

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 8 | Issue 3
2025

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The Concept of Victimhood Applies Regardless of Gender: Unanticipated Facts of Men as Victim of Domestic Violence

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ABSTRACT

Domestic violence can happen against men. This subject is still untouched by the society and the legislature but the situation on ground is very different. The Domestic Violence Act of 2005 provided protection to women as it was required by the times. But now after 18 years the condition of society is changing and men are also becoming victims of domestic violence. The aim of this research is to review three years of NCRB reports which indicates the suicides of men which were caused due to strain in domestic relations. Methodology: This research is a descriptive research that reviews the NCRB suicide data. The NCRB database of reports from 2019 to 2022 was searched to collect the data. Result: After studying the report of NCRB we get the ratio of both men and women which shows that men also commit suicide due to domestic strain. Conclusion: The definition of domestic violence against men is not defined anywhere. There is a need to research and study when domestic strain becomes domestic violence.

Keywords: Domestic strain, Domestic Violence, NCRB Report, Suicide rate, Men and women Victim

I. INTRODUCTION

Instances of domestic violence against men remain a relatively unexplored area within both societal discourse and legislative frameworks. The Protection of Women from Domestic Violence Act, 2005, was enacted for women protection which was enacted in response to prevailing circumstances at the time; the ground reality has undergone significant changes over the past 18 years. It is now clear that men are also experiencing increasing incidences of domestic violence, reflecting the evolving dynamics within our society. Domestic violence is considered as an offence and encountered by legal fertility.

Over time, the perception of domestic violence has evolved significantly. Initially, it was not a subject of legislation and was considered a private family matter. However, after the American

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Revolution, feminist groups began to shine a spotlight on domestic violence, leading to its recognition as a critical issue in the 1990s. This acknowledgement resulted in the integration of domestic violence into the global legal system.

Gender-specific laws aimed to protect women as a valuable part of society. While there was a time when women were perceived as weak, they have gradually achieved equality with men in various aspects of society, including education and employment etc. In recent decades, women have gained equal opportunities and attained significant position in society. However, as society evolves, it is essential to consider the cause-and-effect relationship of these changes.

Laws that are focused on protecting-on-protecting women have the potential to reinforce traditional gender roles and may be vulnerable to misuse. One example of such a law is The Protection of Women from Domestic Violence Act, 2005.

Recently Justices BR Gavai has stated that the provisions of Section 498A of I.P.C. and Domestic Violence Act are being 'most abused' laws. Supreme Court with three judges bench Justice BR Gavai, Justice Prashant Mishra and Justice KV Vishwanathan in the matter of matrimonial dispute pertaining to maintenance case called up it as a domestic violence case against man case because man was made to pay Rs. 50 Lakh (presumably alimony) to his estranged wife even after having an unconsummated marriage.³ This is not the first time this has happened. In this context, the Supreme Court and other High Courts have commented on the misuse of the domestic violence law in different cases. In the context of misuse of Domestic Violence Act, the judiciary has called it as 'legal terrorism, 'to build pressure on estranged husband', 'misuse of law' and 'most abused law'.

In order to challenge the existing stereotypical and female-centric narratives on violence and abuse in familial and intimate settings and gain a more nuanced understanding of the phenomenon, it is imperative to thoroughly examine McMahon. According to McMahon highlights the need for international legal instruments that specifically address violence against men, while recognizing the global acceptance of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁴.

II. HISTORY OF THE WORD “DOMESTIC VIOLENCE”

Early the domestic violence was considered as a personal matter of family i.e. between husband

³ ET Bureau, Domestic violence laws and Section 498A of IPC most abused, says Supreme Court, Economic Times.

⁴ McMahon, M. Access to justice for male victims of sexual violence: Focus on refugees in Uganda. Legal Aid Board (2018).

and wife. In 16th century, English Common Laws started considered domestic violence as a crime against the community rather than a family matter between husband and wife. The reason behind domestic violence as a crime against community was a breach of the peace in local justice.

Primarily, domestic violence is known as “civil unrest”. In 1641 BLMB⁵ stated that a married woman “free from bodily correction or stripes by her husband.”⁶ After the American Revolution in 1767, the power of writing laws comes to precedent from local justice. In the first- wave of feminism during 19th and early 20th century in the western world started the domestic violence as a subject matter of legislation countries like UK, US and other countries.

In 1990s onward, domestic violence was introduced to the world legal system. In 1973 Jack Ashley was the Member of Parliament in United Kingdom introduced domestic violence for the first time to the modern world⁷.

In 1993, the United National General Assembly passed the resolution for constituting the DEVAW⁸ for the protection of women from the domestic violence and principles for all human being to live with equality, security, liberty, integrity and dignity.⁹

Let’s Discuss About Men’s Rights, Because Women’s Rights Have Been Discussed Too Often
Case Study: Social Movement, Fighting for Men’s Rights in India by Tasya Amalia Fitri had discussed about the men’s rights movement has been started by men’s rights activists in India.

A Study of Domestic Violence and Patriarchal Ideologies in Popular Men’s Magazines by Annika M. Wilcox in this research paper author discussed about patriarchal ideology and collected 20 articles from men’s magazines. This study found the common factors of gender symmetry and feminist.

Is It Always A Man’s Mistake? By Deepak Sharma, Author has conclude the case study on Joseph Shine case where Supreme Court passed the verdict on misuse of domestic violence act. Court stated that when allegations made with wrong intention then it can lead man to commit suicide. It is time to change old perception about women always be a victim and men being perpetrator.

⁵ BODY OF LIBERTIES OF THE MASSACHUSETTS BAY COLONISTS.

⁶ Ward N. The Massachusetts Body of Liberties, Hanover Historical Texts Project, History Department, Hanover College, December 28, 2015.

⁷ National Women’s Aid Federation, 2012-01-13 at the Way back Machine.

⁸ Declaration on the Elimination of Violence Against Women, December 20, 1993.

⁹ A/RES/48/104- Declaration on the Elimination of Violence against Women- UN Documents: Gathering a body of global agreements.

III. MEANING OF DOMESTIC VIOLENCE

The word “Domestic Violence” is not one-time developed world this word keeps updated as per the need of society. Conventionally, domestic violence was related with physical violence to the married women only but with the timeline it includes unmarried partners, same-sex marriage, and female perpetrators. WHO¹⁰ also added the word “controlling behaviors” in domestic violence.

Now, commonly the meaning of domestic violence includes physical, sexual, psychological, and economical violence. Intimate partner violence is homogeneously to the domestic violence. In comparison of both terms intimate partner violence is wider term because it includes both men against women and women against men while domestic violence is mostly use for men against men. There is one more similar word is family violence which includes abuse against child, elder and other violent family member.

According to United Nations DEVAW¹¹ domestic violence as “physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.”¹²

CDC¹³ defines “domestic violence as “physical violence, sexual violence, stalking and psychological aggression by a current or former intimate partner”.

IV. DOMESTIC VIOLENCE UNDER PWDV ACT, 2005

It is defined under Section 3 of PWDV Act¹⁴ respondent i.e., husband and its relatives do, does or done any act which commence domestic violence-

- a) Causing mental, physical, and sexual, verbal, emotional and economical abuse; or
- b) Unlawful demand of dowry, other property, and valuable security; or
- c) Threatening to aggrieved i.e., women and it's relative; or
- d) Injures or causes harm, whether physical or mental to aggrieved person.

¹⁰ World Health Organization.

¹¹ Declaration on the Elimination of Violence Against Women, December 20,1993/

¹² General Assembly (December 20,1993). 85th plenary session: declaration on the elimination of violence against women. United Nations General Assembly.

¹³ Center for Disease Control and Prevention.

¹⁴ Protection of Women from Domestic Violence Act,2005.

Bleak approach Definition of Domestic Violence

A. Victim and men

According to the National Mental Health Survey 5, the overall mental morbidity ratio between men and women is 13.9% and 7%. This highlights the need of constructive efforts to support mental wellbeing of men. Men were more depressed due to many reasons family problems, marital issues, work life balance, monetary issues, social pressure etc.¹⁵

B. Overall suicide statistics 2019-2022

Suicide is an individual act which impacts society, family, friends, and community. In suicide a person ends his life before natural death. More than one lakh people commit suicide every year in India. There can be various reasons for suicide such as family problems, domestic violence, marital problems, loneliness, abuse, career related problems etc. According to National Crime Record Bureau (NCRB) 2022, total 1,70,924 suicides were reported in the country. The number of suicide and rate of suicide during 2019-2022 is presented in Table 1. The rate of suicide has increased by 3.3% during 2022 over 2021.¹⁶

Table 1

Number of Suicide, Growth of Population and Rate of Suicide during 2019-2022

Sr. No.	Year	Total Number of Suicides	Mid-Year Projected Population (in Lakh ¹⁷)	Rate of Suicides
1	2019	1,39,123	13376.1 ¹⁸	10.4
2	2020	1,53,052	13533.9 ¹⁹	11.3
3	2021	1,64,033	13671.8	12.0
4	2022	1,70,924	13797.5	12.4

¹⁵ NDTV (2023) "One Sided Picture": Supreme Court on Petition on Suicide by Married Men. NDTV. Com.

¹⁶ Accidental Deaths and Suicides in India 2022, National Crime Record Bureau, India.

¹⁷ One Lakh = 0.1 million.

¹⁸ Report of the Technical Group on Population Projections (NOV. 2019), National Commission on Population, Ministry of Health & Family Welfare.

¹⁹ Report of the Technical Group on Population Projections (NOV. 2020), National Commission on Population, Ministry of Health & Family Welfare.

C. Suicides in States/UTs

There are 5 States which covers most of the suicide rate and remaining 23 States and 8 UTs. The major States are Maharashtra 13.3% (22,746) followed by 11.6% (19,834) suicides in Tamil Nadu, 9.0% (13606) suicides in Karnataka and 8.0% (12,669) suicide in West Bengal, 5.9% in Kerala, 5.8% in Telangana, 5.3% in Gujarat, 5.2% Andhra Pradesh 5.2%, 4.9% Chhattisgarh, 4.8% Uttar Pradesh and 18.8% others²⁰.

D. Male: Female ratio

The overall male: female ratio of suicide victim for the year 2022 was (71.8: 28.2)²¹ which was less as compared to 2021 (72.5: 27.4). In the year of 2021 the ratio was (72.5: 27.4) which was more as compared to 2020 (70.9: 29.1). In the year of 2020 the ratio was (70.9: 29.1) which was more as compared to 2019 (70.2: 29.8). In the year of 2019 the ratio was (70.2: 29.8) was more as compared to 2018 (68.5:31.5)²².

E. Suicide and marital status

Table 2

Distribution of suicide by marital status from 2019-2022

Year	2019	2019	2020	2020	2021	2021	2022	2022
	Male	Female	Male	Female	Male	Female	Male	Female
Married	66815	25941	73093	28085	81063	28680	83713	30771
Divorce	595	402	501	330	494	294	638	322
Separated	672	290	693	268	626	243	683	315

Judicial institutions have pronounced various judgments in which they have observed the misuse of the domestic violence act. Old perception of men being perpetrator and women being victim is not correct always.²³ The introduction of the PWDAV raises concerns of false complaints.²⁴

²⁰ Accidental Death & Suicides in India, National Crime Record Bureau (NCRB), 2022, Pg. No. 197.

²¹ Accidental Death & Suicides in India, National Crime Record Bureau (NCRB), 2022, Pg No. 203.

²² Accidental Death & Suicides in India, National Crime Record Bureau (NCRB), 2019, Pg. no 201.

²³ Joseph Shine Vs. Union of India.

²⁴ M.A. Mony Vs. M.P. Leelamma, (2007) Crimal 2604.

V. CONCLUSION AND RECOMMENDATIONS

The issue of domestic violence is comprehensively addressed within the framework of The Protection of Women from Domestic Violence Act, 2005, affirming that this form of crime is inclusive women as victim and men as perpetrator. Now, 18 years later, it's clear that societal circumstances have shifted, and crime is no longer confined to a specific gender. According to the reports from NCRB, NFHS and ABS Crime Victimization Survey Data, it is evident that men can also be victim of domestic violence, even though there is no official definition for domestic violence against men. It is important to recognize the necessity for a comprehensive domestic violence act that safeguards all victims while also prevents the misuse of the law.
