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# **SOCIOCULTURAL AND LEGAL ASPECTS OF VIOLENCE AGAINST MEN**

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## **ABSTRACT**

Domestic abuse is always brought up in the context of women. The culprit is always thought to be a man. Domestic violence, however, is no longer restricted to women due to recent socioeconomic developments influencing family structures. Men are also subjected to verbal, physical, emotional, psychological, and sexual abuse. Men are silent victims of these harmful acts 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.

## INTRODUCTION

The phrase "domestic violence" refers to a wide variety 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 injury but also threatening, verbal, psychological, and sexual abuse.<sup>1</sup> The main distinction between other assault offences and domestic violence is the relationship between the abuser and the victim. Domestic violence is always thought to be perpetrated towards women in India. Men, too, are victims of domestic abuse, as evidenced by personal contacts with many guys in society and in organised settings such as businesses and workplaces. Society does not think that a woman can inflict violence on males because of preconceived gender norms. Many courts have also weighed in on women's fraudulent claims of domestic abuse. 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 it.

The purpose of this article is to examine the present state of violence against males, as well as the likely causes and consequences of unsolved and underreported violence against them. It also goes into the legal and societal implications of this, as well as the preventative methods that may be used to reduce male aggression.

## COMPARISON OF INDIA AND OTHER COUNTRIES

In recent Indian research,<sup>2</sup> the prevalence of spouse/intimate partner violence (51.5%) was found to be greater than data obtained for domestic violence under the Partner Abuse State of Knowledge Project (PASK) from the United States, Canada, and the United Kingdom (19.3%).<sup>3</sup>

In India, domestic violence became a criminal offence in 1983. The crime is punishable under Indian Penal Code section 498A.<sup>4</sup>

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<sup>1</sup> FindLaw. Domestic violence against men. (Aug. 10 2021, 10:04 AM), <https://family.findlaw.com/domestic-violence/domestic-violence-against-men.html>

<sup>2</sup> JS. MALIK, & A. NADDA. 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

<sup>3</sup> J. HAMEL Facts and statistics on domestic violence at-a-glance. *DV Research.* (Aug. 12 2021, 12:10 PM) <https://www.domesticviolenceresearch.org/domestic-violence-facts-and-statistics-at-a-glance/>

<sup>4</sup> National Family Health Survey (NFHS-3). *2005–06 Domestic Violence: India*. Vol. 1 Mumbai: International Institute for Population Sciences; 2007. (Sep. 01 2021, 10:15 AM) <http://www.measuredhs.com/pubs/pdf/FRIND3/15Chapter15.pdf>

## PREVALENCE

In the scientific literature, there is a scarcity of study data on domestic violence against males.

According to a recent survey, 51.5% of men had encountered violence from their wives/intimate partners at least once in their lives, with 10.5% experiencing it in the past year.

According to the National Family Health Survey of 2004,<sup>5</sup> this violence is not always perpetrated by the female partner/wife, but is frequently perpetrated by a male relative of the woman who hits or threatens the man. When physical abuse and threats from the wife's family are included in, an estimated 3 crore men in India are victims of domestic violence.

Between April 2005 and March 2006, 1,650 men were interviewed and their personal situations looked investigated as part of a research undertaken by My Nation and Save Family Foundation (Delhi) on domestic abuse against males. According to the findings, Indian women were the most aggressive and domineering.<sup>6</sup>

Domestic abuse has been experienced by 98% of the respondents from all across India at least once in their lifetimes. The study included Indian husbands from a variety of socioeconomic backgrounds, although the majority of the participants were from the upper middle and middle classes, according to the researchers.

Physical violence against women was found to be significantly greater, at 35 percent and 26.9%, respectively, by Nadda et al.,<sup>7</sup> indicating that Indian women are far less physically violent than Indian males. In India, there is no gender parity when it comes to physical violence.

## TYPES OF VIOLENCE

Domestic abuse is a kind of violence that impacts a person's life in every manner, including physically, mentally, emotionally, and psychologically, and is a violation of basic human rights

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<sup>5</sup> VR. DHULIA. Domestic violence against men: High time government addressed the problem; 2015. (Sep. 03 2021, 12:30 PM) ://www.news18.com/news/india/domestic-violence-against-men-high-time-government-addressed-the-problem-1004785.html

<sup>6</sup> S. SARKAR, R. DSOUZA & A. DASGUPTA. *Domestic Violence against Men: A Study Report by Save Family Foundation*. New Delhi: Save Family Foundation; 2007. (Sep. 03 2021, 10:45 AM) <https://ipc498a.files.wordpress.com/2007/10/domestic-violence-against-men.pdf>

<sup>7</sup> A. NADDA, JS. MALIK, R. ROHILLA, S. CHAHAL, V. CHAYAL & V. ARORA. Study of domestic violence among currently married females of Haryana, India. *Indian J Psychol Med*. 2018; 40:534-539.

all over the world. Emotional violence was found to be the most prevalent form of marital abuse, followed by physical violence, according to a recent study by Malik and Nadda.

- **Physical Violence:** This can involve slapping, shoving, or beating the spouse by the wife, her parents, or relatives, as well as hurling utensils, mobile phones, or crockery at him. Slapping was found to be the most prevalent type of physical violence (98.3%), while being beaten with a weapon was the least common (3.3%). Physical attacks occurred in just one-tenth of the instances.
- **Psychological Violence:** In cases of emotional aggression, 85% of the males were criticised, 29.7% were insulted in front of others, and 3.5% were threatened or injured. It can also take the form of psychological abuse, such as repeated threats to the husband and his family based on false dowry and domestic violence claims.

## SEXUAL ABUSE

If the husband rejects sex, this might happen. Only 0.4 percent of males had experienced sexual assault, according to research by Malik and Nadda.

## TYPES OF CRIMES COMMITTED AGAINST MEN IN INDIA

Men, too, might be forced into sexual behaviour at home or at work to escape punishment or to gain some benefit. A young guy with high qualifications and wealth is kidnapped and forced to marry without his permission in several Indian states.

False rape and other accusations like molestation are also frequent. Because law and society have always favoured females as the weaker sex, many fraudulent sexual abuse/rape charges are filed against men. This is true in situations involving males under 498A (domestic abuse) and fake dowry, and several courts have said as much during their procedures.

## SOCIOCULTURAL AND PSYCHOLOGICAL DIMENSIONS OF VIOLENCE AGAINST MEN

In a domestic setting, there can be a variety of causes for violence towards males.

- **Sociocultural:** A study found that lower income, middle-class education, nuclear family structure, and the impact of alcohol were all risk factors for violence against males. A working spouse with a high school diploma was discovered to be a risk factor for bidirectional physical violence. Men's violence was not shown to be substantially

related with caste or socioeconomic position. Physical violence can be perpetrated by both spouses against each other in couples when one spouse earns and is educated up to graduation level.

- **Psychological:** Many women struggle with anger control, and as a result, they become violent, resulting in verbal or physical violence. Women who are stressed at work experience frustration and rage as a result of unmet expectations, and so may engage in violent conduct. One of the causes contributing to violence may be financial limitations caused by the husband's low income and/or the wife's higher income.

## **SOCIAL AND LEGAL REASONS FOR UNDERREPORTING**

Men believe it is humiliating to be beaten by a woman in a male-dominated culture, therefore they do not disclose the assault. Family pressure also stops them from pursuing legal action, and they are frightened of being caught up in a false charge under Section 498A. People do not believe males who claim domestic abuse and violence. When these men try to complain about these issues in their marriages and families, no one listens. Many men are embarrassed to admit that they have been beaten by their spouses.

Underreporting is likely due to a combination of factors, including a belief and hope that things will improve, a fear of losing social respect and status, protection, love for their children and family, and a fear of being accused. In the male-dominated Indian society, complaining by males might be seen as "feminine conduct."<sup>8</sup>

## **EFFECT OF DOMESTIC VIOLENCE AGAINST MEN**

Any form of violence has an impact on a person's physical, mental, emotional, and psychological well-being. It also constitutes a violation of fundamental human rights. Unreported and undetected violence against males can lead to denial, divorce, despair, and, in the worst-case scenario, death. Suicides were found to be more common among married males than in separated/unmarried men. According to WHO (2002), women are more likely to consider suicide, but men are more likely to commit suicide. In society, this is referred to as a gender paradox.

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<sup>8</sup> A. KUMAR. Domestic violence against men in India: A perspective. *J Hum Behav Soc Environ*. 2012;22(3):290-296.

According to the World Health Organization,<sup>9</sup> being exposed to violence increases the risk of smoking, alcoholism, and drug abuse, as well as mental illness and suicidality, chronic diseases like heart disease, diabetes, and cancer, infectious diseases like HIV, and social problems like crime and more violence.

## **LEGAL ISSUES**

Despite the fact that there is evidence of violence against males, the government has failed to pass a law to protect men. Women are considered victims in all domestic violence legislation. Antidowry legislation such as the Dowry Prohibition Act of 1961 and subsequently Section 498A of the Supreme Court of India have previously expressed concern and requested the government to halt "Legal Terrorism"<sup>10</sup> in the form of misuse of 498A and make the required reforms.

## **OTHER LAWS IN FAVOR OF WOMEN**

Man is held responsible for adultery. A man cannot file a complaint against his wife or in-laws since there is no law that allows him to do so. In reality, the wife almost always files a bogus 498A complaint against him. A woman is treated more compassionately and as a victim when it comes to divorce and child custody legislation. The same may be said for child support following a divorce. The incidence of false rape and sexual harassment claims against males is on the rise.

## **NEED FOR GENDER NEUTRAL LAWS**

A legislation that may address false claims of assault or dowry is urgently needed in instances when males are wrongfully accused of these crimes. Both men and women should have equal access to human rights and gender equality.

Domestic violence should be treated the same as marital violence, with no distinction made based on gender. In India, the domestic violence legislation exclusively applies to women. According to studies, men are also victims of domestic violence perpetrated by women. As a result, essential modifications to address male aggression are proposed.

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<sup>9</sup> World Health Organization. Violence prevention; 2019. (Sep. 05 2021, 10:30 PM)  
[https://www.who.int/violence\\_injury\\_prevention/violence/en/](https://www.who.int/violence_injury_prevention/violence/en/)

<sup>10</sup> Sushil Kumar v. Union of India AIR 2005 (6) SC 266

## CONCLUSION

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 concern, with appropriate policies and treatments adopted. They, too, require assistance in times of stress and family violence, particularly from their spouses. Domestic abuse against males must be included as a criminal violation in laws and regulations. The cornerstones of society and a family are men and women. As a result, laws are essential to protect both parties from marital abuse.

Everyone should be treated equally under the law. Providing preferential privileges to one of the two is unjustified from any perspective. In the eyes of the law, both men and women are equal. If one of the two is selected, it is not an exaggeration to suggest that families and civilizations will be destroyed. It is now necessary to create rules that will penalise women who entangle their husbands and in-laws in fictitious lawsuits. It is the government of India's highest responsibility to take appropriate actions in this direction. Consideration of the modern woman as defenseless has become such a weapon for women that they are exploiting it to file false lawsuits and abuse protective legislation.

Our Parliament passes laws that encourage women to take advantage of additional privileges. In a variety of situations, men feel powerless. Between men and women, especially between husband and wife, a balance should be maintained. The legislation should be created by our Parliament with both sexes in mind, i.e., man and woman, so that no harassment may be perpetrated against either of the parties by abusing the laws. The terrible repercussions of false allegations should be communicated to women and their family so that they reconsider commencing legal actions against men hundreds of times. Above all, both the husband and wife, or man and woman, should exercise patience and attempt to understand one another in order to build a civilized society.