

The Politics of Inequality

| A Gender-Based Policy Analysis of Violence Against Women in India

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This paper explores the pervasive issue of violence against women (VAW) in India through a gender policy analysis framework. It argues that VAW is deeply rooted in patriarchal systems that view women as subordinate and deny them autonomy, which is further reinforced by legal, social, and cultural structures.

Using a case study approach, the paper investigates key manifestations of VAW in India, including female foeticide, child marriage, acid attacks, and honour killings, and analyzes how intersecting factors such as class, caste, religion, and rural living exacerbate women's vulnerability. The methodology includes a critical evaluation of existing policies like the Pre-Natal Diagnostic Techniques Act, the Prohibition of Child Marriage Act, and the Criminal Law (Amendment) Act, assessing both their strengths and limitations. Despite the presence of legal frameworks in India, poor enforcement, corruption, and social complicity continue to undermine progress.

The paper concludes that while awareness has grown in these policy areas, implementation remains weak. It recommends institutional capacity-building, inter-agency collaboration, and increased funding for gender-based programs to improve survivor support, prevention, and legal redress. Ultimately, addressing VAW in India requires a holistic and intersectional policy response that dismantles entrenched gender hierarchies and empowers women as autonomous individuals.

Introduction & Overview of Gender Issues

Violence against women (VAW) is deeply intertwined with systems of power, control, and the objectification of women for societal or familial interests. Gender-based violence extends beyond physical acts of aggression, encompassing verbal, instrumental, psychological, economic, and social forms of harm (Harbishettar & Math, 2014). At its core, it is a violation of basic human rights. Rather than a number of isolated incidents, violence against women is a reflection of patriarchal structures embedded in social expectations, cultural traditions, policies and the law, and institutions that perpetuate these notions (Yadav, 2023). These systems actively contribute to gender inequality by consistently placing men in positions of power, and defining the status of women in relation to their roles as daughters, wives, or mothers. VAW thus functions as a mechanism of control and oppression, silencing a woman's right to self-determination by deeming her incapable of choosing her own identity and life outcomes.

In India, these patriarchal systems have historically prescribed rigid gender roles and reinforced women's subordination through customs and social norms that prioritized men's authority and women's dependence. Despite constitutional guarantees of equality and some progressive gender laws, these structures continue to shape women's experiences of discrimination and violence in a country that is home to one of the world's largest female populations (Lawrence & Hensley, 2023).

This paper examines the issue of violence against women through a focused case study of India, analyzing existing gender policies and the broader socio-cultural and economic conditions that influence them. India offers a compelling context due to its expansive legal protections for gender justice and the persistent implementation gaps that undermine its effectiveness. The paper

concludes with policy recommendations aimed at advancing gender equality and dismantling entrenched patriarchal norms.

Case Study: Historical Context, Factors, & Implications

India's current gender landscape cannot be understood without acknowledging its historical and cultural foundations. Practices such as dowry, child marriage, preference for the birth of sons, educational and employment restrictions on women's agency, and the historical custom of *sati* – where widows were coerced to immolate themselves on their husbands' funeral pyres – illustrate how women's social worth was long tied to male authority, reputation, and family honour (Lawrence & Hensley, 2023). Although *sati* was officially banned in the late 1980s, the ideology that a woman's identity and virtue are defined by her relationship to men still persists. Reinforced by the illusion of preserving traditional values, the model of femininity emphasizing domesticity, dependence, and purity has continued to shape societal expectations and justify gendered control in the country.

First, the *Indian Constitution* guarantees equality before the law and equal protection of the laws under Article 14, establishing a foundational principle that no individual should face arbitrary discrimination. Article 15 explicitly prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, signalling an intent to eliminate the structural inequalities. Together, these provisions represent a constitutional vision of substantive equality that sought to dismantle patriarchal and caste-based hierarchies; however, their implementation has often fallen short of transforming social realities (Lawrence & Hensley, 2023). In addition, laws such as the *Protection of Women from Domestic Violence Act* (2005) and the *Prohibition of Child Marriage Act* (2006) demonstrate legislative attempts to address gender-based violence.

However, deep-rooted patriarchy often renders these laws ineffective in practice. The intersectionality of sexual orientation, class, religion, caste, socioeconomic level, culture, and rural living heightens the oppression that these women endure, and creates a poly crisis of multiple political, social, and economic shocks (Yadav, 2023). For instance, Dalit women face a dual oppression that is both gendered and caste-based, increasing their risk of sexual violence, often with little recourse due to societal and institutional apathy (Mukhopadhyay & Chanda, 2022). Muslim women, especially in conservative settings, may face community-specific restrictions on mobility, financial independence, and education. Women in conflict zones may be especially vulnerable, where law enforcement is weak and sexual violence is used as a weapon of control (Mukhopadhyay & Chanda, 2022). Ultimately, long-term implications for these pervasive issues cause physical, psychological, and sexual harm on the victims. The persistence of patriarchal practices suggests that legal reforms have been primarily symbolic, functioning as tools of international legitimacy and recognition rather than instruments of structural change affecting lived realities. This discrepancy exposes how the Indian state's gender policies often operate within a patriarchal logic, prioritizing public image and modernization narratives over grassroots empowerment.

Second, India has record numbers of sex-selective abortions, and the UNFPA 2021 report estimates that approximately 460,000 girls are missing at birth each year due to female foeticides (Yadav, 2023). This refers to the deliberate killing of a fetus through the termination of pregnancy, due to the reason that the gender of the unborn child is female. Therefore, the female to male sex ratio of the country is skewed. Despite laws such as the *Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act* (1994) which criminalize the use of ultrasound technology to determine fetal sex, weak enforcement, and corruption especially in rural regions

allow the practice to continue (Lawrence & Hensley, 2023). This reflects the limitations of legal interventions and the enduring patriarchal preferences for sons as well as the overt pressure towards women to produce male heirs to the family’s inheritance. The persistence of sex-selective abortions reflects the deep-seated commodification of women’s reproductive roles.

Rather than being autonomous citizens, women are valued in terms of their contribution to patrilineal inheritance. This points to how patriarchal capitalism intersects with modern technology to perpetuate gendered violence, especially through covert medicalized discrimination.

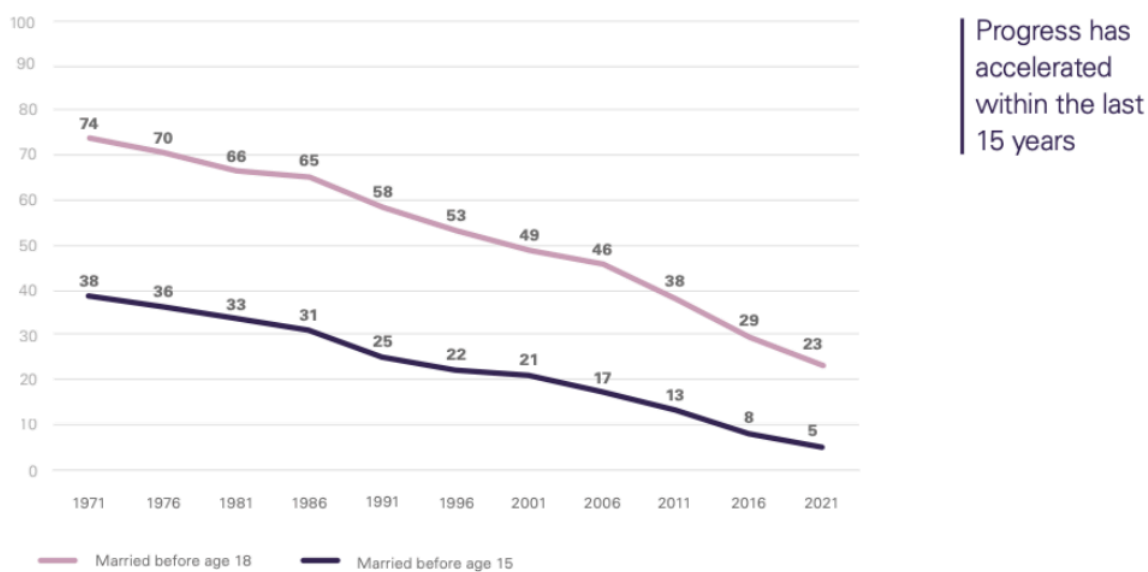


FIG. 17 Percentage of women aged 20 to 24 years who were first married or in union before ages 15 and 18

As pictured above, while India is progressing in reducing the numbers of forced child marriages, the country still has the largest total number of child brides in the world married before the age of 18, accounting for approximately 34% of the global data (United Nations Children’s Fund, 2023). A woman’s risk of being forced into child marriage is exacerbated by economic pressures, lack of education, and residing in northern Indian states like Uttar Pradesh,

Bihar, and Rajasthan (Yadav, 2023). These marriages are tied to dowry practices to relieve the family of financial stress, as girls are viewed as a burden and liability. Institutional failure by local law enforcement and community pressure based on traditions and customs contributes to systemic inequality. For child brides, early pregnancies and childbearing is typical around adolescence, and the likelihood of these women completing their education declines (United Nations Children's Fund, 2023).

The large age gap between the man and the woman presents an unbalanced power dynamic due to a difference in educational levels, financial security, and expectations of traditional responsibilities and gender roles. Most women are not welcome to divorce their partner or return home to their parents, and cannot find social support either to gather the courage to leave (Sabri & Rameshkumar, 2022). Therefore, threats and duress by husbands are common, and domestic violence also becomes more prevalent as women lack the knowledge or agency to consult legal action, even justifying its use at times (Sabri & Rameshkumar, 2022). The culmination of these issues allows men to assert dominance in the relationship, and use women only for nonconsensual sex or bearing children. Thus, child marriage should not be understood solely as a cultural relic but as a structural mechanism through which economic precarity and gendered dependency are managed. Legal frameworks targeting the symptom without addressing root causes, such as dowry, inheritance inequality, and women's unpaid labour, can only produce surface-level change.

Another gender-based issue in India concerns acid attacks, often committed by men seeking revenge against women rejecting romantic or sexual advances, marriage proposals, or attempting to leave abusive relationships (Lawrence & Hensley, 2023). In these cases, acid is thrown on the woman in an attempt to 'mark' them permanently and destroy their value relative

to beauty and marriage proposals. India reports more than 200 acid attacks annually and accounts for over half of all global acid attacks (Acid Survivors Foundation India) (Yadav, 2023), with many more cases unreported due to stigma, fear, and a lack of trust in the legal system. A well-known case is of Laxmi Agarwal, a 15 year old attacked in 2005 in Delhi by a man twice her age after rejecting a marriage proposal (Lawrence & Hensley, 2023). Her prominent advocacy and media coverage of the case led to a Supreme Court ruling in 2013 regulating acid sales and mandating compensation for survivors, yet the chemical substance remains widely accessible in open markets and medical support for survivors is inadequate. While *Indian Penal Code* (IPC) sections 326A and 326B criminalize acid attacks, the National Crime Records Bureau data reports conviction rates at only 20-30% (Harbishettar & Math, 2014).

These attacks represent a systemic method of punishing women for exercising agency, particularly in the context of rejecting male authority and dominance. The disfigurement, trauma, and social isolation that follow serve as tools of long-term control, leaving survivors with no access to justice, livelihood, or healthcare. In this way, acid attacks function to terrorize women into submission and reinforce deeply patriarchal norms that define their value through appearance and subservience. They reflect a gendered regime of control where women's autonomy is met with violence intended to permanently mark deviation from submissive norms. The low conviction rates highlight how the legal system not only fails to protect women but also reproduces gender hierarchies by normalizing male impunity.

Lastly, an extreme form of gender-based violence in India is honour killings, which are murders carried out to protect a family's honour. These are triggered by inter-caste or inter-religious marriages, premarital relationships or pregnancies, or a woman's defiance with family-imposed norms or marriages (Mukhopadhyay & Chanda, 2022). The woman is perceived

as bringing shame and dishonour to the family and tarnishing their reputation in society, further confirming the nation's perceived supremacy of men (Mukhopadhyay & Chanda, 2022). The latest available data reports 25 cases of honour killings in India each in 2019 and 2020, with the number rising to 33 cases in 2021 (Harbishettar & Math, 2014). It is important to note that these are not entirely accurate numbers; many killings are underreported or labelled as suicides and accidents.

Additionally, *khap panchayats*, informal legal caste councils in states like Haryana, Uttar Pradesh, and Rajasthan, play a central role in regulating community matters like marriage and gender norms (Lawrence & Hensley, 2023). They were formed with the intention to resolve disputes at the village level, before formal courts were accessible. While *khaps* have no legal authority under Indian law, their influence persists in rural areas due to social conditioning, lack of education, and fear of social ostracization. They endorse and justify honour killings, which normalizes this act for local families (Yadav, 2023). The Supreme Court of India has declared *khap*-ordered killings illegal and a violation of constitutional rights, yet local police avoid intervention due to political pressure and caste loyalties. Ultimately, honour killings illustrate the collision between formal legal modernity and informal patriarchal governance. The endurance of *khap panchayats* signifies that authority over women's sexuality remains privatized within family and caste structures, where state institutions defer to social norms rather than rights-based frameworks. This highlights the state's selective enforcement of law, one that prioritizes social stability over gender justice.

Thus, India remains regressive in its treatment of women due to the tension between progressive legal frameworks and patriarchal customs that continue to dictate women's roles and punish deviation through cultural and social dominance. Ultimately, the persistence of these acts

of VAW reflects a justice system that fails to deliver swift or adequate punishment, along with societal attitudes that condone or minimize violence against women. Victims are often blamed or stigmatized, and perpetrators are supported by family and community structures, reinforcing a cycle of impunity. Collectively, these forms of violence demonstrate how women in India are denied individual agency at every stage of their life – controlled first by fathers, then by husbands, and finally by sons. The Indian state simultaneously promotes gender equality as a marker of modernization while enabling patriarchal governance at the local level. Women's bodies become sites where the tension between law and custom is negotiated, often to their detriment. True reform thus requires not only legal instruments but a reimagining of citizenship that centers women as agents rather than dependents within the national order.

Evaluation of Existing Gender-Based Violence Policies

Legal systems in India marginalize women through lengthy trials and court cases, slow policing procedures, hostile cross-examinations, disbelief and doubt in women's claims, and even acquittals or light sentences for the guilty. The experiences of many women are silenced, and they are victim-blamed for their circumstances. For example, with regard to acid attacks and gang rapes, the question is often what clothes the woman was wearing, what time of day it was, and whether she provoked any man to commit those actions (Lawrence & Hensley, 2023). This resurfaces psychological trauma for the women, and ultimately discourages other victims from pursuing justice for themselves. As such, the following analysis will examine current policies, identify their strengths and weaknesses, and their impacts on gender inequality.

The *Pre-Conception and Pre-Natal Diagnostic Techniques Act* (1994) prohibits sex selection before or after conception and regulates the use of prenatal diagnostic techniques

(Harbishettar & Math, 2014). The strengths of this policy are that its scope covers diagnostic centres and health practitioners, requires the mandatory registration of ultrasound machines, and penal provisions include being convicted in jail and the suspension of one's license. On the other hand, one weakness of the legislation includes poor implementation and enforcement, which leads to a mismatch between conviction rates and illegal sex-selective abortions. Authorities fail to monitor clinics efficiently, which operate due to bribery, corruption, and connections in society, and often bypass national healthcare and human rights standards and laws. Ultimately, this policy fails to enhance gender equality by ignoring the loopholes or gaps where corrupt individuals can continue to engage in female foeticides, either by requesting the procedure or performing it. It does not directly address the patriarchal systems that place a stronger importance on sons over daughters.

Secondly, child marriages remain illegal under the Prohibition of Child Marriage Act (2006) (Harbishettar & Math, 2014), which sets the legal age of marriage at 18 years for girls and permits such marriages to be voidable at the option of the minor. This empowers minors to annul marriages, punishes those who perform or permit child marriages, and appoints Child Marriage Prohibition Officers in each district. However, this law is not only ignored in rural areas of India, but the families of child brides and community leaders rarely face consequences due to political connections, caste ties, and status power in society (Mukhopadhyay & Chanda, 2022). Additionally, the implementation of child marriage laws is complicated by India's religious diversity, which recognizes separate personal laws for Hindus, Muslims, Christians, and other communities (Mukhopadhyay & Chanda, 2022). This leads to legal ambiguity between national civil law and protections of religious custom. In conservative or rural areas where religious leaders hold significant authority, this deters progress towards gender equality by legitimizing

child marriage, thereby reducing women's access to education, increasing the rates of child or adolescent pregnancies, and reinforcing financial dependence on men.

The Criminal Law (Amendment) Act (2013) (Harbishettar & Math, 2014) introduced Sections 326A and 326B to the *Indian Penal Code (IPC)* to specifically criminalize acid attacks and state them as “non-bailable offenses”, marking a significant legal acknowledgment of this gendered form of violence. Section 326A prescribes a minimum ten-year imprisonment for perpetrators who cause permanent or partial damage, deformity, or disfigurement to another person by using acid, and mandates that the offender bear the medical expenses of the survivor. Section 326B, on the other hand, criminalizes *attempts* to throw or administer acid, even when no physical harm occurs, recognizing the psychological terror and coercive intent behind such acts. Compensation for survivors is further supported through the Nirbhaya Fund, established after a 2012 Delhi gang rape case, to finance rehabilitation and medical care for victims of gender-based violence. Despite these provisions, conviction rates remain low, acid remains easily accessible for ordinary citizens, and victims are denied or delayed compensation from the Nirbhaya Fund in many cases (Harbishettar & Math, 2014). The legislation also fails to recognize the emotional and psychological harm that acid attacks result in; survivors face barriers to medical care and rehabilitation into society. The impact on gender equality is that survivors often remain stigmatized and unsupported in society, and find it difficult to continue education or work with an altered physical appearance.

While there is no standalone national law that criminalizes honour killings, individuals are punished under general homicide provisions (Section 302) of the *Indian Penal Code* (Harbishettar & Math, 2014). Additionally, the *Protection of Women from Domestic Violence Act* (2005) (Sabri & Rameshkumar, 2022) addresses both intimate partner violence and provides

protection to women from any kind of abuse that takes place within their family. The strengths of both of these policies are that they create judicial recognition of the issue, and courts have called for the dismantling of 'khap panchayats' through heavily enforced police action. However, the lack of a singular, uniform law that criminalizes honour killings creates a flawed judicial procedure for these cases. Local police often collude with families or khap leaders, which leads to perpetrators receiving minimal or no punishment. This signals the continued control over women's autonomy, and reinforces gender hierarchy in the nation. In conclusion, while there are legislative frameworks and policies that exist to address significant gender-based issues in India, they are poorly implemented and enforced due to a failure of applying legal ramifications to citizens. Legal reforms have efficiently raised awareness and public discourse, but have failed to follow through and provide tangible outcomes.

Recommendations to Enhance Gender Equality

Based on the analysis of current policies in India addressing VAW, several comprehensive and evidence-based reforms are urgently needed. These recommendations not only aim to strengthen protections for women but also directly address state capacity deficits such as the lack of institutional coordination, underfunding, and weak enforcement that undermine India's gender policies. An institutional and multi-stakeholder collaboration initiative is essential to foster an integrated and intersectoral response, as no single agency can effectively tackle the intersecting and systemic forms of gender-based violence in the country.

First, establishing inter-agency task forces at the state and district levels, comprising police officers, state-independent judiciary officials, healthcare professionals, welfare departments, women's commissions, local governments, and NGOs, would fill the existing

coordination gap. Currently, many cases of gender violence collapse due to fragmented communication between police, courts, and social services despite effective laws in place. Through joint task forces, information-sharing protocols and survivor-centered referral systems could be institutionalized, reducing bureaucratic delays and ensuring that victims receive timely medical, legal, and psychological assistance and rehabilitation services. This model not only enhances institutional efficiency but also redistributes the burden of enforcement across multiple state actors, relieving pressure on overstretched local police units and courts.

To operationalize this collaboration, increased funding, outreach capacity, and trained professionals must be directed toward District Legal Services Authorities (DLSAs), responsible for providing free legal aid to survivors of child marriages, acid attacks, and honour killings, many of whom currently have no access to independent legal counsel. This would provide equal access to justice in rural and low-income regions. A proactive measure that can be implemented are legal literacy camps and awareness programs to educate women about their rights and entitlements, further alleviating state capacity constraints by enabling women to self-advocate and improving reporting rates. Furthermore, investing in gender-responsive budgeting can help the state optimize the allocation of its financial resources and measure the effectiveness of its policies. By tracking expenditures on women's safety initiatives, such as crisis shelters, survivor rehabilitation programs, building more NGOs that employ women, and hosting workshops in community centres for advancing skill sets for women's financial independence and education, the government can make evidence-based adjustments rather than reactive spending. This approach directly addresses fiscal inefficiency, one of the core issues of weak governance. NGOs and women's organizations should also be financially supported to deliver localized programs such as life skills training, group therapy, and sex education in schools and post-secondary

institutions, extending state reach into communities that public agencies cannot consistently access.

An illustrative example of how coordinated models can strengthen state capacity is Maharashtra's Integrated Anti-Human Trafficking Units (IAHTUs) (Yadav, 2023). These units combine the efforts of police officers, NGOs, social workers, and child protection services. Since their expansion in 2011, the IAHTUs have been credited with significantly improving rescue rates, victim identification, and prosecution of traffickers. According to the Ministry of Home Affairs, over 1,300 IAHTUs have been established across India, and a 2019 evaluation reported that districts with active units saw a 20-30% increase in the number of trafficking survivors rescued and rehabilitated, compared to districts in the nation without them (Yadav, 2023). These units have also improved coordination between law enforcement and civil society, leading to more sensitive handling of victims and better post-rescue care.

By modeling broader anti-violence initiatives, such as domestic violence intervention units or acid attack response teams, on the IAHTU framework, India could create scalable, adaptable systems that alleviate administrative overload and improve policy coherence across sectors. These partnerships would not replace the state's role but rather reinforce it, allowing government agencies to work more efficiently with civil society. In doing so, they enhance the state's capacity to fulfill constitutional promises of equality and justice. Ultimately, such initiatives demonstrate that institutional collaboration and community partnerships are not only feasible but essential to transforming gender equality from a legislative ideal into an operational reality, one where women's safety, autonomy, and dignity are upheld through a capable and coordinated governance structure.

Conclusion

While there are a plethora of gender-based issues in India that were not discussed above, this paper emphasized and examined the key forms of violence against women. All of these issues in the context of violence against women reflect deep and pervasive structural inequalities. Even in more developed and progressive regions of India, many gender stereotypes, role expectations, and norms are deeply entrenched. The individuals that comprise a woman's social support system, including closest friends and family, tend to ultimately discourage them from pursuing legal routes. The cultural expectation is to suffer in silence and not question anything, as this exacerbates aggression and violence. However, this belief and the state's failure to legislate are the primary tools that feed into violence against women, and convey the state's reluctance to confront tradition and progress. Therefore, it is critical to implement a holistic policy that addresses the intersectional factors of violence against women, and establishes authority at state levels, and increases funding for women's safety programs.

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