

Legal Aspects of Violence Against Men in Society

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Abstract: Domestic violence in relation to women is always discussed. Man is always considered as the perpetrator. However, to socio-economic changes affecting the family structure in recent times, domestic violence is not limited to women only. Men also are abused verbally, physically, emotionally, psychologically, and sexually. Men do not report such abusive behavior and are silent victims of the consequences. As our society's laws favor women as victims of violence, these hapless men are not getting justice in family and society for their pitiful condition. This article attempts to explore the extent of this problem and highlights its causes and effects. There is a need for gender-neutral domestic violence laws. Domestic violence should be considered as spousal violence.

Keywords : Domestic violence, gender neutral law, spousal violence

Introduction: The term “domestic violence” includes a broad range of violent acts committed by one member of a family or household against another. It often refers to the mistreatment of a child or spouse, and includes not only physical harm but also threats and verbal, psychological, and sexual abuse. The relationship of the abuser to the victim is the key distinction between other assault crimes and domestic violence. In India, domestic violence is always believed to be inflicted on women. However, during personal interactions with many males in society and in the organized setups such as industries and offices, it was observed that men also suffer from domestic violence. Due to stereotyped gender roles, it is hardly believed by society that a woman can inflict violence on men. Many courts also commented on false allegations of domestic violence by women. Men are still not ready to speak of this violence against them and they are ignorant about any legal help to avoid this. This article aims to explore the current scenario of violence against men, and identify the probable reasons and effects of unresolved and underreported violence against them. It also discusses the legal and sociocultural issues regarding this and the preventive strategies in that can be implied in reducing the violence against men.

Comparison of India and Other Countries:

The prevalence of spouse/intimate partner violence (51.5%) in the latest Indian study² was found to be higher than data collected for domestic violence under partner abuse state of knowledge project (PASK) from the USA, Canada, and the UK (19.3%).

Domestic violence was recognized as a criminal offense in India in 1983. The offense is chargeable under section 498A of the Indian Penal Code.

Prevalence:

Scarce research data on domestic violence against men are available in the scientific literature.

However, according to a recent study, 51.5% males experienced violence at the hands of their wives/intimate partner at least once in their lifetime and 10.5% in the last 12 months.

According to the National Family Health Survey, 2004, this violence is not always inflicted by the female partner/wife but many a time by a male relative of the wife attacks or threatens the man. When physical violence and threats against men by wife's relatives are taken into account, an estimated 3 crore men are facing domestic violence in India.

In a study conducted by My Nation along with Save Family Foundation (Delhi) on domestic violence against men, between April 2005 and March 2006, 1,650 men were interviewed and their personal cases looked into. The study concluded that Indian women were the most abusive and dominating.

From all over India, 98% of the respondents had suffered domestic violence more than once in their lives. The study covered Indian husbands from various socioeconomic strata, but the bulk of the respondents, according to the researchers, came from the upper middle class and the middle class.

Nadda et al found much higher physical violence, 35% and 26.9%, respectively, against women this reflecting that Indian women are much less physically aggressive than Indian men. There is no gender symmetry for physical violence in India.

Types of Violence:

Domestic violence has been recognized around the world as a form of violence that affects people's lives in every way, physically, mentally, emotionally and psychologically, and is a violation of fundamental human rights. In a recent study by Malik and Nadda, the most common spousal violence was found to be emotional followed by physical violence.

Physical Violence:

This may include slapping; pushing; hitting the wife, parents, or relatives; or throwing objects such as utensils, cell phones, and crockery at the husband. In physical violence, slapping was identified as the most common form (98.3%) and the least common was beaten by weapon (3.3%). Physical assaults were severe only in one-tenth of the cases.

Psychological Violence:

In emotional violence² reported that 85 per cent of male abuse was critical, 29.7 per cent was insulted in front of others, and 3.5 per cent was threatened or injured. It can also be in the form of mental abuse such as constant threats to the husband and his family under false allegations of dowry and domestic violence.

Sexual Abuse:

This can happen if the husband denies sex. According to a study by Malik and Nadda,² only 0.4% of men have experienced sexual violence.

Types of Crime Committed Against Men in India:

At home or at the workplace to avoid punishments or to get some rewards, men too can be involved in sexual activity by force. In many states of India, a young man with good qualifications and income is abducted and forced to marry without his consent. False rape and other charges such as molestation are also common. Since law and society always traditionally favor females as the weaker sex, many a time, false complaints of sexual abuse/rape are lodged against men. This is true regarding cases against men under 498A (domestic violence) and false dowry cases, and the same was expressed by various courts during their proceedings.

Sociocultural and Psychological Dimensions of Violence Against Men:

There can be various reasons for violence against men in a domestic environment.

Sociocultural

Study² found that lower incomes, middle-class education, nuclear family set-up and alcohol influence were risk factors for violence against men. An earning spouse with education up to graduation was found to be the risk factor for bidirectional physical violence. Caste and socioeconomic status were not found significantly associated with violence against men. It

was observed that the couples where the spouse is earning and educated up to graduation, the physical violence can be committed by both the spouses against each other.²

Psychological

Many women have serious problems with the management of anger, which makes them aggressive, and verbal or physical abuse occurs. Women facing stress at the workplace have frustration and anger due to failure to meet expectations and can therefore also engage in violent behaviour. Financial constraints due to husband's poor income and/or more income by wife may also be one of the factors leading to violence.

Social and Legal Reasons for Underreporting

In a male-dominated society, men feel that it is shameful to be beaten by a woman and they do not report the violence. The pressure from family also prevents them from taking any legal action, and they are also afraid of getting trapped in false accusation under 498A. When men report domestic abuse and violence, people do not believe them. Also, when these men try to complain about these problems, within marriage and family, no one takes them seriously. Many men are ashamed of talking about and sharing that they are beaten by their wives.

The probable reasons for underreporting include belief and hope that things would get better, fear of losing social respect and position, protection, love toward their children and family, and fear of getting blamed. Men's complaints can also be perceived as "feminine behavior" in male-dominated Indian society.

Effects of Domestic Violence Against Men

Any violence affects life physically, mentally, emotionally, and psychologically. It is also a violation of basic human rights. Unreported and unnoticed violence against men may lead to denial in accepting the family, divorce, depression, or suicide in extreme cases. It has been observed that suicides were more in married men as compared to separated/unmarried men. According to WHO (2002), women think more about committing suicide, whereas men die by suicide more frequently. This is also known as the paradox of gender in society.

According to WHO, exposure to violence can increase the risk of smoking, alcoholism, and drug abuse; mental illness and suicidality; chronic diseases such as heart disease, diabetes, and cancer; infectious diseases such as HIV and social issues such as crime and further violence.

Legal Issues:

Despite the data available, which suggest violence against men, no law for the protection of men has yet to be established by the legislature. All laws to control domestic violence regard women as victims. The anti-dowry laws Dowry Prohibition Act, 1961, and later Section 498A, passed by the Supreme Court of India, already raise concerns and called for an end to "legal terrorism" in the form of misuse of Section 498A and the necessary changes to be made by Parliament.

Other Laws in Favor of Women :

Adultery considers man as a culprit. There is no law under which a man can lodge a complaint against his wife or in-laws. In fact, most of the time the woman lodges a false complaint against him under 498A. In the case of divorce and child custody laws, a woman is looked at more sympathetically and is considered as a victim. The same is true regarding the maintenance after divorce. The number of false allegations on men regarding rape and sexual harassment is increasing.

Need for Gender Neutral Laws :

In cases where men are falsely accused of violence or dowry, a law which can address these false allegations is the need of the hour. Human rights and gender equality should include both men and women. Domestic violence should be considered as spousal violence and must not be differentiated due to gender.

The Act which is in favour of woman for domestic violence act in India is for women only. Studies show that men are also the victims of violence at the hand of women. Hence, necessary amendments addressing violence against men are suggested.

Conclusion

The family structure and society are changing, and the same is true with the norms and values regarding gender violence. Men also are physically and mentally harassed by their spouses and in-laws. Hence, their problems must be recognized as a social and public health issue, and appropriate strategies and interventions should be implemented. They too need help in the event of crisis and family violence, especially by their spouses. Even legislation and legislation must include domestic violence against men as a punishable offense. Men and women are the pillars of society and a family. Hence, laws are needed to offer protection to both from spousal violence.

References

1. FindLaw . Domestic violence against men. Retrieved from <https://family.findlaw.com/domestic-violence/domestic-violence-against-men.html>
Google Scholar

2. Malik, JS, Nadda, A. A cross-sectional analysis of gender-based violence against men in rural Haryana, India. *J Commu Med*. 2019;44(1):35.
Google Scholar

3. Hamel, J. Facts and statistics on domestic violence at-a-glance. *DV Research*. Retrieved from <https://www.domesticviolenceresearch.org/domestic-violence-facts-and-statistics-at-a-glance/>
Google Scholar

4. National Family Health Survey (NFHS-3) . 2005–06 Domestic Violence: India. Vol. 1 Mumbai: International Institute for Population Sciences; 2007. Retrieved from <http://www.measuredhs.com/pubs/pdf/FRIND3/15Chapter15.pdf>
Google Scholar

5. Dhulia, VR. Domestic violence against men: High time government addressed the problem; 2015. Retrieved from <https://www.news18.com/news/india/domestic-violence-against-men-high-time-government-addressed-the-problem-1004785.html>
Google Scholar

6. Kumar, A. Domestic violence against men in India: A perspective. *J Hum Behav Soc Environ*. 2012;22(3):290-296.
Google Scholar | Crossref

World Health Organization . Violence prevention; 2019. Retrieved
7.. from https://www.who.int/violence_injury_prevention/violence/en/
[Google Scholar](#)