

## **Domestic Violence against Men: A Legal Aspect**

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Domestic violence has been an intrinsic part of our society. It is violence or aggressive behavior within the home, typically involving the violent abuse a spouse or the partner. This form of violence is most common of all. To prevent atrocities against women at national and international level efforts are being made so that such crimes could be controlled. Doubt domestic violence directed against women is a serious and big problem, but the domestic violence against men is also increasing gradually in India. The supremacy of men in the society makes one believe that they are not vulnerable to domestic violence. Battering of men by their spouse and family members has become an important issue and is another form of domestic violence under the sense of judiciary. In comparison to violence against women, violence against men in India is less frequent but it has already taken a dreaded shape in most of the countries of the world including India.

### **Consequences of Violence against Men**

Domestic Violence has been identified across the world as a form of violence that affects a person's life in every way – physically, mentally, emotionally and psychologically. It is a violation of basic human and legal rights. The consequence and effect of this violence against men in India is largely emotional and psychological in nature. The physical harassment resulting from domestic violence, also affects their lives and productivity but it is still more inclined towards the emotional problems which men face in India. It is largely because many such cases go unreported or men feel hesitated to report, as compared to the matters of

physical assault of women. An emotionally harassed and depressed man may lose interest in the occupation he is associated with.

Voice has been raised against the freedom and equality of women but we forget that men can be victim of the same unfortunately; Indian Legislation has failed to accept that men can also be victims of sexual violence and physical assault. The very Section 375 of IPC dealing with rape and legal provisions against it mentions no rapes or sexual assaults against men in fact it states that if rape has been committed then women is the victim and men is the perpetrator. Indian Penal code Act (1860) Sections 354 A, 354 B, 354 C and 354 D, new amendments in (2013) deal with sexual harassment, disrobing, stalking and voyeurism accept women as victim and men as the executor. There is only one IPC Section 377, crippled in itself that records the sexual violence against men but it incorporates only penile sexual intercourse; non-penile abuse victims are not served by this law. It won't be wrong to say that these sections work as the mirror to the way of thinking which the society carries. The situation of crime and abuse against men is in need of urgent attention and calling for serious consideration. It is now time that we should raise voice on this issue, and then only we'll be talking of actual gender equality. The figures recorded for crime against men are disturbing, not because they are huge figures but because of the number of cases where men as victims, go unreported. Men in India are facing all kinds of abuse and "men don't cry" is a mentality that's needed to die.<sup>1</sup>

Save Indian Family Foundation, an organization is working on men's rights, When Man tries to talk about his Problems, torture, struggle, and harassment of marriage and family, no one is ready to listen; instead they laugh at him. Many men feel ashamed to talk when they are beaten at home by their wives and her family. A

trust will not be plagued by his wife if this happens, since the case is rare, with whom they do not tell anyone about what they think the people would say and they just keep tolerating. Because of Indian mentality people believe and women when she tells lies with crocodile tears. There are many laws to protect women against crime but there is no law to protect husband and his family members against the crime of women (wife). It is horrible, no social organization has done any research on that, no one demanded the data of Crime committed against men by women.

Most of the crimes committed against men are not registered and it is because of the sick mentality of people carried out by society. A man suffers in silence because of many reasons. Like women, men also worry for leaving their spouses; they fear their children will be left unsafe without them. Taking care of children is always challenging for fathers, as it is the prospect of raising them alone<sup>2</sup>. Many men feel ashamed at being beaten by a woman, and they do not talk openly about this. They feel that they have failed in their role as a protector and provider for the family. The biggest fear the Indian men feel is that of being slapped with a dowry harassment case because the case is not only levied against the man, his family member also bear the pain and punishment of it. Not only is it hard to shake off the social stigma that comes after being charged with such an act; but the cases also tend to linger on for years and most of the times they are decided in favour of women. Even today, most of the men continue to live with their parents even after getting married. When differences arise, parents generally step in and sometimes make matters worse with their own demands.<sup>3</sup>

When husband comes home exhausted from work, his wife starts to grumbling, as Indian women are known for such murmuring and cursing: Most of the Indian women are housewives. When husband comes home from work, they deliberately

delay food, and do not serve it on time; some husbands prepare food for themselves. They Withhold sex without reason, as man in India can't have sex without the consent of his wife, Even if he is not enjoying sex, he can be charged with rape Most of the women raise their children against their own father, especially sons; persons are threatened by their brothers- in- law or fathers- in- law, to act according to their wives. They take all his earning and Salary; they refuse to entertain husband's family and do not look after his old parents. Most of the Indian women are verbally abusive; no need to show her the art to twist tongue, they are born with this art. They know how to misuse and manipulate their husbands. They find faults in everything, in his profession, attitude and day to day work, even in bedroom. As all men are not capable to satisfy the needs after some age or have some physical problem; mostly this physical disability in bedroom occurs because of sarcasm of wife. This verbal abuse leads men to mental torture, but the society and judiciary consider that women can't verbally or mentally abuse / harass men. Many Indian women use sex as a bargaining tool to get things done; they can deny or withhold sex without any reason. According to psychologists it's a mental torture for men; but Indian judiciary never admits it as a domestic violence of women against men, they consider all times men to be rapists. It is also found that when things go wrong or when husband does not fulfil his wife's demands then her family and in laws start threatening to charge him with false cases like anti dowry section (498a) of IPC or Domestic Violence Act (2005). When the suffering people are asked about this menace, many of them refuse to comment, as they feel hesitation and insult to talk on such matters.<sup>4</sup>

### **Protection of Women from Domestic Violence Act, 2005**

Domestic violence can be defined under four broad categories- Physical Abuse, Sexual Abuse, Verbal and Emotional Abuse and Economic Abuse. In this Act, physical abuse means – causing bodily harm, danger to life, limb or health or development of the aggrieved person. This includes assault, criminal intimidation and criminal force. The definition of sexual abuse explains – “conduct of a sexual nature that abuse, humiliates, degrades or otherwise violates the dignity of a woman”. This definition clearly denies justice to men and indirectly says that abuse, humiliation or violation of dignity cannot happen to a man. This definition includes – “Insult, ridicule, humiliation, name calling or specially insult for not having a child” or “repeated threat to cause physical pain to any person to whom the aggrieved person is related”. The definition of economic abuse under this law is – “deprivation of all or any economic or financial resource to which the aggrieved person is entitled under any law or custom”. On the one hand if the husband earns and he doesn't pay to his wife it is domestic violence. But if the wife earns and she does not pay to the husband it is not regarded the same majority of women do not have to bear the responsibility of household affairs.<sup>5</sup>

It is a common thinking that men are more violent and women are not and hence the definition of aggrieved person says that only ‘woman’ is right. This act is purely in favour of women. It provides protection to wives and female live-in partners from domestic violence carried out by husbands and male live-in partners or their relatives. In this way the Domestic Violence Act should be made gender neutral.

A report from the Jabalpur, Amarkantak and Hoshangabad region of Madhya Pradesh says that a large number of persons have left their marriages to become holy men or yoghis. According to family counseling centres in Jabalpur, the share

of harassed husbands was 70 percent among complainants as per data recorded between 2013 and 2015. About 4,500 husbands are missing from family court records in the region. A local stops the police from going after men who have left marriage and become sadhus.<sup>6</sup>

It is important to have a look on the results of Suicide, Depression and Divorce in the Indian society. A survey conducted by the National Family Health Survey which throws light on unprovoked violence against men by women is evidence in this reference. Notwithstanding the fact that double the numbers of men commit suicide as compared to women. It should not be a surprise to go for a law to protect men as such a law for women already exists. In fact, it would be preposterous in this age of gender equality, not to have such a law. Such a law to protect men from domestic violence would act as preventive relief to millions of those men who feel victimized and left out. It would also provide them with a legal platform to come forward and share their pain and get some semblance of relief. The Supreme Court has said in a recent order that IPC Section 498A has “dubious place of pride amongst the provisions that are used as a weapon rather than a shield by disgruntled wives.”<sup>7</sup>

The government is now planning to make IPC Section 498A compoundable, which means the couple would have privilege of reconciliation and settlement, if the court allows. At present, the offense is non-bailable and non-compoundable. Husbands and in-laws are immediately arrested once a case of dowry harassment or domestic violence is filed against them. The Ministry of Home Affairs is learnt to have sent a draft note for the Union Cabinet to amend Section 498A of the IPC to the Law Ministry for drawing up a draft bill. Under the amended law, there will be a penalty provision of Rs. 15,000 as against Rs. 1,000 now if the case is found to be false. However, the move won't be as easy as Women and Child Development

Minister Maneka Gandhi and women's rights activists have vociferously opposed it. They argue that any dilution of the law will affect millions of women whose cases may be genuine. "But the law should not be changed since this is the only law that gives women protection. "It should stay as it is," suggested Maneka Gandhi. Human rights lawyer Sudha Ramalingam says, "The Supreme Court has already amended the act. Now, husbands and in-laws cannot be arrested immediately after a complaint is registered against them. The police will have to be satisfied first about the need of the arrest. With the proposed amendment, the fear will also go."<sup>8</sup>

The fact is that domestic violence is a serious problem and a neutral and unprejudiced law is needed to protect the genuine victims of domestic violence, irrespective of gender. The perpetrators of domestic violence need to be appropriately punished and dealt with. At the same time, protection cannot be withheld from real victims for any reason whatsoever. One can be certain that there is something sinister about a law, when it intimidates and instills fear in innocent people. When a person who has not committed any crime, begins to fear punishment under the provisions of a law, it is not a law anymore – it is state sponsored terrorism.<sup>9</sup>

## **Conclusion**

Equal number of men and women in India commit crime against one another. But strict laws to safeguard only women have been made in India and even media only highlights crime against women just to run their shop. There is no strict law in India to punish women who do crime against men. These safeguards for women instead of stopping crime are creating more hatred against women. If this is not

amended soon, the family system is going to crash in India and crime will increase to no limits till the level of destabilization of government of India. The criminals who face ignorance, carelessness and no sympathy from the society and the government can become a strong force of destabilizing power<sup>10</sup> to destabilize India. So stop making laws only in favour of women and treat the whole men community as criminals as defined by these laws.

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