

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 3

2023

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Male Domestic Violence

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ABSTRACT

Violence in opposition to men by means of girls has come to be a common place problem nowadays. This consists of economic, physical, sexual, and emotional abuse, in addition to psychological abuse that harms someone's mental and physical fitness. men as well as ladies are victims of gender-based violence.

In a country like India, which has been male-dominated for centuries, humans locate it difficult to consider that men can be sufferers of violence just like women. So, there may be a purpose why domestic violence in opposition to men isn't always recognized in any law in India. but, contrary to popular belief, the number of males, being psychologically and bodily abused via girls is increasing.

Given the existing legal guidelines in the USA, there are no laws that protect men from intimate associate violence, under the Indian Penal Code of 1860, phase 498A explains that a man can best be held responsible for practising violence against his wife, there's no provision in the complete Act which makes the girls accountable of the identical.

further, phase three of the safety of girls from domestic Violence Act of 2005 states that it best protects girls from such violence. No rule in the Act protects men from such violence. Having the sort of law offers a presumption that, men are usually guilty, at the same time as women, then again, are always innocent.

Other than the law, there exist some other motives that could purpose such cases to move unreported, these may additionally include – the societal assumption that men are sturdy and difficult to cry, or in the event that they get prison help, it can motive discomfort for them and their families, and the listing is going on.

I. INTRODUCTION

In this day and age, people believe in gender equality and see it happening in all sectors of society, regardless of the workplace, education, representation, voting, housing rights, and even the law. women show equal caliber and equal representation. So why do we have the same feelings for the men in our lives? No gender is superior in this world, and the world must understand that, this makes both sexes equally worthy in the crime of domestic violence and will ignore the mistakes that happen to men just because men are stereotyped as the stronger

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sex.

“Domestic violence against Indian men is not recognized by law.”^[2] states Rukma, who has been accused by his ex-wife of crimes such as “domestic violence” and “Dowry Harassment” . Almost every time the judiciary is seen to rule in favour of women rather than believing the facts stated by the male’s lawyer, calling it “legal terrorism”. This behavior of favoritism shown by judiciary always lands the judgement in favour of women because of which a lot of cases either remain unreported or end up in suicides.

The issue of violence was supposed to be resolved within six months, but it never happens When a case is filed, the husband must appear in court every 10 days or he will be deemed guilty in the eyes of the court. Remember that if the woman does not show up, no questions will be asked if she has been subjected to domestic violence or not.^[3]

Surveys forecast that *1,000 married men aged 21 to 49 in rural Haryana*, one in ten men aged 18 and above has suffered domestic violence.^[4] Studies show that not only women but also men are exposed to this type of violence. The fact that women are more vulnerable to domestic violence doesn’t justify that men don’t suffer from the same crimes and yet do not have any laws to safeguard their liberty.

II. WHAT IS DOMESTIC VIOLENCE?

Domestic violence is an act of abuse by a member of the victim's family on the victim. This includes partners and former partners, close family members, other relatives. Resulting in physical, emotional, financial, psychological, sexual abuse of one person by another person to threaten, humiliate or intimidate the victim and to control the subsequent power. Domestic violence is a serious public problem as it affects many people and often causes physical, mental and economic injury and can even lead to death of the person suffering the unlawful act.^[5]

- Domestic Violence Act 2005 Section 3 ^[6]

Defines domestic violence. - Any act, omission or act or conduct of the respondent constitutes domestic violence within the meaning of this Article -

^[2] Dhvani Desai, When Husbands are victims of Domestic Violence, available at: timesofindia.indiatimes.com (June 26, 2021) [\[2\]](#)

^[3] Ibid [\[3\]](#)

^[4] An Indian Perspective on Domestic Violence against Men, available at : <https://timesofindia.indiatimes.com> (FEB 18, 2023, 22:52 IST) [\[4\]](#)

^[5] What is domestic violence?, available at: [government.nl](https://www.government.nl) [\[5\]](#)

^[6] Domestic Violence Act, 2005, available at : https://www.indiacodedomestic_violence_act%2C_2005.pdf [\[6\]](#)

1. Harms mentally or physically or therefore is prone to physical abuse, sexual abuse, verbal and emotional abuse, and financial abuse to the aggrieved or sufferer; or
2. Harass, injures, injures or harms her or other persons in order to compel her to comply with any unlawful claim for private property or other property or security; or
3. Threatened the victim or any person associated with her with conduct prohibited under clause (a), (b); or
4. Otherwise injures the aggrieved person.

Explanation I- For the purpose of this section

1. “physical abuse” manner any act or conduct which is of the sort of nature as to reason physical ache, harm, or threat to existence, limb, or health or impair the fitness or development of the aggrieved man or woman and consists of attack, crook intimidation and criminal pressure;
2. “sexual abuse” consists of any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the honor of woman;
3. “verbal and emotional abuse” includes—
 - (a) insults, ridicule, humiliation, call calling and insults or ridicule specifically in regards to not having a infant or a male infant; and
 - (b) repeated threats to motive physical pain to any person in whom the aggrieved person is involved;
4. “financial abuse” consists of—
 - i. Deprivation of any or all monetary or economic sources to which the aggrieved person is entitled beneath any law or custom whether payable under an order of a court docket or otherwise or which the aggrieved person calls for out of necessity inclusive of, however no longer restrained 5 to, residence preserve requirements for the aggrieved individual and her children, if any, stridhan, assets, jointly or one by one owned via the aggrieved individual, charge of apartment related to the shared house maintain and upkeep;
 - ii. Disposal of household outcomes, any alienation of property whether movable or

- iii. Immovable, valuables, stocks, securities, bonds etc or different belongings in which the aggrieved character has an interest or is entitled to apply by virtue of the home relationship or which may be fairly required by using the aggrieved person or her kids or her stridhan or every other belongings together or separately held by using the aggrieved person; and
- iv. Prohibition or limit to persevered get admission to assets or facilities which the aggrieved person is entitled to apply or revel in by using distinctive feature of the domestic dating including access to the shared household.

III. SORTS OF DOMESTIC VIOLENCE^[7]

1. Child abuse
2. Senior Abuse
3. Honour primarily based Violence : Honour Killings, girls Genitals Mutilation and forced marriage.
4. Any shape of abuse by using ones partner or near relations or ex partner be it psychologically abuse or bodily one.

(A) Why men suffer domestic violence in silence?^[8]

a) Children :

Like women men also feel like if they leave their spouse they will lose access to their children and sometimes for their safety they decide to stay quite and suffer as getting custody of children is very hard and challenging for a father.

b) Feel Ashamed :

Many men feel ashamed to be beaten up by a women and feel like they failed as a protector or as a male figure who according to the society is the head of family and is the provider.

c) Fear Of Being Sued :

The biggest fear in Indian men is being sued for fake dowry harassment cases. Not only it becomes justified for a stereotypical society but also puts charges on men as they go on for years, mostly ending in favour of women.

d) Denial :

Just as females men also tend to deny that there is something wrong and believe that they can

^[7] Domestic Violence, available at: <https://www.ncbi.nlm.nih.gov/books> (December 9, 2022.) [\[7\]](#)

^[8] MALE DOMESTIC ABUSE – SILENCE AND THE SHAME, available at :<https://jlrjs.com/male-domestic> [\[8\]](#)

change their abusive tendencies prolonging their problems.

IV. INDIA COMPARED TO OTHER COUNTRIES IN CASE OF DOMESTIC VIOLENCE AGAINST MEN

In the USA, one out of each nine Males is subjected to domestic violence by way of their intimate partner or their better halves. One in each seven men has been the victim of bodily violence via their better halves or intimate partners.^[9]

Male account for 2 out of every five victims of Domestic violence inside the united kingdom. This refuses the extensively held notion that Domestic violence most effective affects girls. Domestic violence towards men often goes left out, in line with the males and their attackers are not often prosecuted.

keeping with a **British crime** survey^[10], 40 percentage of domestic violence sufferers had been Males between 2004-2005 and 2008-2009. In recent years, it has dropped to 37.7%. Strangers and in public places are the maximum common perpetrators of domestic violence in opposition to guys mostly at the age of 15, 1 in 16 Australian guy has been subjected to domestic violence in the form of physical or sexual torture by means of their better halves, intimate partners, or cohabiting companions.

among 2012-13 and 2013-14, one man was killed every month as a result of home violence through his modern-day or preceding companion. Domestic violence in opposition to men by their other halves or intimate partners isn't always uncommon, consistent with those surveys and studies from various countries. Their must be suitable provisions for handling domestic violence in a greater impartial way ought to be in region.

(A) Domestic Violence Laws

Gender is a social construct that is often influenced by race, class, family, religion, religion, race, culture, customs, sexual orientation, etc. In many Southeast Asian countries, such as India, gender roles are very strict. Although there are many laws in place, there are still no laws protecting men from domestic violence, unlike women and the elderly,

Victims of our society are often unreported, they suffer after being reported even if they are victim.

Women who spread false information, and courts often rule against these men. It seems that

^[9] Statistics, available at: <https://blog.ipleaders.in> (Last Visited on June 24th 2021) [\[9\]](#)

^[10] More than 40% of Domestic Violence victims are male, reports suggest, available at: <https://www.theguardian.com> (Last Visited on June 24th 2021) [\[10\]](#)

even the police don't really care about these people and refuse to record their reports and these people are often not trusted and direct supervision is set up rather than justice.

There are several laws against domestic violence:

Protection of Women from Domestic Violence, 2005^[11]:

- a) This law clearly states that all cases of domestic violence should be considered illegal and punishable by law.
- b) Protection during domestic violence
- c) Provide timely justice to the injured in a cost-effective and convenient way.
- d) Domestic violence prevention and emergency responses implementation programs and processes for victims of violence and promote their recovery.
- e) Promote awareness of domestic violence.
- f) Imposes harsh punishments and always seeks dangerous crimes and tries to avoid them.

Legislative intent to enact the Woman's Protection from Domestic Violence Act 2005, **Indra Sarma v. VK.V. Sarma [Criminal Appeal No. 2013-2009]^[12]**. He said that the reason for the implementation of this law is to protect the rights of women who are victims of domestic violence. The law protects women from violence within the four walls of the home.

Madras High Court Case, **Vandhana v. T. Srikanth [O.A.NO. 764 OF 2007 SC, NO 548 OF 2007]^[13]** also stated that the Woman's Protection from Domestic Violence Act 2005 is "a Law designed to better protect the rights of women who are victims of violence in the family and in related problems or situations".

Section 498A of Indian Penal Code, 1860^[14] [15]:

Husband or relative of husband of a lady subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a lady, subjects such lady to cruelty shall be punished with imprisonment for a term which may extend to a few years and shall also be susceptible to first-rate. clarification.—For the reason of this phrase, “cruelty” manner—

- i. A woman's killing herself or harming a woman's life, limbs, or health (mental or

^[11] The Protection of Women from Domestic Violence Act, 2005, available at : blog.ipleaders.com (29 MARCH 2022) [11]

^[12] Indra Sarma v. VK.V. Sarma [Criminal Appeal No. 2013-2009] [12]

^[13] Vandhana v. T. Srikanth [O.A.NO. 764 OF 2007 SC, NO 548 OF 2007] [13]

^[14] Section 498A IPC, available at: <https://blog.ipleaders.in/section-498a-ipc>(December 13, 2022) [14]

^[15] Indian Code : Section 498 IPC, available at : <https://www.indiacode.nic.in> [15]

- bodily) due to unlawful eternal suffering caused by her husband or close relatives;
or
- ii. .Harassment by a woman for the purpose of compelling her or a person connected with her to meet an unlawful request for property or security, or because she or someone intervenes because of her non-compliance.
 - iii. Men who are victims of domestic violence by their spouses or intimate partners are exempt from the gender-based violence provisions of the Indian Penal Code
 - iv. It is immediately clear that this verse refers to the abuse of women by husbands or relatives and nowhere is the oppression of men against women mentioned.
 - v. According to this article, only the man can be held responsible for the abuse of his wife. There is no rule or regulation in the law that holds women responsible for domestic violence.
 - vi. Nobody, not even the police, will listen to a man who opens up and tries to explain the torture and physical abuse he has been subjected to, Indian society often labels a man who complains of domestic violence as "sissy" or "weak".
 - vii. Many men believe that things will improve soon, so they do not report the domestic violence they have experienced. Unreported domestic violence can lead to separation, conflict, divorce, depression and suicide.
 - viii. Not only that, unfortunately sometimes Part 498A is often used as a means of blackmail. Since the law allows the police to arrest anyone whom a married woman qualifies as an abuser on a complaint, the woman can easily be exploited as a means of revenge for the entire family. Then the insurance is deprived of an important right in such cases.
 - ix. So, due to woman's rights in Indian law there are many scams where women cheat on men through rape or domestic violence, unfortunately the law is not fair It just thinks that men cannot be abused. Women are not required to present proof of their authenticity. They are considered real animals under the law.

Dowry Prohibition Law, 1961^[16]:

- i. This is a law that prohibits giving and receiving dowry. The practice of dowry is

^[16] THE DOWRY PROHIBITION (MAINTENANCE OF LISTS OF PRESENTS TO THE BRIDE AND BRIDEGROOM) RULES, 1985, available at: [https://wcd.nic.in/act/dowry-prohibition-act-1961\(dated 19th August, 1985\)](https://wcd.nic.in/act/dowry-prohibition-act-1961(dated%2019th%20August,%201985)) [16]

prohibited under the Dowry Prohibition Act of 1961. If a person gives, accepts, or even requests a dowry, they can be jailed for 6 months or fined up to Rs 5,000 as per the law.

- ii. The Dowry Ban Act of 1961 is now often used to blackmail husbands and their families into extorting money.
- iii. Recently, the husband filed an FIR lawsuit against his wife in Mumbai accusing her of cheating and stealing money and threatening to file a groundless lawsuit against him. These cases are not new and are getting common.^[17]
- iv. Yes, the wife may have the right to oppose her request for alimony, but what about the mental illness that the husband had to suffer because of his wife's request.

V. JUDGEMENT AND SUPREME COURTS DECISION

The Supreme Court has always made sure that the justice is served and is served well the concept of leaving a criminal but to not punish a innocent is very much prevailed. Some such cases in which Supreme Court has punished the women who created false allegations on the victim of domestic violence are mentioned so :

1. Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273^[18]

Facts:

His wife claimed that her husband wanted a dowry and was evicted for failing to fulfill her marital and family obligations. Husband tried to get anticipatory bail but was denied. Therefore, the husband applied for leave petition to the Supreme Court.

Held:

The court noted in this example that because segment 498A of the Indian Penal Code is a cognizable and non-bailable offence, it's far often used as a weapon in place of a guard with the aid of disgruntled better halves.

It results in the husband and his relatives being burdened with the aid of having them arrested below this phase, and it's miles even extra annoying to see bedridden grandfathers and grandmothers being arrested without a prima facie case.

As a result, the court set up certain suggestions that a police officer ought to follow when making an arrest under section 498A of the Indian Penal Code or phase 4 of the Dowry Prohibition Act,

^[17] PTI, FIR against wife for alleged bid to extort money from Husband, available at:<https://www.business-standard.com/> (Last Visited on June 24th 2021) [\[17\]](#)

^[18] Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 [\[18\]](#)

1961, and that such an arrest should be primarily based on an inexpensive perception in the veracity of the allegation. moreover, even jury need to be cautious approximately authorizing detention on a haphazard and mechanical foundation.

2. Manju Ram Kalita vs. State of Assam (2009) 13 SCC 33^[19].

Facts:

On the other hand, the wife who accused her husband of physically and mentally abusing her, filed under Section 498A of the Indian Penal Code, Although the husband denied all allegations.

Held:

The Court has decided that, for the purposes of Section 498-A of the Indian Penal Code, "bad faith" should be considered in the context of Section 498-A of the Indian Penal Code, as it may differ from other laws. .

By observing the man's behavior, assessing the seriousness or severity of his behavior, deciding whether it would cause the woman to commit suicide, etc. should be detected.

It must be proven that the woman was harassed, or at least in the period prior to the complaint. The court also said that petty arguments cannot be considered as "crimes" under Section 498-A of the Indian Penal Code.

3. Bibi Parwana khatoon. V.s. state of Bihar (2017) 6 SCC 792^[20] :

Facts:

The statistics of this case are just like the ones of preceding cases in that the spouse was killed by her husband and family placing her on fire.

The deceased spouse's sister-in-law and brother-in-law appealed the conviction to the perfect courtroom.

Held:

Court room noted that the appellant did not reside in the area where the accident occurred. Beyond a reasonable doubt, there is no evidence that their claims are true.

Therefore, the court ruled on their behalf and said that the court should not blame the relatives.

4. Rajesh Kumar and Ols. V.S. Uttar Pradesh (2017) SCC OnLine SC 821^[21] :

Facts: In this case, the husband and other relatives were accused of abusing his wife as they

^[19] Manju Ram Kalita Vs. State of Assam (2009) 13 SCC 330 [19]

^[20] Bibi Parwana Khatoon Vs. State of Bihar (2017) 6 SCC 792 [20]

^[21] Rajesh Kumar and Ols. V.S. Uttar Pradesh (2017) SCC OnLine SC 821 [21]

fail to receive any dowry. On the other hand, other relatives ask for some advice to avoid over suggestion. For this reason, in article 498A, the relatives of many people are dragged to court docket.

However, they are not engage in criminal activities. The appeal therefore raises the question of whether there is a provision to prevent abuse of Section 498A of the Indian Penal Code.

Held :

Supreme Court has issued general guidelines to prevent misuse of Section 498A of Indian Penal Code in the following areas:

- i. Family Welfare Committee - The Supreme Court said each school district must set up a Family Welfare Committee to investigate complaints under section 498A.
- ii. An Ombudsman is appointed to investigate the complaint.
- iii. Solving problems that have been resolved
- iv. Passports to be impounded by the issuance of a red nook notice.
- v. Provisions regarding bail have also been changed.
- vi. Events with the same batch can be combined.
- vii. Information about all family members present is not required.

However, these guidelines do not apply to crimes affecting the body or death, according to the court. The Supreme Court also issued instructions to the National Legal Services Authority that it may send notice to issue different or other orders after the six-month probationary period, but no later than March 31, 2018.

VI. WHAT CAN BE DONE TO ACCOMPLISH TO LOWER THIS ADVANCING RISK? [22]

The need of the hour are gender neutral laws in the scope of the word domestic violence.

Each men and women are entitled to human rights and gender equality. Gender-impartial legal guidelines are urgently wished in nowadays's internationally, wherein males are falsely accused of rapes, domestic violence, and sexual attack.

Violence is a term that does not mean that simplest ladies may be victims of domestic violence; males may sufferers in addition to perpetrators. This violence need to be categorized as spousal violence because it affects both men and women.

[22]Rights Of Husbands In Dowry And Cruelty-Based Complaints, available at: <https://www.legalserviceindia.com>
[22]

Domestic violence laws in India only protect girls, no longer men. It creates the false impression that guys can only be perpetrators, no longer victims. The price of Domestic violence against men is progressively rising.

As a end result, special provisions and amendments are required to create gender-neutral legal guidelines in an effort to help sufferers in obtaining redress and punishment for the perpetrators, no matter gender. Domestic violence, which remains regularly occurring in our society, calls for specific laws and amendments to guard each spouses.

(A) Are there any defence remedies present for men?

Women use the section 498A and Dowry Act as guns in opposition to their husbands with the aid of submitting a false grievance. phase 498A of the Indian Penal Code permits a husband, his mother and father, and family to be charged with cruelty to a girl so as to meet their illegal demands (dowry).

In most instances, the husband, his parents, and relatives are arrested without a thorough investigation and imprisoned on non-bailable phrases.

The accused is presumed guilty until she or he proves innocence in court, despite the fact that the criticism is fake. If found guilty, the most penalty is three years in jail.

As a result, there are two procedures of defence a person has in this situation:

- **Defensive Approach**

A protective approach is taken while a person ought to guard himself and his family, he can take the following steps:

Acquire as many digital proof he may discover against his wife. Recorded calls, chats, etc. showing that he and his family has in no way demanded dowry or allegedly dedicated any kind of violence, follow for Anticipatory Bail, the moment an FIR is lodged in opposition to him.

complaint in opposition to blackmailing or fake allegations to the Police. but on occasion, Police does not believe the husband and hence does not record the document.

In this case, the husband can write a letter to the SP or Commissioner.

The husband can also report for Restitution of Conjugal Rights available below *section 9 of the Hindu Marriage Act*.

Do no longer settle with the offender raise consciousness about your state of affairs as an awful lot as possible.

A husband also can criticism against those atrocities on:

<http://www.pmindia.gov.in/en/interact-with-honble-pm/> – here you may submit your grievance to the top Minister of India, or he can send a letter to:

Web information Manager, Rasina Hill, South block, New Delhi – 110011^[23]

- **Offensive method**

A husband can also take the offensive method towards his spouse, namely:

- i. The largest card defence a husband has is section 227 of the Code of criminal manner, 1973. The section states the situations of Discharge and if the husband has enough evidence that the wife is alleging false lawsuits, he can file an application beneath this section.
- ii. Below section 120B of Indian Penal Code – the husband can allege that his spouse is committing crook Conspiracy towards him. Section 167 of Indian Penal Code can also be used against the law enforcement officials who refused to record an FIR and/or helped the wife in creating a fake complaint.
- iii. Section 182 of the Indian Penal Code may be used too. The husband also can record a defamation case below section 500 and section 504 of the Indian Penal Code against his spouse as his popularity has been broken because of her fake claims.

VII. CONCLUSION

Its high time that we realize that violence is not only confined to women but is also majorly affecting men of the same society. We tend to see men as a emotionless and rigid personality and it has been same since generations even in movies men are depicted to be someone who is stronger. We talk about gender equality but often to ignore crimes against them, while when the same occurs to a women there are comparatively quicker action procedure that are followed. If one hears about men being dominated by women or being abused by women they are made fun off instead of seeing them as victims of a unlawful and unjust living they are bounded and judged by the society and are said to be a failure to fit in the stereotypical definition of a “male”.

We very popularly celebrate women day but tend to forget about these men without whom their would be no protective, supportive and leading umbrella to the family. It's the point where we must realize that these men hold as much emotions as women do and also must hold as much legal rights and remedies in constitution and other abiding laws as much as women do. Men if respects and understand women it does not give them a green light to go ahead and abuse them,

^[23] Help line interaction, available at: <http://www.pmindia.gov.in/en/interact-with-honble-pm/> [23]

the concept of respect and its balance can only be maintained in society when both the genders provide them to each other equally and in the same manner only then we would be successful in creating a law that is equal to everyone no matter their gender, caste, class, religion, region and customs.
