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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

REIMAGINING LEGAL AND SOCIAL FRAMEWORKS TO ADDRESS GENDER-BASED VIOLENCE IN INDIA: A MULTIDISCIPLINARY PERSPECTIVE

AUTHORED BY: SAMIKSHA SEN

ABSTRACT

Gender-based violence (GBV) remains a pervasive and deeply rooted issue in India, reflecting the intersection of legal gaps, cultural norms, systemic patriarchy, and socio-economic inequalities. Despite constitutional guarantees and legislative enactments aimed at protecting women's rights and dignity, the implementation often falters due to institutional apathy, victim-blaming attitudes, and a lack of holistic support systems. This research paper seeks to reimagine existing legal and social frameworks through a multidisciplinary lens—blending insights from law, psychology, sociology, and public policy—to propose a more empathetic, survivor-centric, and effective approach to tackling GBV. It critically analyzes current legal instruments such as the IPC, POCSO Act, Domestic Violence Act, and fast-track courts, while simultaneously addressing social stigma, the role of education, and the need for restorative justice models. Drawing on case studies, empirical evidence, and comparative international frameworks, this study underscores the urgency of shifting from a punitive to a transformative justice model that not only ensures accountability but also empowers survivors. The paper advocates for a systemic overhaul that includes community-based interventions, gender-sensitization programs, and a collaborative justice mechanism to address the multidimensional nature of GBV in India.

Keywords: Gender-based violence (GBV), legal frameworks, social justice, India, multidisciplinary approach, women's rights, patriarchy, public policy, restorative justice, survivor-centric model.

1. INTRODUCTION

1.1 Context and Significance of the Topic

Gender-based violence (GBV) is one of the gravest yet often overlooked human rights violations in India.¹ While domestic violence, sexual harassment, and rape are acknowledged forms of GBV, their treatment within India's legal framework has largely been compartmentalized.² Each form is addressed through separate legislative acts, leading to a fragmented and often inadequate response. However, gender-based violence does not manifest in isolation—it occurs along a continuum that extends from homes and workplaces to digital platforms and public spaces. It is embedded in the structures of society that perpetuate inequality, patriarchy, and silence.³

Historically, legal reforms in India have been reactionary, often prompted by public outrage following heinous crimes, such as the Nirbhaya gangrape in 2012 or the Unnao case in 2017.⁴ While these incidents spurred legislative amendments and created short-term awareness, they did not lead to the comprehensive structural change needed to address the complex and layered nature of GBV. The systemic gaps that hinder access to justice—such as underreporting, police inaction, and societal stigma—continue to persist despite legal advances.

Furthermore, the COVID-19 pandemic illuminated a disturbing rise in gender-based violence, often referred to as the "shadow pandemic."⁵ As lockdowns confined individuals to their homes, many women found themselves trapped with their abusers, with limited access to help or safe spaces. This highlighted a pressing need to rethink how GBV is approached not just as a legal issue, but as a multidimensional societal problem demanding intersectional coordination.⁶

This research paper proposes a shift from a piecemeal legal approach to an integrated, multidisciplinary response that combines legislative reform, institutional accountability,

¹ United Nations, *Declaration on the Elimination of Violence Against Women*, GA Res 48/104 (1993).

² Protection of Women from Domestic Violence Act, 2005; Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; Indian Penal Code (IPC), Sections 375-376.

³ United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), *Gender-Based Violence: A Global Overview*, (2020).

⁴ *Nirbhaya Case*, Delhi Gangrape 2012; *Unnao Case*, Uttar Pradesh, 2017.

⁵ Ministry of Women and Child Development, *National Policy on Gender Equality*, 2016.

⁶ Comparative analysis: Violence against Women Act (VAWA), USA, 1994; Australian *Family Violence Protection Act*, 2008.

educational transformation, and technological innovation. It explores how Indian society and the state can collectively reimagine their response to GBV—not merely to punish perpetrators, but to prevent violence, empower survivors, and dismantles the patriarchal systems that allow it to persist. It unfolds through a detailed analysis of the typologies of GBV, the limitations of India's current legal framework, and the role of institutions such as the police, judiciary, and NGOs. It further explores the rising prevalence of digital violence, presents comparative models from other countries, and concludes with actionable policy recommendations.⁷

Ultimately, this study aims to contribute to the broader discourse on gender justice in India by advocating for a cohesive and empathetic response that centres on survivor dignity, systemic reform, and long-term cultural change.

1.2 Objectives and Scope of the Paper

This paper aims to explore gender-based violence (GBV) in India through a multidisciplinary lens, recognizing that legal reforms alone cannot address the deep-rooted social and cultural factors contributing to GBV. The scope includes an analysis of existing legal provisions, societal attitudes, institutional responses, and potential policy innovations that together can create a more holistic, survivor-centered justice system. It seeks to:

- To evaluate the effectiveness of existing legal frameworks addressing GBV in India.
- To examine socio-cultural and psychological factors that perpetuates GBV.
- To identify the gaps between legal provisions and actual implementation.
- To analyze global best practices for GBV prevention and redressal.
- To propose a multidisciplinary, survivor-centric model for addressing GBV in India.

1.3 Methodology and Research Approach

This study employs a qualitative and interdisciplinary research approach. It is primarily based on doctrinal legal analysis, supported by secondary data and case studies. Key statutes, judicial interpretations, and government reports are critically examined. Insights from psychology, sociology, and feminist theory provide context to understand the lived realities of survivors. Comparative examples from international frameworks are also incorporated to suggest viable reforms for the Indian context.

⁷ Dr. Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press, 1999).

2. CONCEPTUALIZING GENDER-BASED VIOLENCE: BEYOND DOMESTIC ABUSE

2.1 Definitions and Typologies

Gender-based violence (GBV) refers to any act of harm perpetrated against individuals based on their gender identity or roles. It is rooted in power imbalances and social hierarchies that systematically marginalize certain groups—especially women and girls.⁸ While traditionally understood within the domestic sphere, GBV encompasses a wide array of violent behaviours that can occur in private or public, offline or online, institutional or interpersonal contexts.

In the Indian context, GBV manifests in several interconnected forms:

- **Physical violence:** Assault, battering, and physical harm often within domestic settings.⁹
- **Sexual violence:** Rape, sexual assault, incest, marital rape (not yet criminalized), and child sexual abuse.¹⁰
- **Emotional and psychological abuse:** Humiliation, coercion, manipulation, and controlling behaviour.¹¹
- **Economic abuse:** Denial of access to financial resources, employment, or property.¹²
- **Digital violence:** Online stalking, harassment, revenge porn, and non-consensual sharing of intimate images.¹³
- **Structural violence:** Discriminatory laws, policies, or institutional practices that reinforce gender inequality.¹⁴
- **Honour-based violence:** Includes so-called honour killings, restrictions on mobility, and forced marriages.¹⁵

These types often co-occur and are mutually reinforcing. A woman who experiences physical violence may also be economically dependent and emotionally manipulated, making it harder for her to leave an abusive situation.¹⁶

⁸ UN Women (2021). Gender-based violence.

⁹ Ministry of Women and Child Development, Government of India. (2005). Protection of Women from Domestic Violence Act.

¹⁰ National Crime Records Bureau (2020). Crime in India Report

¹¹ WHO (2013). Global and regional estimates of violence against women.

¹² Economic abuse is recognized under Section 3 of the PWDVA, 2005.

¹³ Cyber Crime Unit, NCRB (2022). Annual Cyber Crime Report.

¹⁴ Galtung, J. (1969). Violence, Peace, and Peace Research. Journal of Peace Research.

¹⁵ National Family Health Survey-5 (2019–21). Honour-based violence data (state-wise).

¹⁶ Menon, Nivedita. (2012). Seeing Like a Feminist. Zubaan Books.

2.2 Intersectionality in GBV

The theory of intersectionality, first articulated by legal scholar Kimberlé Crenshaw, is particularly useful in understanding how multiple axes of identity—such as caste, religion, disability, class, and sexual orientation—interact to shape an individual's experience of gender-based violence.¹⁷

In India, GBV cannot be fully understood without recognizing the layered vulnerabilities that women from marginalized communities face. For instance:

- **Dalit women** are disproportionately subjected to sexual violence, often with little police action or legal redress.¹⁸
- **Muslim women** may experience both gendered and religious discrimination, compounded by socio-political stigmatization.¹⁹
- **LGBTQ+ individuals**, particularly transwomen, face routine sexual assault, police violence, and social exclusion.²⁰
- **Disabled women** are more likely to experience abuse from caregivers or family members and have fewer avenues for seeking help.²¹

These intersections deepen the survivor's vulnerability and complicate access to justice. Legal systems, designed primarily with able-bodied, upper-caste, heterosexual women in mind, often fail to account for these compounded discriminations.²²

2.3 Public vs. Private Sphere Violence

One of the enduring challenges in addressing GBV is the artificial divide between violence in the private and public spheres. For decades, violence within the home was considered a "private matter" and thus outside the scope of legal intervention. Though the Protection of Women from Domestic Violence Act (PWDVA), 2005 attempted to dismantle this barrier, similar divides still exist in societal perceptions and policy frameworks.²³

¹⁷ Crenshaw, K. (1991). Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color. Stanford Law Review.

¹⁸ Human Rights Watch (2018). "Everyone Blames Me": Barriers to Justice and Support Services for Sexual Assault Survivors in India.

¹⁹ Sachar Committee Report (2006). Prime Minister's High Level Committee on the Social, Economic and Educational Status of the Muslim Community of India

²⁰ International Commission of Jurists (2020). Unnatural Offences: Obstacles to Justice in India Based on Sexual Orientation and Gender Identity

²¹ CREA (2020). Violence against Women with Disabilities in India.

²² Rege, Sharmila (1998). Dalit Women Talk Differently: A Critique of 'Difference' and Towards a Dalit Feminist Standpoint. Economic and Political Weekly.

²³ Agnes, Flavia. (1999). Law and Gender Inequality: The Politics of Women's Rights in India.

For example:

- Sexual harassment on the street may be addressed under the IPC, but online harassment remains less regulated and often trivialized.²⁴
- Workplace sexual harassment is governed by a different law (POSH Act, 2013), often implemented inconsistently across sectors.²⁵

This fragmented approach leads to confusion, underreporting, and ineffective redressal mechanisms. It also ignores the continuum of violence a woman may face—from home, to office, to public transport, to her social media inbox.²⁶

2.4 The Continuum of Violence

Understanding GBV through the lens of a "continuum of violence" is essential. This concept recognizes that acts of violence—regardless of where they occur—are connected and stem from the same roots of patriarchy, misogyny, and systemic inequality. The impact of catcalling, workplace harassment, or a partner's emotional abuse is cumulative, contributing to a hostile and unsafe environment for women and marginalized genders.²⁷

Moreover, early experiences of normalized abuse (e.g., witnessing domestic violence as a child) often create conditions for further victimization or perpetration later in life. This intergenerational and psychological continuity underscores the need for early intervention and prevention strategies, not just punitive responses.²⁸

3. LEGAL LANDSCAPE IN INDIA- FRAGMENTATION AND GAPS

3.1 A Patchwork of Legal Provisions

India has made several legislative efforts to combat gender-based violence. However, these laws often operate in silos, with overlapping and sometimes conflicting mandates. This fragmented legal landscape not only creates confusion for survivors but also reduces the efficacy of legal protections.²⁹

²⁴ Lawyers Collective. (2014). Implementation of PWDVA: A Status Report.

²⁵ Internet Freedom Foundation (2021). Online Harassment and the Indian Legal System

²⁶ Ministry of Women and Child Development (2015). Handbook on Implementation of POSH Act.

²⁷ Kabeer, Naila. (2016). Gender, Labour, and Livelihoods. Routledge.

²⁸ Kelly, Liz. (1988). Surviving Sexual Violence. Polity Press.

²⁹ Bhattacharya, R. (2020). *Legal Framework on Gender-Based Violence in India: A Critical Review*. Journal of Law and Policy.

Key legislations addressing GBV in India include:

- **The Protection of Women from Domestic Violence Act, 2005 (PWDVA):** A progressive civil law that provides immediate relief in the form of protection orders, residence rights, and maintenance for women in domestic relationships.³⁰
- **Section 85 of the Bharatiya Nyaya Sanhita (BNS), 2023 (Replaces Section 498A IPC):** A criminal provision penalizing cruelty by a husband or his relatives towards a woman.³¹
- **Section 74 of the Bharatiya Nyaya Sanhita (BNS), 2023 (Replaces Section 354 IPC):** Addresses assault or criminal force on a woman with intent to outrage her modesty.³²
- **Section 63 and 64 of the Bharatiya Nyaya Sanhita (BNS), 2023 (Replaces sections 375 and 376 IPC):** Defines and prescribes punishment for rape. Marital rape is excluded from its ambit unless the wife is under 18.³³
- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH):** Mandates the creation of Internal Complaints Committees and outlines procedures to redress workplace sexual harassment.³⁴
- **The Protection of Children from Sexual Offences Act (POCSO), 2012:** Addresses sexual abuse against children, including boys and girls.³⁵
- **Information Technology Act, 2000:** Criminalizes cyberstalking, voyeurism, and online defamation, but lacks specific gender provisions.³⁶

3.2 Overlapping and Inconsistent Frameworks

The coexistence of multiple laws governing different aspects of gender-based violence often leads to jurisdictional confusion. For instance, a woman facing sexual harassment by her husband at home and in her workplace may have to file complaints under different laws, at different forums—each with its own procedures and timeframes.³⁷

Additionally, while civil and criminal remedies are both available under various statutes, they

³⁰ Ministry of Women and Child Development, Government of India. (2006). *Handbook on the PWDVA*.

³¹ Bharatiya Nyaya Sanhita (BNS), 2023 section 63 and 64

³² *Vishaka & Ors v. State of Rajasthan*, AIR 1997 SC 3011.

³³ Information Technology Act, 2000, Sections 66E, 67.

³⁴ Menon, N. (2012). *Seeing Like a Feminist*. Zubaan.

³⁵ National Commission for Women (NCW), 2018. *Implementation Review of the PWDVA*.

³⁶ National Crime Records Bureau (NCRB), Crime in India Report, 2021.

³⁷ Amnesty International India. (2019). *Denied: Failures in Police Response to GBV*

are not harmonized. For example, protection orders under PWDVA are civil remedies, but breach of such orders invites criminal liability. Survivors, often unfamiliar with legal technicalities, are expected to navigate this complex terrain with little guidance.³⁸

3.3 Challenges in Implementation

The existence of progressive laws has not translated into robust enforcement. A number of barriers persist:

- **Underreporting:** Social stigma, fear of retaliation, and distrust in the justice system discourage women from reporting abuse. A 2021 NCRB report showed that only a fraction of GBV incidents are formally recorded.³⁹
- **Police Apathy and Lack of Sensitization:** Law enforcement often treats survivors with indifference or hostility. In many cases, women are discouraged from filing complaints or are pressured into reconciliation.⁴⁰
- **Judicial Delays:** The slow pace of adjudication dissuades survivors from pursuing justice. Cases drag on for years, during which survivors face repeated trauma, societal judgment, and emotional distress.⁴¹
- **Limited Access to Legal Aid:** State-sponsored legal aid services are often underfunded and understaffed. Women from marginalized backgrounds face difficulties in finding competent and empathetic representation.⁴²

3.4 Gaps in the Law

Despite the proliferation of laws, certain forms of violence remain inadequately addressed or completely ignored:

- **Marital Rape:** India is among the few countries that does not recognize marital rape as a crime. The exception under Section 375 IPC continues to deny married women bodily autonomy and legal redress.⁴³

³⁸ India Justice Report (2020). *Ranking States on Police, Judiciary, Legal Aid, and Prisons*

³⁹ Centre for Social Justice. (2019). *Evaluation of Legal Aid Services in India*.

⁴⁰ Human Rights Watch. (2017). *India: Marital Rape Law Reform Needed*.

⁴¹ Narrain, A. (2015). *Queer Rights and the Law in India: A Legal Overview*. Indian Journal of Human Rights.

⁴² CyberPeace Foundation & UN Women. (2021). *Cyber Violence Against Women in India*.

⁴³ Rege, S. (2013). *Dalit Women Talk Differently: A Critique of 'Difference' and Towards a Dalit Feminist Standpoint*. Economic & Political Weekly.

- **Violence against LGBTQ+ Individuals:** Indian law remains largely heteronormative. There is little legal recognition or protection for queer and trans individuals facing gender-based violence, especially within families.⁴⁴
- **Digital Abuse:** While sections of the IT Act address cybercrimes, they do not specifically tackle gendered abuse such as revenge porn, deepfake pornography, and coordinated online trolling.⁴⁵
- **Caste-Based Sexual Violence:** The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, addresses caste-based violence, but its enforcement is weak. Dalit women, who are especially vulnerable to sexual violence, rarely see justice served.⁴⁶

3.5 Case Law Review: Judicial Trends

The Indian judiciary has at times adopted a progressive approach in interpreting laws relating to GBV. Some landmark judgments include:

- **Vishaka v. State of Rajasthan (1997):** Before the enactment of the POSH Act, the Supreme Court laid down guidelines to address workplace sexual harassment, emphasizing the right to a safe work environment under Article 21.
- **Independent Thought v. Union of India (2017):** The Court read down the marital rape exception for girls aged 15–18, acknowledging that child marriage cannot justify non-consensual sex.
- **Joseph Shine v. Union of India (2018):** Decriminalized adultery, holding that treating women as property was unconstitutional—an important shift in gendered legal thinking.

However, courts have also failed to address deeper issues at times. In many rape cases, judges have questioned the victim's character, dress, or sexual history, reinforcing harmful stereotypes and undermining survivor dignity.

3.6 From Law to Practice: Bridging Legal Provisions and Institutional Accountability

While India has developed a substantial body of legislation to combat gender-based violence, the true impact of these laws depends on their enforcement by frontline institutions. The efficacy of legal safeguards is intrinsically linked to the responsiveness and coordination among key actors—namely the police, judiciary, protection officers, healthcare providers, and

⁴⁴ *Independent Thought v. Union of India*, (2017) 10 SCC 800.

⁴⁵ *Joseph Shine v. Union of India*, (2018) 2 SCC 189.

⁴⁶ Agarwal, A. (2021). *Judicial Stereotyping in Sexual Violence Cases*. Indian Feminist Judgment Project.

civil society organizations. However, as discussed in the next section, deeply rooted systemic barriers such as poor implementation, lack of gender sensitization, and fragmented service delivery significantly dilute the intent of progressive laws.⁴⁷

4. INSTITUTIONAL RESPONSE TO GENDER-BASED VIOLENCE IN INDIA: GAPS AND REFORMS

4.1 Police Personnel as Gatekeepers to Justice

Police officers are often the first institutional point of contact for survivors of gender-based violence (GBV), making their response critical to a survivor's access to justice. Their responsibilities include registering First Information Reports (FIRs), conducting initial investigations, and coordinating with protection officers and shelter homes. However, systemic challenges persist. Many police personnel operate with limited gender sensitization, often displaying dismissive or patriarchal attitudes. Survivors, especially women, frequently encounter blame, shaming, or pressure to reconcile with abusers, particularly in domestic violence or marital rape cases. In some instances, officers actively discourage survivors from filing complaints, promoting informal compromise over legal recourse.⁴⁸ Infrastructure deficits further hinder access—many stations lack female officers, private spaces to record statements, or dedicated women's help desks. Protection orders under laws such as the PWDVA are also frequently ignored. Reforms must prioritize mandatory gender sensitization and trauma-informed training for all personnel, increased recruitment of women officers, and strict accountability for non-compliance in GBV-related cases.

4.2 Judicial Response: Between Justice and Re-Victimization

The Indian judiciary has played a dual role in cases of GBV—while it has delivered progressive verdicts, it also remains a space where survivors often face secondary victimization. The legal process is notoriously slow, with GBV cases languishing in backlog for years, causing immense psychological and financial strain on survivors. Moreover, courtroom environments are frequently hostile; survivors may be subjected to invasive questioning about their sexual history, clothing, or character, reflecting deeply entrenched patriarchal norms. Despite the introduction of fast-track courts through initiatives like the Nirbhaya Fund, their distribution is

⁴⁷ UN Women & Lawyers Collective. (2014). *Implementation of Domestic Violence Law in India*.

⁴⁸ Sama & Jagori (2017). *Gender-Based Violence and the Role of the Police: Challenges and Strategies*. New Delhi: Jagori.

uneven and access remains limited.⁴⁹ While provisions such as video testimony are designed to minimize trauma, their implementation is sporadic. To address these issues, it is essential to expand fast-track, survivor-sensitive courts across all jurisdictions, incorporate psychological support within the judicial process, and ensure ongoing training for judges on gender sensitivity, feminist legal theory, and survivor-centric jurisprudence.

4.3 Protection Officers and Domestic Violence Infrastructure

Under the Protection of Women from Domestic Violence Act (PWDVA), 2005, Protection Officers (POs) are central to facilitating legal, medical, and psychosocial support for survivors. However, the infrastructure surrounding POs is severely underdeveloped. Many districts lack full-time POs, instead assigning overburdened officials with limited capacity and training. POs are often unequipped to navigate the complex nature of GBV cases, particularly those involving financial abuse, mental health, or child custody. Coordination between POs, the police, shelter homes, and legal aid remains fragmented, undermining comprehensive survivor support. To improve this system, the government must appoint adequately trained, full-time POs, ensure fair compensation, and establish robust monitoring mechanisms. Integration of POs into district-level gender justice task forces can also enhance inter-agency collaboration and service delivery.⁵⁰

4.4 Emergency Care Services: Shelter Homes and Healthcare Facilities

Shelter homes and healthcare institutions play an essential role in offering immediate safety and care to survivors. However, many shelter homes across India are underfunded, poorly maintained, and managed by untrained staff. Survivors often report a lack of security, privacy, and emotional support. These deficiencies discourage women from seeking institutional protection. Similarly, healthcare facilities are plagued by insufficiently trained staff, especially in forensic procedures. Rape survivors are frequently mishandled, and the poor collection of medico-legal evidence weakens prosecution.⁵¹ To address these gaps, the state must invest in one-stop crisis centers at the district level as mandated by the Ministry of Women and Child Development, improve shelter home infrastructure, and ensure the presence of trained

⁴⁹ **Centre for Social Research (CSR)** (2016). *Judicial Response to Gender-Based Violence: A Study of District Courts in India*. CSR Publication.

⁵⁰ **Government of India, Ministry of Women and Child Development**. (2019). *Evaluation of Protection Officers under PWDVA, 2005*.

⁵¹ **Human Rights Watch**. (2020). *"Everyone Blames Me": Barriers to Justice and Support Services for Sexual Violence Survivors in India*.

counselors and forensic personnel in hospitals.

4.5 Role of Civil Society and Non-Governmental Organizations

Non-governmental organizations (NGOs) and civil society actors have emerged as critical players in bridging institutional gaps in the GBV response framework. They provide essential services including legal aid, emergency shelter, psychological counseling, and community-based advocacy. Their localized, culturally sensitive approaches enable them to reach marginalized groups and offer survivor-centric support. However, NGOs face significant challenges such as unstable funding, limited rural outreach, and inadequate formal recognition by the state. Strengthening the GBV response system requires institutionalizing state-NGO partnerships, ensuring NGO representation in district-level gender justice bodies, and offering sustained funding for organizations delivering frontline survivor services.⁵²

5. GENDER-BASED VIOLENCE IN THE DIGITAL SPACE

5.1 Forms of Digital Gender-Based Violence

Digital gender-based violence encompasses a broad spectrum of harmful behaviors targeting women and marginalized genders online. Cyber stalking involves persistent harassment through emails, messages, or social media, inducing fear and anxiety. Doxxing—the unauthorized release of private information such as addresses or phone numbers—exposes victims to real-world dangers, including physical violence and stalking. Impersonation through fake accounts can tarnish reputations or be used to spread misinformation in the victim's name, leading to social and professional consequences.⁵³

Non-consensual sharing of intimate images, commonly known as revenge porn, violates privacy and often results in severe emotional distress, social ostracism, and threats to personal safety. With advancements in artificial intelligence, the rise of AI-generated deep-fake pornography poses new challenges; these synthetic videos can fabricate non-consensual explicit content that is difficult to detect and combat.⁵⁴

⁵² National Law University Delhi & Partners for Law in Development. (2021). *Implementation of PWDVA: Gaps and Good Practices*.

⁵³ **Sharma, Kalpana.** (2019). "Patriarchy in Practice: Understanding the Limits of the Judicial System in Gender Justice," *Economic and Political Weekly*, 54(3).

⁵⁴ **United Nations Development Programme (UNDP) India.** (2018). *Mapping Support Services for GBV Survivors in India*.

Online trolling and hate speech, especially directed at women in public roles such as politicians, journalists, or activists, aim to delegitimize their voices and discourage participation. These attacks often include sexist, racist, or homophobic language, creating a hostile environment that reinforces patriarchal control over digital public spaces.⁵⁵

5.2 Legal Framework and Institutional Measures

India's legal system has progressively recognized digital gender violence as a serious crime, integrating specific statutes to address its various forms. Section 354D of the Indian Penal Code criminalizes cyberstalking, while Section 67 of the IT Act penalizes the transmission of obscene material online. Section 509 IPC protects against word, gesture, or act intended to insult a woman's modesty. The Indecent Representation of Women (Prohibition) Act, 1986, though originally enacted for print and broadcast media, is increasingly applied to digital contexts to curb the objectification and misrepresentation of women.⁵⁶

Institutionally, platforms like the National Cyber Crime Reporting Portal allow victims to report incidents anonymously, reducing barriers related to stigma. The government's helpline 1930 provides immediate assistance. However, there remains a gap in awareness among users regarding these resources, and many cases go unreported due to fear of social backlash or mistrust in authorities.⁵⁷

In addition to legal provisions, efforts are underway to establish cyber cells with trained personnel specializing in digital forensics and cyber investigations. Collaboration with social media companies is encouraged to enhance content monitoring and quick removal of abusive content.

5.3 Societal Impact and Silencing of Women

The pervasive threat of online gender violence has profound societal consequences. Many women, especially those active in advocacy or politics, self-censor or withdraw from digital platforms to avoid harassment, thereby losing vital spaces for expression, networking, and mobilization. This silencing effect perpetuates gender disparities in digital participation and

⁵⁵ **Kapur, Ratna.** (2021). *Gender, Alterity and Human Rights: Freedom in a Fishbowl*. Edward Elgar Publishing

⁵⁶ **Partners for Law in Development (PLD).** (2022). *Strengthening Institutional Response to GBV through NGO-State Collaboration*.

⁵⁷ **Verma Committee Report.** (2013). *Report of the Committee on Amendments to Criminal Law*. Government of India.

reinforces male-dominated narratives online.⁵⁸

Social exclusion is compounded by the fear of reputational damage and character assassination, which can affect personal relationships, careers, and mental well-being. The marginalization of women in digital discourse weakens the diversity and inclusivity of democratic conversations and limits societal progress toward gender equality.

5.4 Psychological Impact on Victims

Victims of digital gender violence often endure significant psychological trauma. The relentless nature of online abuse, combined with the permanence and viral potential of digital content, creates an environment of constant threat. Anxiety, depression, post-traumatic stress disorder (PTSD), and suicidal ideation are frequently reported among survivors.

The phenomenon of “techno-trauma” arises from the invasive nature of digital violence, where victims feel surveilled or exposed continuously, affecting their sense of safety. Victim-blaming and social stigmatization exacerbates mental health struggles, especially in conservative contexts where women's honor is tied to public perception. Lack of accessible psychological support and counseling services further deepens the emotional crisis experienced by survivors.

5.5 Digital Divide and Gender Inequality

Gender-based violence disproportionately impacts women from marginalized communities, such as Dalits, Muslims, and LGBTQIA+ individuals, who face intersecting forms of discrimination. This compounded vulnerability discourages their use of digital technologies, widening the digital divide and limiting access to education, economic opportunities, and social connectivity.⁵⁹

Marginalized groups often lack the resources and support systems needed to navigate digital spaces safely. The fear of harassment or violence online leads many to opt-out of social media, e-commerce, or digital learning platforms, reinforcing existing inequalities and excluding them from the benefits of digital inclusion.

⁵⁸ **International Center for Research on Women (ICRW).** (2016). *Judicial Attitudes and Gender Justice: A Review of Courtroom Practice in India.*

⁵⁹ **Commonwealth Human Rights Initiative (CHRI).** (2021). *Status of Policing in India Report: Police Adequacy and Working Conditions.*

Bridging this divide requires targeted digital literacy programs, inclusive technology design, and intersectional policy frameworks that address the unique barriers faced by these communities, ensuring equitable access and safety in digital participation.⁶⁰

6. PREVENTING GENDER-BASED VIOLENCE THROUGH EDUCATION, MEDIA REFORM AND COMMUNITY ENGAGEMENT

6.1 Education as a Tool for Prevention

Education plays a pivotal role in the prevention of gender-based violence by shaping attitudes, beliefs, and behaviours from an early age. Comprehensive gender-sensitive curricula in schools and colleges that include lessons on gender equality, respect, consent, and healthy relationships can challenge harmful stereotypes and patriarchal norms that fuel GBV. Programs that engage both boys and girls equally are essential to promote mutual respect and empathy. Additionally, life skills education and workshops addressing emotional intelligence, conflict resolution, and communication equip young people with the ability to recognize and resist abusive behaviours. Beyond formal education, community-based awareness campaigns and training sessions for parents, teachers, and local leaders foster an environment that supports survivors and condemns violence. Continuous capacity building for educators on how to handle disclosures of abuse sensitively and how to provide resources is critical. Thus, education is not just about knowledge transmission but about cultivating a culture of respect and equality that lays the foundation for long-term change.⁶¹

6.2 Media Reform for Responsible Representation

The media holds significant power in shaping societal perceptions about gender and violence. Reforming media content and practices is crucial to prevent the normalization and trivialization of GBV. Often, mainstream media—films, television, news, and social platforms—perpetuate stereotypes by portraying women as victims or objects and men as dominant aggressors, which reinforces harmful gender norms. Responsible media must prioritize balanced, non-sensationalized, and survivor-centered reporting of gender violence cases, avoiding victim-blaming language and respecting privacy. Positive representation of gender diversity and stories of resistance against violence help shift public attitudes. Furthermore, media literacy campaigns that teach audiences to critically analyze gender portrayal and misinformation can

⁶⁰ Ministry of Women and Child Development. (2021). *Beti Bachao Beti Padhao and OSC Progress Report*.

⁶¹ Oxfam India. (2019). *Feminist Approaches to Governance: Strengthening NGO-State Collaboration*.

reduce the impact of harmful content. Collaboration between governments, media watchdogs, and civil society is needed to establish guidelines and accountability mechanisms that ensure media practices contribute to gender justice rather than perpetuating discrimination.⁶²

6.3 Community Engagement and Grassroots Mobilization

Community involvement is fundamental in creating a collective front against gender-based violence. Social norms and practices rooted in local cultures often influence the acceptance or rejection of violence, making community engagement indispensable. Grassroots organizations, women's groups, and local leaders play an active role in raising awareness, challenging harmful customs like dowry harassment or child marriage, and supporting survivors. Community dialogue sessions, participatory theatre, and peer education are effective methods to engage people at the village or neighborhood level in conversations about gender equality and rights. Engaging men and boys as allies and advocates helps dismantle toxic masculinity and promotes shared responsibility for preventing violence. Moreover, building strong referral networks with health, legal, and psychological services ensures timely support for victims. Empowering communities to monitor and report incidents of GBV increases accountability and creates safer spaces. Ultimately, sustainable change is possible only when prevention efforts are rooted in local contexts and driven by the community itself.⁶³

7. CONCLUSION

Addressing gender-based violence (GBV) in India requires a profound reimagining of existing legal and social frameworks through a multidisciplinary lens that integrates law, sociology, psychology, technology, and community engagement. GBV is deeply rooted in systemic patriarchy and intersecting inequalities, manifesting in diverse forms ranging from physical and sexual violence to emerging challenges in digital spaces. The persistence and evolution of these forms highlight the urgent need for holistic strategies that go beyond punitive legal measures to include prevention, education, empowerment, and social transformation.

Legally, India has made significant strides by enacting progressive laws that criminalize various forms of GBV, including sexual harassment, domestic violence, and cybercrimes

⁶² UN Women India & Tata Institute of Social Sciences. (2020). *Evaluation of PWDVA Implementation in India*.

⁶³ TISS & UNDP. (2018). *Community Engagement to Tackle Gender-Based Violence: Lessons from Maharashtra*.

targeting women. However, these laws often fall short in implementation due to gaps in enforcement, inadequate training of law enforcement agencies, victim-blaming attitudes, and slow judicial processes. To truly safeguard survivors, the legal framework must be dynamic and adaptive, incorporating technological advancements and ensuring access to justice is swift, sensitive, and survivor-centered. Strengthening institutional mechanisms, improving police sensitization, and enhancing cyber forensic capabilities are critical steps towards effective legal redress.

Socially, GBV is perpetuated by entrenched cultural norms, gender stereotypes, and unequal power relations that sustain discrimination and silence survivors. Community engagement emerges as a vital component in transforming these attitudes. Awareness campaigns, grassroots mobilization, and inclusive dialogues can challenge harmful norms and promote gender equality. Educational reforms that integrate gender sensitization and digital literacy from early stages are essential to nurture respectful attitudes and empower individuals, particularly women and marginalized groups, to claim their rights confidently in both offline and online arenas.

Moreover, addressing the psychological impact of GBV necessitates accessible mental health support services that recognize the trauma and long-term consequences survivors face. The intersectionality of caste, class, religion, and sexuality must be acknowledged to ensure that interventions are inclusive and equitable, addressing the unique vulnerabilities of marginalized communities who experience compounded discrimination.

Digital spaces, as an emerging frontier of gender-based violence, require specialized legal provisions and proactive platform accountability to prevent misuse of technology for harassment and abuse. Empowering users through digital literacy and creating safe online environments can enhance participation and representation of women and marginalized groups in the digital public sphere.

Ultimately, a multidisciplinary approach that harmonizes legal reforms, social education, community participation, and technological safeguards holds the greatest promise in dismantling the structural roots of gender-based violence in India. This approach calls for collaboration among policymakers, civil society, educators, mental health professionals, technologists, and the communities most affected. By fostering a culture of empathy, respect, and justice, India can move towards a society where all individuals live free from violence and

discrimination, enjoying equal dignity and rights. Laws can punish, but only culture can prevent. If society continues to trivialize misogyny, silence survivors, and romanticize dominance, legal reforms will remain underutilized. Transforming social norms requires patience, creativity, and sustained multi-sectoral effort.

Education and media hold immense power—not only to influence minds but to reimagine the very foundation of gender relations in India. A cultural shift is not an alternative to justice; it is its most necessary companion.

