



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

GENDER-BASED VIOLENCE IN INDIA: A CRITICAL ANALYSIS OF LEGAL REFORMS, CHALLENGES, AND SOCIAL TRANSFORMATION

~ Preethi A,& Mahati.B

ABSTRACT:

Gender based violence is one of the most rampant issue of human rights that continue to exist in the society. This issue remains as a major legal and social concern across the world. Despite gender recognition and equality being a essential aspect of governance across the world. Still domestic violence persists in various forms like, honour killing domestic violence, sexual harassment, mental abuse and economic violence. This paper examines various factors, forms and legal reforms that are present to address it.

As this study adopts a qualitative and analytical research based on secondary sources the research also analyses various legal frame work such as the protection of women from domestic violence act 2005, sexual harassment of women at work place act, 2013 to evaluate the protection available to victims of gender based violence. The study concludes that legal reforms alone are not sufficient to overcome this issue of gender-based violence because this is a persistent and a rampant issue that has been prolonged for a very long period of time across all the countries. Unless there are stronger enforcement mechanisms and institutional accountability, public awareness programs and gender sensitive training and social transformation across all the countries, this issue will still be prevalent in the near future. A coordinated effort by the government and the people is required in order to ensure that gender-based violence is not prevailing in both domestic and public areas. This is to ensure that there is a safer and gender equal and inclusive environment for all the individuals irrespective of their race, caste, social structure, etc.

INTRODUCTION:

“Gender equality” is a significant aspect of democratic governance and sustainable development, in spite of it being a core aspect gender based violence continues to affect the dignity, safety of many individuals. In modern law gender based violence has been accepted and recognised as a public law. This shows a significant transformation. Earlier domestic violence was considered a private issue, but now it is considered as a central issue in international law, constitutional governance and criminal justice system. Gender based violence has many forms, Domestic violence, sexual assault, honour killing, dowry related violence¹. Women, dalits, tribal people often face violence due to gender, caste, race and class based discrimination. In India gender based violence is a significant and pervasive issue in India, with serious implications for public health, human rights, and socioeconomic development. Women in India face various forms of violence throughout their lives, including domestic violence, sexual assault, and other forms of physical, emotional, and psychological abuse. These acts of violence are often rooted in deeply entrenched social and cultural norms that perpetuate gender inequalities and discriminate against women.

Gender-based violence targets or affects women and girls disproportionately. About 1 in 3 women worldwide have experienced sexual and other forms of violence. Women are also much more likely than men to be killed by their intimate partners or family members. Crimes involving violence against women are among the most under-reported and the least likely to end in conviction. These survivors face extreme obstacles due to gaps in criminal law and its procedures , stereotypes , victim blaming leading to injustice.
2

The concept of gender-based violence gained prominence through international human rights discourse, especially through the work of the United Nations. “The Declaration on the Elimination of Violence against Women defines violence against women as any act of gender-

¹ Wies, J., & Haldane, H. J. (2018). Structures of Violence Throughout the Life Course: Cross-Cultural Perspectives of Gender-Based Violence. In *International handbooks of population* (p. 329). Springer Nature (Netherlands). <https://doi.org/10.1007/978-94-024-1290->

² Habiba, U. (1970). Persecution of Indian Women: An Analysis on The Most Heinous Cases of Rape and Sexual Abuse of Women. In *Journal of Advanced Research in Social Sciences* (Vol. 3, Issue 1, p. 1). <https://doi.org/10.33422/jarss.v3i1.290>
6 ibid
7 Dalal,

based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering.” GBV includes:³

- * Physical violence (assault, battery, acid attacks)
- * Sexual violence (rape, sexual assault, harassment)
- * Psychological abuse (intimidation, threats, coercion)
- * Economic violence (control of financial resources)
- * Structural violence (institutional discrimination⁴)

Unlike general violence, GBV is distinguished by its basis in gender inequality. It reflects and reinforces systemic discrimination embedded in social, political, and economic structures. Historically, many societies treated violence within families as a private matter beyond state intervention as stated earlier. Marital rape, domestic abuse, and honour-based violence were normalized or legally justified. Feminist legal scholarship in the twentieth century challenged these assumptions, arguing that the personal is political and that the state has a positive obligation to protect individuals from private violence. Since the issues of violence based on the ground of gender have been considered as one of the vital human rights issue, it marked a significant shift in international law and domestic jurisprudence.

The constitution of India guarantees Equality, dignity, and protection against discrimination .gender based violence also violates several fundamental rights of an individual mentioned under the constitution of India. Articles like 14 ,21 are infringed here. article 15 prohibits discrimination on grounds of sex and empowers the state to make special provisions for women and children too. These constitutional provisions are not only used for recognising such violence but also acts as a protection for addressing gender based violence in India.

Thereby ,gender based violence is no longer a private concern but a public concern and human right issue .India from viewing this matter as a private concern to recognizing it as an

³ UN Declaration on the Elimination of Violence against Women, 1993.

⁴ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (1989).

infringement of fundamental rights of a individual has shown a significant legal reform in this matter.

STATEMENT OF PROBLEM :

Despite all these constitutional provisions that are available ,gender based violence continues to remain one of the most persistent human violations in India. women are the most affected group in this gender based violence although legislations such as protection of women from Domestic violence Act and sexual harassment of women at workplace act have been enacted to provide protection ,the implementation of these acts are still remaining as an challenge .Therefore ,there is a need to critically analyse the effectiveness of legal reforms and examine whether they are sufficient to address this growing issue.

RESEARCH OBJECTIVES :

- To examine the different forms and causes of gender based violence in India.
- To assess the legal protections that are available to victims of gender based violence.
- To study whether these provisions are effective even after implementation.
- To identify the challenges that are faced during the implementation
- To suggest measures for strengthening the protection mechanisms.

NEW CONCEPTUALIZATIONS:

Contemporary GBV research conceptualizes violence as a structural expression of patriarchal power and control rather than an isolated cognitive 'pathology. Feminist approaches have changed far more than the models we work with as to view male violence can now be seen as an "inevitability" towards masculinities framed by subcontextual frameworks of normative expectations on aggressive behaviours (Russo & Pirlott 2013). Here, violence is not simply a series of singular acts, but an interrelated or systemic unit/continuum of injuries formed primarily/entirely by space time. Every bastion of society, from the military to churches has been made to answer for their complicity in spreading patriarchal values — suffocating women while harboring their sexual offenders. The interdisciplinary framework upends "sex-role" reductions and reconfigures the borders of disciplines that study violence by layering psychocultural and structural dimensions on science biobehavioral paradigms.

Legal Protections-PWDVA(2005) & POSH (2013)

The Protection of Women from Domestic Violence Act [PWDVA], 2005 & Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (POSH)[1] is one of the best examples where these change in concept reflected through its legislative response. Such laws are an essential precursor for ensuring that women are recognized as rights-holders in both the public and private spheres. PWDVA was pathbreaking as it crossed the boundaries of traditions surrounding 'sanctity of the private hearth' and in some cases offered a civil cause of action to violence occurring within any part of domestic unit, which were hitherto shielded (in broad terms) by personal laws and social stigma. It broadened the domestic relationship definition to include de facto relationships and extended its domain violence definition by adding economic abuse (the claim rights to moneys must be noted) as well as emotional abuse. This aligns well with recent scholarship within the 'power and control' paradigm of domestic abuse, often conceptualising it as a cycle that culminates in physical violence. The 2013 POSH Act also codified the principles set down by the judgment in *Vishaka v State of Rajasthan* (1997) and obligated an employer to create a safe working environment, thereby defining a constitutional entitlement—to work with dignity for both men and women. Work of the Act : The act seeks to dismantle ' patriarchal values' in professional hierarchies, which have often encouraged humiliation of whistle blowers, by mandating Internal Committees (IC).

But as the research highlights, there is still a long-standing conflict between provisions in relief of the secular laws and such protective personal laws The PWDVA and POSH become mired into more present-day obstacles of bureaucratic indifference and receding state boundaries also as the backlash against Hindu Adoptions and Maintenance Act, (HAMA), 1956 seeks to create a centre-ground accommodation between caste essentialisms and progressive norms for child welfare. But, these digital tools — like the Juvenile Justice Act and CARINGS portal before them- will be little more than a jug half full of progress on child protection transparency, unless we are seeing an integrated tech enabled comprehensive monitoring and disciplines for domestic violence and workplace harassment protections (which remain at best "paper rights" in real world). The call for the Uniform Civil Code as in *Shabnam Hashmi v. Union of India*, imagines a greater judicial synergy recognising, to the depth with which gender discrimination continues from these voids created by such personal laws, and; where women are left up shit creek without a paddle feeling like a baby thrown away in a dumpster. The law must transform from a reactive, paternalistic way of addressing violations into a standard-setting, proactive law on human rights that puts modern conceptions of human rights at the centre of discussion and not retrogressive notions of family honour or gendered interests. This requires an

integration of theory on the "unitary nature" with a stringent enforcement paradigm that treats the gap between advances in dominant practice and victims' lived experience at all levels.

LITERATURE REVIEW:

Gender based violence is significantly recognised across India as a violation of human rights and health concern . Existing literature highlights that GBV includes physical, sexual, psychological and economic forms of violence which is deeply rooted in the fact of gender inequality and power imbalance according to global estimates women experience violence in both public and domestic places which indicates that GBV is a systematic issue.

A recent study by Joyce loetal.2024 provides a analysis of GBV in male dominated industries like construction and natural resources. This study shows that women working in these sectors are prone to higher risk of gender based violence. Women face many violence like discrimination, sexual harassments and work place sexism because of under representation and lack of social integrations within genders.

The author notes that women in these environments women are assumed to be less competent, leading to gender stereotypes.

This literature consistently states that work place gender based violence manifest in multiple forms of violence including verbal abuse bullying ,coercion . Empirical findings shows the data that sexual harassment is one of the most reported form of violence across both genders. In our study, it is revealed that considerable portion of women in male dominated sectors experience inappropriate reporting all kind of violences exceeding 50 %. These findings align with broader research indicating gender based violence in male dominated fields.

Another theme in the literature review is impact of gender based violence on mental health of victims .Victims often report higher levels of stress, anxiety ,depression and using a self of belongingness

5

A significant research has been made by Pilar Guaita-Fernandez, he conducted a analysis of

⁵ Department of Occupational Science and Occupational Therapy, University of Toronto, Toronto, ON M5G 1V7, Canada

355 research articles of 2 decades .This study shows a sizable increase in GBV particularly in recent years reflecting a global concern. There are 3 primary research trajectories:

- Analysis of risk factors
- Feminist movement
- Development and evaluation of public policy

In further studies in different studies show identification of socio economic risks. Major factors like poverty, unemployment, low education, social inequality has sufficiently increase the vulnerability of individuals to violence. The literature identifies importance of support systems like health care centres legal aid centres and social service centers. Gender based violence can be reduced through harmonisation of these sectors. Effective coordination among them ensure proper support for victim is rendered .There are certain challenges like lack of trained personnel ,Limited access to resources by the victim. These challenges hinder the effective coordination.

In conclusion, the literature shows gender based violence is a complex issue that is especially existing in male dominated areas. Despite the presence of various legal frameworks there is still a major gap in evaluating the effectiveness of these frameworks. Therefore in this research paper we prioritize evidence based legal interventions and stronger implementation to prevent gender based violence and ensure a safer environment

6

LINKS AMONG GENDER, POWER, AND SEXUALITY:

This explains how this network has been constructed structurally so that male violence against women is often place as something which it understood to be a privilege of the males. As Russo and Pirlott have written, they aren't just interpersonal frictions embedded in relationships of inequality (male boss vs. female employee; male doctor vs. In such institutions you were trained to systemically oppress, sexual zeal was matched with power psychologically. Reading around suggests the power of classic male rapists may act as a sort of sexual priming, and that males are trained to see women in subservient roles as part of the sex quality jigsaw(?). This is a very potent cultural force that objectifies women, absolves human agency and literally serves

⁶ “Pilar Guaita-Fernández, José María Martín Martín, Samuel Ribeiro-Navarrete & Rosa Puertas, *Analysing the Efficiency of Public Policies on Gender-Based Violence: A Literature Review*, **Sustainable Technology and Entrepreneurship**, Vol. 3, Issue 3 (2024), Article 100066, available at: <https://doi.org/10.1016/j.stae.2023.100066>

them up on the world's reddest carpet of sexual commodification. At this place, representation by media of sexual violence is inflated even higher with many extreme tolerant ideologies that glorify male dominance and develop bite-size critique concepts under spectrum that believe gender inequality aka female suppression being part of a civilized world.

However, this theoretical premise on power and objectification is resisted in India by the protective nature of legislations such as the Protection of Women from Domestic Violence Act (PWDVA) (2005) and Sexual Harassment of Women at Workplace(Prevention, Prohibition & Redressal)Act 2013 (POSH). This legal arrangement is an effort to denaturalise the 'links' that researchers have identified, but only so far as these legal tools specify sites of imbalance around which power operates. The Prevention of Women from Domestic Violence Act (PWDVA), recognizing abuse, not only physical but economic and emotional as well that is within the sphere of domesticity, entrenches a gendered 'public/private divide' whereby abuse of women also amounts to coercive control. It will introduce protective and residence orders under the Act, which seeks to overturn the entrenched inferior position of women within their family. In a similar vein, the POSH Act addresses "power-sexuality" nexus in the workplace. To paraphrase, and therefore to define that type of sexual abuse of children by a boss asking sex in exchange for perks granted as quid pro quo harassment since it is the very instrument with which controls women. The Acts have progressed from traditional laws like the Hindu Adoptions and Maintenance Act (HAMA), 1956, which prioritized lineage, not women in being controlled by men. Rather, they are in accord with multicultural norms that consider gender-based violence a violation of the Constitution's equality provision. But the laws that might protect them are rarely enforced, so minimized the admitted "sexual objectification" and stigmatizing voices-which researchers also dismissed-that none of these examples cleanly disentangled with a blocks-wide clear campus boundary from real life, lest members of one unlucky sex confront the basic instincts whose impulses were said to mislead motivations as it were. Only for them to be able to free these rights for a judicious receiving by the women they safeguard can changes in the legal order become more of a cocktail which accord with how historical and social actualities encumber normative mediation.

METHODOLOGY REVIEW:

OVERVIEW:

This research paper has adopted a theoretical and analytical research methodology to study gender based violence and application of legal reforms to overcome the issue. Our study

focuses on various forms of violence, types of victim, place of occurrence of violence, impact on individuals that are affected, along with analysing the legal reforms and public policies that are brought into force to address and prevent such violence.

This research relies on sources like academic journals, research articles, legal data bases, books and international conventions. Our study examines landmark cases to understand the judicial intervention towards gender based violence. The objective of this methodology is to evaluate and analyse the existing laws and provisions and the practical challenges faced in their implementations like social stigma, victim blaming, under reporting, lack of awareness in case of domestic violence and fear of delay in justice delivery.

ETHODS:

This study is based on Qualitative and theoretical methods. Data for the research has been collected from articles, legal commentaries, news, government publications, online sources and reports by international organisations. Relevant Indian laws such as protection of women from domestic violence act 2005⁷, sexual harassment of women at work place act, 2013⁸ were analysed to examine the legal defence available to victims that are prone to violence.

Research studies conducted by scholars such as Joyce lo and pilar guaita-fernandez were also reviewed in order to understand the prevalence of violence and effectiveness of policies and challenges in their implementation. The data collected has been critically analysed to identify gaps in the system and has also evaluated effectiveness of the already existing policies and institutional mechanism in preventing gender based violence.

RESULTS:

The findings of this research paper indicates a pattern of continues gender based violence that remains as a serious social and legal issue despite the existence of various legal framework .This study reveals that women are disproportionately affected by violence in various forms like emotional, social, sexual violence. Existing literature are a proof that the patriotically structure in India is a main contributor to prevalence of GBV.

⁷ *The Protection of Women from Domestic Violence Act, 2005*, No. 43 of 2005, India Code (2005), https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf

⁸ *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, Act No. 14 of 2013, Department of Expenditure, Government of India, https://doe.gov.in/files/inline-documents/DoE_Prevention_sexual_harassment.pdf

The study has further indicates a higher range of violence in male dominated sectors. Women working in these sectors are victims to gender based violence. They are also exposed to feelings like stress, anxiety and reduced job satisfaction as a consequence of being a victim to gender based violence. In spite of all these challenges faced by victims legal frameworks acts as a protection available to them. (Protection of women from domestic violence act ,2005, Sexual harassment of women at work place act, 2013)

However, the findings suggest that the effectiveness of these reforms are limited due to several implementation challenges as mentioned earlier. The research additionally highlights socio economic factors responsible for increase in vulnerability of women in gender based violence. Overall, the findings demonstrate the important legal reforms that has been introduced in order to address this significant issue. There are several gaps that continued to exist in awareness, implementation and institutional support. Therefore, stronger mechanisms, awareness programs, gender sensitive training and effective legal/policy evaluation systems are necessary to ensure meaningful protection of victims against GBV.

SUGESTIONS AND REFORMS :

To effectively address this issue ,stronger implementation of existing laws are required and accountability is also essential. the government should take promotional steps and awareness campaigns ,and victim support services like counselling and legal aid. Fast track courts and proper trained police and judicial authorities can help ensure victims are duly given care and the handling of the cases are also speed. this creates a gender safe environment.

Conclusion:

Gender based violence is a momentous multi-faceted issue that affects individuals across the world irrespective of their socio economic cultural boundaries. The study demonstrates a significant legal reform that has acted as a strong defence and protection against various forms of violence for victims. Judicial reforms and public policies have contributed to increased awareness regarding women's rights and gender equality.

Therefore, this study is concluded by stating that stronger enforcement mechanism, gender sensitive training, victim support services, awareness programs and repeated evaluation of public policies are essential to address the issue of Gender based violence. Creating a safe, equal and inclusive society for individuals of all genders not only requires legal reforms but

also broader change in social attitudes and cultural norms that prolong violence and discrimination among genders.

REFERNCES :

RESEARCH PAPERS USED FOR REFERENCE :

- <https://share.google/FfhoQDFTAq2xPp7UV>
- Source: AIMS Public Health <https://share.google/5S8eQyRfLo5c6izLj>
- <https://share.google/h7OWnwDsqXdh91xZT>
- <https://doi.org/10.33422/jarss.v3i1.290>
- <https://doi.org/10.1007/978-94-024-1290->
- <https://share.google/2ZNNodCBHzkC5TV>
- <https://www.unodc.org/unodc/en/justice-and-prison-reform/new-gender-in-the-justice-system-vaw.html>

BARE ACTS REFERED :

- <https://www.indiacode.nic.in/handle/123456789/20062>
- https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf
- https://doe.gov.in/files/inline-documents/DoE_Prevention_sexual_harassment.pdf
- Gender-based Violence against Women
- JETIR2507736.pdf
- www.gov.za