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What about the Men who face Domestic violence?

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We all are well aware of the causes and the effects women have to face when they become a substitute for punching bags for people around them. The notion of 'Domestic Violence' very well comes into conversations because of the injustice women have to survive. But that doesn't negate the fact that men, at times, are the survivors of domestic violence too. The preconceived stigma that considers men being strong enough and not having the liberty to show their grief, tears, and pain has destroyed many minds, broken many hearts, and tormented the souls of countless men in the world. Even if men have tried to express their grief, they have been shunned for acting as per feminine characteristics. Why? Aren't males, humans? Why don't men have the freedom to talk about their pain and fight for justice against somebody of another gender? Domestic violence is defined as violent or aggressive behaviour that occurs within the house, usually involving the abuse of a spouse or partner. It's when someone commits violence against someone in his or her immediate family. In India, domestic violence became a criminal offence in 1983. The offence is punishable under the Indian Penal Code section 498A. Recently, the defamation case of Johnny Depp vs Amber Heard brought much-deserved attention to the abuse men have to be the survivors of.¹ This article will detail the situation of men in India and the world as per the context of domestic violence and would explore and identify the probable reasons and effects of underreported violence against them.

Keywords: *domestic violence, abuser, emotional vulnerability, social stigma.*

¹ 'Johnny Depp, Amber Heard defamation verdict explained: Each count the jurors considered' (*The Indian Express*, 2 June 2022) <<https://indianexpress.com/article/explained/johnny-depp-amber-heard-defamation-trial-verdict-explained-7948514/>> accessed 06 June 2022

INTRODUCTION

It is very uncommon in India and the world to hear from a man about the abuse he has faced. It is highly likely that men hardly face any abuse but it doesn't mean that they don't face it all. In a world where every day the news reports are flooded with women having to suffer from domestic violence, certain other sufferers who have been the victim of the same and are men, sideline themselves with the fear of being a topic of either ridicule or with the fear of being the limelight of a controversial case. Before throwing light on the reasons men hesitate in reporting abuse, let us study the reasons behind what makes a spouse abuse his/her better half?

WHY DOES THE ABUSER ABUSE?

The foremost reason for an abuser using his potential power for abusing his/her spouse is the identification of the person as an object in his/her mindset. The person being abused is no longer a 'human' to him/her and even if he/she is, they deserve to be a punching bag for the relief of the anger of the abuser.

Reasons for the cause of abuse:

- **Emotional Vulnerability:** Many people are not well versed in the way they need to express their thoughts to their husband or wife. The feeling of being afraid and not being considered 'weak' haunts them and thus they use force to express their pain and sorrow.
- **Low Self-Esteem:** A lot of people are sensitive to criticism and insecure about the bond their spouse shares with other people. This very trait suffocates them with the fear of being left out and fills them with frustration that results in anger towards the other spouse.
- **Monetary requirements:** This could be related to the criminal offence of dowry. People usually marry the other person for monetary benefits they would be able to avail of and later live on with the benefit of their spouse's status symbol. When this desire doesn't

seem to be fulfilled after the onset of marriage, they abuse either verbally or through acts of violence.

There are many more reasons² that instigate anger and provoke a person towards abusing their better half; the one they have vowed to take the best care of. Ironic but that's how the situation becomes when the level of frustration and insecurities has an increment. These reasons aren't gender specific, they can be inculcated within anybody and everybody; Men or Women. Then why do only cases of domestic violence against women are in majority?

WHY DO MEN NOT REPORT ABOUT THE ABUSE THEY FACE?

Apart from the infamous reason of 'I am strong enough to gulp the pain and not let anybody know', there are various many³ that society has nourished in the mind of a man.

Social Stigma - The stereotype of not giving emotional support to a man and him being unable to ask for it plays a crucial role in harming the condition of a victim that is man. They fear being trapped in a 'taboo' and hesitate to report the injustice due to 'what the society would say, forgetting that they themselves are a part of the society and what they think would eventually be what the ones around them believe.

Being Titled - Nobody dislikes being accoladed with a title that would bring them fame but who would like being titled 'fake' and being called out for doing something that society does not consider 'probable'. Men fear being titled differently for the worse. They fear being titled for something they couldn't control and eventually had to become a victim of.

Lack of empathy - The world has men's power in dominance but the dominance of crime is unfortunately in regards to women. Men victims of domestic violence fear the lack of support and empathy. They believe that they will have to ask for it and not have it unconditionally.

² Michelle Jaqua, 'Inside the mind of the abuser' (*We Are Warriors*, 28 January 2020) <<https://medium.com/we-are-warriors/inside-the-mind-of-the-abuser-b6ed7cde7331>> accessed 06 June 2022

³ Wendy L. Patrick, 'Why men who are domestic violence victims don't report' (*Psychology Today*, 26 July 2020) <<https://www.psychologytoday.com/us/blog/why-bad-looks-good/202007/why-men-who-are-domestic-violence-victims-dont-report>> accessed 06 June 2022

The fright of speaking out the truth and then taking the responsibility of constantly proving it right burdens men down from revealing the absurdity they face.

After effects - In cases of crime, before reporting the case, the victim is made to pre-assess all the effects that would eventually unfold. The societal pressure and the denial haunt men and they live in dread with the fear of being labelled as someone who had to bear the anger of a woman (mostly). The thought of after effects are so huge that they diminish the minuscule power of reporting a case.

These reasons indicate the societal conditioning of men. Strength doesn't lie in how bravely we gulp the pain, it lies in how we deal with the pain and the considered way out through pain lies in speaking about it, accepting it, making people aware of it, and helping the ones who are unable to process it.

GENDER BIASED LAWS

There is no doubt that what society believes becomes a custom and the custom transforms into a law. Society since time immemorial has believed that men only have the power of dominating and not being dominated. Sadly, this belief has been taken up as a challenge by many men and they have successfully harmed many people with the same belief.

But if men are harmed, what relief would they get?

Are there any laws that would help them get access to justice?

SITUATION OF MEN IN INDIA AND THE WORLD

In the context of Domestic violence⁴

A study found that the prevalence of partner violence (51.5%) was higher than data obtained for domestic violence via the Partner Abuse State of Knowledge Project (PASK) in the United

⁴ 'Domestic violence acts and statistics at a glance' (*DV Research*)

<<https://domesticviolenceresearch.org/domestic-violence-facts-and-statistics-at-a-glance/>> accessed 06 June 2022

States, Canada, and the United Kingdom (19.3%).⁵ According to a recent survey, 51.5 percent of males had suffered violence from an intimate partner at least once in their lives, with 10.5 percent experiencing it in the last 12 months. When physical violence and threats against men by wife's relatives are taken into consideration, an estimated 3 crore men are facing domestic violence in India.⁶ In research, on domestic abuse against males done by My Nation and Save Family Foundation (Delhi), 1,650 men were interviewed. According to the findings, Indian women were the most abusive and domineering. Domestic abuse has been experienced by 97.5 percent of respondents from all over India at least once in their lifetimes. The study included Indian husbands from a variety of socioeconomic backgrounds, but the vast majority of the participants, according to the researchers, were from the upper middle and middle classes. Despite the fact that there is evidence of violence against males, the legislature has not produced any legislation to safeguard men. All laws aimed at preventing domestic violence treat women as victims. Antidowry legislation such as the Dowry Prohibition Act of 1961 and later Section 498A⁷ of the Supreme Court of India has already expressed concern and advised the government to cease "Legal Terrorism" in the form of misuse of 498A and make the required modifications.

In the context of Sexual Harassment

According to the Supreme Court's directions in the case of *Vishakha and Ors. v State of Rajasthan & Ors*⁸, sexual harassment is defined as:

Such unwelcome sexually determined behaviour (whether directly or by implication) includes:

- physical contact and advances;
- a demand or request for sexual favours;

⁵ Jagbir Singh Malik & Anuradha Nadda, 'A Cross-sectional Study of Gender-Based Violence against Men in the Rural Area of Haryana, India' (2019) 44 (1) Indian Journal of Community Medical, <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6437789/>> accessed 06 June 2022

⁶ Virag R Dhulia, 'Domestic violence against men: High time government addressed the problem' (*News18*, 11 June 2015) <<https://www.news18.com/news/india/domestic-violence-against-men-high-time-government-addressed-the-problem-1004785.html>> accessed 06 June 2022

⁷ Indian Penal Code, 1860, s 498A

⁸ *Vishakha and Ors., v State of Rajasthan & Ors.*, (1997) 6 SCC 241

- sexually coloured remarks;
- showing pornography;
- any other unwelcome physical verbal or non-verbal conduct of sexual nature.

The above definition of sexual harassment is gender neutral. However, the court qualified the above, with the following observation:

“Where any of these acts are committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing a salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.”

The qualifying statement lacks the definition of being perceived as gender neutral. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, was passed by the legislature to safeguard women at work. The amendments to the Indian Penal Code, 1860 (IPC), Section 354⁹ (Assault or criminal force on a woman with the intent to outrage her modesty), Section 354A¹⁰ (Sexual harassment and punishment for sexual harassment), Section 509¹¹ (Word, gesture, or act intended to insult a woman's modesty), Section 375 & 376¹² (Rape & Punishment for Rape), are more or fewer women-centric and give adherence to the crime

They do little or very less in support of the men, who are also the victims. Surprisingly, the Justice Verma Committee's recommendations on gender-neutrality of sexual offences, which were formed in 2013 to advise revisions to sexual harassment laws, have not been adopted into the Criminal Law (Amendment) Act, 2013. Taking an entire women-centric approach to sexual

⁹ Indian Penal Code, 1860, s 354

¹⁰ Indian Penal Code, 1860, s 354A

¹¹ Indian Penal Code, 1860, s 509

¹² Indian Penal Code, 1860, ss 375 and 376

harassment in the workplace, the legislature came out with *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, which starts with the definition of "Aggrieved Woman". Section 3¹³ of the aforementioned act states:

3. Prevention of sexual harassment. – (1) No **woman** shall be subjected to sexual harassment at any workplace.

In the same instance, the laws in the US are entirely different and gender neutral. US Equal Employment Opportunity Commission (EEOC) defines sexual harassment as "*Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature*" at the workplace."

The EEOC's definition is gender-neutral, but it does not rule out workplace harassment of men by women. When it comes to assisting male victims of abuse, there are significant disparities between the laws of the United States and India. When the matter is brought to light in India, the male victims are put in a difficult position because women-centric legislation might turn the tables and cause their truth to be falsified or compromised. While data on sexual harassment of males in India is essentially non-existent because most cases go unreported, data from the US Equal Employment Opportunity Commission shows that men account for roughly 16.5 percent of sexual harassment complaints the commission receives each year.

| Description/FY | 2015 | 2016 | 2017 | 2018 | 2019 |
|-----------------------------|--------|--------|--------|--------|--------|
| Complaints Received | 6,822 | 6,758 | 6,696 | 7,609 | 7,514 |
| % of Charges Filed By Males | 17.10% | 16.60% | 16.50% | 15.90% | 16.80% |

¹³ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, s 3

With the following observations, the Supreme Court of India dismissed a Public Interest Litigation seeking gender neutrality in offences such as rape, sexual harassment, outraging modesty, stalking, and voyeurism in 2018.

"Legislations come as a response to social and collective cry. These sections are victim-oriented and **Parliament has acknowledged a woman as the victim**. We cannot ask Parliament to legislate." With this statement and the situation in the country, the prospect of the losing value of Article 14 which talks about equality seems to be fading. When it comes to writing legislation on sexual harassment, our parliamentarians are losing sight of the guarantee of equality and equal protection under the law enshrined in Article 14¹⁴ of the Constitution. Without a doubt, the legislators or the judiciary do not seek to discriminate against a male victim of sexual harassment, but there is little or no recognition of men as victims of the problem.

LAWS AT THE DISADVANTAGE OF MEN

Adultery: A mishap is done by both men and women but the blame solely goes on to the man. This is wrong on many levels as a woman is seen as an object and a man as an abuser when whatever happened, did so with consent.

Dowry: The law for dowry is in major lines towards favouring women. Rightfully so, as in India women are beaten up and traumatized often for more and more dowry but that doesn't mean men never face the backlash of failing to get dowry or give dowry.

Maintenance: After a divorce, even if the woman is earning, the husband is made to pay alimony and maintenance to his wife and not the other way round (usually).

Child custody: A woman because of her being a mother, looked more sympathetically at the time of a divorce and the father, the man has to bear with the yearning to be with his/her child.

¹⁴ Constitution of India, 1950, art.14

There are many unheard disadvantages faced by men in India and around the world due to them being unsaid and coming to the notice of the common people, the legislature, and the judiciary. The solution to this stigma can only be resolved with acceptance, support, and belief in the justice system which is built only on the basis of how society works and progresses. It is also our responsibility to help men deal with the problems that we as a society burden them with. The recent case of Johnny Depp vs Amber Heard was a remarkable transformation of how we as a society processed.

JOHNNY DEPP *v* AMBER HEARD

The case gathered the attention of everybody for many reasons and the most famous one had been Amber Heard out lashing at Johnny Depp and telling him that ‘nobody would believe him.’ The audience of Johnny Depp is immense and that isn’t the reason behind him having a crowd in his support. People believed not only the character he showcased onscreen but also the personality he was off-screen. Johnny Depp is a well-established and esteemed actor famous for his character ‘Jack Sparrow’ among people of all ages. When his ex-wife called out to him as an abuser of domestic violence, the world and the jury opposed him not only because of the mammoth of evidence presented by Johnny Depp but also because he spoke about the abrasion he had to suffer with. The esteemed legal professionals took his side because he deserved justice.

The case just looked like a defamation suit but it was more than that. It was historic on many grounds.

The other side of men: The case highlighted how men don't often speak about the abuse they face and resist talking about it. Johnny Depp himself took years to finally bring his side of truth in front of the world and the jury but that doesn’t mean there wasn’t his side. There was and he rightfully claimed its position.

The dominance of the other spouse: The suit elaborated on how controlling the other spouse in a seemingly happy marriage can or could be. It showed multiple sides of just a happy situation and dug deeper in giving a valid perspective.

Shades of abuse: There isn't just mental abuse that the men in the society have to deal with, there are instances of physical abuse too. Women in dominance take the benefit of harming men and that was grasped in this case. A sturdy, strong man can be beaten up at his own home, it is a fact.

Support for the man: Amber Heard was arrogant enough in engulfing the belief in the mind of Johnny Depp that nobody would believe him for being a victim of domestic violence but the world did! The people all across the globe gently accepted the inhumane acts Johnny had to face and survive through. It is no doubt that Johnny Depp got huge support from everybody around and at last got a sigh of relief too after the wait of six long years but the suit paves way for many more questions. Would the same support be given to the man next door if he faces domestic violence? Which laws would support the man in accessing justice? Are there any such laws present in India? Is the legislature paying heed to the injustice that the man in today's world every day faces? Are the laws being modified to be gender neutral? "No man, no father, no son, ever commits suicide to end life. He commits suicide only to get rid of his sufferings." This quote very aptly summarizes the condition of men in society. Men don't wish to get rid of life but just like other humans, they wish to get rid of their sufferings. Sadly, the way to get rid of their suffering is paved with even more suffering.

RECENT CASE

'School principal moves court for protection against domestic violence by wife'¹⁵ Ajit Singh Yadav who married Suman after the couple fell in love seven years back was recently beaten up by his wife on camera when the couple broke into an argument. Ajit kept quiet for a long time to 'maintain the dignity of himself and his profession'. His reasons say a lot about what the definition of dignity is in our society. It is to bear with the pain until and unless you can. The case demonstrates how domestic abuse against males in India often goes unchecked. However, because the legal provisions to protect males from such situations are limited, it is urgent to devote equal attention to cases when men are victimized.

¹⁵ 'School principal moves court for protection against domestic violence by wife' (*First Post*, 27 May 2022) <<https://www.firstpost.com/india/school-principal-moves-court-for-protection-against-domestic-violence-by-wife-incident-caught-on-camera-10726711.html>> accessed 06 June 2022

CONCLUSION

The world is constantly evolving in terms of thoughts and technology. It is time that we pay equal amounts of adherence to the basic norms and the way these norms and beliefs have been structuring our society. Justice to men is equally important as justice to women and all the other genders. It is high time for us to ask for the formulation of laws in accordance with justice for all genders. The problems faced by all the other genders must be acknowledged as a social and public problem, with proper measures and solutions put in place. Law is equal for all and law has the responsibility of equally paying back to all. Henceforth, people need to come out in support of the laws being formulated in favour of all genders and the legislature should rightfully draft the needful.