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FAMILY-CENTERED CRIMES – DOMESTIC, DOWRY AND ABUSE

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INTRODUCTION:-

Family- centered crimes, often referred to broadly as “domestic criminality” or “family violence”, constitute a serious and pervasive category of offences that occur within the domestic setting, typically involving family members or intimate partners, often shielded by social stigma and normalization of violence. These include dowry harassment, dowry deaths, domestic violence, child abuse, and elder abuse- all of which violate basic human rights, personal dignity, and constitutional guarantees under Articles 14,15, and 21 of the Indian Constitution. Family violence undermines equality, social justice, and has significant psychological, physical, and social justice, and has significant psychological, physical, and social consequences for victims.

International Recognition:-

Globally, such violence is recognized as a serious human rights violation and a major obstacle to gender equality under instruments like the United Nations’ Declaration on the Convention on the Elimination of Violence Against Women (DEVAW) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), both calling on states to prevent, investigate, punish, and provide redress for violence in private spheres.

In India, family-centered crimes have traditionally been addressed under the Indian Penal Code (IPC) and related procedural laws.

However, following major criminal justice reform effective July 1, 2024, the IPC, CrPC, and Evidence Act were replaced by three new statutes – The Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Adhinyam (BSA).

DOMESTIC VIOLENCE:-

Domestic violence has been a problem for a long time in societies all around the world. It can happen to anyone, regardless of their age, race, gender, or status. Both men and women can be victims, but women are often hurt the most. Domestic violence is violence committed by someone in the victim's domestic circle. This includes partners and ex-partners, immediate family members, other relatives and family friends. The term domestic violence is used when there is a close relationship between the offender and the victim. It represents one of the most pervasive and insidious violations of human rights, a global epidemic that transcends culture, class, and creed. It is a complex phenomenon rooted in power imbalances and gender inequality, manifesting not only in physical brutality but also in psychological, economic, and sexual abuse that erodes the very fabric of victim's autonomy and dignity. For centuries, the private sphere of the home was deemed beyond the reach of the law, allowing such violence to flourish in silence and impunity. The advent of specific domestic violence legislation, therefore, marked a revolutionary shift, signalling the state's commitment to breaking this silence and offering protection and justice to survivors. There are several international and municipal laws that address the issue of domestic violence. In India, one of the primary legislations addressing domestic violence is the Domestic Violence Act of 2005.

Protection Of Women From Domestic Violence Act, 2005

Protection of Women from Domestic Violence Act, 2005 has come into force from Domestic Violence Act, 2005 has come into force from 26.10.2006. The Act is aimed at providing protection to wife or female live-in partner from violence at the hands of the husband or male live-in partner or his relatives. The law extends protection to women who are sisters and mothers. Domestic violence under the Act includes actual abuse or threat of abuse, whether physical, sexual, verbal, emotional, or economic. Harassment by way of unlawful dowry demands to the women victim or her relatives would also be covered under the definition of Domestic violence. The Act provides for the first time in Indian Law a definition of "domestic violence".

It is a civil law meant primarily for protection orders and not meant to be enforced criminality (also termed as quasi-criminal in nature).

Even after passing such a law women are still facing abuse at ground level, as the cases regarding it seems no reduction. In reality what needs to be emphasized is that mere creation of rights can never be the anathema for social evils. Legal reforms are meaningless unless they are preceded by social reforms. This Act fails to deliver on different fronts which the legislature

could have taken care of through subsequent legislations. The Act was passed to reduce the suffering of women who faced Domestic abuse at the hands of male counterparts or their relatives but the reality never changed. Still the cases of domestic violence continues to go rising and even in some cases it leads to their re-victimization at the hands of untrained Police officers/Magistrates. Also the definition of aggrieved person and respondent is wide but it should have been wider to include men and women respectively, as women being always abused is not a universal truth.

The Bharatiya Nyaya Sanhita (BNS):-

Although the Protection of Women from Domestic Violence Act, 2005 remains a key civil statute providing protection orders and relief to women, the new criminal justice codes embed domestic cruelty under general offences against persons.

Under the BNS, cruelty akin to the erstwhile Section 498 A IPC has been carried forward (now located under Sections 85-86), criminalizing cruelty by husband or relatives that causes harm or drives the victim to severe consequences.

Landmark judicial interpretations have expanded this space:

- In *Satish Chander Ahuja v. Sneha Ahuja (2020)*, the Supreme Court affirmed that “shared household” covers premises owned/used by in-laws, not just the husband.
- In *Sandhya Manoj Wankhede v. Manoj Bhimrao Wankhede (2011)*, the Supreme Court held that relatives beyond husband (eg. Mother-in-law) can be liable under domestic violence statutes.
- *Kamlesh Devi v. Jaipal (2019)* clarified that cohabitation, not mere family ties, is essential for protections under domestic violence law.
- *Lalita Toppo v. The State of Jharkhand (2018)*: The Supreme Court recognized the rights of women in live-in relationships by extending the protections offered under the Protection of Women from Domestic Violence Act.
Lalita Toppo argued for maintenance under the Act despite not being legally married. This judgment broadened the legal recognition of relationships in the context of domestic violence, making the Act applicable to those in live-in relationships and thereby offering them similar protections as married couples.
- *Hiralal P. Harsora and Ors. v. Kusum Narottamdas Harsora and Ors. (2016)*: The

Supreme Court struck down the phrase “adult male” from the definition of respondents in the Protection from Domestic Violence Act, thereby allowing women to be respondents in cases of domestic violence.

This amendment acknowledged that women could also perpetrate domestic violence, thereby ensuring that all individuals, regardless of gender, are accountable under the law.

- ***V.D. Bhanot v. Savita Bhanot (2012)***: This Supreme Court case ruled that the provisions of the Domestic Violence Act are applicable retrospectively if the acts of abuse were committed even before the enactment of the Act. This ruling was significant as it allowed victims who suffered abuse before the Act came into effect in 2005 to seek redress and protection under it, ensuring broader justice.
- ***Rajesh Sharma & Ors. v. State of U.P. & Anr. (2017)***: The Court issued guidelines to prevent the misuse of Section 498 A of IPC, suggesting measures like family welfare committees to scrutinize complaints before making arrests.
These guidelines were aimed at protecting the misuse of legal provisions meant to protect women from marital abuse, balancing the potential for misuse against the need for protection.
- ***Kamlesh Devi v. Jaipal and Ors. (2019)***: This Supreme Court decision discussed the extent to which the Domestic Violence Act can be invoked in disputes regarding the shared household, particularly against non-spousal family members. The decision clarified legal definitions and the circumstances under which the shared household concept can be applied, providing clearer guidelines for such cases.
- ***Ajay Kumar v. Lata @Sharuti (2019)***: The Court considered whether a brother-in-law could be held liable to pay maintenance under the Domestic Violence Act. It was determined that he could be, provided he was part of a joint family and thus shared household responsibilities. This case expanded the interpretation of ‘maintenance, within the family context under the Domestic Violence Act, emphasizing the collective responsibility of the family towards its members.
- ***Arnesh Kumar v. State of Bihar & Anr. (2014)***: The Supreme Court criticized the routine arrest of individuals under Section 498 A without proper justification and issued guidelines to prevent such practices. This landmark ruling sought to ensure that the power given by Section 498 A is used judiciously and not as a tool of harassment, thereby protecting civil liberties while still upholding the law’s intent to protect women

from cruelty.

Each of these cases not only reflects the complexities involved in adjudicating cases of domestic violence but also illustrates the evolving nature of legal interpretations in this crucial area of human rights and personal safety. They serve as precedents that shape future legal doctrines and encourage more informed sensitive handling of domestic violence allegations.

Through these judicial decisions, India has made substantial progress in protecting the rights of domestic violence survivors, ensuring that the laws adopt to changing societal norms and continue to provide justice and protection for all victims.

Unveiling the Invisible: Domestic Violence Against Men and the Legal Gap in India

Domestic violence has historically been conceptualized and legislated through a gendered lens that emphasizes the protection of women.

While this focus remains essential due to structural inequalities, it has inadvertently **marginalized the experiences of male victims**, resulting in significant gaps in legal recognition, social support, and institutional responsiveness. In the Indian context, prevailing social narratives often construct men exclusively as aggressors, leaving male survivors of abuse invisible within institutional frameworks.

The Reality of Male Victimization:-

Domestic violence against men is a multifaceted issue encompassing physical assault, emotional manipulation, social isolation, and financial coercion. Independent studies highlight a distressing prevalence: a 2023 survey in rural Haryana found that **52.4% of married men had experienced some form of gender-based violence**. Furthermore, a sample survey of 1,650 urban men by the Save Family Foundation (SFF) reported that **98% of respondents had faced domestic violence** in forms ranging from emotional and economical abuse to physical and sexual violence.

Abuse against men often involves **extortion and financial coercion**, with some victims reporting demands for large sums of money- sometimes reaching crores of rupees-under threats of legal action or social humiliation. Emotional abuse, characterized by nagging, taunting, and threats of self-harm or suicide by the partner, is frequently cited as the most prevalent form of Intimate Partner Violence (IPV) against men.

The Legal Vacuum:-

The primary legal gap lies in the gender-exclusive language of existing statutes. The **Protection**

of Women from Domestic Violence Act (PWDVA), 2005, is designed exclusively to safeguard women.

While this act provides civil remedies such as protection orders, residence orders, and maintenance, these **protections are entirely inaccessible to men.**

When men face abuse, they must rely on general criminal provisions under the Indian Penal Code (IPC) or the Bharatiya Nyaya Sanhita (BNS), such as those for hurt or criminal intimidation. However, these laws do not account for the unique dynamics of domestic abuse and fail to provide the emergency protection or specialized support services (like shelters and counseling) available to women under the PWDVA. Furthermore, **Section 498A of the IPC**, originally meant to protect women, has been criticized for frequent misuse as a tool for leverage or revenge in marital disputes, often resulting in the harassment of innocent men and their families.

Societal and Institutional Barriers:-

Deep-seated cultural stereotypes associate masculinity with strength, stoicism, and dominance, leading to a widespread reluctance among men to disclose experiences of abuse. Men are socially conditioned to suppress expressions of vulnerability, and those who do speak out often face **ridicule, disbelief, or mockery** from family, peers, and law enforcement.

This institutional inertia extends to first responders and judicial bodies, who may lack the training to recognize men as legitimate victims. Unlike the extensive infrastructure for female survivors, there are **virtually no government-run shelters, helplines, or rehabilitation programs specifically for men.** This systemic neglect creates a cycle where silence breeds invisibility, and invisibility fosters continued neglect.

The Human Cost:-

The psychological toll on male victims is profound, manifesting as depression, anxiety, PTSD, and suicidal ideation. The case of **Atul Subhash (2024)**, a software engineer who died by suicide after detailing sustained mental abuse and threats of false legal cases in a 24-page note, serves as a tragic reminder of the consequences of legal and social neglect. Statistics indicate that thousands of men commit suicide annually due to family problems and matrimonial discord.

The Path to Reform:-

To move toward a more just system, experts advocate for a **paradigm shift that views**

domestic violence as a human rights issue rather than a gendered one. Recommendations for reform include:

- **Legislative Reform:** Amending the PWDVA to include gender- neutral language and adopting gender-neutral domestic violence laws similar to those in the UK, Canada, and Australia.
- **Institutional Support:** Establishing dedicated helplines, shelters, and counselling services for male victims.
- **Sensitization and Training:** Equipping police, healthcare workers, and judicial officers with training to handle male victim complaints with empathy and seriousness.
- **Data Collection:** Encouraging the National Crime Records Bureau (NCRB) to record and publish data on male victimization to inform better policy-making.

While the protection of women remains a priority, the **exclusion of male victims from India's legal architecture undermines the constitutional principle of equality**. By recognizing that individuals of all genders can be victims of abuse, India can develop a more holistic, inclusive, and humane approach to domestic violence.

Expanding the Domestic Violence Discourse: The National Commission for Men Bill, 2025 and the Quest for Gender-Neutral Justice.

The National Commission for Men Bill, 2025, introduced in the Rajya Sabha on 6 December 2025 by Ashok Kumar Mittal, proposes the establishment of a statutory National Commission for Men to address legal, social, and mental health issues affecting men in India.

The Bill aims to promote gender-neutral justice, review laws that may disproportionately impact men, respond to rising male suicide rates, and introduce reforms in family and criminal law.

Its key provisions include creating a commission under the Ministry of Law and Justice, procedural safeguards relating to cruelty provisions now contained in the Bharatiya Nyaya Sanhita (replacing Section 498A IPC), gender-neutral protections in domestic violence and sexual offence laws, shared parenting as the default child custody model, special courts for false accusation cases, media accountability for prejudicial reporting, and a proposed budget allocation of ₹3,650 crore for 2025-2030.

Supporters argue that the Bill strengthens constitutional equality under Article 14 and fills a policy gap concerning men's welfare, while critics warn that it may discourage genuine complaints, potentially dilute women-protective laws, create risks for victims of abuse through mandatory shared parenting, and face practical hurdles since private member bills rarely become law in India.

Unlike women, men in India do not have access to helplines, shelters, or support networks run by the government. The National Commission for Women exists, but there is no National Commission for Men. NGOs such as Save Indian Family Foundation and Men Welfare Trust operate independently, often battling severe funding constraints and societal pushback.

A society that prides itself on upholding constitutional morality and the rule of law cannot afford to exclude any gender from the umbrella of justice. Only when India begins to consider the struggles of all genders, including the silent suffering of men, can we hope to achieve genuine gender justice.

Domestic Violence Against Men and the Legal Gap in India :-

Domestic violence in India has traditionally been addressed through a gender-specific framework focused on protecting women. While this approach responds to historical inequalities, it has also resulted in the marginalization of male victims. Social narratives frequently portray men solely as perpetrators of violence, which contributes to the invisibility of male survivors within legal and institutional systems.

Domestic violence against men can include physical assault, emotional abuse, financial coercion, and psychological manipulation. Some studies indicate that a significant number of men experience such abuse within intimate relationships. However, social stigma, fear of ridicule, and cultural expectations of masculinity often discourage men from reporting these experiences.

A major concern is the **legal vacuum** regarding protection for male victims. The **Protection of Women from Domestic Violence Act, 2005** provides civil remedies such as protection orders, residence rights, and maintenance, but its provisions apply only to women.

Consequently, male victims must rely on general criminal provisions under the **Indian Penal Code** or the **Bharatiya Nyaya Sanhita, 2023**, which do not specifically address the dynamics of domestic abuse or provide specialized support services. Additionally, misuse allegations relating to **Section 498A of the Indian Penal Code** have raised debates regarding legal safeguards and the need for balanced protections.

Societal and institutional barriers further complicate the issue. Cultural stereotypes often associate masculinity with strength and emotional restraint, leading to reluctance among men to disclose abuse. Moreover, India lacks government-run shelters, helplines, and rehabilitation services specifically for male victims, resulting in limited institutional support.

The psychological impact of such abuse can be severe, including depression, anxiety, and suicidal tendencies. Reports indicate that family and marital conflicts contribute to a

considerable number of male suicides in India, highlighting the human cost of neglecting male victimization.

Need for Reform and Gender-Neutral Justice:-

Addressing domestic violence as a **human rights issue rather than a purely gendered problem** has been suggested as a way to ensure more inclusive protection. Proposed reforms include adopting gender-neutral domestic violence legislation, establishing institutional support systems for male victims, improving training for law enforcement and judicial officers, and collecting reliable data on male victimization.

In this context, the **National Commission for Men Bill, 2025**, introduced in the **Rajya Sabha** by **Ashok Kumar Mittal**, proposes the creation of a statutory body to address legal, social, and mental health concerns affecting men. The Bill seeks to review gender-biased laws, promote gender-neutral justice, and introduce reforms in family and criminal law. Its proposals include safeguards against misuse of cruelty provisions, gender-neutral domestic violence protections, shared parenting in custody matters, and special mechanisms for addressing false accusations. Supporters argue that the proposal strengthens equality under **Article 14 of the Constitution of India** by addressing policy gaps affecting men. Critics, however, caution that such reforms must ensure that protections for women are not weakened and that genuine victims remain safeguarded.

At present, unlike women who are supported by institutions such as the **National Commission for Women**, there is no equivalent statutory body for men in India. Although civil society organizations such as **Save Indian Family Foundation** and **Men Welfare Trust** work in this area, their impact is limited by funding and institutional constraints.

Ultimately, achieving genuine gender justice requires a legal framework that recognizes that **victims of domestic violence can belong to any gender**. A balanced and inclusive approach would strengthen the constitutional principles of equality, fairness, and access to justice.

DOWRY-RELATED CRIMES:-

It's 2026, but women are still tortured and killed for dowry - a crime that should have ended long ago. Recently, a woman in Haridwar was allegedly injected with an HIV-infected syringe by her in-laws after their dowry demands were not met. This is not an isolated case – according to the National Crime Records Bureau, over 20 women die every single day in India due to dowry violence. That's a woman losing her life every 72 minutes, simply because her worth was measured in money and gifts.

Dowry-related crimes remain pervasive despite statutory prohibitions.

The Dowry Prohibition Act, 1961 outlawed the giving, taking, or demanding of dowry. Recently, the Kerala Law Reforms Commission proposed decriminalising the giving of dowry-keeping only takers/demanders culpable, to encourage reporting by victims otherwise deterred by self-incrimination fears.

Additionally, the BNS contains addressing dowry deaths (continuing the logic of the erstwhile IPC section 304 B as Section 80), prescribing stringent penalties including 7 years to life imprisonment where death occurs under suspicious circumstances within a defined period after marriage. The BSA incorporates presumptions in dowry cases to aid prosecution.

In 2022, there were 6,450 dowry deaths across India. The total has slowly declined from 8,500 in 2014. Official NCRB (National Crime Records Bureau) shows that cases registered under dowry-related crimes saw a 14% increase in 2023, with more than 15,000 cases recorded across the country and over 6,100 deaths reported through the year. According to the latest report of the National Crime Records Bureau, UttarPradesh again topped the chart with 2,122 deaths followed by Bihar with 1,143. Dowry was listed as the motive in 833 murder cases across the country in 2023.

Kerala Dowry Bill 2025: Decriminalizing Givers:-

In July 2025, Kerala stands at the cusp of a groundbreaking legal transformation with its proposed Dowry Prohibition (Amendment) Bill. Decades after the original 1961 Act failed to stem the tide of dowry harassment, this new bill introduces a radical idea: what if the key to justice is to decriminalize the dowry giver, legally turning a coerced accomplice into a recognized victim?

Spurred by the tragic Vismaya dowry death case that shook the nation's conscience, this reform aims to dismantle the wall of silence that protects perpetrators.

The Kerala Amendment Bill is a bold and necessary experiment. It is not a panacea, but a critical first step that creates an opportunity for more effective enforcement. Its success will depend not just on its passage, but on the creation of a supportive ecosystem of judicial, administrative, and social reforms.

Dowry Death and Harassment Cases:-

Kerala-related cases:-

➤ *State of Kerala v. Chanthulal & Ors. (2019):-*

A 28-year-old woman was starved to death by her husband, Chandulal, and mother-in-

law, over additional dowry demands. She weighed only about 20kg when she died. In 2025, the Kollam Additional District Sessions Court convicted both the husband and his mother, imposing sentences and fines for dowry death and murder.

- ***State of Kerala v. Suraj S. Kumar (2021) (also known as Uthara Murder Case):-***
A differently-abled woman died from a snake bite inside her home. Suspicion fell on her husband Sooraj after repeated incidents of backyard snake bites and continuous dowry harassment. In Court, he was found guilty and was sentenced to 17 years imprisonment plus two consecutive life sentences, and an additional penalty of five lakh rupees.
- ***Kiran Kumar v. State of Kerala (2022) (also known as Vismaya Dowry Death Case):-***
The Ayurvedic medical student's death by suicide was due to severe dowry harassment. The husband was sentenced to 10 years' rigorous imprisonment for driving her to suicide and dowry harassment. However, Supreme Court suspended the jail sentence and granted bail to Kiran Kumar in July 2025.
- ***Mohammed Suhail & Ors. v. State of Kerala & Anr. :-***
A young law student's suicide drew a high-level inquiry after harassment and an alleged insensitive police response. The Kerala High Court granted bail to Muhammed Suhail in January 2022, citing that he had been in custody for over 65 days, a final report was filed, and the trial was pending. The case significantly highlighted the issue of dowry-related violence in Kerala and the inadequacy of police responses to domestic abuse complaints.
- ***State of Kerala v. Suresh Kumar (2021) and State of Kerala v. E.A. Ruwise (2023):-***
Reported suicides attributed to domestic violence and dowry pressure. These stirred public awareness and debate on societal pressures.

National Cases with major impact:-

- ***State of Bihar v. Vikas Kumar & Ors. (Priyanka Kumari Dowry Death, 2023) :-***
Husband, father-in-law, and mother-in-law sentenced to seven years' rigorous imprisonment for dowry death and related offences.
- ***State of Maharashtra v. Numaj Shaikh & Ors. (2025) :-*** A tragic suicide allegedly prompted by sustained abuse and dowry harassment, leading to arrests of her husband and brother-in-law under the modern BNS framework for abetment and harassment.

Beyond A Women-Centric Framework: Rethinking Dowry Laws Through A Gender-Neutral Lens:-

Although dowry laws were enacted to protect women from abuse, an exclusively women-centric approach has raised constitutional and practical concerns. Men subjected to false or malicious dowry allegations often face arrests in matrimonial offences, prolonged trials, social stigma, and psychological harm, implicating Articles 14 and 21. The Supreme Court has cautioned against automatic arrests in matrimonial offences, recognising the need for preventive safeguards. Future measures should include gender-neutral recognition of domestic abuse, safeguards against false complaints, pre-litigation counselling, mental-health support, and institutional remedies such as a National Commission for Men. Such reforms should protect men without diluting genuine protection for women.

ABUSE AS A FAMILY - CENTERED CRIME:-

Family-centered crimes, particularly elder and child abuse, represent profound societal challenges within India. These abuses, often hidden behind the veil of domesticity, undermine the fundamental rights and well-being of the most vulnerable members of society.

UNDERSTANDING ELDER ABUSE:-

Crime within the family has traditionally been viewed through the lens of domestic violence against women or child abuse. Elder abuse, however, remains largely invisible, cloaked by silence, dependency, and social stigma. Unlike conventional crimes, elder abuse often lacks an identifiable “criminal” in the public imagination because it is committed by close family members- children, grandchildren, spouses, or caregivers, who are otherwise expected to provide care and protection.

The family, once regarded as the safest social institution for the elderly, has paradoxically become the primary site of their victimisation. This transformation necessitates a legal reconceptualization of elder abuse as a family-centered crime, demanding both punitive and protective legal responses.

Elder abuse refers to any act or omission within a relationship of trust that causes harm or distress to an older person. It is distinct from general violence due to the vulnerability arising from age, declining health, emotional dependence and economic reliance. It includes physical, emotional, financial, and sexual abuse, as well as neglect and abandonment.

Key Forms of Elder Abuse:-

- **Physical Abuse:** Inflicting bodily pain or injury.
- **Emotional/Psychological Abuse:** Causing mental pain, distress or fear through verbal assaults, threats, or isolation.
- **Financial Abuse:** Illegal or improper use of an elder's funds, property, or assets.
- **Neglect:** Failure to provide basic necessities such as food, shelter, healthcare, or personal care.
- **Abandonment:** Desertion of an elder by someone who has assumed responsibility for their care.

Changing Family Structure And Elder Abuse:-

Traditionally, family members were expected to care for ageing parents, but this model is increasingly strained. The rise in nuclear families, increased out-migration of working-age adults, and no longer life expectancy have weakened intergenerational support systems. As per the National Crime Records Bureau (NCRB) 2022, crime against the senior citizens has only seen a steady uptick over the past few years.

In 2020, more than 24,700 cases were registered for crime against senior citizens. The number of cases rose to over 26,000 in 2021 and over 28,500 in 2022 (NCRB, 2022). With rising cases of abuse and neglect against senior citizens, there is a need to strengthen the enforcement of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, ensure faster grievance redressal, and expand awareness campaigns about elder rights. Community policing models should be introduced in all states. A national registry or tracking mechanism for elder abuse cases can also help monitor and address this growing issue effectively.

If India is to provide dignified ageing, the development of an affordable, accessible, and regionally distributed Long-Term Care System must become a policy priority. This includes both community-based home care services and institutional care models that are supported by public-private partnerships and trained human resources.

The consequences of elder abuse are extreme and multifaceted and affect communities, families and individuals. To protect vulnerable elders and promote their well-being awareness and proactive measures are essential.

Laws To Protect Senior Citizens:-

➤ **The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (MWPC ACT, 2007):**

The Act has been enacted to primarily protect the rights and interests of the senior. It also sets out laws enabling senior citizens to lead life with dignity and respectfully. It provides that an individual responsible for taking care and protection of a senior citizen, if found to have abandoned such senior citizen, shall be punishable with imprisonment which may extend up to 3 months or fine which may extend to 5000 rupees or with both.

➤ **The Bharatiya Nagarik Suraksha Sanhita, 2023:-**

The Act provides for provision in cases wherein children fail to maintain their parents who are unable to maintain themselves. It states that upon proof being produced with regard to the neglect or refusal to maintain parent who is unable to maintain themselves, such Magistrate can direct the children to give monthly allowance to such parent who is not in a position to maintain themselves. Such amount shall be determined by the Magistrate and has to be paid from time to time by children.

The Act provides that in cases wherein any person fails without sufficient cause to honour the order of maintenance passed by the Magistrate, such person shall be sentenced for the whole or any part of each month's allowance for the maintenance or interim maintenance as well as towards the proceedings. It further provides that towards the remaining unpaid amount after the execution, imprisonment can be ordered for a term which may extend to a month or until the payment is made.

Support Of Indian Judiciary Against Elder Abuse In India:-

Due to the increase in instances of Elder Abuse in India, the Indian Judiciary system has taken up major steps to protect the rights of the senior citizens by directing the State Governments to implement various schemes for the benefits of the older and infirm parents. The judiciary has played an important role in protecting the rights of the older parents who are deprived of maintenance.

Some Of The Remarkable Moves Taken By The Indian Judiciary:-

➤ ***Santhosh Surendra Patil v. Surendra Narasganda Patil :-*** In this case, the Court held that it is the legal responsibility to care of the parents. The Court also directed the State

Government to act as the guardians of the Senior Citizens and age-old infirm parents.

➤ ***Sunny Paul & Anr. V. State Nct of Delhi & Ors.***

The Delhi High Court has ruled that children who abuse their parents while staying with them in their house can be evicted from the property.

➤ ***Kritikant D. Vadodaria v. State of Gujarat***

The Supreme Court opined that old and infirm parents are entitled to maintenance under the Hindu Adoption and Maintenance Act, 1956. It rightly observed that a married daughter who is self-sufficient has to provide maintenance to the father or mother who does not have any son. Also, the stepmother is equally entitled to maintenance as the father.

➤ ***Jharkhand Senior Citizen Advocates Service Sansthan and Another v. State of Jharkhand***

The High Court of Jharkhand directed the state to setup Old Age Homes in each district of the State with the immediate effect and to arrange separate queues in hospitals and other steps for easement for elderly people while availing medical treatment.

CHILD ABUSE:-

Children occupy a special place in the law. Legal systems presume that children do not have the mental capacity to care for themselves or make their own choices. Instead, many of the choices a child has are often made by the child's parent, legal guardian, or custodian. Hence, the need for their protection against abuse is the responsibility of each and every individual.

Child abuse is a very serious charge, one that can not only result in criminal or civil sanctions but can also lead to social exclusion and loss of reputation. Abuse and neglect are defined as "injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child." "Any act of violence against a child's physical, moral, or mental well-being" is the definition of child abuse. There is currently no universally accepted definition of child abuse, which needs to be done within the Indian context. The World Health Organisation defines "child abuse" as mistreatment that is neglect, physical, sexual, or mental.

While India is home to the largest child population and this demographic represents the country's future, it also includes one of its most vulnerable groups, often being subjected to abuse, neglect, exploitation and systemic marginalisation. However, it cannot be denied that over the years India has shown a legal and policy-based commitment to protect its children through various legislations such as the Juvenile Justice Act, 2015, the Protection of Children

from Sexual Offences (POCSO) Act, 2012, the Prohibition of Child Marriage Act, 2006, among others. These are supplemented by policy initiatives such as Mission Vatsalya and the National Policy for Children. Despite these measures in place, the practical implementation of child protection mechanisms remains conflicted because of structural, financial, and institutional challenges.

Issues such as declining budgetary allocations, underdeveloped non-institutional care systems, bureaucratic inefficiencies and the absence of updated national data continue to undermine the protection and well-being of children. Furthermore, entrenched social attitudes, regional disparities, and gendered vulnerabilities exacerbate the issue, making child protection not only a legal obligation but a complex socio-political challenge.

Causes Of Child Abuse:-

The great majority of child abuse cases involve parents. Why do parents physically assault their children? Such maltreatment is a highly complex problem with neither a single cause nor a readily available solution. It cuts across ethnic, religious, and socioeconomic lines. Abusive parents cannot be categorized by sex, age or education level; they come from all walks of life.

A number of factors have been commonly linked to abuse and neglect:

Family violence seems to be perpetuated from one generation to another within families. The behaviour of abusive parents can often be traced to negative experiences in their own childhood – physical abuse, lack of love, emotional neglect, incest, and so on.

Blended families, which include children living with an unrelated adult such as step-parent or another unrelated co-resident, have also been linked to abuse. Children who live with a mother's boyfriend are at much greater risk for abuse than children living with two genetic parents. Some step-parents do not have strong emotional benefits from the parent-child relationship.

Parents may also become abusive if they are isolated from friends, neighbours, or relatives who can help in times of crisis. Potentially abusive parents are often alienated from society; they have carried the concept of the shrinking nuclear family to its most extreme form and are cut off from ties of kinship and contact with other people in the neighbourhood.

Sexual Abuse:-

The phenomenon of sexual abuse of children cuts across all countries and different levels of the societies. The phenomenon can be defined as the sexual exploitation of a child by an older person; the possible modes and forms being manual, oral or genital sexual contact or exposure,

any sexually-motivated nudity or actual sexual intercourse.

The perpetrator of the abuse may be either an adult or himself a child significantly different in age or power from the victim.

Child Abuse Laws in India: Key Legal Framework

Child abuse in India may take physical, emotional, psychological, or exploitative forms, each affecting a child's safety, dignity, and overall welfare. Recognising these forms has shaped a structured legal response designed not only to prevent harm but also to ensure appropriate care and rehabilitation. India's child welfare framework integrates protection, accountability, and long-term reintegration through specialised procedures within the justice and social support systems.

Key legislations include:

- **Protection of Children from Sexual Offences Act, 2012:** Establishes child-friendly procedures for reporting, recording evidence, and trial processes, ensuring sensitivity and protection throughout legal proceedings.
- **Juvenile Justice (Care and Protection of Children) Act, 2015:** Provides specialised mechanisms for children in need of care and protection, emphasising rehabilitation, counselling, and social reintegration.
- **Prohibition of Child Marriage Act, 2006:** Prevents early marriages and prescribes legal consequences for those facilitating such practices, safeguarding a child's health and future opportunities.
- **Right of Children to Free and Compulsory Education Act, 2009:** Prohibits physical punishment and mental harassment within educational settings, strengthening safe learning environments.
- **National Policy for Children, 2013:** Outlines guiding principles and strategies for holistic development, protection, and wellbeing across health, education, safety, and participation domains.
- **Information Technology Act, 2000: Address child pornography online.**
- **International Frameworks:** India is a signatory to the UN Convention on the Rights of the Child, which obligates the state to protect children from violence and exploitation.

Together, these measures reinforce a coordinated approach that prioritises child welfare, protection, and long-term development across India.

Key Legal Components (POCSO Act, 2012 & 2019 Amendment):-

- **Definition & Age:** Any person below 18 years is considered a child, regardless of gender.
- **Zero Tolerance for Consent:** The law does not recognize “consent” for any sexual act involving a person under 18.
- **Mandatory Reporting:** It is mandatory for individuals (including doctors, teachers, and neighbours) to report suspected child abuse. Failure to report is a punishable offence.
- **Stringent Penalties:** The 2019 amendment introduced stricter punishments, including the death penalty for aggravated sexual offences.
- **Child-Friendly Procedures:** Recording statements at the child’s residence, use of women police officers (sub-inspector rank or higher), and protection of the child’s identity (media gag).
- **Institutional Mechanisms:** Cases are handled by Special Courts within 1-year trial limit. Immediate care is facilitated by the Child Welfare Committee (CWC) and Special Juvenile Police Unit (SJPU).

Effective Strategies for Prevention of Child Abuse:-

i. The role of parents:

Parents must educate children about sexual advances or threats and protect them from abuse through the concept of unacceptable “bad touch”. This communication must be constant, friendly, and frank, and teach children how their sexuality works so they don’t unknowingly harass others.

ii. Donate money to NGOs

NGOs like Bal Raksha Bharat have dedicated services fighting child sex abuse, and providing rehab to victims of abuse. It conducts pan- India programmes engaging parents, teachers, communities and even children about sexual abuse. Adolescents are involved in elaborate projects on Sexual and Reproductive Health (SRH).

iii. Reporting incidents of child abuse

1. Online system for children to report sexual abuse.

The Ministry of Women and Child Development's 'e-box.' is an online reporting system enabling children to report incidents of inappropriate touching and molestation, anonymously if they choose. These reports are received by the National Commission for Protection of Child Rights.

2. Report it to police.

Police officers are legally bound to address child abuse complaint. Further, the POCSO (Protection of Children from Sexual Offences) Act makes it illegal to witness and not report suspected child abuse and not report it. The POCSO Act has increased cases brought to trial.

Landmark Judgments:-

- ***Dinesh v. State of Rajasthan:*** The Supreme Court stated that the name of the victim shall not be published even in the publication of the judgments of the courts.
- ***Vishall Jeet v. Union of India :*** The SC examined the Constitutional provisions pertaining to right against exploitation; traffic in human beings and rights of children; principles enumerated by the Declaration of the Rights of the Child, 1959. Considering all aspects of the matter before it, the SC issued the following directions *inter alia* to the State Governments and Union Territories:

- Direct concerned law enforcing authorities to take appropriate and speedy action under the existing laws in eradicating child prostitution.
- Take steps in providing adequate and rehabilitative homes.
- Set up separate Advisory Committee consisting of relevant government officials, sociologists, criminologists, members of the women/ child welfare/ voluntary social organizations to make suggestions for eradicating child prostitution and the *devdasi* and *jogin* tradition; and measures for care, protection, treatment, development and rehabilitation of victims.

Commentary and Significant Features:-

This Public Interest Litigation was a first of its kind on the problem of trafficking in women and children for sexual abuse and exploitation. The judgment was a landmark decision where the Supreme Court gave directions for the protection and rehabilitation of those who had fallen victim to forced prostitution and those who were dedicated as

devdasis by their families or communities for cultural reasons and were currently in prostitution.

The Ministry of Women and Child Development, Government of India, issued an Advisory dated 12.10.2011, on measures to be taken by States and Union Territories for combating trafficking of women and children for commercial sexual exploitation.

- ***Attorney General for India v. Satish:*** Struck down a Bombay High Court order that suggested molestation requires “skin-to- skin” contact. The Supreme Court ruled that any touch with sexual intent, direct or ruled that any touch with sexual intent, direct or indirect (even through clothes), constitutes an offence.
- ***Just Rights for Children Alliance v. S. Harish:*** Settled a long- standing legal debate by ruling that the viewing, possession, and storage of child sexual abuse material is a punishable offence under Section 15 of the POCSO Act.

CONCLUSION:-

Family-centered crimes such as dowry deaths, domestic violence, child abuse, and elder neglect remain deeply rooted in social structures, power imbalances, and gender inequalities. While India has robust legislations like the Protection of Women from Domestic Violence Act, 2005 and Protection of Children from Sexual Offences Act, 2012, challenges remain in balancing the prevention of law misuse with the effective protection of genuine victims. Ungendering criminal law and introducing specific justificatory defences for victims of long-term domestic abuse could provide a more equitable path forward. A gender-inclusive and family-centric legal framework focused on prevention, procedural fairness, counselling, and institutional support can better address genuine abuse while minimizing collateral harm to innocent family members and children.

Ultimately, the regulation of family-centered crimes must balance victim protection with due process, ensuring that the law promotes justice, accountability, and social harmony without unnecessarily destroying family institutions.

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