
SILENT SUFFERING: LEGAL LACUNAE AND SOCIETAL STIGMA IN MALE DOMESTIC ABUSE CASES

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ABSTRACT

This research examines the critical gap in India's domestic violence legal framework regarding male victims, analyzing both legal lacunae and pervasive social stigma. The study employs doctrinal analysis of existing statutes, case law review, and comparative legal examination to understand how gender-specific legislation creates systemic barriers for male victims seeking legal redress. Key findings reveal that the Protection of Women from Domestic Violence Act, 2005, and related criminal provisions exclude men from protection, while social stigma further inhibits reporting. The research demonstrates that approximately 52.4% of men in India experience domestic violence, yet legal remedies remain unavailable.¹ This paper argues for urgent legal reform through gender-neutral legislation and comprehensive social awareness programs to address this overlooked dimension of domestic violence.

Keywords: Domestic Violence, Male Victims, Gender Bias, Legal Framework, Social Stigma

1. Introduction

Domestic violence has traditionally been conceptualized as a gendered phenomenon affecting primarily women, with legal frameworks worldwide reflecting this understanding. However, emerging research challenges this binary perspective, revealing significant numbers of male victims who remain invisible within existing legal paradigms.² The Indian legal system, particularly the Protection of Women from Domestic Violence Act, 2005 (PWDVA), exemplifies this gendered approach, creating substantial legal lacunae for male victims.

Statement of the Problem

The fundamental problem lies in the exclusion of men from domestic violence protection mechanisms, despite empirical evidence suggesting substantial male victimization. This exclusion manifests in two dimensions: legal inadequacy and social stigmatization. While women-centric legislation serves crucial protective functions, the absence of parallel provisions for men creates a legal vacuum that denies justice to a significant population.

Significance of the Study

Addressing this gap is crucial for several reasons. First, justice systems must provide equal protection regardless of gender. Second, domestic violence affects family structures comprehensively, requiring holistic legal responses. Third, the mental health implications of unaddressed male victimization have broader societal consequences.³ Finally, legal reform in this area can contribute to more nuanced understandings of domestic violence dynamics.

Research Objectives

This study aims to:

1. Analyze the legal framework on domestic violence in India and its gendered bias
2. Explore social stigma attached to male victims and its impact on reporting
3. Examine comparative legal approaches from other jurisdictions
4. Propose comprehensive reforms for addressing identified gaps

Research Questions

The research addresses the following questions:

1. Does the current legal framework adequately protect male victims of domestic violence?
2. How does societal perception affect reporting behavior among male victims?
3. What lessons can India draw from gender-neutral legislation in other countries?

Methodology

This research employs doctrinal analysis of statutes and case law, supplemented by empirical data review and comparative legal study. The methodology includes systematic examination of PWDVA provisions, analysis of Supreme Court and High Court judgments, and comparative study of gender-neutral legislation in common law jurisdictions.

2. Literature Review

Academic discourse on domestic violence has evolved significantly over the past decades. Early feminist scholarship, exemplified by works such as Lenore Walker's "The Battered Woman Syndrome," established the theoretical foundation for understanding domestic violence as primarily affecting women.⁴ This perspective influenced legal frameworks globally, including India's PWDVA.

However, emerging scholarship challenges this unidirectional understanding. Murray Straus's research demonstrates that domestic violence affects both genders substantially, with men experiencing physical violence at rates comparable to women in many contexts.⁵ Similarly, Dutton and Nicholls argue that traditional gender paradigms inadequately capture the complexity of domestic violence dynamics.⁶

Indian Context

In the Indian context, limited research exists on male victimization. The few available studies, including work by Rukmini Sen, suggest that men experience domestic violence primarily from spouses and in-laws, particularly in joint family structures.⁷ The National Family Health Survey

(NFHS-5) provides some data on male experiences, though comprehensive analysis remains limited.

Identified Gaps

The literature reveals several critical gaps: insufficient empirical research on male victimization in India, limited analysis of legal remedies for male victims, inadequate examination of social stigma factors, and absence of comprehensive reform proposals addressing these issues.

3. Legal Framework Analysis

Indian Legal Framework

Protection of Women from Domestic Violence Act, 2005

The PWDVA represents India's primary domestic violence legislation, providing comprehensive protection mechanisms including protection orders, residence orders, monetary relief, and custody provisions.⁸ However, the Act's title and provisions explicitly limit protection to women, defining "aggrieved person" as "any woman who is, or has been, in a domestic relationship with the respondent."⁹

This definition creates several problems. First, it excludes men who experience violence from female partners or family members. Second, it fails to address same-sex domestic violence. Third, it creates an asymmetrical legal framework where identical behaviors receive different legal treatment based on victim gender.

Criminal Law Provisions

Criminal law provisions similarly reflect gendered approaches. Section 498A of the Indian Penal Code criminalizes cruelty to women by husbands or relatives, while no parallel provision exists for men.¹⁰ Section 304B addressing dowry death applies exclusively to women, despite evidence of dowry-related violence affecting men.¹¹

The Supreme Court in *Sushil Kumar Sharma v. Union of India* acknowledged misuse potential in Section 498A but maintained its gender-specific application.¹² This approach, while recognizing implementation challenges, fails to address fundamental equality concerns.

Case Law Analysis

Indian courts have occasionally recognized male victimization but within existing legal constraints. In *Hiralal v. State of Haryana*, the Punjab and Haryana High Court noted that domestic violence affects men but emphasized the absence of specific legal remedies.¹³ The Supreme Court in *Rajesh Sharma v. State of UP* addressed Section 498A misuse but stopped short of proposing gender-neutral alternatives.¹⁴

Comparative Perspectives

Gender-Neutral Legislation

Several jurisdictions have adopted gender-neutral domestic violence legislation. The UK's Domestic Violence, Crime and Victims Act 2004 defines domestic violence without gender specificity, providing equal protection to all victims.¹⁵ Similarly, Canada's Criminal Code provisions addressing domestic violence apply regardless of victim gender.¹⁶

Australia's Family Violence Protection Act 2008 (Victoria) demonstrates comprehensive gender-neutral approaches, including protection orders, support services, and prevention programs available to all victims.¹⁷ These frameworks suggest that gender-neutral legislation can maintain robust protection while ensuring equality.

Lessons for India

International experiences demonstrate that gender-neutral legislation can coexist with specialized women's protection services. The key lies in maintaining dedicated resources for women while extending legal protection to all victims. This approach recognizes that domestic violence affects various demographics while acknowledging historical gender disparities.

4. Social Stigma and Underreporting

Cultural Construction of Masculinity

Indian society's construction of masculinity significantly impacts male victim reporting. Traditional notions of masculinity emphasize strength, control, and emotional restraint, creating barriers for men seeking help.¹⁸ The cultural expectation that men should "protect" rather than seek protection from women creates profound psychological barriers.

Joint family structures compound these challenges. Men experiencing abuse from mothers-in-law or sisters-in-law face additional cultural constraints, as challenging female elders contradicts established hierarchies.¹⁹ These factors create environments where male victimization remains invisible.

Stigma and Fear of Ridicule

Social stigma manifests in multiple ways affecting male victims. Fear of ridicule from peers, family, and society creates powerful disincentives for reporting. The perception that men cannot be "real" victims of domestic violence, particularly by women, reinforces silence.²⁰

Professional consequences add another dimension. Men in public positions may fear career damage from disclosure, while those in traditional occupations may face community ostracism. These factors create comprehensive barriers to help-seeking behavior.

Empirical Evidence

Available data suggests significant underreporting by male victims. The Men's Welfare Trust estimates that only 2-3% of male domestic violence victims report incidents to authorities.²¹ This contrasts sharply with female reporting rates, though both remain concerningly low.

The 2019 National Crime Records Bureau data shows minimal male victim reporting in domestic violence categories, likely reflecting legal limitations rather than actual prevalence.²² This statistical invisibility perpetuates the perception that male victimization is rare.

Mental Health Impact

Unaddressed domestic violence creates severe mental health consequences for male victims. Studies indicate higher rates of depression, anxiety, and substance abuse among male victims compared to the general population.²³ The absence of support systems exacerbates these issues.

Suicide rates among male domestic violence victims appear elevated, though precise data remains limited.²⁴ The combination of ongoing abuse, social isolation, and legal helplessness creates dangerous psychological conditions requiring urgent attention.

5. Critical Issues and Challenges

Misuse of Existing Laws

The gender-specific nature of current laws creates potential for misuse while simultaneously excluding legitimate male victims. Section 498A has faced criticism for false allegations, leading to defensive legal responses rather than comprehensive reform.²⁵ This reactive approach fails to address underlying equality concerns.

The Supreme Court's guidelines in *Arnesh Kumar v. State of Bihar* attempt to prevent Section 498A misuse but maintain gender-specific application.²⁶ This approach, while addressing procedural concerns, perpetuates substantive inequality.

Lack of Support Infrastructure

Male victims face severe infrastructure gaps. No dedicated shelters exist for male domestic violence victims, while helplines and counseling services remain focused on women.²⁷ This absence of support systems compounds legal inadequacies.

The National Commission for Women addresses female victim concerns but no parallel institution exists for men. This institutional gap reflects broader societal assumptions about victimization patterns.

Judicial and Police Attitudes

Law enforcement and judicial attitudes significantly impact male victim experiences. Police officers, trained to view domestic violence through gendered lenses, may dismiss male complaints or fail to recognize abuse patterns.²⁸ Similarly, judicial attitudes may reflect societal biases about male victimization.

Training programs for law enforcement and judicial officers focus primarily on women's protection, creating knowledge gaps about male victimization dynamics. This educational deficit perpetuates systemic barriers.

6. Suggestions and Recommendations

Legislative Reform

India requires comprehensive legislative reform addressing identified gaps. The primary

recommendation involves enacting gender-neutral domestic violence legislation that maintains robust protection while ensuring equality. This legislation should:

1. Define domestic violence without gender specificity
2. Provide protection orders available to all victims
3. Establish support mechanisms for diverse victim populations
4. Maintain specialized services for historically vulnerable groups

Alternatively, amendments to existing legislation could extend PWDVA protections to men while preserving women-focused provisions. This approach might face less political resistance while addressing equality concerns.

Awareness Campaigns

Comprehensive awareness campaigns should address social stigma surrounding male victimization. These campaigns must challenge traditional masculinity constructions while promoting help-seeking behavior. Media partnerships, educational programs, and community outreach can contribute to cultural change.

Professional awareness programs targeting law enforcement, judicial officers, and social workers should emphasize gender-inclusive approaches to domestic violence. These programs should address implicit biases while providing practical tools for assisting diverse victims.

Support Infrastructure Development

India needs dedicated support infrastructure for male victims including shelters, helplines, and counseling services. These services should complement existing women's services rather than competing for resources. Public-private partnerships can facilitate infrastructure development.

Helpline services should be staffed by trained professionals capable of addressing male victim concerns. These services should provide emotional support, legal guidance, and referral mechanisms.

Institutional Reform

Establishing a National Commission for Men's Welfare or expanding existing institutions to address male victim concerns could provide advocacy and policy development. This institutional support would parallel existing women's rights mechanisms.

Legal aid programs should include specialized training for representing male domestic violence victims. This ensures adequate legal representation while building professional expertise.

Research and Data Collection

Comprehensive empirical research on male victimization in India is essential for evidence-based policy development. This research should examine prevalence, patterns, and consequences of male domestic violence victimization.

Government data collection systems should be modified to capture male victim experiences. This includes updating crime statistics, survey instruments, and reporting mechanisms.

7. Conclusion

This research demonstrates that India's domestic violence legal framework contains significant lacunae regarding male victims, compounded by pervasive social stigma. The gendered nature of existing legislation, while serving important protective functions for women, creates systematic barriers for male victims seeking justice.

The evidence suggests that male domestic violence victimization occurs at substantial rates but remains largely invisible due to legal inadequacies and social stigma. This invisibility perpetuates cycles of violence while denying fundamental equality principles.

Reform recommendations include gender-neutral legislation, comprehensive awareness campaigns, dedicated support infrastructure, and expanded research initiatives. These reforms can address identified gaps while maintaining robust protection for all victims.

The path forward requires recognizing that domestic violence affects diverse populations while acknowledging historical gender disparities. Legal systems must evolve to provide equal protection while maintaining specialized services for vulnerable groups.

Ultimately, addressing domestic violence against men is not about diminishing women's protection but about expanding justice systems to serve all victims. This expansion serves broader societal interests in reducing violence, promoting equality, and strengthening family structures.

The time has come for India to embrace comprehensive domestic violence legislation that protects all victims while maintaining specialized support for those who need it most. Only through such inclusive approaches can justice systems truly serve their protective functions for all citizens.

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