

Domestic Violence by Men

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ABSTRACT

Domestic Violence—which can take the form of physical, emotional, psychological, or financial harm—remains one of the most prevalent types of abuse against women. An important legislative step toward defending women's rights in the home was the passage of The Protection of Women from Domestic Violence Act, 2005 (PWDVA). With special reference to Section 498A of the Indian Penal Code, now Section 84 of 2023 (BNS) and the procedural framework set up under this article examines the dual civil and criminal nature of domestic violence under Indian law. It also looks at the crucial role that family courts have played in providing easily accessible, humane, and fair resolutions to family conflicts and cases of domestic abuse since their founding in 1984. Through an examination of statutory provisions, legal precedents, and empirical data, specifically from the National Family Health Survey and the National Crime Records Bureau, the study demonstrates a significant decrease in domestic violence cases following the Act's implementation. Stronger legal protections, rising public reporting and more reporting are all factors in this decline. The article's conclusion highlights the significance of effective legal systems, the growth of infrastructure, and neighbourhood-based programs One Stop Centre, all of which are essential for the long-term protection and empowerment of women in India.

Keywords: Domestic Violence, physical, emotional, psychological, financial harm, National Crime Records Bureau

INTRODUCTION

Domestic Violence means the people those who are in a close relationship intimate to hurt someone either physically, emotionally or mentally. It can happen to anyone it could be with either female or male, nowadays it's proven the increasing cases of the male victim. The offender who commits the Domestic Violence is no one but their own family members, close relatives or any close friends of the victim. The reasons for the Domestic Violence is to gain power and control over each other in a relationship. The perpetrator or we say the offender is anyone regardless of their age, sex, class or faith means whom they trust. It affects the people of all the sections of the society whether it be the rich or poor and not only that but it also has a small impact on the members of the family, close friend, neighbours and some other people who is the eye victim of this violence and the community at large as well as the children who is growing by witnessing the domestic violence at their home. The importance to look in the matter of Domestic Violence is to make the perpetrators aware and the victim for the violation of their constitutional

rights which ensures that each and every person lives freely. To educate the people about the Domestic Violence leads to breakdown the silence and societal stigma which encourage the victims to seek help from anybody through open and free conversations. It also challenges very harmful stereotypes or gender-based inequalities and cultural factors that contribute to the perpetuation of domestic violence. The victim of the domestic violence undergoes the behavioral health issues like depression, chronic pain, substantial abuse (such as alcohol or drugs) and also increased the risk of the various types of diseases. By understanding about the Domestic Violence leads to the breakdown of the cycle of abuse and helps the victim to overcome from the situation.

BACKGROUND:

As stated above that the Domestic Violence reason is to gain control and power over each other in an intimate relationship which take many forms such as physically, emotionally, psychologically and sexually etc. The history behind the Domestic Violence is very complex and evolving too which impact women but

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the data shows men is also the victim across the various types of cultures and legal systems. It was often see that in back days the victim is woman only accepted socially and tolerated as legally⁴. Over the time, general perception and legal framework shifted to recognize the Domestic Violence as a serious crime not a non-serious one which affect male too. Earlier in 16th century the English common law treated Domestic Violence as a breach of peace rather not taken into consideration as a heinous crime against the victim. In general dynamics, Domestic Violence has historically been more commonly associated with male who commits the Domestic Violence and the female became as victim of it but nowadays it affects men but due to the societal stigma there cases unreported and are less discussed and they also experiences in various ways like physical, emotional, psychological and many times financial. Due to the societal stigma the cases against men is unreported as compared to woman and it requires awareness and support to overcome from the situation.

Factors Contributing to Domestic Violence Against Men

1. Emotional Dependency: When a men is in a relationship with a woman and is very emotionally attached and also started sharing each other day to day life routines but one day the woman left the men and she started her relationship with another men, the emotion and the feelings he share with her is very much.
2. Lack of Support System: When the men seek help from any person living in the society they didn't get much support system due to the societal stigma or belief that men are stronger whereas women get support which leads to the isolation of their feelings and hopelessness.
3. Fear of losing custody: Men have often fear of losing custody of their children as in many cases and laws states the custody of the children lies on the woman hand because the societal stigma says that women can take care of their children not men. So, not losing the custody of the children men could not speak up about Domestic Violence.
4. Family Pressure: In Indian culture, living with extended family members after marriage is common.

This can create a sense of shame and embarrassment for men when discussing domestic violence, as they fear judgment from their family and society. Moreover, societal norms often perpetuate gender biases and stereotypes, further discouraging men from seeking help.

5. Societal belief and Stereotypes: In today's world there is a common belief that men do not cry and do not share their feelings or emotions in front of anyone which make difficult for them to admit of being victims and this stereotype leads to men suffering in silence.

Types of Domestic Violence Experienced by Men

Men experiences various forms of Domestic violence which are similar to those experienced by women.

1. Physical Violence: Men also experiences physical violence likewise woman which includes the act like hitting, slapping, pinching, scratching etc.
2. Emotional and Psychological: When a men is in a relationship with a woman and is very emotionally attached and also started sharing each other day to day life routines but one day the woman left the men and she started her relationship with another men, the emotion and the feelings he share with her is very much and after leaving the men in that situation where he also undergoes mental health issue too, which impact his life psychologically.
3. Financial: In this type of Domestic Violence the perpetrator wields their influence over the men economic resources in a relationship in the way that men have to spend and earn.
4. Sexual Violence: Men also experiences sexual violence which include assault and coercion such as blackmailing, torture, threatening someone.
5. Social Isolation: Men experiences the Domestic Violence isolate themselves as losing their masculinity which is the societal stigma and also restrict to interact with their family or friends too.

Prevalence Rates:

In the present study, it is found that 52.4% of men experienced gender-based violence; it is also found

that out of 1000 males 51.5% experienced the violence at the hands of their relationship or intimate partner. The most common type of violence involved in the spousal relationship is emotional which is 51.6% followed by the 6% physical violence. The primary goal of these legal protections and institutional frameworks is to ensure that women's rights and esteem are maintained. The Protection Officer and service providers were instituted under the law to protect the female victims from harassment in the society and from the stigmas attached to court proceedings. According to the judicial system, domestic violence is both a civil and criminal matter. Violence against women is viewed as one of society's highest priorities. Family courts have been established, and various provisions, such as the Domestic Violence Act of 2005, have been enacted, as a result. The fact that the number of cases has gone down since family courts were established, more people are now also aware of the remedies available to them. There has been a significant drop in the incidence of domestic violence in India, which is largely attributable to the passage of the Domestic Violence Act. The primary goal of these legal protections and institutional frameworks is to ensure that women's rights and esteem are maintained. The Protection Officer and service providers were instituted under the law to protect the female victims from harassment in the society and from the stigmas attached to court proceedings. The aid given to the women victims is both empowering and practical. Protection orders, residence orders, orders for monetary relief, compensation and temporary custody are some of the remedies provided to women under the 2005 Act. Aid is provided to women in the form of housing, support, and financial compensation, all of which serve to strengthen their position in society and empower them.

Notable Cases Related to Domestic Violence Where Men Are Victims

1. Hiral P. Harsora vs. Kusum Narottamdas Harsora (2016): In this case, the Supreme Court of India struck down the term of "adult male" from Section 2(q) of the Domestic Violence Act, 2005 and allowed the men to file their complaints. The ruling also acknowledged that women is also the perpetrator of Domestic Violence.

2. P. Sasikumar v. Union of India (2018): In this case, The Madras High Court observed that there is lack of legal provisions in favour of men to protect them against the Domestic Violence and the court also noted that the main reason why men is not reporting their cases is the societal stigma.

These are the cases which highlight the male as victim in the Domestic Violence. Therefore, there are very less case and laws existing in India as compare to women. So, the laws or research analysis should be made or do by the government to protect men's right.

CONCLUSION:

Domestic Violence against men is a serious issue often goes unreported or unrecognized while the domestic violence against woman is taken into consideration. So, it is very important to acknowledge that men is also the victim of the Domestic Violence and also they get same support system and resources as woman get and raising awareness about the Domestic Violence against men leads to reduce the societal stigma and they can also report their cases without losing their masculinity and the laws for men also be made too. The fact that the number of cases has gone down since family courts were established, more people are now also aware of the remedies available to them. There has been a significant drop in the incidence of domestic violence in India, which is largely attributable to the passage of the Domestic Violence Act. The primary goal of these legal protections and institutional frameworks is to ensure that women's rights and esteem are maintained. The Protection Officer and service providers were instituted under the law to protect the female victims from harassment in the society and from the stigmas attached to court proceedings. The aid given to the women victims is both empowering and practical. Protection orders, residence orders, orders for monetary relief, compensation and temporary custody are some of the remedies provided to women under the 2005 Act. Aid is provided to women in the form of housing, support, and financial compensation, all of which serve to strengthen their position in society and empower them.

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