



## CRUELTY AGAINST MAN CREATED BY WOMEN IN PRESENT SENARIO

**Dr. Maneesha Sharma**

Assistant professor, Supervisor, Law Department,Monad University,Hapur U.P.

**Nisha**

Reaserch Scholar, Law Department, Monad University, Hapur, U. P.

### ABSTRACT :

*The problem is global, not limited to India. Several research have found that women are becoming more assertive and aggressive than men. The purpose of this study is to raise public awareness of domestic abuse against men. First and foremost, studies have shown that domestic violence against men is not a concern, and is even ignored by the general public, because it is difficult to recognise male-on-man domestic abuse because male victims nearly often choose to remain silent. As a result, this article can be used to study why males who have been victims of violence choose to remain silent and keep the violence hidden.*



*This article examines the factors that contribute to the intensity of domestic violence and the perpetrators. Following that, it is necessary to educate the public on the many types of domestic violence and what constitutes it so that it can be recognised. Domestic violence can include both sexual and psychological abuse and is not always physical. To identify and support victims, everyone must be familiar with these forms. Furthermore, studies examined how other countries addressed this issue and how they dealt with a male who had been assaulted. The pamphlet also included information on where the victimised male may seek support if violence broke out in India. Domestic abuse should be acknowledged by everyone, not just women.*

**KEYWORDS:** Domestic violence, investigate, molested, victimized.

### INTRODUCTION:

Violence against men is a persistent social issue that must be tackled by victims, advocacy groups, legislators, academics, and the general public alike. While there is a constant battle in the lives of men through a variety of media, including newspapers, television, films, and, increasingly, online and social media, the matter is regularly brought to larger public attention for some and remains a professional worry for many. Because public opinion and policy responses to violence against men are critical, it is important to investigate how the media can either support or change them. That is what this study tries to accomplish.

Men can be physically assaulted or subjected to violence in a domestic setting, such as marriage or shared living arrangements. Violence against men, like domestic abuse of women, can be considered a felony, but local laws vary. A second obstacle to men admitting their The reality of violence against

intimate partners (IPV) against men is often underestimated by society compared to IPV against women.

Terms like "gender symmetry," "battered husband syndrome," and "bidirectional IPV" have sparked debate in the study of assaults by intimate partner men. Some scholars argue that by prioritising men's interests over the serious concerns of battered women, those who focus on female-perpetrated violence are participating in an anti-feminist backlash and seeking to minimise the issue of male-perpetrated abuse.<sup>1</sup>

### **HISTORY OF VIOLENCE AGAINST MEN:**

One of the most contentious issues in family violence studies is the magnitude and significance of attacks on men by intimate female partners. Statistics on killings and self-report questionnaires demonstrate that men are victims of women. According to statistics from the National Family Violence Survey, approximately 12% of husbands and wives reported experiencing domestic aggression in the previous year. The survey was first conducted in 1975 and then again in 1985.

Both the general public and the legal system did not regard abuse of men by intimate partners as nearly as heinous as it was against women. While judges harshly punished husbands who abused their wives, they frequently offered little to no punishment to women who vanquished their husbands; in some cases, judges and observers who considered this as suitable discipline even celebrated the conduct.

### **Reasons For Domestic Violence Against Men:**

The search revealed many publications with prevalence rates ranging from 3.4% to 20.3% for domestic violence against men. The majority of the impacted men had previously used violence to end their relationships. 10.4% to 60% of them stated that they had been abused or neglected as children. Victims of domestic violence are more likely to abuse alcohol, be envious, have a mental disease, physical limitations, or have only recently started dating. Violence has been linked to the majority of physical injuries, deterioration of both mental and physical health, including anxiety or disruptive disorders, and greater use of alcohol or illegal drugs.<sup>2</sup>

### **Role of Media on Domestic Violence Against Men:**

Violence against men is a big societal issue. Domestic violence (DV) is one type of abuse against men that is gaining recognition in academic study on social media. There are solid reasons to believe that DV is becoming more widespread, in addition to the increased attention. For example, we evaluated 48 population-based studies conducted abroad and observed that 10 to 69% of men reported experiencing physical violence from an intimate female partner at some point in their lives.<sup>3</sup>

The Coalition is pleased to share this infographic with reporters and journalists, which provides a few Dos and Don'ts as part of our ongoing efforts to improve news media coverage of domestic violence situations.<sup>4</sup>

The purpose of this experiment was to determine how the public interprets social media framings of domestic abuse. The study's population consists of twenty-two manually searched social media postings about domestic abuse with the hashtag domestic violence. Six of these tales were posted Between 2017 and 2021, were intentionally chosen to comprise the sample size. The researchers used the framing theory, which states that frame influences audience interpretations and the meaning attributed to occurrences. The study's findings revealed that the audience's interpretation of the social media framing resulted in slurs and accusations against male victims, the perpetrator, and the social media platform that disseminated the stories.

Social media is critical for movement building, developing online communities, and giving voice and visibility to individuals who have been marginalised or mistreated in the past. Blogs, microblogs (like Twitter), image and video sharing social networking sites (like Facebook and blogs), instant messaging, emails, wall posting, music sharing, content communities (like YouTube), and more are the technologies utilised by social media channels (Kaplan & Haenlein, 2010). Although there are several social media sites available, this study will concentrate on Facebook and the Nairaland forum (blog) due

to their widespread use, features, and popularity. Facebook, one of the fastest-growing and most popular social networking services, has transformed online social interaction. Facebook is ubiquitous in today's globe.

### **A View From India on Male Domestic Violence:**

Women's violence against men is a pervasive issue in today's culture. Financial, physical, sexual, emotional, and psychological abuse are all included. Both men and women face gender-based violence. The nation's present legal system does not protect men from intimate partner assault. For example, Section 498 A of the Indian Penal Code of 1860 now Section 85 of The Bhartiya Nyaya Sanhita 2023 states that a man is alone responsible for employing violence against his wife; no other Act provisions make women accountable for the same. Similarly, Section 3 of the Protection of Women from Domestic Violence Act of 2005 emphasises that it solely protects women against this type of assault.

### **Remedies for Men Against Domestic Violence:**

Males who are victims of domestic abuse in India can seek remedies under the Indian Penal Code, 1860 and The Bhartiya Nyaya Sanhita 2023 which may include imprisonment as well as fines/other punishments imposed by the court.

Section 319 of the Indian Penal Code, 1860 now 114 of The Bhartiya Nyaya Sanhita 2023 states that anyone who causes bodily suffering, disease, or infirmity to another person is considered to have committed a crime of harm.

Section 320 of the Indian Penal Code, 1860 now 116 of The Bhartiya Nyaya Sanhita 2023 deals with grave injuries, which may include fractures, permanent loss of function in a joint or part, or harm that endangers a person's life.

Sections 321 and 322 of the Indian Penal Code, 1860 now 115(1) and 117(1) of The Bhartiya Nyaya Sanhita 2023 deal with the intent to intentionally cause injury. For purposefully harming someone, the punishment might be a year in prison, a fine of up to Rs. 10,000 or a combination of the two (section 323 of I.P.C now section 115(2) of B.N.S). Serious injury can result in a fine and up to three years in prison (Section 324 of I.P.C. now Section 118 of B.N.S).

Sections 349-352, 355-357 I.P.C now 128-131,133-135 of B.N.S address criminal force and assault offences. They provide remedies for anyone who intends to physically harm another person or uses illegal force with the intent to do so. The maximum penalty is five years in prison, a fine, or both.

The fundamental difference between remedies available under the Domestic Violence Act and the Indian Penal Code (IPC) is that the IPC is punitive in nature and can result in incarceration in most cases.

Section 13 of the Hindu Marriage Act deals with: If the person filing the petition is treated brutally after the marriage is solemnised, section 13 of the Hindu Marriage Act provides a foundational legal framework for divorce.

Section 200 and 153 (3) of the Criminal Procedure Code now Section 223 of Bhartiya Nagrik Suraksha Sanhita 2023 deals with: Sections 200 and 153 (3) of the Criminal Procedure Code allow the husband to file a complaint with the district magistrate. The complainant's oath, witnesses' testimony, and the The complainant's statement, as well as any supporting statements from friends, family, or neighbours.

### **JUDGE'S COMMENT:**

#### **Arnesh Kumar versus. State of Bihar <sup>5</sup>.**

Section 498A of the Indian Penal Code is a cognisable and non-bailable offence, however the Court emphasised in this decision that unhappy women frequently use it as a weapon rather than a shield.

The spouse and his family members are tormented as a result of Section's arrests, and it is especially upsetting to see sick and elderly grandfathers detained without a compelling case. In order to comply with Section 8 of the Indian Penal Code or Section 4 of the Dowry Prohibition Act of 1961, the

court created a set of criteria for police officers to follow when initiating an arrest. According to these standards, an arrest can only be made if there is reasonable cause to believe the charge is true.

### **Manju Ram Kalita vs. State of Assam <sup>6</sup>.**

The court ruled that because it may differ from other statutory standards, "cruelty" under Section 498-A of the Indian Penal Code necessitates proof within the framework of that section. It should be determined, among other things, by studying the man's behaviour, evaluating the significance or gravity of his actions, and determining whether it will urge the lady to end her life.

It must be proven that the lady has been subjected to cruelty on a constant basis, or at least during the time period preceding the filing of the complaint. The Court went on to say that minor conflicts cannot be considered "cruelty" under Section 498-A of the Indian Penal Code.

### **Rajesh Kumar and Others vs. State of Uttar Pradesh <sup>7</sup>**

To avoid the misuse of Section 498 A of the Indian Penal Code, the Supreme Court gave sweeping guidelines in the following domains:

Family groups: The Supreme Court directed that each district should form a Family Welfare Committee to evaluate complaints filed under Section 498 A.

- A complaint should be investigated by an officer.
- Handling settlement cases.
- Red Corner Notices will result in passport impoundment.
- Modifications were made to bail regulations.
- Cases involving the same parties can be consolidated.
- Family members no longer need to appear in person.

The court has declared that these orders will not apply to crimes resulting in actual bodily harm or fatalities. In addition, the Supreme Court asked the National Legal Services Authority to report on any changes or additions to the guidelines during a six-month trial period, but no later than March 31, 2018.

### **Jharna Mandal vs Prashant Kumar Mandal <sup>8</sup>**

Unreasonable and obstinate demand does not constitute an act of mental cruelty. Where husband lives separately the wife can very well demand that she will ... Therefore, this act of appellant is also amount to mental cruelty against husband. It is fact that Indian culture nurtures the concept of pious obligation.

### **Vijay Kumar Gupta vs Smt.Kiran Bala <sup>9</sup>**

Allegation of cruelty, has recorded clear finding that wife was subjected to cruelty and it is not that she subjected the husband to cruelty. Learned ...cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty. Cruelty in matrimonial life.

### **SUGGESTIONS:**

Any guy who has been the victim of violence, whatever of the form, can always file a Writ Petition to safeguard his right to life and liberty, or a FIR under any applicable IPC Sections.

In India, the law controlling men's rights is evolving, and courts have begun granting appropriate legal remedies to affected males in domestic violence situations. It is probable that separate legislation will not be ready quickly, but via precedents and amendments, a clear sketch of a system of rights protection will emerge.

It is undeniable that everyone, regardless of gender, faces violence, yet the frequency differs. This only addresses the issue that is truly harmful to individuals irreversibly; it does not Reduce the problems that people of both genders confront. Adoption of gender-neutral laws is only appropriate if social equality has been achieved. Men have several options for seeking restitution. Until a mechanism is established to defend men's rights, a remedy will always be available.

**CONCLUSION:**

Provisions that are biased against women exacerbate the problem. It is impossible to deny that everyone, regardless of gender, encounters violence, albeit at varying frequencies. This does not diminish the challenges that either gender endures. The future lies in gender-neutral laws. There are several instances in which women falsely accuse a male of rape or domestic violence because to gender-biased legal laws slanted in favour of women. The saddest aspect is that these prejudiced rules have already assumed that a male cannot be a victim.

It is essential that laws be gender neutral. To successfully recognise domestic violence or abuse against men, legislation and statutes need be altered to raise awareness and remove misconceptions.

"In India, domestic violence against men is not legally recognised. The common belief is that men cannot be victims of violence. This allows women to escape unharmed." RUKMA

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