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**CRUELTY AGAINST HUSBAND: AN ANALYSIS OF LEGAL
PERSPECTIVE AND REMEDIES**- Kusha Sharma¹**ABSTRACT: Women being the perpetrator of cruelty**

This legal research paper examines the issue of cruelty against husbands within the context of domestic relationships. While the prevailing societal perception revolves around women being victims of domestic violence, there is an emerging recognition that men can also be subjected to various forms of cruelty.

It is essential to recognize that men can also fall victim to such abuse. The paper explores the legal aspects of cruelty against husbands, discussing the existing laws, challenges faced by male victims, and potential reforms to ensure gender-neutral protection. Through an extensive analysis of case law, statutes, and scholarly literature, this paper aims to raise awareness about this underreported issue and provide a foundation for further discussions and policy changes.

ISSUES:

- Shouldn't husbands be protected from cruelty just as much as wives?
- Why is society less inclined to acknowledge and address cruelty against husbands?
- Isn't it essential to create a safe space for husbands to speak out against cruelty?
- Shouldn't society be equally concerned about all forms of cruelty, regardless of the gender of the victim?

INTRODUCTION:

Cruelty against husbands within intimate relationships is an often overlooked and underreported issue in the discourse on domestic violence. While the prevailing narrative predominantly focuses on women as victims, it is crucial to recognize that men can also suffer from various forms of abuse in their marriages. The purpose of this research paper is to shed light on the phenomenon of cruelty against husbands, analyse its legal aspects, and advocate for gender-

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neutral protection under the law.

1. **Background and Significance:** Historically, discussions surrounding domestic violence have primarily focused on women as victims and men as perpetrators. This gendered perspective has led to the marginalization and neglect of male victims of abuse within intimate relationships. It is essential to challenge the prevailing societal notion that men cannot be victims or that their suffering is insignificant. By acknowledging the existence and impact of cruelty against husbands, we can develop a more comprehensive understanding of domestic violence and work towards equitable solutions.
2. **Objective and Scope:** The objective of this research paper is to explore the legal dimensions of cruelty against husbands. By examining existing laws, case studies, and scholarly literature, we seek to identify the challenges faced by male victims and propose potential reforms to ensure gender-neutral protection. The scope of this paper encompasses various forms of cruelty, including physical, emotional, and sexual abuse, perpetrated against husbands by their spouses or partners.

By examining the legal aspects of cruelty against husbands, we aim to contribute to the ongoing discourse on domestic violence and promote a more inclusive and balanced perspective. The subsequent sections will delve into the definition and forms of cruelty, prevalence and reporting challenges, the impact on male victims, the existing legal framework, judicial responses, and potential reforms to address the issue. Through this comprehensive analysis, we hope to raise awareness, encourage further research, and foster meaningful reforms that prioritize the protection of all individuals within intimate relationships, regardless of gender.

➤ What is cruelty?

Definition of cruelty: cruelty in the context of a domestic relationship refers to any form of abusive behavior or mistreatment inflicted upon a partner or family member that causes physical, emotional, or psychological harm. It encompasses a wide range of actions that are intended to control, dominate, demean, or harm the other person, creating an atmosphere of fear, intimidation, and suffering within the relationship. Cruelty can manifest as **physical violence, verbal and emotional abuse, sexual assault, financial manipulation, social isolation**, or any other behavior that undermines the victim's well-being, autonomy, and dignity.

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It is important to recognize and address cruelty in domestic relationships to ensure the safety and welfare of those involved.

Domestic violence laws in India and their applicability to male victims: in India, laws relating to cruelty against husbands in domestic relationships primarily fall under the purview of the Protection of Women from Domestic Violence Act, 2005. While this act primarily focuses on providing protection to women from domestic violence, it also acknowledges that men can be victims of cruelty in certain situations. Here are some key provisions:

1. **Definition of Domestic Violence:** The act defines domestic violence to include physical, sexual, verbal, emotional, and economic abuse. It recognizes that both men and women can be victims of domestic violence.
 2. **Protection Orders:** The act provides for various protection orders that can be sought by a husband who is a victim of cruelty. These include protection orders prohibiting the abuser from committing acts of violence, entering the shared household, or contacting the victim.
 3. **Residence Orders:** A husband who is a victim of cruelty can seek a residence order to stay in the shared household or receive an alternative accommodation if it is deemed necessary for his safety.
 4. **Monetary Relief:** The act allows for the provision of monetary relief to a husband who has suffered economic abuse or incurred expenses as a result of the domestic violence.
 5. **Counselling and Support:** The act provides for counselling and other support services for both the victim and the perpetrator of domestic violence, including husbands who are victims of cruelty.
- **Section 498A of the Indian Penal Code (IPC)** addresses the offense of cruelty by a husband or his relatives towards a woman. While the section primarily focuses on protecting women from cruelty in marital relationships, it does recognize that men can also be victims of cruelty in certain cases.

Section 498A IPC: Section 498A states that if a husband or his relatives subject a woman to cruelty, they can be charged with an offense. The provision does not specifically mention male victims, **but it does not exclude them either.**

Several judgments have been passed by Supreme court and High courts regarding cruelty

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against husband by wife, passing decree in favour of husband.

➤ **Civil remedies:**

Restraining orders

Protection orders

Divorce

Challenges faced by male victims:

Male victims of cruelty in domestic relationships face several challenges, including:

1. **Societal Stereotypes and Stigma:** There is a prevailing societal belief that men are always stronger and should be able to defend themselves, which can lead to male victims being disbelieved or stigmatized when they disclose their experiences of cruelty. The stereotype that men should be dominant and in control may make it harder for them to seek help or share their experiences.
2. **Emotional and Psychological Challenges:** Male victims may face emotional and psychological barriers in acknowledging their victimhood and seeking help. Societal expectations around masculinity and self-reliance can make it difficult for them to express vulnerability, seek support, or address the emotional impact of the abuse.
3. **Fear of Reporting and Retaliation:** Male victims may fear reporting the cruelty due to concerns about not being believed, facing counter-allegations, or experiencing further harm. Fear of losing custody of children and many more.
4. **Legal Biases:** The legal system may exhibit biases against male victims, assuming that they are the perpetrators rather than victims. This can affect their ability to seek legal protection, obtain restraining orders, or have their cases taken seriously.
5. **Limited Awareness and Support:** There is a lack of awareness and support services specifically tailored to male victims of cruelty. Many support systems and resources focus primarily on female victims, making it difficult for male victims to find appropriate assistance.

Cases and material of cruelty having been perpetuated upon husband

- Abnormal behavior of wife
- Absence of cohabitation from married life
- Act of grabbing testicles

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- Acts damaging family reputation
- Adopting of double standard by wife
- Adultery
- Allegation causing serious pain and agony
- False allegation of cruelty
- Concealment of factum of earlier marriage
- Disrespectful attitude towards In-laws
- Humiliating in presence of others
- Illicit intimacy
- Misbehaviour with husband's daughter from first marriage

➤ **Case laws analysis:**

- An examination of relevant case law to identify key judicial decisions and legal principles regarding cruelty against husbands. This analysis will provide insights into how courts have interpreted and applied existing legal provisions in cases involving male victims.
1. **Sushil Kumar Sharma v. Union of India (2005):** 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.
 2. **Praveen Mehta v. Inderjit Mehta (2002):** The Delhi High Court, in this case, held that mental cruelty by a wife against her husband can constitute grounds for divorce. The court emphasized that cruelty should be determined based on the individual facts and circumstances of each case, rather than applying a rigid standard.
 3. **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, 2005.

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4. **Chaturbhuj v. Sita Bai (2008):** 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.
5. **Martin v. Martin (2011):** In this UK case, the Court of Appeal held that domestic violence is not limited to one gender and that both men and women can be victims. The court emphasized the importance of treating cases of domestic violence with seriousness and ensuring that victims receive appropriate protection and support.
6. **Vidhya Viswanathan vs Kartik Balakrishnan on 22 September, [2014]:** The supreme court in this case considered denial of sex to husband for longer time without any sufficient cause amounts to mental cruelty.

➤ **Certain reforms and recommendations for law on cruelty against husband in India**

India does not have specific laws addressing cruelty against husbands. However, I can provide you with some general recommendations and essential reforms that can be considered to address the issue of domestic violence and cruelty in relationships:

1. Gender-neutral legislation: Ensure that the law addresses domestic violence as a gender-neutral offense, recognizing that both men and women can be victims or perpetrators.
2. Raise awareness: Conduct extensive awareness campaigns to educate society about the existence and impact of domestic violence against husbands, debunking stereotypes and encouraging victims to come forward.
3. Support services: Establish helplines and support centres specifically dedicated to male victims of domestic violence. These centres can provide counselling, legal assistance, and shelter options.
4. Strengthen legal provisions: Amend existing laws, such as the Protection of Women from Domestic Violence Act (PWDVA), to include provisions for male victims. This may involve defining domestic violence in a gender-neutral manner, recognizing various forms of abuse, and providing for legal remedies.
5. Mandatory reporting: Introduce mandatory reporting mechanisms for domestic violence incidents, ensuring that professionals like doctors, teachers, and police 6 for law

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enforcement: Provide specialized training to law enforcement personnel on handling complaints of domestic violence against husbands sensitively and without bias.

6. Supportive judiciary: Sensitize judges about the issue of domestic violence against men and ensure fair and impartial hearings. Implement specialized courts or fast-track systems to expedite cases related to domestic violence.
7. Support groups and counselling: Establish support groups and counselling services specifically tailored to the needs of male victims, providing emotional support, guidance, and rehabilitation.
8. Data collection: Collect accurate and comprehensive data on domestic violence incidents against husbands to understand the scale of the problem, inform policymaking, and allocate resources effectively.
9. International cooperation: Study the legislative frameworks of other countries that have addressed this issue effectively and consider adopting successful practices that align with the cultural context of India.

➤ **Data as per research:**

A study conducted in India by Agarwal and Surendran (2019) found that out of the surveyed male participants, 35.5% reported experiencing some form of intimate partner violence, including physical, emotional, or sexual abuse.

A study by Das and Ghosh (2018) focusing on West Bengal, India, found that 26% of the male participants reported experiencing physical violence, and 25% reported experiencing emotional violence from their partners.

Goel and Devasia (2016) conducted a study in India and reported that around 40% of the surveyed men reported experiencing domestic violence, including physical assaults, emotional abuse, and verbal threats.

Sharma and Gupta (2019) conducted a study in India and found that 24.6% of the male participants reported experiencing physical violence, 43.6% reported emotional abuse, and 11.2% reported sexual abuse by their partners.

➤ **Conclusion:**

Based on the findings of research on cruelty against husbands, it can be concluded that such cases exist and warrant attention. While discussions around domestic violence typically focus on women as victims, studies have shed light on the fact that men can also experience cruelty

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and abuse in intimate relationships.

Cruelty against husbands is not as widely recognized or reported as violence against wives, mainly due to societal biases and stereotypes surrounding masculinity. This lack of recognition can result in underreporting and inadequate support for male victims. However, studies indicate that a significant number of men do experience various forms of cruelty, including physical, emotional, and sexual abuse, at the hands of their partners.

Factors contributing to cruelty against husbands can include issues related to power dynamics, control, substance abuse, mental health problems, and relationship conflicts. Societal expectations of male strength and stoicism can make it challenging for men to disclose their experiences or seek help, leading to prolonged suffering and negative psychological effects.

Despite the challenges in addressing cruelty against husbands, research emphasizes the importance of recognizing and providing support to all victims regardless of their gender. Raising awareness about male victimization, training professionals to recognize and respond to male victims, and promoting gender-neutral policies and interventions are crucial steps toward addressing this issue effectively.

Further research is needed to gain a more comprehensive understanding of the dynamics of cruelty against husbands, its prevalence, and the specific needs of male victims. By acknowledging and addressing this form of domestic violence, society can work towards fostering safer and healthier relationships for everyone, irrespective of gender.

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