

## DOMESTIC VIOLENCE AGAINST MEN IN INDIA: A SERIOUS ISSUE

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### Abstract

*In our society, when a man hits a woman, it is considered to be illegal, but when a woman commits violence against a man, it is often taken as a laughing matter. It is hardly believed by the society, that men can also be put through violence by women. For them, the male is always a delinquent and the female is always a sufferer. Just because the person is a man, does not mean he should not be victimised. Violence is not a gender issue. No person of a particular gender should have the right to inflict violence on another person. Due to the patriarchal mindset of the society, it is hardly accepted that men can also be the victims of domestic violence. We need to accept the fact that women can also abuse men. Abuse is not only physical but also psychological, verbal, emotional or sexual in nature. Domestic violence is a serious issue and it is not just faced by women. In India, there is no law that protects men from domestic violence. This research paper aims to explore the seriousness of domestic violence against men.*

**Keywords:** Domestic violence, patriarchal mindset, men victims

## Introduction

India is a patriarchal country. There is a general presumption in our society that men are strong and are supposed to conceal their emotions. If they show their emotions, they are labelled as weak and effeminate. In such environment, men feel ashamed to talk about their sufferings and bottle up their feelings, instead of speaking about it in public.

Section 498A of Indian Penal Code states that “Whoever being the husband or relative of the husband of a women, subjects such women to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.” Unfortunately, Section 498A does not recognise men as the victims of domestic violence. There are no laws on domestic violence that can protect men from the violence inflicted by women or her family members/relatives. Due to the stereotypical mentality of people, it is hardly believed that women can inflict violence on men. However, during personal interviews and interactions with a lot of men, it was observed that men also suffer from domestic violence.

According to estimates of the National Intimate Partner and Sexual Violence Survey (NISVS), male victimization is a significant public health problem.<sup>1</sup> Spousal abuse is something that is not just faced by women. There have been cases where women have taken the wrong advantage of laws provided to protect them, and have falsely accused their partners of Domestic Violence and Dowry Harassment. While the news of Dowry Harassment and crimes against women are reported extensively in the media, there are growing number of men that are at the receiving end of harassment and face physical and psychological abuse at the hands of their wives.<sup>2</sup>

Rukma Chary, General Secretary of Save India Family Foundation says that, “Domestic violence against men in India is not recognized by the law. The general perception is that men cannot be victims of violence. This helps women get away scot-free.” There should be a law to protect men from domestic violence. These laws will further help in reducing the misuse of 498A IPC.

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<sup>1</sup> CENTRES FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/men-ipvsvandstalking.html> (last visited Nov. 18, 2021).

<sup>2</sup> Dhvani Desai, *When husbands are victims of domestic violence*, THE TIMES OF INDIA, (Nov. 18, 2021, 10:09 AM), <https://timesofindia.indiatimes.com/life-style/relationships/love-sex/when-husbands-are-victims-of-domestic-violence/articleshow/26031858.cms>.

## Statistics of Domestic Violence affecting Men

**Physical abuse:** The recent study in India found out that the most common form of physical violence was slapping (98.3%) and the least common was beaten by weapon (3.3%). National Family Health Survey (NFHS) has found that an estimated 60 lakh women have perpetrated physical violence against husbands without any provocation.<sup>3</sup> In the United States of America, 1 out of 7 men have been the victims of serious physical violence by their intimate partner.<sup>4</sup> In the United Kingdom, two out of five victims of domestic violence are men.<sup>5</sup>

Suzanne K. Steinmetz in her study “The Battered Syndrome” said that “women are likely to select physical violence to resolve marital conflict as are men ... women have the potential to commit acts of violence, and under certain circumstances, they do carry out these acts.”

**Emotional and psychological abuse:** The term “domestic violence” is not restricted to physical violence. It also includes emotional, psychological and sexual violence. This type of violence specifically aims at hurting their intimate partner emotionally and psychologically. According to the community-based cross-examinal study of gender-based violence against men in the rural areas of Haryana, out of 1000 men, 51.6% men were the sufferers of emotional violence.<sup>6</sup> In 2014, a study involving 1104 male and female students in their late teens and early twenties found that women are more likely than men when it comes to aggression and controlling their emotions and are more likely to demonstrate control over their intimate partner.<sup>7</sup> Cruelty can arise from any person who has anger issues and hate inside them, irrespective of the gender.

**Sexual abuse:** Men can also be forced to have sexual activity with women. Sexual abuse happens when men deny having sex. According to study, out of 1000 men, 0.4% men had experienced sexual violence.<sup>8</sup>

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<sup>3</sup> Virag R. Dhulia, *Domestic Violence against Men: High time government addressed the problem*, NEWS 18, (Nov, 14, 2021, 10:45 AM), <https://www.news18.com/news/india/domestic-violence-against-men-high-time-government-addressed-the-problem-1004785.html>.

<sup>4</sup> NATIONAL COALITION OF DOMESTIC VIOLENCE, <https://ncadv.org/statistics> (last visited Nov. 19, 2021).

<sup>5</sup> Seep Gupta, *Domestic Violence Against Men in India*, IPLEADERS (Nov. 19, 2021, 12:32 PM), <https://blog.ipleaders.in/domestic-violence-men-india/>.

<sup>6</sup> Jagbir Singh Malik and Anuradha Verma, *A cross-sectional study of gender-based violence against men in the rural area of Haryana, India*, RESEARCH GATE (Nov. 15, 2021, 7:31 PM), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6437789/>.

<sup>7</sup> Shonee Kapoor, *Domestic Violence Against Men*, SHONEE KAPOOR, (Nov. 19, 2021, 01:32 PM), <https://www.shoneekapoor.com/domestic-violence-against-men-2/>.

<sup>8</sup> Malik and Nadda, *A cross-sectional study of gender-based against men in the rural areas on Haryana*, INDIAN J COMMU MED, <https://pubmed.ncbi.nlm.nih.gov/30983711/>.

## Causes of domestic violence against Men

**Economic Distress:** Unemployment increases the risk of domestic violence. In United States of America, the study showed that for couples where the male was always employed, the rate of domestic violence was 4.7%. When men experienced one period of unemployment the rate rose to 7.5 percent and when men experienced two or more periods of unemployment the rate of intimate partner violence rose to 12.3 percent. Unemployment of the husband at the time of violence was the major reason (60.1%) for violence followed by arguing/not listening to each other (23%) and addiction of perpetrator (4.3%).<sup>9</sup>

**Frustration:** Most women express their anger by saying hurtful things to their partners and some women do lash out in physical violence.<sup>10</sup> Cruelty can arise from any person who has anger issues and hate inside them, irrespective of the gender. Many women face anger management issues which can lead to verbal and physical violence. This can affect men mentally and physically and can cause depression.

## Consequences of domestic violence

1) **Suicide:** Domestic violence can have devastating effect on mental health and can cause depression, low self-esteem, anger and suicide. It was observed that married men committed more suicides than the unmarried men.<sup>11</sup> According to the 2002 report by World Health Organisation, women think of committing suicide more often than men, while men die of suicides more frequently.<sup>12</sup>

2) **Health problems:** Most people think that domestic violence only has physical effects on men, but there are also long-term health problems like cardiovascular, neurological, and mood

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<sup>9</sup> NATIONAL INSTITUTE OF JUSTICE, <https://nij.ojp.gov/topics/articles/economic-distress-and-intimate-partner-violence>, (last visited Nov. 18, 2021).

<sup>10</sup> Taylor Bennet, *Do men get angrier than women?*, THRIVE WORKS, (Nov. 16, 2021), <https://thriveworks.com/blog/do-men-get-angrier-than-women/> .

<sup>11</sup> Virag R. Dhulia, *Domestic Violence against men : High time government addressed the problem*, NEWS 18, (Nov. 14, 2021), <https://www.news18.com/news/india/domestic-violence-against-men-high-time-government-addressed-the-problem-1004785.html>.

<sup>12</sup> Seep Gupta, *Supra* note 5.

disorders. Short term injuries like bruising and broken bones are the other minor consequences faced by men.<sup>13</sup> About 6 of every 10 men (or 60%) experience at least one trauma in their life.<sup>14</sup>

3) **Negative effects on children:** Studies show that living with domestic violence can cause physical and emotional harm to the children and young people.<sup>15</sup> Domestic violence can disturb the family environment and can cause children to develop low self-esteem, aggressive and psychotic behaviour.

### Why are Complaints Not filed?

1) **Fear of being laughed at:** As compared to women, men are significantly less vocal about domestic violence. The phrase “men don’t cry” imposes pressure on young boys to prove masculinity to our culture. Owing to such mentality, men are often hesitant to complain, thinking that people will not believe them or will choose to ignore their problem. There have been incidents where men have plucked up the courage to go to the police station and file complaint against their abusive wife, but instead, they are threatened and laughed at by the police and neighbours. These incidents make it even more challenging for men to ask for help, and they prefer to suffer in silence as there are no laws to protect them from domestic violence.

2) **Fear of false allegations:** There are a lot of laws relating to women in India. Many women have taken the wrong advantage of Section 498A IPC and have made false allegations on their intimate partner. Men fear that their wives might file false complaints of domestic abuse or dowry harassment against them. False cases of domestic violence can have serious adverse effect on the person accused.<sup>16</sup> Scared of possible repercussions, men refrain themselves from attempting to communicate about it to the society.

In *Arnesh Kumar v. State of Bihar*<sup>17</sup>, it was found that the domestic violence case filed by the petitioner is false and that she misused the Domestic Violence Act, 2005. The Supreme Court observed that misuse of Section 498 A results in harassing the husband and his relatives by

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<sup>13</sup> Alicepare, *Effects of Domestic Violence on Men*, LAW OFFICE OF ALICE PARE, (Nov. 18, 2021, 7:20 PM), <https://divorceattorneyformen.law/blog/effects-of-domestic-violence-on-men/>.

<sup>14</sup> U.S. DEPARTMENT OF VETERAN’S AFFAIRS, [https://www.ptsd.va.gov/understand/common/common\\_adults.asp](https://www.ptsd.va.gov/understand/common/common_adults.asp) (last visited Nov 18, 2021).

<sup>15</sup> NSW GOVERNMENT, <https://www.facs.nsw.gov.au/domestic-violence/about/effects-of-dv-on-children> (last visited Nov 18, 2021).

<sup>16</sup> CPS, <https://www.cps.gov.uk/legal-guidance/false-allegations-rape-and-or-domestic-abuse-see-guidance-charging-perverting-course>, (last visited Nov 18, 2021).

<sup>17</sup> (2014) 8 SCC 273.

getting them arrested under this section. In *Bibi Parwana Khatoon v. State of Bihar*<sup>18</sup>, the court acquitted the husband and held that the court must guard against false implications of the relatives. In *Rajesh Kumar and others v. State of U.P.*<sup>19</sup>, The Supreme Court laid down comprehensive directions to prevent the misuse of provisions of Section 498A, IPC.

**3) Fear of losing custody:** Mostly, women are seen as the victims and gain sympathy in cases of child custody and domestic violence. Men fear that if their intimate partner intentionally makes false allegations of domestic violence, there would be a possibility of losing custody of their child. If children are exposed to domestic violence, it is probable that they will develop low self-esteem, aggressive behaviour and psychotic behaviour. Fathers don't want to leave their children in the hands of their abusive wife and fear that if they file a complaint, then their intimate partner (wife) will try to take their children away from them.<sup>20</sup> Men fear that they might become the victims of false allegations and hence prefer to become silent victims of domestic violence.

### **Laws on Domestic Violence against Men: Need of the hour**

Various studies have showed that men are also suffering from domestic violence. Besides there being data collected on domestic violence against men, there is no law in India to protect them from such violence. Many women have taken the wrong advantage of Section 498A IPC and have made false allegations on their intimate partner. The misuse of domestic violence can reduce if there is an addition of word "Male" in the Domestic Violence Act, 2005.<sup>21</sup> Domestic violence should not be differentiated by gender and should be considered as spousal violence.

### **Suggestions**

So long as the fallacy exists that men are always the delinquent and women are always the victims, it will be tough for the male victims to report such violence to the police. There is a need for more interactions, interviews and researches on this issue. We can together bring the

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<sup>18</sup> (2017) 6 SCC 792.

<sup>19</sup> 2017 SCC OnLine SC 821).

<sup>20</sup> Mayo Clinic Staff, *Domestic violence*, HEALTHY LIFESTYLE ADULT HEALTH, (Nov. 17, 2021, 10:30 PM) <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/domestic-violence/art-20048397>.

<sup>21</sup> Architibatra, *Misuse of the Protection of Women from Domestic Violence Act, 2005*, NITIMANTHAN, (Nov. 18, 2021, 11:30 AM), <https://nitimanthan.in/blog-posts/blog-niti-manthan/2020/01/23/misuse-protection-women-domestic-violence-act-2005/>.

change by organising more campaigns to raise awareness on domestic violence faced by men and hence, break the cycle of violence. Mass media can be used to spread the message and bring behavioural change in the society.

### **Conclusion**

The saying that “men don’t cry” and “men don’t feel pain” is a fallacy. With the increasing false cases of dowry harassment and domestic violence, there are growing number of men getting harassed by their wives and her relatives. Domestic violence can happen to anyone irrespective of gender, race, case, creed or culture. Many men are suffering in silence and if this issue is not taken seriously, then domestic abuse will continue with no end. This demands the future investigation and gender-neutral laws on domestic violence in India.



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