



Conservatism meets Neoliberalism: The Politics and Narratives of Gender Violence in 21st Century India

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Abstract

This paper examines the intersection of conservatism and neoliberalism in committing and sustaining gender-based violence in 21st-century India. These two seemingly antagonistic ideas work collaboratively to enable the continuance of male dominance and control over females' lives. Through a deconstruction of history, law, and economics, this study explores how neoliberal policies support and validate conservative values, under the guise of progressivism, and cause systemic gendered oppression manifested through such channels as domestic violence, dowry-related deaths, and workplace harassment. Statistical trends, legislative progress, and grassroots activism underscore the intricacies involved in addressing gender-based violence and highlight the imperative need for transformative justice frameworks. This investigation brings out the interaction between structural inequalities and cultural narratives in shaping the dynamics of gender violence, which is critical for understanding the curative and preventive measures required against them in the Indian context.

Keywords: Indian women, Gender violence, Conservatism, Neoliberalism, Subaltern.

1. Introduction:

It happened on 9 August 2024, when a case of horrific rape and killing of a female trainee doctor turned the RG Kar Medical College and Hospital in Kolkata into a crime scene. Crimes committed and, first and foremost, concealed by educated men within the framework of modern medical institutions point to misogynistic attitudes rooted in the country. What is often not clear is that neoliberal mechanisms—often seen as progressive—covertly maintain conservative power dynamics that foster these actions. This article analyses the relationship between conservatism and neoliberalism that allows gender-based violence (GBV) to thrive in India. It also looks at the main types of GBV along with the legal and social measures that have been introduced here since 2001.

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According to Oxford English Dictionary (n.d.), conservatism is the attitude that resists change and supports the status quo in ideas and principles. Such philosophy justifies the existing social order as it strongly holds the concepts of continuity, tradition, and authority. For on the other end, neoliberalism is an economic policy built on free market capitalism ideology, promoting a marketplace without government intervention and an individual's rights. This is based on four basic principles: autonomy, fiscal restraint, market-based privatisation, and reduced state intervention. GBV is defined as violence that is directed against a woman because she is a woman or that affects women disproportionately (Europe, 2011). It includes sexual, physical, psychological, and economic harm inflicted on people through threats, coercion, manipulation, or actual force. Despite the seemingly disparate nature of these models, they often overlap to maintain outdated social norms.

2. Theoretical framework and research methodology:

Conservatism and neoliberalism work in tandem to promote GBV through two primary methods:

- a) By upholding each other's structures without interference, turning a blind eye and evading responsibility for one another's actions
- b) By cooperating to keep women subdued and dependent within prevailing systemic structures.

The underlying basis for their cooperation can be understood through Foucault's concept of productive power, whereby power is relational and composed of dense, intersecting networks of social aspects, (Oksala, 2016) including disciplinary power. The enhancement and maintenance of power motivates this collaboration: for conservatives, through the imposition of patriarchal structures driven by religious norms and imagined masculinity; for neoliberalists, through profit-maximising structures driven by market forces and reduced state intervention. Together both increase socio-economic inequalities and vulnerability to GBV in India from intimate partner violence to gang rape. Thus, the change in India is far beyond economic system changes; rather, it is deeply seated within the structural and cultural body of society, in which neoliberal policies have empowered and established new forms of gendered violence. While conservative structures appear straightforward in their goals and workings, the neoliberal ideology obscures its true nature through a radical discourse of freedom. Its 'conservative' impulse to preserve the prevailing social order is in contrast to classical liberalism. Thus, neoliberalism is not in contest with conservatism as both share a similar reactionary flavour (Fischer, 2020).

For instance, India's neoliberal growth strategy has involved increasing women's participation and labour under seemingly progressive terms of 'inclusion' and 'empowerment' on one hand, using patriarchal-loaded terminologies of 'safety, security and protection' on the other hand that actually limit women's agency and mobility. Using neocolonial and neo-imperialist forms of power relations and social hierarchisation, conservatism seeks to substitute revolutionary class solidarity with a conservative solidarity of nation or community (Fischer, 2020; Wichterich, 2019), thereby ensuring men continue to hold positions of power. GBV has been one of its methods and byproducts, imposing social control and subordinating women along lines of caste, class and region.

This study uses a combination of statistical and content analysis to trace the dynamics of GBV in present-day India. The primary sources of information and statistics are drawn from the National Crime Records Bureau (NCRB), academic texts, legal documents, and narratives of activists. The methodology used in assessing the trend of statistics was Compound Annual Growth Rate (CAGR), and qualitative content analysis added contextual

insight to the readers. The discourse holds some quantitative information that narrates the social stratification while coupled with qualitative views that correspond with cultural dimensions. Further, it explains how the old social institutions and neoliberal policies converge in framing the dynamics of GBV.

3. Conservatism through the ages:

GBV has been used as an instrument to control and discipline women throughout the Indian history. Child marriage and dowry are just some examples of how social norms, and the economic pressure have combined to enforce women's subjugation. During the colonial period, GBV came in new disguises - both in terms of reform and oppression. For example, the banning of sati by British legislation in 1829 was opposed by Indian traditionalists who wanted to hold on to their cultural identity. In the meantime, colonial powers created their patriarchal cultures as well, making violence against women even worse.

Conservative groups frequently opposed progressive reforms—such as the Age of Consent Act (1891)—by presenting their actions as efforts to safeguard their 'Indian' culture and to counteract Western influences. Promoting a conservative nationalism that idealised women as mothers, (Bradley, 2019) they epitomised chastity and docility. These norms rationalised the use of violence against women who fail to meet these requirements. Under colonial governance, epistemic, physical, instrumental, and structural violence (Jensz, 2019) laid groundwork for oppressive trends which continued even after independence. Between 1950 and 1990s, institutional and societal GBV continued to thrive despite legislative intervention in the form of, for example, the Dowry Prohibition Act (1961). The National Crime Bureau of the Government of India reported 6,000 dowry deaths per annum in 1995 alone; unofficial estimates suggest this figure at 25,000 per year (Javed, 2014). It were cases like Mathura rape in 1972 and Bhanwari Devi gangrape in 1992 that exposed judicial and police biases before the public along lines of caste and gender. Events like these revealed how state apparatuses not only failed to prevent GBV but also tacitly supported its perpetuation.

4. Advent of Neoliberalism:

It was during the 1980s when neoliberal ideologies emerged to influence global policies, stemming from the actions of Reagan and Thatcher. Neoliberalism under the disguise of deregulation and fiscal restraint, slashed back social welfare services, increased surveillance, and strengthened patriarchal norms of control through mechanism of gendered policing (Strait, 2020). As neoliberal policies came to India and gained traction in the 1990s and 2000s, they interacted with local socio-cultural forces to create a unique environment where economic reforms ostensibly empowered women while simultaneously exacerbating vulnerabilities to GBV (Chhachhi, 2020; Krishnan, 2018).

Guided by neo-White man's burden, neoliberal organisations sought to uplift women of the Global South by imposing stereotypical binaries, for instance, contrasting the 'modern' liberal woman of the affluent Global North to the 'traditional' conservative woman living in the underdeveloped Global South. As in the colonial period, neoliberalism perpetuates hegemonic ideological formations based on cultural representations of Indian women in the writings of white men and women, who believe that they 'liberated' women from their own kind (Indians) and established a good society (Spivak, 1988). It is ironical that cultural explanations are sought for violence against women in Global South when similar research conclusions are not made for violence against women of Global North, especially in the case of fatal forms of GBV, which are sometimes dismissed as 'death by culture' (Narayan, 1997).

5. Insult to Modesty, Assault and Rape of Women:

5.1. Definitions and Nature

Women's bodies have consistently been contested spaces within patriarchal structures, considered inseparable from their core existence and identities. The violated or injured body is the ultimate means of exerting power over women and inflicting pain. The manifestation of violence against women follows an integrated pyramid like structure that reveals varying degree of systematic oppression from verbal comments on their character to physical violence including rape.

The Bharatiya Nyaya Sanhita (BNS) replaced the Indian Penal Code of the colonial era in December 2023 and gives broader definitions of GBV. Insult to women's modesty encompasses uttering words, making sounds or gestures, or exhibiting objects that intrude upon their privacy.¹ Assault involves unwelcome physical contact of an explicit sexual nature, demanding sexual favours, showing pornography against a woman's will, or making sexually charged remarks.² BNS also defines intentions of disrobing, compelling nudity, and voyeuristic behaviours.³ Rape involves forcible sexual contact or penetration in any part of the women's body without her conscious will and free consent, under 18 years of age.⁴ Intrusive surveillance and discriminatory restrictions on social and sexual conduct of young women are implemented through verbal humiliation and psychological harassment across various spaces including homes, educational institutions, and workplaces. From imposing dress codes to constructing boundary walls and installing surveillance cameras, (Krishnan, 2018) women experience pervasive moral policing couched in language of modesty, shame, and honour.

Conservative ideologies and neoliberal structures collaboratively promote a 'rape culture' that eroticises aggressive male sexuality as a healthy, normal and desired aspect of sexual relations (Lumsden & Morgan, 2017). Neoliberal responses to sexual violence typically individualise the problem, shifting responsibility onto potential victims while relying on punitive interventions (Strait, 2020). The media is very important in forming social truth by selectively representing GBV related incidents. Utilising Bourdieu's concept of symbolic power media outlets are reproducing the hegemonic power structure of gender by framing women representation in a patriarchal way. Cultural scripting has also kept on perpetuating sexual violence by objectifying women and reinforcing harmful gender norms (Downey et al., 2022; Lumsden & Morgan, 2017). Many platforms adopt a 'victim-blaming' stance, sensationalise reports, create a moral vocabulary for women, associated with honour and shame (Bradley, 2019). and sometimes even justify sexual violence. Disciplinary power is imposed when women internalise disciplinary habits, such as dieting and fitness regimes, in accordance with the prevailing norms of femininity and sexual appeal (Oksala, 2016) which are mostly a construct of masculine perspectives towards the opposite sex instead of the women's own agency.

5.2. Statistical Trends and Analysis:

Table 1⁵

Crime head	2001	2012	2022	CAGR
Insult to the modesty of Women	9746	9173	8972	-0.39%
Assault on women with intent to outrage her modesty	34124	45351	83344	4.34%
Rape	16075	24923	31516	3.26%

¹ Bharatiya Nyaya Sanhita, 2023 (henceforth referred to as "BNS, 2023"), Section 79

² BNS, 2023, Section 75

³ BNS, 2023, Sections 76, 77

⁴ BNS, 2023, Section 63

⁵ NCRB Crime Reports (2001-2022)

CAGR analysis of NCRB data between the year 2001 to 2002 the insult to modesty of women crime drop to 0.39 percent, with the number of the cases slightly dropping from 9746 (2001) to 8972 (2022). On the contrary the violation cases with the intent to outrage women's modesty rose by 4.34% increasing far from 34124 (2001) to 83344 (2022) cases. Rape cases increased at a CAGR of 3.26%, with absolute cases nearly doubling from 16,075 in 2001 to 31,516 in 2022.

Nonetheless, these statistics are to be interpreted in a nuanced manner taking into account factors like parental criminalisation of consensual relationships, underreporting, and even possible misrepresentation of cases. Data reflects that physical forms of violence seem to be going down, probably due to underreporting, decreased awareness, or moving into digital spaces that offer greater anonymity. Outright physical crimes such as assault and rape continue to have higher chances of being reported as the society and institutions still prefer dealing with different forms of violence against women.

5.3. Reasons behind the neoliberal-conservative nexus:

Conservative moral regimes position women as symbols of patriarchal ideology, (Wilson et al., 2018) with their honour and the status in the socio-cultural world tied to their chastity, modesty, and virtue. From subaltern men to male politicians, many not only uphold but also thrive on maintaining 'Indian' cultural norms to preserve their power in both domestic and public spaces. They reject anything that supposedly denigrates the position of 'their' women, while upholding anything that reinforces their masculinity. The film *Padmaavat* (2018) glorified Jauhar—a form of mass suicide by women similar to sati—under the pretext of celebrating the Rajput practice, despite the 1987 Commission of Sati (Prevention) Act prohibiting such glorification (Atwal, 2019). The film also faced backlash from vigilante groups, who believed that the portrayal of Rajput queen Padmavati disrespected their 'sentiments'. Films that expose the connection between patriarchal mindsets and GBV are often scrutinised, under the pretext of containing explicit content. *India's Daughter* (2015), a documentary by Leslee Udwin on the Nirbhaya case, was banned and removed from the internet as politicians claimed the interview with one of the perpetrators attacked 'the dignity of women' and was made to damage India's global reputation (Herrmann-Pfandt, 2019).

As in the colonial period, patriarchal elements support regressive gender controls and present them as a way of protecting 'Indian' values and keeping women safe from 'degrading' Western influences. The Western media and social media stereotype Indian society as being represented by low-caste, poor Indian men from rural areas as 'unmodern' and responsible for heinous crimes like rape. This provokes backlash from dominant male political and intellectual groups, who dismiss such criticisms as Western racialism or attacks on Indian cultural norms (Bradley, 2019). A rise in patriarchal ideologies, or 'repatriarchialisation', is evident in social policies, where the authoritarian and neoliberal government frameworks promote GBV by rejecting the 'gender ideology' of the West, opposing domestic violence legislation, and aggressively asserting heteronormativity (Fischer, 2020).

Movies and media distort perceptions and make the viewer believe reel life is as real as real life. The film stars are idols who move public opinion, especially amongst the youth, despite their misogynistic and regressive behaviour contrary to the law (Herrmann-Pfandt, 2019). For instance, stalking⁶, rooted in patriarchal thought is often glorified in contemporary Indian films. Filmmakers manipulate audiences into believing that 'stalking is the ultimate form of selfless love.' Rejection from women on being stalked leads to men perpetrating

⁶ Stalking is criminalised under BNS, 2023, Section 78

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incidents such as acid attacks, (Herrmann-Pfandt, 2019) destroying the victim's life so that she becomes unavailable for anyone else.

Digital world emboldens the perpetrator to indulge in cybercrimes many times without fear of consequences to stalking, gender trolling, defamation, or even morphing images. Misogynistic individuals objectify and target women in the online public sphere when their activity departs from the stereotype of passive femininity. Women are labelled as “doubly deviant: deviant for being online and deviant for daring to enter a male-dominated workplace” (Lumsden & Morgan, 2017, p. 16). Sexist and misogynistic abuse is directed at women, with the myth that women ‘enjoy’ rape frequently perpetuated in sensationalised media coverage of rape crimes and online threats. The ‘male gaze’ scrutinises the female body, with comments fixated on physical appearance, suggesting that women's worth is defined by their sexual appeal to men. The globalised, liberalised economy promotes the idea that ‘curative’ measures like abortion will be available after forced sex.

Neoliberalism individualises systemic problems and punishes women for perceived failings. Sexual violence is often understood as the result of individual behaviour rather than cultural norms that normalise it, or the socialisation processes that cause people to believe that sexual violence is normal, acceptable, or even equivalent to sex (Strait, 2020). Conservative elements too blame victims by citing religious or cultural norms, distancing themselves from perpetrators by portraying them as ‘aberrant’ and possessing ‘natural leanings’ who are beyond rehabilitation, thus making behavioural interventions seem unnecessary. These views isolate acts of sexual violence from the patriarchal structures that enable them, maintaining a narrative that focuses on protecting conservative-neoliberal structures rather than addressing the roots of sexual violence.

Men often view women as incompetent and feel threatened by their presence in traditionally ‘male’ spaces, resorting to GBV as a means of asserting authority. Many individuals and institutions comply with gender policies not out of genuine commitment, but due to fiscal or legal obligation. They avoid responsibility for creating or tolerating environments that enable GBV. This evasion includes suppressing knowledge of incidents, discouraging reporting, delaying adjudication, and focusing on punishing individuals, who are often seen as products of these toxic environments (Strait, 2020).

Corporations fear women's autonomy in their personal and sexual lives, as it undermines their vulnerability in the workplace, which contributes to their exploitation. They recognise that autonomy cannot be confined to family, caste, or community; it inevitably spills into the workplace, potentially fostering unionisation and collective action (Krishnan, 2018). As a result, they resort to sexual harassment and assaults in workplaces. This mirrors the patriarchal and conservative outlook of society, where women are made to feel “docile and vulnerable” (Wichterich, 2019, p. 203) to maintain their subservience and insecurity at work. Managers often invoke patriarchal notions of culture and morality, using public shaming and sexualised abuse to restrict women's mobility, communication, and unionising capabilities. In some cases, women have even been followed to toilets to prevent ‘wasting time’ (Krishnan, 2018).

The problem of ‘internalised patriarchy’ is widespread among women due to being raised in a patriarchal society. They often engage in self-surveillance concerning their appearance and sexual appeal, seeking validation from men (Oksala, 2016). Religion, a crucial source of identity for many women, has long been used to impose patriarchal rules and traditions, often reducing women to the imperfect version of men. The neoliberal turn has

enabled media coverage of such regressive, anti-women ideals (Mikaelsson, 2016). Under the guise of supporting victims, both conservative and neoliberal elements advise women to ignore online trolling and misogynistic activities and focus on avoiding assault, instead of teaching perpetrators not to be violent. This reinforces the idea that women's bodies are "risk factors" (Strait, 2020, p. 17) and is a tactic of conservatives to marginalise women's participation in public spaces, while for neoliberalism, it is to ensure the smooth functioning of socio-economic structures without disturbances.

5.4. Legislation, Policies, and Movements:

Different legislations, policies, and social movements have emerged in response to the physical and psychological dangers that women face along with the need to empower them. Chapter V of BNS provides protection for women against sexual offenses, including self-defence against assault and rape,⁷ and those crimes such as rape may be punished severely; thus, a minimum sentence shall be 10 years,⁸ extendible to life imprisonment. Gangrape is punishable by a minimum of 20 years.⁹ The minimum age for rape has been increased from 15 to 18, and sexual intercourse under deceitful circumstances is now explicitly criminalised. The BNS incorporates several key pieces of legislation passed since 2000, including the Criminal Law Amendment Act of 2013. In the wake of the Nirbhaya case (2012), the Justice Verma Committee recommended amendments to criminal law, leading to the passage of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (POSH) in 2013, aimed at ensuring women's safety and dignity in the workplace and focusing on more effectively addressing sexual violence.

The Nirbhaya case had also evoked widespread protest across India seeking justice and stringent laws. The Justice Verma Committee received more than 80,000 suggestions for change in the country's laws and legal systems. Similarly, the RG Kar case provoked intense public outrage, with acts of vandalism and the involvement of medical staff and the public, leading to intervention by the Supreme Court. The Court directed the Central Bureau of Investigation (CBI) to take over the investigation and formed a National Task Force (NTF) to oversee safety measures in medical institutions. Both these occurrences challenged international perceptions that Indian women were passive victims by highlighting their resilience and activism. These events brought international attention to sexual violence on Indian soil and sparked discussions that were associated with gender equality and ensuring protection for women in society everywhere around the globe. These are the small-scale feminist movements, such as *Pinjra Tod*, advocate against discriminatory rules and imposition of mobility and privacy restrictions on women (Krishnan, 2018). The *#MeToo movement* which originated from the West and found its momentum in India in 2018 revealed the sexual violence perpetrated by the powerful men & also contributed in creating empowered spaces for women's voices and resistance.

Grassroots organisations foster safe spaces and build a culture of resistance against gender violence by empowering subaltern women. One notable example is the Gulabi Gang, a vigilante group founded in 2006. Members, in pink saris, directly engage in issues such as domestic violence, dowry, and sexual assault by shaming perpetrators and involving local authorities to bring justice for women. They have also exposed patriarchal practices in the local governance system. For instance, when a 28-year-old Imrana from Muzaffarnagar, was raped by her father-in-law in 2005 and the local panchayat declared her marriage invalid while suggesting she marry the rapist. Imrana stood up against the judgment made by the panchayat, with the support of her husband and women's organisations. The rapist was

⁷ BNS, 2023, Sections 38(c) and 38(d)

⁸ BNS, 2023, Section 64(1)

⁹ BNS, 2023, Section 70(1)

sentenced to 10 years in prison. Collective action by feminism and women's rights NGOs have thus won justice for Imrana.

As the sexual violence in cyberspace becomes more important, this would need technological solutions such as privacy settings, reporting, and online safety measures safeguarding women from harassment and stalking and cyber violence in order to empower women's capacities for building and taking back safe digital spaces against the forces of online violence (Harris & Vitis, 2020). India has enacted laws that regulate cybercrimes, most of which include the IT Act 2000 that encompasses punishable offences related to criminal cyber activities. However, Challenges still exist. The presence of patriarchal elites at the very top political echelons only augments the gap between legal transformations and social traditions (Bradley, 2019), given that laws are also a result of a patriarchal institution. The state decontextualises feminist logics, and injects neoliberal vocabularies that kill all the transformative potentialities of the feminisms and reinforces mainstream hegemonies. Laws often fail to deliver justice to victims because the current legal system lacks restorative justice mechanisms and therapeutic jurisprudence. It is essential to move away from individualising sexual violence and instead focus on restorative justice to rebuild trust within communities and foster systemic changes to eradicate GBV (Strait, 2020).

6. Dowry: Beyond Gifts and Transactions

The definition of dowry cannot be simplified to mere exchange of money and material goods mislabelled as gift or reciprocal exchange. Rather the complexity of its definition lies in its devolution from an equalising force between genders & social class to vehicle of exploitation. Unlike voluntary exchanges, dowry is compelled by societal pressures that penalise families unable to meet these demands. Cultural assumptions further reinforce the burden on the bride's family to prove their status or gratitude through financial contributions, reducing marriage to a transactional relationship. This obligation manifests in varying forms across India, with regional nuances such as 'streedhan' in some regions and 'dahej' in others.

6.1. Statistical Overview:

Table 2¹⁰

Crime head	2001	2012	2022	CAGR
Dowry Deaths	6851	8233	6450	-0.29%
Dowry Prohibition Act	3222	9038	13479	7.05%

Dowry is a widespread practice, affecting an estimated 93% of Indian marriages (Anderson, 2007). This inflation may partly stem from the 'marriage squeeze', where an imbalance between marriageable men and women increases competition for husbands (Rao, 1993). However, recent studies, such as Chiplunkar and Weaver's 2023 analysis using REDS data, have found limited evidence to support this link, suggesting that dowry inflation is driven by other socio-economic factors.

Our own observations regarding dowry practices and dowry deaths is particularly troubling. Data from the NCRB indicates that dowry-related deaths remain disturbingly high, with 6,450 cases reported in 2022. Although the CAGR from 2001–2022 showed a slight decline (-0.29%), these figures remain alarmingly high, indicating a systemic failure to eradicate this practice. Dowry Prohibition Act cases paint a very different story of its own. The number of cases filed under this Act have gone up manifold. It grew from 3,222 in the

¹⁰ NCRB Crime Reports (2001-2022)

year 2001 to 13,479 in 2022 with a CAGR of 7.05%. It would probably be on account of improved reporting and better awareness about legal steps being taken against dowry-related malpractices.

6.2. Reasons behind incidences of dowry:

The preference for sons, bolstered by the dowry system, leads to female feticide and neglect of girl children. Studies, such as Alfanso's (2017), argue that dowries disproportionately boost the economic returns of parents with male children, further entrenching gender inequality. Neoliberal policies have increased the dowry crisis. The cost of marriage and societal demands are monetising marriage, thereby raising the dowry demands day after day. The dowry is seen as an avenue for upward social/economical mobility and making money by the groom's family. The persistent gap in wages between men and women widens the economic burden on brides' families. Dowry has become an expected transactional component of neoliberal structures and has further entrenched patriarchal and cultural beliefs behind the tradition. Women who fall victim to dowry-related violence are often blamed for their inability to adjust to the patriarchal marital norms.

As neoliberal economic pressures grow, marriage becomes further commodified, and dowry inflation continues unchecked. For instance, a study in Karnataka found that an increase in the wife's family wealth increased the likelihood of violence, while an increase in the husband's family wealth decreased it. Dowry-related violence often escalates to extreme forms, such as bride burning and dowry murders, typically when dowry demands remain unmet (Stone & James, 1995; Kumar & Tripathi, 2004). Social norms are very conservative with patriarchal structures deep-rooted which continue to support this culture of dowry, many deeming it a necessity of their communities. This resistance to change is what hinders each and every attempt to question this practice that not only necessitates legal reforms but also changes in the understanding of the concepts of marriage and family.

6.3. Legal Framework and Challenges:

BNS¹¹ addresses dowry deaths and establish a legal framework that presumes culpability when a woman dies within seven years of marriage under suspicious circumstances, especially when prior dowry-related harassment is evident. The statute broadly defines dowry as property or valuable securities exchanged during marriage transactions but excludes specific cultural-religious considerations such as Muslim personal law's dower or mahr. This legal approach shifts the burden of proof and acknowledges the systemic violence incorporated within patriarchal economic systems by commodifying women. Severe penalties are warranted and must be met with imprisonment, not less than seven years, and even with imprisonment for life. This crime is cognisable and is not bailable. Its trial is by the Court of Session, reflecting the state's commitment to addressing gender inequalities.

Much, however, remains to be done. The conviction rate of dowry-related offenses is very low at 34.7% highlighting issues with evidence collection and judicial inefficiencies (Agarwal, 2018). Supreme Court judgments in recent years mandating magistrate approval before arrest in dowry cases, ostensibly to curb the misuse of the law, have inadvertently delayed the process further for actual victims of the act (Ahmad, 2008; Agarwal, 2018). Besides, the dowry is seen as a core part of cultural traditions by many Indians, which obstructs implementation of Dowry Prohibition Act (1961).

7. Domestic Violence in India: A Systemic Gender Inequality

Domestic violence in India represents deep systemic gender inequality, engrained in complex social, economic, and cultural configurations. The widespread nature of this issue is rooted

¹¹ BNS, 2023, Section 80

deep in patriarchal structures, long-standing cultural norms, that always place women as inferior members of society (Visaria, 2000; Fernandez, 1997).

7.1. Causes and Nature:

The prevalence of domestic violence has an inextricable relationship with various interconnected factors. Structural inequalities and internalised patriarchy & misogyny form an environment in which violence against women becomes more or less normal and sustained. Key predictors of intimate partner violence (IPV) are generally reported to be low education, socio-economic status, and substance abuse, specifically alcohol use by husbands (Mishra et al., 2024; Choudhary et al., 2024). The occurrence of intimate partner violence is also found to be influenced by the duration of the marriage, the number of children, and the family structure (Choudhary et al., 2024). The vicious cycle of IPV can be intensified in aspects, which brings an interlocking relation between the individualised experience and greater social order or structure where poverty and addiction add upon as well as rigidly gendered societal structure (Giri & Parveen, 2024).

The conceptual relationship between neoliberal economic paradigms and conservative patriarchal ideologies engenders a pernicious environment characterised by violence. Neoliberal economic systems paradoxically bolster conventional patriarchal hierarchies, thereby exacerbating economic and social disenfranchisement (Krishnan, 2005). The economic precariousness of women emerges as a pivotal mediating variable, whereby lower socioeconomic standing and restricted educational opportunities markedly heighten their susceptibility to domestic violence.

Domestic violence manifests in various modalities. Physical abuse encompasses actions such as striking, slapping, or any other form of physical harm that results in injury (Raveesh et al., 2022). Sexual abuse entails the imposition or coercion of a partner into non-consensual sexual acts, which includes rape and other manifestations of sexual coercion (Parlinggoman et al., 2024). Psychological abuse includes behaviours aimed at intimidating, manipulating, or isolating the victim, such as threats, humiliation, and controlling actions (Stewart et al., 2021). Economic abuse involves controlling a partner's access to financial resources, thereby limiting their independence and ability to support themselves (Raveesh et al., 2022). Neglect, particularly in family life, also constitutes a form of domestic violence, especially when it results in suffering or misery for the victim (Parlinggoman et al., 2024).

7.2. Statistical Overview and Interpretations:

Table 3¹²

Crime head	2001	2012	2022	CAGR
Cruelty by Husband or his relatives	49170	106527	140019	5.11%

According to the NCRB data, cruelty by husbands or their relatives between 2001 and 2022 increased at a CAGR of 5.11%. This shows that there has been a steady, though troublesome increase in reported cases over two decades, from 49,170 (2001) to 140,019 (2022). This rise could reflect evolving societal mechanisms of reporting, legal awareness, and institutional responsiveness rather than just an increase in violence. The peak of 136,234 cases in 2021 and the subsequent rise in 2022 may signify greater legal consciousness, enhanced reporting, or shifts in social tolerance towards domestic violence.

¹² NCRB Crime Reports (2001-2022)

7.3. Legal framework, Challenges and Solutions:

The legal aspects regarding domestic violence have undergone tremendous transformation with BNS infusing much more substance in Section 498A of the Indian Penal Code, defining cruelty as willful conduct likely to drive a woman to suicide or cause severe physical or mental harm (Dhawan & Bhasin, 2024). It also provides essential presumptions in cases of domestic violence; for example, presumes abetment of suicide when a woman dies within seven years of marriage after being treated with cruelty and presumption in dowry-related deaths.¹³

Even after these legal reforms in law, great challenges remain. Even the Protection of Women from Domestic Violence Act (PWDVA) of 2005, along with the recent provisions provided under BNS, find it rather challenging to dismantle the strong patriarchal structures that dominate and allow violence to be present. The path forward requires a radical reimagining of gender relations, extending beyond legislative reforms. To effectively address domestic violence, it is essential to engage with legal, educational, psychological, and community approaches simultaneously. Some promising approaches have emerged through community-based initiatives, including the engagement of men and boys in critical discussions about masculinity, challenging internalised gender norms, and providing strong support systems. Integrated intervention models have transcended punitive frameworks and have offered holistic solutions for the issue of domestic violence. A strong cultural change is going on to resist the power structures that sustain gendered oppression.

8. Kidnapping and Abduction of Women and Girls:

The phenomena of kidnapping and abduction of women and girls within the Indian context serve as a manifestation of deeply rooted socio-economic disparities and patriarchal constructs. In the last twenty years, there has been a troubling escalation in these offenses, which can be attributed to cultural conservatism, neoliberal economic frameworks, and systemic deficiencies in law enforcement mechanisms (Mishra, 2017; Prakash & Vadlamannati, 2014).

8.1. Factors driving kidnapping and abductions

The cultural, economic, and systemic dynamics together determine the volume of kidnappings and trafficking incidents that are currently in operation in India. Patriarchal ideologies, including a preference for male offspring and cultural narratives that undervalue women to a large extent contribute to their victimisation and kidnapping (Kabiraj, 2023; Mishra, 2017). Overall poverty and growing socio-economic inequalities force poor families to push their daughters into jaws of trafficking predators (Ghosh, 2009). Systemic failures cause incompetent law enforcement and delayed judicial processes that give offenders free reign to operate, thereby creating and sustaining patterns of exploitation (Mayer, 2022).

Although neoliberal economic reforms in India have stimulated macroeconomic advancement, they have concurrently exacerbated the vulnerabilities of marginalised demographics, particularly women and girls. Informal labour markets, which are characterised by precarious employment conditions, heighten the risks associated with trafficking as opportunistic traffickers exploit these vulnerabilities, frequently enticing women and girls with deceptive offers of employment or educational opportunities (Barner et al., 2014). Concurrently, cultural conservatism reinforces patriarchal values, such as dowry practices and son preference, which further render women susceptible to abduction and trafficking (Mishra, 2017; Prakash & Vadlamannati, 2014).

¹³ BNS, 2023, Sections 117, 118

8.2. Statistical Overview:

Table 3¹⁴

Crime head	2001	2012	2022	CAGR
Kidnapping and Abduction of Women & Girls	14645	38262	85310	8.75%

Reported cases of the kidnapping and abduction of women and girls have increased during 2001 to 2022 with a compound annual growth rate of 8.75%. That means, the situation is becoming more and more problematic day by day (NCRB, 2022). On the other hand, cases under the Immoral Traffic (Prevention) Act, which are the crimes under trafficking, have had a negative CAGR of -8.09%, thereby giving an indication of the fact that there might be an issue of underreporting and poor implementation mechanisms (NCRB, 2022). This rise in kidnappings is accompanied by greater socio-economic changes and the growing use of digital technology by traffickers. Contemporary digital platforms facilitate the exploitation of legitimate employment and educational avenues, thereby victimising susceptible individuals and engendering a pronounced disparity between legal safeguards and technological progress (Basnet, 2023; Barner et al., 2014).

8.3. Legal Framework and Challenges:

The BNS criminalises the abduction of women for forced marriage or illicit sexual relations, which are met with imprisonment of ten years and fines. According to it, trafficking means recruiting, transporting, or harbouring through threats, fraud, or abuse of power. Depending on the age of the victim¹⁵, its sentences range between seven years and life imprisonment. The BNS also criminalises knowingly acting upon trafficked people, whose imprisonment can range from three to ten years.¹⁶

The laws, though seemingly comprehensive, remain hamstrung by ineffective implementation and delay in litigation. There has been a lack of efficient delivery of justice due to undue prolongation in the prosecution process and also insufficient victim support (Lolayekar et al., 2020). For example, the Criminal Law (Amendment) Act of 2013 introduced stricter penalties for trafficking, but these laws are not uniformly implemented across the country (Mishra, 2017). The digital trafficking crisis also calls for modernised cybercrime legislation and the institution of specialised enforcement units to deter online exploitation (Basnet, 2023). Hence, there is a need for stronger institutional frameworks as well as community-based initiatives in order to ensure the law's efficacy.

9. Limitations and Scope for Future Work

Although this study analyses the causes, nature, and prevalence of gender-based violence in India, it has several drawbacks. It does not present findings on the long-term impacts of GBV on the physical and psychological well-being of women, which would be crucial to determining the effects of such violence on a person's health. Though the paper focuses on some specific types of GBV, such as domestic violence and dowry-related crimes, it has left out others, like child marriage, pre-natal sex determination, and female feticide, which are highly connected to patriarchal and socio-economic systems. Moreover, even though statistical data used reveal larger trends in GBV, the reasons behind such trends demand a more empirical analysis and theoretical study to unveil the complexities behind these trends. Future research should, therefore, apply interdisciplinary approaches to give a fuller view of GBV and its multifaceted implications.

¹⁴ NCRB Crime Reports (2001-2022)

¹⁵ BNS, 2023, Section 143

¹⁶ BNS, 2023, Section 144

10. Conclusion

Confluences of conservatism and neoliberalism have bred an insidious paradigm that proffer sustenance for and legitimacy to gender-based violence in India. When patriarchal norms are put together with market-driven imperatives, these ideologies work together in maintaining traditional structures of power and innovating fresh forms of systemic oppression clad under the guise of modernity. This double-edged dimension critically erodes women's agency. Legal and policy responses remain insufficient unless the base of violence is approached by confronting both cultural and economic dimensions driving such violence.

While legal reforms through Bharatiya Nyaya Sanhita and social awareness created by feminist movements like #MeToo and Pinjra Tod are challenging gender-based violence, the conservative societal system continues to hold on deeply. Problems such as judicial inefficiency, underreporting, and co-opting feminist language by neoliberal elements continue to impede real change while reinforcing existing gendered structures. Hence, the more patriarchal norms make their way into newer spaces, such as digital platforms, the stronger, dynamic and more responsive the legislative structures have to be.

To combat gender-based violence effectively, more than punitive and reactive measures, inclusive and flexible strategies incorporating education, social engagement, and economic upliftment need to be promoted. Restorative justice practices, along with dismantling of patriarchal narratives in cultural, religious, and economic spheres, are integral for creating sustainable shifts. This study brings the imperative need to reimagine gender relations in India where legal reforms and societal shifts still remain at a distance from being aligned.

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