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“AN ANALYSIS OF PERCEPTIONS AND REALITIES OF MALE VICTIMS OF DOMESTIC VIOLENCE IN INDIA”

AUTHORED BY – MANU SINGH¹

ABSTRACT

This research paper has been authored in order to explore the perceptions and realities surrounding the contentious issue of women playing the “scapegoat in the context of the Protection of Women from Domestic Violence Act, 2005(PWDVA) in India. Learning from many existing literature, and statistical data the paper analyses the root causes of this issue and its wider implications. The paper has two main dominant perceptions that are associated with the issue as the women may misuse the PWDVA laws as a means of revenge or to extract personal gains and the paper argues that while such perceptions should be acknowledged they should not undermine the suffering of genuine victims of domestic violence. Data and research studies emphasize the prevalence and severity of the Domestic Violence act (DV Act), highlighting the urgent need to combat these social problems. This paper also considers the importance of promoting a nuanced understanding of the complex issue and the way to combat gender bias.

INTRODUCTION

Over the past decades, women have been facing serious issues regarding their safety and protection of a right, addressing their issues government has made many laws in their favor. One of the major changes or initiation in this regard was the formation of the Domestic Violence Act, of 2005. The Protection of Women from DV Act, 2005 The title of this act is itself sufficient for us to understand for what purpose this act came into force. The title mainly talks about the protection of women, which means this act wholly and solely talks about the problems faced by women and the ways to address these issues. It is a civil law passed in 2005 which aims to provide relief to women, who have been suffering from domestic violence. The commencement of this act was from The Constitution of India Act is the main source for the initiation and the formation

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of this act, Article 15(2) which specifically states that the state can make special provisions for women and children in order to guarantee equality in rights.

In the present time, the use of these laws has been converted into misuse of these laws. Women need to understand the real intention of the legislators behind the formation of domestic violence law. Women nowadays file fake cases against their husbands under the Domestic Violence Act, of 2005 just to take revenge even for a small fight. The acts define Domestic Violence for the first time under Section 3 of the said act, where any act done by a man constitutes as violence against the woman, the victim under the Domestic Violence Act, 2005. The definition clause of this act is itself biased towards man as it does not give any scope of protection for a man from the charges under this act.

The Protection of Women from Domestic Violence Act, 2005 is a comprehensive act that covers all forms of domestic violence whether physical, emotional, sexual, or economic, all the protective measures are provided under this act. But still one of the major concerns still not addressed is that there is no limitation or boundary provided for the usage of the laws provided under this act by women. There have been many instances where it is evident that women have been accused of exploiting the provision of the Domestic Violence Act, of 2005 for ulterior motives where men are the victims of Domestic Violence. It has been seen that women have been misusing this act by taking undue advantage during divorce proceedings, child custody battles, or property disputes. It has been presumed that women have been taking advantage of their position or the provided under this act just to exaggerate the extent of their suffering to extract monetary benefit from their partner in the form of alimony, maintenance allowances, and property claims. Disregarding the experience of a genuine victim based on an assumption about women playing the victim card would be detrimental to efforts aimed at combating domestic violence. It is crucial to promote a nuanced understanding of the complexities surrounding this issue, ensuring that the rights and needs of both genuine victims and those accused of exploiting the legislation are addressed appropriately.

RESEARCH OBJECTIVE:

This paper focuses on a critical appraisal of the Domestic Violence Act, of 2005, and modifications of provisions under the act which are wholly and solely in favor of women. The problem that has been discussed in this paper is whether women are always the victim and can

never be a predicator and whether the DV Act, 2005 is biased in terms of laws made in favour of women. The problems faced by women in society remain the same, the only fact that has been discussed is to which extent these laws are being misused or abused by women. This research paper also discusses the fact that men can also be the victim, women are not the only gender who are the sufferers in gender-biased laws and legislations.

GENDER ROLES: HISTORICAL CONTEXT IN INDIA

India's history is rife with patriarchy, which has long had a significant impact on how both men and women are viewed in society. It has been extensively addressed how patriarchy affects women, but it is equally vital to comprehend how it impacts men in contemporary Indian culture. According to India's traditional gender roles, men were expected to care for and defend their families while women were only allowed to perform household tasks. Due to their influence on cultural norms and religious beliefs, these roles served to maintain patriarchal ideas. But in modern India, these dynamics have gradually transformed.

In the modern world, societal expectations, and stereotypes cause issues for men. Men are stressed out and upset mentally when they cannot play the guardian and provider duties that are expected of them. Furthermore, some women might take advantage of the laws by accusing men of wrongdoing, which could lead to legal issues and reputational damage.

Problems with men's mental health should also be taken seriously. Due to social expectations that they will be emotionally resilient and stoic, males are less likely to seek help for emotional suffering, which results in underreported mental health issues.

Furthermore, instances of abuse and discrimination against men, such as domestic violence, unfair custody battles, and workplace harassment, are usually overlooked due to historical beliefs developed by patriarchy.

Recent events in India have raised awareness of these difficulties. Attention has been called to men's mental health difficulties and cases of false accusations. The #MeToo movement has brought attention to instances of male workplace harassment.

It needs a thorough strategy to address these issues while respecting patriarchy's historical

background. It entails promoting gender equality that is advantageous to all parties, encouraging open discourse, and dispelling misconceptions. India ought to work toward a future in which everyone, regardless of gender, can manage their responsibilities and difficulties without being restricted by conventional expectations or the misapplication of victimhood narratives.

In conclusion, India's historical patriarchy had an impact on both men and women for a long time. Males nowadays face issues such as discrimination, stigma surrounding mental health, abuse of victim narratives, and stereotypes. The significance of resolving these concerns for a more egalitarian society is brought home by recent events.

TRADITIONAL GENDER ROLES IN IN SOCIETY:

Indian tradition is a complex tapestry, and traditional gender roles have been a key factor in shaping societal dynamics for many centuries. These highly ingrained roles, which are firmly established in historical norms and cultural traditions, have had a significant impact on how victimization is viewed. These gender roles have been well established throughout India's history, with men being designated as the primary sources of income and family defenders and women as the homemakers and keepers of familial honor.

The concept of using women-biased laws has been used often in recent times. It describes circumstances when certain women take advantage of other people's perceptions of their vulnerability to gain sympathy, support, or advantages in a range of contexts, such as legal or personal disputes. Such tactics have broad repercussions since they not only cast doubt on the truthfulness of actual victimization allegations but also have a detrimental impact on the accused individuals. These consequences may include destroyed reputations, drawn-out legal battles, and psychological suffering.

Generalizations would be wrong, though, as not all women desire to play the with the gender-biased laws of the country. The social environment is further complicated by the perpetuation of gender roles that perpetuate stereotypes and inequity.

EVOLUTION OF GENDER-SPECIFIC LEGISLATIONS:

The gender-specific roles have developed over the years and have evolved in order to curb gender equality, safeguard women's rights, and combat discrimination and violence. The brief overview

and the analysis of the intentions of the laws that have come up till now are as follows:

- **Pre-Independence Era:**

In the post-independence era, there were many movements that witnessed women's development advocating for their rights. In the 20th century, there were many developments in 1929 the Sarda Act, or Child Marriage Restraint Act was passed to curb the cases of child marriages that were prevalent in the society at that time.

- **Post-Independence Era:**

- The Indian Constitution, 1950 was adopted which also talked about gender equality and the rights of women in India.
- The Hindu Marriage Act, of 1955 was a standardized law that governed Hindu marriages, divorce, and adoption which included provisions for women.
- The Dowry Prohibition Act of 1961 which came in order to eliminate dowry practices and to protect women who have been actual victims
- The Equal Remuneration Act of 1976 gave the right to get equal pay for equal work regardless of gender bias.

- **In the Era from 1980 to 2000:**

- The Protection of Women from Domestic Violence, 2005 came in to curb domestic abuse and the legislation provided legal safeguards and remedies for victims
- The National Commission for Women (NCW) in 1992 was established to boost the rights of women's rights.

- **In the Era from 2000 to till date.**

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013: It aimed to protect prevent and address the issues of sexual harassment in the workplace.
- The Maternity Benefit (Amendment) Act, 2017 came up with the laws to extend maternity leave and benefits for formal sector female employees.
- The Triple Talaq Act, 2019 criminalized the practice of triple talaq that was prevalent in the society which protected Muslim women.

- The Transgender Persons Act of 2019 was brought which recognized the rights of transgender individuals and protected them from discrimination.

The legislation as discussed above shows the development of gender-specific legislations in India that came up in order to rectify the injustices and address the gender bias that is prevalent in society. The intentions of all the laws are to protect women's rights, promote gender equality, and empower marginalized society. However, there are still debates to ensure that these laws are effectively achieved to have an equitable society.

AN ANALYSIS OF DOMESTIC VIOLENCE ACT, 2005

In India, there has been a lot of attention paid to the issue of violence against women in recent times. The Continuing rise in the incidents of violence against women, especially domestic violence and abuse has been a source of concern for civil society as well as for policymakers. The title of the act which is Protection of Women from DV Act, 2005 expresses its intent and purpose to address and combat domestic violence, safeguard victims, and punish offenders. Under the act itself, it has been stated that the victim can be the woman only whereas the scope for a man to be considered as the victim is nowhere mentioned.

This act came into existence just to combat all the issues and struggles that were faced by the women, facing domestic violence. The intent or the intention of the legislator behind the commencement of this act was clearly to provide a protective right to domestic women. Women in the early time or decade were not aware of their rights and the status of women was below that of men. The acts in those times were not inclined towards women. So, according to Article 15 of the Constitution, it was decided by the legislators that there is an urgent need to create a particular act that specifically talks about the problems and issues faced by these domestic women. All these issues were once prevalent in society but in today's contemporary times where women are much more vigilant and aware about their rights, the need for this gender bias act is not needed.

The law under this act was mainly proposed for the protection of women and with the intention to take a significant legislative step to protect women from DV Act. In the present scenario where the intention of the legislature behind the commencement of this act has been diminished so, the need to amend the act has been at its peak. The women have been misusing their rights just to fulfill their needs or to satisfy their egos. There are various incidents where men are suffering

because of the fake cases alleged by women based on trivial matters or fights.

PERCEPTIONS AND REALITIES OF WOMEN

ACTING AS VICTIM

The concept of playing victim card is deeply mixed with the issue of gender bias. The victim card refers to portraying the image as a victim and gaining sympathy, support, or advantage of the various situations like laws of the state. Domestic violence is a pervasive problem in society that affects women and their experiences often involve navigating societal problems related to victimhood. The act aims to provide legal protection and support to victims of domestic violence in India and reflects the broader societal challenges and perceptions surrounding domestic violence. Further, we will explore the concept of women playing the victim card within the context of PWDVA and how it relates to gender bias and its implications for survivors and the legal system.

DV Act, of 2005 is an important piece of legislation in India it is designed to address domestic violence in order to curb various types of abuse which includes physical, emotional, psychological, and economic abuse within the home on the women. The act recognizes the rights of women victims so that they can live free from any violence and give them protection and support. The act has gained power from Article 15(2)² which states that the “State can make special provisions for women and children” so that the right to equality can be achieved. The Act for the first time defined ‘domestic violence’ under section 3 for the first time. Earlier women did not have much knowledge of going to the court and taking remedy from the court and because of the order to give infrastructural tools to access the courts, the law was made. In order to put women and children on equal footing the DV Act came into being and now it has been mutualized by women.

In a male dominant society, it is very difficult to make believe that male has been molested or the complaint that is filed is false and fabricated. Women are playing the victim card by filing cases under the DV Act, of 2005 is quite normal nowadays. The women file a case against the men accusing their husbands of their ulterior motives such as gaining an advantage in legal proceedings, seeking revenge, or obtaining financial support.

² Constitution of India, Article 15(2), 1949.

Domestic violence can be defined as the pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner³. The act fails as it is only for the woman and not the husband and it is one of the biggest loophole women's many times uses in order to take advantage of the situation. There is a general perception that men are perpetrators who fall into the traps of women or play the role of women are the victims in order to gain personal benefits from in-laws and husbands which in return harms the woman who is being a victim of domestic violence.

There are many organizations that are working in order to oppose this law as a gender-biased law. Even the former Minister for Women and Child Development has accepted that an equal gender law should be made where there is no biasness based on gender.

In the case of *Major Singh and Another v/s Sarabjit Kaur*⁴, in this case, the wife alleged the husband and in-laws threatened her. The wife was having an extramarital affair and for that, she threatened her husband and in-laws. The husband after coming in pressure filed for divorce from her husband. The court in this case said that the PWDVA had been misused in order to terrorize the spouse and their family members and relatives. The court went on and named it as 'legal terrorism'.

In the case of *Smt Geetanjali v/s Sri B.M. Anantha*⁵, the facts of the case were that the husband tortured his wife and she was not given proper treatment and was not humanly with her. But after the investigation, it was found that the husband was falsely alleged and the wife in order to harass her husband, and her in-laws and relatives falsified and concocted various allegations and suppressed important facts in order to harass. The court said that the wife misused PWDVA as a tool to extort money from her in-laws and husband in an unjustified manner for her personal gains.

In the news article of The Hindu, with the heading "*Around 80% of the cases we get turn out to*

³ "Kulshreshtha, Y. (n.d.). *Misuse of the protection of women from Domestic Violence Act, 2005*. YLCube. <https://ylcube.com/c/blogs/misuse-protection-women-domestic-violence-act-2005/>"

⁴ "Major Singh and Another v/s Sarabjit Kaur, MANU/PH/1770/2018"

⁵ "Smt Geetanjali v/s Sri B.M. Anantha, 2018 SCC OnLINE 24"

be false”⁶, it was stated in the article that the cases that are filed by women in Noida are false and fabricated and they are filed in order to make personal gains.

There is not only the Domestic violence case in which such gender biases can be seen, we have examples like rape in which women rape is a crime but men rape is not a crime because it is a male dominant society.

In a famous case Nisha Sharma Case (2003)⁷, Nisha Sharma accused her prospective groom of demanding dowry, the case was covered by the media and she became a role model for society but when the case ended in the year 2012, all the accused got acquitted and it was found that Nisha Sharma filed a false and fabricated case by misusing the anti-dowry laws in India.

There are many consequences if the women will use the laws for personal gains and accusing the people. The consequences of the women being perceived as acting as victim are as follows:

- **Re-Victimization:** Sometimes the women who are the true victims of domestic violence are also perceived to be playing as a victim and because of this they face trauma and feel re-victimized again.
- **Underreporting of Actual Victimhood:** Women also now hesitate to report instances of harassment because of the perception of acting as a victim. They fear that nobody will believe them and rather they will blame her for seeking attention.
- **Hinderance of Legal Remedies:** The fear among the women has encouraged the predators to abuse and harass the women as there are fewer chances of deterrent consequences.
- **Perpetuation of Stereotypes:** Women are considered emotional or manipulative by society for playing the victim card and because of this gender bias and discrimination have emerged against women in the contemporary era.
- **Diverted attention from Genuine issues:** Genuine issues like gender-based discrimination and violence are dismissed or neglected because of few women acting as a victim. Now, the situation is such that society focuses on the credibility of women rather than the genuine issues of women.

⁶ Reporter, S. (2016, April 21). “Around 80% of the cases we get turn out to be false.” The Hindu. <https://www.thehindu.com/news/cities/Delhi/around-80-of-the-cases-we-get-turn-out-to-be-false/article6266926.ece>

⁷ “Mahila Nisha Sharma v/s State of Madhya Pradesh, 2012 SCC OnLINE MP 6592”

The consequences of the same can be detrimental to the country at large. It's important for the courts to approach the cases with the utmost sensitivity and by considering the complexities of the cases in every situation prioritizing the protection of women if required and supporting actual victims while ensuring fair and just assessments of claims.

The accusations against the man and his family destroy the life and the future of the person against whom these cases have been registered. This needs to be stopped as soon as possible. This will not only be a relief for the husbands and relatives but also for the courts and tribunals that have so many cases pending.

EMPOWERMENT V/S VICTIMHOOD

Women's empowerment is about us realizing that a woman is more than just their gender and that every voice deserves to be heard⁸. A few decades ago, that was the time when women needed to be empowered as they were facing violence in various forms such as physical, sexual, or mental. But that was also the time when women were not even safe in their own households due to domestic violence committed against women by their partners or any other family members. In the year World Health Organization studied the principal factors behind such violence and reported it. All over the world women who are married are facing domestic violence in physical or sexual form by their spouse⁹. According to the report of WHO the women who are facing and have faced abuse from their partners have a greater chance of suffering from health problems and some effects of the violence are everlasting on their mental and physical state. As described by the World Health Organization¹⁰. Around this time frame, NCW (National Commission for Women) registered domestic violence complaints in huge percentages. There were various reasons for the increasing rate of domestic violence cases in India such as abusive and violent childhood, consumption of alcohol, the women's mental state in the various sections of society and especially weaker sections of the society, societal factors, and many others. Hence, the parliament of India established a weapon for women by providing them with power and rights enshrined under the Protection of Women from DV Act, of 2005.

⁸ "What Does Women's Empowerment Even Mean? (n.d.). Heifer International. <https://www.heifer.org/blog/what-does-womens-empowerment-even-mean.html>"

⁹ "Fact sheets. (n.d.). Wwww.who.int. Retrieved September 18, 2023, from <https://www.who.int/news-room/fact-sheets/details/violence-against-women>"

¹⁰ "Fact sheets. (n.d.). Wwww.who.int. Retrieved September 18, 2023, from <https://www.who.int/en/news-room/fact-sheets/details/violence-against-women>"

However, in the contemporary period the position of women has changed and uplifted to the extent that instead of using the rights under the act, they are now misusing the same just for the sake of their satisfaction. Basically, the statement “Cruelty has no gender” could be done by anyone who is filled with revenge and egocentrism is true in this generation. Domestic Violence which is also known as intimate partner violence has no longer boundaries, the victims of domestic abuse and violence could be both men and women. It can happen in any relationship either heterosexual or same-sex relationships. Is there any law, that stands for the justice of men tortured or trapped in fake cases reported by women? There is not a single report that can provide exact data on such cases where men are the victims of domestic violence and abuse rather there are a bunch of cases against the men, which are reported in one single day. These cases go unreported due to the sick mentality of society that men can never be the victim of domestic violence and abuse. Men are going through physical, mental, psychological, and emotional effects due to the violence and abuse caused by women. There are various instances where men choose not to disclose the violence caused to them due to reasons such as fear of fake cases filed against them or their family members, and societal and family pressure.

Under this circumstance, it is time to reform the laws and make them gender-neutral. The government should implement such laws which can protect men, who are the victims of domestic violence. As the number of fake cases of domestic violence, dowry, or cruelty has been increasing at its peak, men are undergoing mental trauma and emotionally drained. It is time for the legislators to amend the definition of Victim under the DV Act. According, to the definition of Victim under the Protection of Women from Domestic Act, 2005. The ambit of the word victim should not be categorized by gender, rather it should be gender-neutral and should protect both men and women equally. The laws should be gender neutral rather than gender specific and it could only be possible when the crime, domestic violence is considered as spousal violence and must not be differentiated due to gender. due to modernization and Westernization in society, there are various social and cultural developments, where women are considered members of the family instead of just an object. With this improvement, it is an urgent need for the legislature to amend the provisions provided under the DV Act, of 2005, and make them gender-neutral.

CONCLUSION

The research paper provides an analysis Protection of Women from DV Act, 2005. It creates the dynamic relationships between men, and women, domestic abuse, and the problems arising from the misuse of this legislation. the DV Act of 2005 was passed only with the intent to provide protection to the women living under the four walls of the household. The title of this legislation itself indicates the intent and the reason behind the legislation of this Act by the legislator. There was a time when this legislation was much needed but in the contemporary era, women are misusing the rights given to them by accusing the men of false and frivolous cases. Due to some, we cannot ignore the true victims of domestic violence, who are still facing some or the other issues related to domestic violence. It makes a strong case that men can also become victims of domestic violence; they can also be the weaker person in one household. However, because of societal preconceptions that hold that males cannot be victims of domestic violence, the current legal system frequently ignores the suffering of men. Women have been using this act only to benefit men and their families such as to earn money and make themselves. In the end, the research paper discusses that it's the time when the legislators need to think about men too and provide them equal protection so that they can feel free to at least lodge the case under this act.

LIST OF REFERENCES

- *Heifer International* “What does Women’s Empowerment Even Mean?” (*Heifer International*, May 8 2018)
<http://www.heifer.org/blog/what-does-womens-empowerment-even-mean.html> Accessed on 6 July, 2020
- *World Health Organization* “Violence Against Women” (*World Health Organization*, 29 November 2017)
<http://www.who.int/news-room/fact-sheets/details/violence-against-women>
- *World Health Organization* “Violence Against Women” (*World Health Organization*, 29 November 2017)
<http://www.who.int/en/news-room/fact-sheets/details/violence-against-women>
- *Architi Batra* “Misuse of the Protection of Women from Domestic Violence Act, 2005” (*YLCube*, 23 June 2020)