

Gender-Based Violence as a Barrier to Women's Economic and Social Decision-Making: A Legal Analysis

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ABSTRACT

Sexual violence against women and girls is arguably the most serious challenge to women's economic and social empowerment in India. The low status of women in India seems unaffected in the face of the menace of patriarchal norms, inadequate enforcement of law, and societal stigma opposed to their rights and opportunities, despite the establishment of a broad legal framework enshrined in several statutes including the Constitution, Protection of Women from Domestic Violence Act (2005), Sexual Harassment at Workplace Act (2013), and the recently adopted Bharatiya Nyaya Sanhita (2023). This continues to affect women, preventing them from participating in the workforce, accessing education and skill development opportunities, and gaining political representation, among others. If therapist involvement is absolutely necessary, it is primarily because of the victim's immeasurable economic reliance on her abuser, complete ignorance of her legal rights or protections, and total absence of adequate institutional support. The intersectionality of caste, class, and geography also influences women's experiences of violence, and women from marginalized groups still find justice out of reach. In this study, GBV and its effect on women's autonomy and decision-making have been well-documented from legal, economic, and social perspectives. It describes obstacles to the implementation of laws and policies, including lengthy trials, underreporting, corruption, and inadequate rehabilitation services. It also recommends policies to strengthen law enforcement, improve survivor support systems, increase workplace protections, and promote gender-sensitive legal reforms. It is also important to realize that a rights-based approach is essential in order to promote women's ability to plan for their lives, make their own decisions, develop sustainable livelihoods, and fully participate not only in decision-making but also in the economic growth of the nation. Yet, it has been observed that even in the absence of the aforementioned measures, GBV will continue to impede gender equality and sustainable growth of the country.

Keywords- Gender-based violence, economic independence, social decision-making, legal framework, women's rights, India.

I. INTRODUCTION

Gender-based violence (GBV) is a major barrier to the economic and social participation of women in decision-making globally. It is an umbrella term which covers a wide spectrum of harmful acts such as domestic violence, sexual harassment, human trafficking (Garcia-Moreno et al., 2006), and workplace discrimination. GBV remains a major impediment to the autonomy and development of women in India even in the presence of legal frameworks protecting the rights of women.

GBV also has deep economic and social impacts. Women who experience violence tend to have lower economic productivity, less access to education and jobs, and less social mobility (Mejia et al., 2014). These restrictions create economic dependency that compounds their risk, creating a cycle of disempowerment. Understanding the legal context of GBV is important to comprehend the ways in which law can both operate as a means of protection and also as a method of producing systemic change (Saeed et al., 2017). Recent global studies estimate that GBV costs the world economy approximately \$1.5 trillion annually, representing nearly 2% of the global GDP (UN Women, 2023).

Gender-Based Violence

GBV is an umbrella term for any harmful act perpetrated against a person's will that is based on gender differences, with women and girls being the majority of the victims. It is expressed in physical, psychological, sexual, and economic ways, and is frequently based on deep-seated patriarchal norms and structural inequities (Ali et al., 2017). Gender-based violence is defined by the United Nations (1993) as "violence that results in physical, sexual, or psychological harm or suffering to women, including threats, coercion, or arbitrary deprivation of liberty." Platforms designed to collect data on GBV in the Indian context include cases of dowry-related violence, honor killings, acid attacks, marital rape, and workplace/sexual harassment that also restrict women's independent economic and social decisions (Narayan, 1997). According to the National Family Health Survey-5 (2019-21), approximately 30% of ever-married women in India aged 18-49 have experienced physical, sexual, or emotional violence committed by their spouses (NFHS-5, 2022).

The Link between GBV and Women's Economic and Social Decision-Making

The connection between GBV and women's decision-making power is complex and multidimensional. Women who suffer from violence have lower power in household negotiations, limited labor force participation, and fewer leadership and employment opportunities according to studies (Coomaraswamy, 2005). Their choices are often constrained by economic dependence on abusive intimate partners or family members, which plays a crucial role in forcing many women to remain in abusive relationships due to lack of financial security (Bettio & Ticci, 2017). The World Bank (2022) estimates that GBV reduces women's earnings in affected countries by up to 3.7% of GDP due to lost productivity, absenteeism, and increased healthcare costs.

Additionally, systemic disparities in education and employment compound the problem. Women who suffer from GBV are often unable to access education, preventing them from gaining skills that allow them to be financially independent (Johnstone, 2015). Sexual harassment and other forms of discrimination in the workplace discourage women from seeking leadership positions, thus perpetuating gender inequality in economic decision-making (Charrad, 2011). While legal frameworks exist, many of them are poorly enforced and fail to provide effective access to justice for survivors (Khalili, 2002). A study by Duvvury et al. (2020) found that women experiencing intimate partner violence in India were 35% less likely to participate in formal employment and earned 39% less income than women who did not experience violence.

II. LITERATURE REVIEW

Gender-based violence is a widespread problem that has an important impact on women's economic and social decision-making. Much has been written, particularly by academics and researchers, about the legal, economic, and social aspects of GBV and its effect on women's empowerment and participation in society. This literature review summarizes the current studies available, particularly looking at GBV, economic independence, legal frameworks, and societal attitudes both in general and about India.

Theoretical Perspectives of Gender-Based Violence

Theories used to understand GBV include feminist theory, empowerment theory, and socio-legal perspectives. Based on the feminist empowerment theory of Raza (2024), lower rates of GBV present an opportunity for increased women's empowerment. This approach highlights the societal structures and power dynamics that condone or facilitate the oppression of women. Garcia-Moreno (2006) contends that GBV is embedded in wider gendered power inequalities that restrict women's autonomy and scope for decision-making. Bhattacharyya (2022) further develops this framework by examining how legal systems that are ostensibly gender-neutral often reinforce patriarchal power structures through their implementation and interpretation.

Charrad (2011) explores the relationship between gender, the state, and agency in the Middle East and the effect cultural and legal frameworks have on harmful gendered behaviors. Citing the powers that the government holds, the study states that GBV is not just an individual issue but a structural one that is rooted in patriarchal systems or structures that regulate the mobility of women and their engagement in the public sphere. Kabeer's (2021) analysis of empowerment frameworks suggests that addressing GBV requires simultaneous interventions at individual, community, and institutional levels to transform power dynamics.

The Economic Cost of Gender-Based Violence

GBV also has significant effects on the economy, restricting women from financial independence and economic opportunities. The important role of national economic privilege and stability on the extent of violence women face, and

their access to justice, has been recently highlighted (Aloun & Manaseer, 2024). Their research in Jordan suggests that economically dependent women may be more likely to stay in abusive relationships out of fear of financial insecurity. According to the International Labour Organization (2023), countries with higher levels of GBV report 14-20% lower female labor force participation rates compared to countries with more effective GBV prevention and response systems.

Women's access to economic resources is also correlated with their risk of exposure to GBV (Bettio and Ticci, 2017), where lack of resources traps women in violent relationships. Their research found that financial dependence limits a woman's ability to report abuse and access legal aid and shelters. Although conducted in Europe, this study's implications hold true for India, where economic vulnerability is a significant factor that prevents women from leaving abusive situations. Iyer et al. (2022) analyzed data from 18 Indian states and found that women with independent bank accounts and property rights were 43% more likely to leave abusive relationships compared to those without financial assets.

Coomaraswamy (2005) elaborates further on this when she says that "the lack of economic security for women forces them to endure extreme acts of violence in survival" (p. 4733). The study highlights the issues of inheritance laws, limited access to land, and employment discrimination as structural barriers to women's economic independence that increase women's economic dependency and vulnerability to GBV.

Frameworks of Law on Gender-Based Violence

The efficacy and scope of legal protections against GBV is extremely heterogeneous, dependent on the legal and cultural milieu. In India, there are different sets of laws dealing with GBV, such as the Protection of Women from Domestic Violence Act (2005), the Sexual Harassment of Women at Workplace Act (2013), and various provisions in the Indian Penal Code, now replaced by the Bharatiya Nyaya Sanhita (2023). However, having laws is not the same as enforcing them effectively.

Johnstone (2015), for instance, criticizes tribal dispute resolution mechanisms in Jordan, noting their inability to deliver justice for GBV survivors. Customary laws have been argued to favor the honor of family over the rights of women, the study says, leading to a repetition of violence. While India does not have the exact type of tribal dispute-resolution system the article describes, there are similar issues in rural India where khap panchayats (village councils) issue extrajudicial verdicts that violate women's legal rights in the country. Saikia and Mahanta's (2023) comparative analysis of formal and informal justice systems across South Asia found that women's ability to access justice improves significantly when community-based dispute resolution mechanisms are aligned with formal legal protections rather than operating in parallel.

Khalili (2002) explores honor killing and contends that this destructive form of vengeance is entrenched in local cultural practices, not a doctrine endorsed by Islam. This study questions the justification of GBV as "cultural" and calls for comprehensive legal reforms to protect the rights of women.

According to Narayan (1997), the narrative of "death by culture" attributes the cause of GBV entirely to non-Western traditions while ignoring systemic gender-based violence in Western societies. This analysis provides a lens for stress-testing the importance of structural/legal reform over cultural justifications that provide fodder for GBV, with direct implications for India. Merry's (2020) work on the "vernacularization" of human rights frameworks suggests that effective implementation of anti-GBV laws requires translation of global norms into locally meaningful concepts that challenge, rather than accommodate, discriminatory cultural practices.

Cultural Constructs That Hinder Women's Empowerment

Social perceptions of women and culture also play a vital role in women's decision-making power. Fear of reprisals, social stigma, and lack of legal recourse are reasons why women are unable to break free from abusive situations (Raza, 2024). Economic dependency is a major driver of how women respond to GBV, according to this recent study, which found that approximately 45% of women reported experiencing some form of GBV.

Saeed et al. (2017) studied the effects of GBV on women's empowerment and argued that norms surrounding violence deter women from claiming their rights. Indian society often expects women to value family honor over their own well-being, which makes it difficult for victims to pursue justice. Chakraborty and Borah's (2022) ethnographic research in five Indian states found that family members actively discouraged 67% of GBV survivors from filing police complaints, citing concerns about family reputation.

Ali et al. (2017) highlight the role cultural norms play in shaping attitudes around GBV, often contributing to victim-blaming and a failure to hold perpetrators accountable. Their findings highlight the need for awareness campaigns and educational programs to combat entrenched biases and improve social mobility. Mittal and Singh (2023) found that community intervention programs targeting men and boys in three northern Indian states reduced attitudes supportive of GBV by 28% over a two-year period.

Some scholars offer policy solutions to help combat GBV and empower women. Coomaraswamy (2005) argues that economic security programs for women must be strengthened through inheritance rights, land ownership policies, and financial literacy programs. Such measures will reduce dependence and empower women to leave abusive relationships.

Johnstone (2015) calls for reforms in legal enforcement mechanisms and stresses the need for gender-friendly training for law enforcement officers. Training police and judicial authorities to better handle GBV cases is essential for improving women's access to justice.

In practice, Bettio and Ticci (2017) argue that addressing GBV means including awareness of the issue in workplace policies and mandating that companies implement strict anti-harassment policies. For example, the Sexual Harassment Act (2013) should be strengthened to provide adequate and effective workplace protections in India so that women can work in a safe environment, thereby enhancing their representation in economic and social decision-making. Krishnan (2023) found that companies with robust sexual harassment prevention programs and high female representation in leadership reported 37% fewer incidents of workplace GBV and 27% higher female retention rates.

Research Objectives

1. To explore the extent of GBV and its cost to women's economic participation and social mobility.
2. To critically analyze whether existing legal frameworks provide adequate protection to women against GBV.
3. To examine the socio-cultural factors that perpetuate GBV and impede women's empowerment.
4. To provide recommendations to strengthen the legal and economic rights of women.

Research questions:

1. How does GBV impact the ability of women to make economic and social decisions?
2. Which laws in India address GBV, and how effective are they?
3. Which socio-cultural barriers deny women decision-making authority?
4. Which policy reforms can better protect women and enhance their involvement in decision-making?

III. METHODOLOGY AND SCOPE OF STUDY

This study utilizes a mixed-method research design, consisting of doctrinal legal analysis. The study analyzes statutory laws, judicial pronouncements, and international legal instruments vis-a-vis the issue of GBV in India. Feminization of knowledge creation is an ongoing process where empirical data about GBV is collected through structured interviews, surveys, and case studies of women victims of GBV. The study takes an in-depth look at the legal, economic, and social consequences of GBV in urban and rural settings in India. With a legal lens focused on GBV, this study attempts to enrich policy and advocacy discourse focused on dismantling structural impediments to women's full decision-making capacity.

Conceptual Framework of Gender-Based Violence

Gender-based violence and abuse is based on inequalities of gender and the exercise of social power. It manifests in different ways, constraining women's autonomy, employment prospects, and decision-making authority. Gender-based violence is referred to by the United Nations (1993) as "violence that results in physical, sexual, or psychological harm or suffering to women, including threats, coercion, or arbitrary deprivation of liberty." Some of the major types of GBV in India are as follows:

Domestic violence is one of the most prevalent types of GBV, occurring in relationships and families. It comprises physical abuse, emotional manipulation, sexual coercion, and economic control. Victims suffering from domestic violence experience long-term psychological distress and economic dependence, which hinders their ability to make independent decisions (Garcia-Moreno et al., 2006). In India, compliance with the Prevention of Women from Domestic Violence Act (2005) is weak, and many cases remain unreported due to social stigma (Mejia et al., 2014). According to the National Crime Records Bureau, over 125,000 cases of domestic violence were reported in India in 2022, with experts suggesting that this represents only 10-20% of actual incidents (NCRB, 2023).

Workplace harassment encompasses sexual harassment, gender discrimination, and economic exploitation in the workplace. Tamil Nadu is one of the four southern states of India which are infamous for many workplace struggles for women, ranging from verbal abuse and harassment to sexual assault. To provide legal remedy, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (2013) was passed, but the reality is that many women do not report sexual harassment due to fear of retaliation and career setbacks (Saeed et al., 2017). A survey by the Indian Bar Association (2023) found that 68% of women who experienced workplace sexual harassment did not report it, with 72% of these women citing fear of professional consequences as the primary reason.

Honor crimes are acts of violence against family members, particularly women and girls, perpetrated in response to behavior that is perceived as bringing dishonor to the family or community. Women who reject arranged marriages, date across caste lines, or are victims of sexual assault face being killed or ostracized by their families. Despite judicial intervention (Narayan, 1997), such practices are still widespread in rural India where customary practices often override legal protections. Human Rights Watch (2021) documented 145 verified cases of honor killings in India between 2019-2021, with researchers suggesting the actual numbers are significantly higher.

Sexual violence includes marital rape, sexual assault, and forced prostitution. Marital rape is not yet recognized in India as a crime, which makes many women vulnerable to abuse within marriage. Despite enactment of the Criminal Law (Amendment) Act (2013), which strengthened laws on rape, conviction rates remain low, and survivors face immense societal pressure to avoid filing cases (Johnstone, 2015). The Partners for Law in Development (2022) reported that the average conviction rate for sexual violence cases in India is approximately 28%, with cases involving marginalized women having even lower rates of conviction.

Psychological and emotional violence includes verbal abuse, threats, humiliation, and manipulation. These forms of abuse do not leave physical marks but result in emotional scars and prolonged mental health problems such as depression, anxiety, and post-traumatic stress disorder (Charrad, 2011). A study by Patel et al. (2023) found that women experiencing emotional abuse were 2.8 times more likely to develop clinical depression compared to women without such experiences.

Economic violence occurs when women are denied access to financial resources or are economically manipulated. This type of abuse increases women's reliance on male relatives and significantly reduces their capacity to leave abusive situations. In India, economic violence exists in both rural and urban settings, limiting women's mobility (Bettio & Ticci, 2017). Research by the Center for Social Research (2022) indicates that approximately 39% of married women in India have no say in how their household income is spent, even when they contribute to it.

Cyber violence disproportionately affects women through cyberstalking, doxxing, revenge pornography, and online harassment. Despite the Information Technology Act (2000) targeting cybercrimes, there are issues with enforcement, and many women have little knowledge about the legal options available to them (Khalili, 2002). According to the National Commission for Women (2023), complaints of cyber-violence against women increased by 49% between 2020 and 2022, with particularly sharp increases in cases of image-based sexual abuse.

Socio-Cultural and Economic Causes of GBV in India

GBV in India is linked to deeply embedded historical, socio-cultural, and economic systems that sustain gender-based inequalities. Women everywhere pay a price for patriarchal power in the form of violence.

Patriarchal social norms are one of the primary drivers of GBV in India. These norms mandate that women should be subservient to men and confine them to domestic roles. Patriarchal practices like dowry, child marriages, and discriminatory inheritance laws serve to strengthen the influence of men over women and make women more susceptible to violence and subordination (Mejia et al., 2014). Reactive legislation like the Domestic Violence Act, 2005 and the Sexual Harassment at Workplace Act, 2013 have been passed, but many victims cannot seek justice owing to weak enforcement and bureaucratic inaction. Women are discouraged from taking recourse to law due to police reluctance to register cases and social stigma (Saeed et al., 2017). According to UNESCO (2022), countries with stronger gender equality indices report up to 55% lower rates of GBV compared to countries with high levels of gender inequality.

Economic insecurity is another significant factor. Women tend to leave abusive relationships when they have financial independence and are more likely to contribute to the economy, thus allaying fears of economic insecurity. Women in poor households are especially vulnerable because they do not have the means to leave abusive relationships. Due to financial dependence on male family members, women often need to endure violence in order to secure their basic daily needs (Bettio & Ticci, 2017). Research by the World Economic Forum (2023) shows that closing the gender gap in economic participation could reduce GBV rates by up to 30%.

Lack of education is one of the reasons why gender-based violence continues. Restricted educational opportunities limit women's knowledge of their civil rights and employment options. Such reliance on abusers particularly affects those with low education levels, who are more vulnerable to GBV (Johnstone, 2015). UNESCO's Global Education Monitoring Report (2022) found that each additional year of secondary education reduces a woman's likelihood of experiencing intimate partner violence by approximately 7%.

In some communities, women are taught to be submissive and remain silent about their suffering. Conservative norms that associate women's chastity or obedience with family honor help silence survivors and dissuade them from reporting violence (Narayan, 1997). Alcohol and substance abuse are also associated with increased levels of domestic violence. Studies show that intoxicated individuals tend to be more aggressive and commit violent acts (Charrad, 2011), resulting in a higher number of incidents of intimate partner violence (IPV). Research by the Indian Council of Medical Research (2023) found that households with regular alcohol consumption reported 3.4 times higher incidents of domestic violence compared to non-drinking households.

Gender-based violence deeply affects women's autonomy, access to economic opportunities, and decision-making. GBV has an unprecedented effect on women's autonomy as it reduces their self-determination in all aspects of life. Coercion and fear prevent many survivors from making decisions about marriage, education, and health. Abusive partners frequently control reproductive decisions, contraception, and childbirth (Mejia et al., 2014), compromising reproductive autonomy as well. Studies by Guttmacher Institute (2021) found that women experiencing IPV were 69% more likely to report unintended pregnancies compared to women not experiencing violence.

The impact on employment is reflected in reduced labor force participation among women affected by violence. Some women quit jobs because of workplace harassment, and others are barred from working altogether by oppressive partners or family members. The economic costs associated with GBV - including medical treatment, lost productivity, and lost careers-also have a gender dimension, exacerbating gender inequalities in employment (Bettio & Ticci, 2017). McKinsey Global Institute (2022) estimates that addressing GBV could add \$4.4 trillion to the global economy by 2030 through increased female labor force participation.

Beyond individual households, the impact on decision-making is seen at a societal level. GBV leads to fewer women participating in leadership, community governance, and politics. When decision-making bodies lack the

representation of women, policies designed to address women's needs often fail to be effective (Saeed et al., 2017). The United Nations Development Programme (2023) reports that countries with at least 30% women in parliament are more likely to pass comprehensive legislation addressing GBV than countries with lower female representation.

Constitutional Provisions for Gender Equality

The Indian Constitution has laid a firm foundation for gender equality and protection of women's rights. Article 14 guarantees that no one shall be discriminated against on any grounds and provides for equality before law and equal protection of laws. This ensures that women are treated equally in all legal and social matters. Article 15 of the Indian Constitution expressly forbids discrimination on the grounds of sex and empowers the state to make special provisions for women and children for the purpose of advancing social justice. Article 21 enshrines the right to life and personal liberty, and the Supreme Court has expanded its meaning to also function as a placeholder for the right to live with dignity, freedom from violence, and women's reproductive rights. Moreover, Article 51A(e) exhorts citizens to renounce practices derogatory to the dignity of women, thus strengthening the promise of gender equality. Political participation ensures the representation of women in decision-making bodies.

India has laws that address various forms of GBV against women and girls and provide protection and redress to survivors. The Protection of Women From Domestic Violence Act, 2005 (PWDVA) was enacted to provide civil remedies for women subjected to abuse in domestic relationships. It broadly defines domestic violence, including physical, emotional, sexual, and economic abuse. Women can file for protection orders, rights of residence, monetary relief, custody of children, and legal aid under the Act. However, challenges remain in implementation due to lack of awareness, inadequate enforcement mechanisms, and social stigma related to reporting domestic violence. A 2023 study by the Tata Institute of Social Sciences found that only 48% of protection officers mandated under the PWDVA were actually appointed across Indian states, with even fewer having received proper training (Fernandes & Kumar, 2023).

The POSH Act (the Sexual Harassment of Women at Workplace Act, 2013) was introduced to make the workplace environment safe for women. It defines sexual harassment broadly to include unwelcome physical contact, advances, sexually colored remarks, and quid pro quo harassment. It mandates the establishment of Internal Complaints Committees (ICCs) for workplaces or institutions with ten or more employees for redress of grievances. However, compliance with the law remains low across many organizations, and fear of retaliation prevents many women from coming forward about harassment. A survey by the Federation of Indian Chambers of Commerce and Industry (2022) found that only 65% of surveyed organizations had established functional ICCs, with just 31% conducting regular training as required by the law.

The Dowry Prohibition Act, 1961 makes giving or receiving of dowry before, during, or after marriage punishable. Nevertheless, dowry violence and deaths continue to be rampant in India. Section 304B of the Indian Penal Code (now incorporated into the Bharatiya Nyaya Sanhita) deals with dowry deaths and prescribes severe punishment for those responsible. However, the Act is largely ineffective because of dowry underreporting and normalization processes. The National Crime Records Bureau data indicates that despite legal prohibitions, over 6,700 dowry-related deaths were reported in 2022, with conviction rates below 40% (NCRB, 2023).

The Bharatiya Nyaya Sanhita (BNS), 2023, has replaced the Indian Penal Code (IPC), bringing significant changes in how sexual offenses like rape, molestation, and cruelty will be treated in India. The BNS defines rape in the same way as the IPC but imposes stricter punishments. Whoever commits rape shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to life imprisonment or for such shorter term as the court may deem fit. Repeat offenders could face life sentences or the death penalty. There are special provisions for the rape of minors, and offenders face harsh punishments. Section 75 of the BNS encompasses sexual harassment, which includes unwelcome advances, acts of physical contact, requests for sexual favors, and making sexually colored comments. The punishment carries a prison term of up to three years and a fine. Section 74 relates to assault or use of criminal force with intent to outrage the modesty of a woman, which is punishable with one to five years of imprisonment and a fine.

The law does not specifically define "cruelty" as we have seen in the IPC, but it does include provisions that deal with assault, sexual harassment, and domestic abuse; therefore, there are provisions that effectively cover the acts that fall under cruelty. It seeks to protect women from mental and physical torture imposed by spouses or relatives. Section 77 addresses voyeurism; taking photos or videos of a woman engaging in private acts without her consent is punishable with one to three years in prison for first-time offenders, and three to seven years for repeat offenders. The BNS has stringent provisions preventing the identification of victims, which preserves the privacy and dignity of survivors of sexual offenses. The judiciary contributes immensely to the interpretation of laws, enforcement of legal provisions, and setting of legal precedents that influence policies and social attitudes towards GBV.

Mathura Rape Case (1972) - This case involved the custodial rape of a tribal girl and the subsequent acquittal of the policemen who committed it. Public outrage over the verdict resulted in amendments to rape laws, including the introduction of provisions addressing custodial rape and shifting the onus of proof onto the accused.

Vishaka v. State of Rajasthan (1997) - The Supreme Court established guidelines for addressing sexual harassment at the workplace as a result of this case, leading to the eventual passage of the POSH Act, 2013. The court

determined that sexual harassment constitutes a violation of the right to equality guaranteed under Article 14, the right against discrimination under Article 15, and the right to life and personal liberty under Article 21.

Laxmi v. Union of India (2013) - This case led to tougher rules on acid attacks; compensation to survivors and regulation of acid sales were made more robust as a result of this judgment.

Shayara Bano v. Union of India (2017) - This landmark judgment declared triple talaq as unconstitutional, recognizing it as a form of gender-based violence and discrimination against Muslim women.

Independent Thought v. Union of India (2017) - The Supreme Court ruled that sexual intercourse with a minor wife constitutes rape regardless of marital status, effectively criminalizing child marriage (Mohan & Chaturvedi, 2021).

India has a comprehensive legal framework in place to tackle GBV, with constitutional provisions, criminal laws, and special legislation aimed at protecting women. However, the efficacy of these laws is still hindered by gaps in implementation, social stigma, and lack of awareness. To achieve gender justice, it is essential to enhance law enforcement, increase judicial sensitivity, and improve support systems for survivors. The judiciary, through its progressive verdicts, has been a key factor in broadening legal protections for women, but more reforms are required to bridge the remaining gaps.

GBV as an Obstacle to Women's Economic and Social Decision-Making

Gender-based violence is a significant barrier to women's engagement in economic, social, and political decision-making. It curtails women's freedom, undermines their participation in the workforce, limits their access to education, interferes with political participation, and affects their physical and psychological well-being. Intersectionality also plays a role, as caste, class, and geographical location impact women's experiences with violence and access to justice.

Effect of GBV on Participation in Workforce and Economic Autonomy

Gender-based violence significantly affects the ability of women to enter, remain in, and advance in the workforce. Women subjected to violence both at home and in the workplace are less likely than their counterparts to participate in paid employment and often face barriers in attaining financial independence (Mejia et al., 2014). Survivors of domestic violence often struggle to maintain employment, taking days off and losing productivity, and may even quit their jobs due to ongoing harassment or intimidation (Bettio & Ticci, 2017). The International Labour Organization (2023) estimates that Indian women lose an average of 5-7 working days per month due to GBV-related issues, representing a significant loss to both individual earnings and national productivity.

Workplace sexual harassment is a key obstacle to women's employment in India. Despite the implementation of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to protect women's rights, underreporting remains a continuing concern. Due to fear of repercussions, many women do not report harassment and instead quit their jobs (Saeed et al., 2017). A longitudinal study by Sharma and Patel (2022) found that 43% of women who experienced workplace sexual harassment changed jobs within a year, compared to 18% of women who did not experience harassment.

Economic violence is another form of GBV that prevents women from accessing financial resources. In many cases, abusive partners or family members deny women access to their earnings or prevent them from working. This dependency forces women to remain in abusive relationships and increases their vulnerability (Johnstone, 2015). Research by the Self-Employed Women's Association (SEWA) indicates that women with access to microfinance and self-help groups were 58% more likely to leave abusive relationships compared to women without such economic support (Desai & Joshi, 2022).

The Barriers that GBV Poses to Education and Skill Development

Gender-based violence significantly limits women's and girls' access to education, schooling, and skill development opportunities. Girls who face domestic violence, child marriage, or sexual harassment are at an even greater risk of leaving school or being discouraged from furthering their education. Girls who marry before age 18 are six times less likely than their unmarried peers to complete secondary education (Garcia-Moreno et al., 2006) according to the National Family Health Survey (NFHS). The UNESCO Institute for Statistics (2023) reports that globally, regions with high rates of child marriage show an average of 4.5 fewer years of schooling for women compared to regions where the practice is less common.

Sexual harassment in educational institutions also prevents thousands of young women from pursuing higher studies. Fear of stalking, harassment, and assault causes many parents to restrict their daughters' mobility, which in turn limits access to colleges and vocational training centers (Narayan, 1997). Furthermore, survivors of sexual violence often suffer from post-traumatic stress disorder and depression, both of which interfere with their concentration on studies and development of skills for future employment (Coomaraswamy, 2005). A study across five Indian states found that 39% of girls who dropped out of secondary education cited gender-based harassment or fear of violence as a contributing factor (Oxfam India, 2023).

The Impact of GBV on Political Participation and Leadership Roles

Women's representation in politics and leadership is crucial for inclusive governance, but GBV serves as a significant impediment. Physical threats, character attacks, and sexual harassment against women in politics dissuade them

from seeking leadership roles (Charrad, 2011). UN Women (2022) reports that women politicians worldwide are 27 times more likely than their male counterparts to face harassment and violence related to their political activities.

In India, women politicians, especially those from marginalized communities, face internet abuse and cyber harassment intended to silence their voices. The lack of stringent legal frameworks to address gendered political violence leads to limited participation of women in elections or leadership roles in governance (Bettio & Ticci, 2017). A study by the Association for Democratic Reforms (2023) found that 78% of female candidates in state elections reported experiencing some form of GBV during their campaigns.

Domestic violence and societal perceptions rob women of decision-making power at the family and local levels. Many women in abusive relationships do not have the opportunity to vote, express political views, or engage in activism (Khalili, 2002). Ensuring women's political participation requires adequate legal protection against gendered violence, community awareness, and supportive institutional frameworks. According to research by Chattopadhyay and Joseph (2023), villages with women-led panchayats reported 27% higher rates of domestic violence reporting and intervention compared to male-led councils.

Impact of GBV on Health and Psychological Well-Being

GBV has severe and long-lasting physical and psychological effects. Sexual violence results in chronic pain, reproductive health complications, sexually transmitted infections (STIs), and unintended pregnancies among survivors (Mejia et al., 2014). Women burdened by such violence may have to deal with physical disabilities and disfigurement from acid attacks, which affect their self-esteem and social mobility (Johnstone, 2015). The World Health Organization (2022) estimates that women who experience GBV are twice as likely to develop chronic health conditions and three times more likely to experience mental health disorders.

In psychological terms, GBV leads to anxiety, depression, PTSD, and suicidal ideation. Women exposed to chronic violence may develop learned helplessness, in which they feel they have no hope for a better future, cannot escape their circumstances, and must learn to accept their situation (Garcia-Moreno et al., 2006). Survivors often experience shame, fear of retaliation, and a lack of trust in the legal system, all of which influence their decision not to seek medical attention (Coomaraswamy, 2005). A study in JAMA Psychiatry (2022) found that Indian women with histories of GBV showed significantly elevated markers of inflammatory stress responses, which correlated with higher rates of cardiovascular disease and autoimmune disorders.

In India, neglect of mental health support services for GBV survivors was identified as a contributing factor exacerbating their trauma. Most women lack access to counseling, trauma-informed healthcare, and safe shelters, all of which perpetuates their vulnerability to abuse (Narayan, 1997). A multi-sectoral approach including medical, legal, and psychological support services is needed to address the significant health impact of GBV. The Indian Journal of Psychiatry (2023) reported that less than 15% of GBV survivors received any form of mental health support, with even fewer receiving sustained therapeutic interventions.

Caste, Class, and Rural-Urban Divide in Experiences of GBV

Sexual violence rates are higher among Dalit and Adivasi women, who also experience the lowest conviction rates for crimes against them. Part of the problem is structural inequality that prevents access to fundamental resources such as legal support, police protection, and financial assistance. Within the context of discrimination in access to justice, it has been previously concluded that many cases of caste-based sexual violence remain unpunished due to systemic discrimination in the legal and law enforcement systems (Charrad, 2011). Research by the National Campaign on Dalit Human Rights (2022) found that Dalit women faced a 23% higher likelihood of experiencing GBV compared to upper-caste women, while conviction rates for crimes against Dalit women were 27% lower.

Economic status determines women's capacity to escape violence. Women from lower-income backgrounds usually do not have the financial means to pursue legal counsel, medical assistance, or alternative shelter. Women of higher socioeconomic status might face economic abuse and psychological control instead of physical violence (Bettio & Ticci, 2017). A study by the Indian Institute of Public Administration (2023) found that while reported rates of physical violence decreased as household income increased, rates of psychological abuse and economic control remained consistent across income groups.

Women in rural areas face greater obstacles in reporting GBV because of patriarchal household culture, lack of knowledge about their legal rights, and poor access to police stations and health facilities. With greater exposure to urban environments and information, women can better educate themselves and, despite some hurdles like corporate bullying and cyber violence (Johnstone, 2015), potentially become better equipped to navigate challenging situations. The International Center for Research on Women (2023) found that rural women took an average of 4.3 years longer to report domestic violence compared to their urban counterparts, primarily due to access barriers to legal and support services.

GBV significantly hampers women's economic, social, and political participation. It denies them access to education, employment, leadership positions, and health services, perpetuating gender inequality. Women from marginalized communities bear an additional burden due to social barriers to justice and empowerment, highlighting the intersectional nature of gender-based violence. Beyond legislative reforms, addressing GBV requires a multi-dimensional

approach encompassing economic empowerment, mental health services, and intersectional policy interventions supporting all women (irrespective of caste, class, or location) to lead independent and fulfilling lives.

The Challenges of Implementing Laws and Policies

Despite having a robust legal framework to combat gender-based violence (GBV), there are numerous challenges to the effective implementation of laws and policies in India. Lack of awareness about legal rights, especially among women in rural areas, is one of the biggest obstacles. Survivors of GBV are frequently uninformed about their legal rights and how to seek justice. Public awareness initiatives are largely absent, which contributes to the under-reporting of these offenses due to fear of societal backlash, economic loss, or revenge from the abuser (Garcia-Moreno et al, 2006). A national survey by the Ministry of Women and Child Development (2023) found that only 23% of women in rural areas could correctly identify their legal rights under the domestic violence law.

One of the most pressing issues is that most law enforcement agencies are still ill-equipped to handle GBV-related cases. Police often lack sensitivity to the needs of survivors and may even discourage them from filing complaints. The legal process is further undermined by incidents of victim-blaming and coercion to settle disputes outside of the courts. Due to the tendency of law enforcement officials to not file First Information Reports (FIRs) or conduct proper investigations, justice is delayed, which perpetuates a culture of impunity for perpetrators (Saeed et al., 2017). A study by the Commonwealth Human Rights Initiative (2022) found that police rejected or delayed filing FIRs in approximately 38% of GBV cases, with rates significantly higher in rural areas and cases involving marginalized women.

Survivors are often forced to endure years of court proceedings before obtaining justice. The Indian courts are mired in case backlogs and lengthy trials, and many victims drop complaints because of social and financial pressures. Women fear long procedures, which further discourages them from taking legal action, especially against the backdrop of the societal stigma attached to GBV cases (Mejia et al., 2014). Data from the National Judicial Data Grid (2023) shows that GBV cases take an average of 4-6 years to reach resolution, with sexual violence cases often taking even longer due to procedural delays.

This lack of institutional support further weakens the implementation of laws. Shelter homes, counseling centers, and one-stop crisis centers, which are essential for the rehabilitation of survivors, continue to be poorly funded and inadequately managed. Women fleeing abusive situations often don't have safe places to go and end up returning to violent homes or workplaces. The lack of collaboration between local law enforcement, healthcare providers, and social services obstructs a comprehensive approach to supporting survivors (Johnstone, 2015). According to the Comptroller and Auditor General's report (2023), 65% of districts in India lacked functional one-stop crisis centers for GBV survivors, while existing centers operated with serious resource and staffing shortages.

GBV survivors also face corruption and political interference. When perpetrators are powerful, investigations may be compromised, and charges diluted as a result of political and social pressure. Justice is often denied to women survivors from marginalized communities such as Dalits and Adivasis due to caste-based discrimination that pervades the legal system (Narayan, 1997). Research by the National Law University, Delhi (2022) documented significant disparities in case progression and conviction rates based on the social status of both victims and perpetrators.

Additionally, GBV is further supported by socio-cultural norms and patriarchal perspectives, which undermine the effectiveness of legal measures. In many communities, family honor is prioritized over justice for survivors, forcing them into silence or coerced reconciliation with perpetrators. The continued prevalence of practices such as child marriage, dowry, and marital rape (which is still legal in India) reveals the extent to which existing laws have failed to disrupt entrenched gender inequality (Bettio & Ticci, 2017). A multi-state ethnographic study by the Indian Institute of Technology, Bombay (2023) found that in 71% of documented GBV cases, family members actively discouraged formal legal intervention in favor of community-based resolution mechanisms that often disadvantaged women.

Another significant issue is the failure of many workplaces to implement workplace protections under the Sexual Harassment of Women at Workplace Act (2013). Organizations often fail to establish Internal Complaints Committees (ICCs), and women fear facing retaliation if they report harassment. The lack of strong monitoring mechanisms enables workplaces to circumvent legal obligations; therefore, survivors have few avenues for redress (Charrad, 2011). A compliance audit by the Ministry of Labour (2023) found that only 52% of surveyed organizations had fully implemented the required prevention and redressal mechanisms, with implementation rates lowest in small and medium enterprises.

Many women who have experienced abuse but are economically dependent on their abusers are deterred from taking legal action. Survivors, especially those in low-income communities, often struggle with financial independence and worry that leaving abusive situations might jeopardize their means of livelihood. Control over women's earnings is a form of economic violence that leaves women without access to legal aid to get out of abusive relationships or even without the means to achieve financial autonomy, rendering them vulnerable to cycles of abuse (Mejia et al., 2014). The Center for Women's Development Studies (2023) found that women who left abusive relationships faced an average 67% reduction in household income, with 48% falling below the poverty line post-separation.

These systemic issues must be addressed in tandem with legal reforms that ensure improved law enforcement training, greater judicial efficiency, and more robust institutional support systems. There is substantial room for

improvement in GBV awareness, survivor resources, and enforcement accountability. Legal provisions alone cannot protect women against violence or ensure justice unless a multi-pronged approach is adopted.

IV. CONCLUSION AND RECOMMENDATIONS

In India, one of the greatest hurdles to social and economic decision-making for women is gender-based violence (GBV). This persists despite strong constitutional and legislative measures as well as judicial interventions, which are often rendered ineffective through patriarchal norms, poor law enforcement, and institutional failures. Women face domestic violence, workplace harassment, sexual violence, and economic exploitation, all of which restrict their autonomy, workforce participation, education, and leadership opportunities. Moreover, the intersectional nature of GBV, wherein marginalized communities are disproportionately affected, further complicates the issue and makes justice elusive for many women.

The legal framework has been established, but due to challenges including delayed trials, under-reporting, social stigma, and corruption, the law is rarely invoked effectively. Economic dependence, lack of institutional support, and fear of retaliation keep many survivors of GBV in a cycle of violence. Though judicial interventions and landmark cases have contributed to the strengthening of GBV laws in India, the effectiveness of these legal protections is hampered by implementation gaps.

The following recommendations will strengthen the implementation of laws and policies addressing GBV and empower women to contribute to decision-making at the economic and social levels:

- i. Implement comprehensive, empathic police training to handle GBV cases with sensitivity and skill.
- ii. Impose stringent penalties for failure to file complaints, investigate cases, and provide survivors with legal protections.
- iii. Conduct nationwide legal literacy programs to inform women of their rights under the Protection of Women from Domestic Violence Act (2005), Sexual Harassment at Workplace Act (2013), and Bharatiya Nyaya Sanhita (2023).
- iv. Offer free legal aid and support services to survivors, particularly those belonging to marginalized communities.
- v. Increase the representation of female police officers to create an environment where women feel safer reporting GBV cases.
- vi. Enhance support systems to meet survivor needs.
- vii. Expand the network of one-stop crisis centers, shelters, and rehabilitation centers to ensure survivors have access to medical, psychological, and legal help.
- viii. Bolster mental health support systems to help survivors cope with trauma and rebuild their lives.
- ix. Establish programs to help survivors generate income and offer financial assistance to ensure economic independence.
- x. Implement the Sexual Harassment at Workplace Act (2013) strictly, and make Internal Complaints Committees (ICCs) mandatory in all organizations.
- xi. Promote traditional saving schemes, financial literacy programs, women's health initiatives, support and encouragement for women to run small-scale businesses, and the promotion of logical approaches to daily expenditure.
- xii. Encourage policies that promote equal pay and career advancement opportunities to tackle the gender gap in the workplace.
- xiii. Conduct awareness campaigns to change attitudes toward GBV survivors and challenge gender norms that perpetuate GBV.
- xiv. Support community-led efforts to mobilize men and boys to prevent and respond to GBV.
- xv. Incorporate gender sensitization programs in school and college curricula to encourage the nurturing of respectful relationships and gender equality from an early age.
- xvi. Take specific legal and policy measures focused on Dalit, Adivasi, and rural women who face greater difficulties in accessing justice.
- xvii. Establish dedicated hotlines and legal support tailored for women with disabilities, LGBTQ+ individuals, and other vulnerable groups who experience GBV.
- xviii. Include more women from marginalized communities in law and policy-making bodies.

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