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Domestic Violence against Men in India

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ABSTRACT

When most people hear the term "domestic violence," they often assume that a man is the aggressor. While this may be true in many of the reported cases, domestic violence against men is more common than thought and can pose a serious threat to its victims. Unfortunately, men are generally not protected just as women are under most domestic violence laws in India.

Therefore, this research brings notice to the public about the domestic violence which are faced by men and changes in the existing system.

Keywords: *Men, Patriarchal system, grounds of domestic violence, sexuality.*

I. INTRODUCTION

On thinking, it is clearly understood that the patriarchal system plays a vital role in positioning men as victims. It comes up with the obvious assumption that it is impossible for men to a victim. Masculinity and dominance by nature of law does not fabricate men to be the victims of such abuse. This is better understood in a society like India where men are not encouraged on opening up their emotions. If done so, they are categorized to be weak.

The main reason behind why male victims of abuse is not treated efficiently is because, while comparing them to the female victims, they differ a lot less in number. On an average, the ratio of male victims to that of females are 1:4. However, this does not grant the law system to be negligent towards such victims.

Men do report and allege spousal violence in private, but they hardly report it in public. This change in power dynamics will also affect relationships between men and women, where men are afraid of losing power and women are excited by their empowered position.

Methodology

The research paper uses the descriptive method of study the secondary sources are given more importance in this paper. The secondary sources of information used are the articles of research journals working paper thesis and books of famous sociologist and e-sources are referred.

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II. LAW IGNORANT OR PATRIARCHAL TOWARDS MALE VICTIMS

Men levelled as the supremacy of a society is left with no option being a victim. While on one hand, if a woman is subjected to such abuse, the consequences of the accused is very brutal and ensured of penalty. The other side of the coin holds men to cry in silence. The question arises if the laws in India is ignorant towards men of the abuse. From the clear framework of law, including the Domestic Violence Act, 2005, all the laws are enforced with the objective of protecting women. Men are left with no laws favouring them. The main problem that arises out of this is when women take unfair advantage of the law. Often, petty issues are blown up and blamed solely on the fault of the man, law does not consider the facts of the case. With women empowerment and positive discrimination for the upliftment of females, whatever is said from the side of a woman is treated to be the final word. This is, evidently and infringement of a man's legal right to be heard.

Is law efficient enough in providing remedies to male victims like that of women victims:

Men charged under the Protection of Women from Domestic Violence Act can be liable to a limiting request, however they don't confront imprisonment time. The criminal law that the Supreme Court altered in its ongoing judgment shields a woman from "mental and physical savagery" and badgering for endowment. It calls for prompt capture for those blamed for damaging the law. This isn't the first run through the law has been addressed by the courts. In 2005, a bench of the Supreme Court called women's misuse of the provision "legal terrorism."

Therefore, there is a clear indication that those women who misuse the law are not treated seriously and men who are abused are taken very lightly. For instance, in a case a woman sued the husband on the base of having an illicit relationship with another woman with the background of finding a photograph of the other woman in his bag. The court held this was a petty case and not enough to raise inferno that the two were having an illicit affair.

The option, left with a developing country like India is to adopt a legislation that will be gender neutral. This means that a man just like a woman should be provided with efficient remedies in case of violence. The meaning of gender-neutral laws is that all genders are equal in the eyes of law, either by explicitly mentioning that every gender in law or by making the language of the law gender neutral. For example- under the POSCO Act, 2012 a child has been defined as "any person below the age of 18 years" in which there is no specification of gender and the word 'any' denotes the equality to all genders.

In the case of India, it can be scarcely discovered if any enactment that means to secure men against domestic violence. It is a grave social issue abusing the human rights. Numerous

countries have laws to shield both the genders from abuse yet in India it appears that the government has not tended to the issue appropriately. These men are helpless before their harsh spouses or other female relative, confronting physical, mental and enthusiastic pain. Such savagery likewise prompts demise at times. Men who are forced to bear this badgering stay numb out of dread that they will be caught in a false endowment case or isolated from their children.

III. AN ANALYSIS OF DOMESTIC VIOLENCE

Domestic violence is not physical violence alone. It includes mental, sexual and other elements too. In case of #METOO more false acquisition has been filed which affected men a lot and defamed their standard of living.

Cruelty Towards Husband

In India, marriage is the joining between man and woman to get well being in the general public and marriage is only multiplication and minding of the youngster. Despite the fact that bodies of evidence recorded by spouse against husband and in-laws under Domestic Violence Act and 498-A of IPC to assert support and separation however all dissensions are not documented bona-fidely. Flexibilities of instruction, openings for work, monetary freedom and social demeanour have gotten gigantic change the status of women. The adjust of scale has tilted conversely for the women, unfortunately.

Cruelty is an inhuman treatment and it is a demonstration that makes mental sufferings and imperils the life and strength of the other. It might be as physical and mental by the demonstration both of the spouse or the wife. Despite the fact that the women have dependably been subjected to be tormented and irritated by the spouse and relatives, in reality saying this won't be legitimate as instances of torment and badgering against the husband by the wife is expanding step by step. Brutality is the fundamental ground to look for separate as characterized under 'Sec 13(1) of 'The Hindu Marriage Act, 1955' and party who files a case must prove that living between the husband and wife is practically impossible.

There are numerous provisions made relevant for the assurance of the women, which has got acknowledgment from the supreme law, or the constitution. The one-sided nature of these laws is apparent from that reality that not at all like all laws in India the weight to prove blamelessness lies on the denounced and this implies when the dissension is made by the abused individual/spouse, the outcome is that the husband and his family might be instantly captured and will be considered as blamed in the eyes for law. As stated in the Indian Penal Code, the spouse and her parental family can charge any or the greater part of the husband's group of

physical or mental savagery yet validity of the case must be investigated by the court as this segment is cognizable, non-compoundable and non-bailable in nature.

Despite the fact that it is the obligation of the court to choose the case in view of realities and conditions however what adds up to remorselessness is a vital angle as abuse of Laws by the spouse against husband in the public eye is developing step by step and most obviously some Indian Urban taught ladies have turned the tables and are utilizing these laws as weapon to release individual grudge on their husbands and guiltless relatives and there are sure grounds on which brutality against husband can be demonstrated.

- Misuse of Dowry Laws, Domestic Violence Act and 'Sec: 498-A ' of IPC by spouse against husband and in-laws of husband through hotel false protestations.
- Desertion by spouse which implies wife purposely expecting for partition and to convey living together for all time to an end.
- Adultery by the spouse implies wife having sexual association with some other individual amid the lifetime of marriage and there must be strict law to rebuff wife who has submitted infidelity.
- Wife quitting for second marriage without applying for the separation procedures.
- Threatening to leave spouse's home and risk to confer suicide by the wife.
- Cruel conduct of spouse where wife tearing the shirt of the husband, declining to cook sustenance legitimately or on time and breaking of the mangal sutra within the sight of husband's relatives.
- Abusing and blaming spouse by route for offending in nearness of in-laws and at times wife manhandling husband before office staff individuals.
- Wife declining to have intercourse with spouse with no adequate reasons which can be considered as a ground of pitilessness and husband can record a separation appeal.

Sexuality as a Tool for Domestic Violence against Men

Impotency can be compared to a caged husband who is under the control of his wife. Due to social prejudices, the husband may not bring the problem in public. This gives the wife an opportunity to take control over and abuse him on the basis of his sexuality. Under the Hindu Marriage Act, the law body in India indeed recognizes impotency to be a ground for divorce. This is often misled and outcomes in domestic violence towards the men with such a problem. There are also situations where women take the defence of fake impotency, as a consequence abuses the man, and ultimately sues for divorce.

IV. CONCLUSION

The word violence is generally referred in terms of cognitive interpretation. It basically relates to power dynamics: Male violence is basically the interpretation of analysis of power: It can be in terms of economic empowerment at the level of addressing insecurity, who feels more insecure of leaving whom. For example, if a male earns less than a female and his wife start analysing the situation and feels more empowered and powerful, the male develops insecurity and can even be a victim of violence thereafter. This is true even for work: if the workplace is headed by active, socially strong women in status, physical robustness, mental strength, and psychological power. There are no absolute principles for understanding the emotional differences between men and women and the dynamics of violence. Society and its power relations, norms, and values are changing. Men have started sharing their agony, torture, and harassment by women/spouses. It is time to recognize their problem as a social and public health issue and develop appropriate strategies and interventions. They are no longer stronger than women. They need help in crisis and family violence: Particularly violence by spouse is a crisis. Male victims of violence can be saved/helped through appropriate intervention such as recognition of violence against men by women as a public health issue; helpline for the male victims of violence; and education, awareness, and legal safeguards.
