
DOMESTIC VIOLENCE AGAINST MEN IN INDIA: LEGAL GAPS AND THE NEED FOR REFORMS

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ABSTRACT

Domestic violence in India has historically been approached through a gender-specific framework that centres women as the sole victims, thereby excluding men and individuals in non-heteronormative relationships from legal protection. Despite increasing reports of abuse faced by men in domestic settings ranging from physical assault and emotional manipulation to financial and sexual coercion India's legal system offers no statutory remedy for male victims. The Protection of Women from Domestic Violence Act, 2005, and Section 86 of the Bhartiya Nyaya Sanhita, 2023, reinforce this gender-exclusive approach by defining victims solely as women, thereby institutionalizing a legal blind spot.

Societal perceptions rooted in patriarchal constructs of masculinity discourage men from reporting abuse, often subjecting them to ridicule, disbelief, or social alienation. The lack of recognition extends beyond legal statutes to institutional response systems, which are neither equipped nor mandated to offer protection or rehabilitation to male victims. Comparative analysis reveals that several jurisdictions, including the United Kingdom, Canada, and Australia, have adopted gender-neutral frameworks that recognize abuse as a human issue rather than a gendered one. These models provide legal recourse, shelter services, psychological counselling, and public awareness initiatives for all victims, regardless of gender.

The exclusion of men and LGBTQ+ individuals from domestic violence legislation raises significant constitutional concerns under Articles 14 and 21, infringing upon the principles of equality and dignity. Recognizing domestic violence as a gender-neutral phenomenon is essential to achieving a just and equitable legal order that upholds the rights and dignity of every individual, irrespective of gender or identity.

Keywords: Domestic Violence, Male Victims, Gender-Neutral Laws, Legal Reforms, PWDVA, Bhartiya Nyaya Sanhita, Constitutional Equality, Masculinity, LGBTQ+ Rights, Comparative Law

Chapter 1: Introduction

Domestic violence has traditionally been perceived and legislated as a phenomenon largely affecting women, a perspective rooted in historical gendered power structures and systemic patriarchy. While this approach is essential for safeguarding women's rights and protection in patriarchal societies, it inadvertently overlooks a segment of the population—men—who also suffer abuse within domestic relationships. In India, this imbalance is both cultural and legal, leading to a systemic neglect of male victimization. This chapter lays the foundation for this seminar paper by introducing the issue of domestic violence against men, outlining the rationale for examining this neglected subject, and framing the scope of the legal gaps and the need for reform.

1.1 Conceptual Understanding of Domestic Violence

Domestic violence, in its broadest sense, refers to abusive behaviours used by one partner to gain or maintain power and control over another intimate partner. It can include physical violence, emotional abuse, psychological manipulation, sexual violence, and financial control. Although women are statistically more likely to report abuse, this does not negate the experiences of male victims, many of whom suffer in silence due to societal stigma and lack of legal recourse¹.

1.2 Invisible Victims: Men and Domestic Abuse

The societal stereotype that men are always aggressors and women always victims form a foundational bias in both public perception and legal discourse. Masculinity is socially associated with strength, stoicism, and emotional resilience—traits which discourage men from acknowledging victimhood, particularly in matters where they are abused by female partners². As a result, men who suffer domestic abuse rarely report their trauma, fearing ridicule, disbelief, or social alienation. Empirical research has indicated that a significant proportion of male victims choose silence over legal action because they do not expect to receive justice within a system geared toward female protection³.

¹ World Health Organization, *Understanding and Addressing Violence Against Women: Intimate Partner Violence* (WHO Press 2012).

² R.K. Ghosh, *The Masculinity Paradox in Domestic Abuse*, 27 Indian J. Gender Stud. (2020).

³ Save Indian Family Foundation, *Men's Rights and Domestic Abuse: A Study of Underreported Violence* (New Delhi 2021).

1.3 Legal Silence and Gender Bias

The legal framework in India, most notably the Protection of Women from Domestic Violence Act, 2005, and Section 86 of the Bhartiya Nyaya Sanhita, 2023⁴, is heavily gender-specific, extending protection and redressal mechanisms solely to women. These statutes, though well intentioned in their feminist objective, create a normative assumption that men cannot be victims of domestic violence. This legal silence has been criticized for promoting a one-sided understanding of abuse, which results in denial of justice to male victims and a lack of institutional support mechanisms⁵.

Chapter 2: Understanding Domestic Violence Against Men — Scope and Social Dimensions

Domestic violence, irrespective of the gender of the victim, fundamentally disrupts the sanctity of familial relationships. While the dominant narrative revolves around women being the principal victims, this chapter delves into the largely unrecognized and underreported phenomenon of domestic violence faced by men. It evaluates the various forms of abuse experienced by men, sociocultural constraints on disclosure, statistical invisibility, and the deep-rooted biases that silence their victimhood.

2.1 Forms of Abuse Against Men

Domestic violence against men is not limited to physical violence. It includes psychological, emotional, financial, verbal, and sexual abuse, often overlooked due to prevailing gender stereotypes. Men are frequently subjected to:

- **Emotional Abuse:** This includes constant criticism, humiliation, intimidation, and gaslighting. Victims may be mocked for their masculinity or belittled for not conforming to traditional gender roles⁶.
- **Physical Abuse:** Contrary to societal beliefs, men are also physically assaulted in domestic settings. Such incidents, when reported, are often met with scepticism or

⁴ Bhartiya Nyaya Sanhita, 2023, § 86, No. 45, Acts of Parliament, 2023 (India).

⁵ Nandita Babu, *Gender Bias in Indian Domestic Violence Law*, 6 SCC J. (2022).

⁶ D.G. Dutton & K.R. White, *Male Victims of Domestic Violence*, 27 J. Fam. Violence (2013).

ridicule by law enforcement authorities.⁷

- **Financial Abuse:** Some men are deprived of control over their own finances or are subjected to excessive economic demands, which may not be classified as abuse under existing laws.
- **Sexual Abuse:** Although even less reported, instances of sexual coercion or denial of intimacy as a form of control are also realities in abusive domestic relationships.

2.2 Underreporting and Stigma

One of the most significant barriers faced by male victims is underreporting. According to surveys conducted by independent NGOs such as the Save Indian Family Foundation, a substantial proportion of men experience some form of domestic violence but choose not to report it due to fear of social mockery, institutional indifference, and the absence of any formal redressal mechanism for male victims⁸. The National Family Health Survey (NFHS) does not even collect data on male victims of domestic abuse, making their victimhood statistically invisible⁹

The stigma attached to masculinity in Indian society aggravates the problem. Cultural norms discourage men from appearing vulnerable. A man who admits to being abused by a woman is often perceived as weak, unmanly, or even deserving of the abuse. This toxic masculinity compels many men to suffer in silence, leading to long-term mental health issues such as depression, anxiety, substance abuse, and even suicide¹⁰.

2.3 Societal Perceptions and Gender Roles

The societal construct of gender roles paints men as protectors and providers, and women as dependents or victims. As a result, the image of a male victim is incongruent with these norms. This binary understanding of gender roles influences not only public perception but also institutional response. Police officers, legal professionals, and even psychologists may inadvertently reinforce this bias by doubting the legitimacy of the male victim's claim or

⁷ K. Sharma, *When Men Cry: Understanding Male Victims of Domestic Abuse*, LiveLaw (2020).

⁸ Save Indian Family Foundation, *Annual Report on Domestic Violence Against Men* (2021).

⁹ Ministry of Health and Family Welfare, *National Family Health Survey (NFHS-5)* (2021).

¹⁰ A. Singh, *Mental Health Implications of Domestic Abuse on Indian Men*, Indian J. Psychiatry (2020).

discouraging them from pursuing legal action.

In 2019, the Men's Welfare Trust reported that out of 500 surveyed male victims, over 78% felt humiliated when they tried to file a complaint with the police, while 52% reported being mocked by friends or family¹¹. These statistics point to a systemic failure to recognize men as potential victims and treat their abuse with the seriousness it deserves.

2.4 Consequences of Neglect

Neglecting male victims not only violates the principles of equality and justice but also perpetuates a cycle of silence and trauma. Many male victims are alienated from their families, especially in cases involving child custody or false allegations under Section 86 BNS, which is often cited in marital disputes. In the absence of legal support, men are left with no choice but to endure psychological trauma without recourse to shelter homes, counselling, or support groups which are available to women.

Furthermore, this one-sided legal approach may provoke backlash and inadvertently harm the cause of genuine female victims by fostering a sense of injustice among men. The discourse around "false cases" is frequently misused by antifeminist groups, yet it also reveals a real gap: the absence of mechanisms to identify and protect all genuine victims, regardless of gender¹².

2.5 Role of NGOs and Advocacy Groups

Some civil society organizations, such as the Save Indian Family Foundation, Men's Welfare Trust, and Confider Research, have emerged to support male victims and advocate for gender-neutral laws. These groups document cases, provide legal aid, and raise awareness. However, their efforts are limited by societal apathy, lack of funding, and institutional recognition.

Despite their valuable contributions, these organizations face criticism from mainstream rights groups, who sometimes perceive their advocacy as undermining the feminist movement.

However, it is possible to advocate for men's rights without discrediting women's struggles. The fight for gender justice must be intersectional and inclusive.

¹¹ Men's Welfare Trust, *Survey on Police and Public Response to Male Victims* (2019).

¹² R. Malhotra, *Misuse of Legal Provisions and the Gender Debate*, SCC J. (2022).

2.6 The Need for Acknowledgment

The denial of male victimhood in domestic spaces not only results in legal disenfranchisement but also reflects the failure of the state to ensure universal access to justice. Human rights and constitutional protections under Articles 14 and 21 of the Indian Constitution demand that all individuals be treated equally before the law and be entitled to life and personal liberty.

Denying protection to male victims of domestic violence contravenes these guarantees.

Acknowledging the existence of male victims is not about diminishing the pain of women; it is about recognizing that abuse is a human issue, not a gendered one. Ensuring legal and social recognition for male victims would only reinforce the ideals of fairness and inclusivity in the Indian legal system.

Chapter 3: Legal Framework in India — A Gendered Perspective

India's legal landscape concerning domestic violence is predominantly shaped by a gender specific understanding of abuse, built around the premise that women are inherently the victims and men the perpetrators. This legal philosophy, while crucial for empowering women in patriarchal structures, has led to the systemic exclusion of male victims from the protective domain of domestic violence laws. This chapter critically analyses the statutory architecture in India, including the Protection of Women from Domestic Violence Act, 2005 (PWDVA), Section 86 of the Bhartiya Nyaya Sanhita (BNS), and associated provisions, to highlight the legal asymmetry that denies protection to abused men.

3.1 Protection of Women from Domestic Violence Act, 2005 (PWDVA)

The PWDVA is a landmark piece of legislation enacted to provide immediate civil remedies and protection to women facing domestic violence. Section 2(a) defines the "aggrieved person" exclusively as any woman who is, or has been, in a domestic relationship with the respondent and alleges to have been subjected to any act of domestic violence¹³. The law provides for protection orders, residence orders, monetary relief, custody orders, and compensation orders but all within the limited context of a woman as a victim.

¹³ Protection of Women from Domestic Violence Act, 2005, § 2(a), No. 43, Acts of Parliament, 2005 (India).

The gender-exclusive wording of the statute is deliberate and reflects a legislative intent to address widespread abuse against women. However, this very specificity becomes the law's critical weakness when viewed from a gender-neutral lens. Men facing similar abuse in intimate or domestic relationships have no remedy under the Act. Even same-sex relationships involving male victims find no recognition under this framework¹⁴.

While Section 3¹⁵ defines "domestic violence" in a comprehensive manner including physical, emotional, verbal, sexual, and economic abuse the benefit of such an inclusive definition is nullified by its gender-exclusive application. Thus, even if a man is subjected to the same forms of abuse, he remains outside the purview of PWDVA.

3.2 Section 86 of the Bhartiya Nyaya Sanhita

Section 498A IPC was introduced in 1983, retained as it is in BNS, 2023, to address cruelty by a husband or his relatives towards a wife. The provision criminalizes any act of physical or mental cruelty that may drive a woman to suicide or cause grave injury or danger to life, limb, or health¹⁶. It is non-bailable and cognizable, reflecting the seriousness with which the law treats such offences. However, it is limited to women victims alone, and there is no corresponding provision under the IPC for cruelty against men in domestic relationships.

Further, Section 498A has been subjected to frequent criticism due to allegations of misuse. The Supreme Court in *Sushil Kumar Sharma v. Union of India* observed that "Section 498A is being misused by some women as a tool to harass their husbands and in-laws"¹⁷. While the judgment did not question the necessity of the provision, it highlighted the need for safeguards against arbitrary invocation. Despite this acknowledgment, no legislative attempt has been made to either amend the law or to introduce a parallel provision for male victims.

3.3 Other Provisions and Limitations

Other related provisions such as Section 80 BNS (Dowry Death), Section 108 BNS (Abetment of Suicide), and Section 144 BNSS (Maintenance of wife, children, and parents) similarly reflect a female-centric outlook. Maintenance laws presume the economic dependency of the

¹⁴ A. Kumar, *Male Victims of Domestic Violence: An Unaddressed Reality*, 47 Indian B. Rev. 1 (2020).

¹⁵ Protection of Women from Domestic Violence Act, 2005, § 3, No. 43, Acts of Parliament, 2005 (India).

¹⁶ Indian Penal Code, 1860, § 498A, No. 45, Acts of Parliament, 1860 (India).

¹⁷ *Sushil Kumar Sharma v. Union of India*, (2005) 6 SCC 281.

wife, and even though courts have occasionally granted maintenance to husbands in exceptional circumstances, there is no specific legislative mandate that provides equal treatment to men in distress.¹⁸

The absence of any statutory redressal for male victims leads to a situation where a man who is beaten, emotionally tortured, or financially exploited in a domestic relationship has no civil or criminal remedy under family law. The only recourse lies in general provisions like Section 115 BNS (voluntarily causing hurt), but these do not account for the context of a domestic relationship and thus lack the protective and rehabilitative mechanisms envisioned in the PWDVA.

3.4 Judicial Interpretations and Limitations

The Indian judiciary, though progressive in many areas, has shown restraint in interpreting domestic violence laws expansively. In *Hiral P. Harsora v. Kusum Narottamdas Harsora*, the Supreme Court struck down the phrase “adult male person” from the definition of “respondent” in PWDVA, thereby allowing women to be made respondents¹⁹. However, the court did not go so far as to recognize male victims as “aggrieved persons.” This case demonstrated the court’s willingness to address inequality in the definition of perpetrators, but its refusal to apply the same logic to victims reveals the underlying legislative and judicial conservatism.

In *Vikas Garg v. State of Haryana*, the Punjab and Haryana High Court acknowledged the plight of men falsely accused under Section 498A and warned against the blanket criminalisation of domestic disputes²⁰. Despite this judicial caution, the legislative inertia remains, and no gender-neutral policy shift has been proposed in Parliament.

3.5 Constitutional Concerns

The gender-exclusive nature of domestic violence laws raise serious constitutional questions under Article 14 (Right to Equality) and Article 15(1) (Prohibition of discrimination on grounds of sex). While Article 15(3) allows for special provisions for women and children, such positive discrimination must not result in systemic deprivation of justice for others. A

¹⁸ Bhagwan Dutt v. Kamla Devi, AIR 1975 SC 83.

¹⁹ *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165.

²⁰ *Vikas Garg v. State of Haryana*, 2017 SCC OnLine P&H 2002.

law that completely denies a class of victims access to remedies, based solely on their gender, fails the test of reasonableness under Article 14.

In *Anuj Garg v. Hotel Association of India*, the Supreme Court emphasized that “legislation should not reinforce patriarchal notions and stereotypes under the guise of protective discrimination”²¹. Applying this reasoning, male victims of domestic violence must not be denied access to justice merely because the law intends to protect women. Equality before law must also translate into equal protection under law.

Chapter 4: Judicial Trends and Case Laws — An Imbalanced Approach?

While statutes such as the Protection of Women from Domestic Violence Act, 2005 (PWDVA) and Section 86 of the *Bhartiya Nyaya Sanhita*, 2023 are fundamentally gender-specific, the Indian judiciary has occasionally been presented with opportunities to interpret these provisions in light of evolving societal realities. However, the trajectory of judicial decisions in this realm reflects a continued adherence to gendered constructs. This chapter evaluates key judicial trends and decisions, highlighting both the limited judicial recognition of male victimhood and the judiciary’s cautious engagement with the problem of legal misuse.

4.1 Judicial Reinforcement of Gender-Specific Protection

The Supreme Court and High Courts have repeatedly emphasized that laws like the PWDVA and Section 86 are enacted to protect women from historical and systemic oppression within domestic settings. In *Indra Sarma v. V.K.V. Sarma*, the Court held that the purpose of the PWDVA is to “provide for more effective protection of the rights of women who are victims of violence of any kind occurring within the family”²². While such a perspective acknowledges the intent of the legislation, it simultaneously underlines the legislative and judicial commitment to female-centric protection, leaving no room for interpreting these laws to encompass male victims.

The courts have consistently held that the term “aggrieved person” under Section 2(a) of the PWDVA cannot be expanded beyond women. In *Hiral P. Harsora v. Kusum Narottamdas Harsora*, the Supreme Court struck down the phrase “adult male person” from Section 2(q),

²¹ *Anuj Garg v. Hotel Association of India*, (2008) 3 SCC 1.

²² *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755.

allowing women to be named as respondents. However, the Court carefully avoided expanding the definition of "aggrieved person" to include men, thereby reinforcing the one-sided structure of the statute²³.

4.2 Judicial Recognition of Misuse, Not Victimhood

One of the most notable aspects of judicial discourse around domestic violence and Section 498A is the repeated acknowledgment of its potential for misuse. In *Sushil Kumar Sharma v. Union of India*, the Supreme Court observed that "the object of the provision is to prevent the dowry menace. But by misuse of the provision, new legal terrorism can be unleashed"²⁴. Similarly, in *Preeti Gupta v. State of Jharkhand*, the Court warned against the "rampant misuse" of Section 498A, advising Parliament to reconsider the provision's operation²⁵.

While such observations are significant, they stop short of addressing the problem from a gender-neutral standpoint. The focus remains on protecting innocent men from false accusations, not on recognizing them as potential victims of genuine domestic abuse. The courts, therefore, act more as safeguards against misapplication than as champions of inclusion.

4.3 High Court Interventions and Male-Centric Cases

Several High Courts have dealt with cases where men have pleaded for relief against domestic abuse. However, in the absence of legal backing, courts have had to dismiss such petitions while expressing sympathy but not relief.

In *Kush Kalra v. Union of India*, the Delhi High Court refused to entertain a PIL seeking to make the PWDVA gender-neutral, observing that the "legislative policy has clearly carved out a special statute for women owing to their vulnerability"²⁶. Similarly, in *Hari Kishan Sharma v. State NCT of Delhi*, a male petitioner who alleged emotional and psychological abuse by his wife was advised to seek remedies under general criminal law, as no special provisions

²³ *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165.

²⁴ *Sushil Kumar Sharma v. Union of India*, (2005) 6 SCC 281.

²⁵ *Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667.

²⁶ *Kush Kalra v. Union of India*, 2019 SCC OnLine Del 10756.

were available to him under PWDVA²⁷.

These cases indicate that while courts are not averse to hearing men's grievances, the statutory limitations of existing laws bind their hands, compelling them to either reject petitions outright or redirect them toward insufficient remedies under the general provisions of the IPC.

4.4 Judicial Silence in Same-Sex and Trans-Inclusive Contexts

The judiciary has also not actively engaged with the question of whether domestic violence laws can apply to same-sex male couples or transgender persons in domestic relationships. After the landmark judgment in *Navtej Singh Johar v. Union of India*²⁸, which decriminalized homosexuality, legal scholars anticipated that the courts might proactively extend domestic violence protections to such relationships. However, there has been no authoritative judicial pronouncement in this direction.

This silence not only marginalizes LGBTQ+ individuals but also reflects the deeply entrenched heteronormative and binary understanding of victimhood in family law.

4.5 The Problem of Procedural Bias

Apart from substantive limitations, the procedural handling of cases involving male litigants also shows systemic bias. Police officers are often reluctant to register complaints from men alleging domestic abuse, fearing disciplinary action or social backlash. Courts also tend to prioritize complaints filed by women, even when counter-allegations are raised by men. This procedural inequality undermines the notion of access to justice, a cornerstone of constitutional jurisprudence.

The Law Commission of India in its 243rd Report acknowledged the growing concerns around misuse and the need for safeguards but remained non-committal about gender neutrality. The Justice Malimath Committee Report (2003) had earlier suggested making Section 498A bailable and compoundable to reduce misuse but did not propose extending protections to male victims, highlighting a reluctance even in reform discussions²⁹.

²⁷ *Hari Kishan Sharma v. State NCT of Delhi*, 2015 SCC OnLine Del 13255.

²⁸ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

²⁹ Law Commission of India, 243rd Report on Section 498A IPC (2012).

4.6 The Way Forward: A Role for Judicial Activism?

The Indian judiciary has, in many instances, acted as a transformative institution, expanding the scope of rights and protections through progressive interpretations. From environmental jurisprudence to LGBTQ+ rights, the courts have often filled legislative voids. However, in the domain of domestic violence against men, such judicial activism has been limited.

There is a pressing need for the judiciary to adopt a more rights-based and gender-neutral approach while interpreting family law statutes. Even within the confines of the existing legal framework, the courts can invoke Article 14 and Article 21 of the Constitution to issue guidelines, recommend reforms, and sensitize law enforcement agencies. Judicial reluctance must give way to a more inclusive interpretation of justice, where victimhood is not predetermined by gender but assessed by lived experiences.

Chapter 5: Comparative Legal Analysis — Gender-Neutral Laws in Other Jurisdictions

The global discourse on domestic violence has gradually evolved to adopt a more inclusive and gender-neutral lens. Several jurisdictions have moved away from the exclusive narrative of women as victims and have recognized that abuse within domestic settings can affect any individual, irrespective of gender. This chapter undertakes a comparative legal analysis of gender-neutral domestic violence laws in countries such as the United Kingdom, United States, Canada, and Australia, to understand how these jurisdictions have addressed male victimhood, and what lessons India can draw from their experiences.

5.1 United Kingdom: The Domestic Abuse Act, 2021

The Domestic Abuse Act, 2021 in the United Kingdom represents a significant step toward gender neutrality in addressing domestic violence. The Act defines domestic abuse comprehensively, including physical, emotional, coercive, and economic abuse, and applies to “any person” regardless of gender, sex, or sexual orientation³⁰. The legislation recognizes male victims explicitly and provides support services, including access to shelters and restraining orders.

In addition, the UK maintains government-funded helplines for male victims, such as the

³⁰ UK Domestic Abuse Act 2021, § 1 (UK).

Men's Advice Line, and partners with non-profits like ManKind Initiative to provide psychological support and legal assistance to male survivors. The Crown Prosecution Service has issued guidance mandating that complaints from male victims be handled with the same seriousness and sensitivity as those from women³¹.

5.2 United States: The Violence Against Women Act (VAWA)

Although the Violence Against Women Act (VAWA), first enacted in 1994, was originally women-centric in both name and structure, successive amendments and judicial interpretations have expanded its ambit. The law now explicitly acknowledges that men and members of the LGBTQ+ community can be victims of domestic abuse. Funding through VAWA is available for programs that serve “all victims of domestic violence, dating violence, sexual assault, and stalking”, regardless of gender³².

In *Woods v. Shepard*, the U.S. Court of Appeals held that denying support services to male victims under state-level domestic violence laws violated the Equal Protection Clause of the Fourteenth Amendment³³. As a result, many states have amended their laws to ensure gender neutrality in both definitions and protective mechanisms. Moreover, the Department of Justice has emphasized inclusive training for law enforcement and judiciary to recognize and respond to male victimization.

5.3 Canada: Criminal Code and Family Violence Strategy

Canada does not have a specific statute for domestic violence. Instead, it criminalizes various forms of abuse — assault, harassment, intimidation — under its Criminal Code and addresses domestic violence through its Family Violence Initiative. Importantly, all provisions are gender-neutral, and there is no presumption of victimhood based on gender³⁴.

Several provinces have enacted Domestic Violence Courts to expedite such cases, ensuring protection orders, counseling, and social support are available to all victims, including men. Government agencies like Statistics Canada collect and publish data on domestic violence that

³¹ Crown Prosecution Service, *Domestic Abuse Guidelines for Prosecutors* (2022) (UK).

³² Violence Against Women Reauthorization Act of 2013, 42 U.S.C. §§ 13925 et seq. (U.S.).

³³ *Woods v. Shepard*, 588 F. Supp. 2d 1220 (D. Kan. 2008) (U.S.).

³⁴ Criminal Code, R.S.C., 1985, c. C-46 (Can.).

includes male victims, ensuring that policy-making is evidence-based and inclusive³⁵.

5.4 Australia: Family Violence Protection Laws

Australian domestic violence laws are governed at the state level, but nearly all jurisdictions have embraced a gender-inclusive framework. The Family Violence Protection Act 2008 (Victoria) defines family violence in terms that apply equally to all individuals in a domestic relationship, including same-sex couples and male victims³⁶.

Government agencies fund shelters, hotlines, and community programs specifically for men. Campaigns such as "One in Three" have raised awareness about the prevalence of male victimhood and have been supported by the Australian government. Courts in Australia have consistently held that victimhood must be determined by facts and not assumptions about gender roles.

5.5 Lessons for India

The international approach toward domestic violence reflects a gradual shift from protectionism to inclusive justice. Countries like the UK and Canada have made significant strides in ensuring that domestic abuse laws are framed and implemented without gender bias.

Key takeaways for India include:

1. **Statutory Inclusion:** Legal definitions of domestic violence must be amended to include male victims explicitly, either by revising PWDVA or enacting new gender neutral legislation.
2. **Data Collection:** Government agencies must collect and publish gender-disaggregated data on domestic violence, including statistics on men and LGBTQ+ individuals.
3. **Support Services:** Shelter homes, helplines, and psychological support programs must be extended to all victims, not just women.
4. **Judicial Training:** The judiciary and police must undergo sensitivity training to

³⁵ Statistics Canada, *Family Violence in Canada: A Statistical Profile* (2021).

³⁶ Family Violence Protection Act 2008 (Vic), § 5 (Austl.).

understand and recognize male victimization in domestic contexts.

5. **Public Awareness:** Media and educational campaigns should challenge harmful stereotypes and promote the idea that **abuse is not gender-specific**.

Chapter 6: The Case for Reform — Need for Gender-Neutral Legislation

Despite constitutional guarantees of equality and evolving societal attitudes toward gender, Indian law continues to view domestic violence predominantly through the lens of female victimhood. This perspective, while historically rooted in addressing real and pervasive violence against women, has over time crystallized into a rigid statutory framework that fails to accommodate male victims or those in non-heteronormative domestic relationships. This chapter explores the urgent need for reform, analysing the rationale for adopting a gender neutral legal framework in India, the potential challenges to reform, and practical recommendations to ensure justice is extended to all victims of domestic violence, regardless of gender.

6.1 Why Reform is Necessary?

At the core of any legal system is the principle of equality before the law, as enshrined in Article 14 of the Indian Constitution. When laws categorically exclude certain classes of victims based solely on gender, they violate this fundamental principle. Current statutes like the Protection of Women from Domestic Violence Act, 2005 (PWDVA) and Section 498A of the Indian Penal Code apply only to women, reinforcing the notion that men cannot be victims of domestic abuse. This not only leads to the legal invisibility of male victims, but also entrenches stereotypes about masculinity and female innocence that are often exploited in legal disputes.

Moreover, the lack of gender-neutrality in the law creates a systemic denial of remedies to male victims who suffer emotional, physical, and economic abuse. It also fails to acknowledge the abuse faced by male members in same-sex relationships and by transgender individuals, thereby leaving them without any formal mechanism of redress. The legal framework must therefore, evolve to reflect a gender-inclusive reality.

6.2 Challenges to Reform

One of the foremost challenges in advocating gender-neutral domestic violence legislation is societal perception. In a deeply patriarchal society like India, masculinity is often equated with dominance and physical strength, making it difficult for men to be seen as victims. There is also resistance from certain feminist groups who argue that gender-neutral laws may dilute the protection offered to women, especially in a country where crimes against women remain rampant.

Additionally, lack of data on domestic violence against men hinders policy-making. Government surveys such as the National Family Health Survey (NFHS) do not collect data on male victims, contributing to the perception that male victimhood is negligible or anecdotal. This data vacuum serves as both a cause and a justification for legislative inertia.

There is also the fear of misuse of laws—a concern often cited in the context of false accusations under Section 498A. However, the solution to misuse lies not in preserving gender specific protections but in designing safeguards such as penalties for false complaints, rigorous investigation protocols, and gender-neutral legal drafting that is fact-based rather than assumption-based.

6.3 Recommendations for Reform

To address the imbalance in India's domestic violence laws, the following steps are proposed:

1. Amend PWDVA and IPC Provisions

The definitions under Section 2(a) of the PWDVA and Section 498A of the IPC must be revised to include “any person” in place of “woman” or “wife,” thereby allowing both men and women equal access to remedies and protection.

2. Enact a Gender-Neutral Domestic Abuse Law

Alternatively, the legislature could introduce a new, comprehensive statute that specifically defines and penalizes domestic abuse in a gender-neutral manner, while preserving the essence of victim protection. This law must include all forms of abuse

— physical, psychological, financial, and sexual — and apply to all individuals in domestic relationships, including LGBTQ+ persons.

3. Create Institutional Support for Male Victims

Just as One Stop Centres and helplines exist for female victims, similar infrastructure should be created for male victims. This includes state-funded shelter homes, psychological counselling services, and legal aid clinics designed to support men without prejudice or ridicule.

4. Ensure Judicial and Police Sensitization

Mandatory gender-neutral sensitization training should be introduced for law enforcement, judicial officers, and medical professionals to help them deal with domestic violence cases based on facts and not societal expectations or gender stereotypes.

5. Establish a Central Reporting Mechanism and Collect Disaggregated Data

A centralized body should be tasked with collecting comprehensive data on domestic violence across genders. This information can inform evidence-based policymaking and allow for regular review and adjustment of the legal framework.

6.4 Balancing Protection and Equity

Advocating for gender-neutral laws does not mean denying the pervasive and severe nature of domestic violence against women. Rather, it aims to extend justice universally without taking away from existing protections. The goal is not to replace, but to expand. A reformed law must balance the need for targeted protection with the imperative of non-discrimination, ensuring that the law responds to harm, not to gender.

Chapter 7: Recommendations for Reforms and Conclusion

"A gender-equal society would be one where the word 'gender' does not exist: where everyone can be themselves" - Gloria Steinem

The phenomenon of domestic violence against men in India remains largely underexplored, socially stigmatized, and legally unrecognized. Despite constitutional guarantees of equality

under Article 14 and the right to life and dignity under Article 21, male victims find themselves without statutory protection, institutional support, or even societal acknowledgment. The current legislative framework — notably the Protection of Women from Domestic Violence Act, 2005 (PWDVA) and Section 498A of the Indian Penal Code — remains strictly gender specific, extending its shield only to women while rendering male victims legally invisible.

Through the preceding chapters, this paper has examined the multidimensional nature of domestic violence against men — physical, emotional, psychological, financial, and even sexual — and revealed the deep-rooted societal barriers that prevent men from reporting abuse. The stigma associated with male victimhood, reinforced by patriarchal expectations of

masculinity, compels men to suffer in silence. What worsens this plight is the absence of a legal system that recognizes and responds to their pain with the same urgency, compassion, and seriousness as it does for female victims.

Judicial responses have thus far shown restraint. Courts have acknowledged the misuse of gender-specific provisions like Section 498A but have stopped short of expanding the legal definition of domestic violence to include men. While countries like the United Kingdom, Canada, and Australia have made considerable progress in adopting gender-neutral domestic abuse laws, India continues to resist reform — in part due to fears of diluting protections for women, and in part due to entrenched stereotypes.

However, the call for gender-neutral laws is not a call to undermine women's rights. It is a call to broaden the scope of justice so that all victims of domestic abuse, regardless of gender or sexual orientation, have equal access to legal remedies and social support. This is in line with international human rights principles, comparative legislative models, and the spirit of the Indian Constitution.

In conclusion, justice must not be gendered. A truly progressive and egalitarian legal system must recognize harm, not gender, as the basis for protection. The failure to do so undermines not just male victims, but the very integrity of the rule of law. It is only by embracing an inclusive and balanced approach that India can uphold its democratic promise of equality, dignity, and justice for all.