

THE LEGALITES LEXSCRIPTA,  
Volume 1, Issue 1 (Jan-March 2025)

Page No. 39 to 47

Editor-in-Chief:- Prof. (Dr.) Aryendu Dwivedi , LL.D, NET

---

Redefining Victimhood: The Need for Gender-Neutral Domestic  
Violence Laws Protecting Men

-By Nayan Varsha Greaves and Geonag Greaves

*Nayan is an Advocate and Geonag is student at Government law College, Kozhikode*

**Abstract:**

According to the San Diego Foundation, social justice entails providing equal rights and opportunities for all individuals. However, the question arises as to whether Indian laws effectively deliver this social justice across various dimensions, including sex, gender, race, and class. In terms of gender<sup>[1]</sup>, it appears that gender-specific Indian laws do not adequately provide equal protection, particularly for men. While the rationale for enacting gender-specific laws that protect vulnerable women is commendable, such as the Act that protects women from domestic violence, it is also essential to consider whether men require similar protections under these laws.

A study funded by the Indian Council of Medical Research revealed that 515 out of 1,000 men reported experiencing violence from their spouses, with emotional abuse being the most prevalent form. Furthermore, many men also face violence from their wives' relatives, resulting in an estimated 30 million cases of domestic violence against men in India. These statistics highlight that men, too, are victims of various forms of abuse, including physical, emotional, and economic violence<sup>[2]</sup>. The psychological impact of such experiences can be severe, often exacerbated by societal stigma that discourages men from disclosing their suffering. This stigma not only hinders men from seeking help but also perpetuates the misunderstanding of their experiences. Therefore, it is crucial to address the rights of men in the context of domestic violence and to recognize the societal stigma associated with male victimhood. This paper examines the gender neutrality of laws related to domestic violence in India, evaluates whether current laws provide equal protection for men, and then explores the potential need for reform to ensure justice for all, regardless of gender.

**Keywords:** Gender Equality, Men’s Rights, Social Justice, Domestic violence. Male Victims

**Introduction:**

*“Injustice anywhere is a threat to justice everywhere”*

- Martin Luther King[3]

Injustice is not simply an abstract issue; it is a reality that emerges from historical and structural inequalities, which often prevent marginalized communities from accessing education, healthcare, and employment. These obstacles create cycles of poverty and disenfranchisement, locking individuals out of opportunities for a better life. Advocates of social justice seek to dismantle these barriers by promoting policies and practices that foster inclusivity, equity, and empowerment[4]. At its core, social justice aims to ensure the fair distribution of resources, opportunities, and privileges across society, addressing and correcting the systemic inequities that sustain economic disparity, discrimination, and social exclusion. In India, social justice is embedded within the very foundation of the Constitution, a guiding framework designed to foster a fair and inclusive society[5]. The Preamble[6], along with key articles within Part IV[7], expresses this commitment by envisioning a “sovereign, socialist, secular, democratic republic” and by pledging to secure “social, economic, and political justice” for all citizens.

While the Indian Constitution upholds social justice and equality by offering protection to all citizens regardless of gender, caste, or class, certain legal frameworks fall short of fully achieving these ideals. A notable example is the Domestic Violence Act, which was enacted with the commendable goal of shielding vulnerable women from abuse but was framed in a gender-specific manner that inadvertently excludes male victims. This exclusion runs counter to the constitutional promise of equality and social justice by denying men equal protection and legal recourse in domestic abuse situations. Studies reveal the scope of violence experienced by men in domestic settings[8]. Research funded by the Indian Council of Medical Research shows that 515 out of 1,000 men in India report experiencing abuse, with emotional violence being the most prevalent. Many men also report harassment from their wives’ families. Yet, societal stigma around male victimhood discourages many from seeking help, trapping them in silence and suffering[9]. This societal and legal gap not only compounds their hardship but also highlights the need for a reevaluation of current laws.

This paper examines the gender neutrality of India’s domestic violence laws, assesses whether current legal protections extend equally to men, and explores potential reforms to ensure that the ideals of justice and equality are upheld for all citizens, regardless of gender.

**Understanding Domestic Violence and Gender-Specific Protections**

Domestic violence is a pervasive issue in many societies, including India, where it has historically been normalized within patriarchal structures. It is a broad term encompassing various forms of abuse that occur within intimate relationships, primarily in households.

Domestic violence is not limited to physical violence but includes emotional, psychological, economic, and sexual abuse, all of which contribute to the degradation and suffering of victims, primarily women. Physical violence is the most apparent form, involving acts of harm such as hitting, beating, or assaulting the victim. However, the emotional and psychological toll of domestic violence can often be more damaging. This includes threats, verbal assaults, humiliation, and constant belittling, which can have lasting effects on a woman's mental health and well-being. Economic abuse, another prevalent form, involves restricting a woman's access to financial resources, thereby trapping her in a cycle of dependency and limiting her ability to escape the abusive situation[10].

Recognizing the widespread nature of domestic violence and its devastating impact, India introduced the Protection Domestic Violence Act[11] in 2005. The PWDVA was a landmark law, marking a significant shift in the Indian legal landscape by formally acknowledging domestic violence as a serious issue and offering specific rights to women for protection and justice. The Act was designed to provide legal recourse and remedy for women facing abuse within their homes, filling a critical gap in the existing legal system. To address the full spectrum of abuse, the PWDVA includes physical, emotional, sexual, and economic violence within its purview. One of the key features of this law is its recognition of a woman's right to live in a shared household, even if she has no legal ownership of the property. This provision ensures that an abusive partner cannot force a woman out of her home, providing her with a crucial safety net.[12] Additionally, the Act provides for immediate relief in the form of protection orders, residence orders, and monetary compensation for victims. Protection Officers, acting as intermediaries between the victims and the courts, ensure access to legal aid and support services for women. While the PWDVA primarily targets women as the victims of domestic violence, it also acknowledges the vulnerability of other groups, such as children, who may suffer from abuse in domestic settings. The law is designed to be inclusive[13], recognizing various types of relationships, including live-in relationships, and offering protection irrespective of the marital status of the individuals involved. This inclusivity makes the PWDVA a progressive and comprehensive piece of legislation.

The rationale for gender-specific laws like the PWDVA stems from the historical and systemic gender inequalities that have long prevailed in Indian society. For centuries, women have been treated as subordinate to men, with limited autonomy and power. This power imbalance is deeply embedded in social and cultural norms, where violence against women has often been normalized. The enactment of laws like the PWDVA is a direct response to these ingrained gender-based injustices, aiming to provide women with the tools they need to seek justice and protection from abuse. The need for such laws became more evident due to the inadequacies of previous legal frameworks[14]. While the Indian Penal Code[15] offered some protection under Section 498A[16] (dealing with cruelty towards married women), it was often insufficient in addressing the full scope of domestic violence. Many forms of abuse, such as emotional and economic violence, were not adequately covered. Additionally, the prevailing societal attitude

that domestic violence was a private matter within families further hindered women from seeking help[17]. The PWDVA was therefore created to fill this gap by offering a more comprehensive, gender-sensitive approach to domestic violence. It recognizes that women face specific forms of violence and abuse, shaped by historical power imbalances, and it provides a legal framework to challenge these injustices. The Act not only aims to protect women from immediate harm but also seeks to dismantle the societal structures that perpetuate gender-based violence in households.

### **Addressing Male Victimhood and Legal Gaps in Domestic Violence in India**

Domestic violence is a serious issue worldwide, but in many societies, including India, gender stereotypes often obscure the reality of male victimhood. While the focus is largely on women, men who suffer domestic abuse remain largely unacknowledged. In India, male victims of domestic violence face the challenge of suffering in silence due to societal stigmas and a lack of legal and social support systems[18].

Recent studies have begun to highlight the prevalence of domestic violence against men. In rural areas like Haryana, a survey revealed that 52.4% of men had experienced gender-based violence, with 10.5% facing abuse in the past year. These findings challenge the misconception that domestic violence is only a women's issue and emphasize the need for better recognition and support for male victims[19]. Men often face emotional abuse (verbal insults, humiliation), physical abuse (slapping, hitting), and economic abuse (control over finances), but many feel unable to seek help due to societal expectations[20].

The psychological toll of domestic violence on men is significant. Like women, men suffer from trauma, depression, anxiety, and emotional isolation. In a society where masculinity is tied to strength and dominance, the idea of a man being a victim is stigmatized. This pressure makes it difficult for men to report abuse or seek help, often leading to internalized trauma, low self-esteem, and long-term psychological issues such as post-traumatic stress disorder (PTSD)[21].

A key barrier preventing men from coming forward is the cultural perception of masculinity. In India, men are expected to be the primary breadwinners and protectors. The idea of a man being abused contradicts these gender norms, leading to ridicule and social ostracism. As a result, many men choose to suffer in silence rather than risk being seen as weak. Moreover, legal and support systems in India are primarily designed to protect women, leaving male victims with few options. The lack of recognition for male victimhood perpetuates the cycle of abuse, with men often unable to escape their abusers[22].

The Domestic Violence Act was a landmark piece of legislation aimed at addressing domestic violence in India. However, its gender-specific nature leaves male victims without legal protections. The Act does not provide remedies or support for men suffering domestic violence, such as shelters, counseling, or legal aid. This exclusion creates a legal blind spot, leaving men

with limited recourse. Male victims often feel that their concerns are not taken seriously within the legal system, further discouraging them from seeking help[23].

The exclusion of male victims from domestic violence laws reinforces harmful gender stereotypes and perpetuates the idea that domestic violence only affects women. The lack of legal protection leads to feelings of shame and isolation among male victims, who struggle to find support. Additionally, the absence of male shelters and court bias further complicate the situation, as men may face difficulty in proving their cases or accessing necessary services.

### **Why Domestic Violence Laws Should Be Gender-Neutral**

Domestic violence is a widespread issue that affects individuals of all genders, yet current legal frameworks often fail to protect everyone equally. In many countries, including India, domestic violence laws are primarily focused on protecting women, assuming they are the primary victims. However, abuse is not gender-specific. Both men and women can be victims, and abusers can be of any gender. Whether a man is verbally abused by his wife, a woman is physically abused by her husband, or a same-sex couple faces intimate partner violence, the core issue remains the same: power and control, not gender. Unfortunately, existing laws often operate on the assumption that men are always the perpetrators and women the victims, reinforcing harmful gender stereotypes. By focusing only on one gender, these laws overlook the reality that anyone, regardless of their gender, can suffer from abuse. A more inclusive, gender-neutral approach to domestic violence laws would ensure that all individuals, regardless of gender, have equal access to justice and protection[24].

Several countries have already adopted gender-neutral domestic violence laws, recognizing that intimate partner violence can affect anyone. In the United Kingdom, the Domestic Violence, Crime and Victims Act (2004)[25] expanded the legal definition of domestic violence to include both male and female victims, extending legal protections to all genders. Similarly, in the United States, domestic violence laws have become more gender-neutral over time. The Violence Against Women Act (VAWA)[26], initially focused on female victims, has since been amended to better address the needs of male victims, recognizing that intimate partner violence affects both men and women. These international models demonstrate that adopting gender-neutral laws is a viable and effective solution, ensuring that all victims of domestic violence have equal access to legal protection and support services[27].

One significant benefit of gender-neutral domestic violence laws is the reduction of stigma. In societies like India, where traditional views of masculinity prevail, men may feel ashamed to report abuse due to the societal expectation that they must be strong and unyielding. This cultural stigma can prevent male victims from coming forward. A gender-neutral approach to domestic violence laws would challenge these stereotypes, helping to create an environment where victims, regardless of gender, feel encouraged and supported to seek help. As a result, more individuals would report cases of abuse, leading to more comprehensive data on the prevalence of domestic violence and improved policies and services[28]. Furthermore, gender-neutral laws

would enhance mental health support for all victims. Male victims of domestic violence often experience mental health issues such as depression, anxiety, and PTSD, yet many avoid seeking help due to fear of being judged or a lack of resources tailored to their needs. By ensuring that both male and female victims have access to the same counseling, therapy, and support systems, gender-neutral laws would help alleviate this psychological isolation. Victims would feel validated in their experiences and more likely to seek the help they need without fear of discrimination.

A common counterargument against gender-neutral domestic violence laws is the concern that such laws might weaken protections for women. Critics argue that including male victims in legal protections could diminish the attention given to the unique struggles women face in abusive relationships. However, it's essential to clarify that protecting male victims does not undermine the protections for women. Gender-neutral laws ensure that all victims of domestic violence have access to the legal recourse and support they need. They do not erase the history of women's abuse; instead, they create a more inclusive framework where justice serves everyone equally. Moreover, gender-neutral laws can be designed to coexist with measures that specifically address the historical and structural disadvantages women face. For example, laws could include provisions to recognize the economic dependency or shelter needs of women while still allowing male victims to report abuse and seek legal protection. The goal of justice should be to ensure that no one is excluded based on gender while acknowledging the distinct needs of different groups. A balanced, gender-neutral approach can ensure fairness and equal protection for all individuals facing domestic violence<sup>[29]</sup>.

### **The Path Ahead:**

To address the issue of male victims of domestic violence in India, several reforms and policy recommendations are necessary. First, the Domestic Violence Act should be amended to be gender-neutral, ensuring that men also have access to legal protections such as protection orders and financial support. Alternatively, a new gender-neutral Domestic Violence Act could be introduced, ensuring comprehensive protections for all victims of domestic violence, regardless of gender.

In addition to legal reforms, it is crucial to develop male-focused support services, including counseling, legal aid, and safe housing. These services will provide the necessary resources for male victims to recover and seek justice. Establishing confidential helplines and shelters dedicated to men is vital in offering immediate assistance. Furthermore, public awareness campaigns are needed to challenge societal stereotypes and raise awareness about male victimhood. Such campaigns should focus on educating communities that men, like women, can experience various forms of domestic violence, including physical, emotional, and economic abuse. Training for professionals such as police, healthcare workers, and social workers on recognizing abuse in men will also reduce bias and ensure better support for male victims. These reforms will contribute to a more inclusive and effective approach to domestic violence in India.

**Conclusion:**

A shift toward gender-neutral domestic violence laws is essential to uphold justice and equality. Current frameworks in India often leave male victims marginalized, reinforcing societal biases that deter them from seeking help. By adopting inclusive, gender-neutral legislation, India can ensure that all victims, regardless of gender, receive protection, support, and a path to recovery. Such reform would challenge harmful stereotypes, improve mental health outcomes, and provide comprehensive data on domestic abuse. Ultimately, this approach promotes a more equitable society where everyone facing domestic violence can access justice and necessary support services without discrimination.

---

[1] SDF, What is Social Justice?, San Diego Foundation (June 15, 2024), <https://www.sdfoundation.org/news-events/sdf-news/what-is-social-justice/>.

[2] Aparajita Chattopadhyay, Santosh Kumar Sharma, Deepanjali Vishwakarma & Suresh Jungari, Prevalence and Risk Factors of Physical Violence Against Husbands: Evidence from India (2024), [https://www.iipsindia.ac.in/sites/default/files/Prevalence\\_and\\_risk\\_factors\\_of\\_physical\\_violence\\_against\\_husbands\\_evidence\\_from\\_India.pdf](https://www.iipsindia.ac.in/sites/default/files/Prevalence_and_risk_factors_of_physical_violence_against_husbands_evidence_from_India.pdf).

[3] Martin Luther King Jr. Injustice Anywhere is a Threat to Justice Everywhere. We Are Caught in an Inescapable Network of Mutuality, Tied in a Single Garment of Destiny, Goodreads, <https://www.goodreads.com/quotes/631479-injustice-anywhere-is-a-threat-to-justice-everywhere-we-are>.

[4] GGI Insights, Social Injustice: Causes, Consequences, and Solutions, Gray Group International, [https://www.graygroupintl.com/blog/social-injustice#google\\_vignette](https://www.graygroupintl.com/blog/social-injustice#google_vignette).

[5] The International Forum for Social Development, Social Justice in an Open World: The Role of the United Nations (2006), <https://www.un.org/esa/socdev/documents/ifsd/SocialJustice.pdf>.

[6] Constitution of India preamble (1950)

[7] Constitution of India part IV (1950)

[8] Varsha Badwe, Domestic Violence Against Men: Need of Special Legislation, Tilak Maharashtra Vidyapeeth, [https://mahratta.org/CurrIssue/2019\\_May/May19\\_8.pdf](https://mahratta.org/CurrIssue/2019_May/May19_8.pdf).

[9] Supra.note.2.Aparjitha

[10] Shalini Shivajirao Ghumare, Domestic Violence - A Curse to a Man in a Male Dominated Society, IJCRT, <https://ijcrt.org/papers/IJCRT2109091.pdf>.

[11] Protection of Women from Domestic Violence Act, No. 43 of 2005, India Code (2005).

[12] Ibid

[13] Nadda, A., Malik, J.S., Rohilla, R., Chahal, S., Chayal, V., & Arora, V., Study of Domestic Violence Among Currently Married Females of Haryana, India, 40 Indian J. Psychol. Med. 534-39 (2018).

[14] The Protection of Women from Domestic Violence Act (2005), <https://www.tnsocialwelfare.tn.gov.in/en/social-legislations/protection-of-womens-from-domestic-violence-act>.

[15] Indian Penal Code, No. 45 of 1860.

[16] Indian Penal Code, S.498A, No. 45 of 1860.

[17] Domestic Violence Act, 2005, (2005), <https://cdnbbsr.s3waas.gov.in/s3ec03333cb763facc6ce398ff83845f22/uploads/2024/09/2024091127.pdf>.

[18] Kumar, A., Domestic Violence Against Men in India: A Perspective, 22 J. Hum. Behav. & Soc. Environ. 290-96 (2012).

[19] Supra note.2.Aparjitha

[20] Jagbir Singh Malik & Anuradha Nadda, A Cross-sectional Study of Gender-Based Violence against Men in the Rural Area of Haryana, India, 8 J. Family Med. Prim. Care 1820 (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6437789/>.

[21] Sanjay Deshpande, Sociocultural and Legal Aspects of Violence Against Men, 1 J. Psychosexual Health 246 (2019)

[22] Masculinity, Intimate Partner Violence, and Son Preference in India, International Center for Research on Women, <https://www.icrw.org/publications/masculinity-intimate-partner-violence-and-son-preference-in-india/>.

[23] Richa Tiwari, Unveiling the Silent Struggle: Men Facing Societal Pressure in India, Int'l J. of Research and Analytical Reviews 26.1 (2023), [https://academicjournal.ijraw.com/media/post/IJRAW-3-4-26.1\\_jM4yVI3.pdf](https://academicjournal.ijraw.com/media/post/IJRAW-3-4-26.1_jM4yVI3.pdf).

[24] Madhav Sood, Assessing the Gender Neutrality of the Domestic Violence Act: A Comparative Analysis and Policy Implications, *J. Law, Res. & Judicial Studies*, <https://jlrjs.com/wp-content/uploads/2023/07/29.-Madhav-Sood.pdf>.

[25] Victims of Crime Act 2004, c. 5 (UK).

[26] Violence Against Women Act of 1994, Pub. L. No. 103-322, § 40001 et seq. (1994).

[27] Compendium of International and National Legal Frameworks on Domestic Violence, Volume I of V — International Legal Framework, First Edition, (2019), <https://openknowledge.worldbank.org/server/api/core/bitstreams/8935ab55-7dd5-513b-8fea-f0639ba4759d/content>.

[28] Supra note.24.Madhav

[29] Ibid