

Matrimonial Cruelty in Maharashtra, India: -- a Husband Perspective

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ABSTRACT

Marriage though sacred engagement primarily based for social validation and progeny, experiences of Violence/cruelty are quite often regardless of caste, age, Social status yet the nature of cruelty may differ depending upon individual surrounding environment/Social environment. Matrimonial cruelty is a broad term, but often side-lined and less discussed due to its intimate nature. Furthermore, Discussions on how matrimonial cruelty is impacting the female side is more in number however in contemporary world how male side is also suffering the matrimonial cruelty is often ignored. Men due to traditional values, fear of social image and being less vocal about their matrimonial life often suffer silently. Many times head of family helps the women and legal systems including law in books, judiciary and police machinery also are inclined towards women to find solution or justice against for the cruelty, the men who suffer cruelty from their wives and wife side of family are often left with no choice but to compromise. This paper aim to investigate cruelty against men which is reflected in current society through judicial as well as police official's opinion.

KEYWORDS: Matrimonial Cruelty, Husband, Police officers, Judgements

INTRODUCTION

Marriage is an important event of any person's life whether male or female. In India Marriage often celebrated as sacred engagement, union of two families and celebrations for the new beginnings of those two individuals. The institution of marriage primarily based for social validation and progeny in India however experiences of Violence/cruelty are often side-lined and less discussed due to its intimate nature. In present day, the instances are quite often regardless of caste, age, social status yet the nature of cruelty may differ depending upon individual's surroundings. Matrimonial cruelty is often discussed as an taboo rather than being discussed for a cure. As the social media and the society in the last two decades has been very much vocal and aware about how women in the household have been suffering through generations being victims to mental torture, physical abuse and financial abuse as well. There is time in current society to broadly address the men as sufferers of the same kind of cruelty from their female counterparts and her side of the family in the marriage.

The times have evolved from an era when it was simply assumed that women were the sole victims of cruelty. The laws pertaining to cruelty committed by wives against their husbands are not as well-defined as those for the reverse scenario. Given the historical and long-standing dominance of men over women in our society, it can be challenging to acknowledge the idea that women can also perpetrate cruelty against their husbands¹. Cruelty on the part of wives towards husband requires a deep study in the context of several legislature in their favour in order to ensure their safe living and enjoy the happiness of matrimonial relationship.

OBJECTIVES

1. To study the nature of cruelty against men.
2. To know about the role and approach of judiciary in protecting men from cruelty by their spouse.
3. To be aware of the incidences of as well as opinions on Cruelty suffered by men from police officers

STATEMENT OF PROBLEM

Marriage, a revered institution, is paradoxically plagued by violence and cruelty, transcending socio-economic boundaries of caste, age, and social status. The forms of matrimonial cruelty, however, varies depending on individual circumstances and other social factors. Despite its recurring nature, matrimonial cruelty remains a marginalized topic, overshadowed by its intimate and sensitive nature. While the discourse on matrimonial cruelty has traditionally focused on its impact on women, a significant lacuna exists in acknowledging the experiences of men who suffer cruelty at the hands of their partners. Societal expectations, fear of reputational damage and men's reluctance to disclose their marital struggles often lead to their silent suffering. Moreover, the existing legal systems such as legislature, its enforcement i.e. police machinery have shown tendency to favour women leaving men with limited recourse but to acquiesce to their circumstances. This knowledge gap necessitates an investigation into the prevalence and nature of cruelty against men in matrimonial relationships.

SCOPE – ANALYSING & REFERENCES

This paper considers research articles, judicial pronouncements by higher Judiciary of the country along with experiences and incidences shared by police officers in Maharashtra, India for stating current societal situation for cruelty inflicted upon Husbands by their wives and her side of the family.

LIMITATIONS

The researcher will consider only those judgements where cruelty is suffered by men in their marriage and courts have pointed out misuse of protective provisions available to women. The researcher has taken the opinions and experiences of Police officers being an important social factor handling cruelty first hand through criminal cases. The research does not go beyond socio-legal aspects of these conversations and is limited to the psychological aspects as well as effects of this factors on family as a whole.

RESEARCH METHODOLOGY

This research will be carried out with extensive literature review focusing High Court Supreme Court cases. Also, international perspective on domestic violence against men. Field data is obtained from conducting questionnaire survey in the state of Maharashtra, India. The data collected from more than 30 respondents being police officers who are directly involved handling domestic violence cases out of which descriptive output will head to result analysis.

HOW MEN SUFFER CRUELTY

No one shall be tortured or subjected to cruel, inhuman, or degrading treatment or punishment. It has been noted that during the pendency of a Section 498A lawsuit, husbands and their family are compelled to appear in court to argue their case. Throughout this process, even if the final judgment favours the husband, the emotional and financial distress experienced during the entire legal proceedings is a source of apprehension.

It is a fact that some laws are skewed in favor of women to address the historical and ongoing mistreatment they have encountered. To bolster the argument, consider Section 32(2) of the Protection of Women from Domestic Violence Act of 2005, which states that the court may conclude that an offence under sub-section (1) of Section 31 has been committed by the accused based solely on the testimony of the aggrieved person. However, if no inquiry is conducted to determine if the complaint submitted is accurate or not, the spouse and his family members may experience social humiliation and mental anguish².

There has been significant increase in the instances of domestic violence happening as well as reporting of such instances, however there is need to shed light on the fact that in such instances Men who are generally considered as perpetrators are being sufferers too. To understand further, we shall discuss how men are facing the cruelty in their domestic setup. The idea of cruelty is variable in nature in terms of time, location and person. It is based on the parties' way of life and economic standing, their culture and their human value. It

also depends on the participant's physical and emotional circumstances. Many judicial statements have addressed many characteristics and behaviours of women who are considered as cruel vs. men. Following are some instances of cruelty inflicted by women to their spouse-

Misuse of Dowry Laws by Wife----The mistreatment of the provision of Dowry and Cruelty claims under the Domestic Violence Law, Dowry Prohibition Law, 1961, Section 304B and Section 498-A of the IPC against husband and husband families via mis claim is cruel.

Desertion by the Wife----Where women are willing to live separately and permanently terminate coexistence without any cause or apology, it is cruelty.

Adultery by the Wife - The meaning of wife adultery is that she willingly establishes or illicitly establishes relationships with someone else than husband in the presence of marriage. Even if the wife adulterates only once, she is equally harsh. In *Vimla Ladkani vs. Dr. Chandra Prakash Ladkani*, as well, the woman lives a dishonest life and has unlawful contacts with a person other than her husband³.

False FIR or Complaint by wife even from staying afar - The High Court wrongly held that because the appellant-husband and the respondent-wife did not stay together, there is no question of the parties causing cruelty to each other. Staying together under the same roof is not a pre-condition for mental cruelty. Spouse can cause mental cruelty by his or her conduct even while he or she is not staying under the same roof. In a given case, while staying away, a spouse can cause mental cruelty to the other spouse by sending vulgar and defamatory letters or notices or filing complaints containing indecent allegations or by initiating number of judicial proceedings making the other spouse's life miserable. This is what has happened in this case. If wife having mala-fide intention lodges FIR or makes any complaint against husband and relatives of husband knowing to be false in order to harass and humiliate or for any purpose, it amounts to mental cruelty⁴.

K.V. Dewan (2015) This book, laws concerning cruelty and offences against husbands, is thematically indexed, a legal statement is abolished to a busy supporter, a smart chapter including suggestive subheadings and simple to read and understand. This includes selected laws concerning husbands' marital cruelty, husbands' desertion by their wives, husband's murder by wife, husband's infidelity, sex denial, falsified cases, complaints, complaints and disputes concerning the husband and his family, mental and sexual disabilities of women and other similar matters.

“Domestic Violence Against Men” Study Report by Save Family Foundation The study looked at all four aspects of domestic violence — Economical, emotional, physical, and sexual. Economical violence was found to be the commonest with 32.8% respondents saying they had faced it at least once, followed by emotional (22.2%), by physical (25.2%) and sexual violence (17.7%).one such instances, the husband was abused and ill-treated by wife’s relatives when he visited her to bring her back to matrimonial home, such criminal behaviour of relatives caused immense agony o Husband. (MANU/SC/0578/2014 - In the Supreme Court of India -Malathi Ravi Vs. B.V. Ravi)

In the 2003 Malimath Committee report on reforms in the criminal justice system it has been depicted that there exists a "general complaint" of Sec 498A of the IPC to be a subject to gross misuse; and therefore the same report suggested an amendment to the impugned provision⁵

Misuse of the provision 498A IPC,⁶ -There are certain specific reasons stated below:

- a. Legal Extortion-Get-rich-quick-scheme to extort large amounts of money

- b. Prior Relationship Wife has a prior relationship, and cannot get out of it. She marries to satisfy her parents, and then misuses the 498a law in order to obtain a divorce.
- c. Domination Wife wants the husband to abandon his parents and siblings, and have total control over his finances and social behavior.
- d. Custody-Deny the father and his family access to their children.
- e. Fraudulent Marriages - in which the bride (and her family) hides her education level or mental health; and when is justifiably asked to release the person who has gone into marriage without knowing the full facts; she files a false 498A case.*

Today every husband is seen as a torturer and the relatives as demon. Perhaps we can see the torture continues after the separation as well in form of extortion and making him distance from own children. A fair amount of blame rests on the media also which, with a view of sensationalizing the issue blows the news without proper investigation. If this snag isn't resolved by legislation it's going to become a scary evil for the society. People's trust over the Judiciary, thus it is high time that this Section be amended. Many women who really need protection from Domestic Violence will probably never know about it and even if they do, never use it.

This study and Poll shows that most of the Indian women are verbally abusive. No need to show her the art to twist tongue, they are born with the Art. They know how to insult men; even insult his old aged parents in front him or vice versa. She will find faults in everything, This study and Poll shows that most of the Indian women are verbally abusive. No need to show her the art to twist tongue, they are born with the Art. They know how to insult men; even insult his old aged parents in front him or vice versa. She will find faults in everything, in his profession, attitude and day to day work, even in bedroom; as all men are not capable to satisfy the needs after some age or have some physical problem; mostly this physical disability in bedroom occurs because of sarcasm of wife. This verbal abuse leads to mental torture, but society and judiciary consider women can't verbally or mentally abuse / harass men⁷.

For Indian women sex is a bargaining tool to get things done; they can deny sex, withhold sex without reason; as per psychologists its a mental torture for men; but Indian judiciary never admits it as a domestic violence, they consider all men to be rapists.

We also found out that when things go wrong or when husband is not following what a wife demands, her family, in laws start to threaten to load him with false cases like anti dowry (498a) or Domestic Violence Act. If that does not work, they use force, physically torture or issue threats to the man's life. When we tried talking to men about this menace, many of them refused to comment, as they are afraid to talk about it. in his profession, attitude and day to day work, even in bedroom; as all men are not capable to satisfy the needs after some age or have some physical problem; mostly this physical disability in bedroom occurs because of sarcasm of wife. This verbal abuse leads to mental torture, but society and judiciary consider women can't verbally or mentally abuse / harass men.

The prevalence of spouse/intimate partner violence (51.5%) in the latest Indian study² was found to be higher than data collected for domestic violence under partner abuse state of knowledge project (PASK) from the USA, Canada, and the UK (19.3%).³ Domestic violence was recognized as a criminal offense in India in 1983. The offense is chargeable under section 498A of the Indian Penal Code.⁸

The domestic violence often called as intimate partner violence, expressing concern in personal life is suppressed and usually avoided during men's discussion. Male victims of cruelty in domestic relationships face several challenges⁹ which can be briefly stated as Societal Stereotypes and Stigma, Emotional and Psychological Challenges as men are always told to be mentally strong and thus having fear of Reporting due

to damage to their reputation and fear of being illtreated in the peer groups. Men also face legal biases which we will be discussing further which leads to another challenge of limited awareness and lack of support from family as well as society around them.

In many states of India, a man with good looks or with income is abducted and forced to marry without his consent. They were slapped with false rape charges, false dowry, and cruelty cases that affect life in every way, physically, mentally, emotionally, and psychologically, and is a violation of basic human rights concomitantly, injustice with men. Article 21 which deal with the right to life, where Supreme Court said that mere breathing and physical existence is not life, rather a life with choice with dignity¹⁰.

The impact on health is physiological as well as physical. The habit of consuming alcohol and other injurious drugs. Because of frustration and stress, they go through depression. (Mr. Swaroop Sarkar , B.Tech, DEM. (n.d.). “DOMESTIC VIOLENCE AGAINST MEN” STUDY REPORT BY Family Foundation Vice President of Manasa Global Pune.¹¹

Dr. Indu Subhash, a woman who fought for men’s rights, and demand gender-neutral laws and rooted for national commission for men. The root to fight for men’s rights is rooted by Ram Prakash Chugh, a Supreme Court advocate, who deals with false torture and dowry cases. It was called Crime against Man Cell, also known as the Society for Prevention of Cruelty to Husbands.

LEGISLATIVE PROVISIONS FOR MEN SUFFERING CRUELTY-

There is no comparable provision in any state that prohibits spouses from being harsh to men. However, Section 13(1)(ia) of the Hindu Marriage Act, 1956, allows both the wife and the husband to seek a divorce by alleging that their spouse has subjected them to cruelty after marriage.¹²

Legislative Protection Given to Husbands

Although the law on cruelty presumes husbands to be the offenders of domestic violence under domestic Violence act, 2005 and other laws protecting women but due to the increasing misuse of the presumption that women are the victims, there are various ways in which legal safeguards can be put in place for husbands.

As a legal option, husbands can initiate counter cases against their wives under the following sections if they believe that the case filed by the latter is based on unfounded or trivial reasons:

1. Giving false evidence earlier u/s 191 of Indian Penal Code, 1860 (IPC) now Sec. 227 under Bharatiya Nyaya Sanhita, 2023 (BNS),
2. for fabrication of evidence earlier u/s 192 IPC now Sec. 228 under BNS.
3. for using false evidence knowing it to be false earlier u/s 196 IPC now Sec. 233 under BNS,
4. for dishonestly making false claims in court earlier u/s 209 IPC now Sec. 246 under BNS.
5. for false charge of offence made with intent to injure earlier u/s 211 IPC now Sec. 248 under BNS.

The courts have expressed the view that marital laws should be designed in a way that their real-world application achieves a fair equilibrium between the interests of both spouses in a marriage.

Remedy available to Husband

If husband is subjected to cruelty by wife and the case is proved, then he is entitled to get a decree of divorce. The Apex Court and various High Courts have also held that husband can get a decree of divorce on ground of cruelty by wife. If husband alleges cruelty made against him, the burden lies on him to establish his case for getting a decree of divorce from court of law [8]. Cruelty is considered as a ground for divorce in various laws. Some provisions under different laws are as follows:

- Section 13 of The Hindu Marriage Act, 1955

- Section 27 of The Special Marriage Act, 1954
- Section 32 of The Parsi Marriage and Divorce Act, 1936
- Section 10 of The Indian Divorce Act, 1869¹³

It may be noted here that every evidence of cruelty may be on paper but it can be proved through leading evidences only. A husband who is under the reflection of such a menace ought to have an airtight proof of cruelty. He must keep a level head and document everything. On occasions of physical cruelty medical evidence, police complaint and MLC could prove to be the best evidence.

This phenomenon can be rightly explained by the pendulum effect formula. Earlier women had no rights. Getting married at a very tender age, with lack of education and treated even more horribly if widowed, men and his family had supreme control rights in their hands by surrounding innocent, young women in the hands of their outrageous conduct. Now, the pendulum being souring on the other side, the scenario has now become upside down. Women protection laws are now becoming a classic example of a women using as a weapon with those laws that were made to protect her. With the pace of time, this pendulum will shift towards the centre creating a balance in the interest of both the parties¹⁴.

The problem of men only whispered in India. The UN Charter of human rights clearly says a person must treat innocent until proven guilty. Still, in India, after filing a false complaint, the husband is treated as a culprit by our society.

JUDICIAL TREND

Cruelty towards husband has been illustrated by a few cases which came up before the courts in matrimonial disputes. They can be stated thus:-

- In a case where the wife underwent abortion against the wishes of her husband and other members of his family was held guilty of cruelty towards husband - Satya Vs. Suri Ram AIR 1983 P & H P.252.
- In a case where the wife made a police complaint against husband with regard to matrimonial differences between them - Krishna Vs. Arok ranjan, AIR 1985 Cal P.431. Where the wife got rid of pregnancy without the consent of husband- Kalpana's case AIR 1985 ALL P.253¹⁵.
- In a case where the wife filed a false report against her husband that he has committed a non-bailable offence- Shanthi Devi Vs. Raghav AIR 1986 Part P.13.
- In a case where the wife burnt her lecturer husband's doctoral thesis prepared by her husband - Harbajan Singh Vs. Amarjeet Kaur, AIR 1986 MP P.41.
- In a case where the wife in the presence of relative and friends called her husband as an impotent person;
- In *Saritha vs R. Ramachandra* 2002(6)ALD319, 2002(4)ALT592, I(2003)DMC37 P -the family court had rejected the wife's plea for divorce on the ground that the allegations levelled against husband could not be proved. During the hearing before high court, it came to the attention of the court that a criminal complaint u/s 498A IPC had been filed by the wife against the husband. The high court speaking through Justice B.S.A Swamy, without mincing words went on record to state "For nothing the educated women are approaching the courts for divorce and resorting to proceedings against their in-laws under 498A IPC implicating not only the husbands but also their family members, whether they are in India or abroad¹⁶. The high court left it open to the Law Commission and Parliament, either to continue with 498A in its present form or to make it a non-cognizable and bailable offence, thereby softening its rigour.

- vii) In *Harjinder Kaur & others v. State of Pb-P&H* 2004(4) R.C.R (Criminal) 332 A a complaint had been filed by wife u/s 498A against members of husband's family, including his 5 sisters who were the petitioners in the present criminal quashing. The high court took note of the fact that one of the sisters had been married and residing elsewhere since 1994, 5 years prior to marriage of the estranged couple while another was only 15 years when his brother got married making their involvement unlikely and went on to observe that "it appears that a wider net has been knitted so as to rope in the present petitioners".
- viii) *Sushil Kumar Sharma v. Union of India* AIR 2005 SUPREME COURT 3100: In this landmark case, the Supreme Court of India recognized that cruelty can be inflicted by either spouse, irrespective of gender. The court held that cruelty against a husband can include both physical and mental abuse, and that such acts fall within the purview of Section 498A of the Indian Penal Code, which deals with cruelty by a wife or her relatives. Further, while delivering judgment Hon'ble Mr. Justice Arijit Pasayat and Hon'ble Mr. Justice indicated sec. 498A as 'Legal Terrorism' and noted, "The provision is intended to be use as a shield and not assassins 'weapon. If cry of 'wolf' is made too often as prank, assistance and protection may not be available when the actual 'wolf' appears"¹⁷.
- ix) *Chaturbhuj v. Sita Bai* AIR 2008 SUPREME COURT 530: The Supreme Court of India, in this case, held that repeated acts of cruelty, which create an apprehension in the mind of the husband for his personal safety, can be considered grounds for divorce. The court emphasized that cruelty should be evaluated based on its impact on the mental and physical well-being of the victim.
- x) In *Preeti Gupta & Anr v. State of Jharkhand & Anr* *Preeti Gupta & Anr v. State of Jharkhand & Anr-SC*, 2010, Criminal appeal no.1512-SC a criminal complaint was filed alleging that the wife was physically assaulted at Mumbai by all the accused named in the complaint and a demand for a luxury car was made. However, the facts went on to show that appellant no 1 was a permanent resident of Navasari, Surat, Gujarat and had been living with her husband for more than seven years. Similarly, appellant no.2 was a permanent resident of Goregaon, Maharashtra. Both the appellants had never visited the place of alleged incident nor lived with respondent no.2 and her husband. The Supreme Court noted that such complaints were made with sole object to harass the relatives of husband and "permitting the complainant to pursue this complaint would be an abuse of the process of law". The Supreme Court observed "We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.
- xi) In *Kulwinder Kaur and Anr v Manjit Kaur and Anr-P&H* 2011(5) R.C.R¹⁸ The high court taking note of the fact that complaint was against uncle and aunt of complainant's husband, both of whom had been residing separate from the estranged couple since past 14 years, quashed the proceedings filed u/s 498A as there was no scope for the alleged interference in the matrimonial home. The high court holding that the allegations did not inspire confidence observed- "Lately, a tendency has developed to roping in all the relations in dowry cases in order to browbeat and pressurize the immediate family of the husband. Accordingly, sometimes inflated and exaggerated allegations are made". The wide amplitude of observations made by the various Courts and other quarters in regard to the gross misuse of section 498A culminated in the making of the 243rd report of the Law commission, which dealt extensively with section 498A IPC.
- xii) *R. Balasubramanian v. Vijayalakshmi* (2013): The Madras High Court, in this case, recognized that husbands can be victims of domestic violence and cruelty. The court held that physical violence, emotional abuse, and harassment against a husband by his wife can amount to cruelty under the provisions of the Protection of Women from Domestic Violence Act, 2005¹⁹.

- xiii) Vidhya Viswanathan vs Kartik Balakrishnan (2014) 15 SCC 21: The supreme court in this case considered denial of sex to husband for longer time without any sufficient cause amounts to mental cruelty to husband.
- xiv) Arnesh Kumar vs. State of Bihar - AIR 2014 SUPREME COURT 2756 –

The Supreme Court of India observed a significant increase in matrimonial disputes, noting the sacred nature of marriage in the country. While Section 498A was introduced to protect wives from harassment by their husbands or relatives, the court noted that the provision has become prone to misuse due to its cognizable and non-bailable nature. The court cited statistics from the National Crime Records Bureau, highlighting the extent of misuse. In 2012, nearly 200,000 people were arrested under Section 498A, with a conviction rate of only 15%. Furthermore, over 370,000 cases were pending trial, with an estimated 317,000 likely to result in acquittal. This underscores the vulnerability of Section 498A to misuse and the need for reform.

- xv) Recently the Hon'ble Supreme Court in case of *Rajesh Sharma v. State of UP* [14] has Issued directions for constitution of 'family welfare committee' and arrest to prevent misuse of Sec 498A of IPC, 1860. Less than three months after this judgement, the Chief Justice of India has decided to revisit the former judgement and has indicated, "We are not in agreement with the judgement passed in the case. We can't write law. We can only interpret the law". However, the cases of cruelty against husband are increasing day by day with a dynamic approach. Time is ripe, instead of making debates, the issue relating to cruelty by wives against their husband and inlaws is to be taken seriously and effective measures are to be taken by Govt. and Judiciary to combat the present scenario keeping in view the main objectives of legal contexts. Special commission for men should be established. Strong action is to be taken against the women who are misusing the legal provisions. Women Commission and NGOs should focus on prevention on misuse of legal provisions. The present concept of presumption and legal provisions should be amended suitably to keep harmony and to uphold gender justice²⁰.

From the judicial trend and observations of various commissions, it becomes clear that section 498A has become a necessary evil. It must continue to remain in our statute books for the much-needed protection of women but with a caveat, its misuse must be curbed. Following the judgment in the Arnesh Kr case, it appears that the police and magistrates will carry out their duties with greater diligence, substantially bringing down the misuse of s.498A without devaluing the utility of section 498A in genuine cases²¹.

POLICE SURVEY AND ANALYSIS

The researcher as a part of her doctoral studies asked one of the stakeholders -Police officer being important part of the society and the first ones to usually encounter such types of the Cruelty cases. With more than 30 respondents in the survey conducted by visiting local police stations in Maharashtra, India. The Police officers were asked few questions regarding cruelty suffered by men without disclosing actual names the officers have explained in affirmation that there has been marked increase in the cruelty case suffered by Husband.

Instances such as involving in laws relatives' names who are not living in the matrimonial home of the lady can also be seen just for the sake of malifying reputation and Harassment. Another instance where the police officers can see that the complaint by women is totally instigated by the relatives of the wife yet officers are left with no choice to launch and register FIR just for the sake of procedure which finally results in suffrage of Husband and his relatives. Police officers have also explained concern about the rising number of cases for the sole purpose of extortion of money. The researcher asked these Police officers that do they feel there is a misuse of the protective laws available to Women? Where by results, half of the total respondent strongly agreed to the fact. Further when asked about, Do they think that men and their relatives also suffer due to wrong accusations? then more than 70% of the respondents have affirmed that the Men and their relatives

suffer mental cruelty and harassment even in physical form due to wrong accusations apart from the societal damage to the reputation of the family.

EMPIRICAL STUDY

Table No. Men are being harassed by women misusing the laws

	Frequency	Percent
Yes	27	58.7
No	2	4.3
Cannot say	17	37.0
Total	46	100.0

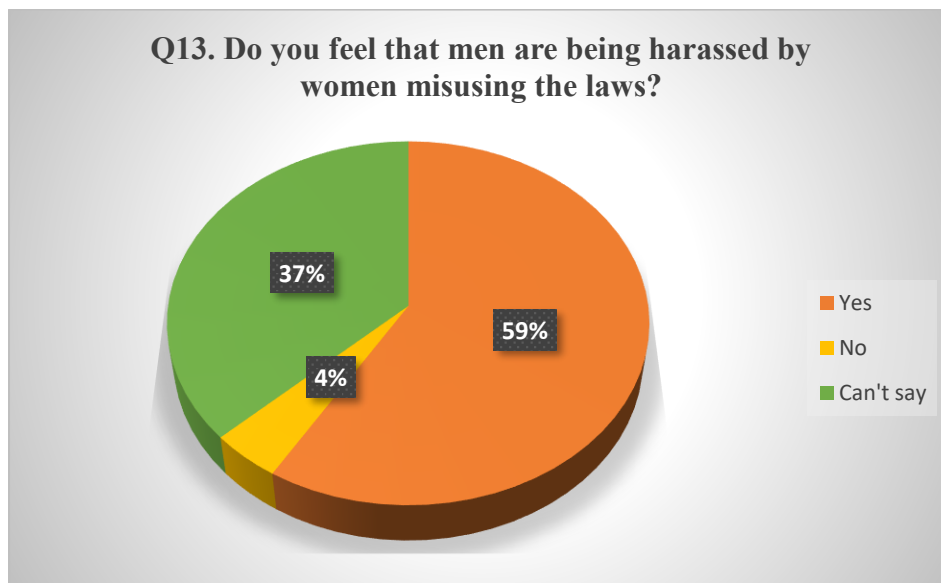


Table No. Men and their relatives also suffer due to wrong accusations

Misuse of protective law	Yes	
	Frequency	Percentage
Disagree	3	1.7
Somewhat Agree	14	25.0
Agree	12	36.7
Strongly Agree	17	33.3
Total	46	100



FINDINGS

The results from the above data clearly shows 59% of the Police Officers state that men are being harassed by women misusing the laws and simultaneously their relatives also suffer due to wrong accusations of such complaints. During actual data collection, researcher observed about more than 60% police officers have seen the misuse of laws but constrained to file the complaints due to legal duty. While the discussion went forward the Police Officers are concerned for such suffrage of men even explained some of the men literally cry before them when their side is genuine and does not have any monetary resources to fulfill the wish of their wife.

CONCLUDING REMARKS - NEED FOR GENDER NEUTRAL LAWS

As our family structures and societies evolve, our understanding and attitudes towards gender violence are also shifting. It's essential to acknowledge that men, too, can be victims of physical and emotional abuse at the hands of their spouses and in-laws. We must recognize their struggles as a significant social and public health concern, deserving of attention, support, and tailored interventions. Men also require access to crisis resources and assistance in navigating family violence, particularly when perpetrated by an intimate partner. Furthermore, our laws and legislation should be revised to include domestic violence against men as a punishable offense, promoting a more inclusive and equitable approach to addressing family violence.

From the literature review, Judicial trend and opinions expressed during the survey conducted by researchers there has been significant increase in cases where women are misusing the protective provisions available to them to simply harass their Husbands and his relatives where they are left with no choice but the mental harassment, instances rising for the extortion of money and other various reasons have left with increased concern regarding the positivity of marriage.

Men and women are the pillars of society and a family. Hence, laws are needed to offer protection to both from spousal violence. In cases where men are falsely accused of violence or dowry, a law which can address these false allegations is the need of the hour. Human rights and gender equality should include both men and women. Domestic violence should be considered as spousal violence and must not be differentiated due to gender. Domestic violence act in India is for women only. Studies show that men are also the victims of violence at the hand of women. Hence, necessary amendments addressing violence against men are suggested.

REFERENCES

- Karna Singh. Cruelty Against Husband in Odisha Scenario: A Social Legal Perspective. Journal of Family & Adoption Law. 2023; 6(2): 8–13p.
- Misuse of section 498A IPC-Judicial trend-----Karan Godara - Volume : 4 | Issue : 9 | Sept 2015 ISSN - 2250-1991213 | PARIPEX - INDIAN JOURNAL OF RESEARCH - CONCLUSION

3. Educational Administration: Theory and Practice 2024, 30(5), 9104-9115 ISSN: 2148-2403 <https://kuvey.net/> -----Cruelty Against Husband In India: A Socio-Legal Analysis Manjot Kaur^{1*}, Garima Narula²
4. MANU/SC/0180/2013 - IN THE SUPREME COURT OF INDIA - Civil Appeal No. 1794 of 2013 (Arising out of Special Leave Petition (Civil) No. 4782 of 2007) Decided On: 22.02.2013 - K. Srinivas Rao Vs D.A. Deepa
5. (Vasundhara, Use And Misuse of Section 498A, LEGAL SERVICE INDIA (May 12, 2019, 1:15 PM), <http://www.legalserviceindia.com/legal/article-652-use-and-misuse-of-section-498a.html>.
6. www.ijlmh.com ©2019 IJLMH | Volume 2, Issue 3 | ISSN: 2581-5369 International Journal of Law Management & Humanities Page 1, A Study on Misuse of Section 498A of Indian Penal Code, 1860 Gourav Kumar
7. “DOMESTIC VIOLENCE AGAINST MEN” Study Report by Save Family Foundation by Mr. Swaroop Sarkar, B.Tech, Dem, Mr. Rudolph Dsouza, Mr. Amitabh Dasgupta, MBA.
8. *Sociocultural and Legal Aspects of Violence Against Men*---Sanjay Deshpande¹ -Journal of Psychosexual Health 1(3-4) 246-249, 2019 © 2019 Karnataka Sexual Sciences Academy Reprints and permissions:in.sagepub.com/journals-permissions-india DOI: 10.1177/2631831819894176 journals.sagepub.com/home/ssh
9. CRUELTY AGAINST HUSBAND: AN ANALYSIS OF LEGAL PERSPECTIVE AND REMEDIES - Kusha Sharma - INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH VOLUME 3 | ISSUE 4 MAY 2023 ISSN: 2582-7340
10. Domestic Violence against Men: A Gloss Over By: Ekta Pandey B n W J o u r n a l - J u r i s p e d i a EQ. CITATION: BNWJ-1020-049
11. <https://ipc498a.files.wordpress.com/2007/10/domestic-violence-against-men.pdf>
12. DOMESTIC VIOLENCE -A Review of Literature---*Soumi Chatterjee Journal of Interdisciplinary Cycle Research Volume XII, Issue V, May/2020 ISSN NO: 0022-1945
13. Karna Singh. Cruelty Against Husband in Odisha Scenario: A Social Legal Perspective. Journal of Family & Adoption Law. 2023; 6(2): 8-13p
14. VOLUME 1 ISSUE 2 2020 ISSN NO. 2582-5534, BURNISHED LAW JOURNAL CRUELTY AGAINST HUSBANDS Piyush Kumar Jalan & Surabhi Rathi
15. Wive's act of Matrimonial cruelty and ruination of marriages: A Study By Prof.(Dr) Mukund Sarda
16. Misuse of section 498A IPC-Judicial trend----Karan Godara Volume : 4 | Issue : 9 | Sept 2015 ISSN - 2250-1991213 | PARIPEX - INDIAN JOURNAL OF RESEARCH
17. Cruelty against husband: Indian scenario Reetesh Kumar Jena, International Journal of Applied Research 2018; 4(2): 17-19
18. (Criminal) 26 243rd report on section 498A-Law Commission of India, 2012 | <http://lawcommissionofindia.nic.in/reports/report243.pdf>
19. CRUELTY AGAINST HUSBAND: AN ANALYSIS OF LEGAL PERSPECTIVE AND REMEDIES - Kusha Sharma - INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH VOLUME 3 | ISSUE 4 MAY 2023 ISSN: 2582-7340
20. Cruelty against husband: Indian scenario Reetesh Kumar Jena, International Journal of Applied Research 2018; 4(2): 17-19
21. “DOMESTIC VIOLENCE AGAINST MEN” STUDY REPORT BY Save Family Foundation BY 1. Mr. Swaroop Sarkar, B.Tech, DEM. 2. Mr. Rudolph Dsouza, 3. Mr. Amitabh Dasgupta, MBA