexual abuse, sexual harassment, domestic violence, etc. Both males and females are facing violence in this modern time. But Society thinks male as a perpetrator and female as a victim of the violence.

Domestic violence is one of the world's biggest problems, where both men and women are the victims. It's a matter of shame for male victims in this orthodox society If a married man discloses domestic violence incidents. Society thinks that men are the superior section of society, so how

¹VIOLENCE PREVENTION ALLIANCE, <https://www.who.int/violenceprevention/approach/definition/en/> (last visited June5, 2021).

can they face violence from an inferior section of the society. It is because we don't have proper research and data on men's issues. Men are always considered as a perpetrator, but now society has changed. Men can be victims of physical and emotional violence in their married life. There are various factors for domestic violence against men in the domestic environment, like social-culture and psychological factors. Women are misusing the 498a domestic violence act and file false cases of cruelty against husbands. Many male victims had lost their lives and even their careers fighting false cruelty cases. There was a fear in the mind of men while reporting domestic abuse incidents.

In India, 98% of the respondents had suffered domestic violence more than once in a lifetime.² On average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men. 1 out of 9 men experiences severe kinds of intimate partner violence such as physical violence, sexual violence, and stalking with various impacts such as injury, Post-traumatic stress disorder, etc. One out of four men has experienced different kinds of physical violence such as slapping, pushing, etc.³ In the UK, the Office for National Statistics figures shows every year that one in the three victims of domestic abuse is male, equating to 757,000 men. One in 6-7 men will be a victim of domestic abuse in their lifetime. The police have recorded 26% of cases of domestic abuse. According to Safe-Lives data, only 4.4% of domestic abuse victims supported by local domestic services are men. The data shows the increased number of calls to its helpline in this pandemic situation. 61% of the men who call the Man-Kind Initiative helpline have never spoken to anyone before about the abuse they are suffering, and 64% would not have reached if the helpline was not anonymous. There are almost 39 organizations with 238 spaces in the Fugees or safe houses for men- with only 58 of those places are dedicated to men. 49% of the male victims fail to narrate the incidents of domestic abuse which they had faced. 11% of male victims have considered taking their life due to partner abuse. The charity has seen an increase in calls regarding suicide ideation over the pandemic period.⁴

²Swaroop Sarkar et al, *Domestic Violence against Men: A Study Report by Save Family Foundation* (2007), <https://ipc498a.files.wordpress.com/2007/10/domestic-violence-against-men.pdf>.

³THE NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, <https://ncadv.org/STATISTICS> (last visited June 8, 2021)

⁴MANKIND INITIATIVE, <https://www.mankind.org.uk/statistics/statistics-on-male-victims-of-domestic-abuse/> (last visited June 8, 2021)

Many men's rights groups protect men from violence by providing medical facilities, shelters, etc. In India, three groups formed in the 1990s named the persecuted man, the committee for protecting men's rights, protesting torture by wives.⁵ All three groups protect the man from false cases filed by their wives, misuse of 498a, and other kinds of violence.

Although various countries have made laws for protecting the rights of male victims of domestic violence, they are still facing domestic violence during Covid 19. During this COVID-19, men face physical, sexual, domestic violence, affecting men's mental health.

TYPES OF DOMESTIC VIOLENCE

Various kinds of violence had recognized by the world as a form of domestic violence. It violates the human rights of men. Multiple studies suggested that the most common domestic violence is physical violence, affecting men's mental health.

- a. Physical violence includes pushing, slapping, hitting by the wife, her parents or relatives, etc. The most common form of physical violence is slapping, and the least common is beaten by a weapon.
- b. Psychological violence includes insulting in front of others, threatened or hurt, mental abuse by the false allegations of dowry and domestic violence, etc
- c. Sexual abuse includes doing forcefully sexual intercourse by a wife, sexual assault, and all forms of sexual manipulation.
- d. Emotional abuse means controlling another person by using emotions. It includes shame, blames, humiliating the husband in public, treating the husband like he is inferior to her, etc.

⁵Romit Chowdhury, *Conditions of Emergence: The Formation of Men's Rights Group in Contemporary India*, 21(1)IJGS, 27-53(2014).

EFFECTS OF DOMESTIC VIOLENCE ON MEN

Domestic violence primarily affects the mental, physical and psychological health of the male victims. It violates human rights and fundamental rights by their constitution. In this modern, the rate of suicides among married men is more than among unmarried men. According to the world health organization 2002, men died by suicide more frequently in this modern world.

According to the world health organization, domestic violence can increase alcoholism, smoking, drug abuse, mental illness, and suicidal thoughts, diseases such as diabetes, heart disease, etc.⁶

THE ROLE OF LEGISLATURE AND JUDICIARY FOR PROTECTING THE MEN FROM DOMESTIC VIOLENCE

In India, the Constitution of India has given fundamental rights to all persons, including men, like article 14, which talks about equality before the law, article 15, which talks about discrimination; article 20, which talks about the right to life, etc. The legislature didn't make any law on domestic violence, which is protecting the rights of men. The domestic violence act, 2005 is only for protecting the female victim of domestic. The definition of an aggrieved party includes women only. Under 498a IPC, the only woman can file case of cruelty against the husband. So, India has gender-biased laws.

In the UK, the domestic abuse bill is gender-neutral law that includes both men and women. Legislation should not make laws based on or support stereotypes about race, gender, sexuality, or ethnicity. All victims deserve equal support based on individual circumstances. There should be no exceptions. The main aims of this law are to prevent both genders from domestic violence.

Sushil Kumar Sharma vs. Union Of India And Ors,⁷ the Supreme Court observed that women misused 498 a, Indian Penal Code by filing false complaints. In this case, Supreme Court said the legislature should make policies for false complaints.

⁶VIOLENCE PREVENTION, https://www.who.int/violence_injury_prevention/violence/en/ (last visited June 10, 2021).

⁷Writ Petition (civil) 141 of 2005.

In *Rajesh Sharma & others versus State of UP and Anr*⁸ Supreme Court, there would be no automatic arrest of husband on the complaint under section 498a of IPC.

Recently, Madras High Court said no domestic violence laws for a husband to proceed against his wife.⁹ There is a need to make domestic violence laws for husbands.

CONCLUSION AND RECOMMENDATIONS

In India, the legislature made the domestic violence act for the protection of women only. Men can also be victims of domestic violence. Men are also physically and mentally harassed by their wives and their family members, which affects the mental health of the victims. Hence, there is a problem in society, and it must be recognized as a social and public health issue. The community has to acknowledge the gender-based violence between spouses. Both can be the victims and perpetrators of domestic violence. More research is required on this topic.

The researcher also gives various recommendations:

1. Domestic violence victims deserve the same recognition, support, sympathy, and services as society and legislature give to female victims.
2. Governments should form policies and laws in which domestic violence against men is a punishable offense.
3. Governments should provide medical facilities and shelter homes for men
4. Government should implement the appropriate strategies to protect the rights of male victims of domestic violence.
5. Government should ban those daily soaps which are showing the negative characters of men.
6. Government and NGOs should also participate in awareness programs like gathering for discussing the laws and policies, talk about how to tackle the domestic violence situations, counselling on mental and physical health, etc.

⁸Criminal Appealno. 1265 of 2017.

⁹Akshaya Nath, *Unfortunately, no Domestic Violence Act for husband to proceed against wife: Madras High Court*, INDIA TODAY (JUNE 02, 2021), <https://www.indiatoday.in/law/story/madras-high-court-domestic-violence-act-husband-wife-1809900-2021-06-02>.

7. Lawyers and judges are the interpreters of laws. So they should do awareness camps in rural areas to discuss the rules and cures of domestic violence.