

Study and Analysis of Domestic Violence Against Men

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***Abstract-** In this research paper domestic violence is always discussed in relation to women only male is always considered as perpetrator, in recent times due to socio-economical allegations affecting family structure, domestic violence is limited to women only. Is not limited to men only. Being subjected to domestic violence verbally, physically, emotionally, psychologically as well, men do not report these abusive behaviors and become the primary victims of the consequences. There is a concept in our society that only men harass women, women neither harass men nor this concept is totally wrong and there are many cases where women harass men as well. And these helpless men do not get justice for their pathetic condition in the family and society, some laws have been made for the protection of women but they are being used in a wrong way. This article attempts to find out the extent of this problem. And highlights the causes and effects of domestic violence on men. Gender neutral laws are needed.*

Keywords:- domestic violence, victimization, justice, harassing men, verbally, physically, emotionally, psychologically

I. INTRODUCTION

Where a man gives up his life just because he has to face some form of domestic violence or harassment from his wife or in-laws, in such a situation we also get physical, mental or emotional abuse see that these newspapers get buried. And the biggest reason for this is that there is a belief in our society that only men oppress women. The concept that women do not and cannot oppress men is completely wrong, we have many such cases where women also oppress men and in our society men are always expected to be powerful and strong, They can share their compulsion, their sorrow, their pain with anyone Unable to share in front of anyone, it is seen many times that there is a quarrel between a man and his wife and he is not able to share his problems with anyone and inside he keeps on struggling with this problem. And in such a situation, in the end, they take a step like suicide.

II. LITERATURE REVIEW

Kimmel M. (2001) in his book on ‘Male Victims of Domestic Violence’ said that domestic violence is one of the major problems and men also suffer from domestic violence at the hands of their wives or intimate partners. Efforts to prevent domestic violence and its successful implementation have followed years of research and advocacy on behalf of their victims. New laws, police procedures, medical and forensic research have improved the conditions of men who suffer from domestic violence. In recent years, domestic violence has become a hot topic among activists, individuals, and many organizations. After decades of research, many political activists are now shouting this at the top of their voice that both men and women can be the victim of domestic violence in roughly the equal number. Despite several studies that have suggested that only women can face domestic violence at the hands of men, the other 100 empirical studies suggest that the victims of domestic violence can be both men and women. This has provoked the enthusiastic ‘male gender activists’ that policymakers should keep in mind regarding the policies related to domestic violence who made policies and laws mainly focusing on women.[1]

RESEARCH OBJECTIVE

- The purpose behind my research was that domestic violence is not only against women.
- Domestic violence happens on men also, we are unaware of this problem because we are seeing the trend that only men do domestic violence on women.
- Women do not and cannot commit domestic violence on men.
- There are many rights for the protection of women but there is no single right for the protection of men.

RESEARCH QUESTION

1. What Husband can also file case against wife under Protection of Women from Domestic Violence Act. ?
2. What happens to women who file false cases of harassment against their husbands. ?
3. Why there is no particular right to protect men.?

III. RESEARCH METHODOLOGY

In such a situation, it is necessary that a balance should be made in the laws that have been brought for the empowerment of women and the safety of women is very important, they have to be empowered, but at the same time, along with the safety of women, we also have to protect those men. We have to be careful of those against whom this law is being misused, we have to remember that the society should run on both the wheels.

2.1. The husband may also bring a claim against the wife under the Protection of Women from Domestic Violence Act

Regardless of whether the petitioner is still Res Integra. The petition should therefore be taken into consideration. With this clarification, the petition is approved with the provision for modification. In the current case, the court determined that there are enough reasons to pursue legal action against the wife in accordance with Section 12 of the Act.

2.2. What happens to women who file false cases of harassment against their husbands

There is a fine of Rs.500 fine for doing so. Recently a judgment has come in which the husband after fighting the case for almost seven years was able to prove the wife's case false.

The National Crime Bureau says more people died of suicide in 2020 than of Covid. 1.53 lakh people died within the entire year, which is 71% of a male who attempts suicide every 7 seconds. Apart from this, who is the man, where are the most suicide men in the whole world inside India and what is the main reason for all the suicides, family related problems, any marriage related issues. Or is there a relationship issue behind so many suicides, a sad fact. Many of your cases are not fake, not every case is fake. 40 special protection laws for girls. And there is nothing for men so government bodies or law making bodies are in favor of women. If we look at the history of women, the answer is no, one out of every 3 women commits some crime every day. Means talking about rape, talking about sexual abuse, talking about their safety, acid attack, dowry etc. There fake lawsuits not only have a lot of impact mentally, but also have a lot of impact on your career as well as financially. Your family has a lot of influence. There are many laws for the protection of women but there is no specific law for the protection of men. The court ordered the police to adhere to Section 41 of the Criminal Procedure Code, 1973, which lays down a 9-point checklist for when a woman violates the anti-dowry statute (Section 498A), which is being used by some women to harass their husbands and in-laws. Even grandparents who are incapacitated and even relatives who

live abroad were arrested, according to the verdict, which was used to justify their detention.[2]

2.3. The husband is also permitted to accuse the wife of violating the Protection of Women from Domestic Violence Act

In Harsorand Mohd. Zakir V. Shabana,[3] the husband can also file a case against the wife under this Act. Whether or not the petitioner is no longer Res Integra. Therefore the petition deserves to be considered. With the above observation the petition is accepted. Modification is allowed. In the present case, the Court held that there are sufficient grounds for proceeding against the wife under Section 12 of the Act.[4]

2.4. 'Need to be taken seriously by women filing false cases against husbands, in-laws': Delhi High Court

In order to prevent the social fabric from being destroyed, the Delhi High Court stated that occurrences of fake charges being filed against men and their entire families needed to be handled seriously. If such crimes were to be tolerated, more misuse of the legal system may result.

The court's observation was made in a case where a woman's purported suicide was recorded as a false occurrence, and a case of cruelty was filed against her husband and in-laws under the Dowry Act's provisions. According to the report, when the woman was still alive, false information about her suicide was spread, and as a result, a case was filed against her in-laws and her husband was detained. While a lawsuit was filed against the spouse and in-laws for suspected crimes including cruelty, kidnapping, murder, and violations of the Dowry Prohibition Act, the man's mother also filed a complaint, stating that she was the victim of money extortion. His wife wanted to flee her in-laws' home and falsely declared her death in order to convulse, with the help of her family. The woman's brother in the current case requested anticipatory bail in the FIR of cheating and conspiracy filed against him and his family, and the High Court granted the request. However, in light of the seriousness of the accusations and the fact that criminal proceedings under IPC Section 364 (abduction or kidnapping) were erroneously started, the High Court denied anticipatory bail. Gave. "Simply reading the aforementioned factual position demonstrates that the occurrence of the supposed suicide was made up in order to exact revenge for the defamed goal. The complainant's family has experienced slander, negative media publicity, and anguish as a result of this, in

addition to unwarranted There was an outcome. "The petitioner may not have fully anticipated the implications and results of such conduct at the time in question, but the unnecessary custody of the lady's husband undoubtedly destroyed settlement prospects." It looks that a weapon has been made out of the law. Fabricating the disappearance and suicide incident[5]

2.5. Justice Anoop Kumar Mendiratta said

"I am of the considered opinion that such incidents need to be taken seriously to ensure that the social fabric is not ruined by such fabrication of facts," the judge continued. Matrimonial conflicts and disagreements may result in further misuse of the legal system and take a dangerous turn if they are tolerated. While anticipatory bail in a case of cheating was pending, the woman had previously been given temporary protection from arrest, the High Court noted. At this point, it is indisputable that the lady maintained contact with the family during the aforementioned time, which allowed her husband Kumar to remain in prison. Additionally, the incident was brought to attention in the media due to an apparent suicide. Note, for which the prosecution is suing," it read.

2.6. False claim that a husband was subjected to dowry abuse

Often we see that after marriage, women ruin their home by coming under the influence of their family or someone else. She lives separately from her husband and in-laws. And every day for one reason or the other, she creates a ruckus in the houses. And keeps on fighting day and night etc. The woman says that if she is not obeyed, she will give up her life. She instigates those that some women mentally torture men. Choose any of your family either have to choose family or wife. Because of this, men keep battling with mental stress inside. And is not able to share his mind with anyone. Some women quarrel with their husbands and in-laws and file false dowry complaints in the police station. That my husband and in-laws demanded dowry from me, in such a situation the police arrested the innocent husband under section 41 of CrPC. And treats her like a criminal, causing the men to face some problems. Economic, mental, physical have to face some such problems. The situation got so bad that the Supreme Court of India termed it legal terrorism and came to be known as anti-male law. Many women have defeated the very object and purpose of this law through their false dowry allegations. The purpose of bringing this law was to use this section 498A as a shield instead of a weapon. In the case of Arnesh Kumar v. State of Bihar,[6] it was pointed out that the

husband's disabled grandparents were arrested by the police, which was falsely recorded by the wife. Such fake news is increasing day by day, due to which innocent people have to face adversity and humiliation.

2.7. India's false F.I.R. cases statistics

The prevalence of fabricated criminal reports in India is alarming. 53.2% of the rape complaints registered in Delhi between April 2013 and July 2014 were later determined to be fraudulent, according to statistics from the Delhi Commission for Women (DCW). Crime in India 2016 - Statistics shows that 912 ST cases and 5347 SC cases were fraudulent. Out of the 15638 cases the court resolved in 2015, 11024 ended in discharge or acquittal. According to the Department of Social Justice and Empowerment's Annual Report 2016-2017, which was released by the Government of India's Ministry of Social Justice and Empowerment, 485 cases were withdrawn and 4119 resulted in convictions. The Dowry Prohibition Act was used in 13,297 instances in 2019, according to the National Crime Records Bureau (NCRB). 874 were released, and 4,840 were found not guilty.[7]

2.8. The lady accused the man of rape and filed a fake report

Some women accuse men of fake rape as a result of minor disputes or animosity they both have with males. Women also file fictitious rape accusations against men when there is a clash in a city, etc., causing the police to detain the males. Women do this in order to defraud the men of a large sum of money. Some women may say, "I need so much money, please resign so I can withdraw the case," to males. Women must obey males because of fear of being slandered. The claims of sexual harassment are a significant worry, and most women do not receive justice for such horrible crimes since the law is so flagrantly utilised against them. Aside from encouraging victims to come out and making rulings that are fair and effective, the legal system must also fully investigate allegations before rendering a verdict. Concerns have been raised about some women abusing the judicial system designed to defend women. The threat of bogus rape charges being brought by several women with the intention of extortion has increased across the nation.[8] People who have been wrongly accused, have been excommunicated, are still living in terror, or have turned to suicide in these situations. It was determined that a 23-year-old youngster was brought inside in a rape case in an Allahabad High Court reset case. The threat of bogus rape charges being brought by several women with the intention of extortion has increased across the nation. People who

have been wrongly accused, have been excommunicated, are still living in terror, or have turned to suicide in these situations. It was determined that a 23-year-old youngster was brought inside in a rape case in an Allahabad High Court reset case.[9]

2.9. Case of rape with a man

-India's law must recognize that men can also be raped Naz Foundation v. Government of National Capital Territory of Delhi and in reporting by domestic human rights organizations. So why the inertia behind a term as old as "sodomy"? Male victims of rape are frequently too reluctant to come forward because of the barrier of social shame and the absence of legal remedies, despite horrifying examples of male sexual assault, and rape laws under the Indian criminal system do not provide enough opportunity for them.[10]

2.10. More false complaints of rape filed

On October 25, Bhatia reported another incident of sexual harassment to the DLF Phase 3 police station and wanted payment as restitution. The SIT had already been established when the woman attempted to file a new complaint at the Palam Vihar police station. However, a mother from Karnal who claimed that her son was being wrongfully accused of a sexual assault case filed a complaint regarding his recent detention at the New Colony police station. It was the eighth instance. In the vicinity of Vijay Park, his son was seeking for a flat or room to rent. They came upon a sign advertising a vacant "to-let" and called the number listed on the sign. He departed on October 15, but after a few days the girl began phoning the guy often. After the lad objected, Bhatia demanded that he get married or give her money in order to avoid being accused of assault.[11]

2.11. COMMUNITY WORK PRACTISE IN DOMESTIC VIOLENCE AGAINST MEN

According to the National Association of Social Workers in the United States (NASW), social work practice entails the skillful application of social work values, concepts, and practices to at least one goal: "helping people achieve tangible services." providing assistance, counseling, and psychotherapy to people individually, in families, and in groups; assisting communities or organizations to deliver or enhance social and health services; and taking part in judicial proceedings. The method through which social workers explain how they might use the principles to address a social issue is known as social work practice. Domestic

violence against males is one such issue that requires professional attention due to its sensitive nature. Even if males are physically stronger than women, this does not automatically indicate that they can handle the problem of aggressive women. Violence against males, such as hitting, slapping, kicking, biting one's nails, having no sex, and even murder, can cause psychological annoyances. The actual problem is that, in a patriarchal society, males who are mistreated by their female spouses tend to talk about their experiences rather than being open and honest about it. Becoming a laughingstock (Adebayo, 2014). It is an appeal to social workers to get involved by boosting men's self-esteem and not letting them suffer in silence until it gets severe enough to cause fatalities. Although it is the role of social workers to engage with males via counseling, the issue is that men who put up with violent behaviour at home seldom get a chance to be heard by the wider public. In reality, whether or not a woman has bruises all over her body from assault, he is still regarded as the aggressor. In contemporary culture, domestic violence against males is increasingly acknowledged as a serious societal issue. Domestic violence is an issue that social workers have responded to in a variety of ways, each reflecting how well they understood contemporary social work theories and practices that addressed the problem. According to Sheldon & Macdonald (2010), a theory is defined as an approach to understanding a phenomena. Social workers are aware of this connection between theory and practice. According to Walsh (2014), principles are amorphous notions that contain presumptions about how social work intervention tactics might be successful with clients. In addition, according to Shardlow (2007), According to "social workers are expected to possess a broad-based professional understanding that integrates knowledge gained from a variety of academic and professional disciplines into a coherent and useful that can be directly applied in practice." This suggests that social workers are transitioning from higher level social work principles to daily intervention on social work-related situations. This is relevant to domestic violence against men since the intervention needed by men may differ from Is. for females The harmful assumption that domestic violence is committed by males against women and is thus a patriarchal societal phenomena informs feminist interpretations of domestic violence, which situate the violence in a context that defines gender and emphasises power. refers to a building that serves as a place for women to eat (McPhail et al., 2007) Through a process of socialization that promotes conventional male and female roles, where "femininity is strongly associated with conquest and masculinity with dominance" (Cribb, 1999), patriarchal structures are placed in place. However, the response of social work to both male victims and female offenders of domestic violence must take into account the cultural patriarchal

environment in which the abuse is occurring. Taking into mind the fact that theoretical accounts of domestic violence against men are tightly linked to a cultural patriarchal system that defines gender issues, my perspective and research based on interviews with battered males, When faced with serious abuse from their spouses, I discovered that males have inflated egos and would rather keep mute to demonstrate that they are "man enough" to manage the situation. It is said that the males are "coercively controlling" this horrifying scenario. To develop self-control and preserve the patriarchal character that would support male supremacy, the phrase "coercive control" is utilised. Men are seen as the aggressors, while women are seen as the innocent victims or cogs in a relationship that is violent. Even if there is a lot of domestic violence against women, where many women have also died, or have been brutalised or maimed by their violent male partners, everyone has come to sympathise with the woman. For the media, chronicling the story is the main draw. Sadly, people rarely notice when a guy is in pain, regardless of how he responds. Domestic violence against males is also viewed as less severe than against women. Men are, however, held accountable for any physical abuse that takes place between themselves and their spouses. In the eyes of society, it is absurd when males suffer at the hands of women, and this can make the guy feel ashamed in public. Men are also almost as likely as women to experience relationship abuse. To address the prevalence of domestic violence against males from the perspective of social, economic, and cultural causes, social work requires human development and behaviour that are related to the cultural patriarchal system that characterises the gender issue in social work. Do so because males lack access to the same degree of fundamental social support, understanding, or empathy that women do as a result of their gender.

IV. CONCLUSION

The incidence of violence against males and its risk variables have received scant attention up to this point. It would be ideal if preventative measures were developed further and afflicted guys were given specific help. Modernization and westernisation have caused significant changes in social values, culture, and conventions in recent years. Men used to be thought of as the family's defenders, but today both sexes work equally, improve their homes, and contribute equally to their income. Men are now discussing their grief, suffering, and challenges in an open manner because they have become more vocal about domestic abuse. No longer are males stronger than women. The moment has come for law and legislation to acknowledge their issue as a societal

issue or concern. Effective legal improvements, raising awareness, and dispelling preconceptions can all help stop domestic violence against males.

V. SUGGESTION

- Domestic violence is not only on women, but men also have domestic violence
- When women sue men, there should be proper investigation of those cases because many cases turn out to be false and those who are innocent men get punished for that crime which they did not commit.
- Husbands suffering from domestic violence should also get the right to file divorce against their wife
- In such a situation, there is a need to balance the law which was brought for the empowerment of women and the safety of women is very important, they have to be empowered but at the same time along with the safety of women, we should also protect those men. Care has to be taken against those against whom this law is misused we have to remember that the society should run on both wheels.

References

- [1] <https://blog.ipleaders.in/domestic-violence-men-india/?amp=1>
- [2] The National Crime Bureau
- [3] Harsorand Mohammed Zakir V. Smt Shabana on 18 April, 2017
- [4] <https://sahodar.in>
- [5] <https://www.newindianexpress.com/>
- [6] Arnesh kumar V. State of Bihar (2014) 8 Scc 273
- [7] <https://bnblegal.com>
- [8] Gurmail singh V. State Of Punjab and Anr on 7 January, 2022
- [9] Sejal Sharma V. State of Haryana on 23 September, 2021
- [10] Naz Foundation v. Government of National Capital Territory of Delhi 160 Delhi Law Times 277
- [11] <https://thelogicalindian.com/>