



# Domestic Violence Against Men: A Neglected Phenomenon & The Misuse of Section 498A

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**Abstract:** “In our Indian society, men are considered as the most powerful gender whereas, women are considered to be the vulnerable ones. This study has been undertaken to show the unequal treatment of both the genders and the way law is biased and does not treat the all the genders equally. It further highlights the fact of the law being misused and being taken advantage of by the women. It clearly highlights the reality which needs to make our laws gender neutral.” The difference between the men and women in the society has been a classic example of inequality being practiced all over the world. The atrocities against women, especially in India with the orthodoxies prevailing in our society have been a matter of concern since ages. Social Reformers and women fought for their rights and tried to gain justice and rightful place in the society. Certain laws are made to protect women and other sections of the society who have been victims of inequality and inhumanity practiced against them. Today, the reality is taking a different dimension where not only women, but even men are becoming a victim of domestic violence and surprisingly, these facts serve as culture shock for majority, especially in a patriarchal society like India.

**Index Terms:** Domestic Violence, Patriarchy, Biased, Section 498A, Gender Neutral laws

## INTRODUCTION

When we hear about the term Domestic Violence, we often think in terms of Female being a Victim whereas Male being a perpetrator. But sadly, a major proportion of population deny the fact that even men can be victims. Our Society has so blindly accepted the concept of “Masculinity” that anything that contrasts masculinity is either not accepted or is considered as abnormal. This in simple terms mean, that just like a woman is expected to accept the “feminine” roles, similarly, a man is expected to accept “masculinity” as a norm. A man regardless of his caste, class, age is expected to be strong, brave and one who can never be a victim, especially, a victim of a crime committed by a woman.

Since their childhood, a man is taught to never cry, never express their emotions especially when hurts by their female counterparts. If they go against such norms, they are shunned and ridiculed by their own family and friends, and their entire concept of “masculinity” is questioned by their society. So where does a man seek help from? A woman, is more vulnerable than man but, a lot of platforms are available with a woman for seeking help. The society is sympathetic towards the woman victim. A number of NGOs, counselors, police departments are available for help. But have we ever thought that when a victim is a male, is enough help available for him? Can he speak up against the cruelty against him? If yes, To whom? These are the questions that always cross our minds but most of the time, these questions are never raised because of the fear of controversies that can take place as crime against women is also on rise and moreover, our mindsets do not allow us to accept the fact of males being victims.

This is not only true of India, it is the harsh reality that exists in most of the countries. Even the well developed countries of UK and USA face similar conditions.

## LITERATURE REVIEW

In a six month retrospective study, titled, “*Domestic Violence Against Men in Primary Care in Nigeria*”, medical records of all the patients that were seen at the General Outpatient Department of the University of Port Harcourt Teaching Hospital, Nigeria, over a period of 5 years from (2000 to 2005) were assessed. It was found that out of the 70,400 males, the prevalence of domestic violence against men was 0.0023%. The male victims reported of the injuries on their head, neck, burns on their body through physical examinations. The reason for low prevalence of Domestic Violence in the study was men were less likely to report cases against their wives, because they feel ashamed about disclosing themselves as victims. 1

Studies have consistently found that women use weapons more often than men. They are more likely to throw an object, slap, kick, bite or hit with their fist or an object.<sup>2</sup>

These injuries were consistent with the injuries found in the study.

The “*National Statistics on Domestic Violence*” reports that on an average, nearly 20 people are abused by an intimate partner in U.S. 1 in 3 women and 1 in 4 men experience some form of physical violence by an intimate partner.<sup>2</sup>

According to a report by BBC, the Welsh Charity for help has seen a rise in the number of male victims seeking for help, especially against their female partners. Calan is another organization in UK that supports men in distress. However, the organization states that there is under reporting of cases because the men themselves feel unmanly, shameful, and embarrassed and a sense of failure to live up to masculine standards. The data discloses the fact of the cases being under reported due to

above reasons and also the fact that around 7, 13,000 men were reported to have been a victim of one or more types of Domestic Violence Abuse.<sup>4</sup>

In a very recent study, titled “**Help-seeking by male victims of Domestic Violence & Abuse**”, a systematic review and qualitative evidence synthesis was done and it was found that majority of male victims faced fear of disclosure. They victims reported that people would not “understand” their difficulty and would ridicule them. Also, most of them did not even know from whom to expect help.<sup>5</sup>

In an earlier study of 1368 male patients, more than one in four had experienced abusive behavior from their partner or ex-partner. <sup>5</sup>

Most of them face similar situations like the female victims of Domestic Violence. They face emotional trauma, but do not want to end the relationship. Despite of the similar difficulties, the needs of the male victims are always neglected. When they disclose such information, they face skepticism. Majority of them are not available of the services available to them.<sup>5</sup>

In a research conducted by Denis Campbell, it was found that about two in five of all victims of Domestic Violence are men. The report, titled, “**Domestic Violence: the Male Perspective**”, states “Domestic Violence is often seen as a female victim/male perpetrator problem, but the evidence demonstrates that this is a false picture” <sup>6</sup>

India being dominated by patriarchy, where male is considered to be the supreme gender and powerful than the others, the situation is no different than the above mentioned countries.

In a study titled “**A Cross sectional study of Gender based Violence against men in the rural area of Haryana, India**”, conducted in the Rohtak district, out of 1000 participants , it was found that around 52.4% of the males faced gender based violence. Majority of them, i.e. 51.6% experienced emotional violence, 6% faced physical violence whereas about 0.4% faced sexual violence by any female. Slapping was the most common form of physical violence i.e. 98.3% only in 3.3% cases, a weapon was used. In all cases, spouse was the perpetrator of violent activity. The major reasons highlighted was the unemployment of the husband i.e. 60.1%, arguments constituted about 23% whereas 4.3% constituted the reasons like uncontrolled anger, ego problem, etc. The study clearly states that the Domestic Violence Act in India is for women only. Necessary amendments should be made in the favor of men. <sup>7</sup>

India Today, a leading newspaper, reports that around 40 NGOs run a helpline in order to help men in distress across states in India. The Helpline 8882-498-498 claims to have received around 37,000 calls within a year after its launch in 2015. To share an incident, a 19 year old boy narrated that he had been gang raped, filmed nude, thrashed with belts and objects were inserted into his private parts.<sup>7</sup> The shocking fact was that the tormentors were women and not men. Even more shocking was that despite of his strong political contacts, he did not have any legal remedy. The counselors too could not help him out as the Indian Rape laws did not recognize man as a victim. The report states that this is just one incident. A counselor named Ritwik Bisaria , said, “We receive cases of men being implicated in false rape & dowry cases. On an average, we receive 110 calls a day from across the country. About 65 to 75 percent of the calls received are from new callers.<sup>7</sup>

Babar - the founder of this helpline, have reported eye opening cases that display a dire need of measures that need to be taken in order to help men in distress. The helpline also reports cases of men being sexually assaulted, harassed under false pretexts of rape, dowry, etc.

The **Save India Family Foundation** developed an APP in order to help men in distress who are becoming victims of the alleged misuse of Section 498 A of the IPC and anti rape laws. The APP was launched in 2014 and has been a huge hit as it has received more than 16000 calls in less than 50 days. It further reports that it has received highest number of calls from Madhya Pradesh. The APP also offers details of 50 NGOs in 25 States where people could seek legal counselling and support. The SIFF has around 50 NGOs fighting for men’s rights & injustice against men in trouble across the country.<sup>8</sup>

The law system of our country has always favored women. The Supreme Court has ruled out that a women criminal can be dealt with leniency if she has 3 minor children. Even though the gender is not a mitigating factor when it comes to punishment for criminal acts, The Supreme court said that in the Indian Context, a woman convict having three minor children to support would be a ground for courts to impose a lenient sentence on her.**Error! Reference source not found.**

In its latest article of July 13, 2019, **The Times of India**, one of the leading newspapers in India, reported that a Bill was introduced in Parliament in 2013 in order to make Rape laws Gender neutral but was latter post poned due to the outrage following the Nirbhaya Rape case. The bill was reintroduced in July for making the laws related to sexual offences gender neutral. It proposes amendments in the Indian Penal Code (IPC), the Criminal Procedure Code and The Indian Evidence Act to ensure that the two words, “any man” and “any woman” in the sections related to sexual offences in the laws are changed and should be read as “any person”.**Error! Reference source not found.**

Most of our eminent female personalities have passed negative comments generalizing the entire male population. To state a few, Nandita Das, a well known actress says, “Every man is a Potential Rapist”. Renuka Choudhary, another well known personality says, “It’s time for men to suffer. You cannot trust men or your husband.” The harsh reality is no one cares for this respectable Indian Men who are suffering because of false cases reported by women.**Error! Reference source not found.** In a very recent case in the year 2014, Jasleen Kaur, a student of Delhi, accused a man of passing obscene comments on her and shared her story on the social media with his photo. The post became viral overnight and Sanjeet Singh (the accused) soon became labeled as a ‘pervert’ who victimizes women. There was no evidence of the incident and was entirely on the girls post. Later it was found that the boy was innocent and the girl accused him with a revenge motive. The amount of hatred faced by the victim and his family was unimaginable. He lost many job opportunities and the incident made his life hell. The victim later appealed that it should not be about the gender. Voice of man should also be heard.**Error! Reference source not found.** Media did not cover the entire story and Saravjeet is seen as an assaulter, without any evidence. In Jodhpur, a software engineer committed suicide after giving up to the demand of 15 lakhs from his wife who had filed a false dowry harassment case against him.**Error! Reference source not found.**

Recently, a video recorded on YouTube recorded cases of 3 men who stated that they were battered by their wives and even in-laws supported the crime. The wife blackmailed her husband with threats of committing suicide or slapping false dowry cases not one on her husband, but on his entire family. Another man claimed of him being separated and kept away from his children and when he tried to meet them, they were battered by their in-laws. When reported to police, men faced unfair bias, where the police blamed them for not taking care of their wives. Further, they were ridiculed and threatened by the police department that

if they get separated from their partner, they will be beaten black and blue! Making the matter worse, the society, their friends and family shunned them.<sup>13</sup>

Men's rights activists, psychologists speak up to the issue saying just as a woman has laws to protect themselves, such help is not available for men. Society imposes "masculinity" on men which if a man fails to follow, he is ridiculed. Our Indian law system has completely sidelined the category of men. Further, there are no studies, no researches to tell us how many victims of Domestic Violence are men.<sup>14</sup>

Today, we say that the world is changing, people have become modern, but still it is really shocking that the mindsets of people haven't changed. We still believe in patriarchy and reject the fact that men are tortured at the hands of women. Even though people would agree with the fact, but in reality when such cases come up, or when a man speaks up about his hardships, he is treated as "unmanly", labeled, ridiculed and shunned by his own family and friends. Every time we use the words Domestic Violence, Rape, Sexual Assault, Harassment, our thought processes work in such a way that we consider woman as a victim and judge man as a perpetrator, even without any evidence.

The Judgment passed by the Supreme Court that states that women who are guilty can be dealt with leniency. If they have three minor children to support **Error! Reference source not found.**, is biased towards men. Why not same provision given to a man? or why are women given such special provisions? Children need both their parents, why being a woman helps woman criminals to get over with a crime?

Another important question is when a woman applies for a divorce she can get divorce after 6 months, but it takes seven years for a man to apply for divorce. When a married woman dies, investigation is made for the possibility of dowry harassment or domestic violence, in-laws are questioned, and husband also faces physical torture at the hands of police. Why the investigations become so lenient when a man dies after his marriage? Why isn't the wife questioned for Domestic violence against the husband?

Speaking about the judicial system of India, due to increasing cases of women being subjected to cruelty, Section 498A was incorporated in the Indian Penal Code which is read as follows:

Section 498-A: **Husband or relative of husband of a woman subjecting her to cruelty**- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. <sup>14</sup>

Isn't the law machinery itself bias as it has completely sidelined the category of men? Why isn't the word "husband" being replaced with "either of the partners" or "woman/man"? Why do the authorities turn a blind eye towards the male victims?

It has become the need of the hour for the judiciary to make the laws gender neutral. Laws should judge what is right or wrong rather than judging what is masculine and feminine. What we demand is not the biased laws but gender equality wherein all the three genders are treated equally in the eyes of law so that none can take the advantage of belonging to a particular gender. The laws should be inclusive of all the genders and should broaden their perspective. The world is changing rapidly so it is important to amend our laws by accepting the reality.

**Problem Definition:** Based on the facts mentioned in the previous section, the Problem Definition of this research is, "*Domestic Violence against men is a phenomenon that has been largely ignored by the society as well as the law machinery. A large number of women misuse the Section 498 A and so there is an urgent need to make the law gender neutral.*"

#### Methods:

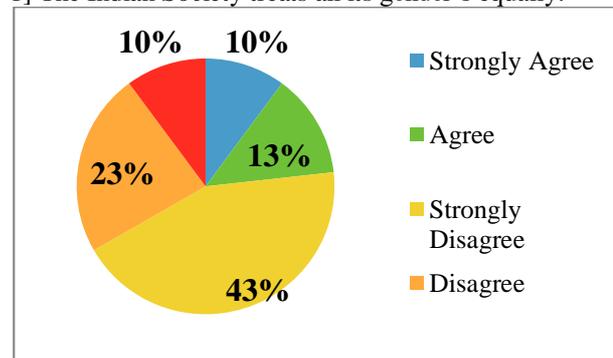
**Area of Study-** The study was carried out in the metropolitan region of Mumbai.

**Sample -** The Sample size was only 30 as the study was carried out within 20 days. All the study participants were married and included both, both men and women, aged 21–49 years. Minimum legal age of marriage in India is 21 years for boys and 18 for girls. People older than 49 years were excluded in order to minimize the recall bias and to avoid the heightened sensitivity about the discussion.

**Method and Scale -** Quantitative method of data collection was used in order to collect more data within a short span of time. Questionnaires were administered to random, married persons, and the data was collected and analyzed from 30 respondents using the Likert Scale which allowed the participants to be neutral if they could not agree or disagree to a particular question. Last question was Opinion based question.

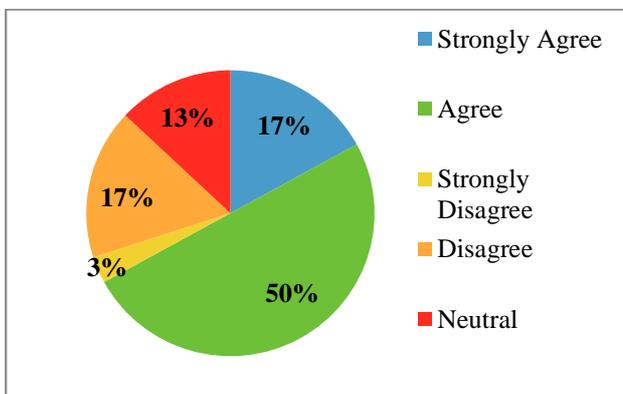
**Results:** Out of the 30 respondents, 56.6% responded that the Indian society does not treat all its gender equally. When asked about the law being misused by women, more than 80% of them responded affirmatively. All the responses have been presented in a diagrammatical form for a better understanding.

1] The Indian Society treats all its gender's equally.



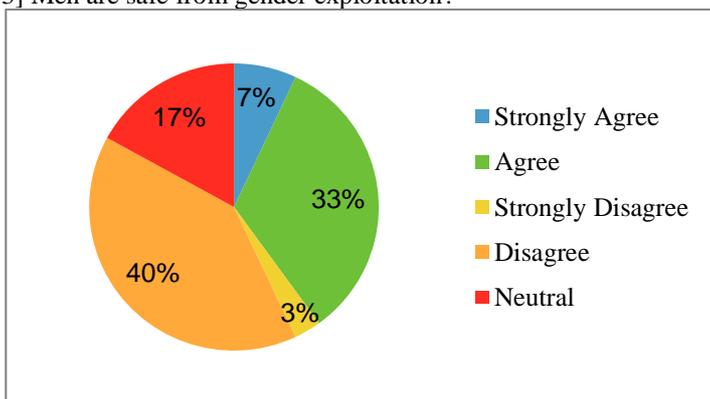
Only about 13% have agreed and 10% have strongly agreed about the Indian society treats all its genders equally. Majority, i.e. 43% strongly disagreed and 23% disagreed to the above statement whereas, 10% chose to remain neutral. Thus, it is clear that the Indian Society does not treat all of its genders equally.

2] Only Women suffer a lot of hardships when it comes to gender exploitation.



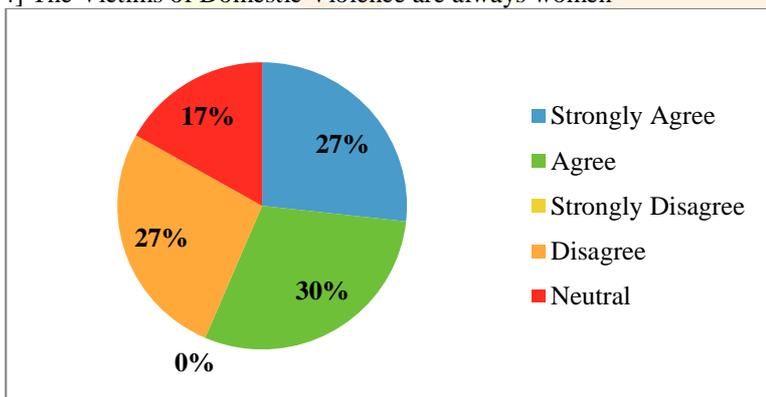
17% of the respondents strongly agreed and 50% Agreed to the above statement. About 3% strongly disagreed and 17% disagreed whereas 13% remained neutral towards this response.

3) Men are safe from gender exploitation?



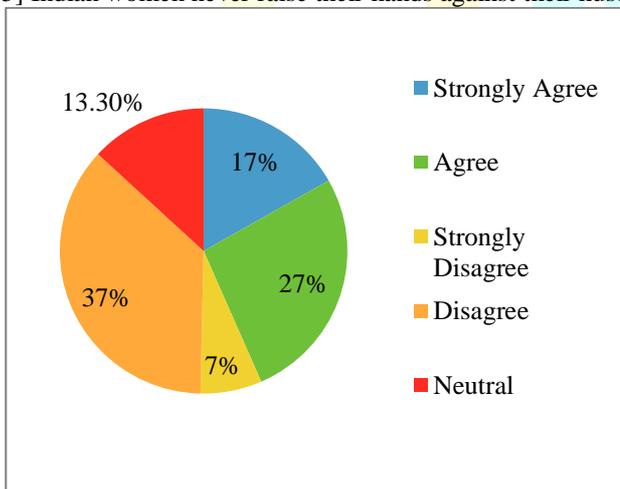
7% strongly agreed and 33% Agreed to the above statement. 3% strongly disagreed and 40% Disagreed. Whereas, 17% decided to maintain neutrality.

4) The Victims of Domestic Violence are always women



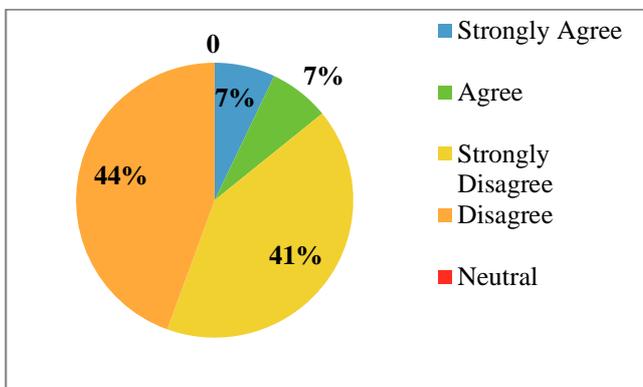
17% of the respondents remained neutral. 30% Agreed and 27% strongly agreed whereas 27% disagreed to the above statement.

5) Indian women never raise their hands against their husbands/male counterparts.



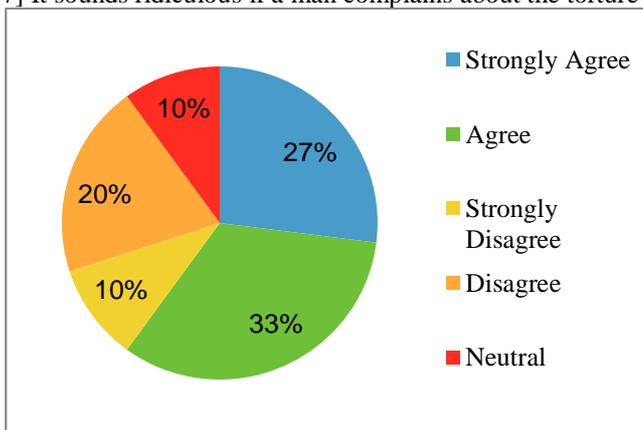
27% Agreed and 17% strongly agreed to the statement. About 37% disagreed and & 7% strongly disagreed. Whereas 13.3% remained Neutral.

6) How much do you agree with the statement, "Boys do not cry" or "Mard ko dard nahi hota"?



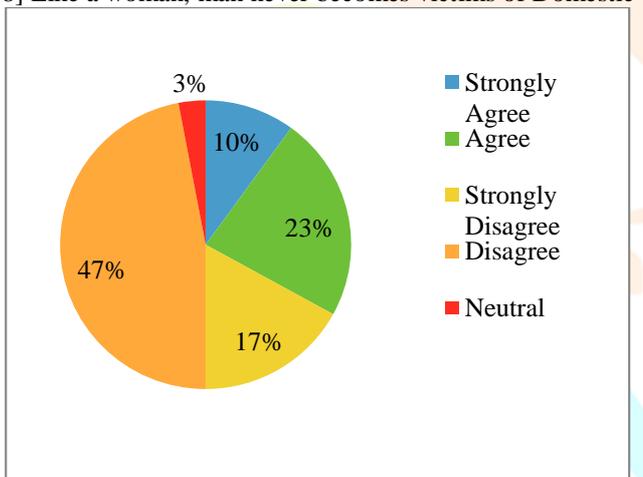
7% Agreed and 7% strongly agreed 44% Disagreed 41% strongly disagreed to the above statement. The response rate was 100% and none of the respondents chose to remain neutral.

7] It sounds ridiculous if a man complains about the torture he faces from his wife/girl friend/female counterparts.



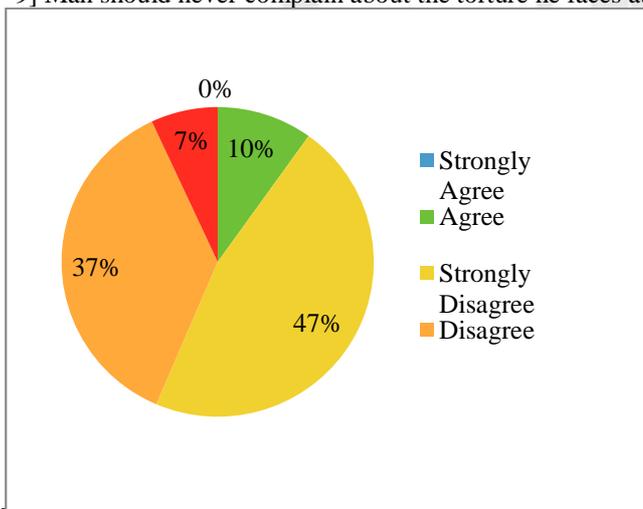
33% Agreed and 27% strongly agreed, 20% Disagreed 10% strongly disagreed to the above statement. Whereas, 10% respondents chose to remain neutral.

8] Like a woman, man never becomes victims of Domestic Violence, Rape, Sexual harassment, etc.



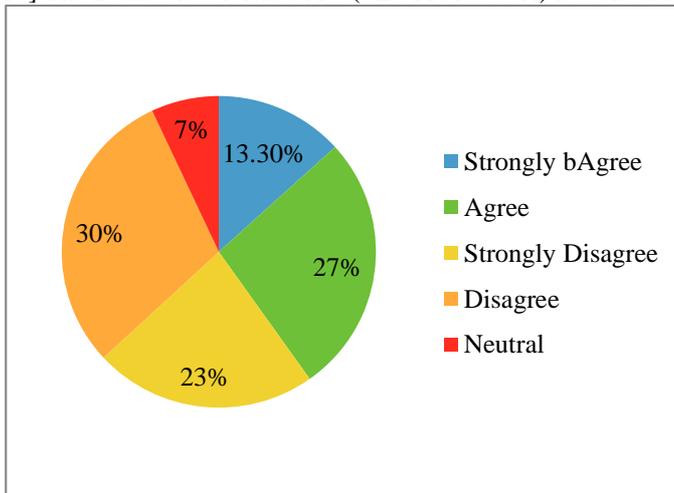
23% Agreed and 10% strongly agreed, 47% Disagreed and 17% strongly disagreed to the above statement. Whereas, 3% respondents chose to remain neutral.

9] Man should never complain about the torture he faces at the hands of woman



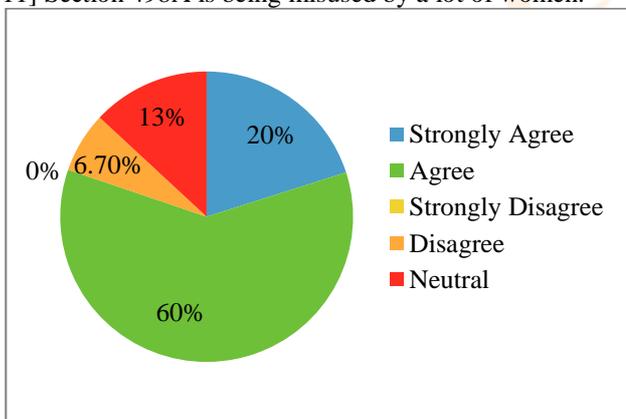
10% Agreed and none of the respondents strongly agreed to the above statement. 47% Strongly disagreed and 37% Disagreed to the statement. About 7% chose to be neutral.

10] The Domestic Violence Act (SECTION 498A) is Gender Neutral



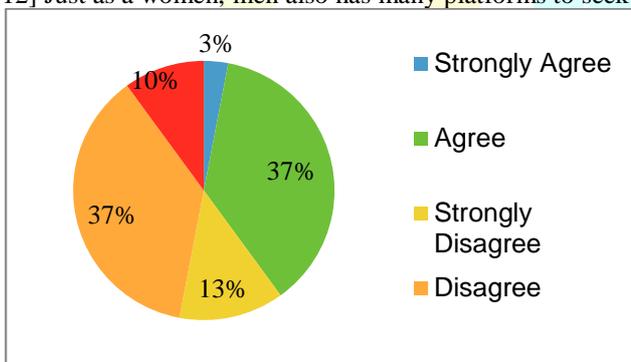
27% Agreed and 13.3 strongly agreed to the above statement. 23% Strongly disagreed and 30% Disagreed to the statement. About 7% chose to be neutral.

11] Section 498A is being misused by a lot of women.



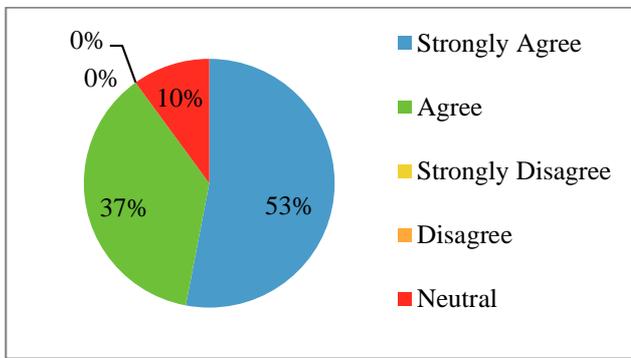
60% of the respondents have agreed whereas 20% have strongly agreed to the above statement. Only 6.7% disagreed whereas about 13% remained neutral.

12] Just as a women, men also has many platforms to seek help against domestic violence



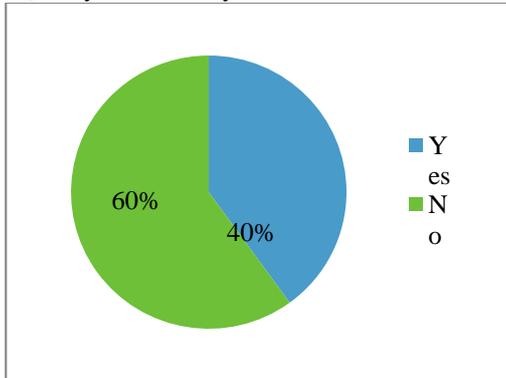
37% of the respondents have agreed whereas 3% have strongly agreed to the above statement. 37% Disagreed and 13% strongly disagreed whereas about 10% remained neutral for the same.

13] There is an urgent need to make the laws gender neutral.



53% Strongly agreed and 37% Agreed and only 10% remained neutral.

14] Do you know any male who has been a victim of Domestic Violence



The answer to the above statement was 60% No and 40% Yes. None of the respondents chose to remain neutral.

The last question was Opinion based question wherein the respondents were asked if they came across any male victim of Domestic Violence, what they would do to help the victim.

The responses ranged from Calling Cops & filling FIR to visiting NGOs. However, hardly any response stated that, “we would believe the victim first”.

**Discussion:** From the above data, it has been clearly found that Majority of the respondent’s i.e. a total of 66% have disagreed & 10% remained neutral to the statement that the Indian society treats all of its genders equally. This shows how our society favors’ one gender over the other and so the value of gender equality is still not accepted by the society.

When the respondents were asked, that only women suffer a lot of hardships when it comes to gender exploitation, a total of about 67% agreed whereas only 20% disagreed and 13% remained neutral towards the statement. This shows how the majority still believe that it is only women who face gender exploitation.

The statement “Men are safe from Gender Exploitation” A total of 40% of the respondents Agreed 43% Disagreed for the same. Whereas, 17% decided to maintain neutrality. This shows that men are no more “safe” from gender exploitation. The rate of neutrality shown by the respondents also displays the fact that still many do not accept the facet of men being unsafe.

Later when asked whether Victims of Domestic Violence are only women, majority of the population i.e. 57% agreed whereas more than 50% i.e. 17% of the respondents remained Neutral. It was only about 27% of the respondents disagreed. This shows that still majority of the population still believes that it is only women who are the victims of domestic violence. However, when asked whether Indian women never raise their hands on their husbands or male counter parts, 44% of the respondents agreed & the same number disagreed to the statement. This further displays the belief of women never raising their hands over their husbands is diminishing.

A whopping 85% of the respondents have shown a strong disagreement towards the statement that Men do not cry. This shows that even men can feel the emotional torture, pain just as a woman. So there is nothing wrong if a man cries or expresses his fear. This displays the changing mentality of Indians, at least the educated ones. But unfortunately, a total of 60% believed that it sounds ridiculous if a man complains about the torture he faces at the hands of a woman. This shows the Indian mentality of man should accept all the conditions and never complain even if he feels the pain.

Only about 33% of the respondents believed that a man is safe from crimes that woman suffer from. While 64% of the respondents believe that men too become victims of such criminal activities. Only 3% remained neutral. Only 10% of the respondents believed that men should never raise their complaints against women. Therefore, despite thinking that it is ridiculous for a man to complain, majority of the respondents are of the view that man should also start complaining.

When asked about Section 498A being Gender neutral, about 53% disagreed but 40% agreed to the same. 7% chose to remain neutral. This shows that Section 498A is not gender neutral. 80% of the respondents agreed that Section 498 A is being misused by a lot of women. This clearly highlights the fact that women take the advantage of the legal provisions in order to revenge, defame the men.

When asked if men have many platforms to seek help, majority of the respondents i.e. 50% disagreed and 10% remained neutral. This shows that men do not have many platforms like a woman. Also people are not aware of the help available for men. 90% of the respondents are of the view that laws should be made gender neutral. The remaining 10% did not disagree but remained neutral. This shows the fact that people demand equality & neutrality in laws. About 60% of the respondents said that they knew man who has been victims of domestic violence. They last question was Opinion based question wherein the respondents were asked if they came across any male victim of Domestic Violence, what they would do to help the victim. The responses ranged from Calling Cops & filling FIR to visiting NGOs. However, hardly any response stated that, “we would believe the victim

first". This shows that even if a male victim tries to speak up, his voice is suppressed by the society because of the fear of ridicule and the fear of failure to meet the expectations of patriarchal culture.

**Conclusion:** From the above discussion, it is clear that Indian society does not treat all its genders equally & believes that it is only women who face a lot of hardships than any other gender. To conclude, we can say that the **"Domestic Violence against men is a phenomena that has been largely ignored by the society as well as the law machinery. A large number of women misuse the Section 498 A, and so there is an urgent need to make the law gender neutral."** Our Indian constitution states that every person, regardless of his caste, class, race or gender should be treated equally. So we must note that man & woman should be treated equally in the eyes of law & none should be favored just because he/she belongs to a specific gender. Sadly, even if a male victim tries to speak up, his voice is suppressed by the society because of the fear of ridicule and the fear of failure to meet the expectations of patriarchal culture, which needs to be changed.

**Future Scope & Limitations:** This research can be done at a macro level by taking into consideration the view points from various sections of society. However, this research has many limitations as the data was collected not from a very large number of respondents, since the time was very limited. However it can be considered as a pilot study. Also the data was collected from highly educated people so only the viewpoints of educated class have been reflected. The view points of people belonging to different strata of the society have been left out. The study requires to be of long duration, having a larger sample and information from people belonging to various fields has to be collected.

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