



# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed Edition :

[www.ijlra.com](http://www.ijlra.com)

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

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# **DOMESTIC VIOLENCE AGAINST MEN IN INDIA**

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## **CHAPTER I – INTRODUCTION**

Violence against men by women has become a common problem today. It includes financial, physical, sexual and emotional abuse, as well as emotional abuse that damages a person's mental and physical health. Both men and women are victims of gender-based violence. In a country like India, where men have dominated for centuries, people find it hard to believe that men can be victims of domestic violence like women.

Therefore, there may be a reason why domestic violence against men is not recognized in any law in India. But contrary to popular belief, the number of men who are psychologically and physically abused by women is increasing. Considering the existing laws in the country, there are no laws to protect men from intimate partner violence, Section 498A of the Indian Penal Code 1860 explains that a man can only be held responsible for violence against his wife, there is no provision in the entire law that makes women responsible for the same. Similarly, Section 3 of the Protection of Women from Domestic Violence Act 2005 claims that it only protects women from such violence. Nothing in the Act protects men from such violence. The existence of such a law assumes that men are always guilty, while women are always innocent. So it is necessary to make the necessary changes in the current legislation. It is also urgent to pass gender-neutral laws, so that perpetrators are punished and victims receive treatment regardless of their gender. Therefore, to prevent and reduce domestic violence in this area, gender-neutral laws must be applied and sexist laws must not be implemented.

### **Chapter 2 - Role of Gender Biased Laws**

Injustice Indian Penal Code The Indian Penal Code is, in its basic form, the main criminal law of India, which enumerates all the cases and punishments with which a person who commits an offense can be charged and covers all citizens of India or of India. origin.S.2 of the said Code provides that every person shall be punished in accordance with this Code base and not otherwise for any act or omission of which he is guilty in India contrary to its provisions. As stated in this section, the law does not distinguish between criminals, and any person who commits a crime is criminally punishable. However, the default that all violence is produced by men does not create

gender alone. divides society but provides protection against crimes committed by women. Judge Saldana's remarks indicate how these laws are being abused to the detriment of innocent citizens: ...we must be careful that police and investigative agencies do not improperly and technically jump to conclusions simply because a death has occurred. that ipso facto is a crime. In up to 44% of cases, the prosecution is completely unfounded.

The consequences of these accusations are very serious, because the accused spouse and always family members are arrested.

This has serious social and economic consequences. According to statistics from the National Crime Records Bureau, almost 200,000 people, including 47,951 women, were arrested on unsupervised dowry charges in 2012. Surprisingly, only 15% of the accused were convicted. This section should be read with S. 113A of the Indian Evidence Act to create a presumption of suicide by the husband of a married woman. The above two sections are not connected. terminal offenses and cannot be combined and which can be identified in India. There is a clear intention behind these parts to blame the husband or father-in-law, even though they may not have caused the death or injury! It is common to claim that all women committed suicide due to dowry harassment. Under these sections, even if the accusation is false, the court and the husband are judged guilty until proven innocent. The Supreme Court of India called this misuse of the law legal terrorism. Section 304B provides that: if the death of the wife is due to burns or bodily injury or other unusual circumstances, within seven years of marriage, his relatives were due to a demand for dowry or subjected to cruelty or harassment in relation to that, - such spouse or relative will be punished by imprisonment for a period which shall not be less than seven years but which may extend to life imprisonment. Judgment 498A provides that if it is proven that the husband or his relative has cruelly and harassed a married woman, then that husband or his relatives will be punished with imprisonment for up to three years and a fine. This section should be read with P.

113A Section 304b (Mercy death) and section 498a (Cruelty to women): The term "mercy death" conjures up vivid images of a woman mocked and harassed for money. he would die within the four walls of his house. Feminists have led us to believe that any unnatural or untimely death of a married Indian woman is a dowry death. Except that the feminist hyperbole of bride-killing and dowry harassment gives the impression that Indian men have an inexplicable penchant for abusing their wives for money and property. Section 304B provides that: if the death of the wife is due to burns or bodily injury or other unusual circumstances, within seven years of marriage, his relatives were subjected to cruelty or harassment because of or in connection with the demand for dowry.

**Chapter 3 – Gender Neutral Laws need of the hour**

The Indian Constitution of 1950 guarantees equality before the law to all people and gives every person the right to live with dignity. In addition, every citizen of the country has the right not to be discriminated against because of religion, race, caste, gender or place of birth. However, when it comes to crimes such as sexual harassment, voyeurism, stalking, sexual violence and rape cases, men and transsexuals in society are always denied rights. There is a prejudice that women always fall under the protection of crimes. a victim part and men always fall under the part of the abuser, but the scenario is such that men are also victims of sexual crimes and false accusations. This article examines India's outdated laws governing sex crimes and how it prevents men and transgender people from accessing justice. But when it comes to crimes like sexual harassment, voyeurism, stalking, rape and rape cases, men and transsexuals have always been disenfranchised in society. It is a prejudice that women always fall under it. of criminal law. the umbrella of the victim and men always fall under the part of the abuser, but the scenario is such that men are also victims of sexual crimes and false accusations. This article examines India's outdated laws governing sex crimes and how it prevents men and transgender people from accessing justice. The article also attempts to make recommendations for law reform. The author asserts through this article that the above-mentioned crimes are not only sexual crimes, but are also crimes against public morality, decency and modesty, and any community of society (men, women and transgenders) can fall victim to it. or may be guilty of it.

Therefore, changes and reform of sexual offenses must be considered through the prism of human rights. "All people are potential victims of rape. Spouses are raped. Both male and female children are raped. The baby is raped. Physically disabled people are raped. Anesthetized patients are raped.

Mothers, fathers, brothers and sisters are raped. Young people rape each other as well as old people and children. Male and female prisoners rape each other. During wars, soldiers raped entire communities. Men rape women and men. Many rapists are blind to gender and age. Women rape other women and men. No one is immune from rape or rape. - McMullen Rape has been considered a woman-centric crime all over the world, especially in India. Rape, as defined in Sections 375 and 376 of the Indian Penal Code, is based on the belief that only the a victim can be a woman and the perpetrator can only be a woman. only a man, in addition, the provisions on sexual harassment, voyeurism, stalking and sexual assault are also gender specific and only define the person who is the perpetrator a man can be a criminal and only a woman can be a victim. Meanwhile, the state has largely ignored men / the problem of transgender sexual victimization in institutions such as prisons, juvenile detention centers, etc. The dynamics and

consequences of male and transgender victimization continue to evolve. The concept of male and transgender sexual victimization is largely ignored in contemporary academic and legal discourse and is ridiculed and often mocked. Although men are perceived as sexual aggressors, there has been an increase in research examining it, the experiences of male victims of the criminal justice system, debunking many social myths about adult male sexual victimization and highlighting how widespread misconceptions about male and transgender rape affect the attitudes of criminal justice professionals and the general public. In other words, rape laws that recognize men as potential perpetrators are based on the basic notions of male aggression and female submission. It is difficult to acknowledge the fact that women can also be sexual abusers, although they are still seen as submissive, weak.

#### **Chapter 4 – Suggestions and Conclusion**

Changing the way laws are written is one of the first things that must be done to acknowledge the reality of male sexual victimization. This applies not only to the Indian Penal Code, 1860, but also to other laws such as domestic violence and family law. We cannot operate in a 21st century legal system with a Victorian era of law. As previously stated, there is a need to move from a women's approach to a gender neutral approach to legislation. Gender equality must be implemented. Equality programs for the whole population, especially police officers, be they judges, police officers or politicians. This is necessary so that victims do not hesitate to report complaints to the police.

Victims usually turn to the police as the first authority in justice. In the fight against sexual crimes, both sexes must work together and fight together. This is necessary not only to raise awareness of male sexual victimization, but also to prevent the weakening of laws protecting women. Gender neutrality can only work for the feminist cause and women if approached correctly.