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Exploring the Evolution of Gender-Based Violence in India and its Contributing Actors

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Violence against women is an issue worldwide; however, this paper focuses on India, where women are at greater risk of becoming victims of violence from a range of perpetrators - including their own families, to a certain extent. Although there are various forms of violence, dowry-related domestic violence and rape are comparatively abundant, especially in coverage in the Indian news media. Despite the first feminist efforts against the violence and degradation of women nearly 50 years ago, there have yet to be any substantial changes. Throughout the history of the subcontinent — first as the Indus Valley civilization and later as a country free from colonization — women’s role devolved, becoming increasingly restrictive due in part to the violence. Though legislation and laws intending to protect women from violence were instituted, they regularly fell short. The culmination of societal factors, lack of legal support, and increasing media coverage showcasing violence add to an environment where this type of violence is normalized. This paper explores the different actors contributing to such normalization, specifically the Indian news media, which is accessible to many and can influence attitudes.

Keywords: *gender-based violence, India, feminism, media*

Literature Review

The first campaigns of contemporary feminist movements in India have foundations advocating against dowry and rape (Basu and McGroary 65); however, even after almost 50 years since the first strides were taken, these issues remain persistent in the country, with women experiencing violence from different perpetrators including their own families, in-laws, and strangers. To understand India's complex relationship with gender, it is essential to examine its pre-colonial and colonial cultural dynamics and experiences as they ultimately contribute to the country's inadequate legal system, granting leeway to perpetrators and fostering a culture around fear and shame, which is then reinforced through different mediums such as news media - normalizing the behaviors.

The violence committed against women appear in many forms, but most commonly as dowry-related violence and rape. India is one of the world's most dangerous places for women, as illustrated by its high levels of violent actions committed against women. Between 2007 and 2016, there were 4 cases of rape reported every hour (Goldsmith and Beresford par. 3). This statistic, however, is far from the origins of India, one as a classical society. The region's beginnings as the Indus Valley civilization initially provided women with elevated social and cultural roles, evidenced by the art of the time. Arguably, the Indus Valley civilization (3300-1300 BCE) was nearly egalitarian (Mahapatra 22), it is believed the Indus people worshiped goddesses and priestesses, and women participated in public activities.

As time progressed, there was a slow degradation of women's role and status in society. In the early Vedic period (1500-1000 BC), patriarchal systems in the form of male domination appeared but were not a cause for concern considering women were respected and revered (Mahapatra 22). During the late Vedic period (600 BC - ~750 AD), however, there was a significant change, which was due to Manusmriti, the lawgiver of Indian society, who set forth a list of laws that focused on the submission of women, one law stated, "women have to be under father during childhood, under her husband during youth and under her son during old age... At no stage shall she deserve freedom" (Mahapatra 24). Male dependency became vital for women as laws, religion, and society forced them into a submissive role by first stripping their political rights and defining their value by physical purity and loyalty to their husbands. The addition of European colonialism in the 16th and 17th century worked to exacerbate the existing gender bias and discrimination. In 1857, Indian troops employed by the British Raj attempted an unsuccessful rebellion, because of built-up tension. This unsuccessful rebellion was termed the "Indian Mutiny" or "Great Mutiny" by the British and left lasting impressions on the perception of Indian men and their supposed barbarism. Pro- government newspapers bolstered the news of Indian men raping and committing acts of violence against English woman, often without any official record. These false reporting's made by the press permeated through multiple mediums, such as sermons, lectures, poetry, and novels, and eventually became the subject of history (Patil and Purkayastha 1960).

Under British rule, Indian men and women were exploited for profit. This forceful labor also served to subjugate and control the population (Clerk 4). The indigenous people were dehumanized, and the men were emasculated, as the colonizers characterized them as incapable of self-governance and irrational.

The feminization and emasculation of Indian men manifested in an environment where they felt the need to prove their masculinity and act on their resentment; oftentimes, this outlet would be their homes and against the women in their household. “Ingrained within the men of India is a belief that they must be or should be abusive to maintain their position as head of the household... The effect of Orientalist attitudes has led men to overbear the private sphere further than what is typical of Western societies, to feel the masculinity and power that was previously stripped from them” (Clerk 6). Men that feel powerless in public, in this case, because of British occupation and its consequent abuse, feel the overwhelming need to feel in control in their private lives. If they are not able to achieve this control, they turn to abuse or violent behaviors.

Arguably, a product of this toxic masculine culture is the concept of dowry, a way to inflate the value of men. Dowry is considered monetary or physical assets such as cars, homes, land, etc., given to a groom from the bride’s family as a “gift.” However, the groom or the groom’s family can decide that the “gift” is inadequate, which often results in violence against the new bride. Unfortunately, the groom is not the only one perpetuating violence against the new bride; mothers and other family members on the husband’s side frequently join in on this bullying and harassment, sometimes resulting in death or serious injuries. Rape is another prominent violent act committed against women. Rape is more than just a physical act; it also has psychological and emotional components. The action of rape can devoid someone of their autonomy, causing succumbing to someone else’s power. There are many reasons for rape, but most prominently, a man needs to show his superiority over a woman (Singh 192). Laws preventing rape often have loopholes causing unnecessary delay and difficulty during prosecution. Indian law fails to recognize rape as anything different than penile-vaginal intercourse, leaving room for other forms of sexual abuse. This gray area grants lighter and much more lenient sentences for the perpetrators, often negating victims’ experiences. Notably, acts committed against a wife under the age of fifteen are also not considered rape (Mehta 5) and are notable in two separate cases in India. *Raju v. State of Haryana* (February 22, 2019) and *Chittaranjan Das v. State of Uttar Pradesh* (April 22, 1963) highlight the negligence of the system of laws to protect young girls, especially by granting perpetrators leeway. This is dangerous to young girls and boys because the legal system completely neglects them and leaves them vulnerable. Until September 2022, marital rape was not regarded criminally as rape. This consideration was only heeded after a strong campaign against Section 375 (2) of the Indian Penal Code, “which gives married men immunity from prosecution when they rape their wives or are accused of doing so” (Zargar par. 2). Men’s rights activists protested the criminalization of marital rape as they believed it was just being done to empower women and, by doing so, violated men’s civil liberty. This situation emphasizes the level of entitlement within some of the men within the culture, further proving the dangers of toxic masculine ideals and unrestricted patriarchal beliefs.

A similar pattern can be seen in laws dictating dowry prohibition. Dowry-related domestic violence is widespread. The perpetrators of this violence are not just men and can be older women in the household. To mitigate this type of domestic violence, a prohibition of requesting or giving dowry is in place but rarely enforced in practicality. This prohibition was twice amended, intending for victims to obtain justice efficiently; the new changes included stricter penalties, hoping to deter crime and instituting lower burdens of proof (Kaushik 83). However, just like the laws against rape in India, many were able to take advantage of legal

loopholes. The Act states an exception to which giving dowry is permissible. Gifts or presents given at the time during marriage is overlooked - “presents which are given at the time of marriage to the bride without any demands having been made in that behalf” and “presents which are given at the time of marriage to the bridegroom without any demand having been made in that behalf (Dowry Prohibition Act 1961)” (Kaushik 84). Furthermore, the Act does not protect victims of dowry-related crimes; instead, it also threatens punishment for those who give dowry, including the bride and her family. However, if there is a dowry-related death, especially suicide, the husband and his family are held liable, and they must show “ a preponderance of evidence that they did not cause the victim’s death” (Kaushik 87). However, the prosecution often fails to convict the perpetrators, regardless of the evidence against them.

With little to no legal repercussions, cases of violence are frequent. The Indian news media covers the most extreme cases as well as presenting conversations around these topics, which often blame the victim and feed into rape culture. Rape culture normalizes violence, victimizes, and shames women, preventing women from coming forward and leaving abusive situations. Rape culture is portrayed through media, sometimes even unknowingly; “this social construction of violence against women is displayed through the media’s language. The language then portrays structures of power dynamics, fueling patriarchal discourse, where masculinity becomes the king, and femininity denigrated, birthing a rape culture (Bhandari 2).” It is also important to mention that in India, there are other factors that influence how the news is portrayed, factors such as religion, caste, class, etc., dictate how positive the media coverage is, and how much doubt is cast on the victim (Bhandari 2). Nevertheless, all victims do experience some form of victim blaming and suffer the consequences of rape culture, which in turn normalize violence against women.

After years of struggle to achieve gender justice and eliminate gender violence, India remains at somewhat of a standstill. As India evolved in each period, it is evident how stringent women’s roles and rights became, eventually leaving it with ineradicable impressions of gender. Although there are legal attempts to mitigate violence against women, both rape and domestic violence, it fails short, as legal loopholes allow perpetrators to receive little to no punishment. With this, cases are frequent, with the media focusing on the extreme instances, contributing ultimately to the normalization of violence against women.

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