

Legal Recognition of Male Victims of Domestic and Sexual Violence: Challenges to Gender Justice in India

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Abstract: Gender justice is conventionally associated with the protection and advancement of women because women have historically experienced structural discrimination, economic dependency, domestic abuse, sexual violence, and social exclusion on a disproportionate scale. The development of women-specific legislation in India has therefore been an essential component of substantive equality. However, gender justice in a contemporary constitutional democracy also requires recognition that victimhood is not biologically exclusive. Men may experience physical, emotional, economic, psychological, and sexual violence within intimate and domestic relationships, yet Indian law provides them with comparatively limited specialised remedies. The Protection of Women from Domestic Violence Act, 2005 defines an “aggrieved person” specifically as a woman, thereby excluding adult male victims from its specialised protection-order, residence, monetary-relief, and related mechanisms. Similarly, Section 63 of the Bharatiya Nyaya Sanhita, 2023 defines rape through a male perpetrator and a female victim. The BNS, which came into force on 1 July 2024, also omitted the former Section 377 IPC framework. Before enactment, the Parliamentary Standing Committee on Home Affairs specifically observed that this omission would create a gap concerning non-consensual sexual acts against men and transgender persons and recommended legislative inclusion of an appropriate provision.

This article examines the legal recognition of male victims of domestic and sexual violence in India through constitutional, socio-legal, and comparative perspectives. It does not argue that violence is gender-symmetrical or that women-specific protections should simply be removed. National Indian data continue to demonstrate the serious prevalence of violence against women; approximately 29 per cent of ever-married women aged 18–49 reported physical or sexual violence by a husband in NFHS-5. At the same time, smaller empirical studies indicate that male victimisation exists and remains under-researched. A community-based study of 1,000 married men in Haryana reported substantial experiences of emotional and other forms of partner violence, while simultaneously observing that gender symmetry did not exist regarding physical violence.

Drawing comparative lessons from the United States and United Kingdom, the article proposes an approach of **inclusive substantive gender justice**: gender-neutral access to basic legal protection combined with gender-responsive policies addressing the particular vulnerabilities experienced by women. Legal reform should be based upon harm, absence of consent, coercion, vulnerability, and abuse of power rather than rigid presumptions regarding the sex of either victim or perpetrator.

Keywords: Male Victims; Gender Justice; Domestic Violence; Sexual Violence; Gender-Neutral Laws; Bharatiya Nyaya Sanhita; Domestic Abuse; Sexual Assault; Gender Bias; Equality; Men’s Rights; Victimology; Human Rights; Intimate Partner Violence; India.

INTRODUCTION

Gender justice is one of the essential dimensions of equality, dignity, liberty, and human rights. Traditionally, both international human-rights law and domestic legal reform concentrated

primarily upon discrimination and violence against women. This emphasis was historically justified. Patriarchal family structures, unequal property rights, economic dependence, restricted participation in public institutions, dowry practices, sexual exploitation, and domestic violence placed women in positions of systemic disadvantage. Consequently, many of the most important legal reforms in India have been enacted specifically to protect women.

The Constitution of India provides the normative foundation for these protective measures. Article 14 guarantees equality before law and equal protection of laws. Article 15(1) prohibits discrimination on grounds including sex, while Article 15(3) expressly permits the State to make special provisions for women and children. The constitutional design therefore recognises that equality does not necessarily require identical treatment. Substantive equality may require special measures to remedy historical and structural disadvantage.

The difficulty arises when protective legislation is interpreted as establishing an absolute proposition that only members of one gender can be victims of particular forms of violence. Contemporary research on intimate partner violence, developments in victimology, evolving notions of gender identity, and international comparative law demonstrate that domestic and sexual violence may also be experienced by men and gender-diverse persons. Recognition of this fact does not reduce the seriousness of violence against women. Rather, it raises an additional question: whether the right to legal protection should depend exclusively upon the sex of the victim.

Indian law provides an important illustration of this dilemma. The Protection of Women from Domestic Violence Act, 2005 was enacted to provide effective protection to women facing violence within the family. It recognises physical, sexual, verbal, emotional, and economic abuse and creates important civil and quasi-civil remedies. Yet Section 2(a) defines an “aggrieved person” as a woman who is or has been in a domestic relationship with the respondent. Therefore, a similarly situated adult man subjected to serious domestic abuse cannot seek relief as an aggrieved person under this Act.

The gendered structure is even more evident in sexual-offence law. Section 63 of the Bharatiya Nyaya Sanhita, 2023 provides that a “man” commits rape when specified penetrative acts are committed against a “woman” under circumstances including absence of consent. Men may consequently be victims of physical offences under general criminal provisions, but the statutory offence of rape does not recognise an adult male as a rape victim.

The position became particularly significant when the BNS replaced the Indian Penal Code on 1st July 2024. The earlier Section 377 IPC, 1860 had historically criminalised so-called “carnal intercourse against the order of nature.” In *Navtej Singh Johar v. Union of India*, the Supreme Court invalidated its application to consensual sexual conduct between adults, but non-consensual acts continued to remain punishable. When the BNS omitted Section 377 without introducing an equivalent gender-neutral offence, the Parliamentary Standing Committee on Home Affairs specifically warned that there would be no corresponding provision dealing with non-consensual sexual offences against men and transgender persons and recommended retaining an appropriate provision. The recommendation was not incorporated into the final BNS, 2023.

Domestic and sexual violence against men must nevertheless be approached cautiously. The argument for male victim recognition should not rely upon unsupported claims that men and women experience violence in identical proportions, contexts, or severity. NFHS-5 records that approximately 29 per cent of ever-married Indian women aged 18–49 years have experienced physical or sexual spousal violence. Furthermore, national domestic-violence data collection in India has concentrated substantially upon women, leaving comparatively little nationwide evidence regarding men.

A 2019 community-based study by Malik and Nadda involving 1,000 married men aged 21–49 in rural Haryana provides one of the frequently cited empirical examinations of male victimisation. The study reported that 51.5 per cent of respondents had experienced some form of violence from a wife or intimate partner at least once during their lifetime, with emotional violence forming the largest component and physical violence reported by approximately 6 per cent. Importantly, the researchers also noted bidirectional violence in some relationships and expressly concluded that gender symmetry did not exist regarding physical violence. These limitations demonstrate why a single regional study cannot be extrapolated to all Indian men. It nevertheless establishes an important proposition: male victimisation exists and deserves systematic empirical investigation.

The central argument of this article is therefore neither anti-woman nor based upon an assumption of symmetrical victimisation. It proposes that contemporary gender justice requires two simultaneous commitments. First, India must maintain and strengthen effective measures against structural violence and discrimination suffered by women. Second, it should

ensure that men and other persons who suffer comparable forms of abuse are not rendered legally invisible merely because they do not conform to conventional assumptions about victimhood.

HISTORICAL BACKGROUND

The historical development of domestic and sexual-violence legislation is closely connected with changing concepts of family, marriage, masculinity, femininity, consent, and individual autonomy. In traditional patriarchal societies, the family was frequently treated as a private institution into which law should intervene only reluctantly. Authority within the household was commonly associated with men, while women were expected to occupy dependent domestic roles. Such arrangements contributed to the normalisation of violence against women and delayed recognition of domestic abuse as a legal and human-rights problem. At the same time, patriarchal ideas created a second stereotype: because men were expected to be physically powerful, emotionally resilient, economically dominant, and authoritative within families, the possibility of male victimisation was rarely acknowledged.

The history of gender-specific protection in India must therefore be understood against genuine inequalities affecting women. During the nineteenth century, legal and social reform movements challenged practices concerning child marriage, widowhood, inheritance, women's education, and family status. Colonial criminal law reflected contemporary Victorian attitudes toward sexuality and gender. The Indian Penal Code, 1860 defined rape in a male-perpetrator/female-victim framework. Family and matrimonial relations similarly operated through gendered assumptions.

After independence, the Constitution of India introduced equality as a foundational principle. Articles 14 and 15 transformed the legal status of women by recognising equal citizenship while simultaneously permitting special provisions for women and children under Article 15(3). This combination was significant. The framers did not consider equality to mean merely identical treatment; they recognised the legitimacy of remedial measures addressing historically unequal circumstances.

International law followed a similar development. The Universal Declaration of Human Rights, 1948 affirmed equality in dignity and rights. CEDAW, adopted in 1979, later required States to eliminate discrimination against women across political, economic, social, cultural,

and family life. The women's-rights movement increasingly demonstrated that violence within intimate relationships was not a purely private issue but a violation of dignity, bodily integrity, and equality.

Indian criminal law began responding more systematically to matrimonial violence during the 1980s. Section 498A was inserted into the IPC in 1983 to criminalise cruelty by a husband or his relatives against a married woman. It responded particularly to dowry-related harassment and severe abuse. The provision represented an important transformation in legal consciousness because conduct occurring inside marriage was recognised as capable of generating criminal responsibility.

The development of gender-justice jurisprudence continued during the 1990s. *Vishaka v. State of Rajasthan* in 1997 recognised workplace sexual harassment as violating women's fundamental rights and established judicial guidelines before Parliament enacted specific legislation. The judgment demonstrated that gender violence could affect equality in employment, occupational freedom, and dignity as well as physical security.

The Protection of Women from Domestic Violence Act, 2005 constituted one of India's most comprehensive responses to violence within families. The statute deliberately moved beyond physical assault and recognised sexual, verbal, emotional, and economic abuse. Its significance cannot be underestimated. Women experiencing domestic abuse obtained access to protection orders, residence-related remedies, monetary relief, custody-related measures, and compensation without having to depend exclusively upon ordinary criminal prosecution.

However, the statute institutionalised a gender-specific conception of victimhood. An adult male subjected to domestic violence cannot be an “aggrieved person” under Section 2(a). This distinction reflected the legislative priority of addressing widespread violence against women, but it has become increasingly important as understanding of intimate partner violence has expanded.

The global development of victimology also challenged assumptions that masculinity eliminates vulnerability. Studies in different jurisdictions began documenting physical abuse, psychological coercion, economic control, stalking, sexual victimisation, and coercive relationships experienced by men. Researchers simultaneously warned against simplistic

statistical comparisons because the frequency, severity, consequences, and social context of intimate partner violence often differ by gender.

India's response to sexual offences underwent major transformation after the 2012 Delhi gang-rape case. The Criminal Law (Amendment) Act, 2013 expanded the definition of rape and created or strengthened offences involving stalking, voyeurism, disrobing, and sexual harassment. Yet the adult rape framework remained gender-specific. During this period, Parliament had already enacted the Protection of Children from Sexual Offences Act, 2012. POCSO is significant for the present discussion because its protection of children is not dependent upon whether the child is male or female. Thus, Indian law already demonstrates that sexual-offence protection can be victim-neutral in an appropriate statutory context.

Constitutional jurisprudence subsequently moved toward a stronger rejection of gender stereotypes. In *National Legal Services Authority v. Union of India* (2014), the Supreme Court recognised the constitutional rights and gender identity of transgender persons. *Navtej Singh Johar v. Union of India* (2018) affirmed dignity, privacy, sexuality, and autonomy while decriminalising consensual same-sex relations between adults. *Joseph Shine v. Union of India* (2018) invalidated the adultery offence under Section 497 IPC and rejected the patriarchal notion of women as the property of husbands.

These decisions have broader implications beyond the particular provisions they invalidated. They demonstrate that constitutional adjudication increasingly evaluates legislation not only according to whom it intends to protect but also according to whether it perpetuates stereotypes about the appropriate behaviour, sexuality, dependence, or social roles of men and women.

The legal debate entered a new phase with the Bharatiya Nyaya Sanhita, 2023. Although the BNS replaced the colonial IPC, several sexual offences retained their gender-specific structure. Chapter V itself is titled “Of Offences Against Woman and Child,” and Sections 63–79 contain a number of offences formulated specifically around female victims. Section 85 similarly continues criminal liability for cruelty by the husband or relatives of the husband toward a woman.

Simultaneously, Section 377 IPC disappeared. The Parliamentary Standing Committee examining the BNS explicitly considered this issue. It acknowledged the constitutional correctness of decriminalising consensual adult same-sex relations but observed that Section

377 had continued to cover certain non-consensual sexual conduct. The Committee therefore recommended restoring a provision capable of addressing non-consensual sexual offences against men and transgender persons.

Historically, therefore, Indian gender law has moved through several stages: from non-intervention in family violence, to recognition of women's structural vulnerability, to strong women-specific protection, and finally toward emerging questions of inclusive victimhood. The contemporary challenge is not whether the achievements of women's rights should be reversed. It is whether the next stage of gender justice can protect women effectively while recognising that violence is fundamentally an abuse of another human being and may sometimes cross conventional gender boundaries.

UNDERSTANDING MALE VICTIMISATION AS A GENDER-JUSTICE ISSUE

The legal recognition of male victims requires conceptual clarity. "Gender justice" does not mean that every gender experience identical social conditions. Nor does gender neutrality require lawmakers to ignore evidence demonstrating that women may face particular kinds of violence at higher rates or with more severe consequences.

The concept of **substantive equality** is therefore preferable to mechanical neutrality. Substantive equality recognises differences in social vulnerability but insists that legal classifications must serve legitimate objectives without unnecessarily excluding similarly situated victims.

Male victimisation may involve physical assault, threats, humiliation, financial control, coercive isolation, destruction of property, reputational abuse, false threats, stalking, coercive sexual conduct, and psychological domination. Some abusive relationships may also involve bidirectional aggression. Each category requires careful investigation rather than a presumption that the person reporting abuse must be either victim or perpetrator because of sex.

Masculine stereotypes constitute a serious barrier to reporting. A man who reports violence by a female partner may fear ridicule or assumptions that he should have physically resisted. Men experiencing abuse by male partners may additionally face stigma associated with sexuality. Emotional and psychological abuse may be dismissed because injury is not physically visible.

Such stereotypes demonstrate that patriarchy can disadvantage different people in different ways. The patriarchal expectation that women must be submissive contributes to violence against women; the expectation that men must always be strong can make male victimisation socially unintelligible. Challenging the latter does not deny the former.

DOMESTIC VIOLENCE AND THE LEGAL POSITION OF MALE VICTIMS IN INDIA

The Protection of Women from Domestic Violence Act, 2005 represents a highly developed protective mechanism but is expressly designed for women. Section 2(a) limits the status of an aggrieved person to a woman. A male victim therefore cannot directly obtain the range of remedies available under the statute in his own capacity as an aggrieved person.

These remedies are significant. Domestic abuse frequently requires more than prosecution after an offence has occurred. A victim may urgently require an order preventing contact, protection from threats, temporary residence arrangements, financial relief, counselling, or institutional assistance. The absence of an equivalent male-specific or gender-neutral civil protection framework creates a substantive difference between victims experiencing otherwise comparable forms of harm.

This does not mean that abused men possess no legal remedies whatsoever. Depending upon the facts, general provisions concerning hurt, criminal force, intimidation, wrongful confinement, property offences, or other misconduct may apply. Matrimonial law may also provide divorce or other civil remedies. The problem is that these remedies do not necessarily replicate the integrated protective structure of the Domestic Violence Act.

The Supreme Court's decision in *Hiral P. Harsora v. Kusum Narottamdas Harsora* (2016) is relevant to the evolution of the Act. The Court invalidated words restricting the “respondent” to an “adult male.” As a result, women can also be proceeded against as respondents under the legislation in appropriate cases. Yet the person claiming statutory protection continues to be a woman. The legal framework can therefore recognise a female perpetrator but not an adult male beneficiary.

This creates an interesting doctrinal position. If the objective of domestic-violence law is ultimately to prevent abuse arising from domestic relationships, the gender of the victim may not always be essential to the nature of the misconduct. At the same time, the social context

explaining why women require specialised protection remains powerful. The answer need not therefore be repeal of the existing scheme.

One possible approach is to redesign the legislation around a gender-inclusive definition of “aggrieved person” while preserving targeted services for women. Shelters for abused women, maternity-related support, services for women facing dowry violence, and specialised programmes for women in economically vulnerable circumstances can continue. Gender-neutral eligibility for a protection order does not logically require identical service design for every category of victim.

The United States provides a useful illustration of this distinction. The federal framework associated with the Violence Against Women Act expressly prevents male victims from being excluded from benefits and prohibits discrimination in funded programmes on grounds including sex and gender identity. It nevertheless permits sex-specific programming when necessary, provided comparable services are made available. This model separates the right to recognition from the design of specialised services.

India could adopt a similar principle: universal access to basic legal protection combined with differentiated support according to demonstrated need.

SEXUAL VIOLENCE AGAINST MEN AND THE BHARATIYA NYAYA SANHITA

The legal position of adult male victims of sexual violence raises an even more fundamental issue because sexual assault affects bodily integrity, sexual autonomy, dignity, and privacy.

Section 63 BNS defines rape through specified acts performed by a man upon a woman. The statutory formulation therefore recognises a female victim but does not recognise an adult male as the victim of rape.

The gender-specific structure should be distinguished from the question of whether women experience rape disproportionately. The prevalence of sexual violence against women remains an urgent problem, and strong protections are indispensable. But frequency and legal recognition answer different questions. Even where one group constitutes a majority of victims, the existence of minority-category victims may still justify legal protection.

Prior to the BNS, Section 377 IPC provided at least a criminal-law route for certain forms of non-consensual sexual penetration involving male victims. *Navtej Singh Johar* did not

invalidate the provision insofar as it concerned non-consensual conduct. Its constitutional objection concerned the criminalisation of consensual adult same-sex intimacy.

The BNS subsequently omitted Section 377 altogether. The Parliamentary Standing Committee expressly identified the resulting problem and recommended inclusion of protection against non-consensual sexual offences affecting men and transgender persons. PRS Legislative Research similarly identified the omission as creating a significant gap concerning forced sexual conduct against adult men.

This gap demonstrates why legal reform should not simply revive the moralistic language of the historical Section 377. The constitutionally appropriate response would be to enact a modern, consent-based, gender-inclusive sexual-assault provision. The relevant question should be whether sexual penetration, touching, coercion, or another specified sexual act occurred without legally valid consent, not whether the victim belongs to a predetermined sex.

Indian lawmakers already possess a domestic example. POCSO protects children from sexual offences irrespective of whether the child is male or female. There is therefore no doctrinal impossibility in constructing victim-neutral sexual-offence legislation.

A carefully designed framework could preserve rape provisions recognising the specific social reality of violence against women while simultaneously creating equivalent offences protecting male and transgender victims. A more ambitious reform could gradually reorganise sexual offences into gender-neutral, consent-based categories with sentencing aggravations addressing particular vulnerability.

CONSTITUTIONAL DIMENSIONS: ARTICLES 14, 15 AND 21

The debate concerning male victims must be situated within constitutional equality rather than reduced to political competition between men and women.

Article 14 guarantees equality before law and equal protection of laws. Classification based upon gender is not automatically unconstitutional, particularly where it addresses historical inequality. Article 15(3) expressly permits special provisions for women and children.

Women-specific laws therefore possess a strong constitutional foundation. However, Article 15(3) should be understood as an enabling provision rather than a constitutional command that protection available to women must necessarily be denied to men.

A useful distinction exists between special advantage and basic protection from violence. Maternity benefits, reservations, women-only facilities, or targeted welfare schemes may legitimately respond to circumstances particular to women. Protection against physical violence, forced sexual activity, coercive control, and serious psychological abuse concerns fundamental bodily and personal integrity. The case for excluding victims solely because they are male is consequently less self-evident.

Article 21 strengthens this argument. The Supreme Court has interpreted life and personal liberty to include dignity, privacy, bodily integrity, autonomy, and decisional freedom. These values are human rather than sex-specific.

Anuj Garg v. Hotel Association of India demonstrated the Court's increasing suspicion of gender classifications based upon paternalistic stereotypes. *NALSA* expanded constitutional understanding beyond binary gender categories. *Navtej Singh Johar* emphasised autonomy and constitutional morality, while *Joseph Shine* rejected legal rules grounded in stereotypical conceptions of marital gender roles.

Read together, these decisions indicate that gender classifications should increasingly be justified through evidence and constitutional purpose rather than inherited assumptions.

The constitutional argument for male victim recognition therefore need not challenge Article 15(3). India can continue to adopt special provisions for women while creating baseline gender-neutral rights to protection from domestic and sexual violence.

MISUSE OF PROTECTIVE LAWS AND THE REQUIREMENT OF DUE PROCESS

The debate concerning male victims is frequently linked with allegations of misuse of matrimonial laws, particularly provisions dealing with cruelty. This aspect requires considerable caution.

Section 85 BNS continues the offence of cruelty by a husband or relative of the husband toward a woman and provides imprisonment extending to three years and fine. The provision addresses a genuine problem of matrimonial abuse and dowry-related harassment.

At the same time, the Supreme Court has acknowledged concerns regarding unnecessary arrest. In *Arnesh Kumar v. State of Bihar* (2014), the Court emphasised that arrest should not

automatically follow merely from an allegation and required police to apply the statutory criteria governing necessity of arrest.

The principle emerging from *Arnesh Kumar* is more constructive than polarised arguments either demanding repeal of protective legislation or presuming every complaint to be true. Victim protection and due process are mutually reinforcing components of a legitimate justice system.

A gender-just system must therefore satisfy four principles: genuine allegations must be taken seriously; investigation must remain impartial; arrest must satisfy legal necessity; and intentionally fabricated complaints, where independently proved, should attract consequences under ordinary law.

Male victim recognition should not be built upon the presumption that women misuse law. Such a premise itself replaces one gender stereotype with another. The stronger case for reform is affirmative: any person subjected to serious domestic or sexual violence deserves access to appropriate legal remedies.

SOCIO-CULTURAL BARRIERS FACED BY MALE VICTIMS

Legal exclusion is only one dimension of male victimisation. Social norms can discourage men from identifying themselves as victims even where ordinary criminal remedies technically exist.

Masculinity is frequently associated with strength, independence, emotional control, and physical dominance. A man who experiences domestic abuse may therefore interpret disclosure as an admission of personal failure. Friends, relatives, police officers, or even professionals may respond with disbelief or humour rather than support.

Economic abuse against men can also be overlooked because men are socially expected to be primary earners. Emotional abuse may be dismissed as normal marital conflict. Threats involving children, reputational damage, isolation from family, or coercive control may not fit conventional images of domestic violence.

Sexual victimisation creates still greater barriers. Men may experience involuntary physiological responses during assault, which can wrongly be interpreted as evidence of

consent. Fear of being labelled weak, homosexual, or insufficiently masculine may further reduce reporting.

Male victims in same-sex relationships may face multiple disadvantages involving sexual-orientation stigma and limited awareness of services. Transgender men and gender-diverse victims confront additional legal and institutional difficulties.

The result is a cycle of invisibility. Low reporting produces limited official data; limited data is then used to justify the absence of specialised services; the absence of services further discourages reporting.

National research is therefore essential. India's major domestic-violence survey architecture has historically concentrated on women's experiences. NFHS-5's domestic-violence module was administered to selected women aged 18–49 rather than creating directly comparable nationwide victimisation measures for adult men. Consequently, the absence of national male prevalence figures cannot safely be interpreted as evidence of absence of victimisation.

EMPIRICAL EVIDENCE AND THE NEED FOR CAUTION

The Haryana study by Malik and Nadda is significant because it directly investigated gender-based violence experienced by married men. Among 1,000 participants, 51.5 per cent reported having experienced some form of violence by a wife or intimate partner at least once, while 10.5 per cent reported such experience during the preceding twelve months. Emotional violence formed by far the largest component, while physical violence was considerably less prevalent.

These figures should not be misrepresented. The study was geographically limited, focused upon married men aged 21–49, included emotional violence within its broader measure, and reported evidence of bidirectional violence. Its authors specifically stated that gender symmetry did not exist for physical violence in India.

Accordingly, the study cannot establish that men experience domestic violence at the same rate or severity as women nationally. Its appropriate significance is narrower but important: male victimisation is empirically observable and deserves larger representative research.

This is consistent with international evidence. United States CDC data indicate that approximately 41 per cent of women and 26 per cent of men reported lifetime contact sexual

violence, physical violence, or stalking by an intimate partner accompanied by a related impact. The CDC also reports very large numbers of both women and men experiencing psychological aggression by intimate partners. These statistics simultaneously establish two propositions: women experience a greater measured burden in the composite severe-impact indicator, but substantial male victimisation exists.

Gender justice therefore requires empirical differentiation rather than ideological simplification.

INTERNATIONAL PERSPECTIVES

United States of America: The United States provides an instructive model because its domestic-violence framework recognises the historically gendered nature of intimate partner violence while increasingly providing services without sex-based exclusion.

The Violence Against Women Act was enacted in 1994 in response to serious concerns regarding domestic violence, sexual assault, dating violence, and stalking. Despite its women-focused title and origins, the contemporary statutory framework expressly states that male victims are not prohibited from receiving benefits and services.

Federal law further prohibits discrimination in VAWA-funded programmes on grounds including sex, gender identity, and sexual orientation. Where sex-specific programming is necessary, comparable services must be made available to persons who cannot participate in that programme.

The U.S. Department of Justice Office on Violence Against Women currently describes domestic violence as a pattern of abusive behaviour used by one partner to gain or maintain power and control over another intimate partner. Its public guidance expressly recognises that domestic violence can occur regardless of sex or gender identity and in both opposite-sex and same-sex relationships.

This model contains an important lesson for India. Naming women as a group disproportionately affected by gender violence does not require excluding men from services.

American data collection also illustrates the value of surveying both sexes. CDC's National Intimate Partner and Sexual Violence Survey identifies significant victimisation among both women and men, permitting policy to distinguish prevalence while recognising all victims.

United Kingdom: The United Kingdom provides another useful comparison because it has adopted substantially gender-neutral domestic-abuse legislation.

The Domestic Abuse Act 2021 defines abusive behaviour through the relationship and conduct involved rather than the sex of the victim. Abuse includes physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, and psychological or emotional abuse. The persons involved must be “personally connected,” a category covering current or former spouses, civil partners, intimate partners, parents of the same child, and relatives.

Importantly, the UK's gender-neutral statute exists alongside government recognition that domestic abuse and related offences disproportionately affect women. Gender-neutral protection has therefore not required abandonment of violence-against-women policy.

The UK Government's *Supporting Male Victims* position statement, updated in 2022, expressly recognises male victims of crimes situated within its broader violence-against-women-and-girls policy framework. It is intended to identify specific challenges faced by male victims, improve access to services, and encourage appropriate institutional responses.

The existence of demand for such services is measurable. Official statistics for England and Wales reported more than 43,000 contacts with Respect's Men's Advice Line during the year ending March 2025. This does not establish prevalence by itself, but it demonstrates meaningful demand for male-specific domestic-abuse support.

British sexual-offence law also offers comparative insight. Under the Sexual Offences Act 2003, rape remains perpetrator-specific because penile penetration is required, but the victim is described as “another person.” A man can therefore legally be a rape victim when subjected to penile penetration without consent. Other offences, including assault by penetration and sexual assault, are also structured around the absence of consent rather than a female-only victim category.

The UK approach is therefore not completely gender-neutral in every respect, but it illustrates a broader victim-inclusive framework than India's adult rape law.

COMPARATIVE LESSONS FOR INDIA

The comparison between India, the USA, and UK demonstrates that there is no necessary contradiction between acknowledging violence against women and protecting male victims.

India tends to place gender specificity within the substantive definition of rights and offences. The United States more frequently combines women-centred policy origins with non-discriminatory service eligibility. The United Kingdom combines gender-neutral domestic-abuse law with gender-responsive policy.

The most suitable Indian model may therefore involve three layers.

The first should consist of **universal legal protection** against core harms such as serious domestic abuse, sexual assault, coercive control, stalking, and non-consensual penetration.

The second should provide **special measures based upon demonstrated vulnerability**. Women facing dowry-related abuse, reproductive coercion, pregnancy-related vulnerability, economic dependency, honour-based violence, or particular risks of sexual violence may legitimately receive targeted protection.

The third should create **specialised services for under-recognised victims**, including men and transgender persons, where social stigma inhibits reporting.

This model does not require India to choose between women's rights and men's rights. It treats protection from violence as a human-rights question while retaining substantive equality.

RECOMMENDATIONS

India should consider a comprehensive review of domestic and sexual-violence legislation from the perspective of inclusive victim protection.

First, the definition of an aggrieved person under domestic-violence law should be reconsidered. Core remedies such as protection orders, emergency restraining measures, counselling, and relief against coercive control could be made available irrespective of gender.

Second, expansion of eligibility should not reduce resources for women. Women-specific shelters and programmes should remain available where safety, privacy, or empirical need justifies them. Comparable services can be developed for male and gender-diverse victims.

Third, Parliament should address the post-BNS gap concerning non-consensual penetrative sexual acts against adult men and transgender persons. Rather than restoring the outdated morality-based formulation of old Section 377, India should enact a modern consent-based offence protecting all adult victims.

Fourth, sexual-offence legislation should progressively distinguish between the **gender prevalence of an offence** and the **legal definition of a victim**. Women can remain recognised as disproportionately vulnerable without making other victims legally invisible.

Fifth, India should establish systematic national data collection concerning intimate partner violence experienced by men. Comparable methodologies should examine physical, sexual, psychological, economic, and technological abuse across genders.

Sixth, police personnel, judicial officers, counsellors, medical professionals, and protection-service providers should receive training concerning male and LGBTQ+ victimisation alongside continued gender-sensitisation concerning violence against women.

Seventh, gender-neutral reform should be accompanied by strong due-process safeguards. Complaints should be investigated on evidence rather than assumptions based upon either the complainant's or accused person's gender.

Eighth, public awareness campaigns should challenge the notion that experiencing abuse is inconsistent with masculinity. A man seeking protection should not be treated as weak, humorous, or inherently unbelievable.

Finally, legal reform should adopt a **victim-centred definition of violence** focusing upon conduct, coercion, absence of consent, abuse of power, and harm.

CONCLUSION

The struggle for gender justice in India has historically and correctly concentrated upon women because women have experienced systematic discrimination and disproportionate levels of domestic and sexual violence. Women-specific legislation helped transform domestic abuse from a private matter into a question of constitutional rights and public accountability. These achievements remain indispensable.

However, gender justice cannot remain conceptually frozen at the stage at which legal reform first emerged. Contemporary constitutionalism recognises dignity, autonomy, privacy, gender identity, and bodily integrity as rights belonging to individuals. These values require the legal system to consider victims who fall outside conventional gender narratives.

Male victims of domestic and sexual violence remain insufficiently recognised within Indian specialised legislation. The Domestic Violence Act reserves the status of aggrieved person for women, while Section 63 BNS defines rape through a female victim. The removal of Section 377 without an equivalent consent-based provision has created additional concern regarding adult male and transgender victims—a concern expressly recognised by the Parliamentary Standing Committee before enactment of the BNS.

The solution should not be a competition between genders. Violence against women remains a major social problem, as national statistics unmistakably demonstrate. Recognition of male victims should therefore supplement rather than displace women's protection.

Comparative law demonstrates that such coexistence is possible. The United States allows male victims to obtain services under a statutory architecture historically associated with violence against women, while the United Kingdom applies gender-neutral domestic-abuse legislation alongside policies acknowledging the disproportionate impact of violence upon women.

India should consequently adopt an approach of **inclusive substantive gender justice**. Such an approach would recognise structural inequalities between genders but guarantee basic legal remedies according to the harm experienced rather than stereotypes concerning who is capable of becoming a victim.

The ultimate test of a gender-just legal system is not whether it gives identical treatment in every situation. It is whether it protects every person from violence while responding proportionately to actual patterns of vulnerability. Women's protection and recognition of male victims are therefore not competing constitutional objectives. Properly designed, they are complementary expressions of equality, dignity, and justice.

FUTURE SCOPE

The issue of male victimisation presents substantial opportunities for future socio-legal research in India.

The most urgent requirement is a nationally representative empirical study. Existing scholarship on male domestic-violence victims is too limited to support definitive prevalence comparisons. Future surveys should examine emotional, physical, sexual, economic, technological, and coercive forms of abuse across urban and rural populations.

Longitudinal studies should analyse whether male victims report abuse to police, medical institutions, family courts, counsellors, or community organisations and identify reasons for non-reporting. Research should separately examine heterosexual, same-sex, transgender, elderly, disabled, and economically dependent male victims.

Future scholarship should also evaluate the operation of the BNS after 1 July 2024. Judicial decisions and police practices concerning non-consensual sexual acts against adult male and transgender victims require particular attention.

Comparative studies involving the UK Domestic Abuse Act and the American VAWA system could assist in designing an Indian framework that combines gender-neutral eligibility with gender-responsive services.

Another emerging area concerns technology-facilitated abuse. Intimate partners may use mobile-phone surveillance, social-media impersonation, deepfakes, threats involving private images, financial applications, passwords, GPS tracking, and digital communications as instruments of coercion. Such conduct can affect victims irrespective of gender and should be incorporated into future domestic-abuse research.

The psychological consequences of male victimisation also require study. Researchers should examine trauma, depression, anxiety, social isolation, workplace consequences, parenting difficulties, and barriers to therapeutic support without assuming that male and female victim experiences are identical.

Finally, future legal research should move beyond the binary debate of “women-specific versus gender-neutral law.” The more productive question is how Indian law can create

gender-inclusive rights, gender-responsive institutions, victim-sensitive procedures, and evidence-based special measures simultaneously.

Such a framework would strengthen rather than weaken gender justice by ensuring that the fight against historically entrenched violence against women continues while the legal system develops the capacity to recognise every genuine victim.

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