

DOMESTIC VIOLENCE LAWS IN INDIA: NEED FOR A GENDER-NEUTRAL APPROACH

Dipti Thube

Assistant Professor of Law, PES' Modern Law College, Pune

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Abstract

*Domestic violence has been recognised in India as a prevalent human rights violation that disproportionately affects women, particularly within marriage and intimate relationships. The legal response, notably through Section 85 of the Bharatiya Nyaya Sanhita (BNS) & the Protection of Women from Domestic Violence Act, 2005 (PWDVA), is expressly framed as women-centric, reflecting a historical corrective to systemic patriarchal violence and structural inequalities. However, emerging empirical evidence shows that men and LGBTQ+ persons also experience domestic violence in significant, though underreported, numbers, while current laws provide no direct civil remedies for male or non-binary victims and only a fragmented protection for LGBTQ+ persons. This paper asserts that such asymmetry raises serious questions under Articles 14 and 21 of the Constitution particularly after the SC's reading down of the "adult male" limitation in Section 2(q) PWDVA in *Hiral P. Harsora v. Kusum Narottamdas Harsora* (2016), where the Court itself acknowledged that perpetrators of domestic violence "can also be women". This paper explores the necessity of gender-neutral domestic violence laws in India. It analyzes the current legal landscape, the psychological impact on men and LGBTQ+ individuals, and comparative models from five global jurisdictions. By examining national data and judicial trends, the study concludes by proposing specific legislative reforms to create a more inclusive, gender-neutral protection framework.*

Keywords: Domestic Violence, Gender Neutrality, PWDVA, Constitutional Equality, Men's Rights, LGBTQ+ Rights

Introduction

Domestic violence, broadly understood as violence or abuse occurring within intimate or familial relationships is one of the most widespread forms of private-sphere violence in India. National Family Health Survey-5 (NFHS-5) data indicate that about 30% of women aged 18-49 have experienced physical violence since age 15 and 32% of married women have experienced physical, sexual or emotional spousal violence, making domestic violence a central concern for public health & criminal justice policy.¹

Criminal & civil laws in India have historically been designed against a background of gendered power relations in which women are overwhelmingly the victims of domestic violence perpetrated by male partners or their relatives. As such, Section 85 BNS (cruelty by husband or relatives) and the PWDVA are firmly cast as "women's laws", a perspective reinforced in parliamentary debates and feminist scholarship that view domestic violence as a facet of gender-based violence against women.² Yet, there is growing recognition that a purely gender-specific legal design may overlook other classes of victims and may be inconsistent with the constitutional promise of equality before law & equal protection of laws.

The Supreme Court's decision in *Hiral P. Harsora* striking down the "adult male" requirement for respondents under PWDVA, and decriminalisation of consensual same-sex relations in *Navtej Singh Johar v. Union of India*³, provide a constitutional backdrop for reconsidering whether domestic violence law should remain sex-specific at the level of victims or evolve toward a nuanced gender-neutral framework.⁴

Domestic Violence in India

Meaning and Concept

Domestic violence is not defined in a single, comprehensive statute in India, but the PWDVA 2005 offers the most detailed civil-law definition. Section 3 PWDVA defines "domestic violence" to include any act, omission or commission or conduct of the respondent that harms or injures or endangers the health, safety, life, limb or well-being of the aggrieved person & includes physical abuse, sexual abuse, verbal and emotional abuse & economic abuse. This broad definition moves beyond physical harm to encompass coercive control, humiliation, insults, deprivation of financial resources and other forms of psychological and economic subordination.⁵ Internationally, domestic or family violence is recognised as encompassing physical, sexual, psychological and economic abuse within family and intimate partner relationships, a formulation adopted in various UN instruments and by several national statutes such as New Zealand's Family Violence Act 2018.⁶ In India, however, despite this conceptual breadth, the formal rights-bearing subject of PWDVA – the "aggrieved person" – remains restricted by gender, and the institutional discourse continues to conceptualise domestic violence primarily as violence against women.

Types of Domestic Violence

Under PWDVA and allied scholarship, domestic violence may be typologised as⁷:

- Physical violence: Hitting, slapping, kicking, choking, assault with weapons, confinement and other physical harm or threats thereof.
- Sexual violence: Non-consensual sexual acts, forced intercourse, sexual humiliation or coercive sexual practices within marriage or intimate relationships.
- Verbal and emotional abuse: Insults, ridicule, name-calling, threats of divorce or abandonment, denial of affection, and constant degradation affecting mental health and dignity.
- Economic abuse: Deprivation of financial resources, denial of food, clothing and medicines, dispossession from the shared household, and restriction on accessing own earnings or stridhan.

Studies in India and globally emphasise that emotional and economic abuses are not merely ancillary but often central to the pattern of coercive control in intimate relationships. NFHS-5 and other surveys show that physical violence remains the most commonly reported form among women, but emotional abuse is also widespread and often underreported.⁸

Against Whom Can Domestic Violence Occur?

Domestic violence can occur against a range of persons in domestic relationships, not merely wives in nuclear marriages. The PWDVA definition of “domestic relationship” includes relationships by consanguinity, marriage, adoption, or through a relationship in the nature of marriage, as well as family members living together in a joint family. In practice, this can include⁹:

- Wives or women in live-in relationships abused by husbands/partners or their relatives.
- Mothers, sisters, widows and other female relatives subjected to abuse by male or female family members.
- Elderly parents facing physical, emotional or economic abuse by adult children or in-laws, though they often rely on the Maintenance and Welfare of Parents and Senior Citizens Act 2007 rather than PWDVA.
- Children experiencing physical or psychological harm in the household, often overlapping with child protection and juvenile justice frameworks.

However, male partners in heterosexual relationships, transgender persons, and LGBTQ+ partners in same-sex or non-heteronormative relationships lack a direct civil remedy equivalent to PWDVA protection orders when they are victims of domestic violence. They may have recourse to general criminal law (e.g., assault provisions) but not to specialised civil reliefs like residence orders or protection orders grounded in domestic status.¹⁰

The Indian Legal Framework and Its Gender Bias

The core legal instruments addressing domestic violence in India are¹¹:

- Section 85 BNS: Criminalises cruelty by husband or his relatives towards a wife, defined broadly to include conduct likely to drive her to suicide or cause grave injury or danger to health, and harassment for dowry.¹²
- Protection of Women from Domestic Violence Act 2005 (PWDVA)¹³: Provides civil remedies such as protection orders, residence orders, monetary relief and custody orders to an “aggrieved person”, defined in Section 2(a) as any woman who is, or has been, in a domestic relationship with the respondent & who alleges domestic violence.¹⁴

Section 2(q) originally defined “respondent” as “any adult male person” in a domestic relationship with the aggrieved person, but in *Hiral P. Harsora* the Supreme Court struck down the words “adult male”, holding that the Act’s object—protection of women from domestic violence of any kind—would be frustrated if female and non-adult perpetrators were excluded. The Court emphasised that domestic violence can be inflicted by women against women & that the perpetrator-victim binary is not strictly sex-specific at the level of conduct.¹⁵ Despite this broadening of potential respondents, the PWDVA remains structurally gender-specific on the victim side, as only “women” can be aggrieved persons. Section 85 BNS is similarly gender-specific, confined to cruelty against a “wife”.

This asymmetry reflects a conscious legislative choice to respond to the documented epidemic of violence against women in the domestic sphere, but it raises concerns about the invisibilisation of other victims and potential conflict with gender-neutral constitutional guarantees.¹⁶

Gender Neutrality: Concept, Jurisprudence and Rationale

Concept of gender neutrality in domestic violence law

Gender neutrality in domestic violence law refers to statutory frameworks where:

- The definition of victim/survivor applies to any person, regardless of sex or gender identity.
- The definition of perpetrator is not restricted by sex, gender, or marital status.
- Protection orders, civil remedies and criminal sanctions are available based on the nature of abuse and relationship, not on the gender configuration of the parties.

Many jurisdictions, such as Canada, New Zealand and several states in the US, have adopted gender-neutral definitions for family or domestic violence, while still recognising that women may be disproportionately impacted and tailoring services accordingly. Gender neutrality at the level of legal text does not preclude gender-sensitive implementation; rather, it seeks to make sure that all victims have formal access to remedies while allowing for targeted policy measures for groups at greater risk.¹⁷

Jurisprudential Basis and Constitutionality in India

The Indian Constitution under Articles 14, 15 and 21 provides a rich jurisprudential basis for reconsidering gender-specific victim categories in domestic violence law.¹⁸

- Article 14¹⁹ guarantees equality before law and equal protection of laws, requiring that classifications be based on intelligible differentia having a rational nexus with the object of the statute.
- Article 15(1)²⁰ prohibits discrimination on grounds of sex, while Article 15(3) permits special provisions for women and children, which has been invoked to justify targeted protective legislation.
- Article 21²¹ protects life and personal liberty, which the Supreme Court has interpreted to include the right to live with dignity and free from violence, irrespective of gender.

In *Hiral P. Harsora*, the Supreme Court held that restricting the category of “respondent” under PWDVA to “adult male persons” violated Article 14 because the microscopic difference between “male and female, adult and non-adult” had no rational relation to the Act’s objective of preventing domestic violence of any kind. The Court’s reasoning is logically extendable: just as perpetrators need not be exclusively male, victims of domestic violence, as a matter of constitutional principle, need not be exclusively female in order to justify statutory protection.²²

At the same time, *Harsora* acknowledged the specific object of PWDVA as a statute for protection of women, which is protected under Article 15(3). A constitutionally compliant move toward gender-neutrality must therefore balance²³:

- The permissibility of special provisions for women under Article 15(3);
- The obligation under Articles 14 and 21 not to arbitrarily exclude other victims (men, transgender persons, non-binary and LGBTQ+ individuals) from protection against similar harms; and
- The empirical reality that women continue to bear a disproportionate burden of severe domestic violence.²⁴

A possible resolution is a “gender-inclusive but gender-sensitive” model where the statute is textually open to all victims but accompanied by interpretive clauses, policy statements and service design that recognise the gendered pattern of domestic violence and maintain targeted programmes for women.²⁵

Psychological and Sociological Aspects: Domestic Violence against Men

Research in India and abroad has begun documenting domestic violence against men, although such violence is often underreported due to social stigma and normative expectations of masculinity.²⁶

- A study funded by the Indian Council of Medical Research in Haryana found that out of a sample of 1,000 married men, 52.4% reported experiencing some form of gender-based violence from their spouses, with emotional violence being most common.²⁷
- Another mixed-method study near Delhi highlights humiliation, emotional and physical abuse, financial exploitation and threats, including false legal accusations, experienced by male victims.²⁸

Sociological explanations note that men face barriers to reporting due to:

- Norms equating masculinity with toughness and emotional stoicism, which frame victimhood as weakness.
- Fear of ridicule by police or community and the perception that law enforcement primarily views men as perpetrators.²⁹
- Lack of male-specific shelters, counselling or helplines, leading to a sense of helplessness and isolation.³⁰

Psychologically, male victims often exhibit symptoms of depression, anxiety, suicidal ideation and diminished self-worth, similar to female victims, but it may also engage in high-risk behaviours or substance abuse as coping mechanisms. The absence of formal recognition in law compounds this harm by communicating that their suffering is legally invisible.³¹

Domestic Violence against LGBTQ+ Persons: Sociological Insights

Domestic violence also affects LGBTQ+ persons through intimate partner violence and family-based abuse, including “corrective” violence aimed at suppressing sexual orientation or gender identity.

A cross-sectional survey on domestic violence in the Indian LGBTQIA+ population found high prevalence of psychological, physical and sexual abuse, with many participants citing fear of being unheard or mistreated by police as a major reason for non-reporting.³² Mental health research on LGBTQIA+ persons in India reports experiences of family violence, sexual abuse, neglect and control, particularly against lesbian, bisexual women and transgender persons. These experiences contribute to minority stress, depression, anxiety and suicide risk, compounded by exclusion from mainstream domestic violence services which are structured around heterosexual, cisgender women as victims.³³

While the Supreme Court's decisions in *Navtej Singh Johar* and *NLSA v. Union of India*³⁴ recognise LGBTQ+ rights and transgender identity, domestic violence law has not yet been retooled to explicitly include same-sex and non-heteronormative domestic relationships within PWDVA's aggrieved-person framework.

Arguments for Gender-Neutral Domestic Violence Law

Key arguments advanced in Indian scholarship and advocacy for gender neutrality include³⁵:

- Equity and justice: Protection from violence and the right to dignity are universal; limiting domestic violence remedies to women alone contradicts the principle of equal protection under Article 14 and fails to recognise similar harms suffered by others.
- Addressing underreporting: Male and LGBTQ+ victims face a double invisibility – a social stigma that discourages disclosure and legal framework that does not recognise them as potential victims – which perpetuates silence and underreporting.³⁶
- LGBTQ+ inclusion: Gender-specific definitions based on “woman” and “husband” marginalise same-sex couples and non-binary identities, conflicting with constitutional commitments to non-discrimination and dignity after *Navtej Singh Johar*.
- Consistency with comparative practice: Many mature legal systems have moved towards gender-neutral definitions of domestic and family violence while retaining gender-sensitive implementation, demonstrating that such a model is both workable and internationally aligned.³⁷
- Avoiding reverse discrimination narratives while retaining focus on women: A carefully framed gender-neutral law can avoid “erasing” violence against women by explicitly recognising its gendered character and allowing targeted women's programmes, while also granting basic protections to all victims.³⁸

Critics of gender neutrality caution that equal textual treatment can obscure structural gender inequalities and may be used to undermine women-specific protections. Any shift in India therefore requires a nuanced model that is gender-inclusive in coverage but explicitly acknowledges that women remain the primary victims and may require specialised support services.³⁹

Comparative Perspectives

United Kingdom

The UK has moved towards a broad and gender-neutral concept of domestic abuse. Section 76 of the Serious Crime Act, 2015 creates an offence of controlling or coercive behaviour in an intimate or family relationship, applicable where “A repeatedly or continuously engages in behaviour towards another person, B” that is controlling or coercive, causing serious distress or fear of violence; the provision is framed without reference to sex or gender.⁴⁰ The Domestic Abuse Act, 2021 provides a statutory definition of domestic abuse covering physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse & psychological, emotional or other abuse, in relation to persons who are “personally connected”.

While implementation policy recognises domestic abuse as a gendered phenomenon disproportionately affecting women, the legal framework entitles all victims, irrespective of gender, to protection and remedies.⁴¹

Canada

Canada does not have a standalone “domestic violence” offence in the federal Criminal Code, but most acts of family violence (assault, sexual assault, threats, criminal harassment, forcible confinement, etc.) are criminalised in a gender-neutral manner. The Department of Justice notes that “most acts of family violence are crimes in Canada”, and the same offences apply whether the victim is male, female or non-binary.⁴² Civil protection orders and family law responses are largely provincial but are generally drafted in gender-neutral terms, allowing any person in a specified family or intimate relationship to seek protection. At the policy level, however, Canada’s Strategy to Prevent and Address Gender-Based Violence explicitly acknowledges that women and LGBTQ+ persons are at higher risk and frames domestic violence as part of gender-based violence, illustrating that gender neutrality in law can coexist with gender-focused policy.⁴³

Australia

Australia addresses family violence through a mix of federal family law and state/territory legislation. The Family Law Act, 1975, as amended, includes a definition of “family violence” referring to violent, threatening or other behaviour that coerces or controls a family member or causes them to be fearful, applying to “a person” rather than a particular gender.⁴⁴ The Family Court of Australia’s Family Violence Best Practice Principles expressly state that both men & women can experience family violence, while also noting that women are significantly more likely to experience severe violence from partners, leading to serious injury or death. Australian human rights bodies recommend that domestic and family violence definitions be gender-neutral because such violence “can, and do, occur in all relationships and family situations, regardless of the sex” of those involved.⁴⁵

New Zealand

New Zealand's Family Violence Act 2018 defines family violence to include physical, sexual or psychological abuse by a person in a family relationship with the victim, covering spouses and partners, family members and household members without reference to gender.

The Act creates police safety orders and court-issued protection orders to safeguard victims and prevent further violence, with eligibility based on relationship and risk rather than sex.⁴⁶ Reports on New Zealand's legal framework highlight that the FVA aims to stop and prevent family violence by providing a consistent response to both victims and perpetrators and is grounded in a human rights perspective that views domestic violence as unacceptable regardless of the victim's gender.⁴⁷

United States

In the United States, domestic violence law is primarily state-based, with many states adopting gender-neutral definitions of domestic or family violence that allow any person in a specified relationship to seek protection orders. The Violence Against Women Act, (VAWA), although framed in gendered language, has evolved towards inclusivity, with the 2013 reauthorisation introducing explicit non-discrimination provisions protecting LGBTQ+ victims in key grant programmes and prohibiting shelters or services from excluding them based on sexual orientation or gender identity. A review of protections for domestic violence victims in the United States notes that courts often interpret gender-neutral statutes liberally to provide maximum protection, including to victims in same-sex relationships, even where legislative history initially focused on violence against women. This illustrates how gender-neutral text, judicial interpretation and targeted funding programmes can interact to create a broadly inclusive protective regime while still addressing women's disproportionate victimisation.⁴⁸

Country	Primary instrument(s)	Gender neutrality in law	Notable features
United Kingdom	Serious Crime Act, 2015; Domestic Abuse Act, 2021	Definitions of victim & perpetrator are not sex-specific; covers "persons" in intimate/family relationships.	Criminal offence of controlling/ coercive behaviour; statutory definition of domestic abuse; recognition of economic and psychological abuse.
Canada	Criminal Code (various offences); provincial civil protection orders	No specific "domestic violence" offence; family violence addressed through gender-neutral criminal offences applicable regardless of victim's gender.	Criminal law is formally gender-neutral; policy frameworks still focus on gender-based violence against women and marginalised groups.

Australia	Family Law Act 1975; state family violence acts	Statutory definitions of “family violence” apply to “a person” in family relationships, covering both men and women.	Best Practice Principles emphasise both gendered nature of violence and that both men & women can experience family violence.
New Zealand	Family Violence Act 2018	Defines “family violence” broadly without reference to sex; applies to any person in family relationships.	Explicit inclusion of psychological and economic abuse; diverse protection orders, including police safety orders.
United States (federal and state)	Violence Against Women Act (VAWA); state DV statutes	Many state statutes are gender-neutral; VAWA grants include LGBTQ+ victims via non-discrimination clauses.	Federal funding conditions require non-discrimination on basis of sex, sexual orientation, or gender identity in VAWA-funded programmes.

Judicial and Legislative Developments in India

Case Law under PWDVA and Related Statutes

Indian appellate courts have played a key role in shaping domestic violence jurisprudence:

- *Hiral P. Harsora v. Kusum Narottamdas Harsora*, AIR 2016 SC 4774: The SC struck down the words “adult male” from Section 2(q) PWDVA as unconstitutional under Article 14, holding that perpetrators and abettors of domestic violence “can also be women” and that excluding them undermines the Act’s purpose.⁴⁹
- Earlier High Court decisions had grappled with the meaning of “relationship in the nature of marriage” and the scope of “domestic relationship”, often extending PWDVA protection to women in long-term live-in relationships, thus broadening the class of relationships but not the gender of victims.⁵⁰
- Courts have also interpreted PWDVA as a civil, remedial statute aimed at ensuring residence and maintenance rights for women, often emphasising its social-welfare character and its independence from criminal proceedings under Section 85 BNS.⁵¹

While *Harsora* moved the law towards gender-neutrality regarding respondents, no constitutional challenge has yet successfully expanded the definition of “aggrieved person” to include men or non-binary persons, leaving the law formally women-specific on the victim side.⁵²

Legislative Developments and Critical Analysis of PWDVA

The PWDVA emerged as a response to recognition that existing criminal provisions (notably Section 85 BNS) were inadequate to address the complex dynamics of domestic violence including non-criminal forms such as emotional & economic abuse. Parliamentary debates and the Statement of Objects & Reasons emphasised its role as a special law to protect women from domestic violence in the household.⁵³

Critical analysis identifies several strengths⁵⁴:

- Comprehensive definition of domestic violence (physical, sexual, emotional, economic).
- Wide range of civil remedies – protection orders, residence orders, monetary relief, compensation and custody orders – available through relatively accessible magistrate proceedings.
- Recognition of relationships “in the nature of marriage”, enabling protection for women in live-in relationships.

However, key limitations from a gender-neutrality perspective include⁵⁵:

- Restriction of “aggrieved person” to women, excluding male and LGBTQ+ victims.
- Continued focus on heterosexual marital or quasi-marital relationships, with less explicit recognition of same-sex domestic relationships despite constitutional developments.
- Implementation gaps such as inadequate infrastructure for Protection Officers, limited awareness and uneven enforcement across states.

Statistical Data and Patterns from Authorised Indian Sources

NFHS data and NCRB statistics illustrate the scale and gendered pattern of domestic violence, while also revealing data gaps regarding other victims:

- NFHS-5 (2019–21) reports that around 30% of women aged 18–49 have experienced physical violence since age 15 and 32% of married women have experienced physical, sexual or emotional spousal violence, with only a small fraction seeking help.⁵⁶
- The same NFHS-5 commentary notes that only about 4% of men report having experienced domestic violence, though this figure may underestimate prevalence due to social stigma and survey design.⁵⁷
- NCRB’s Crime in India 2022 data show that cruelty by husband or his relatives under Section 85 BNS accounts for about 31.4% of all recorded crimes against women, making it the single largest category.⁵⁸
- A Ministry of Statistics and Programme Implementation (MoSPI) report (Women and Men in India 2022) notes that between 2016 and 2021, about 30% of the 22.8 lakh recorded crimes against women were registered under Section 85 BNS.⁵⁹

In contrast, there is no dedicated official statistical category for domestic violence against men or LGBTQ+ persons; available figures come from academic studies and NGO surveys, such as the Haryana study showing that over half of surveyed married men reported experiencing some form of spousal violence.

This asymmetry in data collection reinforces the invisibility of non-female victims and complicates policy design.⁶⁰

Policy Discussions and Parliamentary Suggestions

Policy reports and expert submissions have occasionally flagged the issue of gender neutrality:

- Legal scholarship and policy briefs in India have argued for amending PWDVA to adopt a gender-neutral definition of “aggrieved person” or for enacting a parallel gender-neutral civil protection statute while retaining women-specific safeguards.⁶¹
- Some parliamentary questions & debates have raised concerns about misuse of Section 85 BNS and have suggested either safeguards against false cases or broader conceptualisation of domestic violence, though not always explicitly advocating gender-neutral victim definitions.⁶²

The Law Commission of India has not yet produced a comprehensive report recommending a gender-neutral domestic violence statute, but its broader work on equality and sexual offences has moved towards gender inclusivity in some contexts, such as discussions around sexual assault law. The lack of a consolidated official stance indicates an open field for academic and civil-society advocacy to shape future reforms.⁶³

Policy and Legislative Recommendations

Expanding the class of “aggrieved persons”

A core recommendation is to amend PWDVA to redefine “aggrieved person” in Section 2(a) as “any person” who is, or has been, in a domestic relationship and alleges domestic violence, with an explanation clarifying its gender-inclusive intent. This would⁶⁴:

- Extend civil protection orders, residence rights and monetary relief to male, transgender and non-binary victims.
- Harmonise with *Harsora*’s recognition that perpetrators need not be male and with constitutional mandates under Articles 14 and 21.⁶⁵
- Align with comparative practice in jurisdictions like New Zealand and Canada, where family violence laws are textually gender-neutral.⁶⁶

To preserve the focus on women’s disproportionate victimisation, a preambular or interpretive clause could explicitly recognise that women and girls are particularly vulnerable to domestic violence and may need dedicated services, while affirming the law’s applicability to all victims.

Inclusion of other Society Members in the Definition

The definition of “domestic relationship” could be expanded or clarified to recognise⁶⁷:

- Elderly parents, grandparents & other dependants who live with or are supported by family members and may face economic and psychological abuse.
- Siblings, cousins and other extended family members in joint family systems, who may suffer domestic violence in property and inheritance conflicts.

- Persons in same-sex relationships, civil partnerships or other non-heteronormative domestic arrangements, consistent with *Navtej Singh Johar* and evolving social realities.⁶⁸

While some of these categories already fall within the existing broad definition, explicit mention in explanations or illustrations would improve awareness and ease of implementation.

Gender-Neutral but Gender-Sensitive Implementation

To balance concerns about erasing women's experiences, the following safeguards can be incorporated⁶⁹:

- Maintain or strengthen women-specific support infrastructure (women's shelters, crisis centres, helplines) and ensure that gender-neutral amendments do not dilute budgetary allocations for women.
- Introduce parallel or integrated support services for male and LGBTQ+ victims, such as helplines, counselling and temporary shelters, possibly under separate schemes but with equal legal standing.
- Train police, magistrates and Protection Officers on the gendered nature of domestic violence, the existence of male and LGBTQ+ victims and the need to avoid stereotypes that either assume women cannot be perpetrators or men cannot be victims.⁷⁰

Data Collection and Research

Policy development requires reliable data on all victims⁷¹:

- Expand NFHS and similar national surveys to systematically measure domestic violence against men and LGBTQ+ persons with appropriately designed, anonymous modules.
- Require NCRB to create categories that capture domestic violence incidents involving male and LGBTQ+ victims and same-sex relationships, while respecting privacy.⁷²
- Fund longitudinal research on psychological, social and economic impacts of domestic violence across genders and sexual orientations, building on existing studies that highlight under-recognised harms.

Harmonisation with Other Laws

Reforms to PWDVA should be harmonised with⁷³:

- Section 85 BNS and related provisions, exploring whether certain civil aspects could be integrated into a gender-neutral framework while retaining specific protections against dowry-related cruelty.
- The Maintenance and Welfare of Parents and Senior Citizens Act 2007, to ensure coherent protection for elderly victims of family violence.

- Transgender Persons (Protection of Rights) Act 2019 and allied rules, to avoid conflicts and ensure explicit coverage of domestic violence situations involving transgender persons.⁷⁴

Any move to gender-neutrality should avoid being instrumentalised primarily as a response to perceived “misuse” of women-specific laws; its constitutional and human rights basis must remain central.

Conclusion

Domestic violence law in India emerged as an essential corrective to entrenched patriarchy, with PWDVA and Section 85 of BNS providing crucial, albeit imperfect, protections for women facing severe abuse in the private sphere.

Authoritative data from NFHS-5 and NCRB confirm that women remain disproportionately affected, particularly by spousal violence and cruelty by husbands or their relatives, justifying continued gender-sensitive policy focus.

At the same time growing empirical evidence of domestic violence against men and LGBTQ+ persons, along with constitutional equality guarantees and comparative experience from gender-neutral jurisdictions, makes a compelling case for re-examining the exclusively women-centric design of domestic violence remedies in India. The Supreme Court’s decision in *Hiral P. Harsora* already acknowledges that perpetrators can be of any gender and partly dismantles the male-perpetrator/female-victim binary, inviting further doctrinal development.

A reformed domestic violence framework that is gender-neutral in coverage but explicitly gender-sensitive in recognition and implementation can better uphold the rights to equality, non-discrimination and dignity under Articles 14, 15 and 21. By expanding the definition of “aggrieved person” to include all individuals in domestic relationships, explicitly recognising other vulnerable household members, and building parallel support systems for male and LGBTQ+ victims, Indian law can evolve towards a more inclusive and constitutionally robust response to domestic violence without undermining the hard-won protections for women.

For detailed case texts and statistics, authoritative sources include the text of *Hiral P. Harsora* available via Supreme Court Reports, NFHS-5 reports on the DHS Programme website, NCRB’s Crime in India reports, and the full text of PWDVA 2005 hosted on official government or recognised legal databases.

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