

Beyond Gender Norms: Addressing Domestic Violence Against Men in India.

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ABSTRACT

Violence is a behaviour involving physical force intended to hurt or damage to some one. Domestic violence is a pattern of behaviour in any relationship that is used to give or maintain power and control over an intimate partner. Protection of Women from Domestic Violence Act which was passed in 2005 is an Act to safeguard women from domestic violence. The Act was passed when it was considered that domestic violence could be committed only by men against women. But we are now living in the situation where domestic violence is committed by women against men also. Domestic violence also affects male victims. The prevalence of domestic violence against males is substantial, despite the fact that it goes undetected¹. Being a gender specific law domestic violence act misused by women in our society. This resulted in a thinking that the domestic violence Act is to be changed with a view to protect men also from domestic violence. The report shows that the male victims of domestic violence are increasing day by day. It is not only an Indian issue but also a global issue. This research aimed to project that men are also victims of domestic violence, and the domestic violence Act is to be changed to protect men also from domestic violence as protecting a basic human right.

Keywords: Domestic Violence, Abuse, Men, Marriage, Domestic Relationship

INTRODUCTION

Domestic abuse has existed in our society since antiquity. In the past, domestic violence was not easily recognised as a crime since it was viewed as a domestic affair and was rarely discussed. However, the current situation has altered, and measures are occasionally undertaken to stop such individual acts. Domestic violence is an act of wrongdoing committed against another person and a violation of their human rights. In general, violence is defined as an act of hostility carried out by one person against another who opposes the aggressive act, which results in harm and destruction.

Violence committed by someone inside a domestic relationship, such a marriage, is referred to as domestic violence. However, domestic violence occurs when one spouse commits any act against the other that causes mental, physical, emotional, psychological, or financial distress to the other spouse within the home, such as sleep deprivation, beatings, strangulations, torturing, or any other inhuman act.

The Domestic Violence Act served as a tool to protect women, but because it is not clearly defined how and when to use it, most women abuse it, and men are left to pay the price. If lawmakers are giving rights to women under this Act, they have an obligation to consider the responsibilities that go along with those

¹ E. V. Sherin Farhana, *Domestic Violence against Men: Hidden Victim*, 5 Issue 1 Int'l J.L. Mgmt. & Human. 2192 (2022), <https://heionline.org/HOL/Page?handle=hein.journals/ijlmhs15&id=2406&div=&collection=>

rights. Domestic violence against women is undoubtedly increasing, but we cannot ignore domestic violence against men in the sake of this. Both men and women contribute significantly to the family, which is a fundamental aspect of society. Domestic violence, whether it be directed at women or men, should be stopped since it affects the advancement of any community.

Although it was once thought to be a private affair in India, domestic abuse is now deemed a crime in India, but only against women, not men. The Domestic Violence Act of 2005 protects women, but it says nothing about men. The situation has evolved throughout time in contemporary culture, where women can now be the perpetrators and men can be the victims. A significant problem that impacts both men and women is spouse abuse. Much attention was paid to domestic violence against women, but no one spoke out about it when it came to men. Given how quickly society is changing in the twenty-first century, the Domestic Violence Act might be changed to better reflect gender equality, as everyone has the fundamental right to be protected from violence, whether it be committed against women or men.

Every individual has the right to life, personal liberty, freedom from violence², and right to dignity³, as stated in Article 21 of the Indian Constitution. Everyone, including men, women, and transgender people, is protected by this right from crimes like domestic abuse, rape, and other similar offences. Violence against intimate partners has grown to be a significant global issue that affects individuals everywhere. Gender equality is the foundation around which many nations have begun to construct their domestic violence laws. The cornerstone upon which domestic harmony can be constructed is gender equality. Because males who experience domestic violence also have a right to gender equality and human rights, many nations have recently begun enacting laws against it.

DOMESTIC VIOLENCE

"Feminism says: men are innately violent toward women

The facts say: woman commit more than twice as much unprovoked domestic violence against men as men commit against women⁴.

The PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 explicitly states that it is a law to prevent domestic violence against Indian women alone. Regarding domestic abuse against men in India, this act says nothing. Bhutan, a nation smaller than India, has a domestic violence prevention law called the "DOMESTIC VIOLENCE PREVENTION ACT OF BHUTAN, 2013." Bhutan has implemented measures to avoid domestic violence, regardless of whether it is directed at women or men. In India, Domestic violence has been defined under sec 3 of The Protection of Women From Domestic Violence Act, 2005 as “ any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

- a) Harms or injuries or endangers the health, safety, life, limb, or well being, whether mental or physical, of the aggrieved person or trends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- b) Harassment, harms, injuries, or endangers the aggrieved person with a view to coerce her to any other
- c) person related her to meet any unlawful demand for any dowry or other property or valuable security;

² Francines Carolie Mullin Vs. Union Territory Delhi, Administrator, (1981) 1 SCC 608

³ Ahmedabad Municipal Corporation Vs. Nawab Khan Gulab Khan, (1997) 11 SCC 121

⁴ Ramanpreet Kaur & Mandeep Kaur, Man as a Victim of Domestic Violence: A Doctrinal Study, 4 Issue 2 Indian J.L. & Legal Rsch. 1 (2022), <https://heinonline.org/HOL/Page?handle=hein.journals/injllw5&id=2284&div=&collection=>

d) or Has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

e) Otherwise injuries or cause harm, whether physical or mental, to the aggrieved person.⁵

According to the definition, the respondent can only be a male and his family, and the aggrieved party can only be a female and her family. What happens if the man is the victim and the female is the respondent is not covered by this definition. Whereas in Bhutan's domestic violence act, defines domestic violence as "domestic violence means violence against a person by another person with whom that person is, or has been in a domestic relationship. Bhutan's domestic violence law is founded on gender equality. Their legislature is tasked with maintaining household peace, and they have safeguarded the human rights of both men and women.

Definition of domestic violence and intimate partner violence:

Intimate partner violence is a wider term in comparison to domestic violence. Intimate partner violence they have includes every relationship whoever is the perpetrator no matter whether it is a man or women but in the definition of domestic violence only men can be perpetrator and women are victims.

Uniform definition of intimate partner violence:

A current or past intimate partner committed the following types of violence, boyfriend, girlfriend, dating partner, or continuing sexual relationship):

- Physical aggression
- Violent sexual assault
- Psychological aggressiveness, including coercive methods, and stalking.

Does Domestic Violence Affect Men?

Indeed. Men also are abused verbally, physically, emotionally, psychologically, and sexually.⁶ However, recognition of domestic abuse against men typically occurs only after a high-profile incidence. It usually occurs when a well-known person comes out to disclose an abusive relationship. The fact that Johnny Depp used evidence of domestic violence against his ex-wife, Amber Heard, during their defamation trial is one of the few instances. Another instance is when Tiger Woods stated that his wife had physically assaulted him with a golf club. Unfortunately, these episodes are frequently reported as solitary occurrences. Most of the time, the male victim is thought to have done something wrong to warrant the assault.

The Centers for Disease Control and Prevention (CDC) reports that one out of ten men has been the victim of intimate relationship abuse. One out of three males have experienced abuse at some point in their lives. Among these abusive behaviours are:

Physical abuse includes hitting, pushing, and slapping the victim.

Emotional abuse includes severe possessiveness or jealousy, threats of humiliation or disclosure of personal information about the victim, and threats of self-harm by the abuser.

Financial abuse, including spending control. Additionally, the CDC discovered that sexual violence, sexual assault, and stalking are common among men.

⁵ Protection of Women from Domestic Violence Act, 2005

⁶ Sanjay Deshpande, Sociocultural and Legal Aspects of Violence Against Men, *Journeys go psychosexual health* (Dec. 30, 2019), <https://journals.sagepub.com/doi/full/10.1177/2631831819894176>.

Domestic Violence and Human Rights

Human rights are those that express natural law's principles. According to the Universal Declaration of Human Rights (UDHR), which was established by the UN, every human person has rights, including those that exist prior to birth. Equal rights for both men and women are guaranteed by the UDHR's preamble. The preamble words of UDHR are “whereas the people of the United Nations have in the chapter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.”⁷ Countries have an obligation to adhere to international human rights agreements and conventions, and governments have a responsibility to uphold these agreements by passing suitable laws that safeguard the rights of all citizens, men and women alike.

"Fundamental human rights and dignity and worth of human person" were stated in the preamble to the Universal Declaration of Human Rights. These human rights apply to everyone. The UDHR's Article 1 affirms that all people are born free and equal in their rights and dignity; Article 2 states that everyone has the right to all freedoms and rights, regardless of any kind of distinction, including race, colour, or even sex.

Article 3 addresses the rights to life and liberty as well as personal security; Articles 7 through 15 address that all people are equal before the law and have the right to equal protection under the law; and Article 16 guarantees that all men and women of legal age have equal rights to marriage and dissolution. Everyone was granted social, economic, and cultural rights under Articles 23 to 27. A duty to be bound by the international order that declares rights and freedoms is enshrined in Articles 28 to 30⁸.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) recognised the preamble of the Domestic Violence Act of 2005. The CEDAW directs all nations to pass legislation against all forms of violence and acknowledges the Universal Declaration of Human Rights and the United Nations Commission on the Elimination of All Forms of Discrimination Against Women. Vienna Declaration and World Action Program, 1993. The protection of women's human rights was recommended by the Conference on Human Rights. The fundamental issue is that, when domestic violence laws were first passed, discrimination against women was based on their gender. However, this has now changed, and males are also victims of domestic violence now. Everyone is against men and in favour of women when it comes to domestic abuse, including the government, the law, feminists, and society at large.

In a nation like India, which is seen as a maculation country, women are always perceived as victims and men as the abusers. The situation has evolved in the twenty-first century, with allegations being filed claiming domestic abuse against husbands and their parents/relatives in order to torture them. The husband must deal with a number of institutions, including police stations, criminal courts, and women's jails, where they occasionally demand bribes to resolve the matter. It will take five to eight years for the court to determine whether the husband is innocent or has been wrongfully accused if a wife makes a complaint against him that initially appears to be a false complaint without supporting documentation.

Domestic abuse cases have a terrible reality: women who receive death sentences suffer for years prior to their passing, and very few of them have ever complained. However, there have been several reports of

⁷ United Nations, *Universal Declaration of Human Rights*, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited Nov 1, 2024).

⁸ United Nations, *Universal Declaration of Human Rights*, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited Nov 1, 2024).

crimes against women in which the victims have not even been touched and there is no proof of domestic abuse. In these circumstances, males are subjected to torture by society, attorneys, and false accusations, and they are arbitrarily labeled criminals.

Domestic Violence Against Men: An Insight into the Figures and Statistics

The study concluded by J.S. Malik Shows that the percentage of gender-based violence experience by men is 52.4% and the percentage of gender-based violence experienced by women are 47.6%. It further shows that out of 1000 males 51.5% of men experienced violence at the hands of their spouse. 10.5% of men experienced violence in a year.⁹

The Constitution and Gender-Specific Domestic Violence Law

There is no question that the victim's sex has no bearing on domestic violence. Although it is undeniably true that women make up the majority of the casualties, it is impossible to completely deny that men are also victims of the same. It is discriminatory on the part of men that, even if they suffer the same destiny as the woman victims, there is a legal divide and the laws only treat men as offenders while ignoring incidents in which the victim is a guy.

Discrimination against none, equality to all

Regardless of citizenship, everyone has the right to equality under Article 14¹⁰ of the Constitution. Furthermore, discrimination against any citizen on the basis of religion, race, caste, sex, place of birth, or any combination of these is forbidden by Article 15(1)¹¹. Like a well-balanced chariot, a society where men and women are treated as equal partners is steadily advancing and prospering. In a number of cases, the Supreme Court has taken significant action to eradicate the deeply rooted patriarchy in Indian society in order to uphold gender equality, which is not only essential to any nation's development but also the goal of the Constitution's framers.

While the Apex Court established a comprehensive set of guidelines to address the threat of sexual harassment against women in the workplace in *Vishaka & Ors v. State of Rajasthan*¹², citing a violation of gender equality, adultery was decriminalised in *Joseph Shine v. Union of India*¹³ citing a violation of Article 14 as one of the grounds. It is important to remember that discrimination is the opposite of equality, and that recognising equality in its purest form will uphold each person's dignity. However, victims' capacity to identify their own victimisation has been hampered by the under-recognition of domestic violence against men.

It is true that both the PWDVA and the addition of Section 498 A¹⁴ were much required in a society where women were viewed as nothing more than property and frequently the targets of abuse from their own husbands and families. However, a gender-neutral approach is now required due to the rising incidence of violence against men. Article 15(3) allows the State to make special provisions for the advancement of

⁹ Jagbir Singh Malik & Anuradha Nadda, *A Cross-Sectional Study of Gender-Based Violence against Men in the Rural Area of Haryana, India*, 44 Indian Journal of Community Medicine: Official Publication of Indian Association of Preventive & Social Medicine 35 (2019), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6437789/> (last visited Nov 1, 2024).

¹⁰ The constitution of India

¹¹ The constitution of India

¹² (1997) 6 SCC 241

¹³ AIR 2018 SC 4898

¹⁴ Indian penal code, 1860

socially and educationally disadvantaged classes of citizens, as well as for Scheduled Castes and Scheduled Tribes. However, in order to prevent discriminatory and arbitrary legislation, the State should make reasonable classifications. Economic, social, and financial factors are undoubtedly acceptable criteria for categorising a specific population.

Therefore, a legitimate classification is simply a legitimate discrimination. It is evident that regulations dealing to domestic abuse that refuse to regard men as victims do not meet the requirements of Article 14. Despite the fact that sexual orientation is an understandable difference, they are not supported by any valid state goal or logical connection. Protecting the fundamental rights of the person who not only endures bodily and psychological harm at the hands of the offender but also loses self-respect in their own eyes should be the main goal of such legislation.

It is merely unfortunate that the State is concentrating too much on women's justice while ignoring the male victims, even if the Preamble of the Constitution upholds the values of equality and social justice.

Laws Against Domestic Violence and Article 21: The Ignored Infractions

Although domestic violence laws acknowledge violence against women, which is undoubtedly a crime against women as well as a crime against humanity and a stain on the legal system, it is regrettable that there is currently no legislation that acknowledges domestic violence against men. While these gender-specific laws protect women's rights to autonomy, integrity, bodily privacy, and dignity, men are denied these rights, which are gender-neutral and constitutionally granted to all people. In actuality, these are fundamental human rights that are further safeguarded by Articles 1, 2, 7, and 12.¹⁵

There is no doubt that the statistics of male and female victims differ greatly, but it is important to remember that Indian society is fundamentally patriarchal and that men are expected to act and feel in certain ways; to do otherwise, they risk social rejection and slander from one another. Men themselves experience negative consequences such as anxiety, sadness, and post-traumatic stress disorder in addition to gender inequality difficulties. Because there is no such law in the nation, victims who try to escape the bonds of patriarchy and stereotypes are just left feeling helpless and depressed.

People's enjoyment of a high-quality living has been maintained as the "essence of the guaranteed right under Article 21 of the Constitution," and it is obviously against the aforementioned fundamental right to ignore the possibility that men may become victims of domestic abuse. Although nations like the United States, the United Kingdom, Canada, Australia, Sweden, and Norway have already chosen a gender-neutral approach, it is imperative that India, where statistics on domestic violence against men are relatively high compared to other nations, also recognize the violation of men's fundamental rights and make room for gender-neutral laws.

Why Do Men's Domestic Violence Cases Go Unreported?

Men who experience domestic violence are more likely to conceal the abuse. They do not report the issue because in our country laws are in favour of women.¹⁶

¹⁵ United Nations, *Universal Declaration of Human Rights*, United Nations, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited Nov 1, 2024).

¹⁶ Ramanpreet Kaur & Mandeep Kaur, *Man as a Victim of Domestic Violence: A Doctrinal Study*, 4 Issue 2 Indian J.L. & Legal Rsch. 1 (2022), <https://heinonline.org/HOL/Page?handle=hein.journals/inj101w5&id=2284&div=&collection=>

Usually, underreporting occurs out of embarrassment or fear of humiliation. Men frequently fear that no one will believe them either. Regretfully, there are instances in which organisations designed to assist victims of domestic violence show indifference toward male victims.

However, social media has helped raise awareness of domestic abuse against men. However, education and training are still required, especially between the judiciary and law enforcement.

Additionally, men who experience this kind of assault receive less help. There are very few, if any, shelters for men who are victims of domestic abuse. In Canada, for example, only 6 % of the 627 shelters accept male victims. Moreover, no refuge is exclusively for guys.

Furthermore, most of the domestic violence programs that are now offered are designed for men in heterosexual partnerships. However, it is important to recognise that domestic violence against transgender victims also occurs in same-sex partnerships.

CASE LAWS

1. **G. Padmini Vs. Shivanandha Babu**¹⁷

In that case it was held that false allegations against the spouse is cruelty. The false allegation was raised by the wife against the husband.

2. **A. Jayachandra Vs. Anil. Kaur**¹⁸

In this case it was clarified that mere annoyance or irritation may not constitute cruelty, but a spontaneous change in human behaviour restricting the partner to live with the spouse under constant fear of endangering life or bodily injuries.

3. **Manoj Kumar Soni Vs. Deepti Soni**¹⁹

In this case the husband filed for divorce citing cruelty by the wife. The Madhya Pradesh High Court allowed the appeal filed by the husband.

4. **Preeti Gupta Vs. State of Jharkhand**²⁰

In this case it was held that a mere complaint without serious allegation of cruelty against husband is an abuse of law by the wife.

5. **Dr. N.G. Dastane Vs. Mrs S. Dastane**²¹

In this case it was held that making of unsubstantiated allegations amounts to cause mental cruelty to husband.

SUGGESTIONS

- Emphasise once more how common domestic violence is against males in India and how social norms underreport it.
- Demand certain legal reforms, such as the implementation of laws against domestic abuse that are gender-neutral and the creation of programs specifically designed to assist male victims.
- Suggest focused public education initiatives on male victimisation with the goal of changing attitudes and lowering stigma.

¹⁷ AIR 2000 AP 176

¹⁸ (2005) 2 SCC 22

¹⁹ (2014) 9 MP CK 47

²⁰ AIR 2010 SCC 3363

²¹ AIR 1975 SC 1534

- Encourage the establishment of community-based support groups that offer men safe venues to talk about their experiences, resources, and counselling.
- Find topics for additional study to go deeper into the problem, like the psychological effects on male victims and the efficiency of current support networks.

CONCLUSION

In conclusion, combating domestic violence against males in India necessitates a multidimensional strategy that takes into account the intricacies of social expectations and gender norms. It is important to recognise that men can also experience violence in intimate relationships, even if the narrative around domestic abuse has primarily focused on women as victims. In addition to maintaining stigma, this oversight impedes the creation of efficient support networks for all victims, irrespective of gender. New perspectives on domestic violence must be developed in India to help us better understand the nature of abuse against men.²²

The study emphasises how male victims are marginalised as a result of long-standing, deeply embedded gender stereotypes in Indian society. Perceptions of masculinity are shaped by these norms, which frequently present men as the main aggressors in violent situations and as invulnerable. Men are deterred from reporting abuse by this cultural framework because they fear social rejection, mocking, or the perception that authorities won't take their claims seriously. As a result, many men endure physical and psychological violence without receiving the care they need, suffering in silence.

Raising awareness and dispelling myths about male victims of domestic abuse are crucial to developing a more inclusive framework for dealing with the issue. Campaigns for public education that highlight the fact that victimisation is not limited to a specific gender can be quite effective in changing society beliefs. By dispelling damaging preconceptions and educating the public about the realities of domestic abuse against males, these programs should hope to foster empathy and understanding.

Furthermore, to guarantee that the legal system appropriately handles incidents of domestic violence against males, institutional and legislative changes are essential. Even though legislation like the Protection of Women from Domestic Violence Act are crucial for defending women's rights, they frequently ignore the particular difficulties experienced by male victims. In order to guarantee that males have equal access to legal redress and protective measures, policymakers must take into account the development of gender-neutral laws that offer protection and assistance to all victims. This entails setting up shelters and helplines that are exclusively for male victims and educating law enforcement officers on how to respond tactfully and sympathetically to situations of domestic abuse against males.

Talking about domestic violence with men and motivating them to become change agents is also crucial. We can fight the stigma attached to male victimisation by creating spaces where men feel free to talk about their feelings and experiences. In order to validate men's experiences and foster a sense of solidarity among victims, peer support groups and community projects can enable men to share their stories.

Additionally, working with community-based and non-governmental organisations (NGOs) helps improve male victim support networks. These groups can offer vital services that are specifically designed to fulfil the needs of men, such as counselling, legal assistance, and housing. We can develop a holistic strategy that tackles the various realities of domestic abuse in India by establishing support networks. After all,

²² Dr Reena Rani Jat (LL M. Ph D. Law), *A Qualitative Study To Investigate Male Victims' Experiences Of Female Perpetrated Domestic Abuse In India With Reference To Gwalior Chambal Division*, Journal of Survey in Fisheries Sciences 3031 (2023), <http://www.sifisheriessciences.com/index.php/journal/article/view/1305> (last visited Nov 4, 2024).

real change requires a change in public attitudes. To do this, the community, civil society, and government must work together to destroy damaging gender conventions and advance an egalitarian and respectful culture. By acknowledging that victims of domestic violence can be of any gender, we can create a setting wherein victims can get the help they require to get well.

Therefore, domestic violence against men is a human rights issue that requires close attention and action rather than a gender issue. We have to extend our definition of domestic violence to include male victims for making this society a more inclusive and safer place for all. In reality, change has to be brought about by changing public perceptions. The government, civil society, and the community have to come together and destroy the harmful gender norms for the sake of promoting respect and equality in the culture. We can craft such a setting where victims of domestic violence can be assisted for healing if we recognise the victims can be any gender.