

ANALYTICAL STUDY OF THE ISSUE OF DOMESTIC VIOLENCE IN INDIA- MALE PERSPECTIVE

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ABSTRACT

The article consists of an analysis of the crime of domestic violence which is being committed against men. It also includes a data published by different agencies which highlights the number of violence committed against men and it also consists of reasonable and practical conclusion and suggestions.

INTRODUCTION

It has always been believed that India is a patriarchal country and men are always superior to women and women are subjected to discrimination, violence and abuse by men.

Since ancient times women have been subjected to violence by men and because of which various reforms have been introduced in order to protect women and prohibit crime against them and Prohibition of Domestic Violence Act is one among such Acts which criminalise domestic violence and penalise men who do any such act.¹

But with changing time, culture and society, law needs to be changed too as now a days not only women, but men are also being a victim of domestic violence either directly or indirectly.

Men as victims of domestic violence

There are many instances of men being tortured by their partners or being harassed. The domestic violence act was enacted as a protective measure towards women however in contemporary times women are misusing this law just to harass her partner by filing false cases of domestic violence against men and his family under the domestic violence Act and section 498A of IPC which punishes a man for subjecting any women to cruelty with an imprisonment of up-to 3 years and fine however the section doesn't recognise male victims of domestic violence.²

According to estimates of the National Intimate Partner and Sexual Violence Survey (NISVS), male victimisation is a significant public health problem. Spousal abuse is something that is not just faced by women. There have been cases where women have taken the wrong advantage of laws provided to protect them, and have falsely accused their partners of Domestic Violence and Dowry Harassment. As per the

¹ <https://blog.ipleaders.in/domestic-violence-men-india/?amp=1> last visited on 15th April, 2023 at 1:30p.m

² Ibid

National Crime Records Bureau 2020 a total of 1,11,549 cases were registered U/s 498A out of which 5,520 cases were closed by police citing as false and an overall of 16,151 cases were closed citing to be false or mistake of fact or law and 23,809 women were arrested under section 498A and still 92.6% cases are pending³.

The recent study in India found out that the most common form of physical violence was slapping (98.3%) and the least common was beaten by weapon (3.3%). National Family Health Survey (NFHS) has found that an estimated 60 lakh women have perpetrated physical violence against husbands without any provocation and According to the British crime survey, in the year between 2004-2005 and 2008-2009, 40% of the domestic violence victims were men.⁴

The National Coalition Against Domestic Violence (NCADV) estimates that 1 in 4 men (compared to 1 in 3 women) have suffered some kind of physical violence from their partner. In reality, this kind of violence is often foreshadowed by actions that may not seem like domestic violence on the surface but do, in fact, represent a series of abuses against the men, such as:⁵

- Using insults, name-calling, and other berating language
- Interfering with him seeing his family and friends
- Threatening to expose embarrassing personal information to others.
- Showing oppressive possessiveness or jealousy
- Restricting his spending or controlling his finances
- Shoving, slapping, or otherwise striking him.
- Threatening harm to themselves or others as a way to "punish" him.

Suzanne K. Steinmetz in her study “The Battered Syndrome” said that “women are likely to select physical violence to resolve marital conflict as are men ... women have the potential to commit acts of violence, and under certain circumstances, they do carry out these acts.”⁶

The term “domestic violence” is not restricted to physical violence. It also includes emotional, psychological and sexual violence. This type of violence specifically aims at hurting their intimate partner emotionally and psychologically. According to the community-based cross-examine study of gender-based violence against men in the rural areas of Haryana, out of 1000 men, 51.6% men were the sufferers of emotional violence.

³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6437789/> last visited on 15th April,2023 at 1:40pm.

⁴ <https://blog.iplayers.in/domestic-violence-men-india/?amp=1> last visited on 15th April,2023 at 1:45pm

⁵ <https://www.findlaw.com/family/domestic-violence/domestic-violence-against-men.html> last visited on 15th April,2023 at 1:52pm.

⁶ Suzanne K Steinmetz “The Battered Syndrome” published by Victimology-An international Journal V.2, (1977)

Reason for domestic violence against men

- Economic distress
- Frustration

Why incidents of domestic violence against men are not reported.

- General stereotype against Men
- Fear Fake cases
- Peer pressure
- Denial

Remedies available to men against domestic violence

The domestic violence Act,2005 and Section 498 A just criminalise and penalise a men for cruelty against women and doesn't recognise a men's right against violence however the Judicial magistrate 1st Class of Jammu and Kashmir took cognisance of a complaint filed by a husband against his wife under domestic violence Act,2005.

In case of Hiral P Harsora v. Kusum Narottamdas Harsor⁷ and Mohammad Zakir v. Shabana⁸, a **husband can also file a case against wife under the Act**

Section 3(a)⁹of Domestic Violence Act defines domestic violence as any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse.

The definition mentions the word respondent and not specifies any gender and hence it may be considered that men can file a case against domestic violence, but the act doesn't recognise this, and it is only by the judicial decision this interpretation can be taken and there is an absence of codified law.

Men can file for divorce on the ground of cruelty by wife under section 13 of Hindu Marriage Act,1955 but this doesn't provide any remedy to the victims for the mental and physical agony he has went through.¹⁰

Article 14 of Indian Constitution¹¹ states that state shall not deny any person equality before law or equal protection of law

⁷ SLP (Civil) 9132 of 2015

⁸ Cr. No. 2351/2017

⁹ Domestic violence Act, 2005 section 3

¹⁰ <https://blog.ipleaders.in/domestic-violence-men-india/?amp=1> last visited on 15th April,2023 at 2:23pm.

¹¹ **Right to equality-** Everyone shall be granted equality before law and equal protection of law

Article 15¹² states that there shall be no discrimination based on gender

And hence, based on above two principles demand for establishment of National Commission for men has been raised and 1st conference for the same has been held in 2022 however still there is no specific forum for men to discuss the issue of violence but they can approach national human right commission for the same.

Conclusion and suggestions

Domestic violence is a serious issue regardless of gender, and it is important to address the causes and consequences of such violence. In India, where domestic violence against men is often overlooked or ignored, it is necessary to take steps to raise awareness and provide resources for men who may be experiencing violence in their intimate relationships.

One possible solution is to have more dedicated helplines and support groups specifically for men who are victims of domestic violence. This will give them access to information, support, and guidance on how to deal with the situation and get help. It is also important to educate the general public and law enforcement officials about the prevalence and seriousness of domestic violence against men, and to encourage understanding and empathy for survivors.

Men who are experiencing domestic violence should also be encouraged to seek legal protection measures such as restraining orders and to report incidents of violence to the police. It is crucial that these complaints are addressed seriously, and law enforcement officials are held accountable for investigating and prosecuting cases of domestic violence against men.

Overall, it is important to recognise that domestic violence affects individuals of all genders, and that men who experience this form of violence should have access to the same support and resources as women. By prioritising the needs and rights of all victims, there can be progress made toward ending domestic violence in India.

¹² **No discrimination on basis of caste, race, religion or sex-** No one shall be discriminated on the basis of race, religion, caste or sex