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DOMESTIC VIOLENCE: WHY NOT A GENDER-NEUTRAL LAW?

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Abstract

Our upbringing in a particular culture has led to the belief that men should possess qualities of strength, courage and dominance, while women are expected to exhibit fragility and submissiveness. Women face a range of difficulties, such as sexual assault, domestic abuse, harassment, and so on. However, it would be unfair to ignore the fact that men also face such atrocities. Domestic violence against males is a serious issue and should not be ignored. The concept of 'masculinity' is something that men are burdened with throughout their lives. Even individuals from the LGBTQ community can be victims of such violence, and they are more susceptible to such crimes. This paper presents a fresh and inclusive analysis of the existing laws on domestic violence in India, adopting a gender-neutral stance.

Keywords- domestic, violence, male victims, LGBTQ victims, gender-neutral

Introduction

The United Nations Organization has time and again expressed a need to promote Human rights in the world. Human rights are the inherent rights guaranteed to every individual irrespective of gender, race, caste, religion, etc. The world has witnessed a pre-dominance of males in the society making it patriarchal in nature and spirit. The Patriarchal nature of the society has given origin to the gender-based violence, which is perpetrated by the males and the victims are always the female members of the society. Such violence is seen not only in the public spaces, but also in the four walls of the house of the victim herself. Violence against women is not a new phenomenon rather has existed in the society because of patriarchy which also results into inequality. The prevalence of violence against

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women has appalling physical, sexual, emotional, psychological, and economic repercussions on the society.

Violence against women refers to any act of gender-based violence that causes or is likely to cause physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. It affects women of all ages, in every society, and in every socio-economic group. Social norms and economic reliance are the core causes of violence against women in India. The reality of gender-based violence includes female foeticide, domestic abuse, sexual harassment, and other acts. The physical, emotional, and even psychic health of aggrieved women, as well as that of their kids, is impacted by domestic violence. Although while laws have changed and there is a rise in female engagement in public life, India still has a long way to go before women are treated equally as citizens of their own nation. Many women in our society endure violent treatment from their partners while remaining silent about it. Domestic abuse sometimes results in these women's deaths.

The article aims to initially elucidate the distinct forms of domestic abuse and the type of safeguards given to victims under various laws. Subsequently, it delves into comprehending the Indian juridical system and statistics regarding domestic violence in depth, alongside a relational assessment with the legal system and statistics of other nations. Furthermore, it elucidates the causes for partiality towards males, transgender individuals, and those in same- gender relationships under the psycho-sociological perspective. Lastly, it scrutinizes the aftermath of domestic violence on males and members of the LGBTQ community. Ultimately, it provides recommendations on how to tackle such abuse in India.

MEANING

Section 3 of The Protection of Women from Domestic Violence Act, 2005 (hereinafter as the Act) defines domestic violence as any act, omission or conduct of the Respondent that may harm, injure, or endanger the mental or physical health, safety, life, limb, or well-being of the aggrieved person. This includes physical, sexual, verbal, emotional, and economic abuse. Domestic violence also covers harassment, harm, injury, or endangerment of the aggrieved person with the intention of coercing her or any related person to meet any unlawful demand for dowry or property.² In addition to this, it also

² Section 3 PWDVA

includes any act that threatens the aggrieved person or any related person with harms mentioned in clause (a) or (b) of Section 3 of the Act or any other harm that causes fear of such harm is considered domestic violence.

Nonetheless, according to Section 2(a) of the Act, the definition of an aggrieved person only pertains to women who are in heterosexual relationships or who reside in joint families.³ This definition excludes men and trans-genders as potential victims of domestic violence. Typically, domestic violence is associated with heteronormative couples, where women are identified as the victims and men as the perpetrators. However, this perception is erroneous, as anyone, regardless of their gender, can fall prey to domestic violence. It is a misguided belief that men or individuals belonging to the LGBTQ community do not experience domestic violence or sexual assault. The truth is that societal norms prevent them from disclosing such issues in the society.

According to Black's Law Dictionary, "Violence means the unreasonable or unreasonable use of force, usually accompanied by fury, vehemence, or outrage, anger, physical violence committed unlawfully with intent to harm."⁴

According to WHO, "violence is the deliberate use of physical force or Power, Others are or are likely to be threatened against the group, community, or oneself causes death, injury, mental harm, and deprivation."⁵ Household viciousness could be a behaviour in which one individual mishandle another in a household relationship which can be either by accomplice or by any family part. It can incorporate physical, financial, devout, verbal, passionate, battery, and sexual mishandle, extending from coercive shapes to conjugal assault. The most thought process behind this viciousness is to preserve control and pick up control over the casualty.

Beneath a few extraordinary legislations, domestic violence has been recognized in different shapes, such as the Dowry Prohibition Act, 1961, which criminalizes the giving and taking of share.⁶ There's another shape of household viciousness that was wild in our past but ebbed within the final century,

³ Section 2 PWDVA

⁴ Black's Law Dictionary,

⁵ WHO

⁶ Dowry Prohibition Act, 1961

i.e., Sati, which suggests the burning or burying of dowager lively along with her husband's body. The Preconception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 recognizes that domestic violence is additionally executed within the shape of constrained end of female foetuses.⁷

Convention on the Elimination of All Forms of Discrimination against Women:

Convention on the Elimination of All Forms of Discrimination against Women was embraced by a larger part of states who were signatory of this tradition. That woman's right may be a human right. She has too crucial rights called as human rights as she could be a human being. The essential protest of CEDAW is to dispose of the sex-based segregation against ladies. Essential center of the CEDAW is on the issues of the ladies in open division but joined together country committed on the End of Segregation Against Ladies the critical step towards the end of the viciousness against ladies in private division too. As there is additionally infringement of human rights of ladies every day. In 11th session the commission submitted basic theme of sex-based savagery is the savagery coordinated against a lady since she could be a lady. After this conference were orchestrated on this point and the arrangements related to the residential savagery was received by World Conference on Human Rights. The human rights of ladies are unavoidable, indispensably and resolute portion of the all-inclusive human rights. The stage is given to ladies to appreciate, to ensure and to advance all the human rights and fundamental freedoms all through their life cycle. But still there is battle for the acknowledgment and effective implementation of the issue within global human rights bodies.⁸

DOMESTIC VIOLENCE AGAINST WOMEN

Violence against women could be a broad issue, with horrifying physical, sexual, emotional, mental and financial results for girls and women.⁹ It influences women of every age, in all the societies and in every socio-economic bunch. Violence against women alludes to any act of sexual orientation-based violence that comes about in, or is likely to result in physical, sexual, or mental hurt or enduring

⁷ The Preconception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994

⁸ Common Australian Residential and Family Viciousness Clearing House Theme paper: Human Rights and Domestic Violence Recommendation 19

⁹ Gill, A. and Rehman, G. (2004) Empowerment through activism: responding to domestic violence in the South Asian Community in London, Gender and Development, Volume 12, No.1, May 2004, Oxfam Journal, Pp 75-82.

to women, counting dangers of such acts, restraint or subjective hardship of freedom, whether happening in open or private life. Violence against women should be caught on to envelop, but not be restricted to the following:

a) Physical, sexual and mental violence happening within the family, including battering, sexual mishandle of female children in the family, dowry-related violence, conjugal assault, female genital mutilation and other conventional hones hurtful to women, non-spousal savagery and violence related to misuse;

b) Physical, sexual and mental violence happening inside Violence against women in India is an issue established in societal standards and financial reliance. Female feticide, domestic violence, sexual badgering and other shapes of gender-based violence constitute the reality of most girls' and women's lives in India. Wife battering influences the physical and mental prosperity of the manhandled women and indeed that of their children. In spite of the fact that female cooperation in open life is expanding and laws have been corrected, India still includes a long way to go to form Indian women equal citizens in their possess nation. In our society, numerous women are brutally treated by their intimate partners whereas they suffer in silence. In a few cases, domestic violence leads to the death of these women.

c) Physical, sexual and mental violence perpetrated or condoned by the State, wherever it happens. This can be imperative so that approach creators have a full understanding of the issues included in violence against women otherwise, the laws and approaches that are formulated are likely to be incapable.¹⁰

TYPES OF DOMESTIC VIOLENCE

There can be different types of domestic violence. They can be on the basis of demographics of the victim and the perpetrator. Such types of abuse have been enumerated below:

¹⁰ An ounce of prevention: The life stories and perceptions of men who sexually offended against children. (Unpublished thesis) Wilfrid Laurier University. | 16. UNICEF. 2000.

Physical Abuse

Physical Abuse is any deliberate act of savagery, causing damage or injury to another individual by way of real contact. This sort of viciousness is the foremost commonly identifiable household viciousness. By and large, it includes the physical constrain against the casualty, which may result in any harm like a punch, kick, wounding, shooting, choking, slapping, constraining to utilize drugs, etc.¹¹

Emotional Abuse

Emotional abuse is act of counting segregation, verbal ambush, mortification, terrorizing, infantilization, or any other mending, which may debilitate the feel of recognizable proof, self-respect, and self-worth of anybody. This viciousness is dubious to decide and completely get a handle on for numerous people, and primarily, it appears in an undesirable relationship.¹²

Sexual Abuse

Sexual abuse is additionally a shape of household savagery. It includes not as it were sexual attack and assault conjointly badgering, such as driving for touching and appearing private body parts and other mortifying behaviors. It moreover alludes to attack or any undesirable sexual action. This may comprise of forced sexual contact, constraining ladies to carry out sexual acts that will cause torment or mortification, driving them to have sex with others or causing damage to their sexual organs.¹³

Verbal Abuse

Verbal abuse is characterized as a negative explanation or words told to any individual or almost the person who can feel the individual feel disgrace or mortification before others. It may incorporate pointless giggling on any individual, yelling, put-downs, name-calling, and disgusting dialect, making fun of any person's supposition or sees, utilizing mockery, or to form fun of her devout ethical quality or morals. Verbal abuse may be the result of physical violence¹⁴.

¹¹ Domestic Violence Against Women and Girls. UNICEF Innocent Digest. 6: 1-29.

¹² Barnett, (2001). Why battered women do not leave: External inhibiting factors social support and internal inhibiting factors. Trauma, Violence and Abuse. 2(1), Pp3-35.

¹³ Centre for Women's Studies & Development the Research Institute. 2005

¹⁴ The Protection from Domestic Violence Bill. Government Bill. Bill No. 133 of 2001

Economic Abuse

Economic abuse could be a shape of abuse where hint accomplice controls get to or utilize cash from her wish. It decreases the victim's capacity to win and bolster her family. In this sort of abuse, the culprit powers the casualty to depend on him monetarily. Here, the culprit takes full control over all the back investing and choice making around cash. Monetary abuse may happen in other shapes, too such as a spouse anticipating his spouse from getting an instruction or any work interior or exterior the domestic¹⁵.

Effect on the victim and the family

1. Physical Impact - Bruises, broken bones, head wounds, slashes and internal bleeding are a few of the intense impacts of a domestic violence occurrence that require therapeutic consideration and hospitalization¹⁶. A few unremitting wellbeing conditions that have been connected to casualties of domestic violence are arthritis, irritable bowel syndrome¹⁷. Victims who are pregnant amid a domestic violence relationship encounter more prominent hazard of unsuccessful labor, pre-term labor and damage to or passing of embryo .
2. Psychological Effect – Among victims who are still living with their culprits, tall sums of stress, fear and uneasiness are commonly detailed. Misery is additionally common, as victims are made to feel blameworthy for 'provoking' the manhandle and are as often as possible subjected to intense criticism .it is detailed that 60% of the casualties meet the diagnostic criteria for depression, either amid or after end of the relationship, and have a significantly expanded risk of suicidality¹⁸.
3. Effect on Children: There is a growing recognition that a child who is exposed to domestic abuse during his childhood will suffer in his development and psychological well-being¹⁹. Domestic abuse can cause emotional and behavioral difficulties such as increased aggressiveness, anxiety, and changes in how a kid interacts with peers, family, and authorities. Problems with attitude and cognition might emerge in schools, as can a lack of abilities such

¹⁵ MATTHEW J. BREIDING ET AL., INTIMATE PARTNER VIOLENCE SURVEILLANCE: UNIFORM DEFINITIONS AND RECOMMENDED DATA ELEMENTS 11, (Centers for Disease Control and Prevention National Center for Injury Prevention and Control Atlanta, Georgia, Version 2.0, 2015), <https://www.cdc.gov/violenceprevention/pdf/ipv/intimatepartnerviolence.pdf>.

¹⁶ (Jones, 1997).

¹⁷ (Berrios,1991)

¹⁸ (Barnett,2001)

¹⁹ (Dodd, 2009)

as problem-solving. A link has been discovered between childhood abuse and neglect and adult perpetration of domestic violence and sexual abuse (Sadler, 1994). In certain circumstances, the abuser would purposefully abuse the mother in front of the child in order to create a ripple effect, hunting two birds with one stone.

INTERNATIONAL FRAMEWORK

Nations just like the United States of America and Britain have laws ensuring both men and ladies against domestic violence. Indeed, the nation from which India's structure was essentially inferred from has included provisions for security of both the sexual orientations, it's fundamental for India to incorporate such provisions as well. A few nations have moreover made their domestic violence laws totally sexual orientation unbiased, in this manner managing security to each person independent of their gender, i.e., not fair guys or females, but anybody counting trans-genders or individuals living in same-sex connections. In any case, there are still nations like Kenya, Egypt, Pakistan, Algeria, etc. that do not indeed have laws for domestic violence (both male and female). The insights given by official sources in other nations shows the intense predominance of domestic violence against men and individuals who recognize as LGBTQ. The lawful system and insights of detailed domestic violence or hint accomplice violence in other nations are as follows:-

- a) Domestic violence in the United Kingdom and Wales is defined as "any incident, or pattern of incidents, of controlling, coercive, threatening behaviour, violence, or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality." This definition is gender-neutral and includes all adults above the age of 16, as well as identifying perpetrators as family members or intimate partners. According to one survey, about 2.4 million adults aged 16 to 74 years suffered domestic abuse in the 2018-2019 school year. There were 1.6 million female victims and 786,000 male victims. As a result, men constituted 32.75% of domestic abuse victims²⁰.

²⁰ Meghan Elkin, *Domestic abuse in England and Wales overview: November 2019*, OFFICE FOR NATIONAL STATISTICS (Nov. 25, 2019),

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2019>.

- b) United States of America- The abuse Against Women Act is federal legislation that protects women, men, and members of the LGBTQ community against domestic abuse. One out of every four females and three out of every ten males have experienced contact sexual assault, physical abuse, or stalking by an intimate partner at some point in their lives and reported at least one consequence of such abuse (such as being concerned for their safety). Approximately 48.4% of females and 48.8% of males have experienced mental abuse from an intimate partner at some point in their lives²¹.
- c) Canada-Domestic abuse is protected under Canadian law, regardless of the individual's gender. In 2018, there were 20,600 males and 78,852 women who were victims of intimate partner abuse. This means that men made up 20.71% of the reported cases of intimate relationship violence. However, 46.9% of males reported being victims of intimate and non-intimate partner violence. According to a Canadian Labour Congress survey, transgender people are more likely than cisgender people to be victims of domestic or intimate relationship violence²².
- d) Australia – Domestic abuse legislation in Australia is inclusive of all people, regardless of gender. The government has set up helplines specifically for women and LGBTQ individuals. Officers are properly trained to deal with LGBTQ people. According to a 2018 survey, 1 in 6 women and 1 in 16 men in Australia over the age of 15 are victims of intimate partner abuse. An Australian Research Centre for Health and Sexuality (ARCHS) survey of 5476 LGBTQ people discovered significant levels of intimate partner abuse²³.

LEGAL FRAMEWORK IN INDIA

The first issue is that even Indian law does not recognize domestic violence against men or the LGBTQ community. Under the Act, only women are protected. In India, the Act criminalizes

²¹ M.J. Breiding et al., *Intimate Partner Violence in the United States – 2010*, NATIONAL CENTER FOR INJURY PREVENTION AND CONTROL CENTERS FOR DISEASE CONTROL AND PREVENTION ATLANTA, GEORGIA (2014), https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf.

²² Canadian Labour Congress, *Can Work Be Safe When Home Isn't? Initial Findings of a Pan-Canadian Survey on Domestic Violence and the Workplace*, UNIVERSITY OF WESTERN ONTARIO 12, (2014).

²³ Marian Pitts et al., *Private lives: A report on the health and wellbeing of GLBTI Australians*, AUSTRALIAN RESEARCH CENTRE IN SEX, HEALTH & SOCIETY (2006).

physical, emotional, economic, sexual, and verbal violence against women. It does not, however, protect males, transgender people, or victims of same-sex partnerships. Because the Act is broader in scope than the Indian Penal Code, it provides better protection to victims of domestic violence, and thus there is a need for an all-encompassing legal framework.

A woman can file a domestic violence lawsuit not only against her husband, but also against any family member with whom she shares a household, according to Section 2(f) of the Act²⁴. This includes her own parents, siblings, and relatives of her spouse who share the same domestic household. Even if the notion that wives do not subject their husbands to domestic abuse is accepted, men face violence from other family members, particularly dads and elder brothers.

Furthermore, Section 498A of the Indian Penal Code, which deals with the law of Cruelty, states that "whoever, being the husband or relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment²⁵." This plainly states that only women are legally protected from domestic violence. So, even if a man attempts to overcome societal stigma by approaching the law, his options for legal recourse are severely limited. His manliness Even the cops question him, mocking him for not being "man enough." Even members of the LGBTQ community cannot go to court if they are victims of domestic violence.

Furthermore, Indian laws do not recognize that men or transgender people can be raped. The Indian Penal Code makes no provision to protect them from rape by men or women. A survey of 222 men was undertaken, and 16.1% of those polled reported being persuaded or forced into sex as an adult by a woman. Everyone has the right to life and personal liberty under Article 21 of the Indian Constitution²⁶.

This incorporates the proper to be free from violence and right to dignity. Since these rights are accessible to everybody, indeed men and individuals having a place to the LGBTQ community ought to be ensured from brutalities like domestic violence and assault. In an attempt to strive towards

²⁴ The Protection of Women from Domestic Violence Act, Act no. 43 of 2005, § 2(f).

²⁵ Indian Penal Code, Act no. 45 of 1860, § 498A.

²⁶ Jai Vipra, *A Case for Gender-Neutral Rape Laws in India*, 3 RESEARCHING REALITY INTERNSHIP (2013), https://ccsinternship.files.wordpress.com/2013/05/286_case-for-gender-neutral-rape-laws-in-india_jai-vipra.pdf.

gender equality, the Hon'ble Supreme Court of India has passed a ruling wherein the words "adult male" have been removed from the Section 2(q) of the Domestic Violence Act, 2005²⁷. This broadens the Act within the view that a complain can too be recorded against a female partner, i.e., a lady can record a complaint against both male and female family individuals. But since Section 2(q) of the Protection of Women from Domestic Violence Act, 2005 bargains with the respondent, indeed this administering does not say anything about men being the victims of such violence²⁸. Within the current situation with respect to subjects like domestic violence against men, assault of men and infidelity committed by women, indeed the Supreme Court is reevaluating the arrangements of these laws as archaic and one-sided. These laws are one-sided and as it were seeing women as victims. There's a have to be amend these laws to oblige both men and women. In a judgement by Justice D Y Chandrachur, the Hon'ble Supreme Court held that the laws with respect to infidelity are biased towards guys and consequently there's a need to amend these laws. So also, the laws of domestic violence are too partial as they as it were recognizing women as victims. There's still a lot to be done to form the Indian laws gender impartial. In reality, there are a couple of nations which have as of now obliged provisions for domestic violence for both the genders in their constitution²⁹.

EFFECTS OF DOMESTIC VIOLENCE AGAINST MEN

Men are expected to be 'masculine' by society. This meaning brings specific attributes associated with men, such as strength, both physically and emotionally. So, if they talk about being victims of domestic violence, society may look down on them and subject them to even more humiliation. As a result, they remain silent about the matter and become marginalized in society.

Furthermore, men do not report domestic violence abuses due to pride. They are indoctrinated from infancy that "men don't cry." This programming leads individuals to assume that if they express their difficulties, they will be mocked and humiliated in society. The issue is not limited to the People who engage in these activities, but also those around them, who are not sensitive enough to understand that men are also human and can experience emotional problems.

²⁷ Hiral P. Harsora v. Kusum Narottamdas Harsora, (2016) 10 SCC 165.

²⁸ The Protection of Women from Domestic Violence Act, Act no. 43 of 2005, § 2(q).

²⁹ Joseph Shine v. Union of India, (2019) 3 SCC 39.

Another reason they remain silent on the subject is that they are sometimes blackmailed with being falsely accused of dowry harassment or cruelty if they do not comply with the woman's requirements. Even if they file for divorce, they will be persecuted and accused of making false accusations. In fact, 10 percent of the complaints brought under Section 498A of the Indian Penal Code³⁰, i.e., the dowry harassment legislation, were found to be fake in 2013. The man cannot even protect himself as a minimum legal precaution. He has a number of options. He suffers in quiet since his manhood is called into question if he speaks up. In *Arnesh Kumar vs. State of Bihar*, the Supreme Court acknowledged that unhappy wives are using Section 498A of the Indian Penal Code to harass their husbands and family³¹.

The simple reason why many countries do not have laws protecting males from domestic violence is because it is often held that men are physically stronger than women and hence only, they can inflict violence. Men may be physically stronger than women on average, but this is not always true on an individual level. Furthermore, as previously stated, Domestic violence is not only physical, but also verbal, emotional, financial, and sexual. As a result, physical strength is not the only determinant determining who becomes a victim of domestic violence. Indeed, the lack of domestic violence laws for men puts them at a high risk of becoming victims of such crimes because there is no legal deterrent to such crimes.

Furthermore, it is difficult for men to accept that they are experiencing a problem. Years of brainwashing in patriarchal culture have led them to assume that women cannot mistreat them or harass them since they are the 'supposedly' weaker gender. If he accepts the ordeal, it implies that he does not conform to traditional 'masculinity' standards and that there is something wrong with him. They remain in denial, believing that their partner's attitude towards them will alter over time.

Although the 'women are physically weaker than men' argument implies that a woman cannot physically assault a man, it does not follow that a man can only be assaulted by his wife. Women may assault males through their brothers, fathers, or other relatives. As a result, a man needs to be protected from his partners' relatives as well. When physical abuse and threats against men by their spouse's family members are taken into account, In India, an estimated 3 crore males are victims of domestic

³⁰ Indian Penal Code, Act no. 45 of 1860, § 498A.

³¹ *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

abuse. A man filed a domestic violence lawsuit against his wife and her brothers, who allegedly robbed and abused him, but the Supreme Court ruled that the case was not viable under the Act. Domestic violence is not only committed by the wife's immediate family; a person can also be the victim of violence from their own parents, siblings, or other individuals living in the same household. Male sons in Indian families are expected to assist their parents and live in a shared household. This is in contrast to Western practice, when children often leave their parents' home after reaching the age of 18 years. Given the structure of Indian joint families, the eldest male member or the 'karta' has an unequivocal dominating position. There is a need to protect the other members of the family, regardless of gender, from the tyranny of the 'karta' of the family. Because sons do not separate from their parents even after attaining majority, some of them must endure the dominating character of the 'karta,' which sometimes includes physical as well as mental harassment on the individual. The society is heavily focused on feminism, yet feminism is now occasionally perceived negatively. Though feminism is about achieving equality of rights, some people try to suppress men's rights in order to gain rights for women. This has a bad effect on a man's life. The massive uprising against the patriarchal framework of society has largely disregarded the connected issues that men face. Because of this thinking, males do not have a safe area to discuss their difficulties. In an attempt to break free from patriarchal culture, many people have shaped their brains to believe that any crime committed is the responsibility of a man, without even considering that he could be innocent. This results in emotional abuse because he is being blamed for something that may or may not be his fault³².

According to Kumar, such occurrences of domestic violence may increase in the near future as power dynamics in various gender roles shift. Men are growing more financially dependent on women as more women enter the labour sector. In fact, the tendency of stay-at-home spouses is growing in India, increasing men's economic reliance on their partners. As a result, many guys find it difficult to quit violent relationships. One of the reasons why men tolerate abusive behaviour at home is the conviction and expectation that things will change, as well as the fear of losing social position.

However, some uninformed people argue that by emphasizing gender violence against men, the importance of gender violence against women is diminished. That is merely a political agenda to

³² Virag R. Dhulia, *Domestic violence against men: High time government addressed the problem*, NEWS18 (June 11, 2015), <https://www.news18.com/news/india/domestic-violence-against-men-high-time-government-addressed-the-problem-1004785.html>.

reduce gender violence against women. Such comments perpetuate the stereotype that domestic violence only affects women. According to data from the Home Office statistical bulletins and the British Crime Survey, "men accounted for approximately 40% of domestic violence victims each year between 2004-05 and 2008-09, the most recent year for which figures are available." Men accounted up 43.4% of all individuals who had experienced partner abuse in the preceding year in 2006-07, rising to 45.5% in 2007-08 but falling to 37.7% in 2008-09."⁴⁷ Gender violence is abundantly demonstrated by data³³.

Gender violence against men is certainly a major and prevalent issue, according to the research. The fact that gender violence exists against men does not imply that it does not exist against women.

EFFECTS OF DOMESTIC VIOLENCE AGAINST LGBTQ COMMUNITY

Individuals having a place to the LGBTQ community have existed all through history. Be that as it may, they have as it were as of late been recognized as people requiring rise to rights beneath the Indian laws after the decriminalization of homosexuality in 2018³⁴. Indeed, in spite of the fact that the law presently recognizes them as break even with individuals, the society is still biased towards them. Homophobia and transphobia are exceedingly predominant in India. The Indian society recognizes gay people, trans-genders and queers as against the 'culture' of the nation. Not as it were men and ladies, but individuals having a place to the LGBTQ gather can too be the casualties of domestic violence³⁵.

In any case, the current law in India gives assurance to as it were females as casualties of residential savagery. Particularly after the decriminalization of same-sex connections in India after the halfway struck down of Area 377 of the Indian Corrective Code, there's a got to secure such people in a residential relationship. Due to the negative stigmatization of the society towards the LGBTQ

³³ Ashish Tripathi, *HC orders on domestic violence set aside*, DECCAN HERALD (July 24, 2018), <https://www.deccanherald.com/city/sc-sets-aside-hc-s-orders-683164.html>.

³⁴ Anant Kumar, *Domestic Violence against Men in India: A Perspective*, 22 JOURNAL OF HUMAN BEHAVIOR IN THE SOCIAL ENVIRONMENT 290, 290 (2012).

³⁵ Dania Bardavid, Marissa Chiarolanzio & Allison Strittmater, *Domestic Violence*, 17 GEO. J. GENDER & L. 211 (2016).

community, these people are more vulnerable and thus, more likely to be the casualties of domestic violence³⁶.

The viciousness that LGBTQ community endures in India is overpowering. It is diverse from the sort of household viciousness endured by their male and female partners who distinguish as heteros. Viciousness against LGBTQ community incorporates constrained marriage and discipline by family individuals for practicing sexual choice. Sorts of discipline comprises of detainment at domestic, family removal, refusal of financial and essential assets, constrained mental treatment, and forced termination of education. A few families too subject individuals having a place to the LGBTQ community to different devout traditions and hone in arrange to 'cure' their homosexuality. Such treatments are very common in India, and can be quite tormenting for the individuals who experience through them. An individual who distinguished as strange was subject to one such treatment which included "hallucinogenic drugs, hormone infusions, and ceaseless presentation to porn."³⁷

CONSEQUENCES OF DOMESTIC VIOLENCE

As the society is changing, the battle for segregation against women has picked up a part of significance. But within the prepare, men who go through comparable issues have been neglected. Profound wounds, deadly wounds, physical incapacity among other things can be a result of such mishandle. It not as it were influencing the person physically but moreover rationally. It might indeed lead to different mental-health clutters like sadness, push, anxiety disorders, etc. Some of the time, it too leads to suicide. It makes the man feel powerless and the shame confines him from inquiring for any proficient offer assistance, or any kind of offer assistance for that matter. In reality, a man who drawn closer the police charging that his spouse attacked him, he was derided by the police and was debilitated that they will call his spouse to inquire her to record a case against him. The man kicked the bucket as a result of suicide thereafter. Not fair sexual frustration, but dissatisfaction in common which antagonistically influences his life to an extraordinary degree. Post conjugal assault by spouses is additionally one of the shapes of residential violence that a man needs to go through.⁶¹ Besides, men are called boneheads, feeble, defeatists, powerless and other disdainful terms which have a greatly negative impact on the psycho-social prosperity of these men. Such terms can indeed have an

³⁶ Navtej Singh Johar and Ors. vs. Union of India and Ors., (2018) 10 SCC 1.

³⁷ *Violence on the Basis of Sexual Orientation, Gender Identity and Gender Expression Against Non-Heteronormative Women in Asia*, OUTRIGHT ACTION INTERNATIONAL (Feb. 26, 2010), <https://outrightinternational.org/content/violence-against-lbt-people-asia>.

antagonistic impact on his sexual prosperity counting issues like erectile brokenness and moo sexual charisma. It too influences his behaviour and mental wellbeing in a harmful way. It mutilates a person's sense of self- worth and his certainty. All the over results are similarly pertinent to the individuals having a place to the LGBTQ community. The LGBTQ community in common faces the brunt of separation, police brutality and societal separation. Domestic violence fair includes to that list. It makes such people feel risky in their claim homes. The practices that claim to 'cure' homosexuality' have a insane impact on the mental wellbeing and the physical wellbeing of these people. Such hones tend to dehumanize these individuals. A bisexual woman in Kerala purportedly committed suicide as she was subject to change treatments by her guardians. She was too subjected to savagery by her family when she denied aiming to such 'de-addiction' centres.

CONCLUSION

As a society endeavouring towards correspondence, we require all sides to be break even with. By talking almost uniformity, we can't as it were battle for women's rights, we need to fight for rights of men and LGBTQ as well. We will battle for domestic viciousness against men by shaping committees, by making legitimate arrangement for their assurance within the Indian statutes. There's a major transformation that we have to be go through with regard to our mindsets with respect to our ideas almost 'masculinity'. There's a require for systemic alter within the society which helps us see individuals past their sex parts within the society. On the individual level, we have to be spread mindfulness regarding this issue. The law does not deliver assurance to men and LBTQ community against a few issues and thus we got to sensitize individuals towards issues that influence them. It isn't as in case domestic violence against women does not exist but or maybe, we have to be realized that it exists against all people. We ought to give a secure space for everybody to address these issues. There's a need to halt stereotyping as to what is the proper and legitimate way for individuals to act in a society.