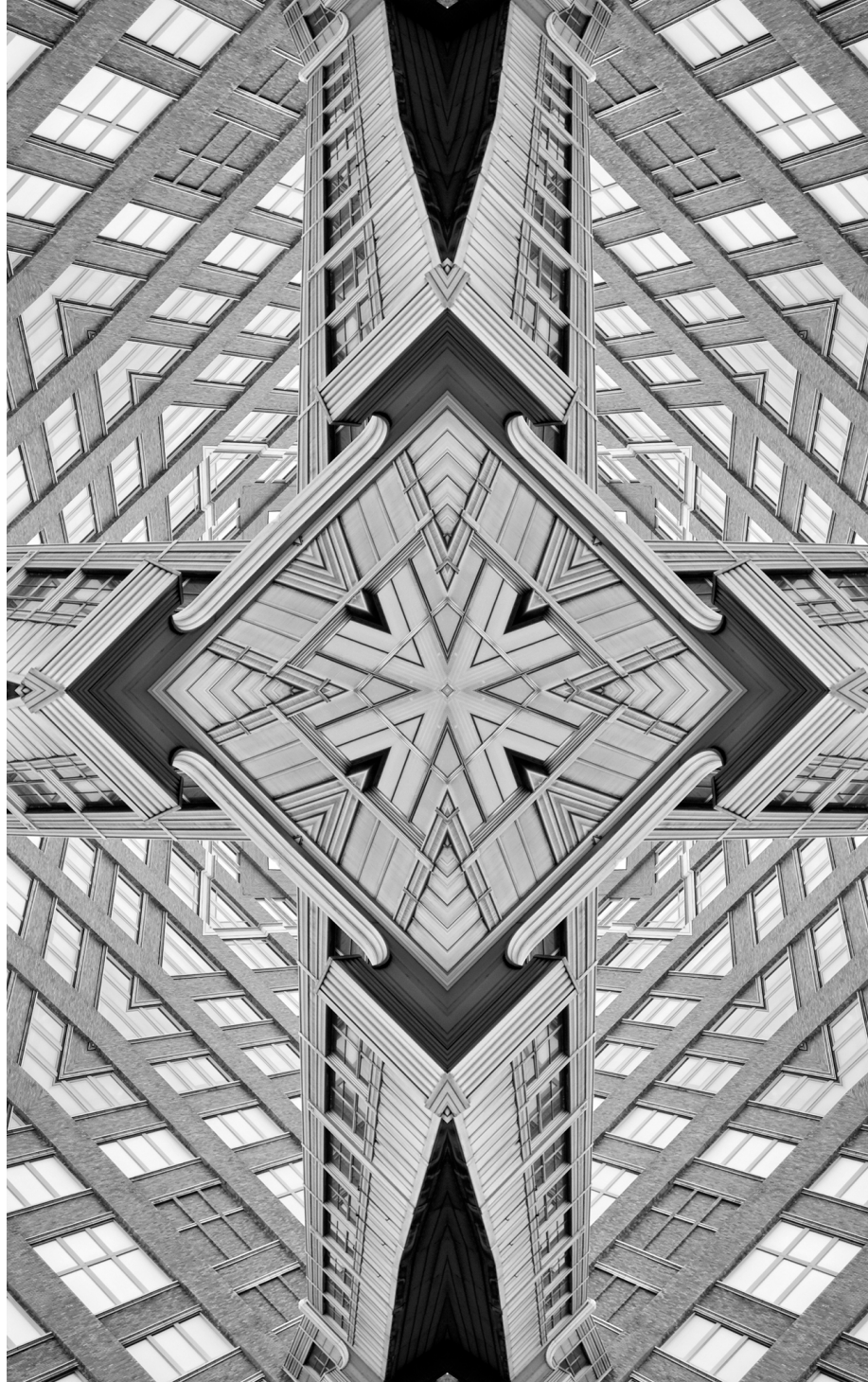


Issue

Brief

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The Case for a Feminist Approach to Gender-Based Violence Policymaking in India

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Abstract

India's social structure, with enduring gender inequalities rooted in patriarchal norms, plays a significant role in perpetuating gender-based violence (GBV). Women in India have been victims of infanticide, selective abortions, sex trafficking, stalking, dowry demands, child marriages, acid attacks, and honour killings. This brief explores the social dimension of GBV in India and assesses how gaps in legislation help to perpetuate them. It also recommends a re-evaluation of GBV-related policymaking through a feminist approach that considers the social nuances of gender in India to drive long-term changes.

During the 2002 Gujarat riots, 21-year-old Bilkis Bano and her family were attacked by an armed and angry mob, in an incident of brutal sexual violence and murder.¹ Following a long-drawn legal battle, 11 people were convicted and sentenced to life by the Supreme Court on the counts of rape, murder, and assault in 2008.² However, in August 2022, all 11 convicts were released on remission after serving only 14 years of their sentences.³ This case is representative of the state of India's policy and legal frameworks to combat gender-based violence (GBV), and raises many questions about the future of women's rights and safety in India.

The United Nations High Commissioner for Refugees defines GBV as “Harmful acts directed at an individual based on their gender,” and says “It is rooted in gender inequality, the abuse of power and harmful norms... [and] is a serious violation of human rights and a life-threatening health and protection issue.”⁴ Such acts can be of a physical, sexual, psychological, and/or economic nature.⁵ Other forms of GBV include workplace harassment, abuse in online digital spaces, social ostracisation, and financial dependence. The most widespread form of GBV against women is intimate partner violence, with an estimated one in three women having experienced sexual or physical intimate partner violence across their lifetime.⁶

Importantly, while gender is a critical aspect of determining GBV, it intersects with other factors defining a person's identity and affects their experience of violence. These factors can be race, age, social class, religion, or sexuality. Some minorities are particularly vulnerable to GBV (for instance, women belonging to the Scheduled Castes in India⁷).⁸

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women and the 1993 Declaration on the Elimination of Violence Against Women were the first international treaties to recognise GBV against women as a major global issue. Still, it is primarily local and national feminist movements that have been instrumental in highlighting the issue of violence against women and advocating for legal and social reform.⁹ In India, for example, feminist activism played a significant role in bringing about reforms in the workplace, resulting in the promulgation of the Vishakha Guidelines in 1997, which was later superseded by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act in 2013.

In the context of this brief, GBV refers to acts of abuse of a sexual, physical, psychological, or financial nature committed against women in India. A 2018 poll^a ranked India as the most unsafe country in the world for women.¹⁰ The National Crime Records Bureau recorded an 87-percent increase in reported cases of crimes against women between 2011 (228,650¹¹) and 2021 (4,28,278¹²), with a majority (31.8 percent) of these being cases of domestic violence.¹³

Most often, the perpetrators of GBV in India are men known to the women.¹⁴ India's social structure, with long-standing gender inequalities rooted in patriarchal norms and gender roles, plays a significant role in perpetuating GBV. Traditional gender roles prescribe a docile nature and an inferior position for women. Women are perceived to be better suited for housework and childcare, and are expected to serve the husband and family, giving impetus to other factors that legitimise and perpetuate violence against women, such as male entitlement and the sexual objectification of women.¹⁵ While the common forms of GBV against women in India are acts of domestic abuse, sexual assault, and murder, there exists a broad spectrum of violence. Women in India have been victims of infanticide, selective abortions, sex trafficking, stalking, dowry demands, child marriages, acid attacks, and honour killings.

While the Indian constitution guarantees the protection of life and liberty (Article 21) and prohibits discrimination based on gender (Article 15), policymaking in this field is stymied by several problems. This brief analyses the legal and social dimensions that define GBV in India through primary and secondary data analysis and research.^b It recommends re-evaluating GBV-related policymaking through a feminist approach that takes into account the particular social nuances of gender to drive long-term changes.

a The 2018 version is the latest such poll by Thomson Reuters, and is a repeat of a similar survey of global experts in women's issues conducted in 2011 that ranked India as the fourth most dangerous country for women.

b This includes perusing government records and publications, formal and informal statistical data, and other books and journals, and conducting personnel interviews.

The Social Dimension of GBV in India

A patriarchal society is a culture in which men are assumed to be in charge. Descent and inheritance are paternally traced, and men are generally in control of family resources. This inherently puts women at a social disadvantage.

Women are considered to be the bearers of honour and dignity for their communities. Therefore, an attack against the person of a woman (especially her body) is considered shameful for the community. This aspect is often exploited into a common form of violence in times of conflict, especially when of a communal nature. The Partition, the 2002 Gujarat riots, and the increase in communal incidents in recent years¹⁶ provide numerous examples of women's bodies being used to shame communities.

Women from socioeconomically marginalised groups are particularly vulnerable to sexual violence in India.¹⁷ In 2020 alone, 4,509 cases of rape against Dalit and Scheduled Tribes women were reported.¹⁸ According to a 2011 Minority Rights Group report, "Dalit women are...subject to a 'triple burden of inferiority' based on caste, class and gender."¹⁹ The perpetrators are mainly men from the upper castes, who are "putting [these women] in their places." There continues to be a strong general perception regarding the low status of these communities, giving a certain degree of social acceptance to acts of violence committed against them. Legal provisions for justice, such as the 1989 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, are inadequately implemented, and justice remains slippery.

At the intersectionality of gender, minority women are discriminated against globally.²⁰ Consider, for instance, the reactions to the 2012 Delhi gangrape incident (often referred to as the 'Nirbhaya case') and to the Bilkis Bano case. In both cases, abhorrent acts of sexual violence were committed against women, resulting in severe physical and psychological trauma. The Delhi case became a moment of national unification against sexual violence, and the perpetrators were caught, tried, and punished in proper accordance with the nature of their crimes. On the other hand, coloured by the religious riots, the Bilkis Bano case did not see a just end, with the perpetrators freed after merely 14 years in prison.

The notion of honour also manifests in killings done in the name of preserving family dignity in instances of inter-religious or inter-caste marriages. Despite the prevalence of this practice, commonly termed as honour killings, there is no national legislation against it.²¹

The Social Dimension of GBV in India

Additionally, social stigma and shame surrounding survivors of sexual violence is deeply entrenched in Indian society. Survivors and their families frequently face further victimisation and even social rejection, especially in remote areas. Survivors are often blamed for the assault and viewed as ‘damaged goods’. The fear of such stigmatisation results in extremely low reporting rates for assault.^{c,22} This is characteristic of the rape culture pervasive in India. Rape culture can be defined as a setting in which rape is normalised due to societal attitudes about gender and sexuality.²³ Sociologists commonly attribute various behaviours associated with rape culture, including victim blaming, slut-shaming, sexual objectification, trivialising of the matter, and the denial of a widespread problem.²⁴

In the same vein, divorced women are considered deviant and face social stigma, due to which families may often encourage women to stay in abusive relationships.²⁵ The absence of social support, a lack of awareness regarding legal rights, and financial dependence on a male figure (husband or father) further complicate the issue, while the invasive scrutiny of survivors who come forward makes it difficult to access justice.

Patriarchy is well-reflected in the language of the laws that govern Indian society. There is a focus on the gender binary, where all references made in criminal codes in terms of individuals only address *man* and *woman*, institutionally refusing to acknowledge the violence faced by people elsewhere on the gender spectrum. Similarly, there is a heavy categorisation of females as victims and males as perpetrators. For example, Section 375 of the Indian Penal Code (IPC) classifies only women as victims of rape. This focus perpetuates patriarchal gender roles, which, when coupled with the existing social norms, inherently put women (and minorities) in positions of disadvantage. Until its decriminalisation in 2018, Section 497 of IPC on adultery allowed for a husband to bring charges against the man with whom the wife was having an affair, but not vice versa, essentially treating the woman as a man’s property.

Patriarchy even prevents bold legal changes from being entirely effective. Many of the traditional practices that are now outlawed continue to persist, particularly in remote areas of the country where female education is less

c According to an analysis of 2016 National Family Health Survey data, only about 15 percent of all sexual assault incidents perpetrated by strangers are reported to the police.

The Social Dimension of GBV in India

common. Principal among these is the practice of child marriage. According to the 2019-21 National Family Health Survey, child marriages account for about 24 percent of all marriages in India.²⁶

Therefore, a shift in collective thinking and perceptions is essential to drive long-term and sustainable improvement in India's fight against GBV.

“India's social structure, with long-standing gender inequalities rooted in patriarchal norms and gender roles, plays a significant role in perpetuating GBV. Women in India have been victims of infanticide, selective abortions, sex trafficking, stalking, dowry demands, child marriages, acid attacks, and honour killings.”

The Need for Continued Legal Reforms

The 1972 Mathura rape case, the 1997 Vishaka case, and the 2012 Delhi gangrape case are landmark proceedings that promulgated changes in Indian law regarding sexual violence.

The 1983 Criminal Amendment Act, which came after the Mathura custodial rape case in 1972,^d launched a new phase of recognition of women's rights in India. It amended the IPC (1860), the Code of Criminal Procedure (CrPC, 1973), and the Indian Evidence Act (1872). IPC Sections 376B and 228A made custodial rape a punishable offence and prohibited revealing the identity of the survivor to prevent public character assassinations, respectively. However, the armed forces were protected from prosecution for custodial rape, as per the provisions of the Armed Forces (Special Powers) Act, and they continue to remain outside the scope of punishment. Section 114A of the Indian Evidence Act made a survivor's claim of not having given consent a rebuttable presumption. Section 174(3) of the CrPC required police officers to prepare an inquest report in cases of suicide of a married woman (with reasonable cause to believe or request made from a relative).

Vishaka & Ors v. State of Rajasthan (1997)—a Supreme Court case challenging the Rajasthan High Court's acquittal of those accused in the Bhanvari Devi rape case^e—marked the first instance of India's highest court taking cognisance of workplace harassment. The Supreme Court laid down guidelines for employers in regard to complaints about sexual harassment, in what came to be known as the 'Vishaka Guidelines'.²⁷ However, it was only in 2013 that parliament passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. The Act mandates every employer to constitute an Internal Complaints Committee to conduct an inquiry in place of a civil court in instances of alleged harassment. It also specifies that the committee be headed by a woman, with one-half comprised of female members, and includes provisions of compensation for the aggrieved women. The Act also places certain responsibilities on the employer to create a safe and gender-sensitive working environment. While comprehensive, the Act only categorises women

^d In 1972, a young tribal girl from Maharashtra was raped by two uniformed officers following a summons to appear at the police station in relation to an FIR registered against her elopement.

^e In 1992, social worker Bhanvari Devi was gangraped in retaliation for trying to stop a child marriage as part of her duties with the Women Development Programme, a state government scheme. Following the Rajasthan High Court's acquittal of the accused, several NGOs and women's groups filed a public interest litigation in the Supreme Court demanding the enforcement of fundamental rights for working women.

The Need for Continued Legal Reforms

as complainants, reinforcing gender disparity in the workplace. By not creating a provision for anonymous complaints, it also fails to consider the factors of social stigma and/or the power dynamics in a workplace (with the potential for retaliation or professional stability being on the line).

In December 2012, a 22-year-old woman was beaten, gangraped, and tortured in a private bus while travelling with a male friend in Delhi. The case drew widespread attention and led to massive public protests, following which, the Verma Committee was set up to recommend changes to criminal law dealing with sexual violence. A Presidential Ordinance incorporating many of the committee's recommendations²⁸ was promulgated in February 2013 (within three months of the incident), which then became the Criminal Amendment Act, 2013. The reforms introduced bold legislative measures to counter the problem of sexual violence, and widened the scope of understanding of what constitutes sexual violence. The Act incorporated new offences into the IPC, such as acid attacks and even attempts of the same, stalking and voyeurism, and expanded the definition of sexual assault. The Act also brought about amendments to the Indian Evidence Act—Section 54A made the character of the victim and/or any previous sexual experience of the victim irrelevant in cases of rape, while Section 114A presumed the absence of consent unless otherwise proved. In a society where the 'character' of the woman subject to sexual violence is regularly brought up to justify the action of the perpetrators, this was an important legal step to protect survivors' interests.

Some laws that seek redressal for women who have faced GBV are only symbolic and lack enforcement on the part of the State and its representatives (for instance, law enforcement and public health professionals). The Protection of Women from Domestic Violence Act (2005) was a milestone legislation at its promulgation. It is ambitious in its categorisation of what constitutes abuse, particularly the recognition of financial abuse, and abuse under threat or harm. However, its implementation has been inadequate, with no provisions for follow-up, cumbersome judicial processes, and the appointment of protection officers with inadequate experience working with domestic violence survivors. The Act establishes protection officers as a means of easing the process of redressal, but it remains ambiguous about their lack of training and specialisation.

The Need for Continued Legal Reforms

Another example is the Prohibition of Child Marriage Act (2006). It considers child marriage merely voidable, even if the parents/guardians or any other adult knowingly participates in the practice is liable to punishment. The marriage can be declared void *only* by the girl child that has been married off, and it allows her to make this declaration anytime *only* up to two years after reaching the age of adulthood (i.e., until she turns 20 years old). The Act fails to understand the social factors at play in the perpetuation of child marriage, including family pressure, which cannot be tackled by legislative measures alone. In March 2020, the Minister of Women and Child Development informed the Lok Sabha that the practice of child marriages continues due to the prevailing social customs and traditions, illiteracy, poverty, low status of women in society and the perception that they are ‘burdens’ on their families, and the lack of awareness regarding the rights and remedies available for victims.²⁹ An amendment Bill on the Act was introduced in the Lok Sabha in 2021,³⁰ which sought to extend the period for annulling a marriage from two to five years, but the focus has been diverted to changing the legal age of marriage from 18 to 21 years for girls. The latter is an entirely impractical step that would negatively affect the relationships of consenting adults and play no role in eradicating the evil of child marriage.

In addition, neither the Act nor the amendment address the issue of marital rape. Exception (ii) to Section 375 states that “Sexual intercourse by a man with his wife is not rape, unless the wife is below 15 years of age.” This exception should be eliminated. Additionally, Section 376 (B) states that “Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.” The punishment for this crime should amount to the same as described in Section 376 of the IPC (i.e., minimum 10 years of imprisonment extending up to a life sentence).

Both sections discriminate between married and unmarried women, diminish the bodily autonomy of married women, treat married women as the property of their husbands, and perpetuate sexual violence against women.

The Need for Continued Legal Reforms

Arguments favouring the criminalisation of marital rape already exist within India's legal framework. The Hindu Marriage Act, the Christian Marriage Act, the Indian Divorce Act, and the Parsi Marriage and Divorce Act allow a woman to divorce her husband on several grounds, including if he has been guilty of rape since the solemnisation of the marriage. However, in its current interpretation, rape is not perpetrated against the *wife*. This interpretation, once again, presumes a wife is the property of the man, and at the mercy of his whims and desires with no personal autonomy.

Further, the Medical Termination of Pregnancy Act of 1971 provides for the abortion procedure to be legal for married women, divorcees, widows, minors, the disabled, and survivors of sexual assault or rape. In September 2022, the Supreme Court ruled that a woman's lack of marital status cannot deny her the choice to abort a pregnancy, making abortion a right for all women.³¹ Already, the 1971 Act necessitated the understanding that married women might opt for the procedure for reasons of sexual abuse and violence, which makes it important to *legally* recognise marital rape, notwithstanding the Supreme Court's recent comments that, for the purposes of abortion, the forceful pregnancy of married woman can be treated as marital rape.³²

According to IPC Section 376, consensual sex with girls below 18 years of age constitutes statutory rape. However, if the girl is 'married,' the age of consent reduces to 15 years. This means that an adult man who has intercourse with his 'wife' above 15 years of age is not liable to be sanctioned, leaving *children* vulnerable to exploitation and abuse. This is a significant reason why marital rape should be legally recognised.

In 2017, the Supreme Court abolished the instantaneous 'triple talaq' provision from the Muslim Personal Law.³³ The triple talaq provision allowed a Muslim man to divorce his wife simply by uttering '*talaq*' (divorce) three times. Triple talaq highlights another factor contributing to GBV in India—a non-uniform civil code.

The different religious communities in India are governed by their own set of personal laws. These include the Muslim Personal Law; the Hindu Personal Law, which is constituted of the Hindu Marriage Act (1955), the Hindu Succession Act (1956), the Hindu Minority and Guardianship Act (1956), and the Hindu Adoptions and Maintenance Act (1956), and which governs Jains, Buddhists, and Sikhs; the Christian Personal Law; and the Parsi Personal Law.

The Need for Continued Legal Reforms

These codes govern family laws of marriage and divorce, among other things. As each religious group is subject to a different law, they often contradict other existing laws in India. Personal laws in India make it difficult to create a common framework for the protection of women and their interests. For example, according to Section 494 of IPC, polygamy is a punishable offence with up to seven years imprisonment for the offending individual. However, under Muslim Personal Law, a man is permitted to marry a maximum of four times, provided he has the consent of his wives (a nuance that is often overlooked socially). However, this issue is seldom raised in policy conversations regarding GBV. As such, revisiting the merits of a uniform civil code is important to India's fight against GBV.

As cyberspace rapidly invades individuals' social, professional, and personal lives, there is an increased need for regulations of the digital space. The allowance for anonymity has fostered abuse, oppression, and different forms of violence, particularly directed at women and girls.³⁴ The Internet has given women and their opinions a platform for expression, and this independence is perceived as a challenge to the patriarchal social structure in India (and elsewhere), making them more vulnerable to violence. Female journalists and women's rights activists, for example, face high rates of online abuse.³⁵

The 2013 Criminal Law Amendment Act expanded the definition of stalking to include cyberstalking. Principally, the 2000 Information and Technology Act is the law referred to while addressing GBV perpetuated in cyberspace. While sections 66E, 67, 72, and 354A of the IT Act lay down provisions for legal recourse and address violations of privacy and the publication of sexually explicit or obscene content, the Act does not explicitly address gender-based and psychological violence against women in cyberspace, failing to understand the particular vulnerability of women. In 2015, the government of Chhattisgarh added Section 509B to the IPC³⁶ with the intention of bringing the digital space under the purview of the existing provision, which details simple imprisonment for anyone "intending to insult the modesty of any woman."

The constitution allows for the positive discrimination of women, and national and state social welfare schemes have been an essential aspect of the response to GBV in India. These programmes aim to address sexual and physical violence, such as through the Women 181 Helpline, which is meant to be integrated into One Stop Centres (OSCs) that have been set up in districts across the country to report cases of assault, including domestic violence; eliminate obstacles in the

The Need for Continued Legal Reforms

way of education and financial independence, such as the *Beti Bachao, Beti Padhao* (BBBP) and *Mahila Udyam Nidhi* schemes, and tackle the issues of abuse and trafficking, such as the *Ujjawala* scheme. Additionally, there are programmes to constitute female police volunteers and establish female-managed police stations and banks. While all these programmes aim to empower Indian women and improve their standing, their effectiveness and level of implementation vary. In Jammu and Kashmir, for instance, while there are 19 OSCs, only two are integrated with the 181 helpline.³⁷ Similarly, the BBBP scheme has enormous potential in raising awareness against sex-selective abortions, foeticide, and the importance of female education, but its execution has been lacking, owing to the improper allocation and utilisation of funds.³⁸

The National Commission for Women (set up in 1992) and the various state women's commissions were established with the aim of examining all matters related to the safeguards provided for women, including investigating violations. The National Commission for Women (NCW) participates in developmental programmes for women, conducts relevant research on and reviews provisions related to women, and acts as a recommendations body to the government. However, the suggestions of the NCW are not legally binding, it is heavily dependent on the State for funding, and it can only take up cases that are brought to its attention. Much like the Human Rights Commission, the NCW remains a toothless body without any concrete power to effect change.

“While India has enacted several laws that seek redressal for women who have faced GBV, many of these measures are only symbolic and lack enforcement on the part of the State and its representatives.”

Towards A Feminist Approach to Policymaking: Recommendations

In India, both GBV and policymaking related to it are embedded in the larger culture of discrimination against women, which manifests in the country's legal system and social interactions. Therefore, it becomes crucial to acknowledge and address the wider gaps that persist against closing the gender gap in India. The following recommendations can be considered to this end:

Re-evaluating the approach behind policy decisions

A feminist approach, with a focus on prevention, would put an analytical lens on the understanding of gender norms in India and address the root cause of the problem—a patriarchal culture. It would centre the vulnerable population (here, women) as crucial contributors to a solutions framework, rather than passive subjects of policymaking.

India needs to move away from the patriarchal focus on the gender binary when it comes to GBV policymaking. The categorisation of only women as victims alienates them, creating an 'us vs them' mentality, whereas GBV is a societal issue, and should include everyone as part of the solution. Involving men in this conversation is crucial to shift the focus towards creating a more gender-equal society.

Policymaking related to sexual violence largely operates on outrage adrenaline, pressurised under the scrutiny of public protests, litigations, and international attention (for instance, as followed the 2012 Delhi rape case). This way of operating under the 'no action until incident' manner should be replaced with well-researched and well-planned policies that recognise social and systemic issues as ongoing problems requiring consistent follow-up, and not just big one-time legislations.

Policies must recognise the importance of civil society as partners in tackling GBV in India. NGOs have always been at the forefront of protecting women's rights. They engage in research, advocacy, relief programmes, awareness, and changing societal perceptions regarding harmful gender stereotypes. Local organisations have a better understanding of the communities they work in, can reach vulnerable and disaffected women in a community better than large-scale institutions, can find more innovative solutions, and are therefore best suited to effectively carry out awareness campaigns and implementation of social programmes.

Towards A Feminist Approach to Policymaking: Recommendations

Similarly, there should be more involvement of academic and research institutions in drafting policies. They have the resources to undertake extensive research and identify problem areas, and ensure more effective, evidence-based policies.

Finally, a critical failure of policymaking in India for sexual violence resides in its very nature as a punitive measure. Equal consideration must be given to the punishment of perpetrators, improving preventive measures, and facilitating the rehabilitation of survivors, rather than merely criminalisation. That is a fundamentally incomplete approach and ignores the root causes of the problem and the welfare of citizens. The Verma Committee, for example, made recommendations for stricter punishments in cases of rape. It also made other arguments, such as the discontinuation of the two-finger test³⁹ and considering the impact of social factors, but these were not incorporated into the Criminal Amendment Act. As necessary as these stringent punishments are, these revisions only addressed one part of the problem.

Action-based recommendations

The elements that constitute actions of sexual violence in India need to be revised for a broader categorisation, particularly to recognise marital rape and to add provisions for the prosecution of military personnel accused of sexual assault. Currently, Section 6 of the Armed Forces (Special Powers Act), 1958, provides legal immunity to armed officers carrying out duties under the ambit of this Act. This means that officers accused of sexual violence cannot be prosecuted, or any other suit or legal proceeding cannot be brought against them, without previous sanction from the Central government.

Regular audits, at most once every five years, must be mandated for evaluating the efficacy and compliance of existing Acts, such as the 2013 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and the 2005 Domestic Violence Act, to ensure proper implementation and revisions, where necessary.

Currently, the brunt of rehabilitation, particularly psycho-social services, falls upon civil society. India needs to design a national policy to institutionalise relations between the State and civil society for better coordination, and to establish concrete working rights for civil society organisations (CSOs). This policy should particularly address resource allocation and the nature of

Towards A Feminist Approach to Policymaking: Recommendations

collaboration, drawing upon existing personnel and established relationships that these organisations have within their communities; coordination with health services and law enforcement; and providing institutional support to psycho-social services. Developing this relationship will further help in improving provisions for the rehabilitation of women escaping GBV, which currently remains an area often overlooked in policymaking. Given the culture of shame surrounding topics like divorce, sexual abuse, and single motherhood, institutional care is necessary to help them overcome the trauma of any form of violence in the absence of social support. These services can include, but are not limited to, helplines, shelters, legal aid and counselling, healthcare, and long-term psychological and physical counselling.

The 181 helpline-integrated One Stop Centres scheme, one of the only major institutional programmes in the country, is an ambitious undertaking but lacks infrastructural resources to create effective mechanisms of documentation, follow-up, and, most crucially, personnel training. A better allocation of resources is needed to improve these existing services.

Internalised gender biases among judicial, law enforcement or healthcare personnel, and personnel operating services like the 181 helpline constitute reasons for the failure of effective redressal. Acknowledging that these biases exist is an important step towards eliminating them. Gender-sensitivity training, much like capacity-building exercises, should be more targeted, and contextually developed based on the role of the personnel. The module for a community-facing constable should differ from that for an administrative or adjudicating role. These training sessions should incorporate simulations on GBV cases, and practical lessons on how to best respond to them. They should also involve an element of interaction with survivors.

One such programme was developed in the late 1990s when the NGO Sakshi embarked upon a judicial education and sensitisation journey to create a more gender-aware judiciary. The ‘Asia-Pacific Judicial Equality Education Programme’ was designed in collaboration with judges to address institutional scepticism on the existence of gender biases. The pilot programme was also run in Bangladesh, Nepal, and Sri Lanka, with marked measures of success. One part of the programme included discussions or interviews by judges with female litigants, male and female lawyers, and NGOs.⁴⁰

Towards A Feminist Approach to Policymaking: Recommendations

Additionally, police inaction is a major institutional obstacle, as also noted by the Verma Committee in its report. Gender biases, corruption, and inadequate legal and rights education among law enforcement personnel severely inhibit women's access to the justice system. Beyond basic police training, law enforcement personnel should be mandated to undergo regular training to stay up to date with changes in the legal sphere. Workshops and training modules should be developed and disseminated in tandem with academic/research institutions, such as national law colleges. For instance, the Tata Institute of Social Sciences has conducted such programmes over the years, most recently in Madhya Pradesh.⁴¹

Policies should address the lack of any specialised unit trained to deal with situations of sexual violence specifically. Having these units within law enforcement agencies and healthcare institutions will go a long way in creating a safer reporting environment for survivors. Personnel for these units can be sourced from NGOs and community-based organisations, especially in remote and rural areas. Coordination between these units and state departments will also help improve police-community relations. One way to achieve this is by placing civilian coordinators or counsellors in police stations.

Finally, a key aspect of prevention is awareness. CSOs remain the best suited to carry out targeted awareness programmes. For instance, the Prajnya Trust in Chennai conducts the Community Café series to encourage informal discussions on GBV and related topics.⁴² Additionally, as children remain the most amenable to unlearning socialised patriarchy, awareness aimed at prevention must be started at the school level. Schools present an ideal social institution in which to begin combating gender stereotypes. These can be achieved through creating curriculums that incorporate encouraging alternate forms of communication to handle conflicts, like debate and dialogue; and showing the different forms of relationships that can exist within a family, to help combat notions of traditional gender roles, as well as to help identify the different forms abuse can take. For instance, the GEMS (Gender Equity Movement in Schools)⁴³ programme run by the International Center for Research on Women developed such a curriculum to engage young students to critically examine the issue of gender inequity, with positive results in India, Bangladesh, Vietnam, and the Philippines.⁴⁴ A similar model can be emulated across India's public education system.

Conclusion

Social and cultural beliefs shape policy as much as policy has the potential to redirect or reinforce such norms. Therefore, it is crucial to acknowledge the wide gaps that persist against closing the gender gap in India, particularly in relation to GBV. India has made significant progress in addressing the issue of violence against women over the last 40 years. But an analysis of the policy response to GBV reveals that although there exist laws to protect women in India, these are principally punitive in nature. Policymaking fails to address several key points that underscore GBV—a patriarchal structure, inadequate institutional infrastructure, gender-biased perceptions that affect implementation, services for the rehabilitation of survivors, and gaps in legal provisions.

The principal objective of policymaking is to reduce instability within a society by eliminating conflict and deprivation, increasing access to opportunities, and balancing growth and security. By failing to address a key issue directly affecting half of its population, India remains vulnerable to GBV—a problem that hinders social welfare, increases the risk of conflict, and stunts global advancement—becoming even more endemic. India’s policymaking approach must balance all social and legal aspects of this grave issue for a more nuanced generation of solutions. [ORF](#)

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