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## “From Awareness to Action Addressing Gender-Based Violence in Contemporary Society”

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### ABSTRACT :-

Gender-based violence (GBV) is a pervasive and complex issue affecting individuals across diverse social and cultural contexts. Even after growing awareness and advocacy, effective interventions often fall short of creating substantial, lasting change. This paper will explore the transition from awareness to action in addressing GBV, analyzing the effectiveness of current strategies and identifying gaps in policy and practice. We will begin by reviewing recent trends in GBV awareness campaigns and their impact on public perception and policy reform. After which, we will examine case studies of successful and unsuccessful intervention programs, evaluating their methodologies, outcomes, and scalability. This paper will also highlight the critical role of community engagement, legal frameworks, and support services in bridging the gap between awareness and actionable solutions. By synthesizing these insights, the researcher will propose a multi-faceted approach that integrates education, legal reform, and community mobilization to enhance the effectiveness of GBV prevention and response efforts. This research aims to provide a comprehensive framework for policymakers, practitioners, and advocates to foster a more responsive and equitable society in the fight against gender-based violence. The researcher through this paper also discusses the impact of GBV on victims, including physical health, mental well-being, and socioeconomic status. Furthermore, the researcher will highlight innovative approaches and best practices that have shown promise in reducing GBV and supporting survivors. Through this comprehensive review, the researcher will aim to contribute to the development of more effective strategies for combating gender-based violence, advocating for systemic changes that promote gender equality and safeguard human dignity.

**Key Words:** - Gender-Based Violence (GBV), Awareness, Interventions, Policy, Practice, Case Studies, Community Engagement, Legal Frameworks, Support Services, Education, Legal Reform, Community Mobilization, Victims, Physical Health, Mental Well-Being, Socioeconomic Status, Innovative Approaches, Gender Equality, Human Dignity.

**Introduction: -**

Gender-based violence (GBV) is a deeply entrenched societal issue that transcends geographical, cultural, and socioeconomic boundaries. It appears in various forms, including domestic abuse, sexual assault, and harassment, and disproportionately affects women and marginalized communities. Despite significant attempts in raising awareness and promoting advocacy, there remains a constant gap between recognizing the problem and implementing effective, sustainable solutions.

Gender-based violence (GBV) is a universal issue affecting countless individuals across the globe, with significant implications for victims' well-being and societal health. In India, GBV encompasses a range of abusive behavior administered at individuals based on their gender, reflecting ingrained gender inequalities and cultural norms. Despite increased awareness and advocacy, substantial challenges remain in effectively addressing GBV and ensuring justice for survivors. The researcher aims to provide a comprehensive overview of GBV in India, including its historical context, types, impact on health, perpetrators profile, and the effectiveness of legal and policy measures.

**What is Gender Based Violence?**

According to the UN, gender-based violence can be defined as “acts that inflict physical, mental, sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” Gender-based violence is a global problem of epidemic proportions. It will affect one in every three women in her lifetime. Violence against women and girls happens everywhere, regardless of race, social situation or economic earnings. Gender-based violence can also be defined as, “traditional attitudes by which women are regarded as subordinate to men. They also include stereotyped roles which perpetuate widespread practices involving violence or coercion, such as family violence and abuse. Further, forced marriage, dowry deaths, acid attacks and female circumcision” (UN Women).

**Historical Background in India**

The historical context of GBV in India is deeply blended with the country's socio-cultural and legal progress. Traditional practices such as dowry, child marriage, and honor-based violence have been extensive practices, contributing to systemic gender inequality. During the British colonial period, some legal reforms were introduced to address these issues, but many

traditional practices persisted. Post-independence, India has implemented various legal measures to combat GBV, including the Dowry Prohibition Act (1961) and the Protection of Women from Domestic Violence Act (2005). Despite these efforts, historical and cultural factors continue to influence the prevalence and response to GBV.

The origins of gender inequality in India can be traced back to ancient times, where societal norms and roles were deeply entrenched in patriarchal structures. In ancient India, gender roles were defined by a complex interplay of religious, cultural, and social factors. The caste system, which played a central role in Indian society, further stratified gender dynamics, with women from lower castes experiencing even greater marginalization. Despite the rich diversity of ancient Indian cultures, many shared a common thread of assigning women primarily domestic roles, limiting their participation in public life. The advent of colonialism in the 18th century had a profound impact on India's gender relations. British colonial rule introduced new legal and administrative systems that often-reinforced existing gender hierarchies. British authorities tended to uphold traditional Indian customs and practices related to women, inadvertently perpetuating oppressive norms. The education system, for instance, was designed to cater primarily to boys, further limiting opportunities for Indian women to access knowledge and participate in the workforce. The struggle for women's rights in modern India can be traced through key milestones that have shaped the nation's gender landscape. One of the pivotal moments came in the 19th century when social reform movements, led by figures like Raja Ram Mohan Roy and Jyotirao Phule, advocated for women's education and fought against oppressive practices like child marriage and sati (widow immolation). These early efforts laid the foundation for future activism.

The 20th century saw significant advancements, including the role of women in the Indian independence movement, exemplified by leaders like Sarojini Naidu and Annie Besant. The post-independence era witnessed the drafting of India's Constitution, which enshrined principles of gender equality and women's rights. Landmark legislation such as the Hindu Succession Act (1956) and the Dowry Prohibition Act (1961) aimed to address discriminatory practices and provide legal protection to women. Despite these advancements, challenges persist, and the struggle for gender equality in India continues. This historical perspective illuminates the intricate interplay of tradition, colonialism, and reform that has shaped gender relations in India and underscores the ongoing quest for a more equitable society.

## Types of GBV in India

GBV in India manifests in several forms, including:

1. **Domestic violence** in general term refers to any form of physical, emotional, sexual, or economic abuse occurring within an intimate or familial relationship. This type of violence typically happens within the home and can be perpetrated by a close relative such as partner, spouse, or family member. Domestic violence can lead to severe physical injuries, chronic health issues, mental health problems such as depression and PTSD, and socioeconomic instability.

Domestic Violence as per PWDVA 2005, defines under Section 3

For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it

- (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Explanation I .For the purposes of this section,

- (i) physical abuse means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;
- (ii) sexual abuse includes any conduct of a sexual nature that abuses,

- humiliates, degrades or otherwise violates the dignity of woman;
- (iii) verbal and emotional abuse includes (a)insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and(b)repeated threats to cause physical pain to any person in whom the aggrieved person is interested.
  - (iv) economic abuse includes
    - (a) deprivation of all or any economic or financial resources to which the aggrieved person in entitled under any law or custom whether payable under an order of a Court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
    - (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and (c)prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II, For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes domestic violence under this section, the overall facts and circumstances of the case shall be taken into consideration.

### Forms:

- a. **Physical Abuse:** Hitting, slapping, kicking, or using any physical force that causes harm.
- b. **Emotional Abuse:** Verbal insults, humiliation, threats, and manipulation

intended to control or belittle the victim.

- c. **Sexual Abuse:** Coercion into sexual acts without consent, including humiliation, degrading the victim or harming the dignity of the victim.
- d. **Economic Abuse:** Controlling finances or restricting access to financial resources, preventing the victim from achieving financial independence.

**2. Sexual Violence:** Sexual violence is sexual activity when consent is not obtained or freely given. It impacts every community and affects people of all genders, sexual orientations, and ages. Anyone can experience or perpetrate sexual violence. The perpetrator of sexual violence is usually someone the survivor knows. This can include a friend, current or former intimate partner, coworker, neighbor, or family member. Sexual violence can occur in person, online, or through technology. This includes posting or sharing sexual pictures of someone without their consent, or non- consensual sexting. This also includes rape, sexual harassment, and assault. High- profile cases, such as the Nirbhaya case of 2012, have drawn international attention to the severity of sexual violence. Victims may suffer from severe physical injuries, long- term psychological trauma, and a range of mental health issues such as anxiety, depression, and PTSD. The stigma associated with sexual violence can also lead to social isolation and discrimination.



**Definition:** Sexual violence involves any non-consensual sexual act or behavior, including assault, harassment, and rape. It affects individuals across all genders but disproportionately impacts women and girls.

Sexual violence is a broad category of actions in which a person exerts their power and control over another person through unwanted or harmful sexual actions. The information below provides definitions to describe different forms of sexual violence. We recognize that not everyone may identify with these terms or define their own experiences in these ways. We also recognize that the terms below may not describe all forms of sexual violence and sexual violence is not limited to the actions described below. We choose to share these definitions for individuals who are looking for language to help them understand what happened to them.

The sexual violence umbrella portrays the spectrum of actions that constitute sexual violence and highlights some key terms and definitions of actions that fall within that continuum.

**Forms:**

**Sexual Assault:** Any unwanted sexual contact or behavior that takes place without explicit consent or with force or coercion. Includes many behaviors including rape (which often refers to non-consensual sexual penetration).

**Sexual Coercion:** The use of pressure, manipulation, threats, deception, or the misuse of authority, status, power or trust, to gain sexual contact without consent.

**Rape:** Rape is a form of sexual violence. The term rape is often used as a legal definition to specifically include sexual penetration without consent.

**Sexual Exploitation:** Actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

**Sexual Harassment:** Sexual Harassment may involve unwelcome sexual advances, requests for sexual favors, other verbal, visual, or physical conduct of a sexual nature; sexual innuendo; offensive jokes; and repeated unwanted invitations.

**Stalking:** Two or more unwanted actions towards another person intended to control, threaten, harass, or frighten them.

**Relationship Violence:** When one person in a past or current intimate partner relationship uses a variety of abuse tactics to exert power and control over the other person (also referred to as domestic, dating, or intimate partner violence or abuse).

### 3. Honor-Based Violence: Definition and Concept

Honor-based violence refers to acts of violence perpetrated against individuals who



are perceived to have violated cultural or familial norms related to honor and respect. Honor-based violence is a violence done by a perpetrator to restore and protect the honor, respect of the community or family. The concept of honor is deeply ingrained in certain cultures and communities, where it is considered a collective value that reflects on the reputation and dignity of the family or community. When individuals, often women and girls, are believed to have brought dishonor through their actions or behavior, severe punitive measures may be enacted in an attempt to restore or preserve this honor.

#### Forms of Honor-Based Violence

- a. **Honor Killings:** This is one of the most extreme forms of honor-based violence, involving the murder of an individual, usually a woman, by the members of family or others in the community. Honor killings are typically



justified by the perpetrators as a necessary action to cleanse or restore the family's honor. Common triggers for honor killings include recognized wrongdoing such as engaging in premarital relationships, choosing a partner without family approval etc. are considered inappropriate by cultural, religious or societal standards.

- b. Forced Marriages:** In forced marriages, individuals, particularly young individual are coerced into marriage against their will. These marriages are often arranged to maintain family honor, to strengthening familial alliances, or adhere to cultural or religious expectations. The lack of choice and consent in such marriages can lead to significant emotional and psychological distress and abuse and in some cases, severe abuse as well.
- c. Female Genital Mutilation :** In certain communities, it is practiced as a means of controlling female sexuality and preserving family honor. This harmful practice involves the partial or full removal of the external female genitals and can result in serious health complications, both physical and psychological. It has multiple types such as Excision, Infibulation, Clitoridectomy, pricking piercing, scraping etc. such practices are agonizing and distressing.
- d. Domestic Violence and Abuse:** Honor-based violence also includes domestic abuse on women or individuals who are perceived to have dishonored their family may face ongoing domestic violence, including physical assault, emotional abuse, and psychological manipulation. This violence is often justified by the perpetrators as a remedial measures and corrective measure to enforce conformity to traditional norms and values.

### **Factors Contributing to Honor-based violence**

- **Cultural and Social Dynamics**

Honor-based violence is often deeply rooted in patriarchal and collectivist cultures where family honor is closely tied to the behavior and reputation of female members. The differences in traditional values, religious customs, illicit relationship between an unmarried girl and a boy, same gotra marriage and societal pressure are the reason to commit honor killings just to regain the respect and honor in the society. The value placed on honor can lead to rigid social norms and expectations that restrict individual freedoms, particularly for women. In such contexts, the concept of honor is often associated with concepts of modesty, obedience, and

adherence to traditional gender roles. Violations of these norms can lead to severe consequences, justified by the perpetrators as necessary to uphold societal and familial values.

- **Impact on Victims**

The impact of honor-based violence on victims is profound and multifaceted:

- a. **Physical Harm:** The victims of Honor-based violence may suffer severe injuries or even death as a result of honor killings, forced marriages, or abusive practices by the near relative, society or their own siblings and parents.
  - b. **Mental and Emotional Trauma:** The victims of Honor-based violence and the survivors often and may experience long-lasting psychological effects, including but not limited to trauma, depression, anxiety, and feelings of isolation.
  - c. **Social Stigma:** Victims of honor-based violence may face social ostracism and discrimination, further compounding their suffering and limiting their access to support and justice.
4. **Trafficking:** Human trafficking, also known as trafficking in persons, is a crime that involves compelling or coercing a person to provide labor or services, or to engage in commercial sex acts. The coercion can be subtle or overt, physical or psychological. Exploitation of a minor for commercial sex is human trafficking, regardless of whether any form of force, fraud, or coercion was used. It is exploitation of individuals for commercial sexual purposes or forced labor. Human trafficking is a severe form of gender- based violence (GBV) that affects millions of individuals globally, with significant implications in India.

- **Definition and Overview**

Human trafficking involves the illegal trade of individuals for various forms of exploitation, including forced labor, sexual exploitation, and other abusive practices. It is a grave violation of human rights and is intrinsically linked to gender-based violence, as it disproportionately affects women and children, who are often trafficked for sexual exploitation, domestic servitude, and forced labor.

Trafficking as per Indian Penal Code, 1860 There are around 25 provisions for trafficking but some of the significant among them are as below-

- Section 366A- Inducing any minor girl under the age of eighteen years to go to any such place with intent to forced or seduced illicit intercourse with another person shall be a punishable offence.
- Section 366B- Importing any girl under twenty-one years with the intent that she will be, forced or seduced to illicit intercourse with another person is a punishable offence.
- Section 374- Punishes any person who for unlawfully compels any person to labour against his will.

- **Forms of Human Trafficking in India**

- a. **Sex Trafficking:** This form of trafficking involves the exploitation of individuals, primarily women and children, for commercial sexual purposes. Victims are often coerced, deceived, or forced into prostitution or other forms of sexual exploitation. The sex trade can involve brothels, strip clubs, and private arrangements.
- b. **Forced Labor:** Individuals are trafficked into forced labor situations, including domestic servitude, agricultural work, and factory work, where they are subjected to exploitative conditions, lack of freedom, and severe abuse. Victims are often lured with false promises of employment and then coerced into work under threat or deception.
- c. **Child Trafficking:** Children are trafficked for various purposes, including forced labor, sexual exploitation, and illegal adoptions. Child trafficking often involves severe abuse and neglect, and trafficked children are frequently denied education and basic rights.
- d. **Bonded Labor:** This form of trafficking involves individuals who are forced to work under conditions of debt bondage, where they are compelled to work to repay a debt that is often manipulated and prolonged by their traffickers. Bonded labor is a form of modern-day slavery and is particularly prevalent in certain industries and regions.

## Gender-Based Aspects of Human Trafficking

1. **Disproportionate Impact on Women and Girls:** Human trafficking disproportionately affects women and girls, who are more likely to be trafficked for sexual exploitation. Gender inequality and societal norms that devalue women and girls contribute to their vulnerability to trafficking. Women and girls are often targeted for purposes such as forced prostitution, while men and boys may be trafficked for labor.
2. **Gendered Violence:** The violence inflicted on trafficking victims is gendered in nature. Women and girls often face sexual violence, including rape and sexual abuse, as part of their exploitation. The trauma associated with sexual exploitation has profound psychological and physical effects, compounding the impacts of trafficking.

- **What are the constitutional & legislative provisions related to Trafficking in India?**

Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1)

- **The Immoral Traffic (Prevention) Act, 1956 (ITPA)** is the premier legislation for prevention of trafficking for commercial sexual exploitation.
- **Criminal Law (amendment) Act 2013** has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.
- **Protection of Children from Sexual offences (POCSO) Act, 2012**, which has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.

- There are other specific legislations enacted relating to trafficking in women and children Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, Child Labour (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 deal with selling and buying of girls for the purpose of prostitution.
- State Governments have also enacted specific legislations to deal with the issue. (e.g. The Punjab Prevention of Human Smuggling Act, 2012).

**5. Dowry-Related Violence:** it is an abuse and violence related to dowry demands and disputes. Dowry-related violence is a significant form of gender-based violence (GBV) in India, reflecting deep-rooted patriarchal norms and cultural practices. The practice of dowry involves the transfer of wealth from the bride's family to the groom's family, and it has historically been associated with various forms of violence and exploitation. Despite legal measures to curb dowry-related violence, it remains a pervasive issue impacting countless women and girls in India.

### **Understanding Dowry and Its Cultural Context**

**1. Dowry System:** The dowry system in India traditionally involves the bride's family providing gifts, money, or property to the groom and his family as part of the marriage arrangement. This practice is meant to support the newlyweds and contribute to the groom's household. However, in practice, it often leads to exploitation and abuse.

**2. Cultural Significance:** In many communities, the dowry system is deeply ingrained in cultural and social practices. It is perceived as a way to enhance the groom's status and maintain family honor. The pressure to meet dowry demands can place immense financial strain on the bride's family, contributing to a cycle of violence and coercion.

### **Forms of Dowry-Related Violence**

**1. Dowry Harassment:** This includes emotional, physical, and psychological

abuse directed at the bride and her family due to dowry demands. Common forms of harassment include, verbal Abuse such as Insults, threats, and humiliation related to dowry expectations. Physical Abuse such as Beatings, slapping, and other forms of physical violence used to coerce additional dowry payments. Psychological Abuse such as Intimidation, manipulation, and threats of violence or divorce.

- 2. Dowry Deaths:** Dowry-related violence can escalate to fatal outcomes. Dowry deaths typically occur when a bride is killed or driven to suicide due to relentless dowry demands and abuse. This extreme form of violence often results from disputes over dowry payments or perceived inadequacies in the dowry provided.
- 3. Forced Abortion and Sterilization:** In some cases, women may be coerced into undergoing abortions or sterilization procedures as a means of controlling reproductive rights or avoiding additional dowry demands related to the gender of the child.
- 4. Isolation and Economic Control:** Victims of dowry-related violence may be isolated from their families and denied access to financial resources, further exacerbating their vulnerability and dependence on their abuser.

### **Impact on Victims**

- 1. Physical Health:** Dowry-related violence can lead to severe physical injuries, including fractures, bruises, and internal injuries. Victims may also face long-term health issues resulting from repeated abuse.
- 2. Mental Health:** The psychological impact of dowry-related violence includes anxiety, depression, and post-traumatic stress disorder (PTSD). Victims often experience feelings of worthlessness, fear, and isolation.
- 3. Socioeconomic Consequences:** Financial exploitation and control over economic resources can lead to economic dependency, limiting victims' ability to seek help or escape abusive situations. The financial burden of dowry demands can also strain the bride's family, contributing to further socioeconomic hardship.

### **Effects on Victim's Mental and Physical Health in India**

Survivors of GBV in India often experience severe physical injuries, ranging from bruises and fractures to chronic health conditions. Mental health impacts are equally profound, with many survivors facing anxiety, depression, post-traumatic stress disorder (PTSD), and other psychological disorders. The stigma associated with GBV can exacerbate these effects, leading to further isolation and mental distress. Socioeconomic factors, such as financial instability and lack of access to healthcare, also compound the physical and mental health challenges faced by survivors.

Survivors often experience severe physical harm, such as injuries, chronic health conditions, and reproductive health issues. Physical trauma from these abuses can range from acute injuries to long-term health complications. For instance, victims of domestic violence and dowry-related violence may suffer from bruises, fractures, and reproductive health problems, while those subjected to human trafficking and sexual violence face significant physical trauma and health risks, including STIs and malnutrition.

The Survivors of Mental abused, these forms of violence commonly endure severe psychological distress. Symptoms include post-traumatic stress disorder (PTSD), depression, and anxiety, which can lead to emotional numbness, low self-esteem, and social withdrawal. The trauma associated with honor-based violence and sexual violence, in particular, can result in long-lasting mental health issues, compounded by stigma and isolation. Addressing these health effects requires a comprehensive support system, including medical care, psychological counseling, and legal protection, to help victims recover and rebuild their lives.

### **The Perpetrator in India**

India being the patriarchal society facilitates the perpetrators to inflict the GBV, in India perpetrators often come from the victim's immediate social circle, including family members, intimate partners, or acquaintances. The normalization of gender-based violence and entrenched patriarchal attitudes contribute to high rates of violence. Perpetrators may include husbands, fathers, brothers, or other male relatives who view violence as a means of maintaining control or asserting dominance.

It is pertinent to note that under Indian legislation the perpetrators have a specific gender i.e. male on the other hand women in India is always considered as a victim on whom the gender- based violence inflicts. The fact cannot be denied that the women were always dependent on the opposite gender sometimes even for a basic needs and male are always considered as the provider of the family. By the change in time the roles have also been changed now the women are educated and are providers too.

### **Gender Role of Perpetrator in India**

The gender role of perpetrators in India is deeply influenced by patriarchal norms and traditional gender expectations. Men are often socialized to assert dominance and control over women, which can manifest in various forms of violence. These societal norms perpetuate the cycle of violence and hinder efforts to address and prevent GBV effectively.

In India, patriarchal values and rigid gender roles contribute significantly to the prevalence and perpetuation of GBV. Since ages it is a traditional norm which dictate that women should be submissive and conform to familial and societal expectations, reinforcing their subordinate status. This societal framework often views women's roles as primarily domestic, with their worth tied to their ability to fulfill traditional roles as wives, mothers, sisters and daughters. They were never considered as an individual who has the similar ability, responsibilities and has also become a provider these days. Such perceptions facilitate environments where violence against women can be rationalized or ignored.

Therefore, gender roles influence the nature and extent of violence. For instance, domestic violence is frequently justified through cultural norms that perceive men as heads of households with authority over women, while honor-based violence is linked to cultural expectations regarding female chastity and family honor. Human trafficking and dowry- related violence also reflect gender biases, as women and girls are often treated as commodities or economic burdens rather than individuals with rights. However, the time has changed where women's were only playing the role of domestic provider but now the women's are equally responsible towards the economic contribution of family.

Conveying GBV in India necessitates a critical examination and transformation of



these gender norms and societal attitudes. Effective interventions must challenge patriarchal structures, promote gender equality, and provide robust support systems for survivors. Legal reforms, public awareness campaigns, and educational initiatives are essential to reshaping societal attitudes and ensuring the protection and empowerment of all individuals, regardless of gender.

## **Legislation**

In India, several key legislative frameworks address various aspects of gender-based violence (GBV). These laws aim to protect victims, prosecute offenders, and prevent violence through a combination of criminal provisions and supportive measures. Here's an overview of the major legislation related to GBV in India:

### **1. The Protection of Women from Domestic Violence Act (2005)**

**Objective:** The objective of the Act aims to provide comprehensive protection to women who are victims of domestic violence, including physical, emotional, verbal, and economic abuse.

#### **Key Provisions:**

Such as interim remedies to the victim are as follows

- **Protection Orders:** The PWDV Act allows victims to seek protection orders against the abuser to prevent further violence.
- **Residence Orders:** This order ensures that victims can remain in their shared household or secure alternative accommodation can be provided too.
- **Support Services:** The act also provides for medical, legal, and psychological support for survivors.
- **Legal Aid:** In case where the victim is unable to hire an advocate for herself, it provides guarantees legal aid to victims for accessing justice.

### **2. The Criminal Law (Amendment) Act (2013)**

**Objective:** This Act, often referred to as the "Nirbhaya Act," which was introduced after the 2012 Delhi gang rape case. It amends the Indian Penal

Code (IPC) and other related laws to strengthen provisions related to sexual offenses.

#### **Key Provisions:**

- **Enhanced Penalties:** After the amendment it has increased the penalties for various forms of sexual violence, including rape, sexual harassment, and stalking.
- **Definition of Rape:** The amendment has expressly expanded the definition of rape to include non-consensual penetration of any form as well.
- **Marital Rape:** However, in India while marital rape is not fully criminalized, but this Act addresses certain aspects of non-consensual sexual activity within the marriage.
- **Fast-Track Courts:** Whereby the amendment has made a significant change and the victim doesn't have to wait for years to get justice hence it has established the fast-track courts for expedited handling of sexual violence cases.

### **3. The Dowry Prohibition Act (1961)**

**Objective:** The Act criminalizes the practice of dowry and dowry-related violence, aiming to eradicate the practice and punish those involved in dowry demands, abuse and even those who offer the dowry are punished under the act.

#### **Key Provisions:**

- **Prohibition of Dowry:** Outlaws the giving or receiving of dowry in any form.
- **Penalties:** Imposes penalties on those who demand, accept, or give dowry.
- **Legal Recourse:** Provides for the prosecution of offenders and legal recourse for victims.

### **4. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (2013)**

**Objective:** This Act's aim and objective is to address sexual harassment at workplaces, aiming to create a safe working environment for women.

**Key Provisions:**

- **Definition of Sexual Harassment:** It includes any unwelcome behavior of a sexual nature that affects a woman's work environment such as physical contact, making sexually colored remark, demanding sexual favor or showing pornography.
- **Complaint Mechanism:** The act mandates the establishment of Internal Complaints Committees (ICCs) in workplaces to handle complaints, which is not limited to public company but also includes private sectors and unrecognized sectors such as any enterprise owned by an individual or company, any place where the manufacturing, sales of goods or any other kind of service providers as well.
- **Redressal Procedures:** The act also provides mechanisms for addressing complaints, including investigation, disciplinary action, and compensation for victims and if needed the transfer of the victim or the respondents. It also grants leave up to three months to regain the confidence and to recover from the trauma.
- **Prevention Measures:** The act requires employers to implement preventive measures and awareness programs to the employees of the institution to be aware of their rights and liabilities in case of any such circumstances.

**5. The Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill (2021)**

**Objective:** The objective of the Bill seeks to address human trafficking comprehensively, focusing on prevention, protection, and rehabilitation of trafficking survivors.

**Key Provisions:**

- **Definition of Trafficking:** This covers various forms of trafficking, including forced labor, sexual exploitation, and illegal adoptions.
- **Penalties:** The act has enhanced penalties for traffickers and individuals who are involved in trafficking-related activities.
- **Support Services:** The act helps and provide the rehabilitation and support

of trafficking survivors which also including medical care, legal aid, and vocational training to get back to society and start their fresh lives.

- **Prevention Measures:** The act also emphasizes preventive strategies which includes public awareness and training for law enforcement.

## **6. The Juvenile Justice (Care and Protection of Children) Act (2015)**

**Objective:** This Act provides for the care, protection, and rehabilitation of children in need of care and protection, including those affected by various forms of violence and also includes children in conflict with law.

### **Key Provisions:**

- **Child Protection:** The act addresses issues related to child abuse, neglected and exploited children's which caters proper care, basic needs, social reintegration, treatment through child friendly environment.
- **Rehabilitation and Reintegration:** The act focuses on the rehabilitation and reintegration of children who are survivors of abuse, trafficking or is child in conflict with law.
- **Juvenile Justice:** The act has established procedures for dealing with juvenile offenders and ensuring their rights and protection.

### **Shortcomings in Existing Policies in India**

Despite the presence of legal frameworks, several shortcomings hinder the effectiveness of GBV policies in India

1. **Implementation Gaps:** It is pertinent to note that there is inadequate enforcement of laws and limited resources for implementation. Regardless of these legal frameworks, challenges in implementation persist, including inadequate enforcement, lack of awareness among victims, and limited resources for supporting survivors.
2. **Societal Stigma:** even after being in the 21<sup>st</sup> century of the era it is still stigma and societal attitudes that discourage survivors from reporting violence. The cultural norms and societal attitudes often undermine the effectiveness of these laws, as stigma and discrimination can prevent victims from seeking justice.

3. **Limited Support Services:** There quantum of laws and provisions are available but is still unable to provide sufficient support services, including shelters, counseling, and legal aid, which is one of the reasons that even being in the 21<sup>st</sup> century the fight with gender violence remains same.
4. **Training Deficiencies:** The system still lacks of comprehensive training for law enforcement and judicial officers in handling GBV cases sensitively.
5. **Legal Gaps:** Some legal provisions, such as those addressing marital rape which is till date is unrecognized, certain forms of violence may not be fully covered under existing laws.

The Constitution of India, the Indian Penal Code (IPC), and the Indian Evidence Act (IEA) collectively provide legal protections for women, emphasizing principles of equality and non-discrimination. While the IPC remains the primary legal framework for addressing crimes against women, India has also implemented specific legislation targeting gender-based violence (GBV). These include:

- **The Immoral Traffic (Prevention) Act, 1956:** Aimed at curbing prostitution and eradicating human trafficking.
- **The Dowry Prohibition Act, 1961:** Criminalizes the practice of dowry, imposing penalties of up to five years in prison for those involved.
- **The Indecent Representation of Women Act, 1986:** Prohibits the indecent portrayal of women in various media formats, including advertisements, publications, and artworks.
- **The Commission of Sati (Prevention) Act, 1987:** Strengthens the ban on sati, aiming to prevent both the act and its glorification.
- **The Protection of Women from Domestic Violence Act, 2005:** Defines "domestic violence" under Indian law, encompassing physical, sexual, verbal, emotional, and economic abuse.
- **The Information Technology (Amendment) Act, 2008:**

Introduces measures against cyber-related offenses such as stalking, defamation, harassment, and child pornography.

- **The Sexual Harassment of Women at Workplace Act, 2013:** Establishes the right to a harassment-free work environment for women.
- **The Criminal Law (Amendment) Act, 2013 (Nirbhaya Act):** Expands the IPC to include offenses such as acid attacks, sexual harassment, voyeurism, and stalking, and mandates medical treatment for sexual assault victims.

Despite these legislative measures, the Bhartiya Stree Shakti report from India's Ministry of Women and Child Development (MWCD) highlights ongoing issues of gender discrimination and injustice. The report suggests that such problems persist largely because those responsible for enforcing and interpreting these laws do not always fully embrace the principles of gender justice.

## **Remedies and Coping Mechanisms in India**

Coping mechanisms for gender-based violence (GBV) in India involve a combination of formal support systems, community initiatives, and individual strategies designed to provide immediate relief, long-term support, and prevention. These mechanisms aim to help survivors navigate the aftermath of violence, seek justice, and rebuild their lives. Here's an overview of the primary coping mechanisms available in India:

### **1. Legal and Institutional Support**

**1.1. Police and Law Enforcement:** The victim of Gender Based Violence can file FIR with the nearest police station to initiate criminal proceeding against the respondent/accused. Some police departments have dedicated units or cells for handling cases of sexual violence and domestic abuse, providing more sensitive and trained responses.

**1.2. Legal Aid Services:** The National Legal Services Authority (NALSA) provides free legal aid to victims, helping them navigate the legal system

and secure justice. The Legal Aid Services are available at the state level and on district level victim has support of District Legal Services Authority (DALSA). Advocates and organizations can file PILs to address systemic issues related to GBV and seek judicial intervention.

**1.3. Courts and Tribunals:** After the Nirbhaya incident in 2012 through New Criminal Law (Amendment) Act, 2013 was introduced through which special courts were established to expedite the cases related to sexual violence, ensuring quicker trials and reducing the prolonged trauma faced by survivors. Under the Protection of Women from Domestic Violence Act, victims can seek protection orders to prevent further abuse and for the same dedicated protection officer's appointment is made under the act.

## **2. Support Services and Shelters**

**2.1. Shelters and Crisis Centers:** Organizations and government bodies operate shelters for women fleeing domestic violence or other forms of abuse, providing safe accommodation and support. Dedicated helplines offer immediate assistance, counseling, and information to survivors of GBV. Such as provided through NCW, National Commission for Women Helpline – 7827170170, Central Social Welfare Board -Police Helpline - 1091/ 1291, (011) 23317004, Shakti Shalini – 10920, Shakti Shalini - women's shelter - (011) 24373736/ 24373737, SAARTHAK - (011) 26853846/ 26524061, All India Women's Conference - 10921/(011)23389680, JAGORI-(011)26692700 +918800996640, Joint Women's Programme (also has branches in Bangalore, Kolkata, Chennai) - (011) 24619821, Sakshi - violence intervention center -(0124)2562336/5018873, Saheli - a women's organization - (011) 24616485 (Saturdays), Nirmal Niketan- (011) 27859158, Nari Raksha Samiti- (011) 23973949, RAHI Recovering and Healing from Incest. A support center for women survivors of child sexual abuse- (011) 26238466/ 26224042, 26227647<sup>21</sup> etc. However, many states in India have their own specialized units dedicated for women victims.

**2.2. Medical and Psychological Support:** Hospitals and clinics offer medical care for injuries and sexual health issues resulting from violence, including forensic examinations. Mental health professionals provide counseling and therapy to help survivors cope with trauma, anxiety, and depression.

### **3. Community and NGO Initiatives**

**3.1. Awareness Campaigns:** Many NGOs and community organizations run awareness campaigns to educate the public about GBV, promote gender equality, and reduce stigma. School's and colleges may conduct programs on gender sensitivity, consent, and healthy relationships.

**3.2. Empowerment and Advocacy:** To empower survivors, support groups and advocacy organizations provide a platform for sharing experiences, gaining support, and advocating for systemic change. NGOs offer vocational training and skill development programs to help survivors gain economic independence and rebuild their lives.

### **4. Government Schemes and Policies**

**4.1. Government Schemes:** The NCW addresses grievances related to GBV, it promotes women's rights, and implements schemes to support the women survivors.

- **Integrated Child Protection Scheme:** This scheme supports children in need of care and protection, including those affected by abuse and exploitation. Such schemes specifically focus on child protections only.

### **5. Individual and Family Support**

#### **5.1. Self-Help Strategies:**

- **Personal Safety Planning and Empowerment:** The Survivors and victim may develop safety plans, including strategies for leaving abusive situations, securing safe spaces, and accessing support services. It is important for survivors to



build self-esteem and self-confidence through counseling and support networks helps survivors regain control over their lives.

## **5.2. Family Support:**

- **Family Counseling:** Family plays a vital role in life of an individual hence families can receive counseling to understand the dynamics of GBV, support victims, and work towards healing and reconciliation.
- **Supportive Networks:** Building an environment of supportive friends, family members, and community allies can provide emotional and practical assistance.

## **Legal Remedies in India**

Legal remedies available to survivors of GBV in India include:

1. **Filing Complaints:** Lodging complaints with the police or legal authorities.
2. **Protection Orders:** Seeking protection orders under the Protection of Women from Domestic Violence Act (2005).
3. **Criminal Charges:** Pursuing criminal charges against perpetrators under various penal codes and amendments.

## **Supporting Case Law in India**

Several landmark cases have shaped the legal landscape regarding GBV in India:

**Vishaka v. State of Rajasthan (1997):** Established guidelines for addressing sexual harassment in the workplace.

The **Vishaka v. State of Rajasthan (1997)** case emerged from a complaint by Vishaka, a social worker who experienced sexual harassment by police officers while working on a rural development project in Rajasthan. This case exposed the inadequacy of existing legal frameworks in India to address workplace sexual harassment, highlighting the urgent need for clear and effective measures.

The Apex of India recognized sexual harassment as a violation of

fundamental rights under the Constitution, including the right to equality and personal liberty. In response, the Court established the Vishaka Guidelines, mandating organizations to create internal complaints mechanisms, implement preventive measures like training and awareness programs, and develop clear procedures for addressing and investigating complaints. These guidelines played a crucial role in shaping subsequent legislation, leading to the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, thus marking a significant advancement in legal protections against gender-based violence in Indian workplaces.

**K.S. Puttaswamy v. Union of India (2017):** Affirmed the right to privacy, impacting laws related to personal safety and dignity.

The *K.S. Puttaswamy v. Union of India (2017)* this case was a landmark Supreme Court judgment that fundamentally reshaped the discourse on privacy rights in India, with significant implications for gender-based violence. The case primarily addressed the constitutional right to privacy, which was challenged by the government's Aadhaar scheme. The Supreme Court, in a unanimous decision, declared the right to privacy as a fundamental right under the Indian Constitution, highlighting its essential role in preserving individual dignity and autonomy.

In relation to gender-based violence, the recognition of the right to privacy has profound implications. By affirming privacy as a fundamental right, the Court reinforced protections against various forms of gender-based violence, including intimate partner violence, sexual harassment, and stalking. It emphasized that violations of personal privacy, such as unauthorized surveillance or breaches of personal data, are intrinsically linked to dignity and autonomy, thus setting a crucial precedent for safeguarding individuals against gender-based abuses and enhancing legal remedies for victims. This judgment has become a cornerstone in advocating for more robust protections against gender-based violence by underscoring the necessity of privacy in maintaining personal safety and autonomy.

## Conclusion

The analysis of gender-based violence (GBV) in India reveals a landscape marked by both notable advancements and persistent challenges. Legislative reforms and increased awareness have made significant strides in addressing GBV, yet gaps remain that hinder effective resolution. Despite the establishment of laws and initiatives aimed at protecting survivors, issues such as inadequate policy implementation, deep-seated societal stigma, and insufficient support services continue to obstruct progress. These shortcomings highlight the need for a more robust and cohesive approach to tackling GBV.

To bridge the gap between awareness and tangible action, it is essential to enhance existing legal frameworks, ensure rigorous enforcement of laws, and bolster support systems for survivors. Strengthening these areas will require addressing the root causes of societal attitudes towards GBV, improving access to justice, and providing comprehensive support services. By building on successful interventions and addressing these challenges, India can advance towards creating a more just and supportive environment for combating GBV, ultimately fostering a society where survivors are effectively supported and their rights are fully upheld. This research paper offers an in-depth examination of GBV in India, exploring its historical context, various forms, health impacts, perpetrator profiles, legislative landscape, policy shortcomings, coping mechanisms, and legal remedies, alongside pertinent case 1

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