



# Sexual Violence Against Women in India

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**Abstract.** Sexual violence against women has been on a significant rise in India in the last few years. In 2021, as many as 31,677 cases of rape were reported, which is a rise of 13% over the previous year. Most of the time, the perpetrator has been a known person: a family member, friend, or neighbor. While this disturbing trend is surfacing in the case of minors, it is also the plight of adult women, given their complex position in society, culture, and structure. Of these, Rajasthan accounted for the highest number, followed by Madhya Pradesh and Uttar Pradesh. Among metropolitan cities, Delhi reported the highest number of rape cases.

The following study attempts to analyze the underlying factors for sexual violence against women in India by profiling the victims and offenders and analyzing the lacunae within the existing legal framework. This research is mixed-methods, presenting both quantitative data analysis and a qualitative review of the relevant literature. The study identifies patterns across regions, demographic variations, and relationships between victims and offenders, as well as cultural, social, and legal factors influencing the incidence and handling of sexual violence.

Critical issues, such as inefficiency in law enforcement, social stigma, and deeply entrenched patriarchal norms, are expected to figure prominently in the findings, standing as considerable deterrents to bringing down sexual violence. Recommendations shall be made on comprehensive legal reform, community education, and psychosocial support for victims; the approach toward prevention and response to sexual violence against Indian women becomes holistic and increasingly effective.

**Keywords:** Sexual Violence, Women, India

## 1 Introduction

Sexual violence against women in India represents a very multilayered issue of a social nature, which is rooted in the intersection of gender-based disparities and deeply entrenched socio-cultural mechanisms, like the caste system. India has one of the largest populations in the world and faces challenges in dealing with increasing rates of violence against women. According to the records from the National Crime Records Bureau, in 2021 alone, there were 31,677 cases of rape—approximating about 86 cases each day. This was a 13% increase over the number recorded in the prior year, with just more reasons for how the situation deteriorates and added systemic complications.

Perhaps one of the main factors in understanding the perpetuation of sexual violence in India is the age-old, lingering effect of the caste system, which has been one of the strong pillars in Indian society for so many years. This caste hierarchy systematically marginalizes lower-caste women, among them the Dalits, a community disproportionately affected by sexual violence. In this rigid structure, the Dalit women are considered inferior and are highly vulnerable to assault and other, more extreme,

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forms of violence. Often, women bear double marginalization based on gender and caste, leading to lesser extents of access to justice. Many times, the perpetrators of violence from the higher castes usually act with impunity, shielded by widespread biases in society and the legal system. Intersections of structural inequalities, together with caste-based discrimination, ensure that most incidents concerning Dalit women are disregarded or put aside by the police. According to Dutta and Sircar (2013), violence against women from privileged backgrounds is often considered worthy of action, while violence against lower-caste women is frequently disregarded.

Apart from caste, the incompetence of the Indian police is what accentuates the problem. Various reports have mentioned that the police action against cases of sexual violence is often tardy and, in some instances, even brazenly hostile towards the victims. The most high-profile inaction of the police is when the accused belong to a higher caste, which goes on to suggest that there is a deep-seated frown upon the prosecution of powerful people. During Amelia Hodge's interaction with anti-violence activists, she mentioned, "crime against middle class women mobilise the middle class in a way that violence against lower caste women cannot" (Hodge, 2013). Most victims are under strong social pressure to withdraw their complaints, and the few cases entering the legal system face delayed or stalled investigations for lack of resources, bureaucratic barriers, or lack of political will. Slowness in judicial procedures heightens the psychological trauma in survivors, which engenders a loss of confidence in the system, deterring many from going to court.

More importantly, it should be considered that most sexual violence incidents go unreported due to the strong social stigma still shrouding rape and assault victims. Far too often, in communities across India, a woman who has been sexually violated is considered "tainted" and deserving of ostracism and victim-blaming because of that fact alone. This deep-rooted stigma has led many of these survivors to keep their experiences completely hidden from much-needed medical and psychological interventions. A climate in which the fear of social consequences and failures of the legal system perpetuate sexual violence.

The present study tries to explore the multi-dimensional nature of sexual violence against women in India, focusing basically on how caste and legal inefficiencies predominantly help to perpetuate this violence. Drawing from case studies and data examination, this research is expected to enhance an understanding of the challenges that women, especially those from the poorest strata, face at an intersectional level. It will then serve to provide more particular policy recommendations and reforms in law that are more protective for women, enhance accountability of law enforcement agencies, and finally provide better access to justice on the part of survivors.

## 2 Case Study

The real cases from India that offer valuable insights into issues of sexual violence, legal responses, and the social obstacles faced in addressing these crimes. There are;

The Delhi Gang Rape Case, 2012, popularly known as the Nirbhaya Case, was a brutal assault and gang rape of a 23-year-old girl on a moving bus in Delhi. The victim later died of her injuries, and the incident snowballed into countrywide protests and international publicity. The accident showed the ugly face of gender-based violence in India. The protest from civil society that finally emerged after the incident goaded the

government into bringing in the Criminal Law Amendment Act, 2013, that expanded the legal definition of rape and made the sentences for it harsher. This case thus stands as a powerful illustration of the way in which public advocacy ensures the making of legal reforms in order to deal with the issue of sexual violence.

The case of the Shakti Mills Gang Rape in 2013 involved the gang-rape of a young photojournalist who was on assignment inside an abandoned mill in Mumbai. In this case, with a great deal of media attention, the accused were arrested and brought to trial rather quickly. This also led to more severe sentencing for recidivists, such as the institution of the death penalty in cases of repeated sexual offenses. The Shakti Mills case brought into the forefront the issue of a safe workplace for women and the movement for women's safety within urban environs. It is a case to be studied for its legal and social implications regarding sentences that were more severe on one hand and workplace safety on the other.

The Unnao Rape Case of 2017 involved the raping of a minor by the MLA of Unnao in Uttar Pradesh. The victim, along with her family, received threats and intimidation; her father died in police custody under suspicious circumstances. The case underlined how victims suffered when the accused were politically influential besides highlighting the ills of corruption and influence in the judiciary. The Unnao case indicates how power dynamics can hinder justice and the serious obstacles that victims face in seeking justice against politically connected individuals.

The Kathua Rape and Murder Case, which took place in 2018, was in relation to the abduction, gang rape, and murder of an 8-year-old nomadic Muslim girl from Kathua, in Jammu and Kashmir. Because it had communal overtones-the accused were from the Hindu community-it attracted countrywide attention and resulted in widespread protests and political tensions. This case questioned how communal biases can affect the course of justice and made it clear that in such crimes, the most marginalized communities remain particularly vulnerable. It is an important example to show the junction between communalism, child protection, and social justice.

The last one is the Hathras Case, reported in 2020; a 19-year-old Dalit woman was allegedly gang-raped and eventually died in Hathras, Uttar Pradesh. The police controversially cremated her body without the consent of the family members and were accused of caste discrimination by people across the country. The Hathras case brought the national and global spotlight to caste-based violence and the extent of discrimination women from the Dalit community face in this country. In view of police accountability, it spoke volumes about how caste works and influences people's perception of justice.

Each of these cases brings out different dimensions of sexual violence in India: law enforcement accountability, how social movements are driving reform, and how cultural and social factors impinge on justice. They lay out fertile ground on which to explore complexities of legal responses, societal attitudes, and the need for reforms that continue into today with a view to protecting vulnerable individuals and communities. Filmmaker Leslie Udwin has documented this indifference of the accused men in her documentary 'India's Daughters' where one goes on record to say, "A decent girl doesn't roam around at night with boys. A girl is more responsible for rape than a boy" (Roberts, 2015).

Madhu Balaaji S, in his journal entitled, "A STUDY ON SEXUAL HARASSMENT ON WOMEN IN INDIA", gives an all-encompassing analysis of the

invidious problem of physical and sexual abuse against women in India. The study emphasizes that multi-faceted solution approaches have to be undertaken by the relevant authorities in trying to solve this growing problem. The government should lead in this war against the crisis through the enactment and enforcement of stringent laws that protect women from violation and bring offenders to book. Such legislation should aim at giving comprehensive protection to the women by covering all aspects ranging from prevention to reporting, investigation, prosecution, and rehabilitation. Besides, the government should ensure that appropriate allocations are allotted in law enforcement agencies and judicial systems for effective implementation of enacted laws.

Society must also radically change its attitude towards gender equality. Stereotypes and discriminatory practices that are harmful must be challenged and rooted out. It would involve a host of stakeholders, including government agencies, educational institutions, religious organizations, and the media. Programs must be initiated in order to educate people about gender equality and counteract the negative stereotype images. Media must be encouraged to portray women in a positive and respectful light.

Law enforcement agencies are at the forefront in the prevention and response to incidents of sexual violence. In handling such cases, they should be specifically trained and equipped for sensitivity and professionalism, including on issues of gender-based violence and victim-centered approaches, and preservation of evidence. Secondly, law enforcement agencies should establish units that handle investigations and prosecutions of cases concerning sexual violence. The media can highlight this issue in pointing out the sexual violence against women. Media reporting of sexual violence, when done responsibly and sensitively, may help break the silence concerning this issue. In addition, the media could foster positive portrayals of women and challenge harmful stereotypes. Jasinski (2001) thus portrays how the cycle of male violence against women gets accentuated due to early exposures to such violence, along with women's propensity to accept violence because redressal mechanisms become unavailable. However, this essentially micro-oriented theoretical framework overstates its case in so far as it has failed to account for socio-cultural explanations by locating patriarchy constituting women's subordinate role in a 'cultural legacy' that ought to be upheld.

Empowerment of women can be achieved by giving them decent living standards, access to educational facilities, health sectors, along with ample job opportunities. Most importantly, women need to be quite aware of how they can protect themselves and where to report such incidents in case they are being abused. This can be taught through educational programs regarding these acts, awareness campaigns on sexual violence, and subsequent support services for raped survivors. While much has been achieved in the last several years, much more is left to be done. The persistence of sexual violence against women gives sufficient evidence to prove that such factors are deeply embedded in a woman's cultural and social facade. With a comprehensive and sustained approach, India can build a society where women are safe, respected, and empowered.

### **3 Statutory Approach to Sexual Violence**

Sexual harassment is dealt with under various provisions of the Indian Penal Code, 1860, while terms such as "eve-teasing" or "molestation" have not been defined. The major offenses included in the IPC are rape, stalking, and assault, and it describes

accordingly the ingredients of the offenses and the punishment. Sections 509, 294, and 354 deal with crimes generally lumped together as eve-teasing but the term is not used in the Code. Section 509 punishes acts intended to outrage the modesty of a woman by words, gestures or acts. Section 294 provides for punishment for obscene acts or singing obscene songs. Section 354 prescribes penalty for assault or using criminal force with intent to outrage women's modesty. Yet even with that, modesty as a concept has never been defined and, more importantly, it depends on the cultural context. In other words, what is considered to be modest for one country may not be considered similarly modest in another, such as the difference between India and the USA.

Section 354 also defines molestation and sexual abuse. Provisions regarding rape are clearly stipulated under Sections 375 and 376 of the IPC. Traditionally, Section 375 had a narrow definition of rape, which later changed after massive national outrage that arose from the December 2012 gang-rape of a 23-year-old in New Delhi. That indeed sparked widespread protests concerning the treatment of women and the culture of impunity on sexual violence in India. The amended act has extended the definition to include penetration of the penis, or any object, into the vagina, urethra, anus, or any part of the body, and also manipulation of body parts, causing penetration, or oral contact with a woman's private parts. Severable punishments have also been prescribed under Section 376 for rape, gang rape, and acid attacks, even if the victim dies or is rendered in a vegetative state. The penalties are also harsher for repeat offenders.

Besides legal reforms, other measures have also been taken by the government to give women more safety. These include: a separate helpline for women in Delhi; rules regarding public transport, involving tracking and an emergency button; and mobile apps for the purpose of tracking and emergency assistance. Furthermore, India signed the Convention on the Elimination of All Forms of Discrimination Against Women, widely referred to as CEDAW, in 1993 to reinforce the protection of women's rights. In 2013, the Indian Parliament passed The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill (2012), in an attempt to address harassment at the workplace. The Indian legal regime still has significant lacunas regarding non-definition and lack of specific punishments for crimes, such as eve-teasing, among others. This suggests a dire need for comprehensive legislation that addresses all forms of sexual violence to ensure a safer society.

#### **4 Form of Sexual Violence**

The World Health Organization, WHO, defines sexual violence as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise procure a person for the purpose of sexual exploitation that involves coercion by any person, regardless of their relationship to the victim, in any setting. This broad definition encompasses various types of non-consensual sexual acts, including commentaries, kissing, touching sexual parts, forced masturbation, attempted rape, and rape. Centres of expertise on sexual violence in the Netherlands generally narrow down the concept of "sexual violence" to attempted and completed rape, respectively; most of these centres use the term "unwanted sexual behaviour" to describe the whole range of behaviour that is defined as non-consensual.

#### **4.1 Rape**

The World report on violence and health from WHO defines rape as the penetration of vagina, anus, or mouth with penis, body parts, or objects without consent. Forcible sex act - non-vaginal sexual contact against a person's will but without penetration, includes unwanted touching, groping, and fondling. Coerced sexual acts - sexual acts compelled by intimidation, pressure, or threats; force is not evident, but implicit harm or threat of harm exist, such as being forced into pornography or prostitution.

#### **4.2 Child Sexual Abuse**

Child sexual abuse covers a range from sexual activities involving a child that he or she does not necessarily understand, to forced sexual intercourse. Contact sexual abuse includes touching and non-contact abuse involves exposure to sexual materials. Forcing persons to marry against their will or child marriage normally results in sexual abuse within the marital context.

#### **4.3 Sexual Exploitation**

Sexual exploitation and trafficking include using force, coercion, or fraud for the recruitment, transportation, transfer, harbouring, or receipt of individuals for purposes of sexual exploitation including forced prostitution or pornography. Sexual harassment refers to undesired sexual advances, request for sexual favours, or sexually charged conduct that creates hostile environment, either in workplaces, schools, or public places.

#### **4.4 Female Genital Mutilation (FGM)**

Female Genital Mutilation (FGM) is the partial or total removal of the external female genitalia for reasons other than medical; it constitutes grave physical and psychological harm. Forced pregnancy can be perpetrated by forcing a person to become pregnant or by denying them services to safely abort, violating their rights to reproductive health. Denying reproductive rights, such as the right to contraception, entails forcing individuals into unprotected sex or forbidding them from using birth control, a circumstance that forces unwanted pregnancy and, ultimately, controls their bodies.

### **5 Cause of Sexual Violence Againsts Women**

Sexual violence against women in India is an ongoing case due to strong, interrelated factors: highly rooted patriarchal culture, gender inequality, caste system, and deficiencies in law enforcement. The traditional Indian patriarchal culture still positions men as the dominant figure in social, economic, and family structures, while women are often regarded as second-class citizens under the subjugation of male power. It thus reflects the relationship that society holds for women, as this thinking only perpetuates stereotypes that women do not belong in the public sphere of life and their bodies are objects to be owned or regulated by men. Sexual violence is hence reflected as acceptable or not even a serious offense.

The still-strong caste system further exacerbates the situation, making even women from lower castes-like the Dalits-suffer not because of their gender alone but because of their social standing. The victims of sexual violence are more likely to be lower-caste women, while those guilty often get away scot-free because of systemic bias in

the police and courts. For example, women from Dalit communities have often been discouraged from reporting against crimes committed because most of them fear reprisals from the more dominant groups or will be rejected by the authorities. These women of the lower caste bear a double burden in that essentially, they are born to lower caste communities being women. Drawing from the research evidence which Chowdhry amassed during his field work in Haryana, "the sexual abuse of low caste women by high caste men extending from rape to sexual exploitation and liaison remains an ever growing phenomenon"(Chowdhry,1997).

Also, the slackness from the police side and judicial loopholes are adding to this tragic situation. Most cases of rape in India go unreported, as the victim remains apprehensive about social ostracization or threats from the rapist or the police. If, by any chance, it does get reported, the investigation process is further delayed, and the case stays within the courts for a long period. Victims often face threats or coercion to withdraw their complaints, while others remain unattended at the grassroots due to corruption or unconcern. The slowness in the pace promotes impunity whereby criminals are seemingly free to carry out their acts without feeling alarmed by any potential punishment. It is the socio-cultural force of honour instilled upon women's shoulders that does not allow them to take issue with encounters of violence. Dissent displayed by women is synonymous to them being presumptuous, which is not a trait of the submissive Indian woman. While reporting instances of honour-based violence, there is a gap in victim/police engagement as there are social predispositions which influence police responses to the victims' experiences. Hence, this section identifies critical ruptures that may suppress any sense of autonomy blossoming in women, and in so doing, wound the health of democracy because half the population is not allowed to experience exclusion and inequality (MacQueen and Norris, 2016).

Other contributing factors are a lack of proper sexual education and a lack of public awareness about women's rights, which overall contribute to the lack of understanding about boundaries within sexual relationships and respect for consent. Adding to that, media representation of women often enforces negative stereotypes, placing women in passive positions or objectifying them, further feeding into the culture of sexual violence. All these factors interlink with one another, creating an insecure atmosphere for women and thereby reinforcing the circle of sexual violence in India.

These are problems that require changes in the perception of society towards women, tougher changes in law reforms, and empowerment of law enforcement institutions to be more responsive and accountable in handling cases of sexual violence.

## **6 Impact on Women and Society**

Sexual violence against women in India has enormous and deleterious consequences for individual victims and society at large. Among victims, psychological effects are usually serious in forms of post-traumatic stress disorder, anxiety, depression, and feelings of long-lasting fear and insecurity. Victims very much often face nightmares, flashbacks, and hypervigilance that seriously disturb their daily lives. As Judith Herman (2015) puts it in his book "Trauma and Recovery", Trauma robs the victim of a sense of power and control; sexual violence, in particular, shatters a person's sense of self and erodes basic trust in others and the world. Added to these psychological wounds, social stigma in most cultures further aggravates the situation by blaming the victim of rape for the violence committed against her. She usually is shunned by her community, and

this can deepen the emotional trauma of a victim and may lead to isolation and hopelessness. The threat of this social stigma has turned many survivors into keeping the crime hidden; thus, sexual violence crimes are greatly underreported.

Equally destructive is the physical toll that sexual violence takes away from victims. Besides the immediate traumas received during the attack itself, there is the danger of STIs being contracted, even HIV, or unwanted pregnancies, normally with their own complications of health issues. Access to health services can be minimal, particularly concerning women from marginalised communities, hence acting to increase these health problems. Most cases of physical and emotional trauma, in many instances, have resulted in lifelong disability, both psychological and physical, further debilitating victims in their quest to live normal lives. The economic implications, too, are just as serious. Loss of economic opportunities as a result of trauma is commonplace among many victims of sexual violence. Many are forced into dropping out of school or leaving jobs due to continued psychological trauma, social stigma, or health issues. This may become a vicious circle of poverty as they get dependent on others for monetary sustenance, and scope for their growth and development is very limited. Therefore, victims from already marginalized communities—for example, the Dalits—suffer from further reduction of their access to justice, health, and economic opportunity at the intersection of caste and gender discrimination.

Besides individual victims, sexual violence has larger implications in society. It corrodes the social fabric by creating a climate of fear and insecurity, primarily amongst women. Since it instills fear and insecurity, most of the women are bound to retreat from public life, thus constraining their contributions in social, economic, and political spheres. This reduces the development and progress that the society is supposed to achieve since potential contributions by women in those spheres are suppressed. Besides this, there is a greater prevalence of sexual violence and an ineffective response, which builds up a culture of impunity. Unpunished perpetrators, especially those from higher castes or influential positions, send a message down the line that violence against women is indeed tolerated. This, in effect, reduces the rule of law to nullity and weakens public confidence in the legal and judicial systems.

The economic burden, too, on society as a whole becomes very high. First and foremost, it costs national resources to address sexual violence through healthcare, legal processes, and social services. Furthermore, larger scale economic impacts take a backseat as well due to productivity losses caused by psychological and physical trauma that victims often endure. Victims with disabilities to work or finish their education contribute less to the workforce, reducing economic output. Emotional and social support, which victims need, puts an extra burden on families and communities, thereby adding to the economic drain.

Another critical consequence of sexual violence is one that is intergenerational. Children who witness violence, or even know that it is occurring within their households, have the potential to suffer emotional and psychological trauma themselves. They may develop behavioral problems, be unable to trust others and enter into relationships themselves, and even commit acts of violence in their later years. The result becomes a generational perpetuation of violence predicated on the foundational act that has occurred. Menon, in the book *Seeing Like a Feminist*, thus tried to deal with how sexual violence perpetuates gender inequality: "The toleration of sexual



violence is one of the mechanisms by which women's freedom is controlled and curtailed, affecting their social and economic participation" (Menon, 2012).

The violence can also be a source of unrest in society and political instability. The incident of the 2012 Delhi gang rape saw mass protests and demands for reform. This shows that the population is highly frustrated with how women are treated and how sexual violence incidents have failed the course of legal justice. While these protests did see the passage of certain legal reforms, such as longer sentences for rape, many have been left disillusioned by the painfully slow pace of change and perpetuation of systemic biases in the police and judiciary. The consequences of sexual violence in India far exceed the individual victim. Severe psychological, physical, and economic costs are suffered by victims alongside a societal impact felt deeply. Sexual violence has destroyed social cohesion, reduced economic potential, and reinforced poverty and violence. It appears to have further eroded trust in legal and political institutions. The response to the problem requires a cultural change of the response against long-standing inequalities based on gender and caste, and the struggle can't be driven simply by changing the laws and increasing policing.

## 7 Conclusions

Sexual violence against women in India is a multifaceted and deeply entrenched social issue, shaped by the prevalence of patriarchy, inequality between the sexes, the caste system, and inefficiency or flaws in law enforcement. Patriarchal norms combined with caste order place women, especially lower-caste women, in positions of extreme vulnerability from which their rights are consistently undermined, and for which justice is rarely accessed (Sharma, 2016). The rise in reported cases of sexual violence—despite all obstacles to doing so—continues to reflect the gravity of the situation faced by lower-caste women, including Dalits, who are the victims of such heinous crimes because of their ascribed lowly social status. The situation gets worse because of the caste system, in which the full gamut of access to justice pushes women from the margins further into the fringes: increased chances of sexual violence and reduced access to justice. This gets compounded by the fact that the criminal justice system makes for very slow and biased responses, thus leaving many cases either not reported or not resolved. This creates profound consequences, including serious psychological, physical, and social effects not only on victims but also in destabilizing society as a whole. It dissolves trust among citizens, decreases economic productivity, and creates distrust of the legal system; ultimately, it reinforces cycles of inequality and injustice. Rajagopal (2020) stated that inefficiency in the rule of law, combined with social prejudice, leads to the severe underreporting of sexual violence cases, especially among the most marginalized groups who are discriminated against for their caste.

What is required to tackle the deep-seated problem of sexual violence in India is a multi-faceted approach that integrates legal, social, and policy reforms. Firstly, there needs to be more emphasis on enforcement of the law and fast-tracking the judicial processes for victims of sexual violence, including removal of entrenched biases allowing perpetrators—especially from the higher caste—to get away with impunity. Law enforcement should be better trained and held accountable for each and every case, with seriousness to the background of the victim, whether social or caste-based. Besides, a change in societal attitudes toward women and sexual violence requires public education campaigns. Efforts undertaken by such initiatives should focus on breaking

down negative gender norms, which prevent the reporting of sexual violence or encourage victims to come forward without blame and repercussions. It is essential to note that the policy should bring fairness to all victims and accountability of perpetrators: "An integrated approach, fast-tracking cases of sexual violence besides removal of caste biases in the criminal justice delivery system" is necessary as argued by Menon & Bhasin (2015).

Empowerment of women—especially among the most marginalized groups—is also empowerment. This would be furthered through access to better education, health care, and economic opportunities that could allow women to become more independent and resilient. Support systems for victims through civil society organizations and government agencies should include legal aid, psychological counseling, and safe spaces for recovery. The issue of addressing sexual violence in India is not only a question of legal reforms but part of a larger change in culture that questions deep-rooted inequalities breeding violence. Changing societal attitudes require strong public education campaigns that dismantle negative stereotypes of women, especially those from the margins, and facilitate reporting of sexual violence (Singh & Tripathi, 2019). It is then that we can aspire to a society where women are actually protected and their rights upheld and the cycle of violence broken.

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