

DOMESTIC VIOLENCE AGAINST MEN IN INDIA

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Abstract

Males and females, the two fundamental pillars of human society, make up roughly half of the population and are mutually dependent. Thus, to discover that a man and a woman are now recognized as the two wheels of a chariot. Evaluating domestic violence against men was the goal of the study. Whoever experienced violence was inevitably subjected to a violation of their fundamental human rights, and in a nation such as India, the situation deteriorated further in the absence of legislation protecting the victims. It advocates making domestic abuse laws gender-neutral from both the victim's and the offender's point of view. It aims to highlight the gaps in the current laws, which are mostly focused on women.

Keywords: Domestic Violence, Mistreatment, Spouse, Abuse, Male Victims.

Introduction

Domestic violence is an international problem that transcends borders of all kinds, including those of race, class, socioeconomic status, and culture. Given the widespread nature of the problem and its frequency of occurrence, it has become an accepted norm in society. The effects of domestic violence on women's health and safety were substantial, pervasive, and long-lasting. It is morally unacceptable to keep it around. The toll on people, healthcare systems, and society as a whole is astronomical. Healthcare services, social welfare, and law enforcement must work together to manage domestic violence. The majority of cases go unreported owing to the social stigmatization of defamation or social pressures from family members, so although efforts have been made in this direction, the attended cases only represent a small fraction of the total. Only by educating the public and bolstering law enforcement can these cases be effectively addressed (Vidushy, V., & Sethi, G. 2016).

Definition and Meaning

The violent behavior perpetrated by domestic violence within a family. Physical violence, threats, and verbal, psychological, and sexual abuse were all forms of domestic violence, which frequently involve the mistreatment of a spouse or child. The most important difference between domestic violence and other types of assault is the nature of the abuser's relationship with the victim. The stereotypical victim of domestic violence in India is the woman. Men were just as likely as women to be victims of domestic violence, according to observations made in personal interactions and in more institutionalized settings like businesses and workplaces. Society generally does not believe that women can be violent towards men because of preconceived notions about traditional gender roles.

False accusations of domestic violence by women were also addressed by numerous courts. Because they do not know where to turn for legal assistance, men still aren't willing to talk about the violence they've experienced (Deshpande, S. 2019).

A law that does not discriminate based on gender will be the norm in the future. The Hindu Marriage Act, specifically section 13, provides an alternative: a petitioner may seek a divorce if they have been cruelly treated by their spouse after the marriage has been solemnized. Defending oneself from domestic violence or abuse is more difficult for men. However modern socioeconomic trends that affect family structures have also made males victims of domestic violence. A lot of women abuse men sexually, emotionally, physically, verbally, and psychologically. To put it simply, men were the silent victims since they did not speak out about this harmful conduct. Protecting women is the top priority for Indian domestic violence laws, rather than men. Men were portrayed as solely capable of perpetrating crimes and not as victims, which is a false impression. Unfortunately, male victims of domestic violence were on the rise. Government policy ought to be inclusive of all genders. Legislation should be revised to more adequately acknowledge domestic violence or abuse against males by increasing public understanding of the issue and correcting common misunderstandings. Emotionally, men were there to back up local communities and families. There is evidence that men were less likely to be active members of their communities when they were victims of violence and the stigma associated with it. It seems to have no age, socioeconomic, or cultural boundaries. It encompasses domestic violence, which includes violence within marriages and live-in relationships as well as violence against other family members (Kaur, N., & Gulati, S. 2024).

1.1. Statistics Report on Male Abuse

“According to the most recent data from the Office for National Statistics (2022/23) about 1.38 million women (5.7% of all victims) and 751,000 men (3.2%), one-third of all victims of domestic abuse were male. This equates to 964,000 women and 483,000 men who have been victims of domestic violence. as of the fiscal year 2022–2023”. Data from SafeLives shows that men make up just 4.8% of domestic violence victims who receive assistance from local domestic services. There is a dearth of support for males in local domestic abuse programs (ONS 2022/23). There were thirteen male victims and fifty-six female victims of intimate partner violence in 2022–23 (ONS 2022/23).

The situation at home has deteriorated throughout the lockdown, as 30 percent of all complaints in 2020 came from males against their spouses, according to the women's redressal cell of the Navi Mumbai police department (Thomas, S. E., et.al 2020). A lot of the complaints revolved around arguments that broke out because the wife was uncooperative with various aspects of the household, such as not cooking on time, spending too much time on social media, or engaging in extramarital affairs.

Men who have experienced psychological and/or emotional abuse were more likely to have been the targets of public insults (29.7%), threats (3.5%), or criticism (85%) (Malik JS, Nadda A. 2019).

Psychological abuse, including repeated threats against the husband and his loved ones, is another kind. The false accusation of dowry and domestic violence under IPC section 498 is one of the most traumatic experiences that men report.

1.1.1. Statistics Report of Past 5 Years of Male V Women Victims

One study found that among married Indian women aged 18–49, 29.3% had experienced domestic/sexual violence, and among pregnant women aged 18–49, 3.1% had endured physical violence while pregnant (National Family Health Survey, 2019–2021). According to the National Commission for Women, the number of complaints received by the organization from women increased by 25.09 percent in 2020-21 whereas registered were 136,000 complaints under section 498A of the Indian penal code. This confirms the worldwide trend of more women being victims of domestic violence during the pandemic (Ramasubramani, P., et.al 2024).

633 of the 30,864 incidents documented in 2021 were related to domestic violence. In 2022, 6,970 of the 30,957 complaints were about domestic violence (Piquero, A. R., et.al 2021).

There were 28,811 complaints received by the NCW in 2023, with 6,304 of those about domestic violence (Baisil, S. 2020).

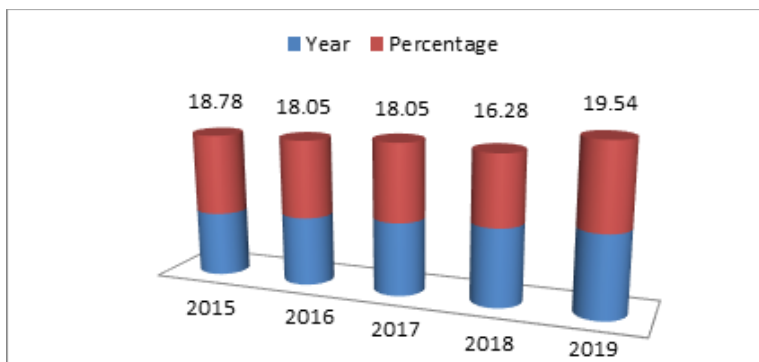


Fig 1. Statistical Report of Domestic Abuse Against men in India from 2015-2019

1.1.2. Reasons Behind Unlisted Case

There was a climate of opinions that discouraged men from registering their cases. The majority of men who experience intimate partner violence do not want to talk about it because they fear societal stigmatization and the disruption it might bring to their lives.

Their second and perhaps most compelling argument is that gender bias and gender-specific laws in India make them feel uncomfortable participating in legal proceedings. The social environment played a significant role in perpetuating gender stereotypes and laws that were biased against one gender.

Nobody, not even the majority of Indians, will admit that men can be victims of domestic violence. Don't understand why domestic violence could affect only women. Even though it was labeled one gender as strong, powerful, and dominating and another as weak, delicate, and inferior, the truth is that all share a common humanity.

To feel helpless or inferior in some settings and strong and dominant in others is a normal human experience, regardless of gender. Must tell someone's strength by their gender (Thobejane, T. D., & Luthada, V. 2019).

The traditionally conservative society was undergoing a liberal transformation, but in a nation like India, where male victims of abuse were stigmatized, there is a lack of data on this issue. The preexisting ideas of masculinity, chauvinism, and superiority contribute to the underreporting of such crimes. Rather than addressing the grievances of those male victims, it has always been easier to fall into the trap of quickly generalizing men as perpetrators (Margherita, M., et.al 2021).

1.1.3. Criminal Intimidation

Criminal intimidation occurs when a wife threatens her husband with suicide or harms his "person, reputation, or property" in any way. Section 503 of the Indian Penal Code, 1860, makes such an act a crime rather than a casual one. If the husband feels threatened, he can report it to the proper authorities. If the wife continues to do things that make people nervous or hurt herself or others, this will be helpful as well (Goodmark, L. 2017).

1.2. Domestic Violence Against Men- The Indian Scenario

There is data on male victims of domestic violence in India, but there were many people who still believed that women were the only ones who have experienced this type of crime. A cross-sectional study of gender-based violence carried out over the course of one year in Rohtak, Delhi, and supported by the Indian Council for Medical Research discovered that 515 out of a thousand men had experienced domestic violence. Emotional violence affected 49.6% of victims, while physical violence affected 0.6% and sexual violence affected 0.4%. Along those lines, about 60 lakh women have been the perpetrators of physical violence against their husbands without any provocation. When considering the dreadful 3 crore instances of domestic violence against men in India, it is important to note that men were more likely to experience violence at the hands of their wives' relatives and family members than by their wives themselves.

Depressing and tragically, even though the Preamble was deemed a component of the Constitution in *Kesavananda Bharati v. State of Kerala*, and delivers on the promise of justice and equality, male members of society have historically faced discrimination and denial of access to justice due to their gender alone. No legislation exists for men, even though domestic violence against women is criminalized and protected by the Domestic Violence Act, of 2005 (henceforth, PWDVA) (Verma, S., & Anand, A. 2021).

"The case of *Harsora v. Harsora*, in which the Court expanded the definition of Respondent under Section 2 (q)", is one of several judicial precedents that have greatly expanded Indian jurisprudence in this area. Minors and women were now included, and the word "adult male" has been deleted. It is evident that domestic violence cases involving female abusers have been considered, but cases involving male victims of domestic violence still appear to be in the far future, highlighting the need for legislation in this area (Drijber, B. C., et.al 2013).

1.2.1. Domestic Violence Against Men: The Scenario Worldwide

Domestic violence against males is a major problem all over the globe, not just in some countries. A third of domestic abuse victims were men, according to data from the UK's leading independent statistics producer, the Office for National Statistics (2022–2023). A quarter of all domestic abuse cases reported to the police involve male victims, according to a survey by the Mankind Initiative (a British group dedicated to helping male victims of domestic abuse). The percentage of male victims seeking help in Bhutan continues to rise, with 69 out of 788 recorded cases involving male victims in 2023 (Zapata-Calvente, A. L., et.al 2019). Domestic violence, often called “intimate partner violence (IPV)”, is a serious problem in the United States of America (henceforth, the USA), which ranks first in nearly every category. Approximately 44% of American men have experienced “intimate partner violence (IPV)” at some point in their lives, according to data from “the National intimate partner and sexual violence survey (2016–2017)”. When asked about intimate partner violence, 1 in 13 men said it was sexual, 2 in 5 said it was physical, and 1 in 20 said it was stalking.

1.3. Legal Remedies to Male Victims

While men facing charges related to “the Protection of Women from Domestic Violence Act” may be subject to a restraining order, they were not subjected to imprisonment. The Supreme Court's ongoing decision changed the criminal law to protect women from “mental and physical savagery” and badgering for inheritance. It demands the immediate apprehending of individuals charged with undermining the law. In the past, the courts have dealt with similar matters. The 2005 term used by a Supreme Court board to describe women's abuse of the clause was “legal terrorism.” The court further undermined the legal convention for captures in 2014, stating that it was indicting “confined to bed grandmas and granddads of the spouse” Provocation over shares also frequently results in charges for the elderly guardians of the spouse. A number of these decisions also made it clear that women were being overly dramatic and that they did not respect the institution of marriage and the family. As far as can tell, no legislation in India protects males from domestic violence. Abuse of human rights is a serious social problem. While many nations have passed legislation to protect women and girls from abuse, the Indian government seems to have ignored the problem. These men suffer emotional, mental, and physical anguish at the hands of their violent wives or other female relatives. Death can also result from such barbarism. Because they were afraid of being involved in a false endowment case or being separated from their children, men who were subjected to this badgering chose to remain numb. “Kurian Joseph and Rohinton F. Nariman of the Supreme Court struck down the words “adult male person” from Sec. 2(q) of the Domestic Violence Act, 2016, in 2016. Because these words discriminate between similarly situated persons and were contrary to the object sought to be achieved by the 2005 Act, it was decided that “We, therefore, strike down the words ‘adult male’ before the word ‘person’ in Section 2(q)”. This means that from that point on, women will also be considered offenders (Day, A., et.al 2009).

A 2017 ruling in the Mohammed Zakir case out of the Karnataka court made it crystal clear. After removing the word "adult male," the court ruled that the section could be interpreted to mean that any individual, regardless of gender, who feels wronged and claims a breach of the Act's provisions could seek redress through the Act. From that perspective, the argument that the Act does not intend to include provisions for men and could only apply to women could not have been used to dismiss the petitioner's complaint (Ghazizadeh, al., et.al 2018).

1.4. Psychological Abuse Related to Violence Against Men

Assuming that women gained power at the expense of men, it is critical to investigate and address how this inequality affects people's well-being and actions. The effects on people's physical, mental, social, and financial well-being can vary. Negligible care can cause issues like increased homosexuality, chronic alcoholism, stress, frustration, and even suicide (Kumar, A. 2012).

1.5. Case Laws

Domestic violence is addressed in "Section 498A of the Indian Penal Code, 1860" (hereinafter "IPC") and the PWDVA, 2005; however, these laws were passed to safeguard women from such abuse. "It has become a common practice to use the provisions of Section 498-A, IPC, as a weapon, rather than as a shield by disgruntled wives," the Court noted in the case of "Amarjit Kaur and Ors v. Jaswinder Kaur", considering the aforementioned factors (Ghahari, S., & Yekefallah, M. 2019).

"The easiest way to harass is to get the relatives of the husband roped in under this provision even if they were bedridden grandparents of the husband or relatives living abroad for decades," the Court added in "Sushil Kumar V. Union of India". A growing number of women abused the domestic violence laws for financial benefit by attempting to set men up with baseless accusations.

An important component of domestic violence in India is marriage and relationships. According to a 2018 ruling by the High Court of Karnataka in the case of "Mohd. Zakir v. Shabana & Ors.", many women begin the process of divorce. Even though the Domestic Violence Act was passed to prevent crimes against women, it is now being utilized as a tool to harm a woman's male partner. In light of the current climate and the alarming rise in male-targeted crimes, the court has granted male partners the right to petition under the Domestic Violence Act, which they can now have heard. (October 4, 2019) in the case of Kamlesh Devi vs Jaipal & others. Because they were not living under the same roof, the high court ruled that there was no evidence of domestic violence. Reject the petition due to the absence of specificity in the accusation. "In the present case, the applicant is not the wife from the date of decree of divorce i.e., from 30th June, 2008 and, therefore, there is no relationship as husband and wife between them at the time of filing of the application," the Bombay High Court noted in its verdict of "Sadhana vs. Hemant (Justice Giratkar, Bombay High Court April 18, 2019)". A wife who has been through a divorce cannot seek redress through the Domestic Violence Act.

Vijayanand Dattaram Naik v. Vishranti Vijayanand Naik (February 13, 2019) before the Goa Bench of the Bombay High Court, presided over by C.V. Bhadang. After the wife and their young son took legal action against the husband in a domestic violence case, the judge ordered him to begin paying maintenance. Later, the wife took the matter to the extra sessions judge, who increased the maintenance. A husband is now free to petition the Bombay High Court after that court overturned an earlier ruling. Section 13(1) (i a) of the Hindu Marriage Act 1955 allows the husband to seek a divorce not under the Domestic Violence Act but on the grounds of Cruelty. A husband may legally file for a divorce from his wife on the grounds of cruelty under "Section 13 (1) (i a) of the Hindu Marriage Act, 1955, even though the wife had falsely accused him and his family members of violating section 498A of the Indian Penal Code and that they had all been acquitted". A criminal complaint against the wife can be filed by the husband (Sabharwal, M. 2023).

1.6. Judicial Perspectives

There is very little law in India that specifically protects males from domestic violence. Human rights were being violated by this serious social problem. In contrast to other nations, India's government does not appear to have adequately tackled the problem of domestic violence, which affects both men and women. The men in this situation endure mental, emotional, and physical anguish because males were helpless against their violent spouses or other female relatives. In certain instances, such brutality also results in fatalities. Because they were afraid of being falsely accused of dowry or having their children taken away, men who were harassed often chose to stay silent. The provisions of "the Domestic Violence Act, 2016" that included the term "adult male person" were invalidated in 2016 by "Justices Kurian Joseph and Rohinton F. Nariman" of the Supreme Court. According to the ruling, "Therefore, strike down the words 'adult male' before the word 'person' in Section 2(q), as these words discriminate between persons similarly situated and were contrary to the object sought to be achieved by the 2005 Act," At that point on, female offenders will be considered. It was made evident in 2017 by a ruling in the Karnataka court case "Mohd. Zakir v. Shabana & Ors". After removing the word "adult male," the court ruled that the section could be interpreted to mean that any individual, regardless of gender, who feels wronged and claims a breach of the Act's provisions could seek redress through the Act. From that perspective, it was not possible to dismiss the petitioner's complaint because the Act does not intend to address men and could only pertain to women" (Sengupta, S., & Bhatt, S. 2018).

As a landmark decision for society at large, the Johnny Deep V. Amber Heard verdict was the first to prioritize domestic violence against males. So, this calls for a case that is gender-neutral in our nation. According to "Section 3 of the Domestic Violence Act", any type of abuse—verbal, physical, sexual, psychological, or economic—that harms or injures the health, safety, or well-being of the person is considered domestic violence. Men were not only the perpetrators but also the victims of domestic violence, a fact that this case highlighted.

After Amber Heard was found guilty of wrongfully blaming her ex-husband Johnny Deep in a domestic violence case, this movement gained tremendous traction following the livestream trial of the Deep V. Heard case on 1st June 2022. "An NGO called Children's Rights Initiative for Shared Parenting (CRISP)" launched #MEN to MOVEMENT in Bangalore in 2018 to combat erroneous "section 498A of the Indian Penal Code" (Whiting, J. B. 2017).

1.7. Pending Domestic Violence Case in India

Since the Domestic Violence Act was announced, over 100,000 cases of domestic violence have been reported nationwide, according to NALSA's testimony before the Supreme Court. "The data submitted by the National Legal Services Authority before the Supreme Court shows that there was a total of 4,71,684 original cases and 21,088 appeals pending under the Domestic Violence (DV) Act in the country". Data on the number of DV Act cases still pending disposition as of July 1, 2022, broken down by state, is available from the NALSA. There have been 1,193,359 reported incidents of domestic violence since the Act was announced, according to the data. The highest number of cases registered since the Act's notification is 2,02,880 in Uttar Pradesh, according to NALSA data; the second highest number of cases registered is 1,96,717 in Maharashtra. Uttar Pradesh has the highest number of original cases pending as of July 1 with 1,19,684, followed by Maharashtra with 84,637, Rajasthan with 27,212, and Delhi with 27043. Domestic Violence Act cases total more than 4 lakhs, according to the Supreme Court.

1.8. Difference in Provision of BNS and IPC for Domestic Violence

The notoriously harsh crime of cruelty perpetrated by a husband or his family members against a married woman was codified into law in 1983 as an amendment to the Indian Penal Code (section 498A). The women's movement and its research led to the police labeling dowry-motivated killings of married women as "accidental," concluding that no additional action or investigation was required. Because of the provision's vague language, it could be used to punish husbands and their relatives for various types of domestic violence against women, including violence related to dowries.

Reproducing section 498A, sections 85-86 BNS do not expand their applicability to women in live-in relationships or non-marital domestic partnerships, nor do they offer a more precise definition of "cruelty" that accounts for the many facets of domestic violence, such as economic and sexual abuse.

1.9. Suggestions for Removing Gender Bias in Law

Possible solutions to the problem of sexism in domestic violence legislation include the following:

Legal Reform: Find and fix any gender bias in the laws and regulations that were in place by taking a close look at them. Equal access to legal protections and assistance programs, as well as a shift in the legal landscape to acknowledge men as potential victims of domestic violence, were the steps in this direction.

Gender-neutral terminology: When formulating regulations, statutes, and other legal instruments about domestic violence. That way, the rules will apply to all victims equally, regardless of gender.

Awareness and Education: Judges, police officers, and attorneys should attend workshops to learn more about male victims of domestic violence and why it's important to treat all victims with kindness, fairness, and dignity. The goal of this lesson was to promote responses that were free of gender biases and assumptions.

Support Services for Male Victims: There should be anonymous resources available to help male victims, such as support groups, hotlines, shelters, and counseling centers. Victims, especially males, should feel safe enough to seek assistance, counseling, and recovery support in these programs.

- Need more research and statistics on male victims of domestic violence so they can understand the scope of the problem, how common it is, and the specific challenges these victims face. This data has the potential to aid in eliminating bias and directing the creation of policies supported by evidence.
- Initiate campaigns to raise awareness about domestic violence against men and debunk societal myths. These ads should highlight the importance of gender equality, recognize male victimization, and encourage people of all genders to seek help when they need it.
- Collaboration and Stakeholder Involvement: To address gender bias in domestic violence legislation, it is important to foster collaboration among government organizations, NGOs, lawyers, and community organizations. Took part as interested parties in discussions about policy and decision-making to guarantee that everyone's opinions were considered.
- It is possible to promote gender equality and ensure that laws addressing domestic violence address the needs of all victims, regardless of gender, by implementing these remedial actions. Aim to establish a system of laws and resources that recognize and protect the rights and well-being of everyone affected by domestic violence (Chauhan, L., & Deol, P. 2023).

Analysis

It is abundantly evident from the research as a whole that men in society were not given the legal recourse, they needed to challenge societal injustices. Article 14 of the Indian Constitution aims to uphold the general principles of “equal protection under the law and equality before the law”. No citizen may be subjected to discrimination by the state based on religion, race, caste, sex, place of birth, or any combination of these or any of the other protected characteristics listed in Article 15(1) and (2). In addition, article 21 states that “the right to “life” with “human dignity” encompasses not only protection from physical harm or death but also all the elements that contribute to a person's sense of purpose and meaning in life.

However, it is crystal clear that the Domestic Violence Act of 2005 and the Constitution of India, 1949 both grant laws safeguarding the rights of women exclusively. There were no safeguards in place to ensure that married men could avoid becoming victims of domestic violence or their families.

It is becoming increasingly clear that men's rights must be protected so that husbands have legal recourse if their wives file frivolous lawsuits. It is not enough to simply have a provision in the Indian Constitution protecting men from their wives' cruelty.

Husbands aren't always the only ones to blame. Conditions and perspectives evolve in tandem with time. Also, the “Bharatiya Nyaya Sanhita, 2023, which replaces the Indian Penal Code of 1860”, includes provisions that safeguard women from intimate partner abuse. The landmark case of Johnny Deep v. Amber Heard did not lead to the addition of provisions that would allow males to also protect their rights. A husband and a victim of domestic violence had their rights violated by their wife in this case.

Despite its seriousness, domestic violence against men in India receives little attention. Because it is socially unacceptable, many men suffer in silence. Can build a more caring society if acknowledge and aid male victims.

Domestic violence must be addressed holistically, taking into account the experiences of both male and female victims. For the sake of everyone's fairness and justice, laws ought to be objective. To prevent abuse and promote equality, the Domestic Violence Act should be revised to incorporate gender-neutral language.

To create a more equitable and inclusive society, male victims of domestic violence must speak out. Victims of all genders must be provided with the necessary support and protection.

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