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“THE LEGAL AND SOCIAL NEGLECT OF MALE VICTIMS OF DOMESTIC VIOLENCE IN INDIA”

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Abstract

India has considered domestic violence as an age-old social and legal issue. There is apparently nothing in Indian legislation to protect the rights of male victims. This research paper examines the legal issues, social implications, and constitutional objections involved in this exclusion. Thus, the study presents an argument that crows a category of invisible victims. The study comprised a doctrinal analysis of Indian statutes like Section 498A of the Indian Penal Code, and the Protection of Women from Domestic Violence Act, 2005, juxtaposed with the foreign legal frameworks from jurisdictions such as the United Kingdom, Canada, and the United States, advocating for the urgent need for gender-neutral domestic violence statutes in India.

The paper, through jurisprudential examination, legislative scrutiny, and sociological perspectives, identifies a major gap in research and policy: statutory protection for men becoming victims of domestic abuse. It points to the constitutional conflict of gender-specific statutes vis-à-vis the principles of equality under Articles 14 and 15 of the Indian Constitution. The paper further goes on to outline the stigma faced by male victims in society, the absence of support at the institutional level, and the chilling effect of the misuse of protective legislation.

Thus, it is concluded by the study that for redress of domestic violence to be efficient, an inclusive approach to legit must prevail that disregards gender dichotomy and concentrates on harm or infliction. The proposal is for the introduction of gender-neutral domestic violence laws, the institution of support systems for all victims, and judicial reform of India's domestic violence law to hold it accountable both to constitutional mandates and internationally accepted human rights standards.

I. Introduction

Domestic violence has been traditionally understood as violence against women at the hands of men and, as such, had a huge emphasis in Indian public policy and legal reform. A society so deeply patriarchal had its main concerns rightly with protecting women from domestic abuses, culminating into important legal provisions such as Section 498A of the Indian Penal Code and the PWDVA, 2005. In their one-track view, however, the lens have shifted away from increasingly victimized men. The notion of a male victim in domestic settings is met with suspicion, ridicule, or sometimes, outright denial.¹

Coming to domestic violence laws in India, the system is inherently sex-gendered. It grants umbrella primarily to women and presupposes all men as offenders.² While tackling a genuinely down-and-dirty problem of wide occurrence, there is no acceptance of, no provision for, cases where men become victims of abuse—physically, emotionally, sexually, or economically.³ In India, men going through such ordeals are caught being between societal constructs of masculinity and a law which denies their victim status. This puts male victims in a state of legal limbo where they are neither protected nor represented.

Acceptance in favor of male victims of domestic violence has been growing worldwide. Countries like the United Kingdom, Canada, and the United States have moved toward gender-neutral laws, thus ensuring that support systems are provided to every victim no matter the gender.⁴ India, however, continues to apply a legal regime wherein men are not defined as victims, notwithstanding emerging evidence and academic studies to the effect that domestic violence against men is a very real, underreported, and psychologically damaging phenomenon.

This paper attempts to study this critical legal and socio gap from the point of view of male domestic violence victims in India. The scope of the research will include a consideration of the current legal regime, an assessment of the incidence and nature of abuse faced by men, and an argument favoring an altogether inclusive and gender-neutral domestic violence legislation.

¹ Gadd, D. et al., *Male Victims of Domestic Violence: A Substantial Social Issue?* (2002) 2(1) *The Howard Journal of Criminal Justice* 65.

² Protection of Women from Domestic Violence Act, 2005 (India).

³ Hines, D.A. and Douglas, E.M., *Intimate Terrorism by Women Towards Men: Does it Exist?* (2010) 26(3) *Journal of Aggression, Conflict and Peace Research* 242.

⁴ Abeyratne, R.I.R., *Domestic Violence Laws in the United Kingdom: A Comparative Perspective* (2012) 54(2) *Journal of Legal Studies* 215.

At the ultimate, this research calls for statutory recognition of all victims, irrespective of gender, in the cause of justice, equality, and human dignity.

II. ISSUE: The Neglected Reality of Male Victims of Domestic Violence in India

Part 1: Understanding Male Victimization and Social Barriers

The majority of domestic violence discourse in India remains female-centric, shaped essentially around the oppression women have suffered historically and systematically at the hands of patriarchal households. While this approach is certainly necessary for protecting such vulnerable groups, it inevitably created a blind spot for law and policy—that is, the male victim. Male victims of abuse in intimate relationships are mostly absent from legal definitions, state-supported services, and mainstream social discourse. What maintains this silence is not the absence of male victims but sociocultural denial of their presence.

A: Prevalence and Nature of Male Victimization

Internationally and domestically, data keep suggesting domestic violence against men is neither rare nor negligible. Hines and Douglas revealed that in some heterosexual intimate relationships, men may be on the receiving end of severe forms of IPV, such as physical assault, emotional manipulation, and even legal abuse by way of false accusations.⁵ However, the Indian NCRB does not collect data on male victims of domestic abuse, thus reinforcing the perception that they do not exist.⁶

In Gadd et al.'s groundbreaking qualitative study, most male victims described incidents of emotional abuse, controlling behavior, and situational violence rather than the prolonged patterns of coercive control.⁷ Strikingly, some of these men initially did not even classify themselves as “victims,” perhaps a reflection of entrenched gender norms about masculinity, shame, and denial. Numerous others acknowledged having retaliated or mutually engaged in violent acts against the other party, which complicated the dichotomy between victim and perpetrator.

⁵ Hines, D.A. and Douglas, E.M., *Intimate Terrorism by Women Towards Men: Does it Exist?* (2010) 26(3) *Journal of Aggression, Conflict and Peace Research* 242.

⁶ National Crime Records Bureau, *Crime in India 2022*, Ministry of Home Affairs, available at: <https://ncrb.gov.in>

⁷ Gadd, D. et al., *Male Victims of Domestic Violence: A Substantial Social Issue?* (2002) 2(1) *The Howard Journal of Criminal Justice* 65.

B. Social Stigma and Conceptions of Masculinity

Men are conditioned from a young age to steel their emotions, deny vulnerability, and withstand struggles in life. When a man is abused by his female partner, it is mostly a response of ridicule or denial.⁸ The common dictum is that the man should "man up" or just dismiss the violence as nothing, even when there may be grueling psychological or physical aftereffects. This pressure only intensifies with the Indian cultural milieu, where quite often, patriarchal constructs equate male suffering with weakness.

Lack of support structures, such as helplines, shelters, or counseling facilities for men, worsens their plight. Whereas women have NGOs, the women commissions, state-sponsored legal aid, etc., men have to fall back on informal channels, which then might not even be confidential, empathetic, or efficient.

III. ISSUE: The Neglected Reality of Male Victims of Domestic Violence in India

Part 2: Legal Silence and the Problem of Misuse

C. Gendered Laws and Legal Exclusion Presently, Indian law regards domestic violence as being of a neo-patriarchal connotation. The Protection of Women from Domestic Violence Act, 2005 (PWDVA), defines an aggrieved person as only a woman in a domestic relationship.⁹ Similarly, Section 498A of the Indian Penal Code, which deals with cruelty by a husband or his relatives, is also non-bailable and cognizable but only applies to female victims.¹⁰ Thus, the exclusionary nature of the legislation leaves also no remedy to men receiving similar forms of cruelty or harassment in their own house.

Such a gendered structure has been challenged, its constitutional validity questioned, especially under Articles 14 and 15 of the Constitution of India, guaranteeing equality before the law and prohibiting discrimination on the grounds of sex. Indian courts, however, have held these laws as constitutionally valid upholding the necessity for protecting women against a long history of social subjugation.¹¹

⁸ Abeyratne, R.I.R., *Domestic Violence Laws in the United Kingdom: A Comparative Perspective* (2012) 54(2) *Journal of Legal Studies* 215.

⁹ Protection of Women from Domestic Violence Act, 2005

¹⁰ Indian Penal Code, 1860

¹¹ *Vimalben Ajitbhai Patel v. Vatslaben Ashokbhai Patel*, AIR 2008 SC 2675.

While this goal is admirable and needed, it fails to register the budding social realities of reciprocal violence and of male victimhood. Critics have argued that denying men protection under the law is discriminatory and thus unconstitutional, in effect rendering thousands of victims legally invisible.

D. Counter-Victimization

Another problem-which the courts have observed-is that the protective laws like Section 498A have been extremely misused. According to *Sushil Kumar Sharma v. Union of India*, the Court held that while the provision serves an important purpose, “it may be misused by unscrupulous women to harass innocent husbands.”¹² In *Rajesh Sharma v. State of Uttar Pradesh*, the Court went further and issued directions preventing automatic arrests, since this was an increasing misuse.¹³

Though exact statistics are hard to come by, anecdotal and qualitative data suggest that there are some men who face false accusations that may produce the consequences of loss of liberty, loss of reputation, and mental well-being. Sometimes the men have paid hundreds of thousands of dollars in financial settlements under threat of a criminal proceeding.⁷ These situations demand that a balanced-gender-neutral approach be safely put in place to ensure that these legal protections are not used as weapons for perpetuation of reverse injustice against men.

IV. LAW–The Legal Regime on Domestic Violence and Its Gendered Nature

A. Indian Legal Regime: A Gender-Specific Approach

In India, the realm of domestic violence is mostly under two different legal instruments: IPC Section 498A and The Protection of Women from Domestic Violence Act, 2005. Both of these are gendered considerations, assuming that only women can be victims and only men can be perpetrators.

1. Section 498A, Indian Penal Code

This is a penal measure against the cruelty by the husband and his relatives upon his wife. Cruelty has a wide meaning and includes both physical and mental harassment, especially to

¹² *Sushil Kumar Sharma v. Union of India*, (2005) 6 SCC 281.

¹³ *Rajesh Sharma v. State of UP*, (2017) 8 SCC 746.

coerce the woman or any of her relatives to meet an unlawful demand for dowry.¹⁴ The main intent of the legislation was to prevent dowry abuse, yet it restricts itself to female victims, overlooking any sort of domestic cruelty experienced by men.

2. Protection of Women from Domestic Violence Act, 2005

The PWDVA is considered a civil remedy for women facing the problem of domestic violence and provides for protection orders, rights to residence, maintenance, and custody.¹⁵ But the aggrieved party under the Act is expressly defined to be a female, thus excluding all male victims from seeking any remedies under it.¹⁶

Several courts heard the matter challenging this except, but the judiciary upheld the constitutionality of the Act almost without exception, stating that it was not intended to recognize a gender-neutral scheme but simply that the legislature intended to protect women as a vulnerable class.¹⁷

B. Comparative International Legal Frameworks

In contrast to the gender-based regimes in India, several other jurisdictions have enacted gender-neutral laws that protect all victims of domestic violence.

1. United States

Most of the states in the United States have gender-neutral domestic violence laws. Although the Violence Against Women Act is named as such, it does protect male victims especially after the 2013 amendment.¹⁸ Male victims are entitled in the U.S. to restraining orders, shelters, and legal aid.

2. United Kingdom

The Domestic Abuse Act 2021 from the U.K. is gender-neutral. It broadly defines abuse and includes coercive control, psychological abuse, and financial control.¹⁹ The law makes it clear that it caters to both male and female victims of abuse, and support services are proffered to anyone affected.

3. Canada

Canadian laws are another set of gender-neutral ones. Under the Criminal Code of Canada, domestic violence is considered an assault or harassment that is general in nature, hence the

¹⁴ Indian Penal Code, 1860, sc 498A

¹⁵ Protection of Women from Domestic Violence Act, 2005, sc 12

¹⁶ Ibid, sc 2(a).

¹⁷ *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165.

¹⁸ Violence Against Women Reauthorization Act of 2013, 42 U.S.C. § 13701.

¹⁹ Domestic Abuse Act 2021 (UK)

provisions being generic and applying irrespective of the victim's gender. Some other programs and shelters are, however, run by the provinces and can actually be availed by male victims.²⁰

C. India: Judicial Recognition and Legislative Gaps Despite growing evidences and being in tune with international trends, Indian courts have been under the general reluctance to interpreting laws in a gender-neutral manner. In the absence of statutory protection for men, they may not seek protective orders, maintenance, or shelter homes. Thus, male victims are invisible before the law and get denied any recognition as victims.

Legal writers say Articles 14 and 15 of the Indian Constitution provide for equal treatment before the law and prohibit discrimination on grounds of sex.²¹ Accordingly, a system of law that recognizes only female victims is in constitutional infirmity and in need of reform.

V. ANALYSIS: Legal and Social Invisibility of Male Victims in India.

A. Legal Discrimination: The Constitutional Paradox

The Indian Constitution assures equal protection of the laws (Article 14) and prohibits discrimination on the grounds of sex (Article 15).²² On the other hand, laws like Section 498A IPC or the PWDVA are gender-specific in that they protect only women. This, in effect, creates a constitutional paradox, wherein these laws which are purported to protect one set of people against discrimination actually discriminate against another.

In *Hiral P. Harsora v. Kusum Narottamdas Harsora*, the Supreme Court ruled that adult male relatives cannot come within the definition of "respondent" under PWDVA but it refused to go a step further to recognize male victims as "aggrieved persons."²³ Thus, while the Court is willing to eliminate gendered language for the accused, this logic has not been extended to the victims, an approach characterized by one-sided gender justice.

Legal theorists will argue that this violates a reasonable classification, a test under Article 14 to justify distinctions within the law.²⁴ Male victims, though fewer in number, form a recognizable class of persons who are put through agony without any legal remedy. Denying them protection also stands contrary to the principles of equality, life, and personal liberty under Article 21.²⁵

²⁰ Canadian Criminal Code, R.S.C. 1985

²¹ Constitution of India, Articles 14 & 15.

²² Constitution of India, Articles 14 & 15.

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

²⁴ D.D. Basu, *Commentary on the Constitution of India* (LexisNexis, 9th edn., 2012).

²⁵ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

B. The Chilling Effect of Misuse on Genuine Victims

Another subtle dynamic calculates the chilling effect misuse can have—the chilling effect not only on men falsely accused but also on women who are truly victims. Courts like *Rajesh Sharma v. State of UP* have recognized the misuse of Section 498A and have established procedural safeguards such as family welfare committees and prior investigations.²⁶ These safeguards, while necessary, only serve to delay justice for genuine victims.

Further, public perception of abuse delegitimizes all claims of domestic violence, thereby sowing seeds of doubt even in valid cases. Male counter-accusations—some of them may be justified, some strategic—only make police investigations vexing and may even result in breakdowns in communication between law enforcement and survivors of all genders.²⁷

C. Sociocultural Denial and Institutional Apathy

The patriarchal mindset in India sustains violence and denies men the legitimacy to claim victimhood. Attacks on men are often met with disbelief, shame, or outright mockery.²⁸ There are practically no male shelters, helplines, or counseling centers—for the dying—to attend any Indian states, which in itself shows institutional apathy toward their suffering.

Even in instances when male victimization is brought to justice, their claims are generally brushed aside or downplayed by police authorities. This sends a very disturbing message that the system protects just one kind of victim. As a result, many men remain silent, bringing about the following underrepresentation in reporting, and thereby lacking statistics that would further entrench policy paralysis.

D. The Need for Gender-Neutral Legislation

Gender-neutral laws cannot weaken the process of fighting violence against women; instead, they help make the law credible and justice system more inclusive. The United Kingdom and Canada, for example, provide models that recognize both males and females as possible victims and perpetrators.²⁹

In India, the demand is not to dilute women's protections but to **expand the legal umbrella**. A gender-neutral domestic violence statute, or at the very least an **amendment to existing laws**, can ensure that **no victim is left behind** on account of their sex.

²⁶ *Rajesh Sharma v. State of UP*, (2017) 8 SCC 746.

²⁷ Abeyratne, R., *Domestic Violence Laws in the UK: A Comparative Perspective*, SSRN (2012).

²⁸ Hines, D.A., & Douglas, E.M., *Male Victims of Intimate Partner Violence* (2010) 26(3) *Aggression and Violent Behavior* 272.

²⁹ Domestic Abuse Act 2021 (UK)

VI. CONCLUSION

India's aim for a progressive domestic violence law has, for good or bad, given rise to a legal and social blind spot for male victims. These acts, being gender-specific, such as Section 498A of the IPC and the Protection of Women from Domestic Violence Act, 2005, deny men even the barest recognition or protection. The exclusion is an inconsistency with the constitutionally guaranteed principle of equality and non-discrimination found under Articles 14 and 15 of the Indian Constitution³⁰ and also, contradicts the evolving global consensus that domestic violence is a human concern and not a gendered issue.

The courts have taken note of cases where misuse of protective legislation has been alleged; this only strengthens the need for balanced legislations.³¹ However, the courts have refrained from giving any substantive relief to male victims or compelling the legislature to intervene meaningfully. The end result has been a structural inequality wherein the law is open to some sets of victims but closed to another.

In the social sphere, the stigma attached to male victimhood promotes silence and invisibility. Men are often disbelieved or ridiculed for coming forward, and there exist no support services for them in most Indian states. Instead, this very lack of empirical data on male victimization is fed into the narrative to argue policy inaction-a self-perpetuating cycle.

India has to move toward a gender-inclusive domestic violence law. The objective, however, is not to somehow dilute the existing safeguards for women; it is rather to ensure that justice is not denied to anybody on grounds of sex. Comparative legal jurisprudence from the United Kingdom, United States, and Canada shows that neutrality increases indeed the fairness and effectiveness of and public trust in the justice system.³²

In the end, one looks at domestic violence not about gender; it is about power and control and about harming a being. Ideally, all victims, irrespective of their gender, should be recognized and cared for by a truly just legal system in keeping with India's constitutional ideals and international human rights obligations.

³⁰ Constitution of India, Articles 14 & 15.

³¹ *Rajesh Sharma v. State of UP*, (2017) 8 SCC 746.

³² Domestic Abuse Act 2021 (UK)