

## ASSESSING THE GENDER NEUTRALITY OF THE DOMESTIC VIOLENCE ACT: A COMPARATIVE ANALYSIS AND POLICY IMPLICATIONS

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### ABSTRACT

*In India, domestic violence is a widespread and concerning problem that affects people from all socioeconomic groups. Although the existing legal framework acknowledges the significance of combating domestic violence, there is an urgent need to fix the law's lack of gender neutrality. This research intends to analyse domestic violence laws in India that are unique to gender, with a focus on domestic violence against women, and to draw attention to the issue of domestic violence against men, which is frequently disregarded. This study aims to highlight the relevance of gender neutrality in domestic violence legislation and provide light on the prejudices and problems experienced by male victims of domestic abuse by investigating the present legal system, public opinions, and the experiences of male victims. The study issues concentrate on the barriers posed by the law and cultural norms to the identification and defence of male victims. The goals include evaluating the legal obstacles, looking at cultural attitudes and stereotypes, and formulating policy suggestions for changing India's domestic violence laws. The report advocates for legislation that is gender-neutral and offers all victims, regardless of gender, the same level of protection and assistance. It promotes awareness-raising efforts, educational programmes, and assistance programmes specifically designed to meet the needs of male victims. India can close the legal loopholes, question cultural norms, and provide inclusive and efficient responses to domestic violence against men by putting these policy ideas into practice.*

**Keywords:** Domestic Violence, Gender Neutrality, India, Male Victims, Legal Challenges, Societal Attitudes, Policy Recommendations.

### INTRODUCTION

In India, domestic violence continues to be a pervasive and gravely worrying problem that affects people from all socioeconomic classes. It includes a variety of abusive actions, such as injury committed on another person's body, mind, or finances in close relationships. While

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India's current legal system recognises the significance of domestic abuse, there is an urgent need to rectify the lack of gender equality in the law.

The current study issue is on India's gender-specific domestic violence legislation, with a particular emphasis on domestic violence against women. As vital as it is to acknowledge and address the particular difficulties that women confront, it is also critical to bring attention to the all too frequently ignored problem of domestic violence against males. This study intends to analyse the effects of overlooking male victims of domestic abuse and to emphasise the significance of gender neutrality in domestic violence laws.

### **RESEARCH METHODOLOGY**

This study will employ a mixed-methodologies approach, including qualitative and quantitative methods, to assess the gender neutrality of India's Domestic Violence Act. The project intends to give insights into the efficacy of existing legislation and policy proposals to better help male victims of domestic abuse using surveys, interviews, and data analysis.

### **RESEARCH QUESTIONS**

1. What are the difficulties and restrictions imposed by Indian law on the identification and protection of male victims of domestic abuse?
2. How do cultural views, prejudices, and gender roles affect how domestic violence against males is seen or minimised in India?

### **RESEARCH OBJECTIVES**

1. To assess the legal challenges and barriers faced by male victims of domestic violence in India, including analyzing the gender-specific approach of domestic violence legislation and its implications for male victims.
2. To examine the societal attitudes, stereotypes, and gender roles prevalent in India that perpetuate the dismissal or trivialization of domestic violence against men.

### **DOMESTIC VIOLENCE SCENARIO IN INDIA**

In India, domestic violence is a pervasive problem that affects people from all socioeconomic backgrounds and cuts across cultures. The National Family Health Survey (NFHS-4) conducted in 2015–2016 found that almost 30% of Indian women who had ever been married

had experienced domestic abuse at some time in their lives. Domestic violence may take various forms, including physical abuse, mental anguish, sexual assault, and economic exploitation.

Male domestic abuse victims in India, on the other hand, suffer substantial hurdles, including underreporting and marginalisation, owing to societal attitudes and cultural standards. Patriarchal ideologies and gender norms foster stereotypes that portray men as aggressors and women as victims.

Furthermore, because prevailing masculinity ideologies highlight authority and power, male victims may be reluctant to come forward for fear of public humiliation and scorn. Because of these ingrained ideas, guys find it difficult to notice and cope with their victimisation, exacerbating their vulnerability and isolation.

It is essential to fight and destroy these damaging assumptions and cultural attitudes to properly address the issue. It is important to stress that both men and women can be victims and perpetrators of domestic violence in societal awareness campaigns and educational programmes. These initiatives can foster an atmosphere where male victims are encouraged to seek assistance and support without being afraid of criticism or scorn by encouraging empathy, compassion, and inclusiveness.<sup>1</sup>

Additionally, it is critical to creating support networks that are specialised to the requirements of male victims. This entails establishing support groups, counselling services, helplines, and safe shelters that are tailored exclusively for male victims of domestic abuse. To ensure that male victims have a dependable and extensive network of support to turn to in times of distress, these services must be simple to find and readily accessible.

Collaboration between governmental and non-governmental organisations as well as civil society is crucial to bringing about long-lasting change. To recognise and safeguard male victims within the legal system, policy changes must be made. This includes revising current legislation, such as the 2005 Protection of Women from Domestic Abuse Act, to include male victims and their particular situations.

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<sup>1</sup> Jain, D., & Mukherjee, S., 'The forgotten gender: Understanding domestic violence against men in India' (2019) 26(3) Indian Journal of Gender Studies 317.

The Protection of Women from Domestic Abuse Act (PWDVA)<sup>2</sup>, passed in 2005, serves as the main legislative framework in India for combating domestic abuse. The PWDVA seeks to protect and help women who are domestic violence victims. Its gender-specific methodology has drawn criticism, nevertheless, as it neglects to acknowledge and cater to the needs of male victims. The Act excludes male victims and makes them legally vulnerable by defining domestic abuse as violence perpetrated by a man against a female. This gender-specific approach reinforces the myth that domestic abuse is only a female problem, which marginalises and undersupports male victims.

### DOMESTIC VIOLENCE AGAINST MEN

In India, domestic violence against males is a widespread but sometimes disregarded problem. Male domestic abuse victims confront particular difficulties, such as societal shame, a lack of understanding, and a lack of adequate support resources. Although domestic violence against males is a common occurrence, social and legal prejudices frequently encourage underreporting and discreditation of their experiences.

Male domestic violence victims in India experience substantial societal shame, which deters them from seeking assistance or reporting abuse. It is challenging for male victims of abuse to come forward and share their experiences because traditional gender roles and cultural expectations foster the idea that males should be powerful and impervious to violence<sup>3</sup>. Their silence and limited access to support services are both caused by their fear of seeming weak or emasculated. *Journal of Legal Research and Juridical Sciences*

The difficulties they encounter are made much more difficult by the lack of knowledge concerning domestic abuse against males. The myth that males cannot be victims of domestic abuse is sustained by a lack of public debate and insufficient education on the topic<sup>4</sup>. This ignorance makes it difficult for male abuse victims to identify and comprehend the dynamics of the abuse and keeps them from getting the help they need.

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<sup>2</sup> Government of India, Protection of Women from Domestic Violence Act 2005, [Online] available at <https://wcd.delhi.gov.in/wcd/protection-women-domestic-violence-act-2005> accessed on 26-06-2023

<sup>3</sup> Singh, R., 'Domestic violence against men in India: A comprehensive study' (2017) 26(6) *Journal of Aggression, Maltreatment & Trauma* 616-630 <https://doi.org/10.1080/10926771.2016.1215573> accessed 26-06-2023

<sup>4</sup> Sethi D, Tiwari R, Bhargava S, Ghoshal A, Singh TB, Gupta R, 'Domestic Violence Against Men in India: A Perspective from a Men's Rights Activist' (2017) 10(4) *Medical Journal of Dr. D.Y. Patil Vidyapeeth* 330-336 <https://doi.org/10.4103/0975-2870.212140> accessed [date accessed].

Their marginalisation is made worse by the scarcity of support programmes designed especially for male victims. As a result of the common gender-specific approach in domestic abuse laws, the majority of support services in India, including helplines, shelters, and counselling facilities, are primarily created for female victims. Male victims frequently have a hard time finding welcoming environments that cater to their particular needs, leaving them without the tools they need to leave abusive circumstances.

Due to cultural and legal stereotypes, domestic violence against men is also mostly unnoticed. Due to persistent gender norms and stereotypes that uphold the notion that men are always the aggressors and women are always the victims, male victims of domestic violence are stigmatised and have trouble accessing the judicial system. Legal frameworks that limit domestic abuse to male perpetrators against female victims deny male victims of legal protection, increasing their vulnerability and making it more challenging for them to seek legal recourse.

The problem of domestic abuse against males requires a multifaceted strategy to be solved. It is essential to dispel cultural misconceptions and increase knowledge about male victimisation. To recognise and treat the particular requirements of male victims, it is crucial to train and sensitise professionals in a variety of fields, including law enforcement and healthcare<sup>5</sup>. To promote inclusion and fair access to resources, it is also crucial to create gender-neutral policies and support programmes that cover all victims of domestic abuse, regardless of their gender.

The high court of Karnataka gained notoriety on April 18, 2017, by allowing a Bengaluru man to accuse his wife of domestic assault<sup>6</sup>. Justice Anand Byrareddy said that males can make use of the domestic abuse law's provisions based on the Supreme Court's 2016 ruling. But a few days later, on his final day of work as a judge, Justice Byrareddy retracted his own decision, calling it "patently incorrect." In July 2018, the Supreme Court overturned both of the Karnataka High Court's rulings and instructed the petitioner to instead pursue his ongoing appeal in the matter before the Sessions Court.

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<sup>5</sup> Dhawan, S., 'Domestic violence against men in India: A perspective' (2014) 24(4) Journal of Human Behavior in the Social Environment 452-463.

<sup>6</sup> Mohammed Zakir v Smt Shabana, (18 April 2017) <https://indiankanoon.org/doc/85001144/>.

The Supreme Court in the case of *Hiralal P Hasora v. Kusum Narottamdas Harsora*<sup>7</sup> held that the complaint against daughter-in-law, daughters or sisters is maintainable under the provisions of the DV act.

52.4% of males in India encounter gender-based violence, according to a survey<sup>8</sup> of 1000 married men in Haryana's rural villages between the ages of 21 and 49. 51.5% of men report having been tortured or violently treated by their spouses or other close partners at some point in their lives. 10.5% of men report having been the victims of intimate partner or wife violence in the past 12 months. Physical abuse is the second most frequent form of marital or domestic violence against males, followed by emotional abuse.

### **GENDER NEUTRALITY IN DOMESTIC VIOLENCE LEGISLATION**

Gender neutrality, which argues for the extending of legal safeguards to all genders, including males, is a key idea in the fight against domestic abuse. It respects the various experiences of victims and the fact that domestic abuse does not only affect one gender. Domestic abuse laws can better address the complexity of intimate partner violence and offer help to all victims, regardless of gender, by taking a gender-neutral stance.

Domestic abuse legal safeguards must be made available to persons of all genders. Although women have traditionally been considered the primary victims of domestic violence, males can also be abused in close relationships. Gender-neutral legislation ensures that men have the same rights and services as women by respecting their experiences, validating their suffering, and including them in the legal system.<sup>9</sup>

International examples and best practices indicate the efficacy of gender-neutral domestic violence laws. Nations such as Canada, Sweden, and the United Kingdom have enacted legislation that identifies domestic violence as a gender-neutral problem, providing protection and aid to all victims regardless of gender<sup>10</sup>. These statutes stress the significance of fully and impartially addressing domestic abuse.

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<sup>7</sup> *Hiral P. Harsora and Others v Kusum Narottamdas Harsora and Others*, <https://indiankanoon.org/doc/114237665/>.

<sup>8</sup> Malik, Jagbir Singh; Nadda, Anuradha, 'A Cross-sectional Study of Gender-Based Violence against Men in the Rural Area of Haryana, India' (2019) *Indian Journal of Community Medicine* 44(1), p 35-38, Jan-Mar. DOI: 10.4103/ijcm.IJCM\_222\_18.

<sup>9</sup> Dutton DG, *Rethinking Domestic Violence* (UBC Press 2006).

<sup>10</sup> Ved, P., 'Gender-neutral laws on domestic violence: Lessons from international law' (2015) 50(26-27) *Economic and Political Weekly* 67-72.

However, this gender-specific technique overlooks the experiences of male victims and excludes them from legal protection. Adopting a gender-neutral policy would enable equal access to legal remedies, support services, and justice for all victims, regardless of gender.

To implement gender-neutral domestic abuse legislation in India, the present legal structure would need to be completely overhauled. Understanding victims' various experiences, offering enough help for both genders and raising awareness of domestic abuse as a complex issue that impacts everyone would be necessary. It would also involve training for law enforcement, medical personnel, and social workers on how to respond effectively to the needs of all victims.

India may take steps to address intimate partner abuse in a way that is more inclusive and equitable by embracing gender neutrality in domestic violence laws. This change would guarantee that all victims, regardless of gender, receive the defence, assistance, and justice they are due.

### **LEGAL CHALLENGES AND SOCIETAL ATTITUDES**

Several legal issues and cultural beliefs that support male victims of domestic abuse being dismissed or minimised make it difficult to recognise and protect them. These difficulties include discrimination and legal restrictions, as well as cultural norms and gender roles that keep domestic abuse against males hidden.

The gender-specific character of current laws and practices is one of the main legal difficulties experienced by male victims. Women who are victims of domestic abuse are largely protected by many legal frameworks, including the Protection of Women from Domestic Abuse Act, 2005 in India<sup>11</sup>. This gender-specific strategy reinforces the idea that domestic violence is predominantly a women's issue by denying male victims access to the same legal remedies and social services accessible to female victims.

The identification and protection of male victims are significantly hampered by societal attitudes, stereotypes, and gender norms. Traditional ideas of masculinity frequently support the idea that males should be powerful, in charge, and impervious to violence while

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<sup>11</sup> Government of India, Protection of Women from Domestic Violence Act 2005, [Online] available at <https://wcd.delhi.gov.in/wcd/protection-women-domestic-violence-act-2005> accessed on 26-06-2023

portraying women as submissive and defenceless<sup>12</sup>. Due to their fears of being stigmatised, emasculated, or not being taken seriously, male victims find it difficult to come forward and ask for aid because of these cultural expectations.

Social narratives and cultural norms provide further fuel for the denial or trivialization of domestic abuse against males. Media portrayals frequently support the idea that males are aggressors and women are victims, marginalising and obscuring the experiences of male victims. Men may be deterred from expressing their vulnerability by cultural myths about masculinity and power relationships because they worry about coming out as weak or less manly.

A comprehensive strategy is required to resolve these legal issues and cultural attitudes. Gender neutrality should be the goal of domestic violence legislative reforms, offering equal protection and assistance to all victims, regardless of gender. To do this, the legal system must acknowledge and take into account the unique needs and experiences of male victims. To combat cultural prejudices and advance knowledge of the realities of domestic abuse against males, educational programmes and public awareness activities are also essential.

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## **POLICY RECOMMENDATIONS**

Several policy recommendations may be made based on the research findings on domestic violence against males in India to effectively address the issue. These suggestions include updating domestic abuse laws to be gender-neutral and putting awareness campaigns, education initiatives, and assistance programmes for male victims' particular needs in place.

First and foremost, India's domestic violence laws need to be updated to provide gender equality and equal protection for all victims. Men should be included as victims of domestic abuse in the current legal framework, such as the Protection of Women from Domestic Abuse

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<sup>12</sup> Flood, M., Pease, B., & Taylor, A., 'Men's perceptions of domestic violence: Attitudes, definitions and experiences' (2010) 16(10) Violence Against Women 1100-1118.



Act, of 2005. This necessitates identifying and resolving the particular difficulties male victims suffer, such as their restricted access to legal remedies and support systems.

All genders will be covered by the law's reach, giving male victims equal access to support networks and legal safeguards.

Second, awareness programmes are essential in challenging cultural perceptions and busting myths about domestic abuse against males. These ads need to encourage help-seeking behaviours, increase understanding of the specific experiences of male victims, and increase public knowledge of the occurrence of domestic violence against men<sup>13</sup>. To distribute knowledge and encourage a more inclusive understanding of domestic abuse, educational institutions, social media platforms, community outreach programmes, and media platforms can all be used.

Thirdly, training programmes for various stakeholders, such as lawyers, police officers, medical experts, and social workers, should be designed to improve their knowledge and abilities in handling domestic violence against males. The main objectives of these programmes ought to be to identify the warning indications of abuse, react sympathetically to male victims, and offer suitable assistance and referrals<sup>14</sup>. Male victims can get the assistance and care they need by giving experts the right tools.

Additionally, it is crucial to create assistance programmes that are especially suited to the need of male victims. To make sure they are inclusive and accessible, shelters, helplines, counselling services, and support groups should be made available.

Collaboration between government organisations, non-governmental organisations, and civil society is necessary to put these policy ideas into action. The implementation of gender-neutral domestic abuse policies and programmes should be supported by adequate funding. To determine the success of these treatments and make the required corrections, routine monitoring and evaluation should be carried out.

India may develop a more thorough and inclusive response to domestic abuse against males by introducing gender neutrality into domestic violence legislation, launching awareness

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<sup>13</sup> Kumar S, Sharma K, 'Domestic violence against men: An overlooked issue' (2018) 79(4) Indian Journal of Social Work 533-543.

<sup>14</sup> Parashar, S., Das, S., Das, A., & Mukherjee, S., 'Domestic violence against men in India: Perspectives and implications for mental health' (2019) 41(3) Indian Journal of Psychological Medicine 257-264. [doi: 10.4103/IJPSYM.IJPSYM\_111\_19]

campaigns, putting training programmes into place, and developing support services. To ensure that male victims receive the appropriate help, protection, and justice they deserve, these policy suggestions seek to address the gaps, prejudices, and cultural norms that currently exist.

## CONCLUSION

In conclusion, this study has brought to light how crucial it is for India's domestic violence laws to be gender-neutral. The existing gender-specific approach hinders the recognition and protection of male victims of domestic abuse through an analysis of legal problems, cultural perspectives, and male victims' experiences.

The study's findings emphasise the crucial need for legal change to guarantee that all victims, regardless of gender, receive equal attention and support. For example, the 2005 Protection of Women from Domestic Abuse Act must be updated to particularly reflect the needs and vulnerabilities of male victims.

It is also vital to dispel cultural misunderstandings and prejudices about domestic abuse against males. Because of current cultural conventions and conventional gender roles that portray men as aggressors and women as victims, male victims go unnoticed and stigmatised. These myths must be debunked, information expanded, and empathy for male victims of domestic violence fostered.

Additionally, training programmes should be put in place to provide various stakeholders, including attorneys, police officers, medical professionals, and social workers, with the information and abilities required to manage domestic violence against males in an efficient manner. These programmes have to concentrate on recognising the early indicators of abuse, offering suitable assistance and referrals, and creating a welcoming environment where male victims feel comfortable coming out and asking for assistance.

It's crucial to create specialised assistance programmes to cater to the requirements of male victims. The availability and accessibility of shelters, helplines, counselling services, and support groups should be promoted to give male victims access to secure locations and extensive networks of assistance when they need it most. To properly execute these policies and programmes, a collaboration between government organisations, non-governmental organisations, and civil society is crucial.

India can overcome the gaps, biases, and cultural norms that now prevent the identification and protection of male victims of domestic abuse by adopting a gender-neutral viewpoint and putting these suggestions into practice. This all-encompassing strategy will help build a society free of gender-based violence, where all victims, regardless of gender, get the care, assistance, and justice they need.

