

PROBLEMS IN DOMESTIC VIOLENCE: WHEN A MAN IS A VICTIM

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ABSTRACT

Even in the twenty-first century, we see the dominance of the patriarchal system in India, a system that is governed by the male norms. In a patriarchal society, the standards are all male oriented / dominated and thus, often appears to be gender bias in nature. In such a situation, women need more provisions in the form of laws so that their interests can be protected.

India is a country where it is said that in every five minutes, women face violence, be it verbal or physical. So, violence in the Indian context has become an integral part of women's life. To combat such violence, stringent laws are made to ensure women rights as well as their safety. The general outlook is that we need laws to protect women. However, since India is a patriarchal society, the general belief is that men do not need any law or any kind of protection from anyone. Men are too strong to be protected. But there are cases where men need protection too; it is not only women who are vulnerable in the society. The problem arises when we see men as superior to women. Violence can affect anyone's life irrespective of one's gender. For example, the false allegations against a husband under Section 498A. By invoking this Section, a wife can lodge a complaint against any kind of cruelty by her husband and her in-laws. Despite being innocent, the husband may be tortured both mentally and physically. India though recognizes violence in case of women fails to admit the same for men. In this situation where the victim is male, it becomes difficult to win over the cases of domestic violence for various reasons. Such cases are reported less though the fact is that they are rampant in number.

In the records of National Family Health Survey (2004), it is found that about 60 lakhs of women 'have perpetrated physical violence against husbands without provocation'. According to a study (2003-2005), more than 82% of tax earned by Indian Government comes from Indian

men, but the reality is that in the last 60 years of budget, no such fund is being allotted for 'men's welfare'.

There is a dearth of counseling centers formed exclusively to handle men's issues. Police also fails to recognize men as a victim in this society. Often men find no place where they can vent out their anxiety, their worries. As a result, many end their lives when they are trapped in false domestic violence cases.

The present paper endeavors to focus on the misuse of the Section 498A and the probable ways of making such a provision more gender neutral in nature. The paper will also try to discuss the working of a Kolkata based NGO named 'Hridaya' who fights for men facing domestic violence. We will see that violence experienced by men is quite similar in nature with that of women; the only difference is a man cannot seek protection against such violence as there is no such law in India protecting 'men'.

Keywords: domestic violence, men, Section 498A.

INTRODUCTION

India is a patriarchal society where the rule of the father predominates. In such a society, women often face discrimination based on their sex. Often treated as an emotional being they are relegated into the background. Whatever they contribute for the welfare of the family or of the society are often neglected. Violence on women is often justified, as it is believed that being a weaker sex they need to be controlled by men. Based on this outlook we can hear thousands of cases of domestic violence on women in the form of marital rape, excessive demand of dowry, bride burning, and the list continues to increase with the advent of time. To protect women from such heinous violence, India has tried to bring into action various gender friendly laws to safeguard the interest of women. One such law is the 498A. This law talks about the imprisonment of husband or his relatives if the woman is being subjected to 'cruelty'. Under such a law, the husband or the relatives will be penalized for a term which may extend to three years and shall also be liable to fine. The word 'cruelty' in this section has been defined in two ways, namely,

Any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or,

Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is because of failure by her or any person related to her to meet such demand¹.

Thus, cruelty can either lead to the end of one's life or can demand of property. Violence happens in the most intimate part of the homes and is difficult to prove the occurrence such violent incidents. Despite this difficulty, cases began to be registered under Section 498A of the Indian Penal Code and many women began to get justice. But at the same time another incidence is also at play. Many women have begun to misuse this section for their own benefit and started to file false complaints against their husbands and their relatives. In India we fail to register domestic or any kind of violence in case of men. Women are encouraged to report any kind of violence they face. Women gain sympathy more in these types of cases than men. On the contrary, men are often discouraged to report such incidents in their lives. The common belief is that a man has enough strength to control his family and if he fails to do so then he would not be accepted as a 'proper man'. Such stereotype thinking is prevalent among many men, which stops them from reporting any such violence against them. The fear of being ridiculed by peers or colleagues make men more non-verbal in such cases. They would not like a situation where their masculinity will be at stake. Besides this, the fear of being not believed often stops a man to talk about his own sufferings. Thus, we can see the presence of many prejudices against a man which stops him from confronting his own sorrows.

It is to be remembered that women are not always the victims but can be the perpetrators of violence too. There are some women who prefer to live separately and not with their in-laws. When such a demand is not fulfilled, then false charges are filed against their husbands under Section 498A. In various studies it is found that when a woman complains about any cruelty on her, then the man is immediately arrested; whereas when the complainant is a man, there is

¹ Available at <https://indiankanoon.org/doc/538436/> dated 10.11.2016.

no such immediate effect. Many activists believe that this section causes various kinds of false harassment to husband and his family.

Like a woman, a man too experiences physical torture as well as mental torture. Verbal assault is also there. In the case of women, it is found that violence is perpetrated in sexuality, fertility and labor. In case of men, we can see that violence can take place due to sexual (where a husband is unable to satisfy a woman's need), economical (where a husband is incapable to meet all the demands of his wife) and last but not the least, social (where the husband does not keep his wife separately from her in-laws).

In many journals we can see hundreds of reports on women facing violence and its various causes. But very few lines are spent on the violence faced by men. The studies seem to neglect the fact that men too can fall into the trap of false allegations despite living in a patriarchal society.

Domestic violence is a violation of human right, which stands in the way of development. Violence on a man or a woman is the violation of the Article 21 of Indian Constitution, which talks about protection of life and personal liberty. It states that no one is to be deprived of one's life or personal liberty except according to procedure established by law. The Beijing Platform of Action (1995) and CEDAW have recognized violence on women and have recommended the state to work for those issues where women are the victims. But none such recommendation is there for men, thus causing a major exclusion within such guidelines.

This has brought many men activists together and have led to the emergence of various NGOs throughout India who are providing help to the male victims. One such NGO which will be discussed in this paper is Hridaya, Nest of Family Harmony which is a Kolkata- based NGO. Let us discuss this NGO in brief.

HRIDAYA, THE NGO

The founder of the NGO Hridaya, Nest of Family Harmony is Mr. D.S. Rao. The investigator personally met him and had the conversation with him. He was kind enough to show the reports of male violence taking place in various parts of the country and the reports were shocking. He

was free to share his opinions which helped me understand the grave issue of domestic violence on men.

Mr. Rao joined the movement due to his personal case. The NGO Hridaya helps the male victims of domestic violence. It represents to the government about men's issues as well as bring into forefront those issues through rallies, protests etc. They provide their services in the areas like Midnapore, Purulia, Cooch Behar etc. The dream of the NGO is to have men's rights groups in every district of West Bengal so that men can have the platform to come out and talk about their own issues which would lead towards men's empowerment. Besides this it also demands to have gender-neutral laws.

Violence on Men

To the founder's view those women who file false cases are more materialistic in nature. The ground of violence on men can be both pre-marital affair or extra marital affair. We are aware of the opposites like men/women, reason/emotion, dark/ light but we are not aware of the opposite to misogyny which is misandry. Misandry (male hating) is rampant nowadays and these cases of violence are a result of this misandry. Misogyny as a word is more well known in a society; one is hardly aware of misandry.

To take a glance over the report of domestic violence cases by men around West Bengal, we see that in the year 2015, Birbhum has registered 23 cases, Dakshin Dinajpur around 310, Salt Lake around 243 cases and Darjeeling around 77 cases. In 2014, Asansol and Dinajpur have registered about 322 cases and east Midnapur about 1477 cases.

The founder of the NGO remarks that across India 5.3 million calls comes every day where men report about domestic violence. To name a few states are Kolkata which receives 46 calls daily, Delhi gets 438 calls, Punjab 84 calls, Bihar 166 calls and last but not the least Karnataka about 125 calls. In Delhi report of such violence is more since people are more aware of the laws as well as the active role of the media over there.

The Modus Operandi of Hridaya

Hridaya provides counseling over the phone as well as personally helping those victims who are falsely convicted. While consoling the person over the phone, the task is to boost him up morally, to provide a space where he can vent out his emotions without any hesitation. Besides

moral support, technical support is also provided like to file a quash². When a person is falsely convicted, Hridaya mainly calls the respective officers as well as send mails to them with the aim to reach out as many as possible so that police can take necessary steps to stop any kind of injustice against men and not get deviated from the path of law. According to the founder, the upper middle class mainly reports violence. The NGO has helplines all over India where around 80 people are constantly handling calls 24x7. This organization is self-funded and the service they provide is also free. Besides handling cases over phones, they also organize various public meetings which can be attended by anyone. Every Sunday, they assemble at one place to discuss issues like domestic violence.

Remarks by the founder of Hridaya

The founder Mr. Rao remarks that where domestic violence is registered, the intention is to put the man behind the bars. So often along with 498A is clubbed Section 307 (attempt to murder) or Section 376 (attempt to rape). When enough proof is not there, then both the Sections are withdrawn.

When a wife lodges a complaint against his husband and demands money for maintenance, the accused husband is advised to show his salary slip to the judge and the decision lies with the judge regarding the fixation of the amount of maintenance. The husband also provides an affidavit to the judge, which contains all the necessary information of the person concerned. Once this is done, the convicted demands the case to be solved within 3 months; he wants to expedite the case. In the process if the guilt is not proven against the husband, then the demand is to convict the wife for reporting such a false case. According to Mr Rao, they are successful in expediting such cases; the accused has come out with a clean chit.

After hearing such incidents, one question popped out instantly - after such gruesome experiences, do men become women haters? It is said that they try to counsel those persons and endeavor to divert their attention to such people who are undergoing same trauma, but at the same time it is also true that this hatred does not totally go away. When a man faces allegations like raping or beating their wives or misusing his daughter, he is emotionally drenched out and feels like committing suicide. The founder of this NGO does a commendable

² People who does not reside in the place where violence is reported yet cases are file against them. It becomes necessary to take an anticipatory bail even if that person stays outside India.

job where he tries to break the myth that men are not hurt. They are also emotional beings and need support. This support, once they get, draws them back to life again. They finally find peace and get inspired to do something for those who are falsely convicted under domestic violence cases.

The founder of the NGO pleads that we need to understand men's physical, social and emotional needs which are different from women. The Constitution of India has provided its citizens a Right to Equality irrespective of caste, creed and gender. For example, Article 14 treats everyone equally irrespective of one's gender. Men activists are of the belief that it is high time we need to introspect the laws which demand to be gender neutral in nature. When the complainant is women, it becomes difficult for men to prove their innocence which should not be the case. The activists demand a fair treatment towards all irrespective of any gender. Various studies have already proved the fact that men are susceptible to domestic violence but the irony is such a violence against men is not recognized. It is important to bring social justice for all who rightfully deserve it. Deprivation of men's rights is taking place at an alarming rate. The objective should be to promote equality and development for all. Those who go through the trauma need support from the society as well as from the family members. The society also needs to be educated about the truth that men also demand respect, equality and dignity.

The vision of the activists including the founder of Hridaya is to have justice for men and their demand is to form men's ministry and men's right body to address issues concerning men. They also want an increase in the number of Help lines and Counseling for men's issues to protect men from committing suicide.

Let us go through some data gathered by Hridaya.

Some findings of Hridaya

The NGO has conducted many surveys. Some of the findings on the abuse of boy are:

- A. 76% boys are subjected to any form of physical abuse.
- B. 50% boys are subjected to sexual abuse.
- C. In 41% cases, female relatives are responsible for sexual abuse of boy.
- D. Only 9% of abused boy file a complaint to the police.

Some findings on the abuse of husbands are:

- A. 93% husbands said their wives used different forms of intimidation against them.
- B. 35% husbands are subjected to frequent (once a week) physical abuse in their life.
- C. 51% husbands suffer verbal or emotional abuse of their wife.
- D. 75% husbands get suicide threat from their wives.
- E. 88% husbands were forced by their wives to live separately from their parents.

At this juncture it is mandatory to talk about certain steps that could be taken to stop such injustices against men.

Probable Measures:

1. To have various investigating agencies where there would be an efficient handling of domestic violence cases. Such agencies are in need of conduction sensitization programs.
2. With the help of state level authorities, various seminars and awareness campaigns can be conducted where discussions can be held on violence faced by anyone irrespective of the sex.
3. Various counseling training programs can be organized with special reference to legal and psychological issue.
4. Role of NGOS need to be specially mentioned in this case where it can provide a platform for men to come and share their experiences. There should be a pressing need of the society to stop all sorts of cruelty on any person be it man or a woman. Instances of bride killing are on the increase but alarming cases are also there where men are also ending their lives being unable to cope up with any form of violence. It is imperative to ensure the punishment to the offenders (man/woman) when their offence is proved.
5. Section 498A deals only with women and it is seen as an effective tool to prevent cruelty meted out to women. It must have the necessary provisions to include men within its ambit. Not only women but men too experience violence in their lives; a fact which needs to be given due importance.
6. To stop the misuse of this Section, there is a need to sensitize the law enforcers and the investigating agencies. There should be imposition of the penalty on women in case the charges filed against the perpetrator are found to be false.

7. The role of police is of immense importance where their investigation and skillful ways of handling such sensitive issues can help to frame such cases of mental torture in the court of law.

CONCLUSION

When a false case is registered against a man, he undergoes emotional imbalance. He fears the anxiety, the shame that he must face because of such a complaint. He also feels bad about his family members who are equally going through a bad time and he needs mental solace to fight against all these emotions. Besides emotional, the person also gets a financial jolt. He faces job insecurity and to end the issue he often prefers to settle the matter outside the court. At this point, lawyers and police often try to extort a huge amount of money from the convicted. With time he often loses his faith on law but with proper counseling he finds courage to file counter cases against the opponents. When he finally becomes able to evade all the false charges against him, he joins an organization to guide other men who are facing the same problem. This is the story of many men activists who are serving in various NGOS in India.

Men activists are highly alarmed about the men's issues all over India. The reasons are many. Some are -

According to the Ministry of Women and Child Development Government of India, boys face more abuse (65%) than girls (35%). Men do face sexual abuse, but the truth is neither state nor national crime records bureau maintains any statistics.

According to the National Family Survey, only 25% of the violence is caused by men and 75% by women. Also, more than 98% of men face domestic violence at home.

According to the NCRB report of 2014, 10.9% of men committed suicide within which for marriage related issues, the suicide rate is about 5.1%. The NCRB report of the same year shows that married men who have committed suicide are 59744 as opposed to married women which is 27064. The report of 2014 shows that the number of persons who commit suicide aged between 30 and 45 years is 30,659. The bitter truth remains that one married man commits suicide in every 8.3 minutes (NCRB).

From the above references it is pertinent that we need social justice be it for man or woman. Misuse of Section 498A must be handled effectively and immediate actions should be taken to arrest those cases where moneymaking is the main motive. Men activists believe that one needs to be pro men but that does not mean one become anti women. We should be talking about human rights instead of only women's rights and have laws that are more gender sensitive and gender-neutral in nature.

