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# **CRITICAL ANALYSIS ON** **“DOMESTIC VIOLENCE** **AGAINST MEN IN INDIA”**

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## **ABSTRACT**

Patriarchy has been deeply ingrained in the histories of many countries around the world. Despite the fact that the definition of patriarchy placed men in a superior position and women in a lower one, no one truly benefits from it. The phrase “patriarchy” is easily distinguished from its self-defeating impact on men since it implies “men-dominance.” Furthermore, we naturally believe that men are the perpetrators and women are the victims when we hear phrases like “violence” or “abuse.” It’s critical to emphasize that men can endure abuse and violence in order to debunk this stereotype. According to a 2019 poll, 52% of males say they have at some point in their lives suffered violence from an intimate partner or spouse. According to a research conducted across all of India, 98% of Indian males had experienced domestic abuse more than once. However, a male perpetrator is responsible for roughly 95% of all violent incidents involving both men and women.

**KEY WORDS-** Gender Biased Laws, Psychological Violence, Emotional Violence, Cruelty, Physical Assault

## **I. INTRODUCTION**

Domestic violence is the use of force or abuse, more particularly an act of violence against a member of an immediate family or any other person residing in the household. The concept of domestic violence persist in India from a very long time and is quite prevalent as well. When we hear the term domestic violence, we often assume that a man is the aggressor and the woman is the one who suffered, but this situation might not always be true. Domestic violence against man is not easy to identify but is a big and serious threat to society.

Domestic violence does not only include the physical violence alone, it's ambit is wide as it also includes emotional, psychological and verbal violence too much like insulting, showing oppressive jealousy, not letting an individual to maintain relations with one's family, controlling finances with malafide intentions and etc. According to a research, 1 out of every 3 man in India suffers from domestic violence.<sup>1</sup>

Violence is any purposeful act of aggression and harm towards oneself or another. In the context of this article, domestic violence is referred to as violence. The phrase “domestic violence” refers to a wide variety of violent acts carried out by one family member or household member against another. It frequently alludes to mistreating a spouse or child. The bond between the abuser and victim makes a significant difference. In addition to physical assault, domestic violence also includes verbal, emotional, psychological, and sexual abuse. In this area, violence against men is frequently not taken seriously, is underreported, and lacks official legal status. Regrettably, this is mostly a product of societal views and perceptions regarding the genders of the victim and the offender.<sup>2</sup>

Men are typically seen as the violent ones, but even if this may be true for some of them, it avoids the seriousness that should be addressed at male victims of violence. In comparison to other nations, India has the highest rate of violence against men.

## **II. GENDER BIASED LAWS AGAINST DOMESTIC VIOLENCE IN INDIA**

*Section 498 A under the IPC-* Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

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<sup>1</sup> Domestic violence against men, published on Healthdirect, article available online at <https://www.google.com/amp/s/www.healthdirect.gov.au/amp/article/domestic-violence-against-men> accessed on 26th December 2022.

<sup>2</sup> Domestic Violence Against Men—Prevalence and Risk Factors by Verena Kolbe, Dr. med. And Andreas Büttner, Prof. Dr. med, available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7658679/> accessed on 26<sup>th</sup> December 2022.

Explanation.—For the purpose of this section, “cruelty” means—

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.<sup>3</sup>

Section 498 A was introduced in Indian Penal Code, 1860 in the year 1983 so as to protect women against any kind of cruelty by her husband or her in-laws, more specifically against domestic violence. In the year 2005 , Domestic Violence Act, 2005 came into existence which provides remedy under the civil law to protect woman from domestic violence occurring within the family. The law was made for the welfare of women , for her protection, to safeguard her from the cruelty and harassment of her husband and her in-laws but it has been observed that many a times women take undue advantage of the law and misuse it for her own individual benefits and selfish purposes or to satisfy her ego by harassing and accusing her husband on false claims.

According to above section, only a husband can be held liable for any kind of cruelty to his wife. There is not even a single subsection or any provision given in the statute that will make a wife too liable for domestic violence against her husband. Physical or psychological assault of any kind is a flagrant violation of human rights. Domestic violence situations that go unreported and unspoken can ultimately result in divorce, acrimonious arguments, separation, depression, and even suicide. There are many false cases where women falsely accuse a men of rape or domestic violence because of the biased laws in the Indian Penal Statute that favour women. The sad thing is that these biased laws automatically assume that a man can never be the victim. Women do not need to provide any kind of evidence to back up their claims. The biased laws assume that they are real victims.

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<sup>3</sup> Section 498 A in the Indian Penal Code, India Kanoon [https://indiankanoon.org/doc/538436/-](https://indiankanoon.org/doc/538436/)

### III. STATISTICS OF DOMESTIC VIOLENCE AGAINST MEN IN INDIA

52.4% of males in India encounter gender-based violence, according to a study of 1000 married men in Haryana's rural villages between the ages of 21 and 49. 51.5% of men reported having been tortured or violently treated by their spouses or other close partners at some point in their lives. 10.5% of men reported having been the victims of domestic violence caused to them by their intimate partner or their wife in the past 12 months. Physical abuse is the second most frequent form of spousal or domestic violence against men, followed by emotional abuse.

### IV. JUDICIAL REMARKS

In the case of *Chandrabhan v. State (2008)*, the Delhi High Court came to the conclusion that "there is no iota of doubt that most of the complaints are filed in the heat of the moment over trifling fights and ego clashes. It is also a matter of common knowledge that in their tussle and ongoing hostility, the hapless children are the worst victims".<sup>4</sup>

In the year 2005, the Supreme Court of India in the case of *Sushil Kumar Sharma vs Union of India* observed that complaints being filed under the Section 498 A of IPC were being filed on false claims arising out of personal ego and also stated that "by misuse of the provision, a new terrorism can be unleashed"<sup>5</sup>

Justice Kurian Joseph and Justice Rohinton F. Nariman of the Supreme Court invalidated the phrase "mature male person" from Section 2(q) of the Domestic Violence Act, 2016, in 2016. According to the ruling, "We, therefore, strike down the words 'adult male' before the word 'person' in Section 2(q), as these words allow discrimination between persons treated alike, and far from being in tune with, are contradictory to the object sought to be

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<sup>4</sup> Domestic violence: Supreme Court verdict on Section 498A puts family honour over women's rights, Deya Bhattacharya, 29 July 2017. Article published on First post.com available online at <https://www.google.com/amp/s/www.firstpost.com/india/domestic-violence-supreme-court-verdict-on-section-498a-puts-family-honour-over-womens-rights-3870627.html/amp> accessed on 26th December 2022.

<sup>5</sup> Sushil Kumar vs Union of India, available online at <https://lawcanvas.in/doc/judgement/01702005500> accessed on 26th December 2022.

accomplished by the 2005 Act.” Women will now be considered offenders going forward.

It was made explicit In 2017 by a ruling in the **Mohammed Zakir case** from the Karnataka court. The Court stated: “If the word ‘adult male’ is deleted from the aforementioned sub-section, it would appear that any individual, male or female, who feels wronged and claims that the Act’s provisions have been violated, may invoke the provisions under the Act. In light of this, the petitioner’s suit could not have been dismissed on the grounds that the Act could only apply to women and does not consider provisions for men.

## Case of Johnny Depp and Amber Heard

- a. There was a defamation trial between Johnny Depp( plaintiff in the case) who filed a defamation suit against his ex wife Amber Heard (defendant in the case) alleging her for three counts of defamation and thereby seeking USD 50 million as damages. The trial began on 11<sup>th</sup> April 2022 and ended on 1<sup>st</sup> June 2022 in Fairfax County, Virginia.
- b. Amber Heard filed a counterclaim against Johnny Depp for USD 100 million, alleging three counts of defamation based on claims made by Johnny Depp’s lawyer.
- c. Johnny Depp and Amber Heard were married for 3 years, from 2015 to 2017. Amber Heard wrote an op-ed for The Washington Post in December 2018, wherein she accused her ex-husband Johnny Depp of intimate partner violence without even naming him. Johnny Depp rejected the charges made by Amber Heard and even blamed the op-ed for ruining his reputation and career, as well as forcing him to lose a lot of money. In return, Amber Heard sued Johnny Depp for the allegations made by his lawyer, Adam Waldman, to the Daily Mail, which were printed in April 2020.
- d. The jury granted Depp \$10 million in compensation damages and \$5 million in punitive damages after concluding that the title and the two allegations in Heard’s op-ed were untrue, defamed Johnny Depp, and were written with genuine malice. The punitive damages were reduced to \$350,000 due to a cap imposed by Virginia state law.
- e. Although the jury found that Waldman’s first and third statements were not defamatory, they also found that Waldman’s second remark was false, defamatory, and made with malice. As a result, the jury awarded Heard \$2 million in compensatory damages and no punitive damages.
- f. As per Amber Heard’s spokesman and her lawyer, she intends to appeal the decision.

Woman should never take excessive advantage of the privileges available to them. Not only domestic violence but woman do file false cases under various other sections , most commonly section 375 accusing a man for rape. There is a lot of domestic violence that goes against mental, emotional, physical even rape. Men stay silent cause neither law supports them nor does society.

## V. CONCEPT OF IPV- INTIMATE PARTNER VIOLENCE

Domestic abuse committed by a current or former spouse or partner against the other spouse or partner in an intimate relationship is known as intimate partner violence (IPV). Abuse that is physical, verbal, emotional, financial, or sexual is just one example of IPV. IPV is described as “any activity inside an intimate connection that causes individuals in the relationship physical, psychological, or sexual harm, including acts of physical aggression, sexual coercion, psychological abuse, and controlling behavior’s” by the World Health Organization (WHO). IPV is often known as partner or marital abuse or just “battery.”

Intimate terrorism, coercive controlling violence, or simply coercive control are terms used to describe the most extreme types of IPV. In such circumstances, one partner is consistently violent and in charge. Intimate terrorism resistance, also known as violent resistance, is typically carried out by women and is an act of self-defense.<sup>6</sup>

### i. Types of IPV

- a) Physical Violence
- b) Sexual Violence
- c) Stalking
- d) Psychological Violence<sup>7</sup>

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<sup>6</sup> Intimate partner violence: Wounds are deeper by P. Patra, Jyoti Prakash, and Puneet Khanna available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6278226/> accessed on 26<sup>th</sup> December 2022.

<sup>7</sup> 7 Types of Intimate Partner Violence, Mandated Reporter available online at <https://mandatedreporter.com/blog/7-types-of-intimate-partner-violence/> accessed on 26<sup>th</sup> December 2022.

### a) Physical Violence

Physical violence is the deliberate use of physical force that has the potential to result in death, disfigurement, injury, or other negative outcomes. However, below mentioned list is not exhaustive:

- The act of choking, shaking, violently pulling one's hair, slapping, punching, pounding, or burning
- Using a weapon, putting others under pressure or using one's body, size, or strength against them
- Physical violence also includes pressuring others into carrying out any of the aforementioned deeds. (CDC, 2016)

According to research, psychological abuse and, in one-third to one-half of instances, sexual abuse, are frequently present alongside physical violence (Heise & Garcia-Moreno, 2002). Usually, there is more than one occurrence of the violence. According to the National Violence Against Women Survey (NVAWS), men who were assaulted experienced 4.4 assaults on average each year.

### b) Sexual Violence

There are five forms of sexual assault, and each one of them constitutes sexual assault, whether it is attempted or carried out. Additionally, none of these acts take place with the victim's knowledge or permission, even in situations where the victim is too drunk to provide consent (such as when they are incapacitated, unconscious, or unaware) as a result of their conscious or unconscious use of alcohol or drugs (CDC, 2016).

**Victim penetration or rape:** This includes successful or unsuccessful forceful or unintentional vaginal, oral, or anal insertions that are aided by alcohol or drugs. Forced penetration happens when the offender threatens to hurt the victim physically or uses physical force against them.

**Victim was used to attack another person:** This includes instances where the victim was compelled to sexually penetrate a perpetrator or another person without their consent, whether successful or unsuccessful, forced, or assisted by alcohol or drugs.

**Unwelcome physical invasion without physical pressure:** This includes instances where the victim was coerced—verbally, physically, or otherwise—or subjected to abuse of power before being penetrated.

**Undesirable sexual activity:** This includes forcing the victim to touch the offender without their agreement on their genitalia, anus, groin, breast, inner thigh, or buttocks, either directly or through their clothing.

**Unwelcome non-contact sexual encounters :** This includes unauthorized, non-physical sexual encounters that take place without the victim's consent. Examples include sexual settings that are not desired (such as pornography), verbal or physical harassment, threats of sexual violence against others, and the unwelcome filming, capturing, or sharing of images of another person's private parts (CDC, 2016).A that is both sexual and physical frequently involves controlling actions. In the United States, over 1 in 4 men have ever been the victim of touch sexual violence. About 71% of male victims of completed or attempted rapes were victimized for the first time before the age of 25.

## **Made to Penetrate vs. Rape (MTP)**

MTP is a type of sexual violence that some professionals compare to rape. Rape and MTP are measured separately by the CDC, which sees them as two different types of violence with possibly different outcomes. Given the impact of different forms of violence on American lives, it is critical to comprehend the distinction in order to spread awareness. Rape refers to any completed or intended undesirable penetration of the victim using physical force or when the victim was too inebriated, high, or drugged (e.g., incapacitated, lack of consciousness, or unaware) from their voluntary or involuntary use of alcohol or drugs (e.g., incapacitation, lack of awareness).

Being made to, or there was an attempt to, sexually penetrate someone without consent due to physical force, or when the victim is unable to consent because they are too inebriated, high, or drugged (e.g., incapacitated, lack consciousness, or unaware), as a result of their either voluntary or involuntary use of alcohol or drugs (e.g., incapacitation, lack of awareness). Typically, victims are familiar with the perpetrators. Male victims of stalking and sexual assault were most frequently targeted by a current or former intimate partner or friend.

Depending on the sort of violence, the perpetrator's sex is involved. In contrast to other kinds of SV, such as MTP and sexual coercion against males, rape and unwanted sexual contact against male victims were typically committed by other men, according to NISVS. Stalking of males is a crime committed by both genders. Most intimate relationship violence against men was committed by women.

- Only men were involved in 87% of recorded cases of completed or attempted rape involving male victims.
- Male MTP victims reported solely female attackers in 79% of cases.
- Only female offenders were identified by 82% of male sexual coercion victims.
- Only female offenders were identified by 53% of male offenders of unwanted sexual contact.
- Male abusers were the only ones named by 48% of male victims of lifetime non-contact unwanted sexual experiences.
- Only female stalkers were used in 46% of cases involving male victims.
- Men were the only ones stalking 43% of the male victims.
- Eight percent of male victims said they had been stalked by both male and female offenders.

### **c) Stalking**

Stalking is a pattern of unwanted attention and contact that occurs repeatedly and makes a person fear for their own safety or the safety of another person (eg, family member or friend). Examples include making frequent, undesired phone calls, email messages, or texts; leaving cards, letters, floral, or other items where the target does not want them; spying; approaching or appearing in places where the target does not wish to see them; sneaking into the target's home or car; causing damage to the target's personal property; threatening or harming the target's pet; and threatening to physically harm the target (CDC, 2016).

In the modern world, stalkers have access to a wide range of computers and technology, including the Internet, GPS systems, cell phones, and tiny digital cameras. General stalking laws have so far not kept up with any of these new technology in many states. But in Kentucky, new legislation in 2009 made cyberstalking illegal (KRS 508.130–150). The Kentucky Attorney General's office and this link both have additional information on how to recognize and stop cyberstalking.

## d) Psychological Violence

The use of language and nonverbal cues with the aim of psychologically or emotionally harming another person or trying to impose control over that person is known as psychological aggression. Examples of psychological hostility include:

- Aggressive behaviour (eg, name-calling, humiliating)
- Control by coercion (eg, limiting access to transportation, money, friends, and family; excessive monitoring of whereabouts)
- Threats of sexual or physical assault; restrictions on reproductive or sexual health
- Vulnerability of the victim being abused (eg, immigration status, disability)
- Exploitation of the offender's weakness
- Presenting the victim with false information with the aim of making them question their own recollection or perspective (e.g., mind games) (CDC, 2016).

All of these forms of violence are seen to include an underlying element of coercive control and intimidation on the part of the abusive partner. The victim's perception that failure to comply with the abusive partner's demands would result in harm to the victim, the victim's children, or other individuals or things the victim values about is the basis for the abusive partner's capacity to exert control over the victim. It might be challenging for the victim to escape the cycle of abuse because the perpetrator frequently alternates between threats and gestures of kindness.

Research has repeatedly proven that emotional abuse can have a more severe and detrimental impact than physical violence, as evidenced by the World Health Organization survey conducted in 10 countries. In the past 12 months, between 20% and 75% of women worldwide who were questioned reported experiencing emotional abuse (WHO, 2005)

## VI. DOMESTIC VIOLENCE AGAINST MEN IN INDIA

Our society is such where any crime against women becomes very crucial and important but crime against men many a times goes unnoticed because there always persist a social stigma that between a man and women, a woman is physically not as strong as that of men, she's much more emotional than man, she can never initiate a criminal activity even if a man accuses her of the same. It is agreeable to an extent with the above said fact that majority woman are physically less stronger than that of man but as discussed earlier that domestic

violence isn't always physical, it can be "Emotional Violence" or "Psychological Violence" as well where physical strength doesn't appear in the frame. Also about being emotional, man too have emotions, they too have a life. Without emotions only a father does not love his child unconditionally, a man does not try to keep his family happy by fulfilling all the wishes & desires of his respective family and many more instances, but the fact which follows here is if a woman has emotions, a man too has, there is no less or more in that. The society should accept the fact that men can also be the sufferer and woman can be the aggressor in a case.<sup>8</sup>

Moreover when a wife abuses her husband it can be emotional, psychological violence too wherein a woman may even restrict her husband from expressing his own views or prevent him from explaining about his self condition in front of his family, friends or other's and harasses him mentally, there a woman not only covers Section 498 A for domestic violence but also breaches and violates the fundamental right of Freedom of Speech and Expression of her husband guaranteed under Article 19 alongwith Article 21 which deals with the Protection of Personal Life and Liberty of the Indian Constitution. Domestic violence against man is a topic which doesn't get enough attention. Even if the number of man who suffer are less, domestic violence against them is still a crime. majority of man suffer violence from intimate partner whether current or former spouses.

## **Why majority cases of domestic violence against men go unreported in India?**

A man does not come out with his problems or speak about any violence committed against him because of the fear and judgmental thinking of the society. He believes that if he does, how will society react? Will they even concede that he suffered the most during his marriage? Can he be a victim? There is also a so called concept of "Mardaangi," which is quite common in our society. This idea holds that men are always regarded as being superior to women and will always be far more emotionally and physically robust than women. This word also creates a social stigma in the society that "*mard ko kabhi dard nahi hota*" which is

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<sup>8</sup> Domestic Violence against Men, published on HG.org Legal Resources, available online at <https://www.hg.org/legal-articles/domestic-violence-against-men-40055> accessed on 26th December 2022.

absolutely false, a man is also a human being, how can't he face hurt? He cannot always act to be stronger in the society, society expects a man to possess some supreme skill of never experiencing pain. No matter what, a man in a society is always assumed to be tough and capable of handling any difficulties or pain without shedding any tears.

Ultimately domestic violence on either man or woman is wrong but people are more inclined towards the fact that woman only faces domestic violence which is not the case always it can also be with men. Domestic violence not only means physical violence its also means any sort of verbal abusive violence and both are wrong. Many men face that but they are not either aware about their rights or they are scared of the judgmental mentality of society. When a girl abuses or acts so controlling on her partner people find it feminism and say stuff like "you go girl", "your life your choice" but if genders were reversed people find it disturbing and feel outraged and this is surely the current situation of society.

When we talk about society, the term is not only confined towards the people living in our neighborhood or in our surrounding groups, it does necessarily include the officials as well. Many a times it has been observed that when a man and a woman goes to police station for lodging a complaint, police tends to accept the complaint of woman first than that of man, because Law is more sensitive towards woman in cases of harassment, torture or domestic violence. Sometimes police officers not only lodge false complaint of woman against men but also makes derogatory remarks against him calling him "feeble" or "effeminate" that he could not take care of himself nor his wife, which is highly disturbing and extremely wrong. It often happens that false complaints of woman are taken and without any thorough investigation, the man is taken into custody and is accused of crime. Many a times it also happens that police officers do not even take complaint of men against woman for domestic violence because they also believe that man is always the one who hits or harasses the woman and not woman. These kind of mentality leads to the issues of depression and frustration among the men because even after being truthful and innocent they are proved to be guilty not by the court but by the society itself, many a times this situation also leads to suicide among men because they feel that they aren't being heard, they blame themselves for being a man in such situations and to stop this, poor mentality of the society has to be changed.

## VII. DOMESTIC VIOLENCE AGAINST MEN AT GLOBAL LEVEL

### England & Wales

In England and Wales, the 1995 “Home Office Research Study 191” polled 10,844 persons between the ages of 16 and 59 (5,886 women and 4,958 men); it found that 4.2% of men had experienced intimate partner violence in the year before the survey. This proportion climbed to 14.9% of males across their lifetimes. 3.25 million of the 6.6 million intimate partner violence occurrences that occurred in 1995 had male victims, and 1 million of those incidents led to injuries.

Since 2004, additional surveys that are appended to the yearly Home Office Crime in England and Wales reports keep more thorough annual data. Compared to regular crime surveys, these reports consistently show much higher rates of male and female intimate relationship abuse victims. A high of 4.5% in 2007/2008 and a low of 3.1% in 2009/2010 are the statistics for male victims.

According to a 2005 National Crime Council report, in the Republic of Ireland, 15% of women and 6% of men, or around 213,000 women and 88,000 men, had experienced severe intimate partner abuse in their lives. 2,525 male victims of domestic violence were recorded by police in Northern Ireland in 2012, up 259 occurrences from 2011. Males made up 19.3% of Scotland’s reported domestic abuse victims in 2018.<sup>9</sup>

### USA

In the United States, the National Violence Against Women Survey conducted by the Department of Justice in 2000 polled 16,000 people (8,000 men and 8,000 women), and it found that 7.4% of men had experienced physical assault by a spouse, cohabitant, boyfriend/girlfriend, or date at some point in their lives. Additionally, 834,732 males, or 0.9% of men, said they had experienced domestic abuse in the previous year. According to the Canadian General Social Survey of 2000, 549,000 males, or 7% of men, reported experiencing intimate partner abuse between 1994 and 1999.

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<sup>9</sup> Domestic violence against men, Wikipedia available online at [https://en.m.wikipedia.org/wiki/Domestic\\_violence\\_against\\_men](https://en.m.wikipedia.org/wiki/Domestic_violence_against_men) accessed on 26th December 2022.

In 2005, a new Canadian General Social Survey revealed that 546,000 males, or 6% of men, had been the victims of intimate partner abuse between the years 2000 and 2005. According to data on campus rape, men are sexually assaulted 1 in 7 times at American campuses, according to research from the National Institute of Mental Health and Ms. Magazine.

From a sample of 16,000 American adults, the American Centers for Disease Control and Prevention (CDC) discovered in 2013 that 26% of homosexual men, 37.3% of bisexual men, and 29% of heterosexual men had experienced intimate partner violence, as opposed to 43.8% of lesbians, 61.1% of bisexual women, and 35% of heterosexual women. The data reveals that sexual abuse and stalking by an intimate partner exact a significant toll on lesbians, gay men, and bisexuals in this country, according to CDC Director Tom Frieden.<sup>10</sup>

## **New Zealand**

In New Zealand, the 21 year Dunedin Multidisciplinary Health and Development Study, which included 1,037 participants, reported that 27% of women and 34% of men had experienced physical abuse at the hands of a partner, and that 37% of women and 22% of men had committed intimate partner violence themselves. A 2009 study from the Journal of Applied Social Psychology also looked at samples of university students in New Zealand (35 female and 27 male) (34 female, 27 male), and prisoners (15 female, 24 male) revealed that 16.7% of male respondents said they had been physically abused (12.9% of students and 15.4% of prisoners), while 29.5% said they had engaged in bidirectional IPV violence (both partners commit IPV; 14.5% of students and 51.3% of prisoners reported this).

Intimate partner violence was researched by 13,601 students from 32 countries in the 2006 International Dating Violence Study, which concluded that “approximately one-quarter of both male and female students had physically assaulted a partner during that year.” According to the data, 7.6% of males had experienced “serious assault” and 24.4% had experienced “minor intimate partner violence.” Two Swedish studies published in 2012 revealed that men experienced IPV at rates comparable to those of women: 8% per year for one study and 11% per year for the other.

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<sup>10</sup> Domestic violence against men, Wikipedia available online at [https://en.m.wikipedia.org/wiki/Domestic\\_violence\\_against\\_men](https://en.m.wikipedia.org/wiki/Domestic_violence_against_men) accessed on 26th December 2022.

## **VIII. NEED OF HOUR: GENDER NEUTRAL LAWS IN INDIA AGAINST DOMESTIC VIOLENCE**

Domestic violence laws in India are such which exclusively provides protection to women; they do not protect men. It creates a misleading impression that men are always capable of being the aggressor and never the victim. The prevalence of domestic violence against men is steadily rising. Therefore, special clauses and amendments in the present legislations are needed to create gender-neutral laws that will aid male victims of domestic violence in obtaining redress and a sentence for the offender irrespective of gender.

Gender equality and fundamental human rights belong to both men and women, there's no more or less between them. In the present time, when men are falsely accused of rape, domestic violence, and sexual assault, gender-neutral laws are critically needed. Society has to understand and accept the fact that men can also be the victims of domestic violence and are not necessarily the perpetrators, despite the term's connotations to the contrary.

## **IX. CONCLUSION**

This paper does not tend to say that woman always files false cases or every time take undue advantage of law but sometimes they do, they do underestimate the provisions of Law provided to them for their protection, just for the sake of their own benefit and their selfish gains. Under Article 15(3) of the Constitution, exceptions were permitted, and they are now the norm! Governments conveniently ignore Article 14 of the Constitution, Article 15(1), and Article 21 of the Constitution with regard to men as a result, and as a result, it has become customary to allow women to abuse men while highlighting men's violence against women and enacting discriminatory and biased laws against men.

The government needs to acknowledge that men make up a significant portion of society but are underrepresented in Indian law. Only the NCW and WCD Ministry, who are focused on women, are asked for their opinions when gender-based legislation is being discussed or adopted, but men's concerns and difficulties are disregarded. There is an urgent need for gender-neutral legislation, a constitutional authority, or a platform to address the issues that males face.

If these straightforward, yet incredibly significant, and reasonable steps are taken, they will have two significant effects: institutional recognition of domestic violence against males and open legislative support. As a result, males will have the confidence to come out when they are assaulted. There will be more complaints, and more reliable and accurate statistical information will be available for this area's future research.

Women should never misuse the power of being one. Women should understand that Laws made for their welfare or protection shall be used as a shield and not as a sword or assassin's weapon.

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