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# **GENDER VICTIMIZATION: AT WORKPLACE, HOME AND SOCIETY**

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## **Abstract:**

Gender victimization refers to the mistreatment, discrimination, or harm that individuals experience based on their gender identity. It involves the unjust and harmful actions, attitudes, or behaviors that target someone because they do not conform to societal expectations or norms related to gender roles and identities. This abstract provides a comprehensive exploration of gender-based victimization, spanning across three crucial dimensions: the workplace, home, and society. Gender-based victimization, an intricate concern influencing various contexts, is analyzed through an interdisciplinary framework that sheds light on the impact of prevailing gender norms, power dynamics, and societal attitudes.

In the workplace, victimization takes the form of pay disparities, limited professional advancement, and instances of harassment, all deeply entrenched within conventional gender roles. These elements contribute to the perpetuation of environments that foster further victimization.

Within the confines of homes, typically regarded as sanctuaries, gendered victimization often thrives. Disproportionate instances of abuse, predominantly targeting women and gender non-conforming individuals, are perpetuated by societal expectations that dictate notions of masculinity and femininity, thereby intensifying prevailing power imbalances. Gender victimization can also occur in educational environments, where students may face discrimination, bullying, or exclusion based on their gender identity or expression.

At a societal level, victimization becomes institutionalized through systemic sexism, media representations, and normative frameworks. These overarching influences intersect with personal encounters, significantly shaping individuals' perceptions of victimization and their responses to

it. Gender victimization is deeply interconnected with social norms, power dynamics, and cultural attitudes surrounding gender. Efforts to address gender victimization involve promoting awareness, challenging stereotypes, implementing policies, and fostering inclusive environments that value and respect diverse gender identities and expressions.

This paper underscores the urgent need for a holistic and multifaceted approach to counter gender-based victimization. Legal interventions, workplace policies, targeted awareness initiatives, and educational programs are all essential components in dismantling deeply rooted gender norms. Such efforts empower individuals to actively challenge and prevent instances of victimization. Recognizing the interconnectedness between the workplace, home, and broader societal contexts is crucial for cultivating secure, inclusive, and equitable spaces, irrespective of an individual's gender identity.

**Keywords:** gender, victimization, workplace, home, society, gender norms, power dynamics, discrimination, sexism, gender roles.

## 1. INTRODUCTION

**“We cannot all succeed when half of us are held back” – Malala Yousafzai<sup>1</sup>**

The statement "we cannot all succeed when half of us are held back" is a powerful way of highlighting the detrimental effects of gender victimization and inequality. In this context, it suggests that when discrimination, bias, and unequal treatment based on gender hold back a significant portion of the population, it ultimately hinders the overall progress and success of society as a whole.

Gender based victimization (GBV) is a pervasive and deeply ingrained issue that transcends geographical boundaries, cultural norms, and social strata. It is a complex and multifaceted phenomenon that affects individuals of all genders, but predominantly women and gender minorities. Gender victimization refers to the unjust, damaging treatment of individuals or groups solely due to their gender identity or gender expression. It covers a broad spectrum of harmful encounters, deeds, or actions that target someone based on their actual or perceived gender, frequently leading to physical, emotional, psychological, or social harm. Gender victimization is

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<sup>1</sup> 16<sup>th</sup> birthday speech delivered by Malala Yousafzai at the United Nations

not merely a problem of isolated incidents but rather a systemic and interconnected web of inequalities that persistently undermine the rights, dignity, and well-being of those who experience it and includes a variety of injustices motivated by gender bias. These include issues that specifically affect women and girls, such as forced marriages and domestic violence, as well as deeper problems like the wage gap and workplace discrimination. Online harassment, reproductive coercion, and honor killings further underscore the breadth of this problem. “Gender-based violence” and “violence against women” are frequently used interchangeably due to the prevalent recognition that the majority of gender-based violence is committed against women and girls, primarily by men. The concentration results because girls and women are victimized because of their gender. Throughout history, societies often enforced rigid gender roles, with men holding power and women relegated to domestic spheres. As Dorie Klein<sup>2</sup> (1981) wrote, “in tracing the female experience through history and across cultures, one notices that women have often been injured as women: as child bearers, sexual objects for men, and nurturers” (p. 64). This patriarchal system persisted through ancient civilizations and the Middle Ages, further entrenching gender inequalities. It remains highly relevant and crucial in contemporary society as it represents a grave violation of human rights, encompassing both physical and psychological harm and has far-reaching effects on both the individual and society as a whole. This issue extends beyond personal suffering, as it impedes efforts to achieve gender equity and fair opportunities for all people. Furthermore, recognizing the intersectionality of gender victimization with other forms of discrimination is essential for providing comprehensive support and dismantling systematic inequalities. In a broader context, addressing gender victimization is an imperative step towards creating more just, equitable, and inclusive societies.

Understanding the dynamics of gender victimization is not only essential for addressing its immediate and long-term consequences but also for fostering a more inclusive and equitable society. This research paper aims to investigate the multifaceted issue of gender-based victimization. It seeks to examine the prevalence and underlying causes of such victimization in many contexts, emphasizing the psychological and physical impacts on individuals and societies. It aims to explore the complexities of victimization around the globe in this article, looking at its sources, effects, and efforts to combat it. This research delves into different types of gender-based crimes in India by analyzing the nation's annual crime data sourced from the National Crime Record Bureau. Over a span of 25 years, this study investigates the characteristics, shifts, and

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<sup>2</sup> Dorie Klein, Violence against women: consideration regarding its causes and its elimination, 25, 64, 1981

trends in gender-based violence (GBV) within the country. Leveraging established criminological theories and prior research, this paper identifies potential social and situational policy frameworks that could be employed to mitigate GBV in India.

Additionally, the study delves into the role of societal norms, stereotypes, and power dynamics in perpetuating gender victimization, while assessing the effectiveness of existing legal and policy frameworks in addressing and preventing it. By shedding light on this topic, one can anticipate to contribute to the ongoing dialogue surrounding gender equality, social justice, and the creation of a world where everyone, regardless of their gender identity, can live free from fear, discrimination, and victimization.

## 2. LITERATURE REVIEW

### THEORETICAL EXPLANATIONS OF GENDER BASED VICTIMIZATION

Within the realm of understanding GBV, various theoretical frameworks have emerged, each offering unique perspectives on the underlying causes, consequences, and potential remedies for this alarming phenomenon. In this exploration, we embark on a journey into the realm of these theories, seeking to unravel the intricate tapestry of psychological, sociological, and cultural concepts that contribute to our comprehension of GBV. By delving into these theoretical foundations, we aim to shed light on the nuanced factors that shape and perpetuate GBV, with the ultimate goal of informing interventions and policies that can lead us toward a more equitable and violence-free society.

1. **Hegemonic Masculinity:** Since the early 1980s, the idea of hegemonic masculinity has been employed in gender studies to explain men's dominance over women. Raewyn Connell's concept of hegemonic masculinity (Connell 1987)<sup>3</sup> can be used as an analytical tool to determine the attitudes and behaviours among males that perpetuate gender inequality. It has been used to explain men's health behaviour and the use of violence by underscoring the legitimating power of consent. The fundamental notion that hegemonic masculinity is "a culturally idealised form" and is "both a personal and a collective project" (Donaldson 1993, 645)<sup>4</sup> and has been utilised, discussed and modified over time. This theory can sometimes overly associate masculinity with violence and overlook other

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<sup>3</sup> Raewyn Connell, *Gender and power: Society, the person and sexual politics*, Stanford university press 1987

<sup>4</sup> 22(5), Mike Donaldson, *What is hegemonic masculinity*, 645, *theory and society* 1993

dimensions of gender-based victimization, such as emotional abuse, economic exploitation, and harassment. Expanding the theory to encompass a wider range of victimization experiences is important for a more comprehensive analysis.

2. **Feminist Theory:** Feminist theory has evolved over time and has multiple origins, but it can be traced back to various historical and intellectual movements. Feminist theory has evolved from early suffrage movements (first wave) to broader societal critiques (second wave), intersectionality, diverse perspectives (third wave), and postmodern and queer influences, constantly adapting to contemporary issues and the complexities of gender. Feminist theory on gender-based victimization asserts that societal structures, particularly patriarchy, contribute to the mistreatment and discrimination experienced by individuals based on their gender. Feminists have been instrumental in addressing issues like violence against women, victim blaming, and rape culture while advocating for legal reforms and empowerment strategies to combat gender-based victimization. Furthermore, they critique the influence of rigid gender norms and media representation in perpetuating this victimization, aiming to create a more equitable and inclusive society where individuals of all genders can thrive free from discrimination and violence. Feminist theory tends to over-generalize women's experiences as victims and men as perpetrators, failing to acknowledge variations in experiences and behaviors within genders. In pursuit of highlighting the victimization of women, it can inadvertently propagate a narrative of women as passive victims, potentially undermining women's agency and resilience.
3. **Structural Violence:** Structural violence theory, developed by sociologist Johan Galtung, examines the systemic and institutional factors that perpetuate harm and suffering in society, often disproportionately affecting marginalized groups. Unlike direct violence, which is physical and immediate, structural violence is embedded in social, political, and economic structures. This theory highlights how power imbalances, discrimination, and policies can create conditions where individuals and communities are systematically victimized. Structural violence analysis encourages us to address not only the visible manifestations of violence but also the underlying systems that perpetuate it, ultimately striving for more equitable and just societies. Examples include economic disparities, healthcare inequalities, racial profiling, educational inequities, gender-based violence, housing discrimination, food insecurity, environmental injustices, colonialism, and access

to legal representation. These systemic issues disproportionately affect marginalized communities, highlighting the need to address the underlying structures that perpetuate these forms of violence. But definition and boundaries of structural violence can be vague and subject to interpretation. This lack of clarity can make it challenging to apply the theory consistently and measure its effects empirically.

4. **Intersectionality:** Intersectionality theory, a cornerstone of feminist thought developed by Kimberlé Crenshaw, provides a critical lens for examining gender-based victimization by emphasizing how intersecting identities, such as race, class, sexual orientation, and disability, impact an individual's experience of victimization. This framework underscores that individuals with multiple marginalized identities can face compounded forms of victimization, as their access to resources, legal protections, and support systems can be influenced by these intersections. Intersectionality also highlights how cultural norms, stereotypes, and institutional biases can contribute to gender-based victimization. By incorporating intersectionality into our understanding of gender-based victimization, we can better address the complex and varied challenges faced by individuals. There is concern that in emphasizing the multiplicity of identities, intersectionality may inadvertently reduce individuals to their various identity categories, potentially oversimplifying their experiences of victimization.
5. **Cultural Relativism:** Cultural relativism theory, when applied to gender-based violence (GBV), contends that cultural practices and beliefs should be assessed within their own cultural contexts rather than being judged from an external, ethnocentric standpoint. This perspective highlights the diversity of cultural norms and values related to gender roles and violence, acknowledging that what constitutes GBV in one culture may differ from another. However, the application of cultural relativism to GBV raises complex ethical questions. While it encourages cultural understanding, it can also challenge universal human rights principles and ethical concerns when cultural practices perpetuate harm, particularly towards women and marginalized groups. In some cultures, FGM (Female Genital Mutilation) is practiced as a rite of passage or as a means of maintaining purity and modesty. From a cultural relativist perspective, this practice is seen as an integral part of certain communities' traditions and values. However, many human rights activists and organizations argue that FGC violates women's rights to bodily integrity and health, advocating for its eradication.

### **3. GENDER VICTIMIZATION AT WORKPKLACE**

The quest of equality and inclusivity has been a persistent goal in the changing landscape of contemporary workplaces. However, as we venture further into the 21st century, one stark and disconcerting reality persists – gender-based victimization in the workplace. It's a dark undercurrent that often remains hidden, leaving its victims trapped in silence and fear. The workplace, envisioned as a realm of professional growth and personal fulfillment, should ideally be free from prejudice and discrimination. Yet, for countless individuals, this vision remains elusive, as they grapple with the harsh reality of gender-based victimization.

#### **3.1 DEFINING GENDER BASED VICTIMIZATION AT WORKPLACE**

A workplace is defined as “any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey.” As per this definition, a workplace covers both the organised and un-organised sectors. It also includes all workplaces whether owned by Indian or foreign company having a place of work in India.<sup>5</sup>

Gender-based victimization in the workplace encompasses any unjust treatment, discrimination, or harassment individuals face due to their gender or gender-related attributes. This can include overt micro aggressions and stereotyping as well as sexual harassment and gender bias in hiring practices. Such victimization not only causes its victims emotional and psychological pain, but it also upholds injustices and shatters workplace unity. It goes against the notions of justice, decency, and equality of opportunity, frequently breaking the law and organizational rules intended to prevent discrimination and harassment. Although gender-based violence in the workplace is sometimes under the radar the issue is getting worse as more women enter the profession.

#### **3.2 VARIOUS FORMS OF GENDER VICTIMIZATION AT WORKPLACE**

Gender victimization at the workplace is driven by a complex web of factors, including deeply ingrained gender stereotypes that perpetuate biased expectations and unequal power dynamics. Women often face sexual harassment, a persistent gender pay gap, and the formidable "glass ceiling" that limits their career advancement. There are various forms of gender victimization at

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<sup>5</sup> Ministry of women and child development, Handbook on sexual harassment of women at workplace, 7-17, 8, 2013, <https://wcd.nic.in>

work, including:

1. **Sexual Harassment:** This involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. It can create a hostile work environment and make individuals feel uncomfortable or threatened. This can take many different forms like Physical harassment, Verbal abuse like sexually offensive comments or jokes, Non verbal harassment like intimidating staring or leering, or Cyber harassment.
2. Globally, 6.3 per cent or approximately 205 million people in employment had experienced sexual violence and harassment in their working life. Overall, 8.2 per cent of women in employment had experienced sexual violence and harassment over the course of their working life, compared to 5.0 per cent of men. This is by far the largest gender difference in experience of violence and harassment at work among the three forms of violence and harassment.<sup>6</sup>
3. **Gender-Based Discrimination:** Discrimination can occur in hiring, promotion, pay, or any aspect of employment based on a person's gender. This includes treating someone unfavorably due to their gender or gender identity.
4. **Gender Stereotyping:** People may face victimization due to not conforming to traditional gender roles or stereotypes. For instance, women might be criticized for being assertive, and men might face backlash for showing vulnerability.
5. **Unequal Pay:** Gender-based wage disparities persist in many workplaces, where women are often paid less than their male counterparts for the same or similar work.
6. **Micro-aggressions:** These are subtle, often unintentional, comments or actions that communicate bias or discrimination. For example, making assumptions about someone's abilities or interests based on their gender.
7. **Gender-Based Bullying:** Individuals may be subjected to bullying or harassment because of their gender identity or expression. This can include name-calling, exclusion, or derogatory comments.
8. **Transgender Discrimination:** Discrimination against transgender individuals may manifest as refusing to use preferred pronouns, denying access to gender-appropriate facilities, or not recognizing their gender identity.
9. **Pregnancy Discrimination:** Some women face discrimination during pregnancy, such as

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<sup>6</sup> International labour organization, Experiences of violence and harassment at work: a global first survey, 12-26, 22, 2022, <https://www.ilo.org>

being denied promotions, raises, or job opportunities because of their pregnancy status.

**10. Lack of Equal Opportunities:** This involves denying women or individuals of a specific gender, opportunities for advancement, training, or participation in certain projects or roles.

**11. Hostile Work Environment:** A hostile work environment can result from pervasive gender-based harassment or discrimination that creates an atmosphere of fear, discomfort, or intimidation.

These forms of gender victimization can have serious consequences, not only for individuals' well-being but also for workplace morale and productivity.

Workplace harassment of women is a pressing global concern that surpasses boundaries, affecting women in various professions and industries across the world. In recent years, there has been a rising awareness of the need to address this problem on a worldwide scale as workplace harassment not only violates the rights and dignity of individuals but also impedes gender equality and economic advancement.

In 2021, across the world, 22.8 per cent or 743 million persons in employment had experienced violence and harassment at work – whether physical, psychological or sexual – over their working life. Globally, women were slightly more likely than men to have experienced violence and harassment over their working life (by 0.8 percentage points).<sup>7</sup>

There are international conventions and agreements that provide a framework for countries to develop laws, policies, and practices aimed at preventing and addressing workplace harassment of women. India is a signatory to several of these conventions and has taken steps to align its laws and policies with international standards on gender equality and the prevention of workplace harassment. Some of them include:

1. **CEDAW:** India ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993. As a result, India is bound by the commitments outlined in CEDAW, which include addressing gender-based

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<sup>7</sup> International labour organization, Experiences of violence and harassment at work: a global first survey, 12-26, 12, 2022, <https://www.ilo.org>

discrimination and harassment, including in the workplace.

2. **ILO Conventions:** India is a member of the International Labor Organization (ILO) and has ratified several ILO conventions related to gender equality and workplace harassment, such as Convention No. 100 (Equal Remuneration Convention) and Convention No. 111 (Discrimination (Employment and Occupation) Convention).

### **3.3 VARIOUS DOMESTIC LEGISLATIONS AND CASE STUDIES**

In India, deeply entrenched discriminatory beliefs towards both males and females have persisted across generations, casting a shadow on their lives. Despite the Indian constitution's provision of equal rights for men and women, gender disparities persistently endure. This societal imbalance, where women are revered as goddesses yet subjected to a stain of injustice and inequality, remains a sobering reality. The NCW received about 31,000 reports of crimes against women in 2022, the most since 2014. The state of Uttar Pradesh was the source of about 54.5% of the complaints. Bihar (1,368), Haryana (1,362), Maharashtra (1,381), and Delhi (3,004) all received complaints. But the constitutional provisions related to gender equality in India stand as a powerful testament to the nation's commitment to fostering a just and equitable society. These provisions, enshrined within the Indian Constitution, serve as a bed rock for ensuring that men and women enjoy equal rights and opportunities, free from discrimination and bias. Some of the key provisions include:

1. **Right to Equality (Article 14)<sup>8</sup>:** This article ensures that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. It prohibits discrimination on grounds of sex, among other things.
2. **Prohibition of Discrimination (Article 15 clause 3)<sup>9</sup>:** Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth and Article 15(3) allows the state to make special provisions for women and children.
3. **Equal Opportunity in Public Employment (Article 16):** This article guarantees equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. It includes provisions for the reservation of seats for women in local government institutions.
4. **Directive Principles of State Policy (Article 39)<sup>10</sup>:** The Directive Principles of State Policy include principles that guide the state in creating conditions for the promotion of

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<sup>8</sup> India const. art. 14

<sup>9</sup> India const. art.15(3)

<sup>10</sup> India const. art. 16

gender equality and the welfare of women. Article 39(a) directs the state to ensure that men and women have the right to an adequate means of livelihood.

5. Article 46<sup>11</sup> promotes the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections, with a focus on women and child.

India has several legislations and acts related to workplace discrimination and the promotion of gender equality, as well as addressing other forms of discrimination. Here are some key legislations:

1. **The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013<sup>12</sup>:** This act aims to prevent and redress complaints of sexual harassment at workplaces and requires employers to establish internal complaints committees to address such issues.
2. **The Prevention of Sexual Harassment (PoSH) Guidelines:** These guidelines supplement the Sexual Harassment Act and provide detailed procedures for filing complaints, conducting inquiries, and the role of the Internal Complaints Committee.
3. **Equal Remuneration Act, 1976<sup>13</sup>:** This act ensures equal pay for equal work for both men and women. It prohibits discrimination in wages based on gender.
4. **Maternity Benefit Act, 1961<sup>14</sup>:** This act provides maternity benefits to women employees, including paid maternity leave and protection against dismissal during maternity leave.
5. **Employees Family Pension Scheme, 1971<sup>15</sup>:** This scheme ensures that women employees are covered under the Employees' Provident Fund and receive benefits as per the law, preventing discrimination in provident fund contributions.

These legislations collectively aim to eliminate discrimination against women in the workplace, whether it's related to sexual harassment, unequal pay, or unfair employment practices. They provide a legal framework to promote gender equality and protect the rights of women employees in India.

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<sup>11</sup> India const. art. 46

<sup>12</sup> The Sexual harassment of women at workplace (prevention, prohibition and redressal act, 2013, No. 14, Acts of Parliament, 2013, (India)

<sup>13</sup> The Equal Remuneration Act, 1976, No. 25, Acts of Parliament, 1976, (India).

<sup>14</sup> The Maternity Benefit Act, 1961, No. 53, Acts of Parliament, 1961, (India).

<sup>15</sup> The Employees Family Pension scheme, 1971, No. 3, Acts of Parliament, 1971, (India).

### **3.4 LANDMARK JUDGEMENTS**

#### ***Vishaka v. State of Rajasthan (1997)<sup>16</sup>:***

- Article: Article 15(3), Article 21
- Significance: This case led to the formulation of guidelines known as the "Vishaka Guidelines" to address sexual harassment at workplaces. The Supreme Court held that sexual harassment violates a woman's fundamental right to equality and the right to live with dignity (Article 21).

#### ***Air India v. Nergesh Meerza (1981)<sup>17</sup>:***

- Significance: This case highlighted issues of gender discrimination and disparities in the workplace. The Supreme Court held that female employees in the airline industry should be provided equal pay for equal work and that gender-based wage disparities were unjust.

## **4. GENDER BASED VICTIMIZATION AT HOME**

Gender-based violence represents a grave violation of human rights and poses a significant public health concern, impacting approximately one in three women. Every woman, regardless of age, ethnicity, religious affiliation, or socio-economic status, can potentially be a victim of violence or threats of violence. These acts can occur in various settings, such as in public spaces, workplaces where sexual harassment may prevail, and even within the supposed safety of one's home, where women can be vulnerable to domestic violence and abuse, including instances of spousal abuse and incestuous rape.

### **4.1 DEFINING GENDER BASED VICTIMIZATION AT HOME**

Gender-based victimization at home is a distressing and pervasive social issue characterized by abusive behaviors within intimate relationships or households. It encompasses various forms of physical, psychological, emotional, or sexual harm directed predominantly at women and girls due to their gender. It occurs within the privacy of homes, where victims, often women, endure the agonizing cycle of abuse, creating a pressing need for awareness, support, and legal intervention to protect their rights and well-being.

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<sup>16</sup> Vishakha & ors. Vs. State of Rajasthan, AIR 1997, 6 SCC 241

<sup>17</sup> Air India etc. etc. vs. Nergesh Meerza, AIR 1981, SCR (1) 438

**United Nations Declaration on the Elimination of Violence Against Women (1993):** This declaration defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."<sup>18</sup>

This definition acknowledges that gender victimization can occur both in public and private life, emphasizing that homes, which are traditionally viewed as places of safety, are not exempt from such forms of violence. Behind the closed doors of domestic settings, countless women and girls find themselves subjected to a range of abuses that stem from deeply ingrained gender inequalities. These victims, often trapped in silence and fear, face a harsh reality where their homes, supposed sanctuaries of safety and comfort, become arenas of physical, emotional, and sexual violence.

#### **4.2 VARIOUS FORMS OF GENDER BASED VIOLENCE FACED BY WOMEN AT HOME**

Gender based violence at home is a deeply distressing and multifaceted issue that extends far beyond physical harm alone. It manifests in various insidious forms, each equally damaging and corrosive to the well-being of victims. Widespread misconceptions, like the notion that issues within a household should remain private or that family matters are not anyone else's concern, hold significant sway. These beliefs create substantial obstacles to speaking out against domestic violence, potentially hampering the availability of assistance and support services. Consequently, this can increase the risk for the victim, potentially leading to severe harm or even fatal outcomes. From the overt brutality of physical abuse to the hidden scars of emotional manipulation, financial control, and digital harassment, the spectrum of domestic violence is wide and complex. It encompasses a range of abusive behaviors, including but not limited to:

1. **Intimate Partner Violence:** Intimate partner violence (IPV), refers to a pattern of abusive behaviors, including physical, sexual, emotional, or psychological abuse, within an intimate relationship. It usually takes place between husband and wife, or between present or former cohabiting partners, and some also include the boyfriends and girlfriends in this

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<sup>18</sup> Ohchr, <https://www.ohchr.org>, (30<sup>th</sup> sept. 2023).

definition. This abuse is typically perpetrated by one partner to gain power and control over the other.

This includes physical violence, such as hitting, slapping, or pushing, which can result in physical injuries, Non-consensual sexual acts or coercion within the relationship. Emotional or psychological abuse entails manipulation, humiliation, threats, and controlling behavior designed to undermine a person's self-esteem and emotional well-being. IPV is not limited to physical or emotional harm; it also includes economic abuse, where one partner controls finances and restricts the other's financial independence.

Even in the United States, it has been reported that 85% of all violent crime experienced by women are cases of intimate partner violence, compared to 3% of violent crimes experienced by men.<sup>19</sup>

**2. Gender based abuse of Girl Child:** In countries like India where cultural traditions that prioritize males have resulted in a societal inclination towards boys, often leading to the neglect of girls. Rooted in cultural norms and biases that favor males, this abuse not only deprives girls of their fundamental rights but also leads to gender inequalities. This abuse can take various forms, including but not limited to:

- **Female Infanticide:** The deliberate killing of female infants, often due to the preference for male children in some societies.
- **Sex-Selective Abortions:** The termination of pregnancies upon learning that the fetus is female, contributing to a skewed gender ratio in certain regions.
- **Early and Forced Marriages:** Forcing young girls into marriage, often before they are physically or emotionally ready, depriving them of education and personal autonomy.
- **Violence and Abuse:** Subjecting girls to various forms of physical, emotional, or sexual violence, including domestic violence, female genital mutilation/cutting, and human trafficking.
- **Denial of Education:** Restricting girls' access to education, limiting their opportunities for personal and economic growth.

**2. Domestic Violence:** Domestic violence is a recurring pattern of abusive conduct within an intimate relationship, where one partner employs various tactics to gain or retain power and control over the other partner. This abusive behavior can manifest in multiple ways, including physical violence, sexual abuse, emotional manipulation, economic control, or

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<sup>19</sup> National Institute of Health(.gov), <https://www.ncbi.nlm.nih.gov> , (30<sup>th</sup> sept.2023)

psychological actions. Domestic violence can be inflicted by and upon individuals of any gender. Nevertheless, it is more frequently reported with women as the victims, particularly within our nation.

A recent United Nation Population Fund report also revealed that around two-thirds of married women in India were victims of domestic violence. Violence in India kills and disables as many women between the ages of 15 and 44 years as cancer and its toll on women's health surpasses that of traffic accidents and malaria combined.<sup>20</sup>

3. **Female Genital Mutilation:** Female Genital Mutilation (FGM), also known as female genital cutting or female circumcision, refers to the partial or complete removal of external female genitalia or other injury to female genital organs for non-medical reasons. In India, Female Genital Mutilation (FGM), also known as "Khatna" or "Khafd," is practiced by certain communities, primarily the Dawoodi Bohra Muslim community. However, it is essential to note that FGM in India is a relatively small-scale practice compared to some countries where it is more prevalent. The World Health Organization (WHO) estimated that over 200 million girls and women alive in 30 countries had undergone FGM worldwide.
4. **Marital Rape:** Marital rape is a form of sexual violence where one spouse sexually assaults the other without their consent within the confines of a marriage or intimate partnership. It is a violation of a person's bodily autonomy and consent, regardless of their marital status. Marital rape can involve various forms of sexual abuse, including forced intercourse, coercive sexual acts, or sexual violence against a spouse who is unable to give informed consent due to factors such as fear, intimidation, or incapacitation.

In 2019, there were nearly 150 countries that had criminalized marital rape in some form or the other. On the contrary, India is one of the nations where marital rape is "specifically exempted. **Exception 2 of section 375<sup>21</sup> of the Indian Penal Code** states that "**Sexual intercourse or sexual acts by a man with his own wife not being under fifteen years of age, is not rape**"

This exception explicitly makes rape on one's wife, above the age of fifteen permissible.

5.4% of married Indian women say they have experienced marital rape. 4.4% of them say

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<sup>20</sup> National Institute of Health(.gov), <https://www.ncbi.nlm.nih.gov> , (30<sup>th</sup> sept. 2023)

<sup>21</sup> Indian Penal code, 1860,§ 375,No. 45, Acts of Parliament, 1860, (India).

they have experienced marital rape in just the last 12 months before this survey.

Marital Rape is a clear violation of human rights. Countries across the world have recognized this form of violence and have taken adequate steps to criminalize the inhumane treatment. India should follow the footsteps that lead towards the progress of the country (LEGAL SERVICE).

Addressing this issue necessitates concerted efforts to challenge and transform cultural beliefs and practices, promoting gender equality and safeguarding the rights and potential of all children, regardless of their gender. Conventions like **Declaration on the Elimination of Violence against Women (DEVAW)**: Adopted by the United Nations General Assembly in 1993, DEVAW defines and condemns violence against women in all its forms, including within the family, and calls on states to take steps to prevent and address such violence.

#### **4.3 VARIOUS DOMESTIC LEGISLATIONS AND CASE STUDIES**

India has several domestic legislations that aim to address and prohibit gender-based violence, including violence within domestic settings. Some key legislations in this context are:

1. **Protection of Women from Domestic Violence Act, 2005<sup>22</sup>**: This law is a comprehensive legal framework that specifically addresses domestic violence against women. It provides protection orders, including protection, residence, and monetary orders, to women facing violence in domestic situations.
2. **The Dowry Prohibition Act, 1961<sup>23</sup>**: This act prohibits the giving or receiving of dowry in marriages and has provisions for penalties for those involved in dowry-related offenses.
3. **The Prohibition of Child Marriage Act, 2007<sup>24</sup>**: These rules provide guidelines for the implementation of the Prohibition of Child Marriage Act, including the prevention of child marriages and the protection of child brides.
4. **Indian Penal Code (IPC)<sup>25</sup>**: Various sections of the IPC deal with offenses related to violence against women, such as Section 498A (cruelty to a married woman), Section 304B (dowry death), and Section 376 (rape). Amendments have been made to the IPC to strengthen laws related to sexual offenses, including the Criminal Law (Amendment) Act, 2013, following the Nirbhaya case.

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<sup>22</sup> The protection of women from Domestic violence Act, 2005, No. 43, Acts of Parliament, 2005,(India).

<sup>23</sup> The Dowry Prohibition Act, 1961, No. 28, Acts of Parliament, (India).

<sup>24</sup> The prohibition of Child Marriage Act, 2007, No. 6, Acts of Parliament, (India).

<sup>25</sup> The Indian Penal Code, 1860, No. 45, Acts of Parliament, (India).

**LANDMARK JUDGEMENTS:*****Lalita Kumari v. Government of Uttar Pradesh (2013)*<sup>26</sup>:**

This judgment emphasized the mandatory registration of FIRs (First Information Reports) in cases of cognizable offenses, including domestic violence. It strengthened the rights of victims to report abuse and have their complaints registered by the police.

***S.R. Batra v. Taruna Batra (2007)*<sup>27</sup>:**

This case was one of the first interpretations of the Protection of Women from Domestic Violence Act, 2005. The judgment clarified the scope and applicability of the Act, affirming that it covers both married and unmarried women who face domestic violence in various forms.

***Khushboo Saifi v. Union of India (2021)*<sup>28</sup>**

On May 11, Justices C Hari Shankar and Rajiv Shakti had passed a split verdict on a batch of petitions seeking to do away with Exception 2 of the rape law under Section 375 of the Indian Penal Code. The exception states that forcible sexual intercourse by a man with his wife is not rape unless the wife is below 15 years of age.

## **5. GENDER BASED VICTIMIZATION IN THE SOCIETY**

Gender-based victimization is deeply engraved in society through a complex web of cultural, historical, and structural factors that propagate gender inequalities. Cultural norms and stereotypes play a significant role in promoting gender-based victimization. These factors create a pervasive and systemic environment where discrimination and violence against individuals based on their gender identity or perceived gender roles are not only tolerated but often normalized.

### **5.1 DEFINING GENDER BASED VICTIMIZATION IN THE SOCIETY**

Gender-based violence (GBV) in society refers to a pervasive and systematic pattern of harmful behaviors and actions that target individuals, primarily but not exclusively, based on their gender or perceived gender roles. GBV is deeply rooted in cultural, social, and economic norms which leads to gender inequalities and discrimination. The historical power imbalances continue to

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<sup>26</sup> Lalita Kumari vs. Govt. of U.P., AIR 2013 SCC 164

<sup>27</sup> S.R. Batra vs Taruna Batra, AIR 2007 SCC 169

<sup>28</sup> Khushboo Saifi vs. U.O.I., AIR 2021

shape contemporary gender dynamics, leading to unequal opportunities and resources. Women have historically been denied access to education, economic independence, and political representation, reinforcing their vulnerability to victimization. It is a violation of human rights and has profound and often long-lasting physical, psychological, and social consequences for its victims.

## **5.2 VARIOUS FORMS OF GENDER VICTIMIZATION FACED BY WOMEN IN THE SOCIETY**

In all societies, poverty, discrimination, ignorance and social unrest are common predictors of violence against women. Yet the most enduring enemies of a woman's dignity and security are cultural forces aimed at preserving male dominance and female subjugation-often defended in the name of venerable tradition. Violence against women throughout the life cycle derives essentially from cultural patterns, the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that eternalize the lower status accorded to women in the family, the workplace, the community and society.

1. **Physical violence:** Gender-based victimization often escalates to physical violence, with women and gender-nonconforming individuals being particularly vulnerable. Honor killings, sexual assault, and domestic violence are tragic examples of how physical force is used to control and subjugate individuals.
2. **Sexual harassment at public places:** Sexual harassment in public places can take various forms, and it can have a significant impact on victims' safety, well-being, and their ability to navigate public spaces without fear. Verbal harassment involves unwanted sexual comments, catcalling, whistling, lewd jokes, or sexually explicit language directed at someone in a public setting. Non-verbal forms of harassment may include inappropriate gestures, stalking, or leering, where the harasser stares at the victim in a sexually suggestive or threatening manner. Physical harassment in public places includes unwanted physical contact, such as groping, touching, or brushing against someone without their consent. This form of harassment is not only distressing but also potentially dangerous. Sexual harassment in public places is a violation of an individual's personal boundaries, dignity, and right to move freely without fear. It can have serious consequences for victims, including emotional distress, anxiety, depression, and a reluctance to participate in public life.

3. **Online Harassment:** The digital age has brought forth new forms of gender-based victimization, with online harassment being a prominent issue. Women and gender minorities often face cyber-bullying, doxing, and revenge porn, which can lead to psychological distress and harm their offline lives as well.
4. **Discrimination in Education:** Unequal access to quality education and gender-based discrimination within educational institutions limit opportunities for girls and gender-nonconforming individuals. This discrimination can have long-term consequences on their career prospects and economic empowerment.
5. **Institutionalized Discrimination:** Gender-based victimization can be systemic, embedded within laws, policies, and institutions. This includes gender-biased laws, lack of representation in leadership positions, and insufficient support for victims within legal systems.
6. **Sex Trafficking and Exploitation:** Human trafficking, particularly for sexual exploitation, disproportionately affects women and girls. They are coerced or forced into prostitution and subjected to physical and emotional abuse.

## 6. EFFECTS OF GENDER BASED VICTIMIZATION

Gender-based violence is a global issue that affects individuals worldwide, with women bearing a disproportionate burden of its impacts. Despite its pervasive nature, gender-based violence often goes unreported due to the stigma attached to it and the lack of accessible resources and support systems. This form of violence can affect anyone, regardless of their location, socioeconomic status, race, religion, sexual orientation, or gender identity. Women and girls are at the highest risk and are most frequently impacted by gender-based violence, and can have negative impacts such as homicide and suicide, injury and shock, disability and sleeping disorders, reproduction problems, emotional and psychological problems, and social and economic problems such as increased gender inequalities. This gender-specific aspect of GBV stems from deep-rooted gender inequalities, stereotypes, and power imbalances that exist in many societies. Here are some additional effects of GBV specifically with regard to women:

### 1. Physical Health Effects:

- **Injuries:** GBV can lead to physical injuries ranging from bruises and cuts to more severe injuries, such as broken bones, internal injuries, and even death.
- **Sexual and Reproductive Health Issues:** GBV can result in sexually transmitted infections (STIs), unwanted pregnancies, and reproductive health complications.

## 2. Mental Health Effects:

- **Post-Traumatic Stress Disorder (PTSD):** Survivors of GBV often experience symptoms of PTSD, including flashbacks, nightmares, and severe anxiety.
- **Depression:** GBV can lead to depression and other mood disorders.
- **Anxiety and Panic Disorders:** Victims may develop anxiety and panic disorders as a result of the trauma.
- **Suicidal Thoughts:** Some survivors of GBV may have thoughts of suicide or self-harm.

## 3. Social and Emotional Effects:

- **Isolation:** Victims may withdraw from social interactions and isolate themselves due to shame, fear, or stigma.
- **Low Self-Esteem and Self-Worth:** GBV can severely damage a person's self-esteem and self-worth.
- **Trust Issues:** Survivors may find it difficult to trust others, which can affect their relationships and overall well-being.

## 4. Economic Effects:

- **Loss of Employment:** GBV can lead to job loss or decreased work productivity, impacting financial stability.
- **Economic Dependence:** In some cases, victims may become economically dependent on their abusers, making it harder to escape the cycle of abuse.

## 5. Interpersonal Effects:

- **Dysfunctional Relationships:** Survivors may struggle to form healthy, trusting relationships in the future.
- **Perpetuation of Violence:** Children who witness GBV in their homes may be more likely to perpetrate or tolerate violence in their own relationships.

## 6. Cultural and Societal Effects:

- **Reinforces Gender Inequality:** GBV perpetuates harmful gender stereotypes and reinforces inequality between genders.
- **Undermines Social Cohesion:** GBV can erode social trust and cohesion within communities.

### **7. Legal and Human Rights Effects:**

- **Violation of Human Rights:** GBV is a violation of fundamental human rights, including the right to life, security, and freedom from torture and discrimination.
- **Legal Consequences:** Perpetrators of GBV may face legal consequences if their actions are reported and prosecuted.

### **8. Intergenerational Effects:**

- Children who witness or experience GBV may carry the trauma into adulthood, prolonging cycles of violence in future generations.

Addressing GBV against women requires a comprehensive approach that includes legal reforms, education, awareness campaigns, economic empowerment, support services, and challenging societal norms that perpetuate gender inequality and violence. It is a critical issue that requires the concerted efforts of governments, civil society, and communities to eradicate.

## **7. CONCLUSION**

Gender-based victimization, a deeply entrenched and pervasive issue in societies across the globe, reflects the systemic inequalities and prejudices that continue to persist. It encompasses a spectrum of behaviors, from subtle forms of discrimination to overt acts of violence, all rooted in harmful gender norms and stereotypes. At the heart of gender-based victimization lies the harmful notion that certain traits or behaviors are inherently tied to one's gender, leading to expectations and judgments that constrain individual autonomy. Women are often subjected to objectification, stereotyping, and double standards, while those who do not conform to traditional gender norms may face discrimination, isolation, or physical violence. One of the key factors contributing to this issue is the enduring power imbalance between genders, where patriarchal systems perpetuate unequal access to resources, opportunities, and decision-making. Consequently, these imbalances create fertile ground for discrimination, harassment, and violence. The impact is profound and far-reaching, encompassing not only immediate physical harm but also long-lasting psychological trauma and economic disenfranchisement.

## **8. RECOMMENDATIONS**

While considerable progress has been made in raising awareness about GBV, the need for concerted and effective action persists. These series of recommendations aimed at addressing

GBV comprehensively, tackling its root causes, and providing support to survivors. These recommendations are the result of extensive research and a commitment to fostering a world where all individuals can live free from the fear and consequences of gender-based violence. By implementing these strategies, we can work together to create safer, more equitable communities and strive for a future where GBV is an unfortunate chapter of the past rather than a painful reality of the present.

**1. Legal Reforms:**

- Strengthen and enforce laws against GBV, ensuring that they cover all forms of violence and harassment.
- Remove legal loopholes and obstacles that may hinder prosecution.

**2. Awareness and Education:**

- Implement comprehensive educational programs in schools and communities to promote gender equality, respect, and consent.
- Conduct campaigns that challenge harmful stereotypes and norms contributing to GBV.

**3. Support Services:**

- Establish and fund shelters, hotlines, and counseling services for survivors of GBV.
- Train healthcare professionals, police, and social workers to respond effectively to GBV cases.

**4. Economic Empowerment:**

- Create opportunities for women's economic empowerment through job training, access to credit, and entrepreneurship programs.
- Advocate for equal pay and workplace policies that combat discrimination and harassment.

**5. Men and Boys Involvement:**

- Promote positive masculinity and engage men and boys as allies in the fight against GBV.
- Encourage men to challenge and address sexist behavior.

**6. Technology and Social Media:**

- Leverage technology and social media for awareness campaigns and as platforms for reporting GBV.
- Collaborate with tech companies to combat online harassment.

**7. International Cooperation:**

- Collaborate with international organizations to share best practices and resources.
- Hold countries accountable for GBV prevention and response through international agreements.

**8. Legal Aid and Justice:**

- Ensure that survivors have access to legal aid and support throughout the legal process.
- Train legal professionals to handle GBV cases sensitively and effectively.

When these recommendations are diligently and consistently put into practice, they have the potential to make substantial contributions to the worldwide endeavor of combating Gender-Based Violence (GBV). By mobilizing collective efforts at local, national, and international levels, we can address GBV comprehensively and pave the way for the establishment of safer, more equitable communities that benefit everyone.

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