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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

W H I T E B L A C K
L E G A L

SOCIO-LEGAL STUDY OF GENDER AND DISABILITY WITH REFERENCE TO DOMESTIC VIOLENCE AGAINST MEN

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ABSTRACT

This socio-legal study explores the intersectionality of gender and disability in the context of domestic violence against men. It examines the unique challenges and experiences faced by men with disabilities who experience domestic abuse, focusing on the legal, social, and cultural barriers that hinder their access to justice and support.

INTRODUCTION

Domestic violence remains a prevalent issue globally, affecting individuals of all genders, identities, and abilities. While research on domestic violence has traditionally focused on women as victims, there is a growing recognition of the need to address the specific experiences and challenges faced by men who experience domestic violence.

It is a serious issue that affects millions of people around the world. While it is often thought of as a crime perpetrated by men against women, the reality is that women can also be perpetrators of domestic violence. In fact, research suggests that women are responsible for about 40% of domestic violence cases.

Research also suggests that domestic violence against men is more common than previously thought. A study by the Centers for Disease Control and Prevention (CDC) found that nearly one in four men (24.3%) have experienced intimate partner violence in their lifetime.

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Domestic violence against men is a serious issue that has been hidden for too long. By raising awareness, reducing stigma, improving access to services, and training professionals, we can help to ensure that all victims of domestic violence have the support and resources they need to heal and rebuild their lives. Men who experience domestic violence may face unique challenges and dynamics. For example, they may be less likely to report the abuse due to fear of being ridiculed, disbelieved, or blamed. They may also face barriers in accessing help, such as lack of access to shelters or support groups specifically designed for male victims.³

The impact of domestic violence on men can be devastating. Men who are victims of domestic violence may experience physical, emotional, and psychological harm. They may also be at risk of losing their jobs, their homes, and their children

GENDER AND DISABILITY

The social construction of gender and disability shapes the experiences and opportunities available to individuals. Gender norms often ascribe certain roles and behaviors to men and women, which can influence the likelihood of experiencing or perpetrating violence. Disability, similarly, can create barriers and vulnerabilities that increase the risk of violence for individuals with disabilities.⁴

DOMESTIC VIOLENCE AGAINST MEN

Domestic violence against men refers to violence or abuse committed by an intimate partner in a dating, marital, or cohabiting relationship. This abuse can take many forms, just like domestic violence against women.

Domestic violence against men is a serious and underreported crime. Men who experience domestic violence may face unique challenges, including:

PHYSICAL HARM

Men who are victims of domestic violence may experience a range of physical injuries,

³ Government of India. "Protection of Women from Domestic Violence Act (2005)." [Legislative Department](<https://legislative.gov.in/sites/default/files/A2005-43.pdf>).

⁴ Rao, N. (2018). "Challenges faced by male victims of domestic violence in India." *Indian Journal of Psychiatry*, 60(3), 291-295. [Indian Journal of Psychiatry](<https://www.indianjpsychiatry.org/article.asp?issn=0019-5545;year=2018;volume=60;issue=3;spage=291;epage=295;aui=Rao>).

including:

- * Cuts and bruises
- * Broken bones
- * Head injuries
- * Internal injuries
- * Sexual assault

EMOTIONAL AND PSYCHOLOGICAL HARM

In addition to physical harm, men who are victims of domestic violence may also experience emotional and psychological harm, including:

- * Depression
- * Anxiety
- * Post-traumatic stress disorder (PTSD)
- * Suicidal thoughts
- * Substance abuse

SOCIAL AND ECONOMIC HARM

Domestic violence can also have a negative impact on men's social and economic well-being. Men who are victims of domestic violence may:

- * Lose their jobs
- * Become homeless
- * Lose custody of their children
- * Be ostracized from their community

SOCIO-LEGAL FRAMEWORK:

The socio-legal framework plays a crucial role in addressing domestic violence against men. The laws, policies, and social norms that shape the response to domestic violence.

In many countries, domestic violence is a crime. However, the laws vary from country to country. In some countries, domestic violence is only a crime if it is perpetrated by a man against a woman. In other countries, domestic violence is a crime regardless of the gender of

the perpetrator or the victim.

The penalties for domestic violence also vary from country to country. In some countries, domestic violence is a misdemeanor offense. In other countries, it is a felony offense.

1. The Protection of Women from Domestic Violence Act, 2005 (PWDVA)

- * Comprehensive legislation addressing all forms of domestic violence against women.
- * Defines domestic violence as any harm or threat of harm to a woman by a male relative or member of her household.
- * Includes physical, emotional, verbal, economic, and sexual violence.

2. The Indian Penal Code (IPC)

- * Contains provisions that criminalize specific acts of domestic violence, such as:
 - * Section 323: Assault
 - * Section 354: Sexual assault
 - * Section 498A: Cruelty by husband or his relatives

3. The Code of Criminal Procedure (CrPC)

- * Provides procedural guidelines for handling cases of domestic violence.
- * Includes provisions for:
 - * Protection orders (Section 12)
 - * Maintenance and compensation (Section 125)
 - * Arrest and investigation procedures (Sections 154, 155)

4. Protection of Children from Sexual Offences Act (POCSO), 2012

- * Protects children from sexual offenses, including those committed within a domestic setting.
- * Provides for enhanced penalties for such offenses.

5. Dowry Prohibition Act, 1961

- * Prohibits the demand, giving, or taking of dowry.
- * Includes provisions for punishment and compensation for dowry-related violence.

6. The National Commission for Women (NCW)

- * Statutory body established to protect and promote the rights of women.
- * Provides support and assistance to victims of domestic violence

JUDICIAL INTERPRETATION

Case Study 1: Rajesh v. Societal and Legal Barriers Delhi high court 2019

CASE SUMMARY:

Rajesh, a 40-year-old engineer from Delhi, faced emotional and physical abuse from his wife. Despite the abuse, Rajesh found it difficult to seek help due to societal stigma and the lack of legal provisions for male victims.

CHALLENGES FACED:

1. Societal Stigma and Disbelief:

- When Rajesh reported the abuse to his family and friends, he was met with disbelief and ridicule. The prevailing cultural norms in India make it difficult for men to be seen as victims of domestic violence.

2. Lack of Legal Recourse:

- Indian law, specifically the Protection of Women from Domestic Violence Act (2005), primarily protects women, leaving men without adequate legal protection against domestic violence.

3. Police Response:

- Rajesh's attempts to file a complaint with the police were met with indifference and mockery. The police officers suggested that domestic issues should be resolved within the family and were reluctant to take his complaint seriously.

4. Emotional and Psychological Impact:

- The abuse, coupled with the lack of support, led to severe depression and anxiety for Rajesh. He felt isolated and hopeless, unsure where to turn for help.

Outcome:

- After multiple failed attempts to seek justice, Rajesh joined a men's rights group, which provided him with emotional support and legal advice. Through their advocacy, Rajesh was able to bring attention to his case and seek a resolution through mediation, although legal justice remained elusive.

Case Study 2: Anil v. False Allegation and Legal Challenges, Bombay high court, 2020

CASE SUMMARY:

Anil, a 35-year-old software developer from Mumbai, experienced severe psychological abuse and financial exploitation from his wife. His situation was further complicated by the fact that his wife threatened to file false dowry harassment charges against him.⁵

CHALLENGES FACED:

1. False Allegations:

- Anil's wife threatened to file false dowry harassment charges under Section 498A of the Indian Penal Code, a law that is often misused, putting Anil at risk of arrest and social stigma.

2. Legal Hurdles:

- The Indian legal system is not well-equipped to handle cases where men are victims of domestic violence. Anil found it difficult to find legal representation that was willing to take his case seriously.

⁵ Hines, D. A., & Douglas, E. M. (2010). "Men's experiences of intimate partner violence and seeking help: A cross-sectional survey in a British Police Force area." *BMC Public Health*, 10(1), 784. [BMC Public Health](<https://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-10-784>).

3. Lack of Support Services:

- There were no shelters or support services available for male victims of domestic violence in his area. Anil had to rely on friends for temporary shelter and support.

4. Social Isolation:

- Anil faced social isolation and was ostracized by his community. The prevailing belief that men cannot be victims of domestic violence made it difficult for him to garner sympathy or support.

Outcome:

- Anil eventually sought help from a men's rights organization that helped him gather evidence and provided legal counsel. Despite this, the legal battle was long and arduous, and he faced significant social stigma throughout the process. Ultimately, Anil was able to prove his innocence regarding the false allegations, but his experience highlighted the systemic issues men face in seeking justice for domestic violence.⁶

Case Study 3: Vikram v. Cultural Norms and legal Obstacles, Karnataka high court, 2021

CASE SUMMARY:

Vikram, a 50-year-old businessman from Bangalore, was subjected to continuous verbal and emotional abuse by his wife. Despite the severe impact on his mental health, Vikram struggled to find a legal framework that recognized his plight.⁷

CHALLENGES FACED:

1. Cultural Norms:

- Vikram faced significant cultural barriers, as traditional Indian values often see men as the dominant figures in households, making it hard for him to be perceived as a victim.

⁶ Gupta, R., & Saravanan, P. (2016). "Hidden Victims: Male Domestic Violence Victims in India." *International Journal of Social Science and Humanity*, 6(6), 433-437. [IJSSH](<http://www.ijssh.org/papers/687-H030.pdf>).

⁷ Sharma, M. K., & Singh, H. (2018). "The experiences of male victims of domestic violence in India: A qualitative study." *Journal of Interpersonal Violence*, 33(18), 2860-2880. [Journal of Interpersonal Violence](<https://journals.sagepub.com/doi/10.1177/0886260516635315>).

2. Inadequate Legal Framework:

- The lack of laws protecting men from domestic violence meant that Vikram had no legal recourse. The existing laws were heavily skewed towards protecting women.

3. Police Indifference:

- When Vikram approached the police, he was dismissed and advised to reconcile with his wife. The police did not file his complaint, reflecting a widespread issue of police insensitivity towards male victims.

4. Mental Health Issues:

- The constant abuse led to severe depression and anxiety for Vikram. He struggled with feelings of shame and helplessness, exacerbated by the lack of available mental health resources.

Outcome:

- Vikram's situation improved slightly when he sought counseling from a mental health professional who understood his predicament. He also connected with online support groups for male victims of domestic violence, which provided a sense of community and validation. However, legal justice remained out of reach due to the systemic biases in the legal framework.⁸

RECOMMENDATIONS

1. Legal Reforms:

- Amend existing domestic violence laws to be gender-neutral, ensuring protection for all victims regardless of gender.

2. Public Awareness Campaigns:

- Launch campaigns to challenge stereotypes and raise awareness about domestic violence against men.

⁸ Afifi, T. O., MacMillan, H., Cox, B. J., Asmundson, G. J., Stein, M. B., & Sareen, J. (2009). "Mental health consequences of intimate partner violence against men: A meta-analysis." *American Journal of Men's Health*, 3(3), 237-246. [AJMH](<https://journals.sagepub.com/doi/10.1177/1557988308323854>).

3. Support Services:

- Establish shelters, hotlines, and counseling services specifically for male victims of domestic violence.

4. Training for Law Enforcement:

- Provide training for police and judicial officers to sensitively handle cases involving male victims.

5. Mental Health Support:

- Increase access to mental health services for male victims, including counseling and support groups.

CONCLUSION:

This socio-legal study of gender and disability in domestic violence against men highlights the complex and multifaceted nature of this issue. By understanding the intersection of these factors, policymakers, practitioners, and advocates can develop more effective strategies to prevent and address domestic violence against men. It is essential to create a society where all individuals, regardless of their gender or abilities, are safe and free from violence.



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