



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

Domestic Violence - A curse to a Man in a male-dominated society

By

Shalini Shivajirao Ghumare
Research Scholar, S.R.T.M. University Nanded

Dr. P.D. Joshi
Principal / BOS Chairman in Law (Retd.)
Research Supervisor
S.R.T.M. University Nanded

ABSTRACT

Domestic abuse is always brought up in the context of women. The perpetrator is always thought to be a man. Domestic violence, however, is no longer limited to women due to recent socioeconomic developments altering family structures. Men are also subjected to verbal, physical, emotional, psychological, and sexual abuse. Men are silent victims of these harmful practises since they do not report them. Because our culture's laws favour women as victims of abuse, these unfortunate males are denied justice for their deplorable situation in the family and society. This article aims to investigate the scope of the problem as well as its sources and consequences. There is a demand for gender-neutral domestic abuse legislation. Spousal violence should be classified as domestic violence.

Keywords Domestic violence, gender neutral law, spousal violence

INTRODUCTION

The term "domestic violence" refers to a wide spectrum of violent crimes perpetrated by one family member or household member against another. It usually refers to the mistreatment of a kid or spouse, and it encompasses not only physical harm but also threatening, verbal, psychological, and sexual abuse. The key distinction between other assault offences and domestic is the abuser's relationship with the victim. Due to gender stereotypes, society does not accept that a woman can inflict violence on men. Many courts have also weighed in on women's fraudulent complaints of domestic violence. Men are still hesitant to speak out about the violence directed against them, and they are unaware of any legal resources available to assist them prevent

The purpose of this article is to examine the current state of violence against men, as well as the likely causes and consequences of unsolved and underreported violence against them. It also goes into the legal and sociological implications of this, as well as the preventive tactics that can be used to reduce male aggression.

We all talk about gender equality, but when it comes to the Indian constitution, this is unfortunately not the case. True, there was a time when the government had to adopt specific provisions in the constitution for women in order to assure equality, but some of these laws are blatantly discriminatory towards men. Here are nine laws in our country that discriminate against men:

The deceased's father does not inherit any property, but the mother does.

1. If the deceased has no will, the spouse, mother, and children inherit the deceased's property under the Hindu Succession Act of 1956. If the dead did not have a spouse, mother, or children, the father is exclusively entitled to the inheritance.

2. A boy is only entitled to maintenance until he reaches the age of eighteen, whereas a female is entitled to maintenance until she marries.

The parents are responsible for a girl child's maintenance under the Hindu Adoption and Maintenance Act of 1956 until she decides to provide for herself or marries.

3. The man is the only one charged with adultery.

If the husband commits adultery with the wife of another man, he can be charged under Section 497 of the Indian Penal Code. However, if a woman commits adultery with another woman's husband, she will not be penalised.

4. It is rape if a man has sex under the guise of marriage but does not marry.

Yes, Section 375 of the Indian Penal Code specifies that if a man has intercourse with a woman after promising marriage, he cannot end the relationship. If he does, he is a rapist in India, according to the law.

5. A rapist is a boy under the age of 16 who has consensual sex with a girl his age.

Yes, you read that correctly. If a 16-year-old boy and girl have intercourse, she has been raped, according to the sixth situation stated in Section 375 of the Indian Penal Code! Congratulations, logic!

6. If a woman is subjected to physical or emotional abuse by her husband or his family, she has the right to put them in jail.

That's fantastic, and it's a good method to do justice, but there's a catch. According to Section 498 A of the Indian Penal Code, the lady is not need to provide any evidence. Fair enough, but consider the amount of wrongful imprisonments documented.

7. In India, a man can face up to three years in prison or a fine for sexual harassment, but what about a woman?

A man can serve up to three years in prison for sexually harassing a woman under Section 354 A of the Indian Penal Code, but there is no such law for women.

8. Only the woman can claim permanent alimony and maintenance under the Special Marriage Act.

Both the man and the wife can claim permanent alimony and maintenance under the Hindu Marriage Act, but this is not the case under Section 37 of the Special Marriage Act of 1954. Why is the Indian constitution so unjust?

9. It is the husband's fault if the wife dies from burns or bodily injury within the first seven years of marriage.

This is specified in the Indian Penal Code, Section 304 B. I'm sure there are countless incidents of burns and other bodily injuries, the majority of which are justified, but can't it just be a house fire?

In India, statistics on male domestic violence are available.

Gender-based violence affects 52.4 percent of married men in India, according to a survey of 1000 married men ranging in age from 21 to 49 years old in rural communities of Haryana. In their lifetime, 51.5 percent of men have been subjected to some form of torture or violence by their spouses or intimate partners. In the recent year, 10.5 percent of men have been subjected to gender-based violence by their spouses or intimate partners. Emotional abuse is the most common form of spousal or domestic violence against men, with physical abuse coming in second.

PV, or Intimate Partner Violence, can affect either the wife or the husband. IPV is caused by a variety of factors, including a lack of education, middle-class ideals, and one person earning a larger salary than the other.

Men, like women, are victims of gender-based violence in India. Because most women are victims of violence, there is a widespread misconception that domestic violence is gender-specific, which is incorrect. In a patriarchal or male-dominated society like India, it can be difficult to comprehend that even men can be victims of domestic violence.

When compared to other countries

In the United States of America, one out of every nine men is subjected to domestic violence by their intimate partner or their spouses. One in every seven men has been the victim of physical violence by their spouses or intimate partners.

Men account for two out of every five victims of domestic abuse in the United Kingdom. This refutes the widely held belief that domestic violence only affects women. Domestic abuse against men generally goes unchecked, according to the men's rights campaign group parity, and their perpetrators are rarely prosecuted.

According to the British crime study, 40 percent of people were arrested between 2004-2005 and 2008-2009. Strangers and in public places are the most common perpetrators of domestic abuse against men. Since the age of 15, 1 in 16 Australian men has been subjected to domestic abuse in the form of physical or sexual torture by their spouses, intimate partners, or cohabiting partners.

Between 2012-13 and 2013-14, one man was killed per month as a result of domestic violence by his current or prior partner.

Domestic violence against males by their spouses or intimate partners is not uncommon, according to these surveys and research from various nations. Appropriate mechanisms for dealing with domestic violence in a more neutral manner should be in place.

Domestic abuse cases against men go unreported for a variety of reasons.

There are a variety of reasons why men do not reveal the abuse they are subjected to from their spouses or intimate relationships.

1. **Male Stereotypes in General** — Men frequently feel discriminated against or nervous about speaking up about the violence they witness because they are afraid of being judged and labelled as wimpy and effeminate. They believe that their fight against violence will be in vain due to the Indian Constitution's gender-specific rules and clauses. They believe they have failed as protectors and nurturers of their families.
2. **Fear of bogus cases**— Men frequently believe that disclosing the assault will create undue inconvenience, and they do not want to face legal consequences as a result of our Constitution's gender-biased or gender-specific provisions. They believe they must leave their families and do not want to lose custody of their children, which may be a lengthy procedure.
3. **Social and familial pressures**— The majority of Indians live with their families even after they marry. Men are ashamed to talk about the violence because of this aspect. Society also plays an important influence in perpetuating gender-biased legislation and perceptions about a specific gender.
4. **Denial**— The majority of individuals believe that domestic violence mainly affects women. When they learn that a man might be a victim of domestic violence, they live in denial. So, in general, no one really wants to talk about it.

The role of gender-biased legislation in exacerbating the problem

Gender is a social construct that is impacted by a variety of factors such as race, caste, country, class, culture, sexual desire, ability, and rituals. Gender roles are quite rigid in many south Asian nations, such as India. Gender prejudices and stereotyped ideas arise as a result of this rigidity. Men who are subjected to domestic violence by their wives or intimate partners are exempt from the provisions of the Indian Penal Code that deal to gender violence.

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 subsection or clause in the statute that makes a woman responsible for domestic abuse. No 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. When a

guy complains about domestic violence, Indian society generally labels him as "effeminate" or "feeble."

Many men believe that things will improve soon, and as a result, they do not report the domestic violence they are subjected to. Any form of violence, whether physical or psychological, is a flagrant violation of human rights. Domestic violence that goes unreported and unspoken can lead to breakups, nasty disputes, divorces, depression, and even suicide.

There are a myriad of false cases where women unjustly accused a guy of rape or domestic abuse because of the biased laws in the Indian Penal Statute that favour women, and the unfortunate part is that these biased laws inherently assume 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 creatures. According to a World Health Organization survey from 2002, women are more likely than males to consider suicide, whereas men are more likely to commit suicide. Continuous exposure to violence can result in a variety of medical and mental illnesses, including depression, suicidal ideation, and chronic physical illnesses such as cancer, heart attacks, HIV/AIDS, and so on.

A literature review

Domestic violence is one of the primary concerns, according to Kimmel M. (2001) in his book 'Male Victims of Domestic Abuse.' Men are also victims of domestic violence at the hands of their wives or intimate partners. Years of study and campaigning on behalf of domestic abuse victims have led to significant prevention and implementation efforts. New laws, police procedures, and medical and forensic studies have all helped men who are victims of domestic violence. Domestic abuse has become a hot topic among activists, people, and a variety of groups in recent years. Despite the fact that several research have claimed that only women can be victims of domestic violence at the hands of men, the other 100 empirical studies suggest that both men and Gender-neutral laws are urgently needed.

Both men and women are entitled to human rights and gender equality. Gender-neutral legislation are urgently needed in today's world, where males are wrongfully accused of rapes, domestic abuse, and sexual assault. Domestic violence is a term that does not imply that only women can 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. Women can be victims of domestic abuse. This has sparked the enthusiastic "male gender activists" who legislators should have in mind when it comes to domestic violence regulations and laws that mostly target women.

In his book, 'The Social Construction of Gender,' Lorber J. (1991) argued that gender is socially created and impacted by a variety of circumstances. Gender and sex are frequently misunderstood terms. They are diametrically opposed. Gender is what we learn, while sex refers to what we receive, such as male or female. Gender is nothing more than a tool that society use to keep its people in line. Gender, as well as socioeconomic class and ethnicity, can be utilised to create prejudices and stereotypes about people.

Prejudices are a set of views that offend one group of people, whereas discrimination is the open hostility toward a person based on his irrelevant identification. These books also aim to explain numerous preconceptions and gender-based discrimination against both men and women. Gender identity is also determined by social elements, and it has essentially nothing to do with biological variables, according to the book.

Gender-neutral laws are urgently needed.

Both men and women are entitled to human rights and gender equality. Gender-neutral legislation are urgently needed in today's world, where males are wrongfully accused of rapes, domestic abuse, and sexual assault. Domestic violence is a term that does not imply that only women can 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.

Domestic abuse laws in India only protect women, not men. It creates the mistaken impression that men can only be perpetrators, not victims. The rate of domestic violence against men is steadily rising. As a result, additional measures and modifications are required to create gender-neutral legislation that will assist victims in obtaining redress and punishment for the perpetrators, regardless of gender. Domestic violence, which is still pervasive in our culture, requires certain laws and reforms to protect both couples.

Conclusion

Society's values, culture, and norms have altered dramatically in recent years as a result of industrialization and westernization. Previously, males were seen 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 open out about the domestic violence they endure, and they have begun to publicly share their sorrow, agony, 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 social issue or concern. Domestic abuse against men can be identified through effective legislative changes, public awareness campaigns, and the dismantling of prejudices and preconceived beliefs. The family structure and society are changing, and the same is true of gender violence norms and ideals. Men are also subjected to physical and mental abuse from their spouses and in-laws. As a result, their issues must be acknowledged as a social and public health problem, with appropriate measures and interventions addressed. They, too, require assistance in times of stress and family violence, particularly from their spouses. Domestic abuse against men must be included as a penal offence in laws and legislation. The pillars of society and a family are men and women. As a result, laws are essential to protect both parties from marital abuse.

References

1. <https://journals.sagepub.com/doi/full/10.1177/2631831819894176>
2. <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/contents/summary>
3. <https://ncadv.org/statistics>
4. <https://www.theguardian.com/society/2010/sep/05/men-victims-domestic-violence>
5. <http://www.ijcm.org.in/article.asp?issn=0970-0218%3Byear%3D2019%3Bvolume%3D44%3Bissue%3D1%3Bpage%3D35%3Bepage%3D38%3Baulast%3DMalik>
6. https://shodhgangotri.inflibnet.ac.in/bitstream/123456789/5574/2/02_synopsis.pdf
7. FindLaw . Domestic violence against men. Retrieved from <https://family.findlaw.com/domestic-violence/domestic-violence-against-men.html>
8. Google Scholar
9. Malik, JS, Nadda, A. A cross-sectional study of gender-based violence against men in the rural area of Haryana, India. *Indian J Commu Med.* 2019;44(1):35.
10. Google Scholar | Medline
11. 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/>
12. Google Scholar
13. 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>
14. Google Scholar
15. 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>
16. Google Scholar
17. Sarkar, S, Dsouza, R, Dasgupta, A. Domestic Violence against Men: A Study Report by Save Family Foundation. New Delhi: Save Family Foundation; 2007. Retrieved from <https://ipc498a.files.wordpress.com/2007/10/domestic-violence-against-men.pdf>

18. Google Scholar
19. Nadda, A, Malik, JS, Rohilla, R, Chahal, S, Chayal, V, Arora, V. Study of domestic violence among currently married females of Haryana, India. Indian J Psychol Med. 2018;40:534-539.
20. Google Scholar | SAGE Journals
21. Kumar, A. Domestic violence against men in India: A perspective. J Hum Behav Soc Environ. 2012;22(3):290-296.
22. Google Scholar | Crossref
23. World Health Organization . Violence prevention; 2019. Retrieved from https://www.who.int/violence_injury_prevention/violence/en/
24. Google Scholar
25. View Abstract

