

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

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ISSN

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# **PROTECTING ALL VICTIMS: THE URGENT NEED FOR GENDER-NEUTRAL DOMESTIC VIOLENCE LAWS IN INDIA**

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## **Abstract**

*The Protection of Women from Domestic Violence Act (PWDVA), 2005* designed to protect individuals from abuse within domestic settings, has traditionally been framed with a gender-specific lens, often focusing on women as victims and men as perpetrators. However, there is a growing argument that the Act should be gender-neutral to reflect the reality that domestic violence affects individuals across all genders. Advocates for gender neutrality argue that men, women, and non-binary individuals can all be victims or perpetrators of domestic abuse, and the law should recognize this diversity to ensure equal protection and justice for all. A gender-neutral approach would also help reduce societal stereotypes, encourage more victims to come forward regardless of gender, and promote a more inclusive legal framework. Critics, however, caution that such a shift might dilute resources and attention from historically marginalized groups, particularly women, who remain disproportionately affected by domestic violence. Balancing inclusivity with targeted support for vulnerable populations is key to reforming the Domestic Violence Act to be truly equitable and effective.

## **Introduction**

Domestic violence is a pervasive issue that transcends geographical, cultural, and socio-economic boundaries. In India, the *Protection of Women from Domestic Violence Act (PWDVA), 2005*, was a landmark legislation aimed at addressing the widespread problem of domestic abuse faced by women. However, as societal norms evolve and awareness about gender equality grows, there is an increasing demand for gender-neutral laws<sup>2</sup> This essay

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<sup>2</sup> <https://lawfullegal.in/gender-neutral-laws-in-india-a-progressive-step-towards-equality>

argues that the Domestic Violence Act in India should be gender-neutral, ensuring that all victims, regardless of gender, receive equal protection under the law. The discussion will explore the historical context of domestic violence laws in India, the limitations of the current gender-specific legislation, the need for gender neutrality, and the potential benefits and challenges of implementing such a reform.

### **Historical Context of Domestic Violence Laws in India**

Domestic violence in India has deep-rooted historical and cultural underpinnings. Traditionally, Indian society has been patriarchal, with women often relegated to subordinate roles within the family structure. This power imbalance has perpetuated various forms of violence against women, including physical, emotional, sexual, and economic abuse. Recognizing the need to address this issue, the Indian government enacted *the Protection of Women from Domestic Violence Act (PWDVA)* in 2005.

The PWDVA was a significant step forward in providing legal recourse for women facing domestic abuse. It defined domestic violence broadly to include not only physical violence but also emotional, verbal, sexual, and economic abuse. The Act also introduced the concept of "protection officers" and provided for the issuance of protection orders, residence orders, and monetary relief to victims. However, the Act's gender-specific nature has been a point of contention, as it excludes men and other genders from its purview.

### **Limitations of the Current Gender-Specific Legislation**

While the PWDVA has been instrumental in providing legal protection to women, its gender-specific approach has several limitations:

- 1. Exclusion of Male Victims:** The Act does not recognize men as potential victims of domestic violence. This exclusion is problematic, as men can also be subjected to abuse by their female partners or other family members. By failing to acknowledge male victims, the Act perpetuates the stereotype that only women can be victims and only men can be perpetrators.
- 2. LGBTQ+ Community:** The PWDVA does not address the needs of the LGBTQ+ community, who may also experience domestic violence. In a society where non-heteronormative relationships are increasingly recognized, the law must evolve to protect all individuals, regardless of their sexual orientation or gender identity.

- 3. Reinforcement of Gender Stereotypes:** The gender-specific nature of the Act reinforces traditional gender roles, suggesting that women are inherently vulnerable and need protection, while men are inherently aggressive and do not require legal safeguards. This binary view of gender roles is outdated and does not reflect the complexities of modern relationships.
- 4. Legal Loopholes:** The exclusion of men and other genders from the Act creates legal loopholes. For instance, a man who is a victim of domestic violence cannot seek protection under the PWDVA and must rely on other legal provisions, such as Section 498A of the Indian Penal Code (IPC), which deals with cruelty by a husband or his relatives<sup>3</sup>. However, Section 498A is also gender-specific and does not provide the comprehensive protection offered by the PWDVA.

### The Need for Gender Neutrality in Domestic Violence Laws

Domestic violence is such an important issue that affects individuals irrespective of all genders, races, and socioeconomic backgrounds. In many countries, including the United States, domestic violence laws are often gender-specific, where the maximum of victims are women. However, there is an ongoing debate about whether domestic violence laws should be gender-neutral in order to provide equal protection to all individuals regardless of their gender.

One potential benefit of making domestic violence laws gender-neutral is that it would help to address the issue of underreporting among male victims. Research has shown that men are less interested to file report incidents of domestic violence due to societal stigma and the perception that domestic violence is a "women's issue." By making domestic violence laws gender-neutral, male victims may feel more comfortable to come forward and seek help without the fear of being dismissed or not taken seriously.

Additionally, gender-neutral domestic violence laws can help to ensure that all victims receive enough help sympathy and resources to come out from such devastating situation. By removing gender-specific language from these laws, victims of all genders can access the same legal protections and services, irrespective of their gender identity. This can be helpful to create a more inclusive and equal system for all victims of domestic violence.

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<sup>3</sup> <https://legallyin.com/section-498a-ipc-cruelty-by-husband-or-relatives-of-husband>

Furthermore, making domestic violence laws gender-neutral can help to challenge traditional gender norms and stereotypes that perpetuate the cycle of abuse. By recognizing that domestic violence can occur in any type of relationship, irrespective of the gender of the individuals involved, society can work towards breaking down harmful stereotypes and promoting healthy and respectful relationships.

So, there are several potential benefits to making domestic violence laws gender-neutral. By providing equal protection to all individuals, irrespective of their gender, these laws can help to address underreporting among male victims, ensure that all victims receive the support they need, and challenge harmful gender norms and stereotypes. Ultimately, gender-neutral domestic violence laws have the potential to create a more inclusive and equal system for all victims of domestic violence.

### **Domestic Violence against Men: Worldwide**

While the data (2022-2023) provided by the Office for National Statistics, the United Kingdom's largest independent producer of official Statistics, reveals that one out of 3 of the victims are male persons. The mankind initiative is a British organisation which focuses on the domestic violence cases which are implemented on the men. The number of male victim is increasing day by day in Bhutan. In 2023 the number was only 69 out of 788 cases where the male victims have reported they are sufferings and they claim for the assistance of the government to cope with the situation. The same condition has happened with the development country like United States of America. The country is visualised as the most developed from all the sides by our outside look but at the inside it is not lacking behind when the question is about the domestic violence. Almost 44% of the men in the USA are recognised as the victim of intimate partner violence which was noted down in the survey report of the national intimate partner and sexual valence survey 2016 2017. The other reports includes the sexual violence like one out of 13 men, physical balance that is to out of 5 male person, stocking by there intimate partner which is reported as one out of 20 male. The same situation has happened to the Nordic country like Finland which is recognised as the most happiest country. Only in 2022, 11819 cases of domestic violence was reported where the number of male is 3669 that means almost 31% of the total victims. Such types of surveys are carried on in every nooks and corners of several countries and the data is shocking enough which can accept my argument that domestic violence can be happen to anyone you respective of his or her gender.

## Domestic Violence against Men: India

Domestic violence against men in India is an under-researched and under-reported issue, largely due to societal stigma, lack of legal recognition, and limited institutional support. Here's a structured **data-based analysis** of the situation from an Indian perspective:

### 1. Legal Framework

- **Protection of Women from Domestic Violence Act, 2005:** This law provides protection only to women, not men.
- **Indian Penal Code (IPC) Section 498A:** Protects women against cruelty by husband or in-laws; no equivalent exists for men.
- **No gender-neutral domestic violence laws:** Men have no specific legal remedy under current Indian statutes.

### 2. Statistical Insights

#### a. NCRB (National Crime Records Bureau)

- The **NCRB does not maintain separate data** on domestic violence against men.
- However, data shows a high number of **suicides among married men**:
  - **2021:** Over **72,000 married men** died by suicide vs. around **28,000 married women**.
  - Domestic issues were one of the major causes.
  - Suggests psychological impact and potential domestic abuse.

#### b. Surveys and Studies

- **Save Indian Family Foundation (SIFF)** (Men's rights NGO):
  - Claimed over **20,000 helpline calls annually** from men reporting domestic abuse.
  - Reported abuse types: Verbal, emotional, financial, sexual, and physical.
- **Online Surveys (non-government):**
  - Indicate that **1 in 2 urban Indian men** have faced some form of intimate partner violence.
  - Physical abuse: ~30% | Emotional abuse: ~60%

### 3. Common Forms of Abuse Reported by Men

- **Emotional abuse:** Humiliation, threats, false allegations.
- **Verbal abuse:** Insults, accusations, derogatory language.

- **Financial abuse:** Denied access to earnings, forced to give money to in-laws.
- **Physical abuse:** Slapping, punching, use of objects.
- **Legal abuse:** Misuse of Section 498A or false dowry/rape cases.

#### 4. Societal Challenges

- **Stigma:** Male victims are often mocked or not taken seriously.
- **Masculinity norms:** Admitting abuse is seen as weakness.
- **Lack of shelters or helplines** for male victims.
- **Police apathy:** Men reporting domestic violence often face ridicule or are turned away.

#### 5. Demand for Change

- **Men's Rights Activists** demand:
  - Gender-neutral domestic violence laws.
  - Equal protection and shelters for men.
  - Modification of law
- **Legal petitions** have been filed in various courts to recognize male victimhood.

#### 6. International Comparison

- Many countries like the UK, US, and Australia have **gender-neutral domestic violence laws**.
- India lags behind in this aspect, making male victim advocacy more difficult.

Domestic violence against men in India remains largely hidden due to societal norms and lack of legal recognition. While anecdotal and survey data indicate it is a real and growing concern, **official data is scarce**, and **institutional support is minimal**. There's a growing need for **gender-neutral laws, awareness programs, and support systems** for all victims of domestic violence, regardless of gender.

### Statistics on Male Victims of Domestic Violence

As per the report of National statistics 75100 male and 1.38 million female are the victims of domestic abuse in 2022-23. Among them 48300 male and 964000 female are the victims of partner abuse. Almost 13.9% (male) and 27% (female) are the victim of domestic violence.

*Mankind Initiative:* 25% were male victims recorded by police, 28.9% called the helpline but never spoken to helpline number.

*SafeLive Data:* 4.8% victims are male local domestic service givers.

In UK: Safe accommodation spaces for men are 128 and men or women are 308. Death by the hand of their partner or any ex partner: 13 in 2022-23 Attempt to take life due to partner violence: 65% male and 2.8% women.

### **Victims of stalking: Male**

*Lifetime victimization of male:* 2 million (one out of 11 men 8.7% men out of 30% of all victims).<sup>4</sup> In the year 2023 2024: 540000 are the victimization of stalking (2.3% men out of 35% of all victims). Victimization of stalking by the current or ex partner: 528000 (2.2% of male out of 21% of all victims). Victimization of stalking by any family members: 234000(1.2% male out of 23% of all victims). Victimization of Cyber stalking in lifetime: 878000 (3.7% male out of 34% of all victims)

### **Domestic Violence on Children**

According to the United States department of justice office on violence against women that domestic violence is a pattern of abusive behaviour in any relationship to gain control over another intimate partner.

Violence is defined by the World Health Organisation in the WRVH (World Report on Violence and Health), as the intentional use of physical force or power threatened or actual against oneself, another person or against a group of community that either results in or has a high likelihood of resulting in injury, death, psychological harm, or deprivation<sup>5</sup>

### **Case references**

- *Anand Kumar v. State of Kerala [(2020) Kerala HC]*

Summary: A male child was subjected to mental and physical abuse by his stepfather. The court admitted the complaint and directed immediate protective measures.

Relevance: Establishes that a male child can be a victim of domestic violence. Interprets “child” under the Protection of Women from Domestic Violence Act (PWDVA) as inclusive of male children under certain protective orders (though the Act is primarily for women).

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<sup>4</sup> <https://mankind.org.uk/statistics/statistics-on-male-victims-of-domestic-abuse>

<sup>5</sup> Abs.gov.au

- *State of Punjab v. Gurmit Singh, (1996) 2 SCC 384*  
Issue: Sexual abuse of a minor (male child was not the victim here, but the judgment discusses the sensitive nature of child sexual abuse in general).  
Relevance: The Supreme Court emphasized the need for sensitive handling of child sexual abuse cases, which applies equally to male child victims.  
Key Quote: "The testimony of the victim of sexual assault is vital and unless there are compelling reasons which necessitate looking for corroboration, the courts should find no difficulty in acting on the testimony of the victim of a sexual assault alone..."
- *Sakshi v. Union of India, (2004) 5 SCC 518*  
Issue: Need to broaden the definition of rape and recognize male child victims of sexual abuse.  
Relevance: The petitioner, Sakshi (an NGO), sought broader recognition of non-penile-vaginal sexual acts as rape to include male child victims under the ambit of stronger protection.  
Judgment: While the court didn't widen the definition under IPC, it acknowledged the vulnerability of male children and the need for legal reform (which later came through the POCSO Act, 2012).

### Statistics

Child victimization due to domestic violence is a significant public health and social issue that has garnered increasing attention in recent years. The intersection of domestic violence and child welfare raises critical concerns about the immediate and long-term effects on children who are exposed to such environments. Statistics reveal that a substantial number of children are affected by domestic violence<sup>6</sup> either as direct victims or as witnesses to the abuse. According to various studies, approximately 15.5 million children in the United States live in homes where domestic violence occurs, highlighting the pervasive nature of this issue.

Male child victimization due to domestic violence (DV) is a significant but often underreported issue. Below are key statistics and insights from global and country-specific studies:

#### Global Statistics:

1. *Prevalence in DV Households:* Children exposed to domestic violence are at risk of direct abuse, with boys making up a substantial portion of victims. A WHO report

<sup>6</sup> <https://lawcommons.luc.edu/cgi/viewcontent.cgi%3Farticle%3D1232%26context%3Dclri>

estimates that 1 in 4 children worldwide experiences domestic violence, with boys being victimized physically more often than girls in some regions.

2. *Physical Abuse:* Studies suggest that male children are more likely to suffer physical abuse in violent households, while girls may face higher rates of sexual abuse. In some cultures, boys are subjected to harsher physical discipline, increasing their risk of victimization.

#### Country-Specific Data:

- *United States:* According to the CDC, about 1 in 7 children (14.3%) experienced domestic violence in the past year (including witnessing and direct abuse). Boys are less likely to report abuse due to social stigma around male victimization. Child Protective Services (CPS) data shows that boys make up about 48% of child abuse victims\*\*, though girls are more likely to be reported for sexual abuse.
- *United Kingdom:* The NSPCC reports that 1 in 5 children has been exposed to domestic violence. Boys are slightly less likely than girls to be identified as victims, possibly due to underreporting.
- *India:* A 2019 study found that 52% of children reported physical abuse, with boys facing higher rates of severe physical punishment. Cultural norms often normalize harsh discipline for boys, masking abuse.
- *Australia:* The Australian Institute of Health and Welfare (AIHW) reports that 1 in 6 boys (16%) experiences physical abuse before age 15.

#### Prevalence of Domestic Violence & Child Abuse in India

As per National Family Health Survey (NFHS-5, 2019-21) about 30% of women aged 18-49 reported experiencing physical, sexual, or emotional domestic violence. Children in these households are at high risk of witnessing or experiencing abuse. As per the Ministry of Women & Child Development (MWCD) Study (2007), 52.9% of children (both boys and girls) reported facing physical abuse. Boys (52.4%) were slightly more likely than girls (47.6%) to experience severe physical abuse.

#### Gender-Specific Data on Male Child Victimization

Discussing on Physical Abuse, 68.6% of boys reported physical abuse in family settings (compared to 63.9% of girls). Corporal punishment is widely accepted, with 65% of boys experiencing beatings at home or school. Regarding Emotional Abuse 50% of boys reported

humiliation or verbal abuse by parents/guardians. Boys are often pressured to conform to rigid masculine roles, discouraging them from seeking help. Talk about Sexual Abuse 53% of children reported sexual abuse, with 22% of boys affected (vs. 33% of girls).

### Recent Trends & NGO Reports

Childline India (2022-23) reported 1.9 lakh distress calls related to child abuse, with 40% involving boys. RAHI Foundation (2018) found that male survivors of child sexual abuse rarely seek therapy due to shame.

## Domestic Violence on Elder People

### *Nature of Elder Abuse in Domestic Settings:*

1. **Physical Abuse:** Infliction of pain or injury through hitting, pushing, or improper restraint. In domestic contexts, it may be perpetrated by adult children, spouses, or other relatives.
2. **Emotional/Psychological Abuse:** Includes threats, humiliation, isolation, or verbal assaults that degrade or control the elder<sup>7</sup> This is often subtle but highly damaging, especially when done by trusted family members.
3. **Financial Abuse:** Misuse or theft of the elder's assets, pensions, or property. This may involve coercion or manipulation by family members who have access to financial resources.
4. **Neglect:** Failure to provide necessary care, including food, hygiene, or medical assistance. In domestic settings, it often occurs when caregivers or relatives disregard their duties or intentionally neglect the elder.
5. **Sexual Abuse:** Non-consensual sexual contact or exposure. Though less commonly reported, it can occur in domestic environments, especially where elders are dependent on others for care.
6. **Abandonment:** Desertion by someone who has assumed responsibility for the elder.<sup>8</sup> This could involve leaving them alone without care or support.

The concept of **domestic abuse of male elders** refers to any form of physical, emotional, financial, sexual abuse, or neglect directed at older men within the domestic setting. While the

<sup>7</sup> <https://da.lacounty.gov/seniors/emotional-abuse>

<sup>8</sup> <https://miamisao.com/our-work/victim-services/elder-exploitation-unit/glossary-of-terms-elder-exploitation>

focus in sociological literature has often been on women and children as victims, some sociologists and researchers have addressed the abuse of male elders.

**1. Erlene Rosowsky (Geropsychologist and Sociologist)**

Rosowsky discusses elder abuse in terms of "*invisible victims*," often referring to older men who may be less likely to report abuse due to stigma or traditional masculinity norms.<sup>9</sup> Abuse of male elders is often subtle and hidden, encompassing emotional manipulation, neglect, and financial exploitation by family members or caregivers.

**2. Karl Pillemer and David Finkelhor**

*Their landmark study on elder abuse (1988) brought attention to various forms of elder abuse, including those against older men. While older women are more frequently reported as victims, men also suffer abuse—especially financial and psychological—though underreported due to shame and fear of losing autonomy.*

**3. Ron Acierno (Medical University of South Carolina)**

Defines elder abuse broadly and emphasizes that male elders are vulnerable to psychological and financial abuse, particularly by adult children or spouses. "*Men are less likely to self-identify as victims due to gender role expectations, which can mask the prevalence of abuse.*"

**4. Patricia Thane (Historian and Sociologist)**

Thane emphasizes the importance of understanding how *historical attitudes toward masculinity* and aging impact the recognition and study of elder abuse. Societal expectations often make older men reluctant to admit victimhood, which creates gaps in data and services.

**5. Amanda Phelan (Elder Abuse Researcher)**

Advocates a gender-neutral approach to elder abuse and highlights the *intersectionality* of age, gender, and power dynamics. Abuse of older men includes control and coercion by partners or caregivers, which is often overlooked in caregiving studies.

***Characteristics Specific to Domestic Settings:***

Elders are often physically or financially dependent on their abusers. Strained family relationships, resentment, or financial stress can trigger abuse. Elders in domestic settings may be socially isolated, making detection and reporting of abuse difficult. In some cultures, family hierarchy and control can mask abusive behaviors as disciplinary or caregiving actions.

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<sup>9</sup> <https://brainly.com/question/55211757>

### ***Common Reasons behind Elder Abuse in Domestic Settings:***

Elders often depend on family members for financial support, caregiving, or emotional needs, which can create stress or resentment in caregivers. Some abusers want to control the elder's assets, decisions, or life out of greed or dominance. Family caregivers may feel overwhelmed, especially if they lack support or resources. Abusers may have untreated mental illnesses or addiction problems that make them abusive. Patterns of abuse in the family, such as spousal violence or child abuse, may continue as the roles change over time. Elders with pensions, savings, or property may be abused for financial gain, particularly when they are coerced into changing wills or giving power of attorney. Elders may not report abuse out of fear, dependence, shame, or lack of knowledge about their rights.

### **Statistics**

In India, elder abuse including abuse against older men is a growing concern, but comprehensive and gender disaggregated data remains limited. However, available studies and reports highlight alarming trends. Here are key statistics and insights on:

1. *Prevalence of Elder Abuse (General)* - As per *HelpAge India's Report (2023)* found that 71% of elders surveyed reported abuse, with 52% facing it at home (mostly by family members). While women report higher emotional abuse, men face significant financial abuse and neglect.
2. *Elder Male Abuse Statistics* - As per National Study (2018, UNFPA & HelpAge India) about 50% of elderly men experienced some form of abuse. Most common types are financial exploitation (35%) (property disputes, forced transfers of assets), Verbal/emotional abuse (30%) (insults, threats), Neglect (20%) (Denial of food, medical care), Physical abuse (10-15%) (hitting, confinement). Perpetrators are Sons (60%) – Primary abusers in property/financial cases, Daughters-in-law (25%) often involved in emotional abuse or neglect, Spouses (10%) – Less reported but occurs in cases of long-term domestic violence.
3. *Underreporting & Cultural Factors* - Only 1 in 6 cases reported (Help Age India), due to stigma that men fear losing "family honor" or being seen as weak. Many elderly men rely on abusive family members for care. Lack of awareness about the Maintenance and Welfare of Parents and Senior Citizens Act (2007).
4. *Regional Variations* - Property disputes are a major trigger in urban areas (Mumbai, Delhi, Bengaluru). Elderly men in villages face abandonment when they can no longer work.

5. *Government & NGO Response* - Elder Line (14567) receives 500 calls/month which is 30% from men. Few cases reach courts due to lengthy procedures and family pressure to settle<sup>10</sup>

### **Prevalence of Elder Male Abuse in Domestic Settings**

1. *Global Estimates*: - According to the World Health Organization (WHO), about 1 in 6 older adults (60+ years) experience abuse annually, but gender-specific data is limited. Studies suggest that men account for 30-40% of elder abuse victim in domestic settings, though reporting rates are lower than for women.
2. *U.S. Statistics (National Center on Elder Abuse – NCEA)* - Around 1 in 10 older men experience abuse, including emotional, physical, or financial abuse. Financial exploitation is particularly common among older men, often perpetrated by family members or caregivers. Only 1 in 24 cases of elder abuse is reported, with men being less likely to seek help due to stigma.
3. *UK Data (Age UK & Action on Elder Abuse)*: - Approximately 5% of older men report abuse by family members, but the actual figure is likely higher due to underreporting. Spousal/partner abuse in later life affects men, with cases involving psychological abuse, control, or neglect.

### **Statistical study of victimisation of LGBTQIA+**

A statistical study on domestic violence within the LGBTQIA+ community would examine prevalence rates, risk factors, reporting behaviors, and systemic barriers faced by victims. Below is an overview of key findings from existing research:

1. *Prevalence of Domestic abuse in LGBTQIA+ Communities* - Survey indicates that LGBTQIA+ individuals experience domestic abuse at rates equal to or higher than heterosexual women. Lifetime prevalence of Lesbian women: 25–50%, Gay men: 25–33%, Bisexual individuals: Up to 60% (higher than gay/lesbian peers), Transgender individuals: 30–50% (some studies report up to 75%), Intimate Partner Violence (IPV) is often underreported due to stigma, fear of police bias, and lack of LGBTQIA+-specific services.

<sup>10</sup> <https://www.nciolta.org/grant-programs/grantee-spotlights/in-pursuit-of-justice%25E2%2580%2594an-assessment-of-the-civil-legal-needs-of-north-carolina>

2. *Unique Forms of Abuse in LGBTQIA+ Relationships* - Forms of abuses are as follows  
- threats of "outing"(revealing sexual orientation/gender identity without consent),  
Misgendering/deadnaming (used as a control tactic against trans/non-binary victims),  
Exploitation of legal vulnerabilities (e.g., lack of marriage rights in some regions),  
Weaponizing societal homophobia/transphobia (e.g., "No one will believe you because you're queer")
3. *Barriers to Seeking Help* - Many LGBTQIA+ individuals avoid reporting due to past negative experiences with law enforcement or healthcare providers. Few shelters or hotlines are equipped to handle LGBTQIA+-specific DV cases. In some countries, DV laws exclude same-sex couples.
4. *Intersectional Factors* - Black and Latinx LGBTQIA+ individuals face higher risks due to systemic racism and economic disparities. Indigenous LGBTQIA+/Two-Spirit people report elevated DV rates linked to colonial violence. Disabled queer individuals face higher abuse rates due to dependency on caregivers.
5. *Statistical Sources & Studies* - U.S. Data: CDC's National Intimate Partner and Sexual Violence Survey (NISVS)<sup>11</sup> found bisexual women (61%) experience DV at nearly double the rate of heterosexual women (35%). In 2015 U.S. Transgender Survey: 54% of trans respondents experienced some form of IPV. EU Agency for Fundamental Rights (2020): 1 in 5 LGBTQIA+ people experienced physical/sexual violence from a partner. Australia's Personal Safety Survey (2016): 42% of bisexual women reported past-year IPV.

### **Arguments for Gender-Neutral Domestic Violence Laws**

Gender-neutral laws align with the principle of equality before the law, ensuring that all individuals, regardless of gender, are protected from domestic violence. This is particularly relevant as societal norms evolve and recognition of diverse gender identities increases. While women are disproportionately affected by domestic violence, men can also be victims. Gender-neutral laws acknowledge that men, LGBTQ+ individuals, and non-binary people can also experience domestic abuse and deserve legal protection. Modern family structures are diverse, including same sex couples, single-parent households, and non-traditional arrangements. Gender neutral laws ensure that all relationships are covered, regardless of the gender composition. Gender-specific laws can sometimes be misused, leading to false accusations. A

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<sup>11</sup> <https://www.cdc.gov>

gender-neutral approach ensures that the law is applied fairly and focuses on the behavior rather than the gender of the perpetrator or victim. Many countries, such as Canada, the UK, and Australia, have adopted gender-neutral domestic violence laws, reflecting a global shift toward inclusivity and fairness.

### **Current Socio-Economic Context:**

Economic instability, such as job loss or financial strain, can exacerbate domestic violence. A gender-neutral approach ensures that all victims, regardless of gender, have access to support and legal recourse. As societies become more aware of nonbinary and transgender identities, gender-neutral laws are better suited to address the needs of all individuals. In multicultural societies, domestic violence laws must be inclusive to address the needs of diverse populations, including migrants and refugees.

The need for gender-neutral domestic violence laws depends on the specific socioeconomic and cultural context of a country. While gender-neutral laws promote inclusivity and equality, they must be implemented in a way that does not undermine the protections and resources available to women, who remain the majority of victims. A balanced approach could involve gender-neutral legislation with targeted support for disproportionately affected groups, ensuring that all victims receive adequate protection and assistance.

### **Potential Benefits of a Gender-Neutral Domestic Violence Act**

Implementing a gender-neutral domestic violence law in India would have several benefits:

1. *Equal Protection for All:* A gender-neutral law would ensure that all victims, regardless of gender, have equal access to legal protection. This would address the current disparity in the legal framework and provide a more inclusive approach to combating domestic violence.
2. *Increased Reporting:* The gender-specific nature of the current law may deter male victims from reporting abuse, fearing societal stigma or disbelief. A gender-neutral law would encourage more victims to come forward, leading to increased reporting and a more accurate understanding of the prevalence of domestic violence.
3. *Holistic Approach to Domestic Violence:* A gender-neutral law would take a more holistic approach to domestic violence, recognizing that abuse can occur in any relationship, regardless of gender. This would enable the legal system to address the root causes of domestic violence more effectively.

4. *Alignment with International Standards:* Many countries, including the United Kingdom, Canada, and Australia, have adopted gender-neutral domestic violence laws. By following suit, India would align itself with international standards and demonstrate its commitment to gender equality and human rights.

### **Challenges and Concerns**

While the benefits of a gender-neutral domestic violence law are clear, there are also challenges and concerns that need to be addressed:

1. *Societal Resistance:* Indian society is deeply rooted in traditional gender roles, and there may be resistance to the idea of a gender-neutral law. Some may argue that women are more vulnerable and require specific protection, while others may fear that a gender-neutral law could be misused.
2. *Misuse of the Law:* There is a concern that a gender-neutral law could be misused, with false accusations being made against innocent individuals. While this is a valid concern, it is important to note that the current gender-specific law is also susceptible to misuse. The focus should be on ensuring that the legal system has robust mechanisms in place to prevent and address false accusations.
3. *Implementation Challenges:* Implementing a gender-neutral law would require significant changes to the existing legal framework, including training for law enforcement officials, judges, and protection officers. There would also be a need for awareness campaigns to educate the public about the new law and its implications.
4. *Resource Allocation:* A gender-neutral law would likely lead to an increase in the number of cases, requiring additional resources for legal aid, counseling, and support services. The government would need to allocate sufficient resources to ensure that the law is effectively implemented.

### **Recommendation of changes in Domestic Violence Act, 2005**

- *Make Domestic Violence Laws Gender-Neutral:* Amend Acts like the Protection of Women from Domestic Violence Act (PWDVA), 2005 to be gender-neutral so they apply equally to all victims, regardless of gender. Men, boys, elderly parents, and LGBTQ+ individuals can also face domestic violence, but current legal protections are often not inclusive.

- *Include Specific Provisions for the Elderly:* Add clauses that directly recognize and penalize neglect, financial exploitation, and abuse of elderly people by family members. Many elderly people are abused by adult children or caretakers, especially in terms of property and finances.
- *Stronger Safeguards against Misuse:* Introduce penalties for false or malicious complaints, and create fast-track mechanisms to dismiss unfounded allegations. False accusations can cause severe damage to reputations, families, and mental health, especially for men.
- *Extend Protection to Male and Child Victims of Emotional Abuse:* Broaden definitions of domestic violence to explicitly include emotional, verbal, and psychological abuse targeting men and children. These forms of abuse are often overlooked, especially when men or boys are the victims.
- *Mandatory Counseling and Mediation:* Make family counseling, mediation, or therapy a mandatory step before proceeding to legal prosecution in non-severe cases. Early intervention through therapy may resolve conflicts without resorting to legal action, protecting both children and elders from long legal battles.
- *Legal Aid and Helplines for All Genders:* Expand government-funded helplines, shelters, and legal aid to be inclusive of men, boys, and elderly people. Most existing support systems cater exclusively to women; others need equal access to help and refuge.
- *Inclusion of Child Rights in Domestic Violence Framework:* Incorporate child protection protocols within DV laws to safeguard children from witnessing or experiencing abuse at home. Children are often the silent sufferers in toxic households, even when not directly abused.
- *Regular Sensitization Training for Police and Judiciary:* Conduct regular training for law enforcement and judiciary on unbiased handling of domestic violence cases, including those involving male or elderly victims. Preconceived notions can lead to biased or dismissive attitudes toward male or elderly complainants.

### **Conclusion**

The need for a gender-neutral domestic violence law in India is evident. The current gender-specific approach of the Protection of Women from Domestic Violence Act (PWDVA), 2005, while well-intentioned, falls short of providing equal protection to all victims. A gender-neutral

law would align with the principles of equality and justice enshrined in the Indian Constitution, recognize the realities of modern relationships, and provide comprehensive protection for all individuals, regardless of gender.

While there are challenges and concerns associated with implementing a gender neutral law, these can be addressed through careful planning, robust legal mechanisms, and public awareness campaigns. By adopting a gender-neutral approach, India would take a significant step towards creating a more equitable and just society, where all individuals are protected from domestic violence and have equal access to legal recourse.

In conclusion, the time has come for India to move beyond gender-specific legislation and embrace a more inclusive and holistic approach to addressing domestic violence. A gender-neutral Domestic Violence Act would not only protect all victims but also challenge and transform the deeply entrenched gender stereotypes that perpetuate violence and inequality in Indian society.

