EQUALITY BEFORE THE LAW: REVISITING DOMESTIC VIOLENCE THROUGH A GENDER-NEUTRAL LENS

***NIPUNA SARKAR**

ABSTRACT

Domestic violence, as a prevalent and pervasive phenomenon, transcends all socioeconomic, gender, and cultural classifications. And yet, the existing legal framework in India (and some other countries worldwide) is inept at bringing these judicial concepts to practice. In most cases, the "practiced laws" are often women-centric, systematically and substantially marginalizing victims that are male or associate with other gender identities.

This paper focuses on domestic violence legislations through a gender-neutral lens, examining whether current legal mechanisms offer adequate protection to all victims, irrespective of their gender identities. The objective is to critically analyze the Protection of Women from Domestic Violence Act, 2005, alongside comparative legal frameworks of other nations that have adopted more gender-neutral statutes. The analysis draws on empirical data, case laws, and victim testimonials to explore abuse patterns, systemic barriers to reporting, and the socio-legal consequences of gender-specific provisions.

The paper further discusses the challenges and opportunities of implementing gender-neutral domestic violence laws, along with potential misuse concerns, and the need for sensitization of law enforcement and judicial personnel(s). Recommendations include legislative amendments, inclusive policy design, and the establishment of support services that can be tailored to adequately protect a diversified victim profile.

By positioning domestic violence incidents within the broader discourse of legal equality and human rights, this paper seeks to contribute to a more inclusive, fair, and effective justice system that uphold the universal right to freedom from violence, irrespective of gender.

Keywords: Domestic Violence, Gender Equality, Equality before the Law, Legal Reforms

*Research Scholar, Department of Law, The University of Burdwan, West Bengal.

INTRODUCTION

Constitutional guarantees of Equality before the Law face their greatest test when the protective legislation itself becomes a vehicle for discrimination.

Domestic violence is a serious infringement of human rights that affects people of all gender identities, and socioeconomic backgrounds. In India, however, the legal framework is primarily designed to address violence against women, whether it is through the Protection of Women from Domestic Violence Act (PWDVA), 2005, or Section 498A (Section 85 of BNS), or other such related provisions in the Indian Penal Code (IPC). These legislations are mostly focused towards cruelty against women, offering legal remedies for their protection.

Now, while these laws were necessary to address widespread violence against women, they often marginalize male victims, or other victims who associate with various gender identities. As a result, they are left without legal recognition or protection. This gender-biased approach stands in contradiction to Article 14 of the Constitution of India which ensures 'Equality before the Law' and 'Equal Legal Protection for All'. By excluding men, the current legal system not only weakens constitutional principles, but it also reinforces stereotypes that cast men as 'perpetrators' and women as 'victims'.

When the judicial framework of a nation is designed in such a manner that it creates a gender-biased legal system, new categories of unprotected populations are guaranteed to arise. In such circumstances, there are bound to be fundamental questions raised about the nature of "JUSTICE" itself.

I. DOMESTIC VIOLENCE AGAINST MEN IS UNDERRATED IN INDIA

Research suggests that, in India, domestic violence against men and people from other gender identities is both significant, and, under-recognized. More than half of Indian men claim to be the victim of some form of spousal or intimate partner violence, often in the form of emotional or physical abuse. Despite this, societal expectations around masculinity, combined with stigma, and the lack of adequate and appropriate institutional support contribute to widespread under-reporting of male victimization.

As a society, the general consideration and discussions often circulate around women being the weaker or more vulnerable component in comparison to men, who are considered to be the stronger and less sensitive gender. As a result of this preconceived notion, men are always judged or assumed to be the perpetrators, and women are always believed to be the victims in most reported or discussed cases of domestic violence. It usually takes a lot of time, effort, and convincing for people to arrive at the recognition that domestic violence is not exclusive to any specific gender, and should be examined as a gender-neutral phenomenon reflecting the mentality of the perpetrator(s).

Several statistical reviews have revealed that, over the past few decades, the number of men as victims of mental and physical abuse by women has been on a steady rise. This includes abuse in the form of economic, physical, sexual, and emotional nature, often leading to extensive and detrimental psychological damage to the victim's mental and physical health.

II. DEFINING DOMESTIC VIOLENCE - WHAT DOES IT MEAN?

According to Merriam-Webster dictionary, Domestic Violence means violence committed by one family or household member against another.[1] It refers to the perpetration of harmful behavior within a private or intimate setting, usually in marital, cohabiting, or even, dating relationships. It involves one partner exerting power or control over the other, and may take the form of physical, emotional, sexual, economic, psychological, or even, technological abuse. Such acts of violence can occur in both opposite-sex and same-sex relationships.[2]

[1]"domestic violence," Merriam-Webster.com Dictionary, https://www.merriam-webster.com/dictionary/domestic%20violence, last visited 03/09/2025.

[2] Domestic Violence, Office on Violence Against Women, U.S Department of Justice, as available in https://www.justice.gov/ovw/domestic-violence , last visited 23.08.2025

By this definition, domestic violence can be perpetrated by anyone, regardless of gender — male or female. However, it is important to examine what the Indian legal framework has to say on this matter, and how it functions when dealing with reported cases of domestic violence against men as compared to the cases where women are the reported victims.

III. UNDERSTANDING THE CURRENT LEGAL FRAMEWORK IN INDIA

There are several legal provisions designed to ensure the complete protection of women from domestic violence within the current judicial framework in the jurisdiction of India. However, there are little to no such provisions that safeguard men or other gender identities from such violence, severely marginalizing them under the protection of the law. The harsh reality is that the current legal framework has very little in terms of specific legal provisions that safeguard men from domestic violence, or, even intimate partner violence.

This has, in turn, resulted in the misuse of the very laws that were originally designed for the protection of women. These legal provisions are now frequently being abused and used as a tool to harass men and on several occasions, their family and extended relatives too.[3]

The PWDVA, 2005[4] was drafted and implemented to address escalating domestic violence against women by providing civil remedies, protection orders, residence orders, and monetary relief. However, the Act applies solely to women. According to Section 2(a) of the PWDVA, 2005[5], an '*aggrieved person*' is explicitly defined as any woman who has suffered domestic abuse.[1] This clearly shows that the legislative design of the Act excludes any male from being even considered as a victim, leaving them without adequate recourse under the domestic violence laws.

Additionally, Section 498A of the IPC[6] (Section 85 of BNS[7]) deals with the dowry-related cruelty of women by husbands and/or relatives.[2] This section clearly stipulates that only the husband and his family can be held accountable for the cruelty or violence against his wife. However, the said statute

[3] Deepika; 'Redefining Domestic Violence: Recognizing Male Victims in India', LegalService India,(May 24, 2024) https://www.legalserviceindia.com/legal/legal/legal/article-16491-redefining-domestic-violence-recognizing-male-victims-in-india.html , last visited 22.08.2025

[4] The Protection of Women from the Domestic Violence Act, 2005, No. 43, Acts of Parliament, 2005 (India)

[5] Ibid.

[6] The Indian Penal Code, (45 of 1860)

[7] The Bharatiya Nyaya Sanhita, 2023

or Act contains no such provision that imposes similar liability on women in cases where they are reported as the perpetrators.

IV. HOW ARE MEN HARASSED IN DOMESTIC RELATIONSHIPS - POSSIBLE SCENARIOS

There are several possible scenarios where men can be categorized as being victims of domestic violence. It is also imperative to state that these scenarios can transcend the boundaries of spousal or intimate partner relationships. In some cases, a man can also be a victim of abuse within their domestic environment where the perpetrators are not their partners, but their immediate family members or relatives. Described below are just some of the possible scenarios that can be classified as examples of men being the victims of domestic violence.[8] These scenarios can be classified under two sections:

a) Domestic Harassment

- When a wife/family member demands luxuries without sharing household duties or expenses, and expects beyond the victim's means, it is considered financial and emotional abuse.
- When a wife/family member prevents the victim from living with or, caring for his parents, it is considered to be a form of domestic abuse.
- When a wife/family member takes full control of the victim's earnings, leaving him dependent on her/them for his own needs, it amounts to financial abuse within the household.
- When a wife/wife's family registers a false dowry or domestic violence case against the husband, or even issues suicidal threats, it amounts to emotional and mental harassment in the domestic environment.
- When a wife deliberately denies intimacy or lives apart only to avoid sexual relations, using it as a means of leverage to obtain personal benefits, it can be considered as emotional abuse.
- When a wife uses abusive language to disrespect her husband, whether privately or socially, it is considered to be a form of cruelty.
- When a man is expected to take over his wife's/family member's duties during her/their illness but is mistreated if he cannot provide financially, it is considered domestic abuse.

[8] 'As per law can a man be a victim of Domestic violence', Vidhikarya , (27th December, 2022), as available in https://www.vidhikarya.com/legal-blog/domestic-violence-act-vs-indian-men , last visited 22.08.2025

b) Legal Harassment

Several studies have revealed that, in recent times, there has been a widespread misuse of the PWDVA Act, 2005 and Section 498A of the IPC (Section 85 of BNS). NCRB[9] statistics reveal that approximately 28% of complaints registered under the PWDVA, 2005 Act[10] are falsely reported, whereas the number of fabricated complaints increases to more than 53% under Section 498A (Section 85 of BNS).[11] Misuse patterns differ across social and regional contexts, with urban areas showing higher prevalence.[12]

Past studies have also revealed that about 70% of men accused or arrested under Section 498A are eventually acquitted.[13] According to NCRB's 2020 statistics, out of a total of 1,11,549 cases registered under Section 498A, around 5,520 cases (4.9%) were reported as fabricated and unsubstantiated after investigation by the police, while an additional 16,151 were dropped due to errors of fact or law, or for lack of sufficient evidence.[14]

Furthermore, a study in the Journal of Indian Law & Society has revealed that a whopping 62% of women who registered complaints under PWDVA, 2005, had prior disputes with their husbands, primarily over finances and property. Only 21% reflected genuine domestic violence, while 17% stemmed from unclear motives.[15] These findings underscore the importance of establishing stricter legal safeguards, conducting awareness campaigns nationwide, and imposing legal and financial penalties for registering unauthentic complaints.[16]

The harsh reality of Indian society is that there are so many cases where men are often the actual victims of domestic violence, even when they are accused of the crime itself by their partners. The

[9] The National Crime Record Bureau

[10] P. Saleem Akram et. al; 'Misuse of Women's Protective Laws Against Men in India', Journal of Neonatal Surgery, Volume 14, Issue 15s, p.189-193, (2025), https://www.jneonatalsurg.com/index.php/jns/article/view/3496/3159, last visited 22.08.2025

[11] Ibid

[12] Ibid

[13] Ibid.

[14] Sadhna Gupta; 'Tribulations around Section 498A of IPC, 1860 in India', International Journal of Law, Policy and Social Review, Volume 5, Issue 3, 2023, Page No. 91-94, as available in https://www.lawjournals.net/assets/archives/2023/vol5issue3/5081-1693630768070.pdf , last visited 22.08.2025

[15] P. Saleem Akram et. al; Supra Note 9

[16]Ibid.

eventuality is even more magnified when the long-term impact of such unauthentic claims and allegations are considered. In most cases, the reputational damage, financial strain, and emotional trauma that men suffer during such long, and often over-drawn, legal battles are irreversible. Families and children face serious disruption to their daily lives and relationships with others, while litigation costs add massively to the financial burden.

V. REPORTED UNAUTHENTIC CASES OF DOMESTIC VIOLENCE AGAINST MEN

In the past, there have been multiple cases related to threats or false allegations of domestic violence, reported against men. In these cases, it was eventually determined that these complaints were reported by the plaintiffs with ulterior motives. A few of these legal cases have been discussed below.

- **Sushil Kumar Sharma vs. the Union of India (2005) [17]-** The honorable Supreme Court declared that, although the legal framework of Section 498A of IPC (Section 85 BNS) is constitutional, misuse of the same for personal vendetta should be strictly forbidden. The Court warned that such misuse creates "legal terrorism," turning a protective law into a weapon, which ultimately undermines its effectiveness when genuine cases arise.
- **Preeti Gupta vs. State of Jharkhand (2010)**[18] **-** The Supreme Court observed that many official complaints and cases registered under Section 498A of the IPC (Section 85 of the BNS) are often exaggerated, aimed at the mental and emotional harassment of the husband (and, in many cases, his parents and family). This emphasized the need for a thorough investigation of complaints before any legal action can be taken.
- **K. Srinivas Rao vs. D.A. Deepa (2013)**[19] **-** The Supreme Court stated that filing a false criminal complaint by a wife is to be considered "unquestionable mental cruelty" under Section 13(1)(i-a) of the Hindu Marriage Act[20]. The Supreme Court also mandated that such misuse of legal proceedings can be used as grounds to justify a formal divorce.
- **Arnesh Kumar vs. State of Bihar (2014)**[21] **-** The Supreme Court recognized a rampant misuse of Section 498A of IPC (Section 85 BNS) from the police, issuing strict directions to them to curb

[17] AIR 2005 SC 3100

[18] (2010) 7 SCC 667

[19] (2013) 5 SCC 226; AIR 2013 SC 2176; MANU/SC/0182/2013

[20] The Hindu Marriage Act, 1955 (25 of 1955)

[21] 2014 8 SCC 273

arbitrary arrests. The Supreme Court mandated the police to adhere to the due processes under Section 41 of the Cr.P.C. (Section 35 BNSS)[22].

- **Rajesh Sharma vs. State of UP (2017)[23] -** The Supreme Court directed that arrests under Section 498A of IPC (Section 85 BNS) should not be made immediately, but only after verifying the truth of the allegations, noting increasing misuse of the provision by filing false cases against husbands and their families for personal motives.
- **The suicide case of Atul Subhash (2024)**. **-** In December 2024, Atul Subhash, a software engineer from Bengaluru, committed suicide amidst a legal dispute with his wife, Nikita Singhania, for divorce and the custody of their four-year-old son. In an 80 minute video, and, a 24-page suicide note, he alleged relentless harassment through false domestic violence and dowry cases, and demands of up to INR 30 lacs to see his child. He claimed his wife and in-laws used the legal system to extort and alienate him. His death sparked national outrage, with the Supreme Court acknowledging misuse of marital cruelty laws and a Public Interest Litigation (PIL) filed seeking reforms to make dowry and domestic violence laws gender-neutral.[24]
- **Shivangi Bansal vs. Sahib Bansal (2025) [25] -** The marital relationship of Shivangi Bansal and Sahib Bansal had collapsed since 2018, resulting in multiple legal battles. Shivangi (the petitioner), an IPS officer, registered 15 (fifteen) complaints against her husband and in-laws. The respondents (her husband and in-laws), meanwhile, registered 10 (ten) counter-cases. Her husband and his father (the respondents) were consequently arrested and spent more than 100 days in jail. Observing a prolonged conflict and a frequent misuse of laws on several occasions, the Supreme Court dissolved the marriage (under Article 142 of the Constitution of India)**,** dismissing all registered cases and ordering both families to end hostilities. The petitioner, and her family, was directed by the Apex Court, to publish an unconditional public apology. The petitioner was also warned against misusing her position. Furthermore, the Court granted police protection to the respondents, while also reiterating the safeguards against the misuse of Section 498A (Section 85 of BNS), and stressing on the review and cooling-off mechanisms. This case highlights how protective laws can be misapplied and calls for more gender-neutral reforms.

---

[22] The Code of Criminal Procedure Code, 1973; The Bharatiya Nagarik Suraksha Sanhita, 2023

[23] 2017 3 SCC 821

[24] 'Atul Subhash suicide: Here's what Supreme Court said on misuse of cruelty laws in marital disputes'; The Week News Desk (December 11, 2024), https://www.theweek.in/news/india/2024/12/11/atul-subhash-suicide-what-supreme-court-said-on-misuse-of-cruelty-laws-in-marital-disputes.html, last visited on 19.08.2025

[25] 2025 SCC OnLine SC 1494

- **The case of Akbar Ali**[26] **-** Akbar Ali, a resident of Haryana, reported that shortly after marriage, his wife left for her parental home and never returned. When he tried to bring her back, he was turned away and later accused of domestic violence in court, despite his denial. He further alleged that her family demanded INR 20 lacs in exchange for access to his three-year-old daughter, whom he had lived with for only one year of her life.
- **The case of Gurvinder**[27] - He stated that his wife was involved in an extramarital affair that predated their marriage and continued afterwards. When he confronted her, she dismissed him as merely a "bank balance." Shortly thereafter, he received a legal summons accusing him of domestic violence and dowry harassment. He further alleged that her family has since made repeated financial demands.
- **International Case Reference (2019): John Christopher Depp II vs. Amber Laura Heard (CL–2019–2911)**[28] **-** While the case was formally about defamation, it drew global attention to the possibility of men being victims of intimate partner violence, a subject often under-acknowledged in both law and society. Evidence presented during the trial included medical records, audio recordings, and witness testimonies that suggested domestic violence can be reciprocal and not strictly gendered. The jury found Amber Laura Heard's (the petitioner) statements to be defamatory, and awarded John Christopher Depp (the defendant) 10 million USD in compensation and an additional 5 million USD in punitive damages (this was later reduced due to state limits). On the other hand, Heard was awarded 2 million USD in compensation as a part of her countersuit. The case highlights how legal systems worldwide are increasingly being challenged to acknowledge that victimhood are not determined by gender, but by the experience of abuse itself.

Each of these cases underscores the importance of adopting gender-neutral legal lenses when addressing cases of domestic violence. It illustrates that framing domestic violence solely as "male=perpetrator & female=victim" not only silences male survivors, but also complicates justice when abuse occurs in more complex relational dynamics.

[26] International Men's Day: "I'm a Man Who Faced Domestic Abuse", The Quint (November 19, 2018), https://www.thequint.com/news/india/stories-male-victims-domestic-violence-india, last visited 19.08.2025

[27] Ibid.

[28] John C. Depp II vs. Amber Laura Heard, Fairfax County Courthouse, Nineteenth Judicial Circuit of Virginia (March 27, 2020), as available in https://www.fairfaxcounty.gov/circuit/sites/circuit/files/assets/documents/pdf/opinions/cl-2019-2911-depp-ii-v-heard-3-27-2020.pdf , last visited 21.08.2025

VI. REASONS WHY DOMESTIC VIOLENCE AGAINST MEN OFTEN GO UNREPORTED

There are several factors behind men hesitating to share or even report the violence or abuses they face from their spouses or their intimate partners. Some of these reasons include[29]:

- **General stereotypes against males –** Men often feel discriminated against when sharing their experiences about the violence or abuse they have faced due to the fear of being judged as being cowardly and "not manly enough". Most men believe that their struggle against violence will be worthless because of the preconceived mentality of people around them, which is only further embossed by the gender-biased laws and provisions mentioned in the Indian Penal Code. Furthermore, some men feel like failures with regards to their duties as a protector of their families.
- **Fear of being booked in fake/fabricated complaints –** Many men believe that reporting or revealing about spousal or intimate partner violence within their domestic environment can cause unnecessary nuisance and harassment from their wives or intimate partners. Simultaneously, they have the fear of facing legal consequences as a result of the gender-biased or gender-specific laws mentioned in certain Acts of the IPC. In some cases, they also fear having to be unwillingly separated from their families and children, which is definitely a tough process to deal with.
- **Societal and family pressure –** Sometimes, men continue to live with their families even after the breakdown of their marriage due to the judgment and pressure from their families and relatives. This family pressure makes men feel ashamed of revealing the abuse, or, violence they face from their spouses or in-laws. Society also plays a crucial role in this aspect, stereotyping against a particular gender and creating room for nourishing or encouraging gender-biased laws.
- **Lack of Institutional Mechanism** - There are numerous institutions and non-governmental organizations (NGOs) advocating women's rights, but very few government-backed institutions that do the same for men's rights. In most cases, when male victims approach the

[29] Mayank Patel; Domestic Violence Against Men in India; Jus Corpus Law Journal, (June 5, 2022), last visited 21.08.2025, at 14:34 p.m, https://www.juscorpus.com/domestic-violence-against-men-in-india ,; Seep Gupta; 'Domestic Violence Against Men in India; iPleaders; (December 21,2020), last visited on 24.08.2025 at 14:34 p.m, https://blog.ipleaders.in/domestic-violence-men-india/ ,

police to report domestic violence from their partners (or women in general), they are mocked, intimidated, harassed, or even assaulted, discouraging others from reporting such occurrences in the future.

- ❖ **Fear of separation from their children -** Most men hesitate to report domestic violence from their partners simply because they fear losing the custody of their children and being separated from them. Sometimes, the simple knowledge that this kind of experience will have a strong impact on the mental health of the child (or children), becomes reason enough to avoid going through the entire legal procedure(s).

The fact is undeniable that women are often victims of intimate partner violence. However, this cannot be held as an excuse for the absence of proper and adequate legal provisions that protect men from similar abuse. Every citizen of India comes under the purview of gender equality and basic human rights, and therefore, should have equal right to protection from domestic violence, regardless of the gender of the perpetrator(s).

Article 14 of the Constitution of India mandates that all citizens are entitled to "Equality before the Law", and "Equal protection of the Laws" by the State.[30] Similarly, Article 15, Clause (1) of the Constitution of India, prohibits any form of discrimination or prejudice on the grounds of race, caste, religion, sex (gender), or even place of birth.[31] While the Constitution of India itself mandates equal and fair treatment for every citizen, the ground reality is that the practiced law often safeguards women more effectively than men.[32]

VII. LEGAL REMEDIES AVAILABLE TO MEN

There are a few legal remedies available for male victims of domestic abuse, including[33]:

- The Husband may register a complaint under Section 120B IPC[34] (Section 61 of BNS) if he can establish that his wife/partner and their family engaged in a criminal conspiracy against him.

[30] INDIA CONST. Art. 14, amended by The Constitution (106TH Amendment)Act, 2023

[31] INDIA CONST. Art. 15 cl. (1), amended by The Constitution (106TH Amendment) Act, 2023

[32] Chanchal Vashishtha et. al; Domestic Violence Against Men: A Mixed Study from India, Journal of Chemical Health Risks , JCHR (2025) 15(3), 1601-1618| ISSN:2251-6727, (May 1st, 2025), https://www.jchr.org/index.php/JCHR/article/view/8530/4869 , last visited on 23.08.2025

[33] Sadhna Gupta, Supra Note 14

[34] The Indian Penal Code (45 of 1860)

- If the wife threatens to cause harm to her husband or his family members, the husband may initiate proceedings under Section 506 IPC (Section 351 of BNS) for criminal intimidation.
- If the false allegations of the wife lead to damage in the reputation for the husband and his family, he is entitled to register a defamation suit under Section 500 IPC (Section 356 of BNS).
- In complaints that are registered with fabricated or false evidence, the husband can proceed under Section 191 of the IPC (Section 227 of BNS) for false evidence.
- If the husband anticipates arrest due to a fabricated 498A IPC (Section 85 of BNS) complaint, he may apply for anticipatory bail under Section 438 Cr.P.C (Section 482 of BNSS[35]).
- Where sufficient proof of innocence exists, the husband can approach the High Court under 482 Cr.P.C (Section 528 of BNSS) to seek the quashing of the FIR.
- If it is proven that there were no valid grounds for his or his relatives' arrests, the husband can claim compensation under Section 358 Cr.P.C (Section 394 of BNSS) for wrongful arrest based on a false FIR.
- In some cases, the safest option is to file for divorce under section 13 of HMA[36], on the grounds of cruelty.

VIII. REPORTS OF RESEARCH CONDUCTED IN INDIA

The research was conducted by the Save Family Foundation and My Nation (2006), interviewing about 1,650 men aged between 15 to 49 years, who were selected through random sampling by using a schedule based on the World Health Organization (WHO) multi-nation study on men's health and domestic violence.[37] The report indicated that men had experienced various forms of violence, the most common among them being economic violence (32.8%), followed by physical violence (25.2%), emotional violence (22.2%), and sexual violence (17.7%).[38]

The National Crime Record Bureau (NCRB) suicide report state that, in the year 2020, the total number of suicidal deaths in the country was 1,53,052, out of which the number of males was 1,08,532 (70.9%), and females constituted 44,498 (29.1%), while the number of trans-genders was 22. This data reflected

[35] Supra Note 22

[36] The Hindu Marriage Act, 1955

[37] Mayank Patel, Supra Note 29

[38] Ibid.

a 0.7% increase in number male suicides and a decrease of 0.7% suicides among females when compared to the numbers related to suicidal deaths in the year 2019.[39]

According to a study (2019) conducted in the state of Haryana, India, comprising 1000 men, it was revealed that 52.4% of men have undergone or experienced domestic violence of all types. 51.5% of men have faced abuse from their spouse or intimate partner at least once in their life, while 10.5% have suffered domestic abuse in the year 2018.[40]

The most common of all intimate-partner violence is emotional abuse (51.6%), followed by physical abuse (6%)[41], which was observed to be higher than the numbers obtained in domestic violence studies carried out internationally, especially in Canada, the United States, and the United Kingdom (where the Partner Abuse State of Knowledge Project (PASK) reported a prevalence of such violence to 19.3%.)[42]

The National Family Health Survey (NFHS) of 2004 shows that domestic violence is not exclusively perpetrated by female partners or wives. In several cases, male relatives of the wife or the in-laws of the husband are also responsible for harassing, intimidating, or threatening the man.[43]

In India, 29 in every 1000 victims of spousal violence are men. According to the NFHS-4 report (2015-2016), the number of husbands as victims of spousal violence ranged from 2 every 1000 victims in the state of Sikkim to 90 per 1000 victims in Tamil Nadu.[44]

---

[39] Ibid.; 'Pandemic Year 2020 Saw 10% Rise in Suicides in India: NCRB Report', The Federal Voice of States, (October 29th, 2021), https://thefederal.com/news/pandemic-year-2020-saw-10-rise-in-suicides-in-india-ncrb-report/ , last visited 23.08.2025

[40] Jagbir Singh Malik et. al; 'A Cross Sectional Study of Gender-based Violence against Men in the rural area of Haryana, India, Indian Journal of Community Medicine, Volume 44, Issue 1, p. 35-38, (January-March 2019), https://journals.lww.com/ijcm/fulltext/2019/44010/A_Cross_sectional_Study_of_Gender_Based_Violence.9.aspx , last visited 21.08.2025

[41] Ibid.

[42]Aparjita Chattopadhyay "et al."; 'Prevalence and risk factors of physical violence against husbands: evidence from India', Journal of Biosocial Science,(October 12, 2023), https://www.cambridge.org/core/journals/journal-of-biosocial-science/article/prevalence-and-risk-factors-of-physical-violence-against-husbands-evidence-from-india/64B58C5ED2E4514ABEBFB6828171E715 , last visited 23.08.2025

[43] Ibid.

[44] Ibid.

Additionally, a 2025 mixed-methods study in northern India (especially in the Delhi region) of 587 male respondents found recurring themes of humiliation, emotional and physical abuse, extortion, false legal accusations, and financial coercion, compounded by societal stigma and insufficient support systems.[45]

While taking into consideration both the physical violence and threats or intimidation from the in-laws of the husband or the wife's relatives, it is estimated that nearly 3 crore men in India are victims of domestic violence.[46]

IX. COMPARISON WITH OTHER COUNTRIES

According to a report of the National Statistics Domestic Violence Fact Sheet, "1 out of every 9 men in the United States of America experiences some sort of domestic violence from their intimate partner or their wives. Similarly, 1 out of every 7 men has faced some form of physical abuse from his wife or intimate partner.[47]

In the UK, men compose 2 out of every 5 victims of domestic violence. This breaks the common notion that only females can be the victim of domestic violence, and that men can only be abusers.[48]

According to the men's rights campaign group Parity, domestic violence against men often goes unnoticed, and in most cases, their attackers are not punished by the police or law enforcement officers.[49]

[45] Chanchal Vashishtha et. al, Supra Note 32

[46] Sanjay Deshpande; 'Socio-cultural and Legal Aspects of Violence Against Men', Journal of Psychosexual Health, 1(3-4):p 246-249, (July-October 2019), https://www.ovid.com/journals/jpsh/fulltext/10.1177/2631831819894176~sociocultural-and-legal-aspects-of-violence-against-men , last visited 24.08.2025

[47] Statistics (ncadv.org), https://ncadv.org/statistics , last visited 02.09.2025

[48] Dennis Campbell; 'More than 40% domestic violence victims are male, report reveals', (September 5, 2010), as available in https://www.theguardian.com/society/2010/sep/05/men-victims-domestic-violence , last visited 24.08.2025

[49] Dr. Suman Shrivastava et. al.; Domestic Violence against Men by Women, Volume 4, Issue 4, (July-August 2022), available in https://www.ijfmr.com/papers/2022/4/619.pdf , last visited on 03.09.2025

According to the British crime survey, between the time period 2004-2005 and 2008-2009, 40 in every 100 victims of domestic violence were men[50]. In recent years, the violence rate has declined to 37.7%.[51]

In Australia, 1 in 16 men have been the victim of domestic violence, in the form of physical or sexual torture from their wives or intimate partner or from the person they are cohabiting with. Between the years 2012–13 and 2013–14, one man per month lost his life due to domestic violence by a current or former partner. In the year 2014–15, nearly 2 men on average were hospitalized daily, after assaults by their spouse or partner.[52]

The aforementioned studies and surveys from various countries reveal that domestic violence among men at the hands of their wives or from their intimate partners is not an uncommon occurrence. Hence, there is a dire need for effective and appropriate laws, rules, or regulations to be put in place to deal with domestic violence in a more gender-neutral way.

X. GLOBAL COMPARATIVE VIEW ON GENDER-NEUTRAL LEGISLATION IN DIFFERENT COUNTRIES.

- **The United States of America -** Domestic violence laws in the U.S are gender-neutral, protecting every individual irrespective of gender.[53]
- **The United Kingdom -** The UK's Domestic Abuse Act, 2021, recognizes abuse against both sexes, and promotes a comprehensive approach, serving as a model for India[54]**.**

[50] Ibid.

[51] Seep Gupta, Supra Note 29

[52]Family, domestic and sexual violence in Australia, 2018, Summary ,Australian Institute of Health and Welfare, (February 28, 2012), as available in https://www.aihw.gov.au/reports/family-domestic-and-sexual-violence/family-domestic-sexual-violence-in-australia-2018/summary?source=post_page , last visited 24.08.2025

[53] VAWA 2013 Nondiscrimination Provision: Making Programs Accessible to All Victims of Domestic Violence, Sexual Assault, Dating Violence, and Stalking, U.S. Department of Justice on April 9, 2014, as available in in https://www.justice.gov/archives/ovw/blog/vawa-2013-nondiscrimination-provision-making-programs-accessible-all-victims-domestic, last visited 24.08.2025

[54] Domestic Abuse Act, 2021, c. 17 (UK), as available in https://www.legislation.gov.uk/ukpga/2021/17/contents , last visited 24.08.2025

- **Australia** - The Family Law Act in Australia, provides gender-neutral safeguards, ensuring remedies are based on abuse itself, and not the victim's gender.[55]
- **Canada** - Canada's legislation allows protection orders and resources for all genders.[56]

XI. RECOMMENDATIONS FOR INCLUSIVE REFORMS

a) Legislative Recommendations

- An immediate amendment of the PWDVA, 2005, to define victims as "persons" instead of "women," rendering it gender-neutral and inclusive of all survivors.
- The introduction of supportive provisions for protection orders, residence stay, and monetary relief for male victims.
- Enacting safeguards to prevent misuse of the existing legal framework. E.g., conducting mandatory preliminary investigations to determine the authenticity of reported complaints and rendering penal sanctions for false complaints.

b) Policy and Institutional Measures

- Establishing gender-inclusive help lines, counseling services, and shelter homes that address victims who are males or associate with other gender identities.
- Sensitivity training for police, judicial officials, and healthcare providers to recognize and address male victimization without bias.
- Public awareness campaigns to eliminate the stigma surrounding male victim reporting and normalize support.
- Data collection and research initiatives to gather accurate gender-disaggregated statistics on domestic violence.

[55] Family Law Act 1975 (Cth) [Australia], as available in URL:- https://www.legislation.gov.au/C2004A00275/latest/versions ; Domestic and Family Violence Protection Act 2012 (Qld), as available in https://www.legislation.qld.gov.au/view/html/inforce/current/act-2012-005 , last visited 24.08.2025

[56] Male Survivors of Intimate Partner Violence in Canada, Office of the Federal Ombudsman for Victims of Crime (Canada), at Exec. Summary (2023), as available in https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/publications/research-recherche/ipv-ipv.html, last visited 24.08.2025

CONCLUSION

Domestic violence is a grave violation that impacts individuals across the gender spectrum. The current legal approach in India, shaped significantly by the PWDVA and IPC provisions, reflects the laudable intention to redress gendered violence against women. However, it falls severely short of the gender-inclusive approach advocated by the Constitution of India by excluding male victims or survivors within their purview. Not only does this exclusion undermine the constitutional ideals of equality, but it also perpetuates systemic denial of male victimhood at every step, be it within the legal framework or the society.

Empirical studies underscore the fact that men face significant levels of emotional, physical, and economic abuse, and yet they continue to remain overlooked due to legal inadequacies and societal stigma. The Indian legal system must evolve to reflect these realities, particularly in the backdrop of international jurisdictions that have successfully implemented gender-neutral domestic violence legislation, offering robust models for inclusive protection.

By reforming domestic violence laws to be gender-neutral, and building the supporting infrastructure, India can move toward a justice system that truly embodies equality before the law. Strengthened by judicial safeguards and stigma reduction, such reforms will enhance trust in the legal remedies, while promoting equitable protection and acknowledge the humanity of all survivors.

“Equality before the Law” is not a privilege, it is a constitutional obligation. Domestic violence reforms in India must reflect that, extending justice to every survivor, regardless of their gender. That is the absolute need of the hour.