
GENDER BIAS IN DOMESTIC VIOLENCE LAWS AND POLICIES IN INDIA

Author: Somya Madan, II year of B.B.A.,LL.B. from Symbiosis Law School, Noida

Abstract

The long-standing patriarchal system in our society, which has existed for centuries, has not only been detrimental to women but has also had significant negative effects on men. The belief that men are inherently superior and stronger restricts men from deviating from societal expectations. Patriarchy has been detrimental to all individuals. When we discuss issues like domestic violence, rape, and abuse, we often envision women as the victims and men as the perpetrators. However, we often overlook the fact that there is a significant number of men who experience domestic violence from their partners, and there are cases of men being raped and abused as well. Unfortunately, many instances of male victimization go unreported due to the prevalent notion that "men cannot be weak". This research paper investigates the presence of gender bias within domestic violence laws and policies, specifically focusing on the inadequate provisions to address domestic violence against men in India. The study explores various aspects associated with gender bias in these laws and policies, highlighting how they have historically centred on protecting women. This historical bias can reinforce stereotypes and impede the acknowledgment of male victims of domestic violence. The paper further examines the challenges faced by male victims when seeking assistance, such as societal expectations of masculinity, limited awareness, and insufficient support services. Additionally, it analyses how gender bias influences the legal response to male victims, encompassing issues related to reporting, evidence collection, and resource allocation.

Introduction

Domestic violence is characterized by a repetitive series of abusive actions occurring within intimate relationships or family environments, with the intention of asserting dominance and control over another individual. It encompasses various forms of abuse, such as physical, sexual, emotional, and economic mistreatment, along with behaviours aimed at coercion and manipulation, all of which inflict harm or instil fear in the victim. Although the majority of victims of domestic violence have been women, there have been ample amount of incidents where men have also been the victims of domestic violence. While women have constituted

the majority of domestic violence victims, there have been numerous instances where men have also experienced domestic violence. Domestic violence goes beyond immediate physical harm and has far-reaching consequences on the victim's overall well-being, self-worth, and feeling of security. It can lead to significant physical injuries, emotional trauma, mental health issues, social isolation, and financial instability. Domestic violence does not discriminate based on gender, as both men and women, along with children, can be victims of such abuse.

Understanding domestic violence against men in India

India's historical social structure has been male-dominated, leading to the prevailing belief that men cannot be victims and women cannot be perpetrators of domestic violence. Unfortunately, this belief is also reflected in the lack of recognition of domestic violence against men within the legal framework in India. However, it is important to challenge these misconceptions and acknowledge that an increasing number of men experience harassment, psychological abuse, and physical violence at the hands of women.

According to a study conducted in Rohtak district of Haryana, India, findings indicated that 52.4% of men surveyed reported experiencing various forms of abuse perpetrated by women.¹ A new survey has found that no less than 98% of Indian urban husbands say they have faced domestic violence in one form or the other during married life.² Men not only face domestic violence at the hands of their wives or partners but also from the relatives of the women.

Men are also victims of verbal, physical, emotional, psychological, and sexual abuse. However, they often suffer in silence as their cases are underreported. Domestic violence against men receives minimal attention, which can be attributed to the prevailing stereotypes

¹ Malik, J. S., & Nadda, A. A Cross-sectional Study of Gender-Based Violence against Men in the Rural Area of Haryana, India. *Indian Journal of Community Medicine : Official Publication of Indian Association of Preventive & Social Medicine*, 44(1), 35-38 (2019). Available at: https://doi.org/10.4103/ijcm.IJCM_222_18.

²STUDY: DOMESTIC VIOLENCE ON MEN BY NGO SFF AND MY NATION.MEN WELFARE TRUST, <http://www.menwelfare.in/resources/submissions/study-domestic-violence-on-men/> (last visited Jun 12, 2023)

and societal norms. As a result, male victims of domestic violence fear facing backlash and ridicule from conservative individuals who form a significant portion of society.³

Gender bias in domestic violence laws

Although there is ample data indicating instances of violence against men, legislative bodies have yet to establish specific laws aimed at protecting men from such violence⁴. Existing laws addressing domestic violence predominantly focus on women as victims. Section 498A⁵ of the Indian Penal Code deals with the offense of cruelty and specifies that anyone, including the husband or relatives of the husband, who subjects a woman to cruelty, will face imprisonment as punishment. This provision explicitly focuses on protecting women against domestic violence.

Furthermore, The Protection of Women from Domestic Violence Act 2005⁶ was introduced by the Parliament of India to provide legal protection and support for women who are victims of domestic violence. Its primary objective is to safeguard women from such violence within domestic settings. The legislation exclusively provides protection for women, criminalizing various forms of abuse including physical, mental, economic, sexual, and verbal abuse against women in India. However, it does not extend any protection to males, transgender individuals, or victims in same-sex relationships.

Section 2(q)⁷ of the Protection of Women from Domestic Violence Act stipulates that the respondent can be any male individual who is or was in a domestic relationship with the aggrieved person. Furthermore, it allows a woman who is in a relationship similar to marriage to file a complaint against a relative of her husband or male partner. This section explicitly states that the aggrieved party can solely be a woman, with no mention of male or transgender individuals as potential victims. It does not address the inclusion of male or transgender victims within its scope.

³DOMESTIC VIOLENCE ON MEN IN INDIA SBHAMBRIADVOCATES,
<https://www.sbhambriadvocates.com/post/domestic-violence-on-men-in-india> (last visited Jun 12, 2023)

⁴SOCIOCULTURAL AND LEGAL ASPECTS OF VIOLENCE AGAINST MEN - SAGE JOURNALS,
<https://journals.sagepub.com/doi/pdf/10.1177/2631831819894176> (last visited Jun 13, 2023).

⁵Indian Penal Code, 1860, S 298(a).

⁶The Protection of Women from Domestic Violence Act 2005, Act No. 43, 2005 (India).

⁷The Protection of Women from Domestic Violence Act, 2005, S. 2(q).

Social barriers

Men face social expectations to embody traditional masculinity, which includes being strong both physically and mentally. However, discussing their experiences as victims of domestic violence can subject them to societal judgment and further humiliation. Consequently, many men choose to remain silent about their ordeal, leading to their marginalization within society. Additionally, another reason men refrain from reporting domestic violence is their pride. From an early age, men are conditioned with the notion that they should not show vulnerability or express emotions openly, as the societal expectation is that "men don't cry." This ingrained belief leads them to fear ridicule and humiliation if they were to discuss their issues. The issue extends beyond the perpetrators themselves, as the surrounding individuals often lack the sensitivity to recognize that men are also human beings who can experience emotional challenges.

Psychological effects of domestic violence on men

Instances of abuse can cause severe physical harm, including deep wounds, fatal injuries, or even physical disabilities. The impact is not limited to physical consequences alone; it also takes a toll on the individual's mental well-being. Such abuse has been linked to the development of mental health disorders, such as depression, stress, and anxiety disorders. In some tragic cases, it may even lead to suicide⁸. The societal stigma surrounding male victimhood often prevents men from seeking professional assistance or reaching out for any form of support. This stigma can make men feel weak and further exacerbate their reluctance to seek help.

In a comparative study examining the psychological consequences of physical abuse in both men and women, the results revealed that male victims of physical abuse reported a range of emotional responses. Around 75% of the abused men expressed feelings of anger, while nearly 40% reported experiencing emotional pain. Approximately 35% of male victims experienced symptoms of sadness and depression, while nearly 30% expressed a desire for revenge. Additionally, about 23% of male victims reported a heightened need to protect

⁸Anant Kumar, Domestic Violence against Men in India: A Perspective, 22 Journal of Human Behaviour in the Societal Environment, 290,269 (2012).

themselves, approximately 15% experienced feelings of shame or fear, and roughly 10% expressed emotions of helplessness and a lack of love.⁹

On the occasion of International Men's Day in 2018, The Quint¹⁰ published an article highlighting various incidents of violence against men perpetrated by their wives or in-laws. One such case involved Jitesh Yadav, who faced physical abuse and threats from his wife's relatives. Shockingly, when he sought help from the police, they refused to register a complaint. Similarly, Syed Ahmed Makhdoom¹¹ endured mental torture and humiliation from his wife, who falsely accused his family of dowry and domestic violence. The truth behind the situation was that the wife was engaged in an extramarital affair, and the husband presented her with two options: to either continue the marriage or pursue her lover. However, the wife insisted on ending the marriage. Overwhelmed by the false allegations and dowry-related troubles, the husband, feeling trapped and hopeless, tragically chose to end his life, recording a video before committing suicide.

These studies and real-life incidents provide compelling evidence of the profound impact of violence against men, affecting not only their physical health but also their emotional and mental well-being. They illustrate the detrimental consequences that such violence can have on every aspect of a man's life, highlighting the need for attention and support for male victims in addressing their holistic well-being.

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Suggestions

In the current era, it is essential to implement gender-neutral laws that can address various forms of injustice. Domestic violence serves as one example where the need for gender-neutral legislation becomes evident. However, there are other instances, such as rape laws and stalking that also demand the establishment of gender-neutral laws. It is crucial to

⁹Denise A. Hines & Kathleen Malley-Morrison, Psychological Effects of Partner Abuse Against Men: A Neglected Research Area, 2 Psych. Men & Masculinity 75 (2001).

¹⁰INTERNATIONAL MEN'S DAY: "I'M A MAN WHO FACED DOMESTIC ABUSE"THEQUINT,
<https://www.thequint.com/news/india/stories-male-victims-domestic-violence-india> (last visited Jul 17, 2023)

¹¹SEPARATED FROM SON, TECHIE HANGS HIMSELF BANGALORE MIRROR,
<https://bangaloremirror.indiatimes.com/bangalore/others/separated-from-son-techie-hangs-himself/articleshow/22174260.cms> (last visited Jul 17, 2023)

recognize that equality and fairness should prevail regardless of an individual's gender, and adopting gender-neutral laws can help achieve this goal. Numerous countries, such as Norway, Sweden, Canada, and New Zealand, have made significant strides in adopting gender-neutral laws. These countries have demonstrated their commitment to fostering gender equality by implementing legislation that applies to all individuals, regardless of their gender.

In addition to gender-neutral laws, it is imperative to prioritize raising awareness in society. Breaking free from patriarchal norms is crucial not only for the advancement of women's rights but for the betterment of all individuals, including men and transgender individuals. It is important to note that feminism, often misunderstood and misrepresented, is fundamentally about striving for equality irrespective of gender. The true essence of feminism lies in promoting equal rights and opportunities for everyone, and it should not be misconstrued as a movement that seeks to undermine men's rights¹². Encouraging men to become advocates for gender equality can play a significant role in breaking down barriers. Men can contribute by challenging toxic masculinity, promoting healthy relationships, and speaking out against gender-based violence.

It is of utmost importance to establish inclusive support services that cater to the needs of all victims of domestic violence and abuse, regardless of their gender. This can be accomplished through the establishment of helplines, counselling centres, and shelters that are easily accessible. By providing a safe space and a range of resources, including counselling, legal assistance, and emotional support, we can effectively address the specific needs and well-being of men and transgender individuals facing such challenges. These support services should be sensitive to the unique experiences and concerns faced by individuals of different genders, ensuring that they feel heard, understood, and empowered to seek help and rebuild their lives.

Conclusion

As society undergoes transformations in power dynamics, norms, and values, we are witnessing a shift where men are increasingly sharing their experiences of agony, torture, and harassment at the hands of women or their partners. It is crucial to acknowledge these issues

¹²Vanya Aggarwal, Critical Analysis of Domestic Violence: A Gender Neutral Study, 3. International Journal of Law Management & Humanities, 492, 510(2020).

as social and public health concerns and develop suitable strategies and interventions to address them. The notion that men are inherently stronger than women is being challenged, emphasizing the need to provide assistance to men in times of crisis and family violence, particularly when it involves violence by their spouses or partners. Effective interventions can involve recognizing violence against men by women as a public health issue, establishing helplines specifically for male victims of violence, and promoting education, awareness, and legal safeguards to protect their rights and well-being.



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