

## GROWING ISSUE OF VIOLENCE AGAINST MEN

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The Indian Constitution, in Article 14, states that all individuals should be treated equally under the law, without any discrimination based on caste, race, religion, place of birth, or gender. It also ensures that every individual, irrespective of gender, has the fundamental right to protection of life and personal freedom, as detailed in Article 21, which has been expanded by the Supreme Court (SC) through numerous cases as required. The term 'right to life and personal liberty' encompasses multiple dimensions, including but not limited to the right to work, the right to a clean and healthy environment, the right to a secure workplace, the right to a fair trial, and the right to privacy, as clarified by the SC on various occasions.

Moreover, the Supreme Court in the groundbreaking case of *Maneka Gandhi v. Union of India* stated that "the right to life and personal liberty under Article 21 is not confined to basic survival but encompasses the right to live with dignity." However, in spite of this, the gender specificity of laws regarding issues like sexual harassment, voyeurism, stalking, rape, cruelty, and domestic violence has remained a contentious matter, resulting in extensive debates and discussions over a significant period. While crimes against women have been recognized and given appropriate focus by legislative bodies, the persistence of deeply entrenched patriarchy has obstructed the acknowledgment of males as victims, both in society and within the criminal justice system.

Violence perpetrated by women against men has become a prevalent issue today. This encompasses economic, physical, sexual, and emotional abuse, along with psychological harm that negatively impacts a person's mental and physical well-being. Both men and women can be victims of gender-based violence.

In a nation like India, which has been dominated by male perspectives for centuries, it is difficult for people to accept that men can also suffer from domestic violence just as women do.

There may be reasons why the legal framework in India does not acknowledge domestic violence against men. Nonetheless, contrary to widespread belief, the instances of men experiencing psychological and physical abuse at the hands of women are on the rise.

### <sup>464</sup>HISTORY OF MEN ABUSE IN INDIA

The men's rights movement in India consists of several autonomous men's rights organizations throughout the country. Supporters of this movement advocate for the establishment of gender-neutral laws and the abolition of regulations that favour men negatively. They claim that instances of domestic violence against men have risen over time, with many incidents going unreported as men are often embarrassed to speak out or fear false allegations in retaliation. Additionally, some men's rights advocates believe that India's laws regarding rape and sexual harassment are skewed against men.

### 1990s- 2000s

The initial men's rights organizations in India emerged during the 1990s in cities like Kolkata,

<sup>464</sup> Contributors to Wikimedia projects. (2007, October 1). *Men's rights movement in India* - Wikipedia. Wikipedia, the free encyclopedia. [https://en.wikipedia.org/wiki/Men's\\_rights\\_movement\\_in\\_India](https://en.wikipedia.org/wiki/Men's_rights_movement_in_India)

Mumbai, and Lucknow, where groups like **Pirito Purush** (The Persecuted Man), **Purush Hakka Samrakshan Samiti** (Committee for the Protection of Men's Rights), and **Patni Atyachar Virodhi Morcha** (Protesting Torture by Wives) were established. These organizations advocated for men's rights, particularly those of husbands, and held the view that it was necessary to reverse some feminist reforms. The formation of these three groups was a direct response to perceived misuse of Section 498A of the Indian Penal Code.

Later, a helpline for men in distress was launched. "**Save Indian Family**" was established on 9 March 2005 through the amalgamation of various family rights groups from across India. On 19 November 2007, the Save Indian Family Foundation marked the celebration of International Men's Day for the first time in India.

#### <sup>465</sup>**Shoaib Malik Case**

In April 2010, as Pakistani cricketer Shoaib Malik faced allegations of infidelity from a woman named Ayesha Siddiqui from Hyderabad, just prior to his wedding with tennis player Sania Mirza, SIFF issued a statement backing Malik and requesting the return of his passport. It also expressed concerns regarding the misuse of Section 498A of the Indian Penal Code.

In 2009, Renuka Chowdhury, the head of the Ministry of Women and Child Development, agreed to meet with men's rights activists to address their concerns about legislation perceived as biased. On June 25, 2009, these activists were invited to discuss potential amendments to the laws. However, on June 24, the ministry altered the meeting's agenda, with officials stating they were "unwilling to acknowledge any flaws in the existing laws." This statement provoked anger among the activists, leading to numerous complaints directed at the Indian government. A week later, government

representatives indicated a willingness to reconsider the current legislative framework.

#### **2014's general elections**

In the lead-up to the 2014 Indian general elections, on 11 January 2014, the National Coalition for Men in Kolkata presented their call for the establishment of a men's ministry and a men's rights panel to all political parties in India. They also unveiled their manifesto titled "Menifesto," which focused on men's issues and the necessity for governmental provisions to address these concerns. Additional demands included the implementation of gender-neutral laws, assistance for men who were acquitted, expedited trials for the accused enduring prolonged custody, and equal rights in child custody matters. The National Coalition for Men engaged with political parties nationwide to encourage them to incorporate men's rights into their manifestos. Amit Gupta indicated that they might launch their own political party if their requests were overlooked. On 28 March 2014, Amit Gupta called on voters throughout the country to consider using the "None of the above" (NOTA) option in the upcoming general elections, asserting that no political party was acknowledging their demands for gender-neutral laws and a Ministry of Men's Welfare.

In early April 2014, the Save Indian Family Foundation (SIFF) sent four inquiries concerning men's issues to various political leaders. Anil Kumar from SIFF stated that their voting decision in the 2014 election would hinge on the replies they received. He noted that a survey among SIFF members suggested minimal support for both the Congress party and the Communist Party of India. The four questions posed included whether the party would propose a bill aimed at protecting men from domestic violence, whether biological fathers ought to receive partial custody in shared parenting arrangements during divorces, whether consensual sex under the false promise of marriage should be classified as rape, and if a man should be labelled a rapist for ending a relationship with his girlfriend, as well as

<sup>465</sup> Shoaib Malik: Love, allegations of sex, and dhoka. (n.d.).  
www.ndtv.com. <https://www.ndtv.com/india-news/shoaib-malik-love-allegations-of-sex-and-dhoka-414556>

whether the party would establish men's studies programs in universities similar to existing gender studies offerings.

On 16 April 2014, men's rights groups encouraged their supporters to vote for the Samajwadi Party or to select "None of the above" (NOTA). Amit Lakhani, an activist from the Save Family Foundation based in New Delhi, endorsed the Samajwadi Party, stating that it was the only political group to include men's issues in its manifesto.

#### <sup>466</sup>FACTORS INFLUENCING VIOLENCE AGAINST MEN

##### 1. Traditional Patriarchal Norms and Abuse of Men

- **Rigid Gender Roles:** In the patriarchal culture of India, men are typically viewed as providers and protectors, providing little opportunity for emotional openness. This societal pressure often results in psychological and emotional mistreatment when men do not fulfil these expectations.
- **Suppression of Emotions:** Cultural upbringing discourages men from showing their emotions, deeming such behaviour as "unmanly." This has historically left male abuse victims without a voice or support.

##### 2. Domestic Violence Against Men

- **Underreported Phenomenon:** Incidents of domestic violence against men by wives or relatives are not widely reported in India because of societal taboos and the belief that men cannot be victims.

##### 3. False Allegations

- **Section 498A of IPC:** Initially implemented to safeguard women from dowry-related harassment, this law has sometimes been misused, resulting in men facing false accusations that lead to harassment and financial exploitation.
- **Social Repercussions:** Men accused of dowry harassment or domestic violence frequently endure societal ostracism, employment loss, and mental health issues even when proven innocent.

##### 4. Sexual Abuse of Men

- **Taboo and Silence:** The sexual abuse of men, particularly boys, is a significant issue that remains largely unaddressed due to stigma and shame.
- **Child Sexual Abuse:** Reports, such as the one from the Ministry of Women and Child Development in 2007, indicate that a substantial percentage of boys in India face sexual abuse during their childhood.
- **Workplace Harassment:** Men also experience sexual harassment in the workplace, yet

<sup>466</sup> *A Cross-sectional Study of Gender-Based Violence against Men in the Rural Area of Haryana, India* - PMC. (n.d.). PMC Home. <https://pmc.ncbi.nlm.nih.gov/articles/PMC6437789/#:~:text=Gender%20symmetry%20does%20not%20exist,factor%20for%20bidirectional%20physical%20violence.>

there are few legal protections or institutional mechanisms available to address their concerns.

### 5. Male Suicides and Abuse

- **Suicide Rates:** As reported by the National Crime Records Bureau (NCRB), the majority of suicide cases in India involve men. Factors contributing to this include financial stress, family conflicts, and a lack of emotional support.
- **Family and Societal Pressure:** Men often carry the responsibility of being the primary earners, which can lead to stress and abuse within family relationships.

#### <sup>467</sup>INSIGHT INTO THE FIGURES AND STATISTICS

Gender-based violence is acknowledged as a global issue impacting public health and human rights, resulting in significant rates of illness, death, depression, substance abuse, suicide, and posttraumatic stress disorder.

India has historically been a male-dominated society, making it difficult for many to accept that men can be victims and women can be perpetrators. Moreover, domestic violence against men is not legally acknowledged in the country. Nonetheless, in contrast to prevalent beliefs, there is a rising number of men who experience harassment and endure both psychological and physical abuse from women.

A Cross-sectional study of Gender-based violence against men in the Rural area of Haryana, India, funded by ICMR using multistage random sampling in which a total of 1000 married men in the age group of 21–49 years were interviewed using modified conflict tactics scale. This study was conducted within the community and utilized a cross-sectional design, focusing on rural households as the unit of analysis. Participants included married men within the age range of 21 to 49 years. In India, the minimum legal marriage age for males is 21.

<sup>467</sup> ibid

Men over the age of 49 were excluded to reduce recall bias and to prevent discomfort relating to discussions about sexual topics in this particular age group.

**Results:** Among a group of 60 males, 25 (2.5%) reported experiencing physical violence within the past year. The predominant type of physical violence was slapping (98.3%), while the least common form was being beaten with a weapon (3.3%). In just 10% of the incidents (seven males), the physical assaults were classified as severe. In every instance, the spouse was the perpetrator of the physical violence.

Regarding emotional violence, 85% of victims faced criticism, 29.7% were insulted in public, and 3.5% were threatened or harmed. From a total of 516 victims, 20 (3.9%) reported experiencing it in the last year. Out of 1000 respondents, only four (0.4%) had faced sexual violence, with just one individual having experienced it in the previous 12 months. A single female was reported to have physically forced her partner into sexual intercourse, while three others compelled their partners to engage in sexual acts against their will.

The primary reason for the violence was the husband's unemployment at the time, accounting for 60.1%, followed by disputes or lack of communication (23%) and the perpetrator's addiction (4.3%). Factors such as uncontrolled anger and ego issues made up the remainder of the cases.

Factors that were significantly linked to gender-based violence included neither caste nor socioeconomic status showed a significant association with male violence. Having an earning spouse with at least a graduate level of education notably increased ( $n = 60$ ) the risk of bidirectional physical violence.

In India, even with available statistics on domestic violence against men, there is still a prevalent belief that these incidents are exclusively directed towards women. A study funded by the Indian Council of Medical Research, conducted over one year in Rohtak,

Delhi, revealed that out of a sample of 1,000 men, 515 had experienced violence from their spouses. While the majority (49.6%) reported experiencing emotional abuse, instances of physical violence (0.6%) and sexual violence (0.4%) were also noted. Additionally, data from the National Family Health Survey conducted between 2005 and 2006 indicated that around 6 million women were responsible for committing physical violence against their husbands without any justification. Moreover, men often experience violence from their wives' relatives and family members more than they do from their wives themselves, and when this type of violence is included, it leads to a staggering 30 million cases of domestic violence against men in India.

<sup>468</sup>Both genders can be both victims and offenders of physical and sexual violence. Nonetheless, the data reveals that these occurrences are distinctly influenced by gender.

Overall, men are more frequently victims of physical violence, which is predominantly perpetrated by males:

- Close to 40% of men (39% or 3.5 million) have faced violence from a male perpetrator, whereas about one in eight (12% or 1.1 million) have been victimized by a female perpetrator (ABS, 2017).

This male perpetrator is typically unfamiliar to the victim:

- The majority of men experienced physical violence at the hands of a male stranger, with over a quarter (26% or 2.4 million) having faced this type of violence, in contrast to 2.3% (205,500) who encountered physical violence from a female stranger.

Even when the perpetrator is known to the man, they are still more likely to be male:

- Men were about twice as likely to have experienced physical violence from a male acquaintance (18% or 1.6 million)

compared to a female known person (9.4% or 849,600). Additionally, an estimated 6.5% (587,900) of men reported experiencing physical violence by a male acquaintance or neighbour.

#### <sup>469</sup>CASE LAWS RELATED TO MEN VIOLENCE IN INDIA

##### 1. Sushil Kumar Sharma v. Union of India (2005)

The Supreme Court determined that complaints filed under Section 498A of the Indian Penal Code often carried ulterior motives aimed at personal vendettas. Section 498A (IPC) has faced significant criticism for being misused as a tool for domestic extortion against husbands and their families. The misuse is frequently attributed to the vague and broad language concerning the husband's family, health (both mental and physical), and the potential for driving someone to suicide. The definition of cruelty under Section 498A (IPC), particularly regarding mental cruelty, is notably ambiguous, making it susceptible to misuse and challenging for the accused husband to counter. The main reason for the malicious application of Section 498A (IPC) is that it grants law enforcement personnel the power to arrest the husband, and his relatives based solely on the wife's allegations, without any inquiry taking place. There is a prevalent belief that the husband's arrest will empower the wife and give her greater leverage in domestic matters. It has become increasingly common to detain the most respected relative of the husband to apply pressure on him.

##### 2. Preeti Gupta & Anr vs. State of Jharkhand & Anr

Dated 13 August 2010, the court observed that numerous complaints often include exaggerated details. It pointed out the

<sup>468</sup> (n.d.). IJNRD - UGC CARE Journal Norms and Guidelines follow - International Journal of Novel Research and Development. <https://www.ijnrd.org/papers/IJNRDTH00108.pdf>

<sup>469</sup> ibid

common trend of holding the husband and his relatives accountable. The circumstances are so sensitive that a man can be detained solely due to his marriage to the woman in question; additionally, the applicable law can also be exploited to target women who are connected to the aggrieved husband, such as his mother or sisters, indicating that it is being maliciously abused by one woman against another.

### 3. **Arnesh Kumar Vs. State of Bihar (2014)** **8 SCC 273**

#### **Facts**

The woman reported that she was expelled from the marital home due to her failure to pay the demanded dowry. The husband sought anticipatory bail but was rejected. Consequently, he filed an application for extraordinary leave to the Supreme Court.

#### **Ruling**

- The court remarked in this matter that dissatisfied wives often use Section 498A of the Indian Penal Code as a means of attack rather than protection, as it is a cognizable and non-bailable offense.
- Arresting the husband and his relatives under this provision results in harassment, and it is distressing to witness elderly individuals who are bedridden being taken into custody without a sufficient preliminary case.
- The Court determined that an arrest made under Section 498A of the Indian Penal Code or Section 4 of the Dowry Prohibition Act, 1961, should be based on a reasonable belief in the validity of the allegation and outlined specific guidelines for law enforcement to adhere to when making such an arrest. Furthermore, Magistrates need to be careful before sanctioning a detention that relies solely on a predetermined set of criteria.

### 4. **Manju Ram Kalita Vs. State of Assam**

#### **Facts:**

The wife lodged a complaint against her husband alleging both physical and mental cruelty under Section 498A of the Indian Penal Code. However, the husband has categorically denied all the allegations.

#### **Held:**

- As the term "cruelty" can have various interpretations across different laws, the Court determined that it should be assessed solely in relation to Section 498-A of the Indian Penal Code.
- To resolve this matter, one must evaluate the man's conduct, the severity of his actions, and the potential risk that they might drive the woman to suicide.
- The woman is required to demonstrate that she has faced consistent mistreatment, or at the very least, some recent acts of cruelty, prior to filing the complaint.
- The Court also noted that trivial disputes do not qualify as "cruelty" under Section 498-A of the Indian Penal Code.

#### **<sup>470</sup>EQUALITY TO ALL, DISCRIMINATION AGAINST NONE**

Article 14 of the Constitution guarantees equality to all individuals, regardless of their citizenship status. Furthermore, Article 15(1) explicitly forbids discrimination against any citizen based on religion, race, caste, gender, place of birth, or any combination thereof. A society that views women and men as equal partners is akin to a well-balanced chariot, progressing steadily towards advancement and prosperity. The Supreme Court has made significant efforts to dismantle the entrenched

<sup>470</sup> Nandini. (2024, June 25). *Domestic Violence Against Men in India: A Constitutional Analysis*. TSCLD. <https://www.tsclid.com/domestic-violence-against-men-india>

roots of patriarchy within Indian society to uphold gender equality, which is essential for a nation's development and was also the intention of the Constitution's framers. In the case of *Vishaka & Ors v. State of Rajasthan*, the Supreme Court established comprehensive guidelines to address the issue of sexual harassment in the workplace, citing gender-equality violations, while in *Joseph Shine v. Union of India*, the decriminalization of adultery was based on an infringement of Article 14 among other reasons.

It is important to recognize that discrimination opposes equality, and embracing true equality will enhance the dignity of every person. However, the failure to acknowledge domestic violence against men has hindered these victims from recognizing their own victimization. It is accurate that the introduction of Section 498A into the IPC and the creation of the PWDVA were necessary for a society where women were often treated as property and subjected to violence from their husbands and families. Nonetheless, the rising instances of violence against men now call for a gender-neutral approach.

Although the State, as outlined in Article 15(3), is permitted to create special provisions for the advancement of socially and educationally disadvantaged classes of citizens, including Scheduled Castes and Scheduled Tribes, it must ensure reasonable classifications to prevent such legislation from being arbitrary or discriminatory. Social, economic, and revenue factors are acceptable parameters for classifying a specific group. Therefore, valid classification essentially equates to valid discrimination. The failure to recognize men as victims within domestic abuse legislation clearly violates Article 14. While a discernible difference exists based on sexual orientation, it lacks a rational connection to any legitimate state purpose. Legislation should aim primarily to safeguard the fundamental rights of individuals who suffer physical and emotional distress at the hands of their abusers, as well as the loss of self-respect in their own perceptions.

It is unfortunate that despite the Preamble of the Constitution reflecting the values of Equality and Social Justice, the government is excessively focused on women's rights, leaving male victims without any legal recourse to seek justice.

While laws concerning domestic violence highlight the abuse suffered by women—an issue that not only impacts the individual woman but also constitutes a crime against humanity and reflects poorly on the justice system—it's regrettable that no current legislation acknowledges domestic violence against men. Although these gender-specific regulations guarantee women their rights to dignity, bodily privacy, integrity, and autonomy, men are denied these same rights, which are gender-neutral and guaranteed to all individuals by the Constitution. In fact, these rights are not only fundamental but also essential human rights, protected under Articles 1, 2, 7, and 12 of the Universal Declaration of Human Rights, 1948, to which India is a signatory.

Although the disparity in the number of male and female victims is significant, it is important to recognize that Indian society is predominantly patriarchal, where men are expected to conform to specific emotional behaviours. Deviating from these expectations can result in ridicule and social exclusion from peers. This not only raises issues of gender inequality but also adversely affects men, leading to conditions such as post-traumatic stress disorder, depression, and anxiety. Even when a victim tries to overcome societal stereotypes and patriarchal constraints, he often finds himself feeling discouraged and hopeless due to the lack of any supportive legislation in the country.

The right to a quality life is upheld as a core principle under Article 21 of the Constitution, and failing to acknowledge that men can be victims of domestic violence clearly undermines this fundamental right. While countries like the USA, UK, Canada, Australia, Sweden, and Norway

have adopted a gender-neutral approach, it is imperative for India, where the incidence of domestic violence against men is notably high compared to other nations, to recognize the infringement of men's fundamental rights and introduce gender-neutral legislation.

### CONCLUSION

While not many research studies and surveys focus on domestic violence against men, the available data is sufficient to acknowledge its existence in society. However, it is often recognized only when a high-profile case is in the spotlight. One notable instance is when the famous Hollywood actor, Johnny Depp, provided evidence of domestic abuse by his ex-wife during their defamation trial. Unfortunately, incidents like these are frequently dismissed as isolated cases, with the prevailing belief often overlooking the possibility of male victims.

As society evolves, so do the needs and demands of individuals, and the law should adapt accordingly. It is crucial to remember that laws are created to serve the people, ensuring they can live freely without undue interference, protecting their rights from infringement by others, including the State (except in situations aligned with due process), and guaranteeing that justice prevails in society—which comprises more than just one gender.

Although there are challenges regarding the gender neutrality of domestic violence laws, one cannot ignore those victims who are truly suffering and seeking legal help. It is vital to challenge the cultural beliefs and biases that contemporary society holds against men, who are often only seen as perpetrators of various crimes, including domestic violence. It is essential for both the legislature and the judiciary to recognize the gaps in the laws concerning domestic violence and work together to attain social justice and gender equality, not just theoretically but in practice as well.

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