
DOMESTIC VIOLENCE AGAINST MEN: A CONSTITUTIONAL AND LEGAL REASSESSMENT

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Introduction

Domestic violence is widely recognised as a serious violation of human dignity, bodily integrity, and personal liberty. Across jurisdictions, legal systems have developed protective frameworks to address such violence, particularly in response to the historically entrenched vulnerability of women within patriarchal social structures. In India, the enactment of the Protection of Women from Domestic Violence Act, 2005 represented a significant legislative milestone in acknowledging domestic abuse as a multidimensional phenomenon encompassing physical, emotional, psychological, and economic harm.

While the statute has played a crucial role in protecting women, its gender-specific structure has generated an unintended normative gap: the absence of a comparable protective framework for male victims of domestic abuse. Although domestic violence against men may occur less frequently in reported data, emerging empirical studies and judicial observations suggest that men can also be subjected to severe forms of physical, emotional, and psychological abuse within intimate relationships.

The absence of statutory protection raises important constitutional questions under Article 14 of the Constitution of India and Article 15(3) of the Constitution of India. While the Constitution permits special legislative measures for women, the complete exclusion of similarly situated victims from protective frameworks invites scrutiny under the doctrine of equality and the evolving jurisprudence of proportionality.

This article argues that recognising domestic violence against men does not dilute the imperative of protecting women. Rather, a victim-centric and gender-inclusive approach may better align with constitutional guarantees of equality, dignity, and access to justice.

Understanding Domestic Violence Beyond Gender

Domestic violence is fundamentally characterised by patterns of coercion, control,

intimidation, and abuse within domestic relationships. The phenomenon cannot be reduced solely to physical violence; rather, it encompasses a spectrum of abusive behaviours including emotional manipulation, psychological intimidation, verbal degradation, economic control, and social isolation.

Male victims of domestic abuse frequently report sustained verbal humiliation, threats of false criminal accusations, restriction of access to children, and deliberate damage to personal or professional reputation. Economic coercion—such as manipulation of financial resources or interference with employment—also constitutes a significant form of abuse.

Unlike physical violence, these forms of harm often leave no visible evidence, making them difficult to prove within conventional evidentiary frameworks. Nevertheless, psychological abuse can produce profound and enduring consequences, including depression, anxiety, loss of self-esteem, and social withdrawal.

The gendered perception of domestic violence has contributed to the invisibility of male victims. Social norms frequently discourage men from reporting abuse due to stigma, fear of ridicule, or apprehension that authorities may dismiss their complaints.

The Legal Framework in India

India's statutory response to domestic violence remains predominantly gender-specific. The Protection of Women from Domestic Violence Act, 2005 explicitly defines an "aggrieved person" as a woman who is or has been in a domestic relationship with the respondent.

Male victims therefore cannot invoke the protective mechanisms provided under the statute, including residence orders, protection orders, monetary relief, and counselling provisions. Instead, they must rely on general criminal provisions contained in the Bharatiya Nyaya Sanhita, 2023, such as those relating to causing hurt or criminal intimidation.

While these provisions criminalise certain acts of violence, they do not provide the integrated civil-protective framework that domestic violence legislation offers to women. Consequently, male victims often lack access to preventive and rehabilitative remedies such as protection orders, residence rights, or institutional support services.

Judicial Recognition Through the Doctrine of Mental Cruelty

Although statutory protection remains gender-specific, Indian courts have indirectly recognised the possibility of domestic abuse against men through matrimonial jurisprudence.

In *Samar Ghosh v. Jaya Ghosh*, the Supreme Court elaborated the concept of mental cruelty within matrimonial relationships, acknowledging that sustained humiliation, psychological pressure, and emotional manipulation may justify dissolution of marriage.

Similarly, in *K. Srinivas Rao v. D.A. Deepa*, the Court recognised that false criminal complaints and defamatory accusations within matrimonial disputes may constitute mental cruelty.

Further, in *Narendra v. K. Meena*, the Court observed that persistent pressure on a husband to sever ties with his parents and family members may amount to cruelty.

These judicial pronouncements demonstrate that domestic abuse within matrimonial relationships is not inherently gender-exclusive. However, the recognition of such conduct remains confined to matrimonial remedies rather than broader protective legislation.

Suicide Threats and Psychological Coercion

Courts have also acknowledged that threats or attempts to commit suicide may function as instruments of coercive control within domestic relationships.

In several matrimonial disputes, the Supreme Court has noted that repeated suicide threats can inflict profound psychological trauma on the spouse and create an atmosphere of constant fear and emotional instability. The apprehension that a suicide attempt could expose the spouse to severe legal consequences has been recognised as a form of mental cruelty.

Such judicial observations highlight the complex psychological dimensions of domestic violence, which frequently operate through intimidation, emotional manipulation, and coercive control rather than physical assault alone.

Article 14 and the Constitutional Question

The exclusion of male victims from statutory domestic violence protection raises significant

constitutional concerns under the equality guarantee of Article 14 of the Constitution of India.

Article 14 prohibits arbitrary state action and requires that legislative classifications satisfy the test of reasonable classification. Traditionally, this test requires:

1. An intelligible differentia distinguishing those included from those excluded; and
2. A rational nexus between the differentia and the legislative objective.

The objective of the Protection of Women from Domestic Violence Act, 2005 is to protect victims of domestic abuse within familial relationships. The classification between women and men is historically justified on the basis that women have faced systemic and structural vulnerability within domestic settings.

However, the doctrine of equality under Article 14 has evolved beyond the traditional classification test toward a more substantive review of arbitrariness and proportionality.

The Proportionality Framework

The Supreme Court has increasingly applied the doctrine of proportionality in constitutional adjudication, particularly in cases involving fundamental rights. The modern articulation of proportionality requires that a legislative measure satisfy four criteria:

1. **Legitimate Aim** – the law must pursue a constitutionally valid objective;
2. **Rational Connection** – the measure must be logically connected to that objective;
3. **Necessity** – there must be no less restrictive but equally effective alternative;
4. **Balancing (Proportionality stricto sensu)** – the benefits of the measure must outweigh the harm caused by rights infringement.

This framework was articulated in decisions such as *Modern Dental College v. State of Madhya Pradesh* and further refined in ***K.S. Puttaswamy v. Union of India***.

Applying proportionality analysis to gender-exclusive domestic violence legislation reveals an important constitutional question: whether completely excluding male victims is necessary to achieve the objective of protecting women.

While protecting women from domestic violence undoubtedly constitutes a legitimate and compelling objective, the total exclusion of other victims may not represent the least restrictive or most balanced legislative approach.

A gender-neutral framework, or a system that allows any victim of domestic abuse to seek protective remedies while retaining special safeguards for women, may achieve the same protective objective without excluding similarly situated victims.

Comparative Legal Approaches

Several jurisdictions have adopted gender-neutral domestic violence legislation. Laws in countries such as the United Kingdom, Canada, and the United States recognise domestic abuse as conduct that may affect individuals regardless of gender.

These legal systems retain strong protections for women while ensuring that all victims of domestic abuse have access to legal remedies and institutional support structures.

Comparative experience suggests that gender-neutral legislation does not weaken protections for women but instead strengthens the legitimacy and inclusiveness of domestic violence law.

Social Consequences and Institutional Gaps

Male victims of domestic violence frequently encounter significant barriers when seeking assistance. Social stigma, cultural expectations surrounding masculinity, and scepticism from authorities discourage reporting.

Moreover, institutional support systems—such as shelters, counselling services, and crisis helplines—are overwhelmingly designed for women. The absence of comparable support mechanisms for men reinforces the invisibility of male victims and limits their access to meaningful remedies.

Toward a Victim-Centric Framework

Addressing domestic violence effectively requires shifting from gender-exclusive protection toward a victim-centric framework. Such an approach would recognise that abuse within domestic relationships is fundamentally a violation of human dignity rather than a gender-specific harm.

A carefully designed gender-neutral legal framework could retain special safeguards for women while extending basic protective remedies to all victims. Such reform would be consistent with the constitutional values of equality, dignity, and fairness embedded within the Indian constitutional order.

Conclusion

Domestic violence against men remains an under-acknowledged issue within Indian legal discourse. Recognising male victims does not diminish the gravity of violence against women; rather, it reflects a broader commitment to justice and equality.

A constitutional framework grounded in the principles of Article 14 of the Constitution of India demands that the law remain responsive to all victims of abuse. Incorporating a victim-centric approach to domestic violence legislation would strengthen the legitimacy, inclusiveness, and fairness of the legal system.

Ultimately, a society committed to justice must ensure that no victim of domestic violence remains invisible solely because of gender.

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