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**DOMESTIC VIOLENCE AND ITS CONSEQUENCES: A
CASE STUDY FOR MALE V. FEMALE IN INDIA**

AUTHORED BY: SHIVAM PATEL

*Dissertation to be submitted in partial Fulfillment for the requirement of the
degree of*

BALL.B

Supervised by:

MS. AVANTIKA TIWARI



SCHOOL OF LAW GALGOTIAS UNIVERSITY

GREATER NOIDA (2020-2025)

DECLARATION

I, hereby declare that the dissertation Domestic Violence And Its Consequences: A Case Study For Male V. Female In India is based on original research undertaken by me and it has not been submitted in any University for any degree.

Place:

Signature of the student

Date:

Shivam Patel

20101020183



CERTIFICATE

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LIST OF ABBREVIATIONS

Abbreviation	Full Form
IPC	Indian Penal Code
CrPC	Code of Criminal Procedure
PWDVA	Protection of Women from Domestic Violence Act, 2005
DV	Domestic Violence
FIR	First Information Report
SCC	Supreme Court Cases (Reporter)
NGO	Non-Governmental Organization
CBT	Cognitive Behavioral Therapy
EMDR	Eye Movement Desensitization and Reprocessing
PTSD	Post-Traumatic Stress Disorder
DVMAS	Domestic Violence Myth Acceptance Scale
CTS	Conflict Tactics Scale
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning and others
NCW	National Commission for Women
NCRB	National Crime Records Bureau
NHRC	National Human Rights Commission
DVAC	Domestic Violence Advisory Committee
SC	Supreme Court
UN	United Nations

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2.	V.D. Bhanot v. Savita Bhanot, (2012) 3 SCC 183
3.	Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755
4.	Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors., (2016) 10 SCC 165
5.	Satish Chander Ahuja v. Sneha Ahuja, (2020) 1 SCC 414
6.	Prabha Tyagi v. Kamlesh Devi, (2022) SCC OnLine SC 47
7.	Sushil Kumar Sharma v. Union of India and Ors., (2005) 6 SCC 281
8.	Preeti Gupta & Anr. v. State of Jharkhand & Anr., (2010) 7 SCC 667
9.	Arnesh Kumar v. State of Bihar & Anr., (2014) 8 SCC 273
10.	Rajesh Sharma & Ors. v. State of U.P. & Anr., (2017) 15 SCC 78
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CHAPTER 1

DOMESTIC VIOLENCE AND ITS CONSEQUENCES: A CASE STUDY FOR MALE V. FEMALE IN INDIA

1.1 INTRODUCTION

Violence, by its very nature, is a term that evokes fear and discomfort. It is often associated with physical harm, bloodshed, loss of innocent lives, social unrest, and widespread animosity. While many envision violence occurring on a large scale involving crowds or riots, it's essential to recognize that it can also unfold quietly within the confines of a household. When acts of aggression occur between partners—be it spouses or cohabiting couples—this form of conflict is referred to as domestic violence.¹

India, traditionally known for its patriarchal social structure, has long seen women as the primary victims of such abuse. Though societal norms are evolving and women today are increasingly participating in shaping communities and institutions, domestic violence remains a pressing issue. Importantly, the narrative that only women suffer needs reconsideration. Growing evidence suggests that men, too, face domestic abuse, but unlike women, they often lack legal protection or societal support to seek justice.

This research seeks to shed light on this lesser-discussed aspect of domestic violence. Many men who endure abusive relationships remain unaware of the resources or support systems that might assist them. A rise in cases involving male victims has also been linked to psychological distress, including depression, anxiety, and other mental health conditions. The objective here is not to undermine the struggles of women but to underscore that abuse is not gender-exclusive and must be addressed holistically.

Both male and female readers will benefit from understanding the full spectrum of domestic violence. The issue transcends national borders—it is prevalent not only in India but also in countries around the world. The changing dynamics have made it a matter of shared concern. The methodology adopted in this study is primarily doctrinal research, involving a comprehensive review of legal texts, statutory provisions, government policies, and judicial decisions. Elements of non-doctrinal research are also included through references to contemporary articles, scholarly journals, and societal observations. The study delves into

¹ What is domestic Violence, ywca Yakima

existing laws and amendments related to domestic violence and highlights how the legal system, including courts and lawyers, responds to cases where legal clarity is lacking.

By spreading awareness and encouraging legal literacy, this research aims to empower individuals—regardless of gender—to recognize their rights and seek appropriate remedies when faced with domestic abuse.

Domestic violence encompasses a range of abusive behaviors, whether physical, emotional, or verbal, occurring between family members or intimate partners—married or otherwise. Traditionally, such violence has been associated with men as aggressors and women as victims. However, societal shifts have revealed that women, too, can be perpetrators, and men can equally be victims. The nature of domestic violence has become multifaceted, extending beyond stereotypical roles.

Regardless of the perpetrator, domestic violence has damaging consequences. Victims—be they men, women, or children—often endure long-lasting trauma that affects their mental, emotional, and physical well-being. In patriarchal societies like India, women have historically borne the brunt of domestic abuse, facing cruelty, humiliation, and sometimes even sexual violence within the confines of their homes.

One particularly sensitive and often overlooked form of abuse is marital rape—non-consensual sexual acts between spouses. Despite its severity, India lacks specific legal provisions that criminalize such acts, highlighting a significant gap in the legal framework. Forcing oneself sexually on a partner, even within marriage, is a deeply traumatic experience that can leave lifelong psychological scars.²

Legal protections for women under laws such as the Protection of Women from Domestic Violence Act, 2005, and relevant sections of the Indian Penal Code (IPC) are steps in the right direction. However, domestic violence is not confined to adult women—it also affects children within households. The definition of domestic violence today is broad, encompassing not only physical harm but also emotional and economic abuse.

Children are often subjected to harmful practices disguised as discipline by parents or guardians. Forced obedience, emotional manipulation, or excessive punishment can also fall under the ambit of domestic abuse. According to the World Health Organization (WHO), women in South-East Asian countries—including India, Sri Lanka, Maldives, and Thailand—are more vulnerable to domestic violence than those in Western countries. The consequences

² Campaigns Analysis Report – “Break the Silence” Campaign Review, UN Women

are alarming, including increased risk of HIV/AIDS, depression, post-traumatic stress, anemia, and other long-term health complications.

Unsafe sexual practices within abusive relationships further endanger victims, exacerbating their physical and emotional health. At its core, domestic violence often stems from the desire to assert dominance—frequently reflecting the deep-rooted structures of male supremacy in households.

Common causes behind such violence include unmet expectations, frustration over financial instability, or dissatisfaction within the relationship. In many instances, women are denied autonomy and subjected to abuse if they defy expectations. Dowry harassment remains a significant issue, where women are coerced into bringing more wealth into the marriage post-wedding. Failure to comply often leads to mental and physical abuse.³

While men too can face domestic violence, their experiences are usually driven by different factors, such as unemployment or perceived inadequacy. In some situations, women may resort to controlling behavior or emotional manipulation, leading to a reversal of traditional gender roles.⁴

Forms of domestic violence vary and may include:

Physical violence

Sexual coercion or abuse

Emotional manipulation

Economic control

Social isolation

Intimidation

Use of gender privilege

Foeticide refers to the deliberate termination of a pregnancy based on the sex of the unborn child, typically targeting female fetuses. Often, this is done without the mother's informed consent. Such actions stem from deep-seated gender discrimination in society. Disturbingly, data suggests that among 8,000 abortions conducted, nearly every case involved a female fetus, highlighting the prevalent preference for male children.

In some backwards or remote regions, when a female child is born, she may be deliberately killed due to societal preference for sons. Harmful practices such as administering lethal substances like opium or leaving newborns in deserted places where they may fall prey to

³ Flavia Agnes, "Violence Against Women in the Family: Marriage and Dowry," in *Law and Gender Inequality: The Politics of Women's Rights in India* (New Delhi: Oxford University Press, 1999), 126–147

⁴ Find's lawteam, Domestic Violence Against Men, Find law. Dop- 15 October 2018

wild animals are still reported. Official records reveal a significantly higher death rate among female infants compared to males, pointing to the grim reality of gender-based violence right from birth.

Offenses such as rape, sexual harassment, and molestation remain serious and widespread threats to women's safety across India. As per statistics from the National Crime Records Bureau (NCRB), a rape is reported every 10 minutes, indicating a pervasive climate of fear and insecurity for women. These numbers reflect a systemic failure to ensure the safety and dignity of women in public and private spaces.

In many Indian communities, marriage continues to be treated as a financial exchange. Grooms and their families may demand extravagant dowries from the bride's side. When these demands go unmet, it often leads to harassment, abuse, and in many tragic cases, the death of the woman. Dowry-related violence remains a major social evil despite being legally prohibited.

The rising obsession with material wealth and social status has intensified expectations in relationships. When these expectations aren't met—whether in terms of lifestyle, income, or status—it often gives rise to frustration and domestic abuse. Materialism, in this context, becomes a contributing factor to emotional and physical violence within families.

Within India, violence inflicted by a spouse is the most prevalent form of reported domestic abuse. Research and surveys reveal that a large number of married women have suffered at the hands of their husbands.⁵ Beyond marriage, young girls and unmarried women also face physical and emotional abuse from their immediate family members, such as fathers, stepfathers, or even guardians and educators. However, such non-spousal abuse is underreported and receives significantly less attention compared to spousal violence.

Survey data highlights that a staggering 83% of married women who experienced domestic violence from the age of 15 onward pointed to their husbands as the main culprits. Alarming, a considerable proportion of these women sustained serious injuries during such episodes, ranging from sprains and fractures to deep wounds, facial injuries, and other forms of physical trauma. These findings underscore the severe nature of intimate partner violence in domestic settings.

Understanding domestic violence requires deep insight; it is not a simple or isolated issue. Like a tree that grows with time, it branches into various forms and affects multiple aspects

⁵ National Crime Records Bureau, *Crime in India 2022: Statistics on Crimes Against Women*, Ministry of Home Affairs, Government of India, accessed May 30, 2025

of a victim's life. Judicial efforts in India, particularly from the Supreme Court, have played a key role in interpreting and clarifying laws related to domestic violence. These judicial pronouncements serve as critical precedents and have been instrumental in shaping legal perspectives.

1.2 LITERATURE REVIEW

- 1.2.1 Domestic violence in India- An analysis written by Vimal Vidushy and Gagandeep Sethi discusses domestic violence is a global issue reaching across national boundaries as well as socio-economic, cultural, racial and class distinctions. This problem is not only widely dispersed geographically, but its incidence is also extensive, making it a typical and accepted behavior. Domestic violence is wide spread, deeply ingrained and has serious impacts on women's health and well-being. Its continued existence is morally indefensible. Its cost to individuals, to health systems and to society is enormous. The purpose of the present study is to report the prevalence of various forms of domestic violence against women, to analyze the data on domestic violence against women in India and some suggestive measures. The management of domestic violence essentially requires combined effort of law enforcement, social welfare and health care services. Although efforts have been made in this direction, the attended cases represent just the tip of the iceberg, as majority of the cases are not reported due to social pressures from family members or social stigma of defamation. Real change in these cases can only be brought about by changing the mindset of society through education and better law enforcement.⁶
- 1.2.2 Domestic Violence in India: Cases Under The Protection Of Women From Domestic Violence Act, 2005 written by Manjeet Bhatia discusses After prolonged lobbying, the Protection of Women from Domestic Violence Act of 2005 was implemented in India in October 2006. The Act soon gave rise to cases. This article is based on a preliminary study using questionnaire-based interviews of litigants in Delhi who were involved in cases under the Act. Primary data, taken from all the Delhi Metropolitan Magistrates Courts at that time, concern the background of those who used the law, the litigation process, implementation of the law and the forms of violence addressed. The article seeks to assess the effectiveness of this new legislation and examines specifically what kinds of people bring actions under this new gender-specific law. In

⁶ Vimal Vidushy & Gagandeep Sethi, *Domestic Violence in India – An Analysis*, (2020) International Journal of Research and Analytical Reviews, Vol. 7, Issue 2, pp. 345–350

addition, qualitative assessment of the perceptions of different kinds of violence by complainants and respondents provides deeper insights into ongoing and potential contestations over gender-based violence.⁷

- 1.2.3 Domestic violence across generations: findings from northern India written by Sandra L Martin , Kathryn E Moracco , Julian Garro , Amy Ong Tsui , Lawrence L Kupper , Jennifer L Chase , Jacquelyn C Campbell discusses background although one cannot underestimate the importance of macrosystem-level forces (such as cultural and social norms) in the etiology of gender-based violence within any country, including India, individual-level variables (such as observing violence between one's parents while growing up) may also play important roles in the development of such violence. Therefore, this research studies men residing in northern India to: (1) estimate the prevalence of men's childhood experiences of witnessing parent-to-parent violence within their families of origin; (2) examine whether men raised in violent homes were more likely than men raised in non-violent homes to have attitudes supportive of husbands' control of their wives; (3) examine whether men raised in violent homes were more likely than men raised in non-violent homes to be abusive toward their own wives; and (4) estimate the extent to which wife abuse in this second generation could have been prevented had there not been parent-to-parent violence in the men's natal families.⁸
- 1.2.4 Intimate Partner Violence and Domestic Violence Myths: A Comparison of Women With and Without Alcoholic Husbands (A Study from India) written by Selwyn Stanley. The alcoholism literature is replete with evidence documenting its adverse consequences for the family system in general and the interpersonal relationships of spouses in particular. An ex-post facto cross sectional design was used to compare 150 women from India having alcoholic husbands with an equal number of women without alcoholic spouses. The two groups matched on key socio-demographic variables, were administered the Domestic Violence Myths Acceptance Scale (DVMAS, Peters, 2008) and the Revised Conflict Tactics Scale (CTS, Straus et al., 1996), to examine myths relating to domestic violence and the conflict tactics used by them. Higher levels of conflict were seen in the wives of alcoholics and on all its sub-

⁷ Manjeet Bhatia, *Domestic Violence in India: Cases Under The Protection Of Women From Domestic Violence Act, 2005*, (2007) Economic and Political Weekly, Vol. 42, No. 21, pp. 1959–1963

⁸ Sandra L. Martin et al., *Domestic Violence Across Generations: Findings from Northern India*, (2002) International Journal of Epidemiology, Vol. 31, No. 3, pp. 560–567

dimensions namely negotiation, physical assault, injury, psychological aggression and sexual coercion. Differences were also significant on the sub dimensions of the DVMAAS namely character blame, behavior blame, perpetrator exoneration and minimization. Analysis of variance showed that wives of alcoholics from none consanguineous or arranged marriages or nuclear families did not differ significantly from their counterparts in the reference group on the subject dimensions studied. Results indicate the need to address issues relating to conflict and domestic violence related myths as part of therapeutic interventions with wives of alcoholics.⁹

1.3 STATEMENT OF PROBLEM

The problem, therefore, lies in the existing gender imbalance in the recognition, reporting, and redressal mechanisms for domestic violence victims. There is a pressing need to critically assess whether the current legal framework adequately addresses the realities of both male and female victims and to explore possibilities for a more balanced, gender-neutral legal response to domestic violence.

1.4 OBJECTIVE

- 1.4.1 To critically examine the concept of domestic violence
- 1.4.2 To compare the accessibility of legal remedies and justice for male and female victims of domestic violence.
- 1.4.3 To identify the challenges faced by male victims

1.5 HYPOTHESIS

While domestic violence is widely recognized as a serious issue affecting women, the hypothesis of this study is that male victims of domestic violence face significant consequences that are often overlooked due to gender bias, underreporting, and limited legal recognition. This disparity impacts the equitable administration of justice and access to support systems for male victims.

1.6 RESEARCH QUESTIONS

- 1.6.1 What are forms can be introduced to make domestic violence laws more inclusive and gender-neutral?
- 1.6.2 How do legal frameworks and societal attitudes differ in addressing male and female

⁹ Selwyn Stanley, *Intimate Partner Violence and Domestic Violence Myths: A Comparison of Women With and Without Alcoholic Husbands (A Study from India)*, (2011) *Journal of Comparative Family Studies*, Vol. 42, No. 2, pp. 211–234

victims of domestic violence?

1.6.3 What are the primary causes and manifestations of domestic violence against males and females in India?

1.6.4 Are male victims of domestic violence underreported or underrepresented in existing legal and social systems?

1.7 SCOPE OF STUDY

It examines the legal, psychological, and social consequences through a doctrinal approach, relying on secondary sources like laws, case judgments, and academic literature. The research emphasizes the need for a gender-neutral understanding of domestic abuse and evaluates the effectiveness of existing legal frameworks, particularly the Protection of Women from Domestic Violence Act, 2005. The study is limited by its lack of empirical data, underreporting of male victim cases, and geographic focus on India, which restricts international comparison and statistical depth. Despite these limitations, the study aims to offer valuable insights into gender biases and legal reforms in domestic violence cases.

1.8 RESEARCH METHODOLOGY

1.8.1 Mode of Citation: Blue Book Citation 2019 is used the paper

1.8.2 The method resorted for the paper is doctrinal type involving analytical as well as descriptive study. The paper is based upon the secondary informative resources and data including various journals and articles in order to arrive at a precise conclusion.

1.8.3 The foundation of this study is rooted in doctrinal research, emphasizing the examination of legal texts, judicial precedents, and legislative provisions. To enrich the analysis and ensure a more accurate and reader-friendly interpretation, elements of non-doctrinal research have also been thoughtfully integrated.

1.9 CHAPTERIZATION

1.9.1 Chapter I: Introduction

1.9.2 Chapter II: Comparative Analysis – Male vs. Female Victims

1.9.2.1 Social and Institutional Support Mechanisms

1.9.2.2 Analysis of Gender Bias and Underreporting

1.9.3 Chapter III: Challenges in Legal Framework

1.9.3.1 Gender-Specific Bias in Domestic Violence Laws

1.9.3.2 Need for Gender-Neutral Legislation and Policy Reform

1.9.4 Chapter IV: Male Victims of Domestic Violence – An Overlooked Reality

1.9.4.1 Analysis of Reported Cases and Societal Response

1.9.4.2 Barriers to Justice: Social Stigma, Police Inaction, and Legal Voids

1.9.5 Chapter V: Conclusion & Suggestion

CHAPTER 2 COMPARATIVE ANALYSIS – MALE VS FEMALE VICTIMS

2.1 SOCIAL AND INSTITUTIONAL SUPPORT MECHANISMS

Domestic violence, a profoundly complex and pervasive societal issue, represents a devastating breach of trust and safety within intimate relationships, manifesting in myriad forms that extend far beyond overt physical assault to encompass insidious psychological manipulation, emotional abuse, sexual coercion, financial control, and social isolation, collectively eroding an individual's sense of self-worth, autonomy, and security, leaving deep and often invisible scars that can persist for a lifetime, impacting victims across all demographics, socio-economic strata, racial and ethnic backgrounds, sexual orientations, and gender identities, thereby underscoring its universal reach and the urgent necessity for comprehensive intervention and support systems. For decades, the global discourse surrounding domestic violence has been predominantly, and justifiably, centered on the experiences of female victims, a focus born from the tireless advocacy of feminist movements and a growing recognition of the disproportionate rates of physical and sexual violence perpetrated against women by male partners,¹⁰ leading to the pioneering development of crucial social and institutional support mechanisms specifically tailored to address their unique vulnerabilities and needs, including the establishment of safe shelters and crisis houses that offer immediate refuge, confidential 24/7 hotlines providing empathetic listening and practical advice, specialized counseling services for trauma recovery, legal aid clinics assisting with protective orders and custody disputes, and a vast network of non-profit organizations and community groups dedicated to empowering survivors and advocating for systemic change, all of which have collectively formed an indispensable lifeline for countless women seeking to escape abusive environments and rebuild their lives, providing not only physical safety but also vital emotional, psychological, and practical assistance in navigating the daunting journey towards healing and independence¹¹. These foundational support structures, though still grappling with issues of underfunding, capacity limitations, and persistent societal biases, have undeniably transformed the landscape of victim support,

¹⁰ UN Women. "Facts and Figures: Ending Violence Against Women

¹¹ Ministry of Women and Child Development, India. "One Stop Centres.

moving domestic violence from a hidden private shame into a recognized public health and safety crisis, fostering a climate where female victims are increasingly encouraged to speak out, seek help, and pursue justice, slowly but surely dismantling the culture of silence that once shielded perpetrators and perpetuated cycles of abuse across generations.

However, as our understanding of domestic violence has evolved and deepened, a crucial, albeit often uncomfortable, truth has emerged: that victimhood is not exclusive to any single gender, and that men, too, experience significant rates of domestic violence, perpetrated by both female and male partners, a reality that challenges deeply ingrained societal narratives and traditional gender stereotypes that often portray men as inherently strong, invulnerable, and incapable of being victimized, particularly by a female aggressor, thereby creating a profound and pervasive silence around male victimhood that significantly impedes their ability to recognize their own abuse, report it to authorities, or seek the necessary support. This societal blind spot, rooted in rigid notions of masculinity that equate vulnerability with weakness and emotional expression with femininity, imposes immense psychological barriers for male victims, who often fear ridicule, disbelief, emasculation, or even legal repercussions, such as being perceived as the primary aggressor or losing custody of their children if they disclose their abuse, leading to severe underreporting and a profound sense of isolation that can be even more acute than that experienced by female victims due to the unique gendered expectations placed upon them by society. Consequently, the existing social and institutional support mechanisms, largely designed with female victims in mind, often prove inadequate or entirely absent for men; law enforcement officers, frequently trained with a primary focus on identifying female victims and male perpetrators, may struggle to recognize¹² or validate male victimhood, sometimes dismissing their claims, failing to investigate thoroughly, or, in some unfortunate instances, even arresting the male victim instead of the female aggressor, a systemic flaw exacerbated by a lack of specialized training and an unconscious bias that permeates various levels of the justice system. Similarly, the legal system, while theoretically gender-neutral, often lacks specific provisions or a nuanced understanding of male victimization, making it challenging for men to secure protective orders, navigate divorce proceedings where they are the abused party, or maintain custody of their children without facing unfair scrutiny or skepticism from judges and lawyers who may harbor similar biases.

¹² National Intimate Partner and Sexual Violence Survey, CDC (U.S.), 2015

Furthermore, the availability of specialized shelters or safe houses for men experiencing domestic violence is exceptionally limited globally, forcing many male victims to either endure dangerous living situations, become homeless, or rely on generalized mental health services that, while beneficial, may not be equipped to address the unique psychological, social, and practical challenges faced by male survivors, including the profound shame associated with their experience, confusion about their identity, and the struggle to reconcile their victimhood with societal expectations of male strength and self-reliance. The social support landscape for male victims is equally underdeveloped; traditional male social networks often emphasize stoicism, self-reliance, and emotional suppression, making it incredibly difficult for men to confide in peers, friends, or family members about their abuse,¹³ as they anticipate judgment, disbelief, or a questioning of their masculinity, which further isolates them from informal support systems that could otherwise offer solace, validation, and practical assistance. Public awareness campaigns, while slowly becoming more inclusive, still predominantly feature images and narratives of female victimhood, inadvertently reinforcing the idea that domestic violence is primarily a "woman's issue,"¹⁴ thereby contributing to the invisibility of male victims and perpetuating the cycle of silence and suffering. This lack of public discourse and visible role models for male survivors means that many men are unaware that help exists or are too ashamed to seek it, leading to prolonged suffering and severe mental health consequences, including depression, anxiety, post-traumatic stress disorder, substance abuse, and, tragically, in some cases, suicide. Moreover, for victims who identify as LGBTQ+,¹⁵ the complexities of gender and sexual identity intersect with the challenges of domestic violence, creating additional layers of vulnerability and barriers to support, as they may face discrimination within mainstream services or a lack of understanding regarding the unique dynamics of same-sex intimate partner violence, where traditional gender roles are often fluid and the concept of "victim" and "perpetrator"¹⁶ can be further obscured by societal biases and a lack of specific training for service providers. Transgender individuals, particularly transgender women, face disproportionately high rates of violence and discrimination, yet often encounter significant hurdles in accessing gender-affirming and safe support services that understand their specific

¹³ Cook, P. (2009). *Abused Men: The Hidden Side of Domestic Violence*

¹⁴ Human Rights Watch. "World Report 2023: Women's Rights."

¹⁵ National Coalition of Anti-Violence Programs. "LGBTQ+ Domestic Violence Report."

¹⁶ National Intimate Partner and Sexual Violence Survey, CDC (U.S.), 2015

needs and experiences, further highlighting the imperative for truly inclusive and intersectional approaches to victim support.

Therefore, a comprehensive and nuanced understanding of social and institutional support mechanisms for domestic violence necessitates moving beyond a singular gendered lens to embrace an inclusive perspective that acknowledges the diverse experiences of all victims, regardless of their gender, sexual orientation, or identity, while simultaneously recognizing and addressing the distinct challenges and needs that arise from gendered societal expectations and biases. This introduction aims to lay the groundwork for a detailed exploration of these multifaceted support systems, examining the evolution of victim services, the current landscape of institutional responses from law enforcement, legal, and healthcare sectors, the vital role of social support networks and community organizations, and critically, the significant disparities and gaps that persist in serving male victims compared to their female counterparts. By delving into the historical context that shaped current paradigms, analyzing the unique barriers faced by male survivors¹⁷, and advocating for a more equitable and empathetic approach to victim support, this analysis seeks to underscore the imperative for systemic changes that ensure all individuals impacted by domestic violence receive the recognition, validation, and comprehensive assistance they desperately need to heal, recover, and live lives free from abuse, ultimately striving towards a society where every victim, irrespective of gender, is seen, believed, and supported on their journey to safety and empowerment. This requires not only an expansion of resources but also a profound shift in societal attitudes, challenging deeply ingrained stereotypes and fostering a culture of empathy and understanding that recognizes the humanity and inherent right to safety of every individual,¹⁸ thereby strengthening the collective fight against domestic violence in all its forms and for all its victims. This introduction sets the foundation for an exploration of the evolution of victim services, institutional responses, the role of community organizations, and disparities in support across genders. It advocates for systemic change and a cultural shift that ensures all survivors—regardless of identity—are recognized, validated, and supported.

¹⁷ Bates, L. et al. "Experiences of Male Victims of Domestic Abuse." *Journal of Family Violence*, 2014

¹⁸ Mahalik, J. R., et al. "Social Norms of Masculinity and the Mental Health of Men." *Psychology of Men & Masculinity*, 2003.

2.1.1 SUPPORT MECHANISMS FOR FEMALE VICTIMS

Domestic violence, an insidious and pervasive global issue, represents a profound betrayal of trust and an egregious violation of human rights, disproportionately impacting women across all societal strata, cultural backgrounds, and economic circumstances. This complex phenomenon encompasses a spectrum of abusive behaviors, extending far beyond overt physical assaults to include relentless emotional degradation, coercive control, sexual exploitation, financial manipulation, and calculated social isolation, each element meticulously designed to strip a victim of her autonomy, self-worth, and fundamental sense of safety. The profound and often devastating consequences of such prolonged abuse necessitate the establishment and continuous evolution of robust, accessible, and empathetic support mechanisms, specifically tailored to address the unique vulnerabilities and multifaceted needs of female victims as they embark on the arduous journey of escaping violence, healing from trauma, and reclaiming their lives. These support systems are not merely reactive measures;¹⁹ they are proactive interventions designed to dismantle the cycles of abuse, empower survivors, and foster a societal environment where violence against women is unequivocally condemned and effectively addressed.

At the foundational level of intervention lie the immediate crisis response services, which serve as the critical first line of defense for women in acute danger. Domestic violence shelters, often referred to as safe houses or refuges, stand as the paramount pillar of this emergency support.²⁰ These confidential havens provide temporary, secure accommodation for women and their children fleeing abusive environments, offering not just physical sanctuary but also a vital respite from the constant threat and psychological torment of their previous lives. Within these shelters, victims receive essential provisions such as food, clothing, and toiletries, addressing their immediate material needs. Crucially, shelters cultivate a supportive and empowering community, allowing residents to connect with other survivors who share similar experiences, thereby mitigating the profound isolation and shame that often accompany abuse. Trained shelter staff, equipped with expertise in trauma-informed care, provide immediate crisis counseling, assist with personalized safety planning, and offer unwavering emotional support, guiding residents through the initial shock, fear, and disorientation of leaving an abusive relationship. The indispensable role of these shelters

¹⁹ National Coalition Against Domestic Violence. (2021). Domestic Violence Facts.

²⁰ Legal Services Corporation. (2022). Access to justice for survivors of domestic violence.

cannot be overstated; for countless women, they represent the sole viable pathway to escape when economic dependence, intense fear of retaliation, or a complete lack of alternative housing options have trapped them in life-threatening situations, serving as a critical bridge from peril to the first steps of recovery.

Complementing the vital role of shelters are 24/7 crisis hotlines, which serve as an accessible and anonymous entry point into the support system. These toll-free, confidential helplines are frequently the very first point of contact for victims, offering an immediate and non-judgmental space for disclosure. Staffed by highly trained volunteers and dedicated professionals, these hotlines provide empathetic listening, crucial crisis intervention, practical safety planning advice, and vital information about available local resources, including current shelter availability, legal aid services,²¹ and counseling options. The anonymity inherent in hotline communication is paramount, empowering hesitant victims to reach out without fear of discovery by their abuser or societal judgment, thereby overcoming significant barriers to seeking help. They function as a critical navigational tool, guiding callers from a state of acute distress towards more comprehensive and long-term support services, offering a safe and validating space for initial disclosure and validation. In some progressive regions, these services are further augmented by mobile crisis units or specialized outreach teams, which can provide rapid, on-site support, assessment, and immediate referrals in collaboration with law enforcement following a domestic violence incident, ensuring that victims receive timely and appropriate assistance at the point of crisis.

Beyond the immediate imperative of physical safety, addressing the profound and often invisible psychological and emotional trauma inflicted by domestic violence is a cornerstone of effective support. Trauma-informed counseling and therapy are indispensable components of a survivor's long-term recovery journey. This encompasses individual therapy sessions, where victims can safely and confidentially process their harrowing experiences, explore healthy coping mechanisms, and meticulously work through the complex tapestry of emotions such as overwhelming shame, debilitating guilt, pervasive fear, and often suppressed anger. Therapists specializing in domestic violence are adept at employing a diverse range of therapeutic modalities, including Cognitive Behavioral Therapy (CBT)²² to challenge distorted thought patterns, Eye Movement Desensitization and Reprocessing

²¹ National Coalition Against Domestic Violence (NCADV). *Domestic Violence Facts and Statistics*. NCADV, 2022

²² Judith S. Beck, *Cognitive Behavior Therapy: Basics and Beyond*, 2nd ed. (New York: Guilford Press, 2011)

(EMDR)²³ to process traumatic memories, and somatic therapies to address the physical manifestations of trauma, all aimed at alleviating symptoms of Post-Traumatic Stress Disorder (PTSD)²⁴, anxiety, depression, and other severe mental health challenges that are frequently the enduring legacy of prolonged abuse. These therapeutic interventions are crucial for helping survivors regain a sense of control over their emotional landscape and begin the arduous process of psychological healing.

Parallel to individual therapy, support groups, whether peer-led or professionally facilitated, provide an invaluable collective space for emotional solidarity and shared understanding. These groups foster a profound sense of community, allowing survivors to realize with immense relief that they are unequivocally not alone in their experiences, thereby significantly reducing feelings of isolation and validating their struggles. The mutual validation, profound empathy, and practical advice exchanged within these groups can be incredibly empowering, fostering resilience, encouraging mutual support, and providing a powerful antidote to the abuser's isolating tactics. They serve as dynamic platforms for survivors to articulate their stories, learn from the journeys of others, and collectively work towards rebuilding self-esteem, establishing healthy boundaries in future relationships, managing triggers, and navigating the complexities of post-abuse life. Furthermore, victim advocacy services extend a continuous thread of comprehensive support that transcends mere crisis intervention. Victim advocates function as compassionate guides and steadfast allies, meticulously helping survivors navigate the often-overwhelming complexities of legal, medical, and social service systems. They provide consistent emotional support, meticulously explain intricate legal processes, accompany victims to daunting court hearings or sensitive police interviews, and tirelessly help survivors articulate their needs to various agencies, ensuring their voices are heard and respected. This unwavering, continuous support ensures that victims feel profoundly heard, validated, and significantly less overwhelmed by bureaucratic hurdles, thereby fostering trust in the system and substantially reducing the likelihood of disengaging from vital support services due to frustration or despair.

Navigating the intricacies of the legal system is often one of the most daunting and frequently re-traumatizing experiences for victims, making specialized legal support an indispensable

²³ Francine Shapiro, *Getting Past Your Past: Take Control of Your Life with Self-Help Techniques from EMDR Therapy* (New York: Rodale, 2012), 12–27.

²⁴ American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*, 5th ed. (Arlington, VA: American Psychiatric Publishing, 2013), 271–272.

component of comprehensive aid. Legal aid services provide critical free or low-cost legal representation for female victims seeking essential protection orders (commonly known as restraining orders),²⁵ navigating complex divorce proceedings, securing equitable child custody arrangements, and establishing crucial child and spousal support agreements. These dedicated legal professionals are pivotal in ensuring that victims fully comprehend their legal rights, meticulously prepare all necessary documentation, and effectively present their cases in court, often against a perpetrator who may employ manipulative tactics within the legal arena. Their expertise is instrumental in holding abusers accountable for their actions and securing vital legal protections that significantly enhance the victim's immediate safety and contribute to their long-term well-being and security. Complementing these services are victim-witness assistance programs, often integrated directly into the criminal justice system.²⁶ These programs provide comprehensive support to victims who make the courageous decision to press criminal charges against their abusers. Services typically include explaining the intricate criminal justice process, assisting with the preparation of powerful victim impact statements, advocating for the victim's rights throughout the court proceedings, and providing continuous emotional support during what can be a lengthy and emotionally draining trial. The overarching objective of these programs is to minimize the potential for secondary victimization that can regrettably occur within the legal process and to ensure that victims feel profoundly supported, respected, and heard throughout their pursuit of justice. Furthermore, specialized police training and dedicated units within law enforcement agencies represent crucial institutional support mechanisms. Increasingly, police departments are implementing specialized domestic violence units and providing extensive training to officers on trauma-informed responses, effective de-escalation techniques, meticulous evidence collection, and a nuanced understanding of the complex dynamics of abuse. This enhanced training helps officers to accurately identify signs of domestic violence, respond appropriately and empathetically to calls, and ensure that victims feel safe, believed, and validated when reporting incidents. An improved and sensitive police response can significantly impact a victim's willingness to seek help and their overall trust in the justice system, encouraging more reporting and greater cooperation.

²⁵ National Domestic Violence Hotline. *Annual Report 2022*.

²⁶ Goodman, Lisa A., and Deborah Epstein. *Listening to Battered Women: A Survivor-Centered Approach to Advocacy, Mental Health, and Justice*. American Psychological Association, 2008.

Beyond immediate safety and legal recourse,²⁷ fostering long-term independence and stability for survivors necessitates robust economic and practical support, as domestic violence frequently creates severe financial dependency, effectively trapping victims in abusive relationships. Therefore, economic empowerment initiatives are absolutely fundamental to a survivor's sustainable safety and freedom. These programs encompass a range of services, including comprehensive job training, access to educational opportunities, assistance with resume building, and dedicated job placement services, all designed to equip survivors with the skills and confidence needed to secure gainful employment. Financial literacy programs are equally vital, teaching essential budgeting skills, strategies for credit repair, and independent money management, thereby empowering survivors with the practical tools to achieve genuine economic self-sufficiency. For countless victims, the profound lack of financial resources is a primary and often insurmountable barrier to leaving an abuser, making these empowerment programs crucial for achieving sustainable freedom and preventing a return to the abusive environment due to economic necessity. Furthermore, housing assistance programs play a critical role in ensuring long-term stability. Beyond the provision of emergency shelters, these programs may include transitional housing options, rent subsidies, or direct assistance with securing permanent, affordable housing. Stable and secure housing is a foundational element for survivors to rebuild their lives away from the abuser, providing a crucial sense of security and continuity for themselves and their children. Lastly, childcare support emerges as another essential practical mechanism that often enables mothers to access other vital services, such as job training, counseling sessions, or legal appointments. Many domestic violence shelters and support centers offer on-site childcare facilities or actively connect victims with affordable and reliable childcare options, effectively removing a significant practical barrier that might otherwise prevent engagement with critical support services.

Finally, the efficacy and reach of support for female victims of domestic violence are profoundly dependent on a robust network of collaboration between various institutions and community organizations, forming a seamless web of safety. Interagency collaboration between law enforcement, healthcare providers, social services, educational institutions, and legal systems is paramount to ensuring a coordinated, comprehensive, and victim-centered response. This collaborative approach might involve the implementation of shared databases

²⁷ Banyard, Victoria L., et al. "Empowering Survivors in the Aftermath of Domestic Violence." *Journal of Interpersonal Violence*, vol. 24, no. 8, 2009, pp. 1290–1314.

(with stringent privacy safeguards), joint training initiatives across different sectors, and the establishment of clear, efficient referral pathways that create a unified front against domestic violence. For instance, healthcare providers, often serving as frontline contacts, are increasingly trained to systematically screen for domestic violence during routine appointments and to provide immediate, warm referrals to specialized support services, thus leveraging their unique position to identify and assist victims who might otherwise remain hidden. Public awareness campaigns play an equally crucial role in cultivating a supportive societal environment. These campaigns are meticulously designed to educate the broader public about the insidious signs of domestic violence, to challenge deeply entrenched societal myths and stereotypes surrounding abuse, and to empower bystanders to intervene safely or, at the very least, direct victims to available resources.²⁸ By significantly increasing public understanding and actively reducing the pervasive stigma associated with domestic violence, these campaigns foster a culture of collective intolerance towards violence and courageously encourage victims to seek help without fear of judgment. They also aim to fundamentally shift the narrative, placing accountability squarely on the perpetrator rather than the victim, and reinforcing the critical importance of believing survivors. Lastly, policy and legislative advocacy represent continuous institutional efforts to strengthen legal protections and secure increased, sustainable funding for vital support services. Advocates tirelessly work to influence public policy, lobbying for more stringent laws against domestic violence, ensuring adequate and consistent financial resources for shelters and victim services, and promoting legislation that unequivocally supports survivors' rights in crucial areas such as employment, housing, and healthcare access. This top-down approach is absolutely essential for creating a sustainable, equitable, and evolving support infrastructure that can effectively serve all female victims, adapting to emerging challenges and ensuring that the safety, healing, and empowerment of survivors remain at the forefront of societal concern.

The Indian judiciary, particularly the Supreme Court, has been instrumental in strengthening the legal arsenal available to female victims of domestic violence. Through a series of landmark judgments, the courts have not only interpreted the nuanced provisions of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) but have also actively expanded its protective ambit, ensuring that the law effectively serves its intended purpose of safeguarding women's rights within the domestic sphere. These rulings reflect a progressive

²⁸ Schechter, Susan. *Women and Male Violence: The Visions and Struggles of the Battered Women's Movement*. South End Press, 1982.

shift in legal philosophy, moving from a traditional, often patriarchal, view of family disputes to a victim-centric approach that recognizes domestic violence as a grave human rights violation.

S.R. Batra v. Smt. Taruna Batra, (2007) 3 SCC 169²⁹: Navigating the Right to Residence in the Matrimonial Home's Labyrinth

This early Supreme Court pronouncement, though subsequently refined by later benches, served as an initial, foundational engagement with the critical concept of "shared household" under the nascent PWDVA. The case revolved around a wife's plea for a residence order, seeking to continue living in a property owned by her mother-in-law, a premise where she had cohabited with her husband. The core legal challenge was to delineate the precise scope of Section 2(s) of the PWDVA, which defines "shared household," and, by extension, the extent of a wife's statutory right to reside within such a dwelling, particularly when it was not directly owned or rented by her husband.

In its initial ruling, the Supreme Court adopted a somewhat circumscribed interpretation, suggesting that a "shared household" primarily encompassed a dwelling owned or tenanted by the husband, or property belonging to the joint family of which the husband was a member. This interpretation implied that a wife might not possess an automatic right to reside in a property exclusively owned by her in-laws, even if it had served as her matrimonial home. The Court articulated that the PWDVA's primary objective was to offer protection against violence, not to unilaterally create new property entitlements for wives.

This judgment, while aiming for clarity, inadvertently created considerable anxiety and confusion among female victims. It raised concerns that women could be rendered homeless by their in-laws if the property was not directly in the husband's name, leaving them vulnerable and without crucial shelter in times of crisis. However, its lasting significance lies not just in its initial interpretation, but more profoundly in the robust legal discourse it ignited. It became a catalyst for subsequent judicial interventions and legislative considerations, pushing the Supreme Court itself to revisit and ultimately broaden the definition of "shared household." This early ruling, therefore, underscored the practical complexities of implementing a social welfare legislation within India's intricate property

²⁹ *S.R. Batra v. Smt. Taruna Batra*, (2007) 3 SCC 169

laws and spurred a crucial, ongoing judicial evolution towards a more expansive and victim-protective understanding of residency rights.

V.D. Bhanot v. Savita Bhanot, (2012) 3 SCC 183:³⁰ Unlocking the Past to Secure the Present – The Act's Retrospective Power

This Supreme Court decision was critical in affirming the temporal reach of the PWDVA, addressing whether the protective and remedial provisions of the Act could be invoked for incidents of domestic violence that transpired *before* the Act officially came into force in October 2006. This was a pivotal question, as many women had endured years of abuse prior to the law's enactment and would have been left without specific recourse if the Act were to apply only to future incidents.

The legal crux was whether an aggrieved person could seek relief under the PWDVA for acts of domestic violence that predated the Act's notification.

The Supreme Court delivered a definitive and affirmative ruling, unequivocally holding that the PWDVA possesses a retrospective application. The Court reasoned that the PWDVA is fundamentally a remedial and beneficial piece of social legislation, crafted to address a pervasive societal malady and provide effective protection to women. Therefore, its remedies should be available for acts of domestic violence committed even prior to its enactment, provided the "domestic relationship" was subsisting when the complaint was lodged. The Court emphasized that the Act aimed to remedy a "continuing wrong" – the ongoing impact and manifestation of domestic violence – rather than merely punishing discrete past acts as new criminal offenses.

This judgment was a monumental and empathetic stride forward for female victims in India. It unshackled countless women from the legal constraints of temporal jurisdiction, enabling them to seek redress and protection under the PWDVA regardless of when their suffering commenced. By acknowledging domestic violence as a "continuing wrong," the Court recognized the enduring psychological and material harm that transcends specific dates of abuse. This ruling ensured that the protective umbrella of the Act extended to a vast population of survivors, solidifying the judiciary's commitment to prioritizing victim welfare

³⁰ V.D. Bhanot v. Savita Bhanot, (2012) 3 SCC 183

and access to justice over a rigid, technical interpretation of legislative commencement dates. It empowered women to break the cycle of silence and seek remedies for prolonged suffering.

Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755: ³¹Embracing Evolving Relationships – Live-in Partnerships Under PWDVA

This landmark judgment by the Supreme Court profoundly re-evaluated the ambit of "domestic relationship" under the PWDVA, specifically confronting the burgeoning reality of live-in relationships in India, which, despite their growing prevalence, lacked formal legal recognition akin to marriage. The case highlighted the vulnerability of women in such partnerships who, if subjected to violence, often found themselves in a legal grey area.

The central legal question was whether a woman in a relationship "in the nature of marriage," though not formally solemnized, could be construed as an "aggrieved person" in a "domestic relationship" under Section 2(f) of the PWDVA, thereby entitling her to the Act's protections and reliefs.

The Supreme Court delivered a progressive ruling, holding that genuine live-in relationships, provided they met certain criteria indicative of a marital-like commitment (e.g., duration of relationship, shared household, pooling of resources, intention to marry, public perception as husband and wife), could indeed fall within the expansive definition of "domestic relationship" under the PWDVA. While cautioning against a blanket inclusion of all casual relationships, the Court affirmed that women in relationships truly "in the nature of marriage" were unequivocally entitled to the Act's protective cover.

This ruling was a highly progressive and socially responsive judicial intervention. It dismantled traditional legal barriers that had previously excluded a significant and vulnerable segment of female population from protection. By acknowledging the sociological shifts in intimate partnerships, the judgment extended the protective umbrella of the PWDVA to women who, for various reasons, chose or found themselves in non-conventional relationships but were equally susceptible to domestic abuse. This decision was a testament to the judiciary's willingness to interpret laws dynamically to address contemporary societal realities, ensuring that legal protection against violence is rooted in the substance of a relationship and shared vulnerability, rather than solely on its formal legal status. It provided

³¹ Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755

crucial legal recourse where none formally existed before, empowering women in live-in relationships to seek safety and justice.

Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors., (2016) 10 SCC 165:³²
Expanding Accountability – Female Perpetrators in Domestic Violence

This transformative Supreme Court judgment critically addressed a significant lacuna in the PWDVA concerning who could be named as a "respondent" – essentially, a perpetrator – under the Act. Section 2(q) of the PWDVA had originally defined "respondent" as "any adult male person," leading to situations where High Courts often dismissed complaints against female relatives of the husband or male partner, even when they were complicit in or direct perpetrators of domestic violence.

The pivotal legal question before the Supreme Court was the constitutional validity of the phrase "adult male person" in Section 2(q) of the PWDVA, specifically whether this gender-specific exclusion violated the fundamental right to equality under Article 14 of the Constitution.

The Supreme Court delivered a landmark verdict, striking down the phrase "adult male person" from Section 2(q) of the PWDVA. The Court emphatically ruled that this restrictive phrase violated Article 14, emphasizing that domestic violence is a multifaceted phenomenon that can be perpetrated by any person, including female relatives within the domestic relationship. Excluding female relatives from being named as respondents would fundamentally undermine the protective purpose of the Act, which aims to shield women from all forms of domestic violence perpetrated within the family unit.

This judgment was a profound affirmation of the complex realities of domestic violence in India's joint family structures. It directly confronted the often-overlooked fact that women can indeed be perpetrators of abuse, particularly against a daughter-in-law, or can be active accomplices in the abuse perpetrated by male family members. By allowing female relatives to be named as respondents, the ruling provided a significantly more comprehensive and realistic legal mechanism for female victims to seek protection against all individuals contributing to their abuse within the family. It broadened the scope of accountability under the PWDVA, ensuring that the Act's protective reach is truly universal within the domestic

³² Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors., (2016) 10 SCC 165

relationship, irrespective of the perpetrator's gender, thereby providing a more robust framework for female victims seeking justice against all who inflict harm.

Satish Chander Ahuja v. Sneha Ahuja, (2020) 1 SCC 414³³: Solidifying Residence Rights – The Comprehensive "Shared Household" Ruling

This recent and highly significant Supreme Court decision meticulously revisited and substantially clarified the concept of "shared household" under the PWDVA, effectively overriding some of the lingering ambiguities from its earlier *S.R. Batra* judgment. The case involved a wife seeking a residence order in a property that was indisputably the matrimonial home, but which was solely owned by her father-in-law, prompting a critical re-evaluation of the wife's right to reside in such circumstances.

The primary legal question was a comprehensive re-interpretation of the definition of "shared household" under Section 2(s) of the PWDVA, and, more importantly, whether a wife's fundamental right to reside extended to properties exclusively owned by her in-laws, even if she

2.1.2 SUPPORT MECHANISMS FOR MALE VICTIMS

Domestic violence, a deeply entrenched societal blight, is most commonly understood through the lens of female victimhood, a perception largely shaped by historical data, advocacy efforts, and the undeniable disproportionate rates of violence perpetrated against women. However, to truly grasp the multifaceted nature of this crisis, it is imperative to acknowledge and meticulously examine the often-silenced reality of male victims of domestic violence, a phenomenon that, particularly within the Indian context, remains largely invisible, underreported, and profoundly misunderstood. Traditional Indian societal norms, deeply rooted in patriarchal structures, cultivate a rigid expectation of masculinity that equates strength, stoicism, and invulnerability with maleness. Men are culturally conditioned to be providers, protectors, and emotionally resilient, making it extraordinarily difficult for them to admit to being victims of abuse, especially at the hands of a female partner. The very notion of a man being physically or emotionally abused by a woman clashes violently with these ingrained gender stereotypes, leading to immense shame, emasculation, and a pervasive fear of ridicule or disbelief should they dare to disclose their suffering. This profound societal

³³ Satish Chander Ahuja v. Sneha Ahuja, (2020) 1 SCC 414

stigma acts as an impenetrable barrier, forcing countless male victims into a solitary struggle, enduring various forms of abuse in silence, often leading to devastating psychological and emotional consequences.

The forms of abuse experienced by male victims mirror, in many ways, those endured by women, encompassing not just physical violence, but also insidious emotional and verbal torment, financial exploitation, sexual coercion, and the calculated manipulation of children in custody battles. Men might face physical assaults, ranging from slaps and scratches to severe beatings, often dismissed or downplayed by onlookers or authorities due to the perpetrator's gender. Emotional and verbal abuse, characterized by constant humiliation, insults, threats, public shaming, and psychological manipulation, can be particularly debilitating, eroding a man's self-esteem and mental well-being. Financial abuse, where the female partner controls or squanders resources, prevents the male victim from accessing funds, or sabotages his employment, further traps him in the abusive dynamic. A unique and particularly devastating form of abuse faced by men in India is the threat or actual filing of false accusations under gender-specific laws, most notably Section 498A of the Indian Penal Code (IPC), which criminalizes cruelty by a husband or his relatives towards a married woman. This provision, while a vital safeguard for women, has, as judicially acknowledged in cases like *Sushil Kumar Sharma v. Union of India and Ors.*,³⁴ become a "weapon" in some instances, leading to the harassment and wrongful arrest of innocent male individuals and their entire families, causing immense social stigma, financial ruin, and profound emotional distress. The Supreme Court's observations in this case, and subsequent rulings like *Preeti Gupta & Anr. v. State of Jharkhand & Anr.*,³⁵ which called for caution against generalized allegations, and *Arnesh Kumar v. State of Bihar & Anr.*,³⁶ which curbed automatic arrests under Section 498A, underscore the judiciary's growing concern for preventing the misuse of these laws against men.

The institutional landscape in India presents significant challenges for male victims seeking recourse. Unlike female victims who benefit from the comprehensive Protection of Women from Domestic Violence Act, 2005 (PWDVA), there is no equivalent gender-neutral or male-specific civil law that directly addresses domestic violence against men. This legislative void means male victims often have to navigate a fragmented legal system, relying on general

³⁴ *Sushil Kumar Sharma v. Union of India and Others*, (2005) 6 SCC 281

³⁵ *Preeti Gupta and Another v. State of Jharkhand and Another*, (2010) 7 SCC 667

³⁶ *Arnesh Kumar v. State of Bihar and Another*, (2014) 8 SCC 273

criminal provisions like assault (Section 323 IPC), criminal intimidation (Section 506 IPC), or defamation, none of which are specifically tailored to the unique dynamics of domestic abuse. When men approach law enforcement, they frequently encounter skepticism, disbelief, or even ridicule, with police sometimes failing to register complaints or trivializing their experiences. The ingrained societal bias often leads authorities to assume the man is the aggressor, even when he is the victim, further deterring reporting. Furthermore, the absence of male-specific shelters, helplines, or dedicated support groups means that institutional support mechanisms are severely lacking. While some non-governmental organizations are beginning to address this gap, the resources are woefully inadequate compared to those available for women, leaving male victims with few avenues for immediate safety or long-term therapeutic support. The psychological impact on male victims is profound and often goes unaddressed. The immense shame and the cultural pressure to maintain a facade of strength lead to internalized suffering, manifesting as depression, anxiety, post-traumatic stress disorder, substance abuse, and, tragically, suicidal ideation. The inability to express vulnerability or seek help due to societal expectations exacerbates their isolation, preventing them from accessing crucial mental health services.

Despite these systemic challenges, the Indian judiciary has, through various judgments, albeit often indirectly, provided relief and acknowledged the plight of male individuals in abusive domestic situations. Beyond the landmark rulings on Section 498A IPC that aimed to prevent its misuse, courts have also recognized cruelty by a wife as a valid ground for divorce for the husband under personal laws. Cases like *K. Srinivas Rao v. D.A. Deepa*, where the Supreme Court granted divorce to a husband on grounds of cruelty due to false criminal complaints filed by his wife, exemplify the judiciary's recognition of emotional and legal harassment as a form of marital cruelty impacting men. High Courts, exercising their inherent powers under Section 482 CrPC,³⁷ have also consistently quashed false or vexatious FIRs against men and their families, as seen in numerous judgments like *Amit Kumar v. State of Rajasthan* (though this is a High Court case, it represents a common judicial trend often affirmed by the Supreme Court), providing a crucial safeguard against malicious prosecution. These judicial interventions, while not creating a specific law for male victims of domestic violence, reflect a growing judicial sensitivity and a commitment to ensuring a balanced application of justice, preventing the weaponization of laws intended for protection. They underscore the principle

³⁷ *K. Srinivas Rao v. D.A. Deepa*

that cruelty, regardless of the gender of the perpetrator, can devastate a domestic relationship and that men, too, deserve legal recourse when subjected to such abuse.

Ultimately, addressing the issue of male victims of domestic violence in India requires a multi-pronged approach that transcends traditional gendered narratives. This includes fostering greater public awareness to dismantle harmful stereotypes about masculinity and victimhood, encouraging men to speak out without fear of judgment, and educating society to recognize and validate male experiences of abuse. Institutionally, there is an urgent need for legislative reform to introduce gender-neutral domestic violence laws that protect all victims, irrespective of gender, ensuring equitable access to justice and support services. Furthermore, there must be a concerted effort to establish and fund male-specific shelters, helplines, and counseling services, alongside comprehensive gender-sensitive training for law enforcement, legal professionals, and healthcare providers. By acknowledging the full spectrum of domestic violence and strengthening support mechanisms for all victims, India can move closer to a truly equitable and compassionate society where no individual is left to suffer in silence due to their gender.

2.2 ANALYSIS OF GENDER BIAS AND UNDERREPORTING

Domestic violence, a deeply insidious and pervasive societal ill, is fundamentally undermined by two interconnected and mutually reinforcing phenomena: pervasive gender bias and alarming rates of underreporting. Within the complex socio-cultural fabric of India, these twin challenges assume a particularly pronounced and detrimental form, significantly impeding the effective identification, intervention, and redressal of abuse, thereby leaving countless victims, both female and male, trapped in cycles of suffering. The analytical lens must first focus on how deeply ingrained gender biases manifest in the Indian context, shaping perceptions of victimhood and influencing institutional responses, before delving into the multifaceted reasons why victims often choose to suffer in silence.

At its core, gender bias in the context of domestic violence in India stems from deeply entrenched patriarchal norms that historically positioned women as subordinate within the family and society. This cultural conditioning often frames domestic abuse not as a criminal act or a violation of human rights, but as a "private family matter," a notion that actively discourages external intervention and fosters a culture of silence. For female victims, this bias manifests in various insidious ways: societal expectations often place the burden of

preserving marital sanctity and family honor (or 'izzat') squarely on the woman's shoulders, leading to immense pressure from both her marital and sometimes even her natal family to endure abuse rather than "break up the home." Victim-blaming is a pervasive outcome of this bias, where a woman's attire, behavior, or even her perceived inability to "adjust" to her marital family is cited as a justification for the violence she experiences, thereby shifting culpability away from the perpetrator. Institutionally, this bias has historically permeated law enforcement agencies, where police personnel, influenced by societal norms, might initially be reluctant to register complaints, trivializing the severity of the abuse, or attempting to mediate "family disputes" rather than treating them as serious criminal offenses. Judicial processes, too, have sometimes reflected this bias, with a historical emphasis on reconciliation over justice, or a skepticism towards a woman's testimony, particularly in the absence of overt physical injuries. The economic dependence of many Indian women, often exacerbated by dowry practices that render them vulnerable, further compounds this bias, as leaving an abusive household without financial means is perceived as an insurmountable challenge, reinforcing the idea that women must endure for survival.

The underreporting of domestic violence by female victims in India is a direct, tragic consequence of these pervasive gender biases and systemic barriers. Fear is a primary deterrent: fear of retaliation from the abuser, who may escalate violence upon disclosure; fear of social ostracism, as divorce or separation carries immense stigma in many communities; and fear of losing custody of children, a potent weapon often wielded by abusers. Shame plays an equally powerful role, as victims internalize societal blame, feeling humiliated and responsible for the abuse, which prevents them from confiding in others or seeking help. A significant practical barrier is the lack of awareness regarding legal rights and available support mechanisms, particularly the provisions of the Protection of Women from Domestic Violence Act, 2005 (PWDVA).³⁸ Many women, especially in rural or marginalized communities, remain unaware of their entitlements to protection orders, residence rights, monetary relief, or access to shelters and counseling services. Even when aware, a deep-seated lack of trust in the formal justice system, stemming from perceived insensitivity of police, lengthy judicial delays, and the potential for re-victimization during legal proceedings, often dissuades them from reporting. The absence of accessible, gender-sensitive support

³⁸ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

services, particularly in remote areas, further compounds this underreporting, creating an environment where silence becomes the only perceived option for survival.

Conversely, the analysis of gender bias and underreporting must also critically examine the often-overlooked plight of male victims of domestic violence in India. Here, the bias operates in a different, yet equally debilitating, manner. Traditional Indian masculinity dictates that men are strong, resilient, and incapable of being victims, especially at the hands of a female partner. This stereotype creates an immense psychological burden, leading to profound shame and emasculation for men who experience abuse. The very idea of admitting to being hit, controlled, or emotionally tormented by a woman is seen as a direct assault on their male identity, leading to intense self-blame and a fear of ridicule from peers, family, and even professionals. Institutionally, this bias is acutely evident: when male victims approach law enforcement, they are frequently met with disbelief, skepticism, or even outright mockery. Police officers, often trained primarily to identify male perpetrators and female victims, may dismiss male complaints, assume the man is the aggressor, or suggest that a "real man" should be able to handle such situations. The absence of specific legal provisions for male victims of domestic violence, akin to the PWDVA³⁹ for women, means they lack a dedicated civil recourse, further reinforcing their invisibility within the legal framework. Even the potential for misuse of Section 498A IPC, where false accusations can lead to the arrest and harassment of innocent men and their families, as highlighted by numerous Supreme Court judgments, creates an additional layer of fear and discourages male victims from reporting, lest their genuine complaints be twisted into counter-allegations.

Consequently, underreporting by male victims in India is exceptionally high, driven by a confluence of unique factors. The profound shame and perceived emasculation are paramount; men often feel that disclosing abuse would strip them of their dignity and standing in society. This is coupled with an acute fear of not being believed, given the pervasive societal narrative of male strength. The fear of false counter-accusations, particularly under Section 498A IPC,⁴⁰ is a significant deterrent, as men are acutely aware of the severe legal and social consequences of such allegations, even if unsubstantiated. The stark absence of male-specific support services – shelters, helplines, or counseling tailored to

³⁹ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁴⁰ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

their experiences – means that even if a man were to overcome the immense internal and external barriers to reporting, there are very few institutional avenues equipped to provide them with the necessary safety, emotional support, or legal guidance. Societal pressure to "be a man" and handle one's own problems, combined with the lack of visible male role models who have survived domestic violence, further isolates male victims and reinforces their silence.

In essence, gender bias and underreporting in domestic violence form a vicious, self-perpetuating cycle in India. The biases, whether stemming from patriarchal norms that marginalize female victims or from rigid masculinity stereotypes that invisibilize male victims, create environments where reporting is fraught with immense personal, social, and legal risks. This widespread underreporting, in turn, reinforces the existing biases, as the lack of reported cases for certain demographics or types of violence makes it easier for society and institutions to deny their existence or minimize their severity. Breaking this deeply entrenched cycle requires a multi-faceted and sustained effort: comprehensive public awareness campaigns that challenge all forms of gender stereotypes related to violence, promoting empathy and understanding for all victims; mandatory, gender-sensitive training for all professionals within the justice, healthcare, and social service sectors to ensure unbiased and trauma-informed responses; robust legal reforms that provide equitable protection for all victims, irrespective of gender; and the equitable allocation of resources to establish and strengthen support mechanisms for both female and male survivors across the nation. Only through such a holistic and inclusive approach can India truly begin to dismantle the pervasive gender biases and address the silent epidemic of underreporting that continues to shroud domestic violence in darkness.

This ruling, though legally precise at the time, inadvertently exposed an underlying societal and legal bias that could disproportionately impact female victims. In many Indian families, property is often held in the names of male elders, leaving daughters-in-law without direct ownership rights. The *Batra* judgment,⁴¹ by initially limiting the definition of "shared household," highlighted how existing property structures could disempower women, making them vulnerable to eviction by in-laws during marital discord. This vulnerability, stemming from a systemic bias in property ownership and control, served as a significant deterrent to

⁴¹ S.R. Batra v. Smt. Taruna Batra, (2007) 3 SCC 169

reporting. A woman facing abuse might endure it in silence, fearing that if she reported, she would lose her only shelter and be rendered homeless, thereby contributing directly to the pervasive underreporting of domestic violence, particularly by women in complex joint family setups. The legal debate sparked by this case itself brought to light how property-related biases could effectively trap women in abusive situations.

The Court's unequivocal decision to grant retrospective application to the PWDVA⁴² directly confronted the reality of historical underreporting. It implicitly acknowledged that domestic violence is a deeply private and often prolonged ordeal, and victims frequently come forward only after a considerable period, having overcome immense personal, social, and institutional barriers. The ruling recognized that the "continuing wrong" of abuse, even if it began before 2005, demanded a remedy. This judgment, therefore, served as a powerful antidote to the consequences of past underreporting, ensuring that female victims were not penalized for their prior silence. It sent a clear message that the law would reach back to provide justice, thereby potentially encouraging more women to report long-standing abuse, knowing that the passage of time would not automatically invalidate their claims.

This ruling directly addressed a significant form of gender bias against women in non-traditional relationships. Societal norms in India often stigmatize live-in relationships, viewing them as less legitimate or morally questionable than formal marriages. This bias translated into a lack of legal protection, leaving women in such relationships highly vulnerable to abuse without recourse. Consequently, domestic violence in live-in partnerships was severely underreported, as victims not only faced the general barriers to reporting but also the additional burden of societal disapproval and the perception that they had no legal standing. By extending the PWDVA's protective umbrella to include genuine "relationships in the nature of marriage," the Court dismantled this bias, providing a legal pathway for a previously invisible and silent group of female victims. This judgment was crucial in bringing instances of domestic violence in live-in relationships out of the shadows, potentially leading to increased reporting from this demographic.

This ruling directly confronted and rectified a significant gender bias embedded within the very text of the law. The original phrasing reflected a societal bias that primarily viewed men

⁴² The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

as perpetrators and women as victims, failing to acknowledge the complex reality that women can also inflict or instigate domestic abuse, particularly against daughters-in-law in joint family settings. This legal bias meant that female victims suffering at the hands of female in-laws had no direct recourse under the PWDVA⁴³, leading to immense underreporting of such specific forms of violence. By striking down the phrase "adult male person," the Court acknowledged that domestic violence is not gender-exclusive in its perpetration. This judgment provided a crucial legal avenue for female victims to seek protection against all perpetrators within the domestic relationship, regardless of their gender, thereby encouraging the reporting of a previously legally unaddressed and underreported facet of domestic violence.

This judgment directly addressed and mitigated a profound gender bias that often trapped female victims in abusive relationships: the fear of homelessness. In India, where women often do not own property and reside in homes owned by their husbands' families, the threat of eviction is a potent tool of control and a major deterrent to reporting abuse. The earlier restrictive interpretation of "shared household" exacerbated this fear. By unequivocally holding that a "shared household" includes any dwelling where the aggrieved person lived in a domestic relationship, irrespective of ownership, the Court provided crucial housing security. This ruling directly combats a key barrier to reporting, as it ensures that women are less likely to be rendered shelterless if they choose to speak out against abuse. By reducing the immediate, tangible risk of homelessness, the judgment empowers female victims to report domestic violence, thereby directly contributing to a reduction in underreporting driven by housing insecurity.

These rulings implicitly, and sometimes explicitly, acknowledged a form of gender bias against men: the potential for false or exaggerated accusations under Section 498A IPC, leading to the harassment and arbitrary arrest of husbands and their families. While Section 498A⁴⁴ is a vital protection for women, its alleged misuse created a climate of fear among men, leading to a different kind of underreporting – the underreporting of genuine marital discord or even abuse faced by men, for fear of counter-allegations under a stringent, gender-specific law. The Court's concern about "weaponization" of the law highlighted how an

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

⁴⁴ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

imbalance in legal application could create a new set of victims. By introducing safeguards against arbitrary arrests and promoting preliminary scrutiny, these judgments aimed to balance the scales of justice, ensuring that while women's protection remains paramount, men are also shielded from unjust legal processes. This, in turn, could indirectly encourage men to report their marital issues, knowing that the legal system is striving for a more balanced approach, thereby addressing a unique facet of underreporting driven by fear of false implication.

CHAPTER 3 CHALLENGES IN LEGAL FRAMEWORK

Domestic violence, a deeply entrenched and pervasive scourge, continues to cast a long shadow over the lives of millions across India, manifesting in a horrifying spectrum of physical, emotional, sexual, economic, and psychological abuse that transcends socio-economic strata, religious affiliations, and geographical boundaries. In response to this grave human rights violation, India enacted the landmark Protection of Women from Domestic Violence Act, 2005 (PWDVA), a progressive piece of legislation designed to offer a comprehensive civil remedy to women victims, moving beyond the punitive criminal approach to provide immediate relief, protection, residence rights, and monetary compensation. This Act was heralded as a significant step forward, aiming to address the multifaceted nature of abuse within the domestic sphere and to empower women to break free from cycles of violence. However, despite its noble intent and comprehensive provisions, the legal framework surrounding domestic violence in India, particularly the PWDVA, faces a myriad of profound challenges in its practical implementation and conceptual application, rendering its full potential often unrealized and leaving many victims still vulnerable and without effective recourse.

One of the primary inherent challenges lies in the very nature of the PWDVA⁴⁵ as a civil law, which, while offering immediate protective and restorative reliefs, operates in parallel with criminal provisions like Section 498A⁴⁶ of the Indian Penal Code (IPC), which criminalizes cruelty by a husband or his relatives towards a married woman. This dual-track approach often creates confusion and procedural complexities for victims, who must navigate two distinct legal pathways, each with its own set of evidentiary requirements, procedural

⁴⁵ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁴⁶ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

nuances, and enforcement mechanisms. The lack of seamless integration between these civil and criminal remedies can lead to delays, jurisdictional ambiguities, and a fragmented experience for the victim, who may find herself shuttling between different courts and authorities, thereby exacerbating her trauma and fatigue. Furthermore, while the PWDVA provides an expansive definition of "domestic violence" to include non-physical forms of abuse, the practical challenge of proving subtle emotional, verbal, or economic abuse in a court of law, often in the absence of tangible evidence or witnesses, remains formidable. The private nature of domestic violence, typically occurring within the four walls of a home, inherently limits the availability of external corroboration, placing a heavy burden of proof on the aggrieved person and often leading to a "he said, she said" scenario that can undermine the victim's credibility in the eyes of the court.

Another significant conceptual challenge within the Indian legal framework is the PWDVA's explicit gender-specificity, designed to protect "women victims." While this focus was historically necessary given the disproportionate impact of domestic violence on women, it creates a glaring legislative void for male victims of domestic violence, who, despite growing recognition of their plight, lack a dedicated civil law equivalent tailored to their unique experiences and needs. This absence forces male victims to seek recourse under general criminal laws or personal laws related to divorce on grounds of cruelty, none of which offer the comprehensive protective and residence orders available under the PWDVA. This legislative gap not only contributes to the severe underreporting of domestic violence against men due to shame and lack of clear legal avenues but also fuels a perception of gender bias within the legal system itself, leading to accusations of the misuse of gender-specific laws like Section 498A IPC, as highlighted by Supreme Court judgments like *Sushil Kumar Sharma v. Union of India* and *Arnesh Kumar v. State of Bihar*. While these judgments aimed to prevent the harassment of innocent men, they inadvertently added layers of scrutiny that, at times, can also create hurdles for genuine female victims, underscoring the delicate balance the judiciary attempts to strike in a gender-specific legal landscape.

Beyond the inherent design, the implementation of the PWDVA⁴⁷ faces substantial procedural and infrastructural hurdles at the ground level. The pivotal role of Protection Officers (POs), mandated by the Act to assist victims, prepare Domestic Incident Reports

⁴⁷ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

(DIRs),⁴⁸ and facilitate access to services, is often severely undermined by a critical lack of dedicated personnel, inadequate training, and overwhelming caseloads. Many states have not appointed sufficient POs, or have assigned the duty to existing government officials who lack specialized knowledge, sensitivity, or the time to effectively discharge their responsibilities, leading to delays and ineffective support for victims. Similarly, the network of Service Providers (SPs) and shelter homes, crucial for immediate safety and holistic support, remains insufficient, particularly in rural and remote areas. There is a dire need for more accessible, well-funded, and standardized shelters that offer not just refuge but also comprehensive counseling, legal aid, and rehabilitation services. The quality and availability of these services vary drastically across states, creating a postcode lottery for victims seeking help.

The police response to domestic violence complaints continues to be a significant challenge, despite various training initiatives. While the PWDVA encourages minimal police intervention unless absolutely necessary for protection, victims often approach the police first. Persistent issues include police reluctance to register First Information Reports (FIRs) in domestic disputes, attempts at informal mediation that can re-victimize the complainant, and a lingering insensitivity or patriarchal bias among some officers. The lack of a clear understanding of the PWDVA⁴⁹'s civil nature versus the IPC's criminal provisions can lead to confusion, with police sometimes advising victims to pursue one over the other, or failing to enforce protection orders effectively. The notoriously slow pace of the **Indian judicial system** further exacerbates the challenges. Domestic violence cases, like many others, often get protracted, leading to immense victim fatigue, financial strain, and a sense of hopelessness. Delays in obtaining interim protection orders or monetary relief can leave victims in precarious situations, forcing some to return to abusive environments. The sheer backlog of cases across courts means that justice, when it finally arrives, is often significantly delayed, undermining the immediacy of protection intended by the PWDVA.⁵⁰

Furthermore, the enforcement of judicial orders remains a critical bottleneck. Even when protection orders, residence orders, or monetary reliefs are granted by the courts, their actual implementation on the ground can be fraught with difficulties. Abusers frequently defy these

⁴⁸ Domestic Incident Reports

⁴⁹ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁵⁰ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

orders, and the enforcement machinery (police, civil courts) may not be swift or effective enough to ensure compliance. Monetary relief, in particular, often remains unpaid, leaving economically dependent victims in dire financial straits despite favorable court orders. This gap between legal pronouncement and practical realization undermines victims' trust in the justice system and can deter future reporting. Beyond these procedural and infrastructural challenges, deeply ingrained societal and cultural barriers continue to intersect with and often undermine the legal framework. The immense social stigma attached to domestic violence, divorce, and separation in India discourages victims from utilizing legal avenues, even when available. Family pressure, from both natal and marital sides, to reconcile or withdraw complaints for the sake of "family honor" (izzat) or social standing is a pervasive force that often overrides a victim's desire for justice and safety. The economic dependency of many female victims, as discussed earlier, makes the pursuit of legal action a daunting proposition, as it implies financial disruption and the potential loss of livelihood. This is compounded by a widespread lack of legal literacy among victims, particularly in rural and marginalized communities, who often remain unaware of their rights under the PWDVA and the procedures for seeking redress.

Finally, the challenges in judicial interpretation itself, despite the overall progressive trend, contribute to the complexities. While the Supreme Court has clarified many aspects of the PWDVA, there have been instances of conflicting High Court judgments or initial restrictive interpretations (like the original S.R. Batra ruling on "shared household"),⁵¹ leading to confusion and inconsistent application of the law across different jurisdictions. The ongoing debate surrounding the potential "misuse" of Section 498A IPC, while necessary to prevent harassment of innocent men, has led to judicial guidelines that, at times, can be perceived as creating additional hurdles for genuine female victims, adding a layer of complexity to their pursuit of justice. The inherent difficulty in proving non-physical forms of abuse, coupled with the private nature of domestic violence, continues to pose significant evidentiary challenges, making it arduous for victims to present compelling cases in court. The intersectional challenges faced by women from marginalized communities – based on caste, class, religion, disability, or tribal status – further exacerbate these legal and societal barriers, as they often face compounded discrimination and have even less access to legal aid, supportive services, and a responsive justice system.

⁵¹ S.R. Batra v. Smt. Taruna Batra, (2007) 3 SCC 169

While the Protection of Women from Domestic Violence Act, 2005,⁵² stands as a beacon of progressive legislation in India, its journey from legislative intent to effective on-ground implementation is fraught with formidable challenges. These include inherent design complexities, significant implementation gaps at the institutional level, deeply entrenched societal and cultural biases, and ongoing complexities in judicial interpretation. Overcoming these hurdles necessitates a multi-pronged and sustained approach: continuous legal reform to address existing lacunae and ensure gender-neutral protection where appropriate; substantial investment in infrastructure and training for Protection Officers, service providers, and law enforcement; a concerted effort to enhance legal literacy among victims; and, most crucially, a fundamental shift in societal attitudes that dismantles patriarchal norms and fosters a culture of zero tolerance for domestic violence, ensuring that the legal framework truly becomes a robust shield for all victims in India.

3.1 GENDER – SPECIFIC BIAS IN DOMESTIC VIOLENCE LAWS

Domestic violence, a brutal manifestation of power imbalance, remains a pervasive societal ill in India, its true contours often obscured by deeply ingrained gender biases that are not merely societal constructs but are, in various ways, reflected and even reinforced within the very fabric of its legal framework. This intricate interplay between cultural prejudice and legislative design creates a complex landscape where the recognition, protection, and redressal of domestic abuse are profoundly influenced by the victim's gender, leading to a nuanced but critical examination of who is seen, heard, and ultimately protected by the law.

At the heart of India's legal response lies the Protection of Women from Domestic Violence Act, 2005 (PWDVA), a landmark civil legislation conceived as a powerful tool to empower female victims. Its deliberate gender-specificity was a conscious legislative choice, rooted in the undeniable historical and statistical reality that women in India disproportionately bear the brunt of domestic abuse, often compounded by patriarchal structures, dowry-related violence, and systemic disempowerment. The PWDVA's expansive definition of "domestic violence"—encompassing physical, emotional, sexual, economic, and verbal abuse—was revolutionary, aiming to capture the full spectrum of suffering endured by women. Provisions like the right to reside in a "shared household" (even without ownership), protection orders,

⁵² The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

and monetary relief were designed as affirmative measures to counteract centuries of gender-based oppression and provide immediate, tangible safeguards for women who often lacked economic independence or property rights. Judicial interpretations, such as the Supreme Court's pronouncements in *Satish Chander Ahuja v. Sneha Ahuja*⁵³, which robustly affirmed a woman's right to residence in the matrimonial home regardless of ownership, have further solidified these gender-specific protections, acting as a crucial shield against eviction and ensuring that economic vulnerability does not trap women in abusive relationships. This legislative and judicial focus has been undeniably vital in bringing women's experiences of domestic violence into the public and legal discourse, challenging the historical normalization of abuse as a "private family matter."

However, the very strength of the PWDVA's gender-specific design simultaneously creates a profound and often distressing bias that marginalizes male victims of domestic violence. In India, men who experience abuse from their female partners or other family members find themselves navigating a glaring legislative void, as there is no equivalent gender-neutral or male-specific civil law that offers the comprehensive protective mechanisms, residence rights, or tailored monetary reliefs available under the PWDVA⁵⁴. This absence forces male victims to seek recourse under general criminal provisions of the Indian Penal Code (IPC), such as assault or criminal intimidation, or to pursue divorce on grounds of cruelty under personal laws. These avenues, however, are not specifically designed to address the multifaceted dynamics of domestic abuse, often lacking the immediacy and holistic scope of the PWDVA. This structural bias in the law itself perpetuates the societal stereotype that men cannot be victims of domestic violence, or that their suffering is somehow less legitimate or severe. The psychological toll on male victims is immense, as they grapple with profound shame, emasculation, and a pervasive fear of ridicule should they dare to disclose their abuse, knowing that the legal framework offers them no direct, empathetic pathway for relief.

This inherent gender bias in the legal framework is further exacerbated by the operational complexities and alleged misuse of Section 498A of the IPC, a criminal provision enacted to combat cruelty by a husband or his relatives towards a married woman, particularly in dowry-related contexts. While Section 498A remains a crucial deterrent against dowry harassment

⁵³ *Satish Chander Ahuja v. Sneha Ahuja*

⁵⁴ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

and marital cruelty, its non-bailable and cognizable nature, coupled with a history of indiscriminate arrests, has led to a significant judicial discourse on its potential for misuse. Landmark Supreme Court judgments, including *Sushil Kumar Sharma v. Union of India*⁵⁵ and *Arnesh Kumar v. State of Bihar & Anr*⁵⁶, have critically observed the "weaponization" of this provision, noting instances where it has allegedly been invoked to harass and wrongfully implicate husbands and their entire families, including elderly parents and distant relatives, often based on generalized or exaggerated allegations. While these rulings were vital in curbing arbitrary arrests and ensuring due process for the accused, they inadvertently highlighted a critical gender bias within the criminal justice system: men are almost universally presumed to be perpetrators in marital disputes, and rarely victims, even when facing fabricated charges. This creates a chilling effect on male victims, who, even if genuinely abused, might fear a counter-allegation under Section 498A if they attempt to report their own suffering, thereby reinforcing their silence and contributing to the severe underreporting of male victimhood. The ongoing debate surrounding Section 498A thus underscores the delicate and often contentious balance the judiciary attempts to strike in a legal landscape marked by gender-specific provisions.

Beyond the legislative and procedural biases, deeply ingrained societal and cultural norms in India profoundly influence how gender bias manifests in the application of domestic violence laws. For female victims, the pervasive patriarchal expectation of a woman's role as the preserver of family honour ('izzat') often translates into immense pressure from both marital and natal families to endure abuse rather than "break up the home" or seek legal recourse. This cultural bias often leads to victim-blaming, where a woman's actions or perceived shortcomings are cited as justification for the violence, effectively shifting culpability away from the perpetrator. This societal pressure significantly contributes to the underreporting of domestic violence by women, as they fear social ostracism, loss of reputation, or further retaliation. Even when women do report, they may encounter a lingering insensitivity or patriarchal bias among some law enforcement personnel and even judicial officers, who might initially attempt to mediate "family disputes" rather than treating them as serious criminal offenses, thus undermining the spirit of the PWDVA.

⁵⁵ *Sushil Kumar Sharma v. Union of India*

⁵⁶ *Arnesh Kumar v. State of Bihar & Anr*

Conversely, for male victims, the societal bias is rooted in rigid notions of masculinity that equate strength with silence and vulnerability with weakness. The idea of a man being physically or emotionally abused by a woman clashes violently with these ingrained stereotypes, leading to immense shame, emasculation, and a profound fear of ridicule. This cultural conditioning makes it extraordinarily difficult for men to admit to being victims, as they anticipate disbelief from family, friends, and even authorities. When male victims approach law enforcement, they are often met with skepticism, trivialization of their experiences, or even outright mockery, reinforcing their perception that the system is not designed to protect them. The absence of male-specific support systems – such as shelters, helplines, or counseling services tailored to men's experiences – further isolates male victims and leaves them with few accessible avenues for help. This lack of institutional support, combined with the profound societal pressure to maintain a facade of strength, contributes directly to the staggering underreporting of male victimhood, creating a statistical invisibility that, in turn, reinforces the perception that domestic violence is an exclusively gendered phenomenon with women as victims and men as perpetrators.

In essence, the gender and specific biases woven into India's domestic violence laws and their implementation create a complex and often paradoxical reality. While the PWDVA bravely addresses the historical and systemic disempowerment of women, its gender-specific nature inadvertently leaves male victims in a legal void, perpetuating their silence. The judicial efforts to curb the misuse of Section 498A⁵⁷, while necessary to protect innocent men, simultaneously highlight the deep-seated societal bias that often views men solely as aggressors. To truly achieve a just and equitable legal framework for domestic violence in India, a fundamental paradigm shift is required. This necessitates a move towards more gender-neutral protective civil laws that extend comprehensive remedies to all victims, irrespective of gender, while simultaneously retaining strong criminal provisions for gender-specific crimes where women remain disproportionately vulnerable. This must be coupled with sustained, widespread public awareness campaigns that dismantle all forms of gender stereotypes related to violence, promoting empathy and understanding for all victims. Crucially, there must be continuous, mandatory gender-sensitive training for all stakeholders within the justice, healthcare, and social service sectors, ensuring that biases are recognized and actively challenged, and that every individual experiencing domestic violence, whether

⁵⁷ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

male or female, is met with compassion, belief, and effective legal and institutional support. Only then can India hope to truly break the cycle of silence and ensure justice for all victims of domestic violence.

The analysis of gender and specific biases in Indian domestic violence laws reveals a complex reality. While the PWDVA⁵⁸ represents a crucial step forward in empowering women and addressing historical gender inequalities, its gender-specific design inadvertently creates a legislative void for male victims, compelling them to navigate a fragmented and often unsympathetic legal system. This is compounded by the operational challenges and alleged misuse of Section 498A IPC⁵⁹, which, despite its protective intent, has led to a judicial discourse that, while necessary to prevent abuse of process, sometimes inadvertently reinforces the perception of men as perpetrators even when they are victims. To achieve a truly equitable and comprehensive legal framework for domestic violence in India, a fundamental paradigm shift is required. This necessitates a move towards more gender-neutral protective civil laws that extend comprehensive remedies to all victims, irrespective of gender, while simultaneously retaining strong criminal provisions for gender-specific crimes where women remain disproportionately vulnerable. This must be coupled with sustained, widespread public awareness campaigns that dismantle all forms of gender stereotypes related to violence, promoting empathy and understanding for all victims. Crucially, there must be continuous, mandatory gender-sensitive training for all stakeholders within the justice, healthcare, and social service sectors, ensuring that biases are recognized and actively challenged, and that every individual experiencing domestic violence, whether male or female, is met with compassion, belief, and effective legal and institutional support. Only then can India hope to truly break the cycle of silence and ensure justice for all victims of domestic violence.

3.1.1 THE GENDER – SPECIFIC DESIGN OF PWDVA: A NECESSARY SHIELD FOR WOMEN

The Protection of Women from Domestic Violence Act, 2005 (PWDVA), stands as a landmark civil legislation in India, representing a paradigm shift from viewing domestic abuse as a private family matter to recognizing it as a serious violation of human rights. Its

⁵⁸ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁵⁹ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

deliberate gender-specificity, protecting only "women victims," was a conscious and historically necessary legislative choice. This focus was rooted in the undeniable reality that women in India disproportionately bear the brunt of domestic violence, a situation exacerbated by deeply entrenched patriarchal structures, dowry-related harassment, and systemic disempowerment. The PWDVA⁶⁰'s expansive definition of "domestic violence"—encompassing physical, emotional, verbal, sexual, and economic abuse—was revolutionary, designed to capture the full spectrum of suffering endured by women who often lacked a voice or recourse under previous laws. Provisions like the right to reside in a "shared household" (even without direct ownership), protection orders, and monetary relief were specifically crafted as affirmative measures to counteract centuries of gender-based oppression and provide immediate, tangible safeguards for women who frequently lack economic independence or property rights.

Satish Chander Ahuja v. Sneha Ahuja, (2020) 1 SCC 414⁶¹ This pivotal Supreme Court judgment robustly affirmed a woman's right to reside in the matrimonial home, regardless of whether she held direct ownership or if the property belonged solely to her in-laws. Overturning a more restrictive earlier interpretation, the Court held that a "shared household" includes any dwelling where the aggrieved woman lived in a domestic relationship, irrespective of who owns it. This ruling profoundly strengthened a crucial gender-specific protection within the PWDVA, directly addressing a major practical barrier that historically forced women to endure abuse for fear of homelessness. It reinforced the legislative intent to provide a comprehensive shield for women, ensuring that their economic vulnerability does not trap them in abusive relationships.

3.1.2 THE LEGISLATIVE VOID FOR MALE VICTIMS: AN UNINTENDED CONSEQUENCE OF GENDER SPECIFICITY

While the PWDVA serves as a vital protective umbrella for women, its exclusive focus inadvertently creates a significant and often distressing gender bias against male victims of domestic violence. In India, men who experience abuse from their female partners or other family members find themselves navigating a glaring legislative void, as there is no equivalent gender-neutral or male-specific civil law that offers the comprehensive protective

⁶⁰ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁶¹ Satish Chander Ahuja v. Sneha Ahuja, (2020) 1 SCC 414

mechanisms, residence rights, or tailored monetary reliefs available under the PWDVA⁶². This absence compels male victims to seek recourse under general criminal provisions of the Indian Penal Code (IPC), such as assault (Section 323)⁶³ or criminal intimidation (Section 506), or to pursue divorce on grounds of cruelty under personal laws. These alternative legal avenues, however, are not specifically designed to address the multifaceted dynamics of domestic abuse, often lacking the immediacy, holistic scope, or specific remedies (like protection orders against a female perpetrator) that are characteristic of the PWDVA⁶⁴. This structural bias in the law itself contributes profoundly to the invisibilization of male victims, perpetuating the societal stereotype that men cannot be victims of domestic violence or that their suffering is somehow less legitimate or severe.

India's legal framework on domestic violence has been primarily shaped through a gender-specific lens, built on the premise of protecting women from the traditionally male-perpetrated abuse that arises within patriarchal family structures. This approach, while crucial in addressing the historically entrenched victimization of women, has inadvertently produced a significant legislative vacuum for male victims. The Protection of Women from Domestic Violence Act, 2005 (PWDVA)⁶⁵, one of the most prominent civil remedies available for victims of domestic violence in India, explicitly defines the aggrieved person as a woman, thereby excluding male victims from its protective umbrella. This legislative specificity, though well-intentioned, reflects a binary understanding of abuse — one where the man is almost always the aggressor and the woman the victim — and fails to acknowledge the complex and diverse nature of domestic violence dynamics in modern Indian households.

The consequence of such gender-exclusive legislation is not merely theoretical; it manifests in the lived experiences of countless men who suffer in silence. Traditional notions of masculinity in Indian society portray men as dominant, emotionally resilient, and incapable of being victimized by intimate partners, especially women. These rigid stereotypes are not just social ideas; they are embedded into the institutions meant to deliver justice. Men who face emotional, psychological, or even physical abuse often do not report their experiences

⁶² The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁶³ 323 of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

⁶⁴ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁶⁵ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

out of fear of being ridiculed, disbelieved, or even falsely implicated under existing laws such as Section 498A of the Indian Penal Code. The Supreme Court, in *Sushil Kumar Sharma v. Union of India*⁶⁶, has acknowledged the potential for misuse of this provision, cautioning that false allegations not only destroy families but also discredit the genuine suffering of victims. While the Court introduced guidelines in *Arnesh Kumar v. State of Bihar*⁶⁷ to prevent arbitrary arrests, it stopped short of recommending systemic legislative reform that would provide protection to male victims, leaving the root issue unaddressed.

This legal vacuum reinforces underreporting among male victims, creating a cycle where lack of data is used to justify the absence of gender-neutral laws, which in turn perpetuates the invisibility of abused men. Furthermore, men who do attempt to seek redressal often face institutional apathy. Law enforcement agencies, which are largely trained to identify and assist female victims, often treat male complaints with skepticism or outright hostility. There are numerous accounts where police personnel have dismissed male victims or mocked them, reinforcing the belief that such abuse is either fabricated or too trivial to warrant legal attention. The lack of shelters, counseling services, or legal aid specifically for men further compounds the problem. In contrast, female victims — rightfully — have access to a wide range of state-supported mechanisms including helplines, protection officers, and legal remedies under both civil and criminal law. However, the exclusion of men from these services suggests an implicit assumption within the legal ecosystem: that domestic violence is inherently a women's issue.

The failure to legislate for male victims also has broader consequences for justice and equality. A law that offers protection based solely on gender may undermine the very principles of fairness and human rights upon which it is supposed to be founded. By assuming that only women can be victims and men perpetrators, it fails to reflect the realities of abuse in diverse familial and relational settings — including same-sex relationships and situations where women may be the abusers. Moreover, the current gender-specific structure inadvertently creates space for misuse. There are cases where vindictive legal actions are taken not out of genuine suffering but out of spite or manipulation, and the absence of any protective legislation for men places them in a uniquely vulnerable position. This does not negate the overwhelming and serious issue of violence against women; instead, it calls for a

⁶⁶ *Sushil Kumar Sharma v. Union of India*

⁶⁷ *Arnesh Kumar v. State of Bihar*

more nuanced, inclusive, and rights-based approach to the law that recognizes and supports all victims of domestic abuse, regardless of gender.

A move toward gender-neutral legislation would not dilute the protection afforded to women but would enhance the credibility and comprehensiveness of the legal system. Several countries, including the United Kingdom, Canada, and Australia, have adopted gender-neutral domestic violence laws that focus on the nature of the abuse rather than the identity of the victim. India's failure to take similar steps signals a reluctance to confront the complex spectrum of domestic violence, potentially alienating a section of society that remains voiceless and unsupported. Legislative reform must include an inclusive definition of "aggrieved person," provision for gender-neutral shelters, access to mental health and legal support services, and a balanced adjudicatory process that does not assume guilt based on gender.

In sum, the legislative void for male victims in India is not a reflection of a lack of suffering, but of systemic neglect and cultural bias that has made their pain invisible. The law must evolve to reflect the complexities of modern relationships and familial dynamics, abandoning outdated gender binaries that hinder justice. Domestic violence is fundamentally a human rights violation — not a gendered inconvenience — and until the legal system treats it as such, a significant portion of victims will continue to suffer without recognition, recourse, or relief.

3.1.3 THE DOUBLE – EDGED SWORD OF SECTION 498A IPC: BIAS IN CRIMINAL LAW AND ITS COMPLEXITIES

Beyond the PWDVA, **Section 498A of the IPC**, which criminalizes cruelty by a husband or his relatives towards a married woman, presents another critical area where gender bias manifests, albeit with complex and often contentious implications. Enacted to combat dowry-related harassment and marital cruelty, Section 498A is a non-bailable and cognizable offense, designed to provide a strong deterrent. However, its stringent nature, coupled with a presumption of guilt in initial stages, has, as widely acknowledged by the judiciary, led to instances of alleged misuse.

Sushil Kumar Sharma v. Union of India and Ors., (2005) 6 SCC 266⁶⁸ This landmark Supreme Court judgment was one of the earliest and most significant judicial acknowledgments of the potential for misuse of Section 498A IPC. The Court critically observed that the provision had become a "weapon rather than a shield" in the hands of disgruntled wives, leading to the harassment and wrongful arrest of innocent male individuals and their entire families, including elderly parents and distant relatives, often based on generalized or exaggerated allegations. While upholding the constitutional validity of the section, the Court emphasized the need for caution and proper investigation before resorting to arrest.

Arnesh Kumar v. State of Bihar & Anr., (2014) 8 SCC 273⁶⁹ Building on the concerns raised in Sushil Kumar Sharma, the Supreme Court issued stringent guidelines to curb the widespread practice of automatic arrests under Section 498A IPC. The Court mandated that police officers must justify the necessity of arrest in such cases, introducing a checklist and requiring judicial satisfaction before detention. This ruling directly addressed a critical operational bias where men were almost universally presumed to be perpetrators and subjected to immediate arrest, regardless of the specific circumstances.

Rajesh Sharma & Ors. v. State of U.P. & Anr., (2017) 15 SCC 78⁷⁰ This judgment further elaborated on safeguards against the misuse of Section 498A, proposing the constitution of Family Welfare Committees to scrutinize complaints before police action. While some aspects of these guidelines were later modified by the Court itself, this case underscored the judiciary's persistent concern about the potential for misuse and its commitment to protecting innocent individuals from unwarranted legal harassment.

These rulings, while crucial in curbing potential legal harassment against innocent men, concurrently highlight a critical gender bias within the criminal justice system: men are often universally presumed to be perpetrators in marital disputes, and rarely victims, even when facing fabricated charges. This creates a chilling effect on male victims, who, even if genuinely abused, might fear a counter-allegation under Section 498A⁷¹ if they attempt to report their own suffering, thereby reinforcing their silence and contributing to the severe

⁶⁸ Sushil Kumar Sharma v. Union of India and Ors., (2005) 6 SCC 266

⁶⁹ Arnesh Kumar v. State of Bihar & Anr., (2014) 8 SCC 273

⁷⁰ Rajesh Sharma & Ors. v. State of U.P. & Anr., (2017) 15 SCC 78

⁷¹ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

underreporting of abuse endured by men. The very structure of the criminal law, designed to protect women, thus inadvertently creates a unique form of legal vulnerability for men.

Beyond the legal texts, deeply ingrained societal and cultural biases in India profoundly influence how gender bias manifests in the experience and reporting of domestic violence.

- **For Female Victims:** Patriarchal norms often place immense pressure on women to preserve family honor ('izzat') and marital sanctity, leading to immense pressure to endure abuse rather than "break up the home." This cultural conditioning often translates into victim-blaming, where a woman's actions are cited as justification for the violence, shifting culpability away from the perpetrator. This societal pressure, coupled with economic dependency and a lack of legal literacy, significantly contributes to the underreporting of domestic violence by women, even with the PWDVA in place.
- **For Male Victims:** Rigid masculinity norms dictate that men are strong, resilient, and impervious to pain, especially from a female partner. Admitting to being abused is seen as an affront to their male identity, leading to immense shame, emasculation, and a pervasive fear of ridicule from family, friends, and even authorities. This cultural conditioning makes it extraordinarily difficult for men to come forward, as they anticipate disbelief and mockery. The absence of male-specific support systems (shelters, helplines, counseling tailored to men's experiences) further isolates male victims and leaves them with few accessible avenues for help, perpetuating their silence and contributing to the staggering underreporting of male victimhood.

Section 498A⁷² of the Indian Penal Code was introduced in 1983 with the noble and urgent objective of curbing the rampant rise of dowry-related harassment and cruelty against married women. It was a legislative response to the growing public outcry over increasing dowry deaths and domestic abuse within Indian households. The provision criminalizes any act of cruelty by a husband or his relatives towards a married woman, specifically targeting physical and mental abuse linked to unlawful demands for dowry. The inclusion of this section was undoubtedly a progressive step in empowering women and recognizing domestic violence as a punishable criminal offense rather than a mere "family matter." However, over time, the implementation of Section 498A has triggered substantial debate about its potential misuse

⁷² 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

and the resultant gender bias it may propagate within the criminal justice system. This tension between protection and potential abuse reflects the law's nature as a double-edged sword—one that safeguards women from genuine abuse but may simultaneously become a tool of vengeance or harassment when misused.

At the heart of the controversy surrounding Section 498A⁷³ lies the nature of its procedural application—it is a cognizable, non-compoundable, and non-bailable offense. These attributes were initially intended to provide swift relief to women in distress, allowing the police to arrest accused persons without a warrant and begin investigations promptly. However, this procedural framework has, in many instances, led to the indiscriminate arrest of husbands, elderly parents, and even distant relatives without preliminary investigation or scrutiny. In landmark cases like *Sushil Kumar Sharma v. Union of India*⁷⁴, the Supreme Court acknowledged the existence of instances where the law was used as a weapon rather than a shield. The Court observed that false accusations under Section 498A had become a growing concern and that frivolous complaints, often filed with ulterior motives, not only harmed the accused but also undermined the credibility of genuine victims. Such misuse can lead to prolonged mental trauma, social stigma, and financial ruin for the accused, thereby eroding the principle of innocent until proven guilty.

Furthermore, the rigid gender specificity of Section 498A creates an inherent imbalance in its application. By designating only women as potential victims and only husbands and their relatives as potential perpetrators, the provision fails to accommodate the evolving dynamics of modern relationships. The law does not account for situations where men may be victims of domestic abuse or where women, due to interpersonal disputes, manipulate the law to settle scores or exert control. This gendered presumption undermines the neutrality expected of a fair justice system. In *Arnesh Kumar v. State of Bihar*⁷⁵, the Supreme Court raised concerns about the routine and mechanical arrests under Section 498A⁷⁶ and directed that arrests should be made only after reasonable satisfaction by police officers. The Court emphasized the need to balance the rights of the accused with the need to protect genuine victims. These judicial interventions, though necessary, also underscore the structural gaps within the law that necessitate reform to ensure both gender justice and procedural fairness.

⁷³ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

⁷⁴ *Sushil Kumar Sharma v. Union of India*

⁷⁵ *Arnesh Kumar v. State of Bihar*

⁷⁶ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

The impact of Section 498A's misuse extends beyond the legal realm and into the social fabric of Indian society. Men falsely accused under this provision often face irreparable damage to their personal and professional reputations. Families are torn apart, elderly parents are subjected to humiliation and health complications due to legal entanglements, and children suffer the emotional trauma of witnessing familial disintegration. These consequences are exacerbated by the fact that the law allows for the naming of multiple family members in a single complaint, often leading to entire households being drawn into prolonged litigation. Moreover, the stigma of a criminal case, regardless of eventual acquittal, lingers for years, and acquittal rates in 498A cases remain relatively high. This indicates that many cases either lack substantial evidence or involve false claims, which are eventually dismissed—but only after the accused have suffered significant emotional and financial burdens.

Nonetheless, it is imperative not to undermine the original intent and continuing necessity of Section 498A⁷⁷. Despite the discourse around its misuse, a vast number of Indian women still face genuine threats of violence, coercion, and dowry-related cruelty. Many women do not report their suffering due to fear of retaliation, economic dependence, or societal stigma. For them, Section 498A remains a crucial legal recourse. The real issue, therefore, is not the law itself, but the lack of proper safeguards in its implementation. A reform-oriented approach should focus on introducing checks and balances without diluting the protection offered to genuine victims. This includes mandating preliminary inquiries before arrests, encouraging mediation or counseling at the pre-trial stage where appropriate, and enabling penal consequences for proven false allegations. These reforms would not only help restore faith in the law but also protect it from being discredited or repealed due to its occasional misuse.

Section 498A IPC⁷⁸ encapsulates the complexities of legislating morality and justice in a society grappling with deep-rooted patriarchal norms and evolving gender roles. While the provision remains indispensable for protecting women from marital cruelty and dowry-related abuse, it also highlights the dangers of unchecked legal power. The misuse of the law, though not as prevalent as sometimes portrayed, cannot be dismissed and must be addressed through judicial restraint, procedural safeguards, and a gender-neutral perspective. What is needed is a balanced recalibration—one that continues to shield the vulnerable without

⁷⁷ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

⁷⁸ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

compromising the rights of the innocent. Only then can the law truly serve as a just and effective instrument of social change, rather than a contested battlefield of gendered grievances and institutional failure.

3.1.4 JUDICIAL INTERPRETATION ADDRESSING BIAS

Despite the inherent gender biases in legislative design, the Indian judiciary has, through its interpretive powers, attempted to balance the scales and address some of these disparities, either directly or indirectly.

The Indian judiciary has played a pivotal role in interpreting and shaping laws in a manner that attempts to balance the scales of justice in domestic violence cases. This interpretative role becomes all the more crucial in a society grappling with entrenched gender norms and systemic biases. Courts have often had to intervene where legislative gaps exist or where statutory provisions, while well-intentioned, have resulted in unintended discrimination or injustice. These judicial pronouncements — both those directly addressing gender bias and those indirectly redressing structural inequities — have significantly impacted how domestic violence, particularly under the Protection of Women from Domestic Violence Act, 2005 (PWDVA) and Section 498A of the Indian Penal Code (IPC)⁷⁹, is interpreted, enforced, and experienced by both male and female stakeholders.

One of the most significant examples of judicial intervention addressing direct gender bias was in the landmark case of *Hiral P. Harsora & Ors. v. Kusum Narottamdas Harsora & Ors.* [(2016) 10 SCC 165]⁸⁰. Here, the Supreme Court struck down the words “adult male person” from Section 2(q) of the PWDVA, which previously limited the scope of the accused to adult male members in a domestic relationship. The original text of the Act reflected a patriarchal assumption — that only adult males could be perpetrators of domestic violence. This legal framing effectively excluded abusive female in-laws or relatives, particularly mothers-in-law or sisters-in-law, from being held accountable under the Act. The Court held this gender-specific language to be unconstitutional and violative of Article 14 of the Constitution of India, which guarantees equality before the law. This ruling was a vital step in dismantling a clear gender bias within the law and affirmed the judiciary’s role as a corrective force ensuring legal inclusivity and gender neutrality.

⁷⁹ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

⁸⁰ *Hiral P. Harsora & Ors. v. Kusum Narottamdas Harsora & Ors.* [(2016) 10 SCC 165]

The Court observed that gender-specific interpretations that exclude female perpetrators violate the right to equality and fail to account for the lived realities of victims. In Indian joint family structures, it is not uncommon for abuse to be meted out by female relatives, often reinforcing or perpetuating patriarchal norms. By expanding the scope of who could be named as respondents, the judiciary acknowledged a nuanced understanding of domestic abuse that goes beyond simplistic gender binaries.

Indirect bias in domestic violence cases often stems from the structural disadvantages women face in society — especially in terms of financial dependency and property rights. In *S.R. Batra v. Taruna Batra* [(2007) 3 SCC 169]⁸¹, the Court took a restrictive view of the term “shared household” under the PWDVA⁸², holding that a wife could not claim a right to reside in a house owned by her in-laws if it was not jointly owned or rented by her husband. This interpretation had far-reaching consequences and came under heavy criticism for reinforcing housing insecurity among abused women.

Recognizing the regressive impact of the *Batra* judgment, the Supreme Court later adopted a more progressive stance in *Satish Chander Ahuja v. Sneha Ahuja* [(2020) 1 SCC 414].⁸³ The Court overruled the *Batra* decision and held that a woman has a right to reside in any house where she has lived in a domestic relationship, irrespective of ownership. This reinterpretation of “shared household” was a landmark move, addressing the implicit bias in the earlier judgment that indirectly favored property-owning male relatives over the rights of vulnerable women. The Court underscored that the objective of the PWDVA is to provide effective protection to women who are victims of violence of any kind occurring within the family. Shelter and residence are not mere conveniences but are tied to the dignity, safety, and basic human rights of women. By broadening the definition, the judiciary ensured that women are not rendered homeless for merely seeking protection from violence.

While the primary focus of domestic violence legislation has been on protecting women — the statistically dominant victims — the judiciary has not ignored the growing discourse around the misuse of laws like Section 498A IPC⁸⁴. In *Sushil Kumar Sharma v. Union of*

⁸¹ *Batra v. Taruna Batra* [(2007) 3 SCC 169]

⁸² The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁸³ *Satish Chander Ahuja v. Sneha Ahuja* [(2020) 1 SCC 414]

⁸⁴ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

India & Ors., the Supreme Court recognized that while Section 498A was enacted to protect women from cruelty, there have been instances where it was misused to harass innocent men and their families. The Court maintained that such misuse does not invalidate the law itself but cautioned against its blind application. Importantly, it called for a balanced approach and emphasized the need for scrutiny before arrest.

The concern was further elaborated in *Arnesh Kumar v. State of Bihar & Anr.* [(2014) 8 SCC 273⁸⁵], where the Court observed that arrests under Section 498A were often made in a mechanical and unprincipled manner, infringing upon the rights of the accused. The Court issued guidelines requiring police officers to follow due process before making arrests and directed magistrates to ensure that such arrests are justified. This case marked a significant moment where judicial interpretation indirectly addressed a gender bias — this time in favor of men — by ensuring that legal safeguards meant to protect women do not translate into unchecked power leading to the violation of the rights of others.

Such interpretations highlight the judiciary's attempt to maintain a delicate balance between providing necessary protections to genuine victims and preventing the misuse of gender-specific provisions that could give rise to new forms of injustice.

Another notable judgment that addressed social and legal bias through judicial interpretation was *Indra Sarma v. V.K.V. Sarma* [(2013) 15 SCC 755],⁸⁶ where the Supreme Court expanded the ambit of the PWDVA to include live-in relationships “in the nature of marriage.” The Court recognized that social morality often lags behind constitutional morality and acknowledged the vulnerability of women in non-traditional relationships. By interpreting the law liberally, the Court addressed an indirect bias that left women in live-in relationships without legal recourse for abuse.

This judgment was pathbreaking in dismantling societal stigma and ensuring that women in such relationships are not left legally unprotected due to the non-conventional nature of their domestic arrangements. The judiciary thus demonstrated that legal interpretation must evolve with the changing social fabric to ensure that the law remains inclusive and just. It also

⁸⁵ *Arnesh Kumar v. State of Bihar & Anr.* [(2014) 8 SCC 273]

⁸⁶ *Indra Sarma v. V.K.V. Sarma* [(2013) 15 SCC 755]

challenged the notion that only formally married women could be victims of domestic abuse, acknowledging the reality of diverse domestic arrangements in contemporary India.

In *V.D. Bhanot v. Savita Bhanot* [(2012) 3 SCC 183],⁸⁷ the Court upheld the retrospective application of the PWDVA, asserting that protection under the Act was available even to women who had suffered domestic violence prior to its enactment. This ruling was a strong message from the judiciary acknowledging that abuse is often a long-term process and that legal remedies should not be denied simply because the violence occurred before the law was passed.

This decision, although not directly about bias, indirectly addressed a form of systemic injustice where the absence of timely reporting — often a result of fear, stigma, or ignorance — could have disqualified victims from accessing justice. By interpreting the law in favor of retrospective protection, the judiciary validated the experiences of long-suffering victims and paved the way for redressal, thus indirectly addressing barriers rooted in gendered expectations of silence and endurance.

A recurring theme in domestic violence cases is the judicial balancing act between promoting family unity and ensuring justice for victims. Historically, some courts prioritized reconciliation, sometimes even at the cost of justice. However, recent judicial trends have moved towards recognizing the autonomy and safety of the individual over the abstract ideal of family preservation.

In *Prabha Tyagi v. Kamlesh Devi* [(2022) SCC OnLine SC 47]⁸⁸, the Court reaffirmed the importance of protection orders under the PWDVA, even when victims live separately from the abuser. It emphasized that the right to seek protection from abuse is not contingent upon cohabitation. This interpretation is crucial in contexts where courts previously dismissed complaints merely because the aggrieved woman no longer lived with the respondent. It reflects a judicial evolution away from a reconciliation-centric model to a rights-centric model of justice.

Judicial interpretations in India have thus played an essential role in correcting, expanding, and refining the legislative and societal understanding of domestic violence. By confronting

⁸⁷ *V.D. Bhanot v. Savita Bhanot* [(2012) 3 SCC 183]

⁸⁸ *Prabha Tyagi v. Kamlesh Devi* [(2022) SCC OnLine SC 47],

both direct and indirect biases — whether in the form of gendered statutory language, patriarchal property norms, or procedural injustices — the judiciary has emerged as a dynamic force in the ongoing struggle for gender justice. However, these interpretations also highlight the limitations of a reactive legal system. The burden often falls on the courts to identify and rectify injustices that ought to have been anticipated and addressed through legislative foresight.

Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors., (2016) 10 SCC 165⁸⁹ This transformative judgment directly confronted and rectified a significant gender bias embedded within the PWDVA itself. The Act's original definition of "respondent" (perpetrator) was limited to "any adult male person." The Supreme Court struck down this phrase, ruling that it violated Article 14 (Equality before law) of the Constitution. By allowing female relatives to be named as respondents, the Court acknowledged that domestic violence can be perpetrated by any person, including female relatives (e.g., mothers-in-law, sisters-in-law) against a female victim. While primarily expanding the scope of female perpetrators against female victims, this ruling implicitly challenged the narrow gendered perception of who can inflict domestic abuse, thereby broadening the protective ambit for women against all forms of familial violence.

K. Srinivas Rao v. D.A. Deepa, (2013) 5 SCC 136⁹⁰ While not a direct PWDVA case, this Supreme Court judgment is highly relevant for understanding judicial recognition of cruelty perpetrated by women in marital relationships. The Court explicitly recognized that filing false, baseless, and malicious criminal complaints (particularly under Section 498A IPC⁹¹) by a wife against her husband and his family constitutes an act of "cruelty" severe enough to grant a divorce to the husband under the Hindu Marriage Act, 1955. This ruling, though under personal law, provided significant legal recourse for male individuals suffering from marital cruelty, acknowledging that legal harassment can be a form of abuse perpetrated by women against men, thereby indirectly supporting male victims by allowing them to exit abusive relationships.

⁸⁹ *Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors.*, (2016) 10 SCC 165

⁹⁰ *K. Srinivas Rao v. D.A. Deepa*, (2013) 5 SCC 136

⁹¹ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

3.2 NEED FOR GENDER-NEUTRAL LEGISLATION AND POLICY REFORM

In a society as complex and diverse as India's, the legal and policy framework must reflect the evolving realities of its people. Historically, Indian laws, especially those concerning crimes like domestic violence, sexual assault, and harassment, have been designed with a gender-specific approach, primarily to safeguard women from systemic patriarchal oppression. While this was a necessary intervention in a deeply male-dominated society, the exclusive focus on women as victims and men as perpetrators has inadvertently created a blind spot in the justice system. The need for gender-neutral legislation and policy reform is not about undermining the rights and protections afforded to women but about recognizing that victimhood is not confined to a single gender. It is about acknowledging the often-invisible suffering of male, transgender, and non-binary individuals who are equally vulnerable to violence, abuse, and exploitation but remain unrecognized in the legal framework.

India's current gender-specific laws were enacted in a historical context where women faced disproportionate discrimination and violence in nearly every sphere of life. Laws such as the Protection of Women from Domestic Violence Act, 2005 (PWDVA)⁹², and Section 498A⁹³ of the Indian Penal Code, dealing with cruelty against married women, were crafted with the noble intention of protecting women from deeply entrenched patriarchal structures. These laws have, to an extent, empowered women and provided them with much-needed legal recourse. However, over time, the unidirectional nature of these protections has revealed serious gaps in the system. The absence of legal provisions for male victims of domestic violence or sexual assault, for instance, has created a silent class of sufferers who are unable to report their abuse due to social stigma and legal invisibility. Transgender individuals, despite being recognized as a third gender by the Supreme Court in the landmark *NALSA* judgment of 2014, continue to be marginalized within a legal framework that fails to account for their unique vulnerabilities.

⁹² The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁹³ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

The problem is compounded by societal stereotypes and cultural expectations that define gender roles in narrow terms. Men are expected to be stoic, dominant, and emotionally resilient, while women are viewed as nurturing, passive, and in need of protection. These reductive binaries not only reinforce sexism but also invalidate the lived experiences of those who do not conform to them. Male victims of domestic abuse, for example, often suffer in silence, fearing ridicule and emasculation. They face institutional apathy when seeking help, as their claims are frequently dismissed as either fabricated or exaggerated. Similarly, transgender individuals are subjected to routine harassment, violence, and discrimination, often at the hands of family members or intimate partners, but find no protection under existing gender-specific laws. In such an environment, the lack of gender-neutral legislation not only perpetuates injustice but also normalizes it by rendering non-female victims invisible.

Legal reform is a critical avenue through which this systemic exclusion can be addressed. Gender-neutral legislation does not imply an erasure of women's rights or a dilution of the protections that have been hard-won over decades of feminist struggle. Rather, it calls for an inclusive approach that views violence, abuse, and exploitation as human rights violations that can affect anyone, regardless of gender. A gender-neutral law on domestic violence, for instance, would recognize that abuse within intimate or familial relationships can occur in any configuration—between heterosexual couples, in same-sex relationships, or between family members irrespective of their gender. Such legislation would empower all victims to seek protection, shelter, and justice, while holding all perpetrators equally accountable under the law. This shift would also facilitate the development of support services such as counseling centers, shelters, and helplines that are accessible to all, thereby creating a more holistic and effective response to interpersonal violence.

Despite growing discourse around gender inclusivity, actual legal reforms in India have been minimal. While there have been debates in the legal community and among policymakers about making sexual assault laws gender-neutral, significant resistance remains. Critics argue that gender-neutral laws could potentially weaken women's protections and may be misused by men to evade accountability. However, this argument rests on the flawed premise that equality necessarily entails compromise. On the contrary, a well-drafted gender-neutral law can protect women effectively while also extending protection to other marginalized groups. Provisions can be built into the law to deter false complaints and ensure due process, just as

they are in any other legislation. The key lies in recognizing that abuse is an act, not a gendered trait, and must be punished regardless of who commits it or suffers from it.

The misuse of gender-specific laws, though statistically limited, has added fuel to the demand for more balanced legislation. Several Supreme Court rulings, including *Arnesh Kumar v. State of Bihar*⁹⁴, have acknowledged the potential for abuse of laws like Section 498A IPC, emphasizing the need for safeguards against arbitrary arrests. While the intent of these laws remains just, their implementation has at times led to the harassment of innocent individuals, including elderly parents and siblings of accused husbands. These instances highlight the risk of adopting a gendered lens in lawmaking without considering the broader implications. Gender-neutral laws would allow for a more nuanced and equitable application of justice, focusing on facts and evidence rather than assumptions based on gender.

Another important aspect of this reform is the recognition of transgender and non-binary individuals as equal stakeholders in the justice system. The Transgender Persons (Protection of Rights) Act, 2019⁹⁵, though a step in the right direction, has been widely criticized for its limited scope and lack of clarity on issues like abuse and assault within families and intimate relationships. Without explicit legal recognition of the specific forms of violence faced by transgender individuals, and without access to gender-neutral shelters, healthcare, and legal aid, the protections offered by the Act remain largely symbolic. Integrating the needs and rights of transgender individuals into mainstream laws on violence and abuse is not just a matter of policy but a reflection of our commitment to human dignity and equality.

Policy reform must accompany legislative changes to ensure effective implementation. This includes sensitization of police officers, judicial personnel, and healthcare providers to recognize and respond appropriately to victims of all genders. Awareness campaigns must be launched to educate the public about the availability of legal recourse for all victims, thereby reducing stigma and encouraging reporting. Data collection mechanisms should be updated to capture information on all victims of violence, not just women, to better understand the scale and nature of the problem. Government agencies must also invest in infrastructure—such as gender-neutral shelters and crisis centers—that can provide immediate and safe support to victims across the gender spectrum.

⁹⁴ *Arnesh Kumar v. State of Bihar*

⁹⁵ The Transgender Persons (Protection of Rights) Act, 2019 Acts of Parliament, 2005 (India)

Furthermore, education plays a pivotal role in challenging gender norms and promoting inclusivity. Gender-neutral policies must be embedded in school curricula, workplace guidelines, and public service codes to foster an environment of equality and respect from an early age. Institutions must move away from tokenism and engage in substantive reforms that address the root causes of gendered violence and discrimination. Collaboration with civil society, advocacy groups, and academic institutions can help build robust frameworks for inclusive policymaking and implementation.

The call for gender-neutral legislation and policy reform in India is not a critique of existing women's protections but an expansion of the legal horizon to accommodate all victims of violence and abuse. It is a demand for a justice system that does not ask victims to prove their worthiness based on gender, but instead offers them equal protection under the law. A truly democratic and progressive society must ensure that its laws evolve to meet the changing needs of its people. Gender-neutral laws are not just a legal necessity but a moral imperative—a step towards building a society where justice is not filtered through the lens of gender, but delivered equally to all.

The pervasive and deeply entrenched issue of domestic violence in India, while predominantly affecting women, necessitates a critical re-evaluation of its legal framework to embrace a truly inclusive and equitable approach. Despite the commendable strides made with the enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA)⁹⁶, its gender-specific nature, coupled with the complexities of other related statutes, has inadvertently created significant gaps and biases. This calls for an urgent and comprehensive reform towards gender-neutral legislation and policy, ensuring that every individual subjected to the scourge of domestic abuse, irrespective of their gender, sexual orientation, or identity, receives the recognition, protection, and redressal they deserve.

3.2.1 ADDRESSING THE MISUSE AND UNINTENDED

CONSEQUENCES OF GENDER- SPECIFIC LAWS

The evolution of gender-specific laws, particularly those aimed at protecting women from domestic violence and dowry-related abuse, was initially envisioned as a response to deeply

⁹⁶ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005

(India)



embedded patriarchal norms and systemic inequalities that left women vulnerable and without legal recourse. Provisions such as Section 498A of the Indian Penal Code (IPC) and the Protection of Women from Domestic Violence Act, 2005 (PWDVA)⁹⁷, emerged from an urgent need to recognize and address the widespread physical, emotional, and economic abuse faced by women in familial relationships. However, over time, the implementation of these gender-specific laws has revealed a critical dimension often overlooked in the legislative and policy discourse—the potential for misuse and the inadvertent consequences that arise from laws that are exclusive in their protection. These unintended outcomes not only weaken public trust in the legal system but also contribute to new forms of injustice, particularly for male victims and their families, who find themselves without adequate legal recourse or social support. This duality—protection versus misuse—necessitates a nuanced and balanced approach to legislative reform, one that recognizes the original intent of these laws while acknowledging the growing complexities surrounding their application.

Section 498A IPC, which criminalizes cruelty by a husband or his relatives towards a wife, was enacted in 1983 to address the alarming rise in dowry deaths and domestic abuse. It is a cognizable, non-bailable, and non-compoundable offence, reflecting the severity of the issue it seeks to address. However, its stringent nature has also made it susceptible to misuse in certain cases. Judicial observations, including those in *Sushil Kumar Sharma v. Union of India*⁹⁸ and *Preeti Gupta v. State of Jharkhand*⁹⁹, have highlighted that while the provision serves a vital purpose, its overuse or false invocation has led to harassment of innocent individuals, often extending beyond the immediate accused to include elderly parents, sisters-in-law, and distant relatives. Such instances of misuse have severe consequences: they can damage reputations, disrupt families, lead to prolonged and traumatic legal battles, and, in extreme cases, even provoke suicide among the falsely accused. This misuse undermines the credibility of genuine complaints, as legal authorities may become more skeptical or cautious in processing cases, thereby weakening the very protection that the law was intended to provide.

The unintended consequence of a gender-specific approach is the invisibilization of male victims of domestic abuse. In Indian society, where masculinity is traditionally associated

⁹⁷ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

⁹⁸ *Sushil Kumar Sharma v. Union of India*

⁹⁹ *Preeti Gupta v. State of Jharkhand*

with dominance, control, and stoicism, admitting victimhood—especially at the hands of a female partner—is fraught with stigma and disbelief. Men facing verbal abuse, emotional manipulation, physical aggression, or false criminal charges often remain silent due to fear of ridicule, lack of legal support, and the absence of recognition within the law. The PWDVA, while comprehensive in addressing different forms of abuse against women, does not provide reciprocal protections for men, even in cases where the violence is real and sustained. The absence of any statutory mechanism for male victims not only excludes them from seeking relief but also perpetuates a damaging stereotype that men cannot be victims and women cannot be aggressors. As a result, male victims are often left with no recourse but to endure the abuse silently or face the prospect of legal counter-allegations that are nearly impossible to disprove, given the current framework.

One of the more troubling outcomes of the misuse of gender-specific laws is the erosion of the presumption of innocence, which is a foundational principle of criminal jurisprudence. In several cases under Section 498A, the accused are arrested without thorough investigation, sometimes even before the case is adequately verified. The Supreme Court in *Arnesh Kumar v. State of Bihar*¹⁰⁰ sought to address this issue by directing police officers not to automatically arrest the accused without proper justification, and to follow a checklist of safeguards under Section 41 CrPC¹⁰¹. While this ruling was a step in the right direction, it also underscored how systemic practices had evolved that often undermined fair trial rights. Arrests without scrutiny, drawn-out legal procedures, and denial of anticipatory bail became tools of coercion in matrimonial disputes, at times used as leverage in civil matters such as divorce settlements, custody battles, or property disputes. The perception that a complaint could be weaponized to gain an upper hand in such disputes began to erode public confidence in gender-specific protections and contributed to a chilling effect on the reporting of genuine cases.

A critical examination of gender-specific laws must also account for the long-term psychological and social impact on families embroiled in misuse. In many cases, it is not just the accused husband who suffers, but his entire family, including elderly parents, who may be dragged into litigation based on vague or exaggerated allegations. The fear of legal

¹⁰⁰ *Arnesh Kumar v. State of Bihar*

¹⁰¹ Section 41 Code of Criminal Procedure 1973 Acts of Parliament, 2005 (India)

entanglement creates anxiety, tension, and distrust, often resulting in the breakdown of joint families, estrangement of siblings, and isolation of the accused from social and professional networks. Children born of such strained marriages bear the brunt of protracted litigation and domestic hostility. Their developmental, emotional, and educational needs are often neglected in the pursuit of legal vindication, making them silent victims of laws originally intended to protect familial integrity. This cascading effect reflects how misuse not only diverts attention from genuine victims but creates new categories of victims, thereby intensifying the very problem the law sought to resolve.

It is also essential to address the role of institutional bias in the administration of gender-specific laws. Law enforcement officers, influenced by societal norms and sensitization training focused exclusively on women as victims, may be predisposed to assume guilt based on gender rather than facts. This institutionalized bias hampers objective investigation and reinforces stereotypes that prevent male victims from being taken seriously. Similarly, judicial proceedings may sometimes reflect a tendency to favor the complainant based on gender assumptions, thereby skewing the balance of justice. For example, bail applications of accused men are often rejected summarily, or evidence provided by female complainants is given undue credence even when inconsistencies are apparent. The cumulative result of these institutional tendencies is a system that, while well-intentioned, inadvertently becomes an instrument of gender-based discrimination.

Despite these challenges, it is imperative not to conflate misuse with the redundancy of the laws themselves. The presence of misuse does not negate the fact that a vast number of women in India still face daily threats of violence, coercion, and economic deprivation. The statistics of dowry deaths, acid attacks, and honor killings attest to the persistent need for robust legal protection. What is required, therefore, is not the dismantling of gender-specific laws but the development of legal and institutional safeguards that prevent their abuse while expanding protections to all victims, regardless of gender. The incorporation of penalties for filing frivolous or malicious complaints, mandatory counseling sessions before the registration of FIRs in non-violent disputes, and greater judicial discretion in arrest procedures are some steps that can create a more balanced framework.

Another promising avenue is the introduction of gender-neutral domestic violence laws that recognize the capacity of all individuals—men, women, and non-binary persons—to be either victims or perpetrators. Countries such as the United States, Canada, and the United Kingdom

have already implemented gender-neutral frameworks for dealing with domestic violence, allowing for a more inclusive and evidence-based approach to justice. In India, proposals for such reforms have been met with both support and resistance. Critics argue that expanding protections could dilute the focus on protecting women, who remain the majority of victims. However, such fears overlook the fact that justice must be equitable to be effective. A law that prioritizes one group's pain over another's undermines the very principle of universality that human rights are based upon. By moving towards gender neutrality, the legal system can provide protection based on vulnerability and harm, not predetermined assumptions about victimhood.

Public awareness and legal literacy must also evolve alongside legislative reforms. Many of the problems associated with misuse stem from misinformation, revenge motives, or cultural pressures to use the law as a bargaining chip in disputes. Comprehensive education programs that emphasize the gravity of domestic violence, the sanctity of legal recourse, and the ethical implications of false reporting can go a long way in curbing misuse. Simultaneously, these programs should highlight the rights of male and LGBTQ+ victims, normalizing their experiences and encouraging them to seek help without shame or stigma. Media, educational institutions, and civil society organizations have a crucial role to play in shifting the discourse from a binary, gendered understanding of domestic violence to one that is empathetic, inclusive, and grounded in facts.

While gender-specific laws like Section 498A of the IPC¹⁰² were enacted with the noble intent of protecting women from dowry-related cruelty and marital harassment, their implementation has, at times, led to unintended consequences, including allegations of misuse. This has sparked a contentious debate and prompted significant judicial interventions, highlighting the need for a more balanced legal framework.

Section 498A IPC, a non-bailable and cognizable offense, was designed to be a potent deterrent against cruelty by a husband or his relatives towards a married woman. However, numerous complaints from men and their families alleged that the provision was being invoked indiscriminately, leading to the harassment and wrongful arrest of innocent individuals, including elderly parents and distant relatives, often based on generalized or exaggerated allegations.

¹⁰² 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

Sushil Kumar Sharma v. Union of India and Ors., (2005) 6 SCC 266¹⁰³ This landmark Supreme Court judgment was one of the earliest and most significant judicial acknowledgments of the potential for misuse of Section 498A IPC. The Court, while upholding the constitutional validity of the provision, critically observed that it had become a "weapon rather than a shield" in the hands of disgruntled wives, leading to the arrest of innocent persons. It emphasized the need for caution and proper investigation before resorting to arrest.

Arnesh Kumar v. State of Bihar & Anr., (2014) 8 SCC 273 Building on the concerns raised in Sushil Kumar Sharma, the Supreme Court issued stringent guidelines to curb the widespread practice of automatic arrests under Section 498A IPC. The Court mandated that police officers must justify the necessity of arrest, introducing a checklist and requiring judicial satisfaction before detention. This ruling directly addressed a critical operational bias where men were often presumed guilty and subjected to immediate arrest without sufficient scrutiny.

Rajesh Sharma & Ors. v. State of U.P. & Anr., (2017) 15 SCC 78 This judgment further elaborated on safeguards against the misuse of Section 498A, proposing the constitution of Family Welfare Committees to scrutinize complaints before police action. While some aspects of these guidelines were later modified by the Court itself, this case underscored the judiciary's persistent concern about the potential for misuse and its commitment to protecting innocent individuals from unwarranted legal harassment.

The perceived misuse of Section 498A creates a chilling effect, leading to underreporting by genuine male victims. Men, fearing false counter-allegations and the severe consequences of being implicated under a stringent, gender-specific law, are often deterred from seeking any form of legal recourse for their own suffering. This not only silences male victims but also, at times, undermines the credibility of genuine complaints by women, as the public discourse often conflates legitimate cases with instances of alleged misuse. The judiciary's interventions, while aimed at preventing harassment, highlight the complex challenges of applying a gender-specific criminal law in a society grappling with evolving gender roles and the need for a more balanced approach to justice.

¹⁰³ Sushil Kumar Sharma v. Union of India and Ors., (2005) 6 SCC 266

The misuse and unintended consequences of gender-specific laws present a significant challenge to the Indian legal system. While these laws were framed to address historical inequalities and provide urgent relief to oppressed groups, their one-dimensional application has given rise to new forms of bias, silencing genuine male victims and eroding the rights of the innocent. A reformed, gender-neutral legal framework that retains the strengths of existing laws while eliminating their discriminatory potential is essential. The road to such reform is not easy—it demands political will, societal maturity, and institutional reform—but it is the only path toward a truly just and inclusive system of protection against domestic violence. India stands at a crossroads where it can choose to either reinforce the silos of gendered victimhood or take bold steps toward a future where justice is blind to gender but sensitive to suffering. The choice, ultimately, must favor fairness for all.

3.2.2 PROPOSED LEGISLATIVE REFORMS: TOWARDS A COMPREHENSIVE AND INCLUSIVE FRAMEWORK

India's legal landscape has historically been shaped by societal norms and cultural constructs that often reinforced traditional gender roles. While significant strides have been made to protect women from systemic injustices, the existing legal framework still exhibits gender-specific biases that inadvertently marginalize other groups, including men and non-binary individuals. As society evolves, there is an urgent need to re-examine and reform these laws to ensure they are inclusive, equitable, and reflective of contemporary realities. This necessitates a shift towards a comprehensive legal framework that transcends gender binaries and addresses the multifaceted nature of discrimination and abuse.

One of the most pressing areas requiring reform is the domain of domestic violence legislation. The Protection of Women from Domestic Violence Act, 2005 (PWDVA)¹⁰⁴, was a landmark statute aimed at safeguarding women from abuse within domestic settings. However, its gender-specific nature excludes male and non-binary victims from its protective ambit. This exclusion not only denies justice to a segment of victims but also perpetuates the stereotype that only women can be victims of domestic abuse. To rectify this, there is a growing consensus among legal scholars and activists on the need to amend the PWDVA¹⁰⁵

¹⁰⁴ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

¹⁰⁵ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

to adopt gender-neutral language, thereby ensuring that all victims, irrespective of their gender, have access to legal remedies and protection.

Similarly, the Indian Penal Code (IPC) contains provisions, such as Section 375, which defines rape in a manner that recognizes only women as victims and men as perpetrators. This narrow definition fails to acknowledge the reality that men and transgender individuals can also be victims of sexual assault. The Law Commission of India, in its 172nd Report, recommended making rape laws gender-neutral to encompass all victims and perpetrators, regardless of gender. Implementing such recommendations would align the legal framework with constitutional principles of equality and non-discrimination, as enshrined in Articles 14 and 15 of the Indian Constitution.

The judiciary has also played a pivotal role in advocating for a more inclusive legal system. In the landmark judgment of *National Legal Services Authority v. Union of India (2014)*¹⁰⁶, the Supreme Court recognized transgender individuals as a third gender, affirming their fundamental rights and emphasizing the need for their inclusion in all aspects of public life, including legal protections. This judgment underscores the necessity of revising existing laws to ensure they are inclusive of all gender identities.

Beyond legislative amendments, there is a need for comprehensive policy reforms that address the systemic issues contributing to gender-based discrimination and violence. This includes implementing educational programs that challenge traditional gender norms and promote gender sensitivity from an early age. Law enforcement agencies and the judiciary must also undergo regular training to handle cases involving victims of all genders with empathy and impartiality. Moreover, establishing support systems, such as shelters and counseling services that cater to all victims of abuse is crucial in creating an environment where individuals feel safe to report crimes without fear of stigma or disbelief.

Another critical aspect of reform is addressing the misuse of gender-specific laws. While these laws were enacted to protect vulnerable groups, there have been instances where they have been misused, leading to false accusations and unjust legal consequences. Such misuse not only undermines the credibility of genuine victims but also strains the legal system. To mitigate this, it is essential to incorporate safeguards that prevent abuse of the law, such as

¹⁰⁶ *National Legal Services Authority v. Union of India (2014)*

stringent verification processes and penalties for false reporting, without deterring genuine complainants from seeking justice.

Internationally, several countries have adopted gender-neutral legal frameworks that India can draw inspiration from. For instance, the United Kingdom's domestic violence laws are gender-neutral, recognizing that anyone, regardless of gender, can be a victim or perpetrator of abuse. Similarly, Canada's criminal code does not specify the gender of the victim or perpetrator in cases of sexual assault, ensuring equal protection under the law. Adopting similar approaches would not only modernize India's legal system but also reinforce its commitment to upholding human rights and equality.

Furthermore, data collection and research play a vital role in informing policy decisions. Currently, there is a lack of comprehensive data on male and non-binary victims of domestic violence and sexual assault in India. Conducting nationwide surveys and studies to gather accurate data on the prevalence and nature of such crimes is essential in understanding the scope of the problem and devising effective interventions.

The journey towards a comprehensive and inclusive legal framework in India requires a multifaceted approach that encompasses legislative amendments, policy reforms, judicial activism, and societal change. By recognizing and addressing the limitations of gender-specific laws, India can move towards a legal system that ensures justice and protection for all individuals, irrespective of their gender identity. Such reforms are not only a legal imperative but also a moral one, reflecting the nation's commitment to equality, dignity, and human rights for all its citizens.

To address the existing challenges and achieve a truly equitable legal framework for domestic violence in India, comprehensive legislative reforms are imperative. Two primary approaches are often debated: amending the existing PWDVA or enacting an entirely new, gender-neutral law.

- Amending the PWDVA¹⁰⁷: This approach would involve modifying the PWDVA to include "any person" as an aggrieved person and explicitly defining "respondent" to include "any person" who has been in a domestic relationship. This would extend the

¹⁰⁷ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

comprehensive civil remedies (protection orders, residence orders, monetary relief, custody orders) currently available only to women to all victims, regardless of their gender. This would build upon the precedent set by Hiral P. Harsora, which already removed the "adult male" restriction for respondents.

- Enacting a New, Comprehensive Gender-Neutral Domestic Violence Act: This approach would involve drafting entirely new legislation that explicitly covers all forms of domestic violence, all types of domestic relationships (including live-in, same-sex, and familial relationships beyond marital ones), and all genders of victims and perpetrators. Such a law would consolidate various provisions, provide clear definitions, and ensure uniform access to remedies for everyone affected by domestic abuse. This would offer a fresh start, free from the historical baggage and interpretations tied to existing gender-specific laws.

Defining "Domestic Relationship"¹⁰⁸ Inclusively: Regardless of the chosen legislative path, a crucial aspect of reform is to ensure that the definition of "domestic relationship" is broad and inclusive. It must explicitly cover not only marital and heterosexual live-in relationships but also same-sex partnerships, familial relationships (e.g., adult children abusing elderly parents, siblings abusing each other), and other forms of cohabitation where domestic violence can occur. This would ensure that the law is responsive to the diverse realities of modern Indian families and relationships, leaving no victim outside its protective scope.

The reformed legal framework must ensure that all remedies available under the PWDVA—such as protection orders prohibiting further abuse, residence orders guaranteeing safe housing, monetary relief for expenses and losses, and custody orders for children—are uniformly accessible to all victims, irrespective of their gender. This would require streamlining enforcement mechanisms and ensuring that judicial orders are swiftly and effectively implemented on the ground, preventing abusers from defying court directives and leaving victims in precarious situations.

¹⁰⁸ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

CHAPTER 4 MALE VICTIMS OF DOMESTIC VIOLENCE – AN OVERLOOKED REALITY

Domestic violence is commonly conceptualized as a gendered issue, with the prevailing narrative often portraying women as victims and men as perpetrators. While it is undeniable that women have been historically and systemically vulnerable to domestic abuse, the singular focus on female victimization has inadvertently marginalized a significant and growing section of victims—men. In the Indian context, the lived experiences of male victims of domestic violence remain largely invisible, underreported, and institutionally disregarded. This systemic invisibility does not arise from the rarity of such incidents but from deeply entrenched gender stereotypes, legal blind spots, and a widespread cultural denial of the possibility that men, too, can be victims in intimate relationships.

The prevailing societal narrative constructs masculinity around strength, stoicism, and dominance. Consequently, the very admission of victimhood contradicts the traditional masculine identity. Men who face physical, emotional, psychological, or economic abuse at the hands of their intimate partners often encounter immense psychological barriers in recognizing their experiences as abuse. Shame, fear of ridicule, and societal disbelief serve as powerful deterrents to acknowledgment and reporting. A man who confesses to being emotionally manipulated, physically assaulted, or harassed by his spouse or partner may be subjected to mockery or accused of being weak or "not man enough." These responses discourage male victims from seeking support or justice, pushing them into silent suffering. Moreover, even when male victims attempt to assert their experiences, the societal and institutional responses are often dismissive. Law enforcement officers, social workers, and even mental health professionals may respond with skepticism, reinforcing the belief that men cannot be victims of domestic violence or that their experiences are insignificant compared to those of women.

In legal terms, Indian domestic violence laws—most notably the Protection of Women from Domestic Violence Act, 2005¹⁰⁹—are crafted with a woman-centric focus. The Act explicitly defines an “aggrieved person” as a woman who is, or has been, in a domestic relationship

¹⁰⁹ Domestic Violence Act, 2005 Acts of Parliament, 2005 (India)

with the respondent and alleges to have been subjected to domestic violence by him. Consequently, men do not possess standing under this Act to file a complaint or seek protection, regardless of the severity or frequency of abuse they may endure. This legislative framework creates a vacuum of redressal for male victims, leaving them without legal remedies, civil protections, or institutional support. While the intention behind this legal design was to address the systemic abuse suffered by women in domestic settings—a genuine and pressing concern—it inadvertently produced an exclusionary regime that fails to recognize the multifaceted nature of domestic abuse. The assumption that only women can be victims and only men can be perpetrators fosters a discriminatory paradigm that contradicts the very principle of justice and equality under the law.

Empirical evidence, both globally and domestically, supports the existence of male victims. Numerous studies conducted across different countries reveal that a significant number of men experience physical aggression, emotional abuse, and controlling behaviors in intimate relationships. In India, however, comprehensive data remains scarce due to underreporting and the absence of gender-inclusive research methodologies. Anecdotal evidence and smaller-scale studies indicate that male victims often endure verbal humiliation, threats of false legal accusations, denial of access to children, financial control, and even physical violence. In many cases, the abuse is reciprocal or bidirectional, with both partners engaging in aggressive behavior. Yet, legal and social systems are disproportionately tilted in favor of female narratives, often criminalizing male responses while ignoring their victimization.

One of the most concerning dimensions of this issue is the misuse of gender-specific laws, particularly Section 498A¹¹⁰ of the Indian Penal Code, which criminalizes cruelty by the husband or his relatives towards a woman. While the provision was introduced with noble intentions to protect women from dowry harassment and marital abuse, there have been documented instances of its misuse, leading to arbitrary arrests, familial harassment, and irreversible reputational damage. Male victims often cite the fear of false allegations as a tool used by abusive partners to control or punish them. This legal asymmetry not only fosters resentment but also silences genuine male victims who fear that lodging a counter-complaint may be interpreted as retaliation or deflection. The misuse of protective legislation creates a

¹¹⁰ 498A of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

chilling effect on legal recourse, further entrenching male victims in a web of silence and legal helplessness.

Mental health consequences for male victims are profound yet overlooked. Depression, anxiety, suicidal ideation, substance abuse, and post-traumatic stress are common psychological outcomes experienced by men subjected to chronic abuse. However, the lack of societal acknowledgment prevents men from accessing appropriate psychological support. Unlike female victims, who may find community solidarity, helplines, and shelter homes, male victims have virtually no support infrastructure in India. Government-run shelters for abused men are non-existent, and even non-governmental organizations rarely cater to their needs. This lack of support exacerbates feelings of isolation, hopelessness, and helplessness among male victims. Moreover, children growing up in abusive households where fathers are the silent victims also suffer long-term psychological impacts, including identity confusion, emotional insecurity, and the perpetuation of distorted gender norms.

The invisibility of male victims is further entrenched in academic discourse, media representation, and policy-making. Academic literature and public policy in India tend to adopt a gendered lens that focuses predominantly on female victimhood, reinforcing a narrow binary understanding of domestic violence. Media portrayals often ridicule male victims or trivialize their experiences, portraying them as anomalies or sources of comedy. This cultural trivialization undermines serious discourse and blocks the evolution of a more inclusive understanding of domestic violence. As long as male victims remain absent from policy conversations, academic studies, and media representation, they will continue to exist on the margins, denied recognition, empathy, and support.

Addressing this systemic exclusion requires a paradigm shift in both societal attitudes and institutional frameworks. First, it is imperative to recognize that domestic violence is fundamentally about power and control, not gender. While gender can shape the form and frequency of abuse, it does not determine the exclusivity of victimhood. Both men and women are capable of being victims and perpetrators of abuse. Accordingly, the legislative framework must be reimagined to reflect this reality. A gender-neutral domestic violence law, similar to frameworks adopted in countries like Canada, the United Kingdom, and Australia, would ensure that protection is extended to all victims, irrespective of gender. Such a reform

would not dilute the protections available to women but would expand the legal and civil remedies available to all individuals facing abuse within domestic relationships.¹¹¹

In addition to legal reform, institutional mechanisms must be sensitized to the needs of male victims. Law enforcement officers, family court judges, and counselors should undergo gender-neutral training that equips them to recognize, document, and respond to male victimization without bias. Support services must also evolve to include men: helplines, shelter homes, legal aid clinics, and mental health resources should be made accessible to male victims. Public awareness campaigns should aim to dismantle toxic stereotypes about masculinity and normalize the notion that men, like women, can be vulnerable and in need of help. These campaigns should also encourage empathy, reduce stigma, and promote a culture where abuse in any form and against any gender is unacceptable.

Moreover, research institutions and governmental bodies must prioritize data collection on male victimization. Without reliable data, policy-making remains incomplete and skewed. Nationwide surveys should include gender-neutral questions about domestic abuse, and longitudinal studies should be commissioned to understand the psychological, economic, and social consequences of male victimization. Academic institutions should encourage interdisciplinary research on this theme, incorporating legal, psychological, sociological, and public health perspectives to build a comprehensive understanding of the issue. The inclusion of male voices in research and policymaking will enrich the discourse and ensure that laws and policies do not inadvertently perpetuate injustice.

Ultimately, the fight against domestic violence must be rooted in the principles of equity, inclusivity, and justice. Recognizing male victims is not about undermining the struggles of women or diluting feminist gains; it is about acknowledging the complexity of human relationships and ensuring that all individuals, regardless of gender, receive protection, compassion, and redress. The current legal and social frameworks in India fail to meet this standard, leaving male victims voiceless and vulnerable. The path to a truly just society lies in listening to all voices, especially those that have long been silenced. By confronting the uncomfortable truths about male victimization and dismantling the systemic biases that sustain their invisibility, India can take a significant step towards a more balanced and

¹¹¹ United Nations Population Fund (UNFPA), *A Profile of Violence against Women in India*, 2020, accessed May 30, 2025

humane approach to domestic violence—one that upholds the dignity and rights of all its citizens.

4.1 ANALYSIS OF REPORTED CASES AND SOCIETAL RESPONSE

Domestic violence remains one of the most pressing human rights concerns across the globe, and in India, it has acquired deeply complex dimensions due to the interplay of socio-cultural, legal, and institutional factors. The analysis of reported cases over the years reveals both the increasing visibility of domestic violence and the persistent systemic and societal challenges that inhibit justice for victims. Although statistics from the National Crime Records Bureau (NCRB)¹¹² indicate a consistent rise in domestic violence cases, particularly under Section 498A of the Indian Penal Code and the Protection of Women from Domestic Violence Act, 2005 (PWDVA), these figures still represent only a fraction of the true scale of the problem. A substantial body of empirical research and independent surveys points to the reality that domestic violence is vastly underreported, especially in rural and conservative communities, due to fear of stigma, economic dependence, emotional manipulation, and lack of faith in the justice system. Yet, where reporting does occur, the data reveals telling patterns about the nature of abuse, the identity of perpetrators, and the efficacy—or lack thereof—of societal and legal responses.

A closer examination of court judgments and case studies across India shows that most reported cases of domestic violence involve a combination of physical, emotional, and economic abuse, often inflicted by husbands and in-laws. In many cases, the abuse begins with dowry demands or control over finances and escalates to threats, isolation, and physical harm. Yet, not all cases are straightforward. Judicial interpretation has often played a critical role in setting precedents that either empower victims or, in some instances, reveal the inadequacies in legal definitions and protections. Landmark judgments such as *V.D. Bhanot v. Savita Bhanot*¹¹³ and *Satish Chander Ahuja v. Sneha Ahuja*¹¹⁴ have contributed significantly to broadening the interpretive scope of "shared household" and "domestic relationship," thereby ensuring greater accessibility to protective measures under PWDVA. However, despite such progressive rulings, the societal response remains largely reactive

¹¹² National Crime Records Bureau (NCRB), Acts of Parliament, 2005 (India)

¹¹³ *V.D. Bhanot v. Savita Bhanot*

¹¹⁴ *Satish Chander Ahuja v. Sneha Ahuja*

rather than preventive. Victims are frequently discouraged from pursuing legal action and are instead advised to "adjust" or "save the marriage," reinforcing the cultural ideal that a woman's sacrifice ensures family stability. This mindset has a direct impact on the psychological well-being of victims and often results in delayed intervention, which only intensifies the abuse over time.

What further complicates the societal response is the entrenched gender bias in the perception of domestic violence. Female victims are often met with skepticism by law enforcement agencies, who may downplay their complaints or mediate informally instead of registering formal cases. Institutional apathy is exacerbated in cases involving marginalized women—those from lower castes, religious minorities, or economically disadvantaged groups—who face compounded discrimination. Shelter homes, counseling services, and police stations often lack trained personnel capable of handling cases sensitively and in a trauma-informed manner. While the PWDVA mandates the establishment of Protection Officers and service providers, the implementation has been patchy and uneven across states. Many districts lack full-time Protection Officers, or their role is subsumed under other administrative duties, diluting the intended specialized support for victims. This failure of infrastructure not only delays justice but also discourages women from seeking help in the first place. The lack of follow-up in cases where protection orders are granted is another major loophole that allows perpetrators to continue exerting control and intimidation over victims.

An equally underexplored area in the analysis of domestic violence cases is the experience of male victims. Despite growing evidence and anecdotal accounts of men suffering physical, emotional, and psychological abuse at the hands of their spouses or female family members, societal and institutional recognition of their plight remains minimal. Existing legal frameworks, including the PWDVA, are explicitly designed for female victims, and there is no equivalent civil protection mechanism for male victims. Judicial response has, so far, largely dismissed male victimization as statistically insignificant or socially implausible, reinforcing harmful stereotypes about masculinity and invulnerability. In the few cases where men have attempted to seek protection or file complaints, they have often faced ridicule, counter-allegations, or even legal retaliation under gender-specific provisions like Section 498A IPC. These experiences point to a glaring legislative and societal gap that must be addressed if domestic violence laws are to be truly just and equitable. An inclusive framework would not only offer protection to male victims but would also serve to reduce the

potential for misuse of laws—a concern that has gained judicial attention in recent years through rulings like *Arnesh Kumar v. State of Bihar*¹¹⁵ and *Rajesh Sharma v. State of U.P.*¹¹⁶, where the courts acknowledged the need to prevent misuse of Section 498A while ensuring protection for genuine victims.

The societal response to domestic violence is also shaped by media portrayal and public discourse, both of which tend to sensationalize extreme cases while ignoring the everyday realities of abuse. Media narratives often oscillate between portraying women as helpless victims or vengeful abusers, depending on the case, without delving into the structural issues that perpetuate domestic violence. Public reactions, especially on social media, reveal a polarized understanding of domestic violence—either fully sympathetic to women or dismissive of female allegations as false and malicious. Such binary thinking hampers nuanced discussions and impedes the development of balanced policies that cater to all victims, regardless of gender. Moreover, the overemphasis on criminalization rather than prevention in public discourse diverts attention from the need for comprehensive educational and rehabilitative strategies. Educational institutions, workplaces, and community organizations seldom engage in meaningful discussions about domestic abuse, consent, and healthy relationships, thereby missing crucial opportunities for early intervention and awareness-building.

At the grassroots level, non-governmental organizations (NGOs) and civil society actors play a crucial role in bridging the gap between victims and institutional support systems. Many organizations have established helplines, crisis centers, and legal aid services, which have proven instrumental in rescuing victims, especially during emergencies such as the COVID-19 lockdown, which saw a global surge in domestic violence. However, the reach of these services remains limited, particularly in rural and semi-urban areas where access to technology, transportation, and legal awareness is constrained. Additionally, NGOs working with male victims or focusing on same-sex intimate partner violence often face funding challenges and societal resistance, which further limits their ability to provide holistic support. The state must partner with and invest in such grassroots initiatives to create a sustainable support ecosystem that extends beyond urban centers.

¹¹⁵ *Arnesh Kumar v. State of Bihar*

¹¹⁶ *Rajesh Sharma v. State of U.P.*

Finally, an honest analysis of reported cases and societal response must also consider the long-term impact on victims. Survivors of domestic violence often endure lifelong psychological trauma, economic instability, and social alienation. Children growing up in abusive households may replicate such behaviors or suffer developmental challenges, thus perpetuating cycles of violence. Rehabilitation efforts for both victims and perpetrators remain largely inadequate in India, with limited access to mental health services, vocational training, and long-term housing support. Judicial mandates for counseling or rehabilitation are rarely implemented, and there is little coordination between courts, police, and social service agencies. Consequently, even after legal recourse is obtained, many survivors struggle to rebuild their lives due to the absence of a comprehensive support system.

The analysis of reported domestic violence cases in India unveils a sobering reality of systemic inadequacies, societal indifference, and legislative imbalance. While the increasing number of reported cases reflects a growing awareness and willingness to seek justice, it also underscores the urgent need for reform in how domestic violence is perceived, addressed, and prevented. A truly just response requires dismantling harmful gender stereotypes, equipping institutions with resources and training, and expanding the legal framework to include all victims, regardless of gender or relationship status. Society must move beyond reactive measures and embrace a preventive, rehabilitative, and inclusive approach to domestic violence, ensuring that every victim is heard, protected, and empowered to reclaim their dignity and autonomy.

4.2 BARRIERS TO JUSTICE: SOCIAL STIGMA, POLICE INACTION AND LEGAL VOID

Domestic violence, while a globally recognized human rights violation, continues to fester in the shadows of Indian society due to a confluence of cultural, institutional, and legislative barriers. Although India has implemented several legal frameworks like the Protection of Women from Domestic Violence Act (PWDVA), 2005 and Section 498A of the Indian Penal Code to address such abuse, the journey to justice for victims remains arduous and fraught with obstacles. A comprehensive exploration of these barriers reveals that social stigma, police inaction, and gaps in legal provisions collectively form a nearly impenetrable wall for many victims. These challenges are not isolated but deeply intertwined, each feeding into and reinforcing the other, resulting in a cycle of silence, impunity, and trauma. Social stigma

discourages reporting; police inaction demoralizes complainants; and legislative gaps often leave even the bravest victims without meaningful recourse. Together, these systemic failings undermine the protective promise of the law, leaving victims—especially those outside the traditional mold of female heterosexual spouses—isolated and without justice.

At the heart of the problem lies social stigma, which remains one of the most enduring and powerful deterrents for victims of domestic violence, particularly in conservative and patriarchal communities. Domestic violence is still largely considered a "private matter," to be resolved within the family rather than through legal or social intervention. Victims who speak out are often branded as home-breakers, ungrateful daughters-in-law, or shameful women who have tarnished the family's honor. This stigma is magnified in rural areas, where social reputation and communal judgment hold significant sway, and where the victim is often ostracized not only by the husband's family but also by her own natal family. Such societal pressure forces many women to tolerate abuse in silence, fearing isolation, economic destitution, or the loss of their children. Furthermore, stigma does not just affect women; male victims of domestic violence face an even more impenetrable wall of disbelief and ridicule. The stereotype of male strength and invulnerability makes it socially unacceptable for men to admit victimhood, often resulting in psychological trauma and silent suffering. Male victims who do attempt to report abuse are frequently dismissed, mocked, or treated with suspicion by both society and the police, thus compounding their vulnerability.

This pervasive stigma is further entrenched by the inadequacies and apathy of law enforcement agencies, which serve as the first institutional point of contact for most victims. Numerous studies, including those by the National Family Health Survey (NFHS) and independent human rights groups, have documented widespread police inaction in cases of domestic violence. Victims frequently report that police officers refuse to register complaints, suggest reconciliation instead of legal action, or actively discourage them from proceeding further. This is particularly common in cases involving influential families, inter-caste marriages, or dowry-related disputes, where social and political pressures sway police behavior. Additionally, the lack of gender-sensitization and trauma-informed training among police personnel results in hostile, dismissive, or retraumatizing interactions for victims. Officers may ask invasive questions, cast moral judgments, or even blame the victim for provoking the abuse. Such experiences erode trust in the justice system and deter victims from seeking further assistance. Moreover, in the rare cases where FIRs are registered, delays

in investigation, shoddy evidence collection, and lack of coordination with Protection Officers under the PWDVA often lead to the dismissal or weakening of cases in court, perpetuating a sense of futility and powerlessness among victims.

The police's reluctance to intervene meaningfully in domestic violence cases also reflects broader structural issues, such as inadequate staffing, lack of accountability, and bureaucratic inertia. Many police stations, especially in rural and semi-urban areas, lack dedicated women's cells or trained counselors who can support victims through the process. Protection Officers, mandated under the PWDVA to act as a bridge between victims and the justice system, are often undertrained, overburdened, or not appointed at all. This institutional void means that victims are frequently left to navigate the legal system on their own, with limited knowledge of their rights or the resources available to them. The absence of coordinated response mechanisms—where police, judicial officers, healthcare providers, and social workers collaborate to provide holistic support—further fragments the victim's experience and contributes to case attrition. As a result, many victims who muster the courage to report violence often find themselves re-victimized by the very institutions that are supposed to protect them.

Beyond stigma and police inaction lies perhaps the most fundamental barrier to justice: the legal void that continues to exclude or inadequately protect certain categories of victims. While the PWDVA was a landmark law in recognizing the multi-dimensional nature of domestic abuse and offering civil remedies alongside criminal sanctions, it is not without limitations. The Act, for instance, is explicitly framed to protect women in domestic relationships, thereby excluding male victims, children (in cases of abuse by non-parental figures), and victims in same-sex relationships. This gender specificity has created a blind spot in the legal landscape, where individuals who do not fit the traditional mold of a female spouse are left without legal recourse or protection orders. In recent years, courts have made efforts to broaden the interpretation of "domestic relationship," such as recognizing live-in partnerships as covered under the Act. However, these judicial efforts are piecemeal and cannot substitute for comprehensive legislative reform. Moreover, the ambiguity around the retrospective application of the PWDVA, the inconsistent definitions of "shared household," and the weak enforcement mechanisms for protection orders and maintenance also hamper the efficacy of the law. These gaps, when combined with societal resistance and institutional inertia, render the law a paper tiger—strong in principle but toothless in execution.

Another critical aspect of the legal void is the inadequacy of rehabilitation and support mechanisms for victims. While the law mandates provisions for shelter, medical aid, counseling, and legal services, the actual availability and quality of these services vary drastically across regions. Most shelter homes are overcrowded, underfunded, and poorly managed, offering victims little more than temporary relief. Legal aid services are often inaccessible to those without literacy or legal awareness, and medical facilities may lack personnel trained to document abuse effectively for legal proceedings. Additionally, the stigma surrounding mental health discourages victims from seeking psychological support, further exacerbating the long-term impact of abuse. The absence of comprehensive rehabilitation policies not only limits the victim's ability to recover and reintegrate into society but also increases the risk of re-victimization or forced reconciliation with abusers. This failure to provide long-term solutions reflects a broader systemic apathy toward the lived realities of domestic violence survivors.

Moreover, the legal void becomes even more apparent when analyzing the intersectionality of domestic violence with other social factors such as caste, class, religion, and disability. Marginalized women—such as Dalit or Adivasi women, women from religious minorities, and women with disabilities—face additional barriers in accessing justice due to social discrimination, geographic isolation, or language barriers. Their complaints are often dismissed or ignored, and they are more likely to face police brutality or apathy. Existing laws do not adequately address these layered vulnerabilities, and support services are seldom equipped to handle cases with such complexities. In the absence of inclusive policies and intersectional training for law enforcement and judicial personnel, the justice system continues to fail the most vulnerable victims of domestic violence.

Domestic violence, a insidious malignancy festering within the very heart of Indian society, transcends mere legal classification to encompass a profound violation of human dignity and fundamental rights. While the Indian legal landscape has witnessed progressive legislative reforms, most notably the enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA), the journey from legislative intent to lived reality for victims remains fraught with an intricate web of formidable obstacles. These barriers to justice, operating in a complex interplay, conspire to perpetuate a chilling silence around abuse, denying countless individuals the recognition, protection, and redressal they so desperately need. At the core of this systemic failure lies a trifecta of pervasive challenges: deeply ingrained societal stigma

that shames victims into silence, the often-discouraging reality of police inaction that turns away those seeking succour, and critical legal voids that leave vast segments of the victim population unprotected or without tailored recourse. Each of these barriers, while distinct in its manifestation, interlocks with the others, forming an almost impenetrable labyrinth that obstructs the path to justice, ensuring that the true prevalence of domestic violence remains tragically underestimated and its perpetrators frequently operate with impunity within the perceived sanctity of the domestic sphere.

4.2.1 SOCIAL STIGMA: THE SILENT CHAINS OF JUDGMENT AND SHAME

The profound power of social stigma represents perhaps the most insidious and pervasive barrier to justice for victims of domestic violence in India, often acting as an invisible hand that keeps suffering cloaked in secrecy. This stigma is deeply rooted in cultural values and societal expectations that prioritize collective identity and traditional norms over individual autonomy and safety, effectively silencing victims before they can even contemplate seeking legal recourse.

The Sanctity of Marriage and Family Honor ('Izzat'): At the heart of Indian societal structure lies the revered institution of marriage, often perceived as a sacred and indissoluble bond, a cornerstone of family and community identity. This profound reverence for marital sanctity transcends individual well-being, placing immense pressure on individuals to preserve the union at all costs, even in the face of egregious abuse. This is inextricably linked with the potent concept of 'izzat' or family honor and reputation, which dictates that any marital discord, particularly involving violence, is a deeply shameful secret that must be contained within the confines of the family unit. Disclosing abuse, seeking a divorce, or initiating legal proceedings is often viewed as "bringing shame" not only upon the marital family but also upon the victim's natal family, shattering their social standing and impacting their prospects, particularly for their children or unmarried siblings. This pervasive cultural injunction against public disclosure creates an environment where victims are coerced, explicitly or implicitly, into enduring abuse rather than "breaking up the home" or tarnishing the family name. The fear of being disowned by one's own family, or of causing them social embarrassment, acts as a powerful deterrent, forcing countless victims, predominantly women, to suffer in agonizing silence, effectively denying them the fundamental right to safety and dignity.

Victim Blaming and the Burden of Proof: Further compounding the silence is the rampant phenomenon of victim blaming, a insidious societal narrative that shifts culpability from the perpetrator to the survivor. Victims, particularly women, are often subjected to a barrage of questions about their own conduct, attire, perceived defiance, or "failure to adjust" to their marital circumstances, implying that they are somehow responsible for provoking the violence they endure. This pervasive narrative, often perpetuated by family elders, community members, and even sometimes by initial responders, undermines the victim's credibility and internal strength. It fosters a deep sense of internalized shame, leading victims to believe that they are indeed at fault, unworthy of protection, or that their suffering is a deserved consequence of their own perceived shortcomings. This psychological burden, coupled with the immense societal pressure to provide tangible "proof" of invisible abuses (emotional, verbal, financial), makes disclosure incredibly daunting, as victims fear they will not be believed, will be dismissed, or will be further judged for their vulnerability. This effectively re-victimizes the survivor, forcing them into a defensive posture even before they seek help, thereby significantly contributing to their reluctance to report.

Social Ostracism and Isolation: The decision to break free from an abusive marriage, or to seek legal intervention, often carries the heavy penalty of social ostracism and profound isolation. In Indian society, divorce, even when necessitated by severe abuse, carries immense stigma, particularly for women, impacting their social standing, future prospects for remarriage, and even their ability to participate in community life. Victims who report abuse or leave their marital homes may find themselves alienated not only by their marital family but also, in extreme cases, by their own natal family, who may refuse to shelter them due to the perceived "shame" or financial burden. This fear of being cast out, of losing established social support networks, and of facing a lonely, stigmatized existence, often forces victims back into abusive relationships. Without strong alternative community support systems, safe housing, or empathetic social circles, the perceived social cost of leaving can tragically outweigh the physical and emotional pain of enduring abuse, thereby trapping victims in cycles of violence and ensuring their continued silence. The lack of robust, visible community networks that actively support survivors further reinforces this isolation.

Economic Dependence and Lack of Support Systems: Beyond the psychological and social chains, economic dependence acts as a formidable, tangible barrier for a vast number of victims, predominantly women. The pervasive economic dependence of women on male

family members (husband, father, in-laws) in many parts of India means that leaving an abusive relationship often equates to economic destitution and a lack of basic survival means. The absence of readily available, accessible, safe, and affordable alternative housing, secure employment opportunities, and adequate financial support mechanisms for victims who choose to leave makes the prospect of independence daunting, irrespective of legal provisions. While laws like the PWDVA provide for monetary relief, the actual realization of such relief can be protracted, inconsistent, and insufficient to provide immediate sustenance. This practical reality creates a deeply compromising situation where survival instincts often override the desire for justice. Moreover, the general apathy of society or the absence of organized community support structures that can provide immediate shelter, financial aid, or vocational training further compounds this dependence. Victims are often forced to choose between physical safety and economic survival, a choice that disproportionately tips towards enduring abuse, cementing their entrapment and rendering legal avenues largely inaccessible.

4.2.2 POLICE INACTION: THE GATEKEEPERS OF JUSTICE TURNING AWAY

Even when victims manage to overcome the crushing weight of social stigma and decide to seek help, the initial institutional response, particularly from law enforcement, can unfortunately become another formidable barrier, undermining their resolve and trust in the justice system. The police, meant to be the first line of defense, too often become gatekeepers who inadvertently deny access to justice.

Initial Reluctance and Trivialization of Domestic Disputes: A pervasive and deeply concerning issue in the Indian context is the common tendency of police personnel to view domestic violence not as a serious criminal offense or a violation of human rights, but merely as a "private family matter" or a minor marital dispute that should ideally be resolved internally. This perspective leads to a significant reluctance to register First Information Reports (FIRs) or to initiate formal legal action, especially in the initial stages of a complaint. Victims are frequently turned away, advised to reconcile with their abusers, or face insensitivity and dismissive attitudes, where their pleas for help are trivialized. Police personnel, influenced by their own societal conditioning, may act as informal mediators rather than enforcing the law, often prioritizing the "reconciliation" of the family unit over the safety and justice of the individual victim. This primary institutional gatekeeper, instead of offering protection, becomes a barrier itself, invalidating the victim's experience and discouraging further attempts to seek formal justice.

Lack of Training, Sensitivity, and Resources: The efficacy of police response is further hampered by a critical lack of adequate training, gender sensitivity, and appropriate resources. Many police personnel lack specialized training in understanding the complex dynamics of domestic violence, the subtle nuances of emotional or economic abuse, or the specific provisions of the PWDVA. This deficit often leads to uninformed responses, a lack of empathy towards victims, and an inability to effectively implement the law. The absence of dedicated domestic violence units, adequately resourced women's helplines, or gender-sensitive desks in many police stations means that victims often face the same generalized and insensitive approach that characterizes other criminal investigations. Furthermore, resource constraints such as insufficient manpower, lack of vehicles for swift response, and inadequate infrastructure for private and safe victim interactions further hinder timely and effective interventions. These systemic shortcomings contribute to an environment where victims may face re-victimization during the reporting process, reinforcing their reluctance to approach law enforcement.

Operational Challenges with Overlapping Legal Frameworks: The intricate interplay between the civil PWDVA and criminal IPC provisions (e.g., Section 498A for cruelty, Section 323 for assault) often creates confusion and operational challenges for police. This lack of clear understanding or standardized protocols regarding the application of these overlapping legal frameworks can lead to inconsistent responses. Sometimes, police may opt for over-zealous arrests under Section 498A without proper preliminary investigation, especially in response to pressure, which has led to judicial interventions (as seen in cases like *Arnesh Kumar v. State of Bihar & Anr.*¹¹⁷ and *Rajesh Sharma & Ors. v. State of U.P. & Anr.*¹¹⁸) to curb arbitrary arrests. Conversely, they may show reluctance to act on PWDVA complaints, perceiving them as "civil matters" outside their direct criminal enforcement purview, even when breaches of protection orders might warrant criminal action. This procedural complexity, coupled with a lack of clarity on police duties under each statute, creates loopholes and inconsistencies in response, leaving victims adrift and unable to navigate the system effectively.

Fear of False Allegations (for male victims/accused families): While women face inaction, a unique aspect of police-related barriers in India impacts male individuals. For male victims of

¹¹⁷ *Arnesh Kumar v. State of Bihar & Anr.*

¹¹⁸ *Rajesh Sharma & Ors. v. State of U.P. & Anr.*

domestic violence, or for accused male family members, the fear of false allegations, particularly under the stringent Section 498A IPC, can lead to extreme caution or self-censorship when interacting with police. The concerns about the misuse of this provision, widely highlighted by the Supreme Court, create a climate where police, while increasingly guided by strict arrest protocols, may adopt a cautious, sometimes over-cautious, approach to marital disputes involving women complainants. This complexity, while aimed at preventing the harassment of innocent men, can inadvertently affect genuine cases by creating a perceived reluctance to intervene in complex marital disputes, thereby acting as a subtle barrier even for legitimate complaints. This phenomenon creates a unique dilemma for the police, who must balance the protection of women with the prevention of legal abuse, complicating their overall response in marital disputes.

4.2.3 LEGAL VOID: GAPS IN THE PROTECTIVE NET

Even with existing legislation, significant legal voids persist in the Indian framework, failing to provide comprehensive protection to all victims of domestic violence and thereby creating insurmountable barriers to justice for those who fall outside the primary protective umbrella. These gaps are not merely oversights but often reflect inherent biases in legislative design.

Gender-Specific Legislation and the Exclusion of Male Victims: Perhaps the most significant legal void in the Indian context is the PWDVA's¹¹⁹ explicit gender-specificity. By defining an "aggrieved person" as a "woman," the Act, while providing robust protection for female victims, creates a stark legal void for men experiencing domestic violence. There is no comprehensive civil remedy tailored to men's experiences of abuse, meaning they cannot access specific protection orders against female perpetrators, secure residence rights in shared households (if the woman is the abuser), or claim monetary relief specifically for domestic violence under a dedicated civil statute. Male victims are consequently forced to rely on general criminal laws (like Section 323 IPC¹²⁰ for assault), which are not designed for the complexities of domestic abuse, or to seek divorce on grounds of cruelty under personal laws, which is a punitive, rather than protective, measure. This systemic legal exclusion contributes significantly to the extreme underreporting of male victimhood, as the law itself fails to acknowledge or address their unique vulnerabilities, effectively denying them access to a

¹¹⁹ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

¹²⁰ 323 of the Indian Penal Code, 1860 Acts of Parliament, 2005 (India)

holistic justice mechanism and perpetuating a perception of gender bias within the legal framework.

Limited Scope for Non-Traditional Relationships (Historically/Implicitly): While progressive judicial interpretations, notably *Indra Sarma v. V.K.V. Sarma*¹²¹, have expanded the definition of "domestic relationship" under the PWDVA to include certain heterosexual live-in relationships that meet specific criteria (akin to a marriage), the Act's implicit limitations still leave a significant legal void for other non-traditional relationships. Explicit legal coverage for same-sex partnerships, transgender individuals in abusive relationships, or other non-binary relationship structures is largely absent. This means that individuals from the LGBTQ+ community who face domestic violence are often left without specific legal recourse under the PWDVA, forcing them to navigate a legal system that does not adequately recognize their relationships or the unique dynamics of abuse they may face. This absence of explicit inclusion pushes their experiences of violence further into the shadows, making it extremely difficult for them to seek specific protections under the Act and contributing to their underreporting and prolonged suffering. The legal framework's failure to evolve comprehensively with societal relationship diversity creates a significant barrier for these vulnerable groups.

Challenges in Enforcing Orders and Ensuring Accountability: Even when victims manage to navigate the arduous legal process and successfully obtain protection orders, residence orders, or monetary relief under the PWDVA, the battle for justice is often only half-won. A persistent and critical legal void manifests in the significant challenges associated with the actual enforcement of these orders on the ground. Abusers frequently defy judicial orders, continuing their abusive behavior, preventing victims from accessing shared households, or withholding ordered monetary relief. The enforcement machinery, primarily the police and civil courts, may not be swift, consistent, or effective enough to ensure immediate compliance. Delays in contempt proceedings, lack of dedicated enforcement mechanisms, and a general overburdening of the system mean that victims, particularly those reliant on monetary relief or residence orders, may find their legal victory hollow and their suffering prolonged. This gap between legal pronouncement and practical realization profoundly undermines victims' trust in the system, leading to frustration, disillusionment, and a sense of

¹²¹ *Indra Sarma v. V.K.V. Sarma*

continued injustice. Ultimately, the inability to effectively enforce legally obtained rights acts as a formidable barrier, rendering justice elusive even after a favorable court order, and further deterring future reporting.

Evidentiary Challenges for Non-Physical Abuse and Judicial Delays: Finally, while the PWDVA¹²² broadly defines domestic violence to include emotional, verbal, and economic abuse, the inherent difficulty in proving these non-physical forms of abuse in court presents a significant practical "legal void." Unlike physical violence, which often leaves visible injuries, non-physical abuse frequently lacks tangible evidence or direct witnesses due to its private nature within the domestic sphere. This places an immense evidentiary burden on the victim, making it arduous to present a compelling case and secure convictions or protective orders based solely on non-physical forms of violence. Furthermore, the notoriously slow pace of the Indian judicial system, characterized by protracted cases, frequent adjournments, and a massive backlog, serves as a debilitating barrier in itself. Victims often face years of litigation, leading to immense emotional fatigue, financial strain, and psychological trauma, effectively denying them timely and effective justice. This procedural and systemic inertia can transform the legal process into an overwhelming ordeal, where justice, when it finally arrives, may be too late to alleviate the suffering, thus making the very pursuit of legal recourse a daunting and often prohibitive barrier.

The path to justice for victims of domestic violence in India is a formidable labyrinth, intricately constructed by the interlocking barriers of deep-seated social stigma, persistent police inaction, and critical legal voids. The societal pressure to preserve family honor and the stigma associated with divorce shackle victims in silence, while the pervasive victim-blaming narrative strips them of their agency and fuels self-blame. Even when victims find the courage to approach law enforcement, they often encounter a discouraging indifference, a lack of specialized training, and a procedural complexity that undermines their trust. Crucially, the gender-specific design of key legislation, particularly the PWDVA¹²³, while vital for women, inadvertently excludes male victims and other vulnerable groups, leaving them without tailored legal remedies and perpetuating their invisibilization. Furthermore, the challenges in enforcing judicial orders and the arduous, prolonged nature of legal proceedings

¹²³ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005, Acts of Parliament, 2005 (India)

often render legal victories hollow, reinforcing the systemic barriers that prevent effective justice. Overcoming this tri fold of challenges necessitates a comprehensive and multi-pronged approach: a fundamental shift in societal attitudes through vigorous public awareness campaigns that dismantle all forms of gender stereotypes; systemic capacity building and gender-sensitive training for all stakeholders within law enforcement, the judiciary, and support services; and critically, comprehensive legal reforms towards gender-neutral legislation that extends robust protection to all victims, irrespective of their gender or relationship status. Only by dismantling these deeply entrenched barriers can India hope to ensure that justice is not merely a legal concept, but a lived reality for every individual suffering the blight of domestic violence.

CHAPTER 5: CONCLUSION & SUGGESTION

Domestic violence, irrespective of the gender of the victim, represents a grave violation of basic human rights and dignity. Over the course of this dissertation, it has been unequivocally established that while female victims of domestic violence receive a comparatively wider range of legal and institutional support, male victims often remain overlooked and under protected due to entrenched gender stereotypes, legal gaps, and societal apathy. The Indian legal framework, while progressive in many respects, continues to operate within a gender-specific paradigm that inadvertently marginalizes male victims. This exclusion not only reinforces the silence around male suffering but also perpetuates a dangerous imbalance in the administration of justice. While the Protection of Women from Domestic Violence Act, 2005 (PWDVA), remains a cornerstone for addressing violence against women, its female-centric structure has created a legislative void for men, as well as for individuals in same-sex relationships or non-traditional family arrangements.

The analysis in this dissertation underscores the urgent necessity for gender-neutral domestic violence legislation that recognizes the evolving realities of abuse in contemporary society. The research has also demonstrated how systemic barriers such as police inaction, social stigma, and the fear of legal misuse contribute significantly to the underreporting of cases by both male and female victims. These impediments severely limit access to justice and support. Additionally, the judicial interpretations of laws—while in many cases progressive—reveal inconsistencies and gaps that need to be addressed through comprehensive reform.

To rectify these imbalances and ensure that domestic violence laws truly serve the interests of justice for all, the following suggestions are made:

Enact Gender-Neutral Legislation: There is a compelling need to draft and implement a gender-neutral domestic violence law that extends civil protection orders, residence rights, financial relief, and legal remedies to *any* victim, regardless of gender, sexual orientation, or relationship status.

Amend the PWDVA: As an interim measure, the language of the PWDVA can be revised to include male and LGBTQ+ victims by replacing gender-specific terms with inclusive terminology. Definitions such as “aggrieved person” and “respondent” must reflect the diverse spectrum of intimate and familial relationships.

Create Institutional Support for All Victims: Just as there are dedicated shelters, legal aid services, and counseling centers for women, similar mechanisms must be established and adequately funded for male victims and gender minorities. This includes dedicated helplines, shelters, and access to trauma-informed psychological services.

Judicial and Police Sensitization: Both law enforcement officers and members of the judiciary must undergo regular gender-sensitivity training to dismantle biases and ensure an empathetic, victim-centered approach regardless of gender. Police stations must also be mandated to register complaints from male victims with the same seriousness afforded to female complainants.

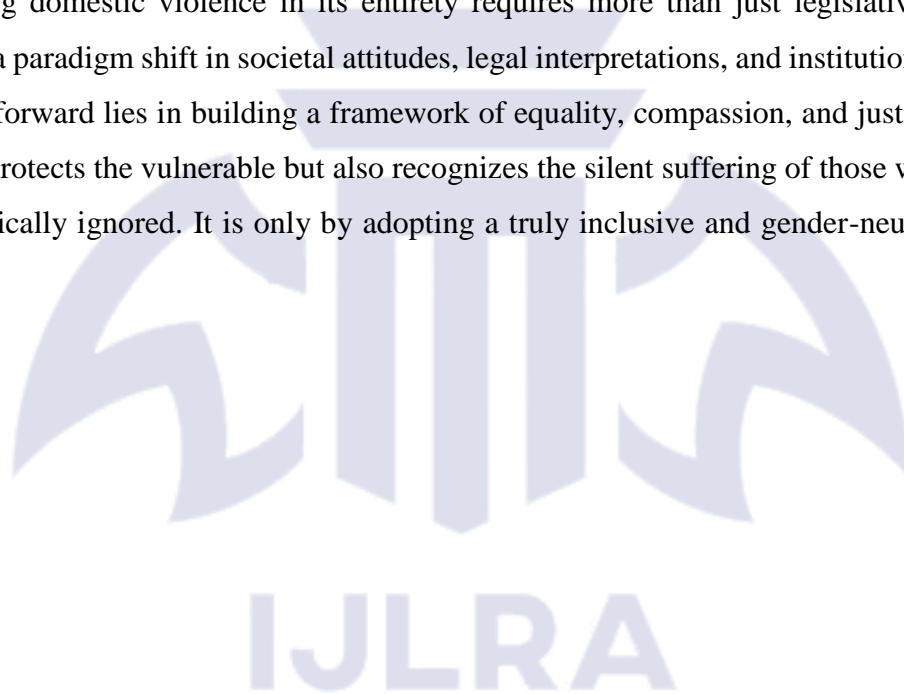
Curb Misuse Without Diluting Protection: Laws like Section 498A IPC should be applied with balanced discretion. While misuse must be curbed through procedural safeguards, it is equally important to preserve the protective intent of the law for genuine victims. Judicial guidelines should reflect this balanced approach.

Enhance Public Awareness and Education: Societal perceptions must evolve to accept that domestic violence is not a “women’s issue” alone. Public awareness campaigns, educational curriculum, and media representations should aim to sensitize the population to the fact that anyone—regardless of gender—can be a victim or perpetrator of abuse.

Encourage Reporting through Anonymity and Trust: Victims must be provided with safe and confidential ways to report domestic violence. This includes anonymous helplines, online complaint portals, and legal protections against defamation or retaliation.

Legislative Inclusion of Non-Traditional Relationships: The definition of a “domestic relationship” should be broadened to encompass live-in relationships, same-sex partnerships, elder abuse, and sibling violence. This would ensure that protections are afforded to all individuals sharing a domestic space, not just those in heterosexual marriages.

Addressing domestic violence in its entirety requires more than just legislative reform—it demands a paradigm shift in societal attitudes, legal interpretations, and institutional practices. The path forward lies in building a framework of equality, compassion, and justice—one that not only protects the vulnerable but also recognizes the silent suffering of those whom the law has historically ignored. It is only by adopting a truly inclusive and gender-neutral approach that



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