

**DOMESTIC VIOLENCE AND MALE VICTIMS IN INDIA: A  
CONSTITUTIONAL ANALYSIS OF GENDER-SPECIFIC  
PROTECTION**

- Devyani Singh\*

**Abstract**

*Though often seen as a crime against women, domestic violence exists beyond gender lines – India’s response, centres on the 2005 Protection of Women from Domestic Violence Act, built to shield female survivors inside homes turned hostile. Yet this law draws boundaries: it sees only one half of pain. Men enduring similar suffering find little space under its shelter. Not every abuser wears a man’s face; not every wounded person identifies as woman. So why does justice wear blinders? Courtrooms follow statutes that assume victimhood based on identity rather than experience. Testimonies from male sufferers reveal neglect, disbelief, even mockery when seeking help. Legal doors stay closed because wording excludes. Reforms meant to empower have, unintentionally, narrowed who counts as hurt. Can fairness grow while some stories are erased before they’re told? The system stands tested – not just by intent but impact. When protection depends on gender, equality falters.*

*The analysis takes aim at how current laws on domestic violence treat genders differently, measuring them against constitutional promises of equal treatment found in India’s founding document. Looking beyond wording alone, it weighs court rulings alongside expert commentary to question if reserving safeguards only for women opens up blind spots – where men facing harm find little support. Assumptions about masculinity, combined with scepticism from authorities, frequently block pathways for males seeking help. What emerges is less a balanced shield than a framework tilted by tradition.*

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\* Student at Amity University, Noida

*The argument unfolds through both doctrine and constitution, suggesting safeguards for women still matter given long-standing imbalances. Yet silence on men in these laws creates tension with fairness under statutes. When protections ignore one group, even unintentionally, questions emerge about uniformity in rights.<sup>1</sup> A system meant to shield can unintentionally exclude – this imbalance calls for reflection. Legal design might shift toward broader inclusion without weakening support for women. What stands clear is that equity demands attention to all who suffer behind closed doors.*

## **INTRODUCTION**

Domestic violence is widely acknowledged in India as a critical social and legal concern, primarily governed by the Protection of Women from Domestic Violence Act, 2005<sup>2</sup>. This law was introduced to offer effective safeguards to women subjected to abuse within domestic settings. While it marks a significant advancement in protecting women's rights, its exclusive focus on female victims prompts concerns about the legal recognition and support available to others who experience similar abuse, particularly men. This paper investigates the legal standing of male victims of domestic violence in India and assesses whether the current legal structure sufficiently responds to cases of abuse irrespective of gender.

The analysis scrutinizes the gender-specific design of existing laws in relation to constitutional principles of equality enshrined in the Indian Constitution. By reviewing statutory provisions, court rulings, and academic perspectives, the study considers whether restricting legal remedies solely to women results in a gap that leaves male victims without proper resource. It also highlights the societal stigma and institutional challenges that often prevent men from coming forward with their experiences of domestic abuse.

Using a constitutional and doctrinal approach, the paper contends that while targeted protection for women remains necessary due to longstanding structural disparities, the lack of legal acknowledgment for male victims poses valid questions about equal treatment under the law. The study concludes by exploring the possibility of a more inclusive legal framework—one that upholds the goal of protecting women while also fulfilling the constitutional requirement of equal protection for all individuals affected by domestic violence.

## **LEGAL FRAMEWORK OF DOMESTIC VIOLENCE IN INDIA**

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<sup>2</sup> Protection of women from Domestic violence Act, 2005

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In India, domestic violence is tackled through a mix of legal statutes and judicial rulings designed to shield individuals from abuse in domestic settings<sup>3</sup>. The cornerstone of this legal response is the Protection of Women from Domestic Violence Act, 2005, introduced to offer robust protection to women facing abuse at home. Before this law was passed, remedies for domestic violence were primarily criminal in nature<sup>4</sup>, which often failed to address the full range of abusive behaviors occurring within households.

The 2005 Act established a broad civil framework to protect women from multiple forms of domestic abuse—physical, emotional, sexual, verbal, and economic<sup>5</sup>. It also defines a “domestic relationship” expansively<sup>6</sup>, covering not only spouses but also extended family members living together. This wider scope allows women to seek protection not just from husbands, but from other relatives or cohabitants who may be perpetrators of abuse.

A notable strength of the Act lies in its practical and immediate relief measures. Courts can issue protection orders, grant residence rights, award monetary compensation, assign custody of children, and mandate compensation for damages. These provisions aim to ensure victims’ safety and financial stability while deterring further abuse. The law also created the roles of Protection Officers and authorized service providers to help survivors access legal aid and support services.

Beyond this civil law, certain criminal provisions also apply. Section 498A of the Indian Penal Code, for example, makes it a criminal offense for a husband or his relatives to subject a married woman to cruelty, particularly in dowry-related cases. While the Domestic Violence Act offers civil remedies, Section 498A functions as a penal provision focused specifically on marital abuse.

Despite these advancements, the legal system remains largely gender-specific. The 2005 Act explicitly limits the definition of an “aggrieved person” to women in domestic relationships, meaning men and others outside this category cannot benefit from its protections. This has led to ongoing discussions about whether current laws sufficiently recognize domestic abuse across all genders.

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<sup>3</sup>Indira Jaisingh Handbook on the Protect Protection of Women from Domestic Violence Act 2005 ( Universal Law Publishing 2016)

<sup>4</sup>Law Commission India

<sup>5</sup>Protection of Women from Domestic Violence Act 2005, S.3

<sup>6</sup>Protection of Women from Domestic Violence Act 2005, S. 2 (f)

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Thus, while the existing legal structure marks important progress in protecting women from domestic violence, it also highlights concerns about inclusivity and equal access to justice. These issues underscore the need for deeper legal and constitutional examination into whether India's domestic violence laws should be reformed to be more gender-neutral and comprehensive.

### **MALE VICTIMS OF DOMESTIC VIOLENCE**

Domestic violence is commonly seen as an issue that mainly impacts women, yet studies and social research show that men can also be victims of abuse in domestic settings<sup>7</sup>. Despite this, the experiences of male victims are often ignored, largely due to societal norms that link victimization with women and equate masculinity with strength. These deeply held beliefs make it harder for men to recognize abusive behavior and seek help, leading to widespread underreporting of domestic violence against men<sup>8</sup>.

Men can suffer many of the same forms of abuse as women—physical assault, emotional and psychological manipulation, verbal attacks, and financial control. Abuse may take the form of intimidation, degradation, or coercive control within close personal or family relationships. However, because India's domestic violence laws are primarily designed to protect women<sup>9</sup>, men facing such abuse typically have no effective legal recourse.

The main law dealing with domestic violence in India, the Protection of Women from Domestic Violence Act (2005), explicitly limits its protections to women. It defines an "aggrieved person" as a woman in a domestic relationship with the accused, which means men cannot benefit from the legal remedies the law offers. As a result, men experiencing abuse are unable to obtain protection orders, secure housing rights, or receive financial compensation through this legislation.

Beyond the lack of legal coverage, male victims also face strong social stigma when they try to speak out. Cultural expectations often prevent men from showing emotional distress or admitting they are victims, which can lead to feelings of shame or fear of being mocked. Many men hesitate to contact police or support organizations, worried their experiences will be dismissed or not taken seriously.

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<sup>7</sup>WHO, Understanding and Addressing Violence against Women :Intimate Partner violence

<sup>8</sup>National Crime Records Bureau, Crime in India Report

<sup>9</sup>Protection of Women from Domestic Violence Act 2005,

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Moreover, institutional support for male victims in India is minimal. Shelters, counseling services, and legal aid programs are almost exclusively tailored to women, leaving men with few options for help or safety. This lack of resources reinforces the invisibility of male victimization in public discussions about domestic abuse.

The absence of legal recognition and support systems for men highlights a key shortcoming in India's current approach to domestic violence. While gender-specific laws were created to address the historical disadvantages faced by women, the failure to provide similar safeguards for men raises questions about whether the legal system fully reflects the varied realities of abuse. This has sparked growing debate among legal experts and scholars about the need for a more inclusive and equitable framework in domestic violence policy.

### **CONSTITUTIONAL ANALYSIS OF GENDER SPECIFIC PROTECTION**

India's domestic violence laws, which are specifically tailored to protect women, have sparked constitutional debate over issues of equality, fairness, and the appropriate reach of protective legislation. The Protection of Women from Domestic Violence Act, 2005 was introduced primarily to shield women from abuse in domestic settings, acknowledging the long-standing social and historical conditions that have left women disproportionately vulnerable. Yet, the law's exclusive focus on women as protected individuals has prompted questions about its alignment with broader constitutional values.

A key point of reference in this discussion is Article 14 of the Indian Constitution<sup>10</sup>, which upholds the principles of equality before the law and equal protection for all. Under Article 14, any classification made by law must be based on a clear and rational distinction linked to the law's intended purpose. When applied to domestic violence legislation, this means the gender-based distinction—offering protection only to women—must be assessed to see if it meets the standard of reasonable classification.

Proponents of the current framework maintain that focusing on women is justified given their historically disadvantaged position, entrenched social inequalities, and higher exposure to domestic abuse. From this standpoint, the law functions as corrective, protective legislation aimed at addressing deep-rooted societal imbalances. This approach finds constitutional support in Article 15(3)<sup>11</sup>, which permits the state to make special provisions for women and

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<sup>10</sup>Article 14, Constitution of India

<sup>11</sup>Article 15, Constitution of India

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children. This clause has frequently been cited to defend gender-specific laws intended to prevent exploitation and violence against women.

On the other hand, critics contend that restricting legal remedies solely to women may leave other victims—particularly men—without adequate resource when facing domestic abuse. Denying protection based purely on gender raises concerns about whether the guarantee of equal protection under Article 14 is being fully honored. In this view, excluding male victims from legal recognition risks undermining the constitutional ideal of equality.

Judicial rulings have also shaped the discourse. While courts have consistently emphasized the importance of safeguarding women from domestic violence, they have also reaffirmed the value of fairness and equal treatment. In *Hiral P. Harsora v. Kusum Narottamdas Harsora*, the Supreme Court broadened the scope of the Act by eliminating the provision that restricted respondents to adult males, allowing complaints to be brought against female family members. Though the ruling did not transform the law into a gender-neutral one, it demonstrated the judiciary's readiness to interpret the statute in a way that expands access to justice.

Ultimately, the constitutional tension lies in reconciling two critical goals: ensuring robust protection for women, who remain at greater risk of domestic violence, and upholding the principle that all individuals are entitled to equal legal protection. Striking this balance demands a thoughtful assessment of both ground-level realities and constitutional commitments. As debates on reform continue, a central question persists: should India's domestic violence laws move toward a more inclusive model—one that acknowledges the suffering of all victims while still maintaining targeted safeguards for those most at risk?

### **JUDICIAL INTERPRETATION AND RELEVANT CASE LAW**

Judicial interpretation has been instrumental in shaping how domestic violence laws are understood and applied in India. Courts have often had to interpret the Protection of Women from Domestic Violence Act, 2005 in ways that uphold its protective goals while aligning with constitutional values such as equality, fairness, and access to justice. Through a series of rulings, the judiciary has helped define the reach, application, and boundaries of the law.

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A landmark case in this area is *Hiral P. Harsora v. Kusum Narottamdas Harsora*,<sup>12</sup> where the Supreme Court reviewed the constitutionality of the term “adult male person” in Section 2(q) of the Act. This provision previously restricted legal action to only adult men, excluding female relatives who might also engage in abusive behavior. The Court ruled that this limitation was discriminatory and violated the right to equality guaranteed by the Indian Constitution. As a result, the words “adult male” were removed, enabling complaints to be filed against any family member, regardless of gender. This decision marked a significant broadening of the law’s scope and reflected the judiciary’s role in eliminating gender-based exclusions.

In another key ruling, *Indra Sharma v. V.K.V. Sharma*<sup>13</sup>, the Supreme Court examined whether relationships outside formal marriage could qualify as “domestic relationships” under the Act. The Court acknowledged that live-in relationships akin to marriage should also be covered, thereby expanding the definition of domestic relationships. This interpretation strengthened the law’s protective intent by ensuring legal safeguards extend to women in non-traditional partnerships.

Similarly, in *S.R. Batra v. Taruna Batra*<sup>14</sup>, the Court addressed the issue of residence rights under the Act. It defined a “shared household” more narrowly, stating that a wife’s right to reside applies only to homes jointly owned or rented by the couple, or to property belonging to the husband’s joint family. While this ruling sparked debate and drew criticism for limiting access to shelter, it contributed to clarifying the extent of residence rights under the legislation.

Collectively, these judgments show how courts have actively influenced the interpretation of domestic violence laws by clarifying critical provisions and addressing constitutional issues. Although judicial rulings have broadened protections in important ways, the core framework of the Act remains focused on women as primary beneficiaries. As a result, the recognition of male victims of domestic violence remains primarily a legislative concern rather than one resolved through court decisions.

In sum, judicial interpretations have both reinforced and revealed the limits of the current legal system. While courts have enhanced the law’s effectiveness and accessibility, the

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<sup>12</sup>*Hiral P. Harsora V. Kusum NarottamdasHarsora* (2016) 10 SCC 165

<sup>13</sup>*Indra Sharma V. V.K.V Sharma* (2013) 15 scc 755

<sup>14</sup>*S.R. Batra V. Taruna Batra* (2007)3 SCC 169

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broader question of whether men should receive equivalent protection under domestic violence laws continues to be a subject of legal and constitutional discussion.

### COMPARATIVE ANALYSIS

Looking at rules against family violence elsewhere reveals diverse ways courts handle harm between household members. Though India's system centers on shielding females through its 2005 law, many nations apply broader standards – treating victims and perpetrators without regard to sex. By contrasting these models, certain paths emerge – not tied strictly to one group – that might widen support for everyone involved.

Domestic violence rules in the UK mostly treat everyone the same, no matter their gender, aiming to shield anyone harmed in close personal relationships. Though often linked with female survivors, the Domestic Abuse Act 2021 casts a wide net, covering both men and women under its definition of abuse<sup>15</sup>. From hitting to manipulating emotions, controlling behavior, or limiting access to money – these actions count as abuse under current law. Crucially, being male or female does not determine eligibility; protection stands open to whoever faces such harm at home.

Across Canada, rules on domestic violence do not favor any gender<sup>16</sup>. Laws there classify such acts as types of assault or mistreatment happening between close personal or family connections – regardless of whether male, female, or another identity is involved. Victims receive support through restraining measures and penalties under criminal law, no matter their sex. Courts and enforcement bodies accept that people across the gender spectrum may face harm at home. By designing policies without bias, access stays open for every person enduring abuse behind closed doors.

A case worth noting comes from Australia, where different state laws on domestic violence take a neutral stance on gender<sup>17</sup>. Protection under these rules applies to anyone facing harm within family settings, while judges hold power to impose restraining measures when needed. Recognition extends beyond physical acts, covering tactics like mental pressure, manipulation, or money control. Safety remains central, ensuring support reaches every individual affected – no matter their sex.

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<sup>15</sup>Domestic Abuse Act, 2021

<sup>16</sup>Department of Justice Canada

<sup>17</sup>Family Law Act, 1975

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Looking at these regions side by side shows how neutral wording in domestic violence laws does not weaken support for women. Still, such systems make room for others who face abuse too. Even if data points more often to women as targets, harm happens in many shapes. People of any gender might find themselves caught in it. Laws here adjust without losing their core aim.

Looking at how other countries handle similar issues lets India rethink its own domestic violence laws. Though the current system, built around the 2005 law protecting women, responded to long-standing gender disparities, studying global examples might show paths toward wider inclusion. Still, any shift must preserve the central goal – shielding women from harm at home. With care, reforms could uphold effectiveness even as they align more closely with constitutional ideals like fairness and equal treatment.

### **NEED FOR LEGAL REFORM**

Though India's current laws on domestic violence have helped acknowledge abuse within homes, especially targeting harm faced by women, they carry limitations. Introduced in 2005, the Protection of Women from Domestic Violence Act marked advancement through stronger safeguards and accessible justice. Still, because it focuses only on one gender, questions emerge about fairness and whether every person suffering at home finds support. While progress is evident, gaps remain when considering broader realities.

Despite existing protections, the law does not acknowledge men facing domestic abuse because it limits “aggrieved person” status to women only<sup>18</sup>. Because of this, males enduring harm at home find themselves outside the scope of available safeguards. Where support should exist, silence remains – no clear path allows them access to shelter, financial assistance, or court-issued safety measures. Without an established legal route, their experiences fall through the cracks, ignored by design rather than oversight.

Looking at things through the lens of constitutional rights, leaving out men as victims brings up concerns about equal treatment under Indian law. Although laws aimed at protecting weaker sections are allowed – especially when they support women and children – fairness demands attention to others experiencing comparable harm. Not seeing abuse beyond a single group risks making rules that miss real-life complexities. When the system acknowledges only certain people as sufferers, its response can fall short where help is needed.

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<sup>18</sup>Protection of Women from Domestic Violence Act 2005, S. 2 (a)

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Perhaps legal changes here might begin by rethinking how wide domestic violence laws stretch – making certain everyone harmed gets shielded, especially since women often face deeper systemic hurdles. A shift toward rules blind to gender could let anyone facing abuse at home find legal help. Far from weakening support for female survivors, this widening might pull more people into safety's circle. Protection then grows not by excluding, but by including.

Though laws may change, progress depends on building institutions ready to assist men facing domestic abuse. Services like therapy, help with court procedures, or groups offering guidance must acknowledge male experiences without dismissal. Awareness shifts slowly – yet crucial when breaking down shame tied to men seeking help. Recognition matters, especially where silence has long shaped responses. Support grows stronger only if society stops treating male suffering as unusual.

What matters most is safeguarding everyone affected by home-based abuse through fair legal responses. Instead of holding on to laws shaped only around one gender, room exists to design broader protections. When rules shift to include varied experiences, they align closer with rights guaranteed under the constitution. Seeing past outdated assumptions allows policy to catch up with how domestic harm actually unfolds today. A wider lens supports fairness without weakening support for any group.

## CONCLUSION

Facing harm at home continues to challenge personal security and basic respect in private family life. With its 2005 law titled Protection of Women from Domestic Violence Act, India acknowledged long-standing patterns of mistreatment directed toward women living under unequal conditions inside homes. This rule change helped shift how courts respond when abuse occurs behind closed doors. Instead of only criminal charges, affected individuals now gain access to tools like court-ordered safety plans, the right to stay in shared housing, or financial support after being harmed. Though not perfect, the system offers clearer paths for those seeking help without relying solely on police action.

Still, the Act's focus on one gender exposes weaknesses already present in current laws. Limiting the term "aggrieved person" to women alone means men facing domestic harm lack equivalent legal support. While its main aim rests in shielding female individuals from

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maltreatment, leaving males outside this definition prompts questions. That gap makes some wonder if today's understanding of household abuse fits within these boundaries.

One way to look at this matter begins with how fairly laws apply across different people. Because the Indian Constitution promises equal treatment, any rule must reflect that baseline. Though certain allowances exist specifically for women, justice works best when help reaches everyone facing harm – no exceptions. Abuse does not pick sides based on identity; it shows up in many lives, shaped by circumstance more than category. When laws recognize varied experiences of suffering, they move closer to what fairness truly demands. What stands clear is that rights mean little unless they stretch wide enough to cover real human situations.

Though courts have widened parts of domestic violence laws through rulings like *Hiral P. Harsora v. Kusum Narottamdas Harsora*<sup>19</sup> – where the Supreme Court struck down narrow eligibility limits – the law's core design still centers on one gender. Whether men should gain similar legal safeguards continues to rest with lawmakers, not judges. While judicial moves opened doors, they did not reshape the foundation.

Still, the Domestic Violence Act marks clear progress in shielding women, yet questions grow about its full reach across every kind of abuse at home. Instead of assuming it covers everything, a closer look shows gaps where others' suffering slips through. By holding firm on support for women while widening sight to include men, children, or elderly facing harm, fairness gains ground. Laws shaped this way do more than work better – they stand taller alongside values like equal treatment, fairness, and respect written into constitutions. Progress here does not undo past advances; it builds on them without leaving new realities behind.

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<sup>19</sup>*Hiral P. Harsora V. Kusum Narottamdas Harsora* (2016) 10 SCC 165

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