

Gender-Neutral Justice: Redefining Domestic Violence Laws to Include Men

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ABSTRACT

Domestic abuse is most often discussed in the context of female victims, with the assumption that men are the primary perpetrators. However, with changing socioeconomic conditions and evolving family structures, domestic violence is no longer a gender-exclusive issue. Men, too, experience various forms of abuse—verbal, physical, emotional, psychological, and sexual. Yet, due to societal stigma and underreporting, their suffering often goes unnoticed. Legal and cultural frameworks that predominantly view women as victims further contribute to the denial of justice for male survivors. This article examines the prevalence, root causes, and consequences of domestic abuse against men. It underscores the urgent need for gender-neutral domestic violence laws and advocates for the inclusion of all forms of spousal abuse within the legal definition of domestic violence.

Keywords: Male domestic abuse, gender-neutral legislation, spousal violence, male victims, legal bias, emotional abuse, family dynamics, domestic violence laws.

INTRODUCTION

The term *domestic violence* encompasses a broad range of violent acts committed by one family or household member against another. It typically includes abuse against a child or spouse and covers not only physical harm but also threats, verbal assaults, psychological manipulation, and sexual abuse. What sets domestic violence apart from other forms of assault is the personal relationship between the victim and the perpetrator.

In the Indian context, domestic violence is predominantly viewed as violence against women. However, men can also be victims, as seen through personal interactions and observations in various social and professional environments. Societal norms rooted in traditional gender roles often prevent the recognition of women as potential aggressors. This deeply entrenched bias has led to a widespread disbelief that women can inflict harm on men. Even the judiciary has, at times, acknowledged the misuse of domestic violence laws through false allegations by women.

Despite this, men often remain silent about their suffering, either due to shame, fear of ridicule, or a lack of awareness about available legal protections.

This article seeks to explore the current landscape of domestic violence against men, its underlying causes, and the consequences of its continued neglect. It also addresses the legal and social ramifications of this issue and examines preventive strategies to mitigate such violence against men.

COMPARISON OF INDIA AND OTHER COUNTRIES

Recent research conducted in India indicates that the prevalence of spousal or intimate partner violence is approximately **51.5%**, which is significantly higher than the rates reported in Western countries such as the United States, Canada, and the United Kingdom. According to the Partner Abuse State of Knowledge (PASK) Project, the prevalence in these countries stands at **19.3%**¹. In India, domestic violence was formally criminalized in **1983** and is currently addressed under **Section 498A of the Indian Penal Code**, which deals with cruelty towards a woman by her husband or his relatives².

PREVALENCE

There is a noticeable lack of scientific research and data on domestic violence against men in existing literature. However, a recent survey found that **51.5% of men** had experienced some form of abuse from their wives or intimate partners at least once in their lives, and **10.5%** reported such experiences within the past year. Interestingly, as per the **National Family Health Survey (2004)**, domestic abuse is not always directly inflicted by the wife or female partner; in many cases, it is perpetrated by male relatives of the woman who physically assault or threaten the man³.

When instances of physical assault and intimidation by the wife's family are taken into account, it is estimated that nearly **30 million (3 crore)** men in India have been victims of domestic violence⁴.

A study conducted between **April 2005 and March 2006** by **My Nation** and the **Save Family Foundation** (Delhi) interviewed **1,650 men** to explore their experiences with domestic abuse. The findings indicated that

Indian women were often more aggressive and controlling in domestic settings. Approximately **98%** of the men surveyed reported experiencing domestic abuse at least once in their lifetime. Participants came from diverse socioeconomic backgrounds, though most belonged to the upper-middle and middle classes (Save Family Foundation, 2006).

In contrast, a study by **Nadda et al.**⁵ found that physical violence committed *against* women stood at **35%** and **26.9%**, respectively. These statistics suggest that, while women are significantly affected by domestic violence, the scale and nature of abuse faced by men remains underrecognized, and there exists a gender disparity in both perception and acknowledgment of physical violence in India.

¹ Capaldi, D. M., Knoble, N. B., Shortt, J. W., & Kim, H. K. (2012). A systematic review of risk factors for intimate partner violence. *Partner Abuse*, 3(2), 231–280.

² Indian Penal Code. (1983). Section 498A – Husband or relative of husband of a woman subjecting her to cruelty. Government of India.

³ National Family Health Survey (NFHS). (2004). *NFHS-3: Domestic Violence Data*. Ministry of Health and Family Welfare, Government of India.

⁴ Save Family Foundation & My Nation. (2006). *Study on Domestic Violence Against Men in India*. New Delhi: Save Family Foundation.

⁵ Save Family Foundation & My Nation. (2006). *Study on Domestic Violence Against Men in India*. New Delhi: Save Family Foundation.

TYPES OF VIOLENCE

Domestic abuse is a multifaceted form of violence that affects individuals on physical, emotional, mental, and psychological levels. Recognized globally as a violation of basic human rights, domestic violence leaves lasting harm in both visible and invisible ways. According to a recent study by **Malik and Nadda (2019)**, **emotional abuse** emerged as the most prevalent form of marital violence, followed by **physical abuse**.

- **Physical Violence:** Physical abuse includes actions such as slapping, pushing, or beating a husband by the wife, her relatives, or even her parents. It may also involve throwing household objects like utensils, mobile phones, or crockery. **Slapping** was reported as the most common form of physical abuse, experienced by **98.3%** of affected men, whereas being struck with a weapon was reported by only **3.3%**. Overall, physical assaults occurred in about **10%** of the cases (Malik & Nadda, 2019).
- **Psychological and Emotional Violence:** Psychological abuse encompasses verbal attacks, humiliation, threats, and controlling behaviors. In the study, **85%** of men reported being constantly criticized, **29.7%** were insulted in public, and **3.5%** were either threatened or physically harmed. Psychological abuse also extended to the misuse of legal provisions—such as threats of false allegations under **dowry** or **domestic violence laws**—which inflicted significant emotional trauma on the victims (Malik & Nadda, 2019).
- **Sexual Abuse:** Though underreported, sexual abuse was also documented. This form of violence included coercion or emotional manipulation when a husband refused sexual relations. However, only **0.4%** of men reported experiencing sexual assault, indicating either its rarity or the high level of stigma and silence surrounding male victims of such abuse ⁶.

TYPES OF CRIMES COMMITTED AGAINST MEN IN INDIA

Men in India also face various forms of exploitation and abuse, both within domestic spaces and professional environments. In some instances, men are coerced into unwanted sexual activity—either at home or in the workplace—often as a means to avoid punishment or in exchange for promised benefits ⁷. In certain regions of India, particularly in states like **Bihar and Uttar Pradesh**, cases have emerged where **young, educated, and financially stable men** have been **abducted and forcibly married** without their consent, a practice known locally as *pakadwa shaadi* ⁸.

Additionally, men are frequently targeted by **false allegations** of rape, molestation, and sexual harassment. These accusations, though serious in nature, are sometimes misused due to the gender bias embedded in both legal frameworks and societal perceptions, which tend to view women as the inherently weaker or more vulnerable party. The **misuse of Section 498A** of the Indian Penal Code (related to domestic cruelty) and **false dowry harassment claims** have been acknowledged by several Indian courts as a growing concern ⁹.

SOCIOCULTURAL AND PSYCHOLOGICAL DIMENSIONS OF VIOLENCE AGAINST MEN

Violence against men in domestic settings can stem from a range of sociocultural and psychological

⁶ Malik, J. S., & Nadda, A. (2019). A cross-sectional study of gender-based violence against men in the rural area of Haryana, India. *Indian Journal of Community Medicine*, 44(1), 35–38.

⁷ Singh, A. (2017). *Sexual harassment of men: A silent epidemic*. *Indian Journal of Gender Studies*, 24(3), 345–360.

⁸ Sharma, R. (2016). *Understanding forced marriages of men in India: A regional analysis*. *Journal of Social Justice Studies*, 12(2), 101–115.

⁹ Supreme Court of India. (2014). *Arnesh Kumar vs. State of Bihar & Anr.*, Criminal Appeal No. 1277 of 2014.

factors, many of which are shaped by modern shifts in household roles, expectations, and stress dynamics.

- **Sociocultural Factors:** Research indicates that certain demographic and social conditions may increase the risk of domestic violence against men. These include **lower income levels**, **nuclear family structures**, **middle-class educational backgrounds**, and the **influence of alcohol** within the household. A notable finding is that when the wife is employed and has completed **high school education**, the risk of **bidirectional physical violence**—violence perpetrated by both partners—rises. Interestingly, no strong correlation has been found between male victimization and variables such as **caste** or **socioeconomic status**. In couples where one partner is a graduate and employed, mutual physical aggression has been observed, particularly where **income disparity** exists in favor of the wife¹⁰ (Malik & Nadda, 2019).
- **Psychological Factors:** Psychological stress and emotional instability also contribute to violent behavior. Women facing challenges in **anger management** or **work-related stress** may displace their frustration through verbal or physical aggression towards their partners. A sense of **unmet expectations**, particularly in cases where the husband's income is lower than the wife's, may contribute to hostility and conflict. Financial strain, shifting power dynamics in the household, and gender role expectations all play a role in fostering such behavior (Malik & Nadda, 2019).
- **SOCIAL AND LEGAL REASONS FOR UNDERREPORTING** Underreporting of domestic violence by men in India is deeply rooted in both **social stigma** and **legal apprehensions**. In a patriarchal society where masculinity is associated with dominance and strength, many men perceive it as deeply humiliating to admit being abused—especially by a woman. This cultural mindset discourages them from disclosing their victimization¹¹.
- Furthermore, **familial and societal pressure** often dissuades men from taking legal action. Many fear being entangled in **false accusations**, particularly under **Section 498A of the Indian Penal Code**, which pertains to cruelty by a husband or his relatives. The widespread misuse of this provision has been noted in multiple judicial observations, leading to anxiety among men who feel vulnerable to retaliatory or fabricated claims¹².
- In addition, **societal disbelief** plays a significant role. Men who report domestic abuse often face ridicule or dismissal, as their experiences do not align with prevailing gender norms. As a result, when men attempt to express their grievances—either within their families or through official channels—they are frequently ignored or not taken seriously.
- Psychologically, many men continue to **suppress their experiences** due to a complex mix of emotions, including **hope that the relationship will improve**, **concern for their children**, **fear of social ostracism**, and **loss of status**. In traditional Indian society, a man admitting victimhood is sometimes perceived as engaging in “feminine” behavior, further deterring disclosure (Sharma, 2018).

EFFECT OF DOMESTIC VIOLENCE AGAINST MEN

Domestic violence, regardless of the victim's gender, has profound and far-reaching consequences on an

¹⁰ Malik, J. S., & Nadda, A. (2019). A cross-sectional study of gender-based violence against men in the rural area of Haryana, India. *Indian Journal of Community Medicine*, 44(1), 35–38.

¹¹ Sharma, R. (2018). *Male victims of domestic violence: A sociocultural dilemma in Indian society*. *Journal of Gender and Social Issues*, 6(1), 45–52.

¹² Supreme Court of India. (2014). *Arnesh Kumar vs. State of Bihar & Anr.*, Criminal Appeal No. 1277 of 2014.

individual's **physical, mental, emotional, and psychological well-being**. It also constitutes a **violation of fundamental human rights**. When violence against men goes **unreported or undetected**, it often results in outcomes such as **denial, depression, marital breakdowns, and even suicide** in extreme cases.

Studies suggest that **suicide rates are significantly higher among married men** compared to their unmarried or separated counterparts¹³. While women are more likely to contemplate suicide, **men are statistically more likely to complete it**, a phenomenon often referred to as the “**gender paradox**”.

Furthermore, the **World Health Organization (2002)** notes that exposure to violence increases the risk of a wide range of adverse outcomes, including **substance abuse** (smoking, alcohol, drugs), **mental health issues, chronic conditions** (like cardiovascular disease, diabetes, and cancer), **infectious diseases** (such as HIV), and **social consequences** like criminal behavior and further violence.

LEGAL ISSUES

Despite growing evidence of **domestic violence against men**, there remains **no dedicated legal framework** in India to protect male victims. Most domestic violence laws are **exclusively tailored for women**, treating them as the sole victims.

Laws like the **Dowry Prohibition Act of 1961** and **Section 498A of the Indian Penal Code** were enacted to protect women from cruelty and dowry-related abuse. However, there have been widespread concerns about the **misuse of Section 498A**, prompting the **Supreme Court of India** to caution against the rise of what it termed “**Legal Terrorism**”—a situation where the law is misused to harass innocent men and their families¹⁴.

Despite judicial appeals, **no reforms have been implemented** to address or balance gender neutrality in such cases¹⁵.

OTHER LAWS FAVORING WOMEN

Indian laws concerning **adultery, divorce, child custody, and maintenance** largely favor women. For example, until recently, **only men were held liable for adultery, and men cannot file counter-claims against their wives or in-laws** under laws like Section 498A. In most instances, women are presumed to be victims, which leads to **bias in legal proceedings**, particularly in **child custody and alimony** decisions post-divorce.

The increasing number of **false accusations** related to **rape and sexual harassment** against men is also a serious concern, as these claims can have devastating consequences on the accused's personal and professional life—even if proven false¹⁶.

NEED FOR GENDER-NEUTRAL LAWS

There is an urgent need to introduce **gender-neutral legislation** in India that addresses not only genuine cases of domestic violence and dowry harassment but also safeguards individuals—particularly men—against **false accusations** of such crimes. Existing legal frameworks disproportionately presume **women**

¹³ World Health Organization. (2002). *World Report on Violence and Health*. Geneva: WHO.

¹⁴ Supreme Court of India. (2014). *Arnesh Kumar vs. State of Bihar & Anr.*, Criminal Appeal No. 1277 of 2014.

¹⁵ Sharma, R. (2018). *Legal bias and male victimhood in India: A sociological critique*. Journal of Law and Gender Studies, 5(1), 33–44.

¹⁶ Verma, A. (2020). *False allegations and their impact on men: A legal and psychological perspective*. Indian Journal of Legal Studies, 8(2), 110–122.

as victims and men as perpetrators, leaving little room for justice in cases where men are wrongfully accused¹⁷.

True gender equality requires that **both men and women have equal access to human rights protections** under the law. Domestic violence laws should be restructured to recognize **spousal or intimate partner violence** without gender bias. Currently, India's **Protection of Women from Domestic Violence Act, 2005**, applies only to women, thereby excluding male victims from legal redress¹⁸ (Ministry of Law and Justice, 2005).

Emerging studies have consistently shown that **men, too, experience physical, emotional, and psychological abuse** at the hands of their female partners¹⁹. In light of this, legal reforms are essential to ensure **equitable protection and justice** for all individuals, regardless of gender. Recognizing and addressing **violence against men** is not only a legal imperative but also a **critical step toward genuine gender equality**.

CONCLUSION

As society and family dynamics evolve, so too must our understanding of **gender-based violence**. Increasing evidence shows that **men are also subjected to physical, emotional, and psychological abuse** at the hands of their spouses and in-laws. These issues must be **recognized as both public health and social concerns**, deserving of serious policy attention and intervention²⁰. Like women, **men require emotional support, legal safeguards, and access to redress mechanisms**, particularly when they face abuse in intimate relationships.

To ensure true **gender equality**, domestic violence laws must be reformed to **include male victims** and treat spousal violence as a **gender-neutral criminal offense**. Both men and women are foundational to the fabric of families and society; thus, legal protections must apply **equally to both genders**. Offering **preferential treatment to one gender** undermines the principle of justice and can result in societal imbalance and family disintegration²¹.

The **misuse of protective laws**—especially false allegations under provisions such as **Section 498A of the IPC**—has become a pressing concern. Courts and legal experts have repeatedly urged lawmakers to address this misuse by incorporating **penalties for filing false cases**²². The law must not become a tool for revenge or coercion; rather, it should serve as a **balanced mechanism of protection** for all individuals.

The Indian Parliament, while empowering women through legal privileges, must now take steps to **create gender-neutral laws** that prevent **legal harassment of men**. Raising awareness about the **consequences of false accusations** and encouraging **mutual understanding** between spouses can help foster more harmonious family relationships.

¹⁷ Sharma, R. (2018). *Legal bias and male victimhood in India: A sociological critique*. Journal of Law and Gender Studies, 5(1), 33–44.

¹⁸ Ministry of Law and Justice. (2005). *The Protection of Women from Domestic Violence Act, 2005*. Government of India.

¹⁹ Malik, J. S., & Nadda, A. (2019). A cross-sectional study of gender-based violence against men in the rural area of Haryana, India. *Indian Journal of Community Medicine*, 44(1), 35–38.

²⁰ Malik, J. S., & Nadda, A. (2019). A cross-sectional study of gender-based violence against men in the rural area of Haryana, India. *Indian Journal of Community Medicine*, 44(1), 35–38.

²¹ Sharma, R. (2018). *Legal bias and male victimhood in India: A sociological critique*. Journal of Law and Gender Studies, 5(1), 33–44.

²² Supreme Court of India. (2014). *Arnesh Kumar vs. State of Bihar & Anr.*, Criminal Appeal No. 1277 of 2014.

Ultimately, a **balanced, equitable legal framework**—one that acknowledges the rights and vulnerabilities of both men and women—is essential for building a just and civilized society.