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Author:

Shruti Roy

Symbiosis Law School, Noida

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**“THE EFFECTS OF DOMESTIC VIOLENCE ON MALE VICTIMS-
ANALYSIS ON THE LAW’S RESPONSE”**

Abstract

Domestic Violence is a form of abuse which not only includes ¹physical abuse but also mental and sexual abuse. This abusive act can be caused by the victim’s partner, relatives or close friends. The abusive act against men is also a crime just as domestic violence against women. As observed, reporting of domestic violence cases to police by women is more, if comparison to men. This is because violence against men is still a social stigma, and a sensitive topic people avoid to discuss. ²“Depp vs. Heard”, regardless this recent trial was about defamation but it ³established that men are also the victim of domestic violence and abuse.

Under this article, the meaning of domestic violence, its forms, the cause of domestic violence is discussed. But, the main focus of the article is on the domestic violence against men, its effect on men and any precautions or actions taken by government in India as well as outside India. Domestic violence on men is a sensitive talk people in India avoid to talk on just like dowry death, male rape, reservation, religion, etc.

Keywords

¹ <https://www.government.nl/topics/domestic-violence/what-is-domestic-violence>

² John C. Depp, II vs. Amber Laura Heard, CL-2019-2911

³ Aditya Pandey, 9 Eye-Opening Facts & Statistics About Domestic Violence Cases Against Indian Men, (June 02, 2022, 18:20 IST), <https://www.mensxp.com/special-features/features/108932-domestic-violence-cases-on-indian-men-facts-and-statistics.html>

Domestic Violence, Social Stigma, Defamation, Sensitive topic, Male Rape

Introduction

The term “**Domestic Violence (DV)**” is also called “**Intimate Partner Violence (IPV)**”.

⁴People began to notice the problem in 1970s, it has been an issue from the time of ancient Babylon. Studies have shown children witnessing parental violence and not being the victim of it as a child may lead to create a powerful predictor of violence. ⁵Cause of domestic violence to female by their intimate partner is because of the consumption of alcohol; psychological factors like the presence of hormones in male body, known as testosterone, serotonin, dopamine, neurotransmitter; lack of financial support, reason being the husband doesn't want to work hard, but still into having a luxurious life; taking out different types of frustration through forcing wife to have sexual intercourse without her consent.

In the male dominant society, violence, physical abuse, coercive control, stalking, killing and physical injuries by men is what we hear of. With time changing, the belief, ‘only women being the victim of DV’ would be wrong. It has not become superstitions, that men being physically strong in comparison to women cannot be abused, raped or molested.

As it known women in India, are provided with immense rights for their protection, while right of men in law are still not recognized, some taking advantage of the fact misuse use their rights and play the victim card so they could get the men humiliated or punished.

Reasons why men are victims of ‘Domestic Violence’

Not only India, but also in other countries, law doesn't recognize rights for men in areas such as rape, domestic violence, and other similar crimes. Cases related to such crimes against men are known to be not reported, i.e., police don't register their cases, this is not only the problem seen in India, but also in foreign countries.

Causes of violence to men are generally observed when they have low earning, are uneducated, belong to lower class or middle class. Men silently suffer the abuse, they don't report the issue with the fear of humiliation they can face because of the society. India believing in the theory

⁴ RaMon B. Younger, The Effects of Domestic Violence: The Male Victims Perspective (5-2011)

⁵ Ketannarang293, Domestic Violence: Comparative Study at male vs. female domain, <https://www.legalserviceindia.com/legal/article-6310-domestic-violence-comparative-study-at-male-v-s-female-domain.html>

of patrilocal, men living with family including wife and children, choose to stay silent fearing to lose the long-earned respect of family, fearing that their family would not accept them after such reporting such type of case.

Domestic Violence on men: Statistics

According to **The National Statistics Domestic Violence Fact Sheet**, nearly 20 people per minute in United States are physically abused. 1 in 4 men are victims of physical violence by their intimate partners. Whereas, in United Kingdom, out of every five citizens, two are victims of domestic abuse.

According to a **survey of 1000 married men** (age from 21 years to 49 years) in rural areas of Haryana, 52.4 percent of married men are affected by gender-based violence. 51.5 percent of men face abuse or some type of torture by their intimate partner.

Section 498A of Indian Penal Code, 1860, which held men accountable for committing domestic violence against women. If we look closing not only this section, but no other section in IPC talks about protecting men against any crime. Rank of wives physically abusing their husbands in the world are the United States on first, Egypt being on second and thirdly India.

Effect of Domestic Violence on Men

The universal superstition belief, men being the bread earner, having the responsibility to earn for their family and the only one to work, their lives become very suffocating living constantly under the pressure of working hard as an office employee, getting scolded by their superiors, at home listening to constant tantrums by wife. Living their lives but in a negative atmosphere affects them mentally and they easily get exhausted of such live.

WHO recently stated that living such type of everyday life leads men into doing smoking, drink alcohol, or even drugs, increase their sexual desires and have many health related problems like high blood pressure, even suffering from physical injuries like broken bones, bleeding and bruises, which they tend to hide. It is also proved that domestic violence affects men more than women leading to increase of suicidal rates among married men. Here, we can states the law of being the gender-based for not having any rights or laws for the protection of men.

Men not only suffer abuse in marriage but as world advancing, men also in a 'same sex marriage' are facing domestic violence not only by women but also their male partner.

⁶According to the US Centres for Disease Control and Prevention released a data, showing same-sex relationship couples are also victims of domestic violence often as in heterosexual relationships.⁷ 26 per cent of gay men and 37.3 per cent of bisexual men are victims of rape, domestic violence by their partners. in comparison of heterosexual men with 29 per cent.

Law's view on the effect of such violence on men

⁸A man facing domestic violence is not recognized by law, section 2 of the domestic violence act, law will include only a woman in the definition of a "aggrieved person." The act considers crimes in favour of men in certain ways, such as:

- Husband filing a case for defamation with fake allegations, he can opt for restoration legally as well as get protection under section 498A and 500 of the IPC.
- If the court gets to know about the allegations being fake, the culprit can be imprisoned for 6 months or with fine, in some cases both can be awarded.
- The husband can get free of abusive marriage by filing a case under section 13 of the Hindu Marriage Act, 1995.

Judgements

⁹¹⁰*Syed Ahmed Makhdoom suicide case* : the wife mentally abused and humiliated the husband as well his family of domestic violence and domestic violence. But in actual, she had extra-marital affair and wife wanted to end their marriage. The victim refused to divorce her and instead gave her two options, either to move on from the lover or to freshly start their marriage. The husband being tired of listening to the fake accusation everyday decided to end his life while recording the whole thing.

⁶ Joanna Jolly, Is violence more common in same-sex relationships?, BBC News, Washington, November 18, 2014.

⁷ Domestic Violence and the LGBTQ Community, Wednesday June 6, 2018, <https://ncadv.org/blog/posts/domestic-violence-and-the-lgbtq-community#:~:text=26%25%20of%20gay%20men%20and,after%20experiencing%20near%20lethal%20violence>

⁸ The effects of domestic violence on men: breaking the social stigma, July 22, 2020, <https://blog.ipleaders.in/effects-domestic-violence-men-breaking-social-stigma/?amp=1>

⁹ The effects of domestic violence on men: breaking the social stigma, July 22, 2020, <https://blog.ipleaders.in/effects-domestic-violence-men-breaking-social-stigma/?amp=1>

¹⁰ Syed Mohd. Vs Mohd. Hanifs. (1976), 1976 AIR 1569, 1976 SCR (3) 721

Supreme Court held in ¹¹*Sushil Kumar vs. Union of India*, since 498A does give the person to ruin the someone's life, knowing the fact that 498A is a non-bailable and a cognizable offence, is being used as a weapon by the wives as shield to hide the wrong.

Similarly in ¹²*Rajesh Sharma & Ors. Vs. State of UP and Anr.*, the Supreme Court order not to arrest the accused instantly after the filing of case, investigation on the case is to first done.

Conclusion

The scope of our Indian Constitution is known as the lengthiest one in the world, as the definitions mentioned are in brief aspect, but as known not every individuals are provided with protection if particularly talked about the criminal part. ¹³Domestic violence against women as observed is due to dowry issues where relatives abuse her or her husband himself, or male dominance is another reason. Domestic violence against men is still considered as a big social stigma in our society. Men themselves believe can be criticized for reporting a male domestic violence to police. The DV act shall consider certain situations where men can be provided with protection or commission, those can be:

- Partner using physical force like raising hands on husband for minor issues,
- Threaten to harm his close ones.
- Threatening to sustain his injuries or causing more harm to him or his close ones, if he dares to discuss about his partner abusing him.
- Restricting his enjoyment with certain people including family and friends because of the partner being jealous or not liking a particular individual.
- Emotionally abusing the male is also included.

¹¹ *Sushil Kumar vs. UOI*, (July 19, 2005), W.P (civil) 141 of 2005

¹² *Rajesh Kumar vs. State of UP and Anr.* (July 19, 2021), U/S 482 no.- 14909 of 2021

¹³ Pooja Gajmer and Swati Tyagi, *Dept. of Forensic Medicine, All India Institute of Medical Science New Delhi India*, (10-4-2021) <https://www.ijfcm.org/html-article/13600>