

Domestic Violence Against Men in India

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ABSTRACT:

In India, where patriarchy, caste-based prejudice, and gender-based violence have long been pervasive, domestic violence has its historical roots. Domestic violence has been sustained by the hierarchical structure of society and traditional gender roles. The main objective of the study is to foreclose the occurrence of domestic violence. To do this, society's attitudes, conventions, and actions that encourage domestic violence must be altered. Education, public relations campaigns, and neighborhood-based initiatives are all part of prevention measures that support gender equality and healthy relationships. The methodology adopted in this paper is doctrinal. The source too is primarily secondary in nature. Domestic abuse affects men in a variety of ways as well as women, who are not the only victims. There is a necessity for ongoing campaigns to increase awareness, reform legal systems, and establish inclusive support networks is highlighted by comparing India to other nations. These efforts are important to guarantee that all victims of abuse, regardless of gender, receive the appropriate protection and aid.

Keywords: Domestic violence, men, Gender, United Kingdom, Namibia

INTRODUCTION

Although it is a significant social issue, domestic violence against men has historically gotten less attention than domestic violence against women. It is true that domestic violence against women is more commonly acknowledged and addressed in India and many other nations, but it is crucial to remember that males can also become victims of domestic abuse and their stories shouldn't be disregarded. Efforts should be taken to support all victims of domestic abuse and build a society where it is not allowed, regardless of the victim's gender, as these are serious issues. (Malik & Nadda, 2019)

Domestic abuse is addressed through legislative measures in India, most notably the Protection of Women from Domestic Abuse Act (PWDVA), 2005.¹ It's important to remember, though, that the primary goal of this law is to safeguard women who are the targets of domestic abuse. The term "domestic violence" is used in the law to refer to a wide range of abusive behaviours, including physical, sexual, verbal, emotional, and economic abuse (Malik & Nadda, 2019). It's critical to emphasize that domestic violence against women is the PWDVA's primary focus. It is advised to seek legal aid if you or someone you know is a victim of domestic abuse in India, such as by speaking with a lawyer or getting in touch with a neighborhood women's support group for advice on how to navigate the legal system and access the available protection measures. Domestic abuse and its gender-specific features are not specifically addressed in the Indian Constitution. Raising awareness, offering support services, and ensuring that the legal framework is inclusive and attentive to the needs of all victims, regardless of gender, are all important components of efforts to address domestic violence against males in India. To properly address this issue, it is also crucial to promote open communication and lessen the stigma attached to male victimization. (Deshpande, 2019)

SPOUSAL VIOLENCE IN INDIA:

Like in many other nations, there are many different types of crimes committed against men in India. Men can be affected differently by these crimes depending on their nature and severity. Men can also engage in forced sexual behaviour at work or at home to avoid consequences or to receive rewards. False rape accusations are frequent, as are other accusations like molestation. Because women are the weaker sex by law and society, men are frequently the target of false accusations of sexual assault and rape. This is accurate in situations involving fake dowries and domestic abuse against males under Section 498A,² as stated by numerous courts during their procedures. (Avinash, De Sousa 2022)

¹ Protection of Women from Domestic abuse Act (PWDVA), 2005.

² Section 498A Of Indian Penal Code

The grounds for divorce in Hindu marriages are covered in Section 13 of the Hindu Marriage Act(HMA) of 1955.³ It discusses several circumstances that can result in the dissolution or annulment of a Hindu marriage. The section offers a legal foundation for people who want to get a divorce from a Hindu marriage. On the other hand, assaults against males in India often fall under the more general legal system that addresses assault, which is applicable to all people regardless of gender. The Indian Penal Code (IPC)⁴ has explicit laws and punishments for assault, which is a criminal offence. The HMA Sections 24 and 25⁵ have no direct bearing on physical assault against men or any other type of physical violence. Instead, these parts deal with financial arrangements for spouses, particularly in relation to the payment of alimony or maintenance while divorce proceedings are pending. These parts don't explicitly address instances of assault or violence; instead, they concentrate on the financial issues of divorce and maintenance for spouses. Sections 24 and 25 of the HMA⁶ do not directly address cases of assault or violence, which normally fall under criminal law but male victims of domestic abuse or assault are not particularly covered by any laws in India. In India, the upkeep of wives, children, along with parents is covered by CrPC's Section 125.⁷ Although Section 125 is primarily concerned with the financial support of spouses and dependent children, dependent husbands may also be covered provided they meet specific requirements. If a husband suffers from domestic abuse or assault, he is entitled to legal protection under the applicable criminal laws and may, depending on the situation, think about requesting a restraining order or protection order. If the husband is financially dependent on his wife and qualifies for maintenance, Section 125 CrPC⁸ may also be applicable. The PWDVA,⁹ one of India's domestic violence laws, is gender-specific and primarily intended to safeguard women. While these laws offer significant protections for women, they do not afford male victims the same level of protection and legal redress.

JUDICIAL ACTIONS:

Even though domestic violence is a widespread problem that affects everyone, regardless of gender, it has historically been underreported and frequently ignored when it comes to male victims in many nations, including India. Male domestic abuse victims in India experience a variety of negative physical and psychological impacts. They might sustain physical wounds like fractures and cuts that have both short- and long-term health effects. They frequently struggle psychologically with anxiety, sadness, and post-traumatic stress disorder, and these emotional scars have an impact on their general well-being.

Here are some famous instances of males in India being shielded from domestic abuse:

Harish Uppal v. Union of India (2003)¹⁰: This case, although not directly related to domestic violence, challenged IPC's Section 498A, which deals with cruelty done by a husband or even his relatives against a married woman. The Supreme Court, while acknowledging that the law aimed to protect women from cruelty, also observed that misuse of the law could result in harassment of innocent family members, including men. The court emphasized the need to prevent such misuse.

Vinay Verma v. State of NCT of Delhi (2020)¹¹: The Delhi High Court ordered the police to submit a First Information Report (FIR) in this case against a woman who was allegedly violent toward her husband. The court acknowledged that men might experience domestic abuse and that they are entitled to legal protection.

Gaurav Sondhi v. Urvashi (2017)¹²: In this case, the Delhi High Court recognized the existence of male victims of domestic violence and decided that if a man could prove that he had been subjected to violence by a woman with whom he had a domestic relationship, he could apply for protection under the Protection of Women from Domestic Violence Act, 2005.

³ Section 13 of the Hindu Marriage Act of 1955.

⁴ The Indian Penal Code (IPC)

⁵ The Hindu Marriage Act, 1955 (HMA) Sections 24 and 25

⁶ Sections 24 and 25 of the Hindu Marriage Act (HMA)

⁷ Section 125 of the Code of Criminal Procedure (CrPC).

⁸ Section 125 CrPC

⁹ The Protection of Women from Domestic Violence Act (PWDVA)

¹⁰ Harish Uppal v. Union of India (2003)

¹¹ Vinay Verma v. State of NCT of Delhi (2020)

¹² Gaurav Sondhi v. Urvashi (2017)

COMPARISON OF INDIA WITH OTHER COUNTRIES:

UNITED KINGDOM:

Domestic abuse is acknowledged as a severe problem that affects both men and women in the United Kingdom. In general, gender-neutral laws and regulations have been created to address domestic violence, recognizing that both men and women can become victims of this type of abuse. The legal framework for handling domestic violence in the United Kingdom is extensive and consists of several laws, regulations, and assistance programs aimed at safeguarding victims, prosecuting offenders, and stopping domestic violence. (Ngozi Tracy Aleke,2022)

The following are some crucial elements of the UK's legal framework for combating domestic violence:

1. Domestic Violence Act 2021: The Domestic Abuse Act is a historic piece of legislation that offers a thorough legal framework for combating domestic violence. It went into effect in April 2021. Regardless of gender, the Act imposes penalties on all offenders and victims.¹³
2. Domestic Abuse Protection Orders (DAPOs) and Domestic Abuse Protection Notices (DAPNs), two new types of protection orders, were created under the Domestic Abuse Act. These orders may be used to safeguard victims and impose limitations on offenders, such as forbidding them from approaching the victim or from entering certain locations.¹⁴
3. Non-Molestation along with Occupation Orders: Per the Family Law Act of 1996,¹⁵ people have the right to file for Non-Molestation Orders to safeguard them from harassment or domestic abuse and Occupation Orders to specify who is allowed to live in the family home. Both men and women can place these orders.
4. Criminal Law: No matter the perpetrator's gender, domestic violence can be punished under various criminal laws in the UK.
5. Housing and lodging: Steps have been taken to guarantee that victims can find secure housing and lodging when they need to end an abusive relationship.
6. Children and Family Support: The legal system takes into account the well-being of children who have been subjected to domestic violence, and measures are in place to safeguard and support them.

Regardless of gender, all victims of domestic violence in the UK intend to receive complete protection and support from the legal system.

NAMIBIA:

Domestic violence is a major problem in Namibia, as it is in many other nations, and there are laws and policies in place to address it. These actions seek to safeguard victims, punish offenders, and stop domestic violence. Although Namibia's legal system has certain parallels to other nations' legal systems, it also reflects Namibia's own legal and cultural background. (Nampweya, M., & Tree, J. 2020)

The following are crucial elements of Namibia's legal framework for combating domestic violence:

- Act of 2003 to Combat Domestic Violence: The legal basis for combating domestic abuse in Namibia is provided by this statute. Domestic abuse is broadly defined to include all forms, including physical, emotional, psychological, sexual, and economic abuse. Both male and female criminals and victims are subject to the law.¹⁶
- Protection Orders: Domestic violence victims may get protection orders under the Combating Domestic Violence Act.
- Support Services: Shelters, therapy, and legal assistance are all available in Namibia for victims of domestic violence. No matter their gender, all victims can use these services.
- Criminal Law: Namibia's criminal laws have provisions for prosecuting those who engage in domestic abuse. Charges of violence, harassment, or other relevant offences may be included in this.
- Awareness and Education: To increase public understanding of domestic abuse, its effects, and the value of seeking assistance, the Namibian government collaborates with civil society organizations to carry out public awareness campaigns and educational initiatives.
- Training for Professionals: To successfully identify and address domestic abuse incidents, law enforcement personnel, healthcare professionals, and social workers get training.

¹³ Domestic Abuse Act 2021

¹⁴Domestic Abuse Protection Orders (DAPOs) and Domestic Abuse Protection Notices (DAPNs)

¹⁵ Family Law Act of 1996.

¹⁶ Act of 2003 to Combat Domestic Violence

- Children and Family Support: The Namibian legal system considers the well-being of children who have been subjected to domestic violence, and measures are in place to protect and support them.

Although Namibia's legal system is intended to completely and equally treat domestic abuse, it's necessary to acknowledge that there are still problems in this area.

In the final analysis, domestic violence against males is a worldwide problem, and the incidence and methods of addressing it can differ from one nation to another. While all three of the nations have made attempts to address this problem, more needs to be done in terms of increasing awareness, enhancing legal protections, and enhancing support services for male victims of domestic abuse.

CONCLUSION:

It's critical to remember that when comparing India to Namibia and the UK about violence against men, these nations have different legal systems, cultural norms, and social support structures. The legal systems in Namibia and the UK are more gender-neutral and expressly identify and combat violence against men.

Additionally, these nations often offer more inclusive support services and awareness initiatives. India has worked to achieve a balance between gender equality and the protection of vulnerable populations, particularly women, like many other nations have. The emphasis should be on strengthening the legal system, increasing public awareness, and figuring out how to stop abuse while also protecting and empowering women. Achieving actual gender equality in India will require finding the appropriate balance.

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SECTIONS:

- Section 498A OF IPC
- Section 13 Of HMA
- section 24 & 25 of HMA
- Section 125 Of Crpc

ACTS:

INDIA:

- The Protection of Women from Domestic Abuse Act (PWDVA), 2005.

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- Indian Penal Code
- The Hindu Marriage Act of 1955.
- The Code of Criminal Procedure (CrPC)

United Kingdom (UK):

- Family Law Act of 1996,
- Domestic Abuse Act 2021
- Domestic Abuse Protection Orders (DAPOs) and Domestic Abuse Protection Notices (DAPNs)

NAMIBIA:

- Act of 2003 to Combat Domestic Violence