

FEMINIST VICTIMOLOGY AND GENDER JUSTICE IN INDIA: REASSESSING VICTIMIZATION AND CRIMINAL JUSTICE ADMINISTRATION

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ABSTRACT

*Feminist victimology provides a critique for understanding how patriarchal power relations and gender hierarchies influence women's experiences of harm and justice. Unlike mainstream victimology that addresses the victims as a homogenous category, feminist victimology emphasizes how women are disproportionately victimized because of deep-rooted cultural practice, **stereotyping**, and institutional discrimination. In India, constitutional provisions of equality under Articles 14, 15, and 21, and progressive laws like the Protection of Women from **Domestic Violence** Act, 2005, the Criminal Law (Amendment) Act, 2013, and the Indian Penal Code provisions have aimed at combating gendered violence. Yet, women are still subjected to direct **victimization** through rape, **trafficking**, domestic violence and structural victimization, including silencing of voices, denial of agency, and unequal access to justice. Institutional structures of criminal justice tend to reproduce **patriarchal** thinking and treat women as passive dependents, not independent rights-holders. It produces secondary victimization, in which survivors face victim-blaming, humiliating cross-examinations, and long judicial delays, compounding their trauma. Comparative experiences indicate that misogyny exists not only at the interpersonal level but also structurally in policing, courts, and administrative proceedings. Reconceiving victimization in India thus necessitates the shift from formal to substantive gender justice, guaranteeing dignity, autonomy, and equality of practice. The feminist reconstruction of criminal justice needs to counter patriarchal narratives, empower survivors as actors, and put in place sensitive, accessible, and transformative mechanisms for justice.*

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INTRODUCTION

Justice is best known to be blind and neutral, but in fact, it is filtered through power structures. In India, with patriarchal norms still dominating social and legal institutions, women face the law not necessarily as equal citizens but as vulnerable subjects whose experiences of injury tend to be doubted, trivialized, or dismissed. To learn feminist victimology and gender justice is thus to question how women are victimized by violence as well as by the systems intended to give them justice. The subject matter "Feminist Victimology and Gender Justice in India: Reassessing Victimization and Criminal Justice Administration" compels us to analyse each term, place it within Indian law, and follow the evolution of each over time.

Feminism is not merely a call for equality but an analysis of how society and law advantage male experience at the expense of women's marginalization. In the Indian legal tradition, movements on women's rights have struggled against discriminatory laws that perpetuated dependency and subordination. Adultery laws, for instance, used to treat a wife as her husband's property, and marital rape is beyond the ambit of criminal prohibition². Such measures unveil a protectionist and paternalistic bent, in which women are addressed less as independent decision-makers and more as objects to be protected. Feminism in this regard urges law to transcend symbolic protection to substantive empowerment, so that women's autonomy and dignity take centre stage. Victimology examines the role and experience of victims in crime and justice. Historically, it looked at victims narrowly, sometimes separating them into classes of "ideal" and "non-ideal" victims. Here, in India, that usually translated into discrediting women's claims unless they fit ideals of virtue and passivity. Survivors of sexual violence, for instance, were frequently grilled about their virtue rather than the perpetrator's culpability³. With time, victimology has come to realize that the victim is not harmed in solitude but is influenced by social and structural factors. For India, caste, class, and gender overlap to compound victimization, illustrating that vulnerability is not individual but systemic. Feminist victimology brings together the wisdom of feminism and victimology. It acknowledges that violence against women is not random but

² Flavia Agnes, *Law, Justice and Gender: Family Law and Constitutional Provisions in India* 87–92 (Oxford Univ. Press 2011).

³ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384, 398 (India)

inherently tied up with patriarchal power relations⁴. Crimes like dowry deaths, sexual harassment, trafficking, and domestic violence are manifestations of systemic inequalities, rather than mere one-off instances. It rejects the secondary victimization waged by the justice process where police apathy, degrading medical tests, and court delays await women. In India, even with progressive laws such as the Domestic Violence Act or law against workplace harassment, survivors experience institutional resistance. Feminist victimology is adamant that women should not be portrayed as helpless victims but as empowered survivors whose voices need to drive justice. Gender justice refers to equality, fairness, and dignity regardless of gender. The Indian Constitution institutes this under Articles 14, 15, and 21, and the Directive Principles provide for social and economic equality. Legislative changes like the Criminal Law (Amendment) Act, 2013, after the Nirbhaya case enlarged definitions of sexual offenses and upped punishments⁵. But law in books is not always equal to law in action. Gender justice demands more than punitive measures; it demands the demolition of stereotypes that represent women as dependent, weak, or less credible. Even now, women are faced with judicial observations based on patriarchal presumptions, and domestic violence cases are trivialized as "private issues." Gender justice hence demands a qualitative change in which women's autonomy, rather than only their protection, is given importance. Victimization in India exists at different levels. Direct victimization involves direct harms like rape, domestic violence, and trafficking. Secondary victimization occurs in the justice process itself when survivors experience insensitive police procedures, hostile cross-examination in court, or infinite trial delays. Structural victimization is more insidious, based on cultural habits and institutional discrimination: unequal access to resources, employment gendered stereotypes, or societal pressure to be silent. Indian women tend to undergo all three at the same time. For instance, a woman who is domestically abused undergoes direct harm at home, secondary harm when the police brush off her complaint, and structural harm when economic dependency keeps her from escaping the abusive situation. It is important to identify these layers while revising the delivery of justice. The criminal justice administration includes policing, prosecution, judiciary, and corrections. In India, these institutions are not impartial; they are tainted by societal biases. Police may deter survivors from making complaints, especially those relating to marital or sexual

⁴ Shivani Goswami, *Feminist Victimology and Gender Justice: Re-Imagining Criminal Law in India*, 4 *Nat'l L. Sch. India Rev.* 113, 120–23 (2019).

⁵ *Criminal Law (Amendment) Act*, No. 13 of 2013, § 2, India Code.

violence. Medical examinations like the archaic "two-finger test" have long intimidated survivors. Judicial processes repeatedly traumatize victims by grilling their reputation or implying that women provoke violence. Even when judgments are modern, procedural delays and the absence of victim protection facilities for them to access justice meaningfully stand in the way. Therefore, the justice system, instead of being an arena of relief, often turns out to be another space of victimization. Reimagining criminal justice administration according to feminist victimology entails making it victim-oriented, gender-sensitive, and trauma-aware. It entails training judges and police officers, strong victim-witness protection programs, quicker adjudication, and institutional assistance for survivors like counselling, compensation, and rehabilitation.

HISTORICAL CONTEXT

Evolution And Critique of Feminism and Gender Justice in India

Victimology as a separate branch of criminology began in the mid-20th century. Pioneering scholars like *Hans von Hentig (1941)* and *Benjamin Mendelsohn (1947)* were among the first to systematically study victims rather than offenders alone. Mendelsohn even introduced "victim typologies," ranking victims based on the extent of their "responsibility" in a crime. This school of thought, referred to as positivist victimology, presumed that the lifestyle of victims or character traits predisposed them to injury. As an illustration, a man traveling late at night could be described as "careless," and a woman could be construed as "flirtatious" if she were sexually violated. As much as this model was thought to have been revolutionary in its day, it had a victim-blaming undertone. Rather than confronting the power systems or systems of oppression that generated violence, it concentrated on individual blame. Eventually, this position came under intense criticism, and critical victimology arose as a response, diverting attention from individual blame to structural roots of victimization like inequality, culture, and institutional racism. This opened doors for feminist victimology to evolve, particularly because women's experiences tended to be overlooked or misrepresented in mainstream criminology. Feminism has its roots deep within world history. The word "feminism" was first used in France during the 1880s and slowly came to be used in other regions of Europe as well as America. Feminism is, at its root, the trust and belief in gender equality in social, political, and economic life. Its philosophical roots were established well in advance by philosophers such as Mary

Wollstonecraft, who's influential *A Vindication of the Rights of Woman* (1792) called for women's education and independence⁶.

Feminism developed over time in waves:

The first wave (19th–early 20th centuries) fought for suffrage and fundamental legal rights.

The second wave (1960s–1980s) worked on reproductive rights, job discrimination, and marital abuse.

The third wave (1990s–2000s) introduced intersectionality into the discourse, highlighting diversity of women's experiences.

The fourth wave, which continues today, employs online activism (#MeToo, #TimesUp) and highlights intersectional justice in a globalized world.

In India, the origins of feminism were linked with social reform movements during the 19th century. Social reformers such as *Raja Ram Mohan Roy* protested against sati, while *Ishwar Chandra Vidyasagar* protested against widow remarriage. It was *Savitribai Phule* who initiated education for women, defying caste and gender apartheid. During the freedom movement, women leaders like *Sarojini Naidu* and *Kamala Devi Chattopadhyay* linked women's rights to freedom from colonial rule. Post-1947 independence, the Indian Constitution ensured equality under Articles 14, 15, and 21. Constitutional assurances, however, frequently conflicted with social facts. By the 1970s, the Mathura rape case (1972) had revealed glaring patriarchal biases in the judiciary. The court's rejection of custodial rape allegations against policemen set off the anti-rape movement, resulting in legal reforms regarding consent and evidence⁷. Subsequently, cases such as *Nirbhaya* (2012) again brought to the forefront systemic failure, which culminated in the Criminal Law (Amendment) Act, 2013⁸. However, these reforms were primarily reactive, which were brought into place only after public outcry, while cultural and institutional attitudes shifted much later. This continued battle demonstrates that legislation alone will not ensure justice social norms and institutions need to change as well. Against this context, feminist victimology emerged as a counterpoint to dominant victimology. Contrary to earlier versions that characterized victims as passive or as willing participants, feminist victimology demands that women's victimization is based on patriarchy, stereotype, and institutionalized discrimination. It

⁶ Mary Wollstonecraft, *A Vindication of the Rights of Woman* (J. Johnson 1792).

⁷ *Tukaram v. State of Maharashtra*, (1979) 2 SCC 143 (India).

⁸ *Criminal Law (Amendment) Act*, No. 13 of 2013, India Code.

encompasses not just direct harm like rape, domestic violence, and human trafficking, but structural harm in the form of silencing of victims in court, denial of agency, humiliating cross-examination, or delayed justice. One of its strongest aspects is the theory of secondary victimization survivors being retraumatized by insensitive courts, lawyers, or police intended to help them. In India, this is still a long-standing issue.

Feminist Perspectives in Victimology

Liberal feminism shaped legislation such as the Sexual Harassment of Women at Workplace Act (2013) and the Criminal Law Amendment (2013), emphasizing legal equality. However, it is accused of being overly concerned with formal equality without tackling underlying disadvantages. Radical feminism regards offenses such as rape and domestic violence as tools of patriarchal power and demands structural change over piecemeal reform. *Marxist* feminism brings to light the ways in which capitalism and patriarchy jointly oppress women, demonstrating that oppressed women experience "double oppression" both as poor and as women. Intersectional feminism (following Kimberlé Crenshaw, 1989) is particularly pertinent in India, as caste, class, religion, and sexuality converge with gender⁹. A Dalit woman can experience violence scripted by both gender and caste, while Muslim women, tribal women, and queer individuals experience multi-layered vulnerabilities. These viewpoints together explain why orthodox victimology falls short because it dismisses the systemic power differentials that characterize women's victimization. The evolution of feminist victimology and gender justice in India is thus less about altering legislation and more about transforming the way society perceives victims. From the early reformers challenging oppressive customs, to contemporary activists confronting institutional complacency, the struggle has always been about defying patriarchal norms. Feminist victimology repositions justice as survivor-focused, stressing dignity, equality, and agency over paternalistic guardianship. It also demands reforms that are proactive, not merely responses to popular outcry. Finally, it seeks to close the distance between rights guaranteed on paper and justice realized in practice.

GENDERED VICTIMIZATION IN INDIA: SOCIO-LEGAL DIMENSIONS

The gendered victimization in India is constructed by patriarchy, caste, class, religion, and strict cultural norms. Protection legislation is in place, yet lived experiences reveal women and

⁹ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 *U. Chi. Legal F.* 139.

marginalized genders facing continued violence, with the justice system tending to repeat the same prejudices it aims to eradicate. This can be explained by exploring types of violence, the vulnerability of subordinated groups, and silencing mechanisms that get in the way of justice.

a) **Forms of Gendered Victimization**

Sexual Violence:

Rape and sexual assault are the most publicized manifestations of victimization. The 2012 Nirbhaya case led to reforms such as the Criminal Law (Amendment) Act, 2013, that broadened definitions and penalties¹⁰. But sexual violence is widespread, and survivors are secondary victimized by police interviews and trials. Cultural norms connecting women's "honour" with sexuality discourage reporting, even when protected by constitutional provisions under Articles 14, 15, and 21.

Domestic Violence:

Domestic violence physical, psychological, and economic continues to be prevalent. The Protection of Women from Domestic Violence Act (PWDVA), 2005 acknowledged violence within the home as a violation of rights, providing relief like protection orders and rights of residence¹¹. Yet, social shame, economic subsistence, and poor enforcement frequently entrap survivors in abusive homes.

Dowry Abuse and Bride Burning:

Despite the Dowry Prohibition Act, 1961 and IPC provisions (304B, 498A), thousands of women die annually due to dowry harassment, often disguised as accidents or suicides¹². Bride burning is its most brutal expression. Legal delays and social pressure silence families, denying justice.

Honour Crimes and Caste Violence:

Women marrying outside caste or religion are subjected to "honour killings," and Dalit and minority men are targeted for inter-caste affairs. Such violence is mostly legitimized by Khap Panchayats. While the Supreme Court denounces honour crimes as a breach of Article 21, their enforcement is negligible, and women's agency is given away for community honour.

Cyber Abuse:

¹⁰ *Criminal Law (Amendment) Act*, No. 13 of 2013, India Code.

¹¹ *Protection of Women from Domestic Violence Act*, No. 43 of 2005, India Code.

¹² *Dowry Prohibition Act*, No. 28 of 1961, India Code; *Indian Penal Code*, §§ 304B, 498A, No. 45 of 1860, India Code.

Cyberspaces have given rise to new victimizations trolling, doxing, threats, and non-consensual posting of images. While provided for in the IT Act, 2000 and IPC, enforcement is sluggish and insensitive. Numerous women struggle to move away from cyberspaces, and queer individuals experience increased harassment aided by offline stigma.

Victimization of Marginalized Groups

Dalit, Adivasi, and Muslim Women:

Dalit women suffer triple discrimination caste, class, and gender as illustrated in the Hathras case (2020). Adivasi women suffer violence at the hands of both state and non-state players in resource-rich but politically marginalized regions. Muslim women suffer both gendered and communal discrimination, frequently denied justice. Intersectional victimology points out how such groups suffer with multiplied harms beyond the notice of mainstream thinking.

Transgender and Queer Victims:

Queer and transgender persons are also subjected to family rejection, police brutality, and harassment. Although the Transgender Persons (Protection of Rights) Act, 2019 provides some rights, it is condemned as paternalistic. Queer survivors are afraid to report because of the stigma, even though homosexuality has been decriminalized in *Navtej Singh Johar v. Union of India*¹³. Their silence speaks volumes about the continued heteronormative and patriarchal dominance.

Silencing of Survivors

Cultural Silencing: Women are positioned as family honour guardians, silenced or reconciled into silence.

Social Silencing: Families and community councils dissuade complaints, valuing reputation over justice.

Legal Silencing: Police indifference, humiliating cross-examinations, and trial delays drive survivors into withdrawal, creating "secondary victimization," where the justice system itself causes harm.

Gendered victimization in India is the result of intersecting hierarchies of heteronormativity, patriarchy, caste, and religion. Despite legislative measures such as the PWDVA, Dowry Prohibition Act, and cybercrime provisions, ineffective enforcement and deep-rooted prejudices narrow their reach. Compounded vulnerabilities are experienced by Dalit, Adivasi, Muslim, and

¹³ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

queer survivors, highlighting the failure of one-size-fits-all approaches. A people-oriented model of justice has to transcend symbolic protection to substantive gender justice guaranteeing dignity, autonomy, and equality in action. This calls for cultural transformation, institutional accountability, and acknowledgment of survivors as agents with rights, not passive victims.

ANALYSIS OF THE EXISTING LAWS AND POLICY GAPS

From a feminist victimology view, India's legal system exhibits a harsh disparity between on-paper laws and practice at the point of delivery. While progressive legislations are in place, the process of implementation tends to silence survivors through delay, institutional apathy, and protectionist measures. A review of notable laws, schemes of compensation, and institutions points out achievements as well as ongoing deficits.

a. Overview of Important Laws

Indian Penal Code (Sections 375 & 376):

The IPC criminalizes rape and enacts punishment. The amendments broadened the definition to cover more than penile-vaginal penetration, but marital rape is still not included, illustrating patriarchal presumptions that marriage ignores women's consent. Queer and trans survivors are also pushed to the margins, as the law presumes male offenders and female victims.

Protection of Women from Domestic Violence Act, 2005 (PWDVA):

PWDVA was a landmark, covering not just physical but also emotional, verbal, and economic abuse¹⁴. It offers civil remedies like protection orders, residence rights, and maintenance an empowerment-based policy. Weak implementation: Protection Officers are overwhelmed, cases linger, and awareness is poor, particularly rural women.

Criminal Law (Amendment) Acts, 2013 & 2018

After the Nirbhaya case, the 2013 Act enhanced definitions of sexual offences and included crimes such as stalking and voyeurism. The 2018 Act imposed stricter punishments, including death as a penalty for child rape. Critics say such reforms focus too much on punishment at the expense of survivor dignity, structural reform, and trauma-informed justice.

Transgender Persons (Protection of Rights) Act, 2019

While aiming to protect rights, the Act compels one to seek gender identity certification, undermining self-identification. Sexual assault punishments are less severe for transgender survivors compared to cisgender women, evidencing a discriminatory victim hierarchy.

¹⁴ *Protection of Women from Domestic Violence Act*, No. 43 of 2005, Gazette of India, Sept. 13, 2005.

b. Victim Compensation and Rehabilitation Schemes

Initiatives like the Nirbhaya Fund and Section 357A of the CrPC acknowledge survivors' entitlement to compensation¹⁵. Although courts can direct interim and final compensation, delays, lack of uniform state policies, and excessive bureaucracy interfere with effectiveness. Survivors may be subjected to repeated substantiation of trauma before relief is given. Rehabilitation facilities counselling, shelters, vocational training are short of funds. Feminist victimology emphasizes that justice needs to be social and economic so that survivors can rebuild lives and restore dignity.

c. Institutional Issues

National Commission for Women (NCW):

NCW oversees women's rights but is endowed with advisory powers, hence more symbolic than a change driver.

Police:

Police mindsets are the largest obstacle. Survivors are discouraged, blamed, and discredited by caste/religion. Tampering with evidence and poor investigations are common to throw cases off track. While the higher courts have made progressive judgments (Vishaka, NALSA), the lower courts tend to replicate stereotypes¹⁶. Survivors are subjected to intrusive questioning, and judgments occasionally give more weightage to the accused's future than to justice. Judicial delay contributes to trauma, indicative of what feminists identify as "male-stream law" formally neutral but patriarchal in application¹⁷.

d. Gaps in Implementation and Survivors' Needs

There exists a large gap between book and action law despite progressive legislation:

Awareness & Access: Knowledge or resources are absent among many women, especially marginalized groups.

Sensitivity: Lack of trauma-informed training among police, prosecutors, and judges results in secondary victimization.

Intersectionality: Dalit, Muslim, Adivasi, queer, and transgender survivors experience intersectional discrimination.

¹⁵ Press Information Bureau, Gov't of India, *Nirbhaya Fund* (2013), <https://pib.gov.in>.

¹⁶ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

¹⁷ Law Comm'n of India, *Report No. 239: Expeditious Investigation and Trial of Criminal Cases Against Influential Public Personalities* (2012).

Agency & Participation: Survivors are kept at arm's length, reduced to being witnesses only, excluded from decision-making.

India has advanced with laws such as the IPC amendments, PWDVA, and compensation schemes. Laws alternate between protection and empowerment, and even institutions like NCW, police, and courts shortchange survivors. The very issue is not lack of law but implementation failure based on patriarchal thought and structural inequality. Authentic gender justice calls for law and policy that prioritize survivors' dignity, autonomy, and agency throughout the justice process.

COMPARATIVE AND INTERNATIONAL PERSPECTIVES

Focusing on feminist victimology within the Indian scenario may overlook important lessons from the world experience. Gendered victimization rape, domestic violence, coercive control, or structural disadvantage is universal but differently addressed across nations.

a. **Feminist Legal Reforms at Global Level**

South Africa stands out because its post-apartheid Constitution positively prohibits discrimination on the grounds of sex, gender, and sexual orientation. Acts such as the *Domestic Violence Act, 1998* and *Sexual Offences Act, 2007* recognized a broad spectrum of abuses, such as marital rape, which is not yet criminalized in India. These reforms demonstrate how constitutional obligations can drive legal change. The *Sexual Offences Act, 2003* in the United Kingdom then redefined consent. It is now on freedom and capacity to consent and discarded the outdated assumptions that silence implies consent. The UK also criminalized coercive control in 2015, recognizing that violence is not limited to physical abuse alone but also psychological and economic abuse. Such an attitude could make India's PWDVA stronger, where enforcement of non-physical abuse is always poor. Canada is one example of a victim-focused justice system. Survivors may provide victim impact statements, so their experiences inform sentencing. Canadian courts actively discourage "rape myths"¹⁸ such as blaming victims for what they were wearing or what they did. These judicial practices minimize secondary victimization something India is still working to eliminate, considering insensitive cross-examinations and delays. The Nordic states such as Sweden and Norway connect criminal law with welfare. Sweden's 2018 consent-based rape law criminalizes non-consensual sex, even in the absence of physical

¹⁸ *Criminal Code*, R.S.C. 1985, c. C-46, § 722 (Can.).

resistance¹⁹. More significantly, survivors are provided with comprehensive care: housing, economic assistance, and counselling. This echoes a fundamental feminist victimology principle: justice is not merely punishing offenders but helping survivors re-claim agency and dignity.

b. Role of International Instruments

International frameworks also have an important role. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which India has ratified, commits states to considering gender-based violence as discrimination. This requires India not only to enact legislation but also to enforce it effectively. UN Women offers international guidance and tools for states to craft gender-sensitive policy, survivor shelters, and awareness campaigns. Improving India's cooperation with such institutions could help strengthen grassroots implementation, particularly for rural and marginalized women. The International Criminal Court (ICC) has been a step ahead of feminist jurisprudence in extending recognition to rape, sexual slavery, and persecution on grounds of gender as crimes against humanity. India is not a signatory to the ICC, but these judgments set international standards to be followed by domestic systems, including that of India.

Comparative and global views reveal that feminist victimology is less about symbolic legislation and more about changing systems to affirm survivors as agents of dignity. India has liberal legislation but faces challenges in implementation and cultural opposition. Through the process of learning from South Africa, the UK, Canada, and the Nordic model and by fulfilling obligations under CEDAW and other global frameworks India can inch closer towards a criminal justice system that serves not punishment, but true gender justice.

CONCLUSION

As we reach the conclusion of this discourse on feminist victimology and gender justice in India, it becomes evident that the issue of victimization is not merely about individual crimes but about entrenched structures of power. Laws have developed, activism has intensified, and awareness has pervaded, yet the survivors face hurdles when they attempt to seek justice. The conclusion of the present research must, therefore, not only give an overview of findings but also provide reflections on legal and policy changes, as well as judiciary, state, and civil society contributions to rebuilding a justice system that is truly survivor-oriented. The research started by outlining the history of victimology and how feminist thought critiques its classical boundaries. Feminist

¹⁹ *Brottsbalken* [BrB] [Criminal Code] 6:1 (Swed.), amended by Lag (2018:601).

victimology renewed our understanding that women and marginalized groups are not helpless victims of crime but are situated in vulnerable roles due to patriarchal hierarchies, social stereotypes, and institutional biases. In India, constitutional assurances of equality under *Articles 14, 15, and 21* and legislation such as the *Protection of Women from Domestic Violence Act (2005)*, *Criminal Law Amendments (2013 and 2018)*, and the *Transgender Persons (Protection of Rights) Act (2019)* have undoubtedly broadened legal safeguards. Yet, these laws often fail in practice. Survivors still face underreporting, police apathy, victim-blaming, and judicial delays. Marginalized women such as Dalit, Adivasi, Muslim, and queer individuals experience compounded discrimination. Comparative and international perspectives, from South Africa's recognition of marital rape to Canada's victim-centred trials and Nordic welfare-based models, show that India has much to learn. Most importantly, the research proves that gender justice is not a matter of punitive legislation alone. There needs to be an integrated approach that encompasses survivor dignity, trauma-informed procedure, participatory community, and gender-sensitive legal education. Legally and policy-wise, some reforms are imperative. In the first instance, criminalization of marital rape is essential to bring Indian law in line with global human rights norms²⁰. By not doing this, the justice system still disempowers women in marriage. In the second instance, one needs to tighten enforcement of existing legislation, such as the PWDVA, where orders of protection are delayed or disregarded. Policies also need to broaden definitions of violence to encompass psychological, economic, and online abuse, on the UK's lead regarding coercive control legislation. Victim compensation schemes should be streamlined and properly funded so survivors are not left in a financially dependent situation with abusive families or communities. Lastly, justice policies need to emphasize restorative and transformative justice models, incorporating rehabilitation, livelihood assistance, and community sensitization in the program. This would go beyond punishment to real empowerment of survivors. The task of feminist reconstruction of justice cannot be left to any one institution it has to come through collective efforts of the judiciary, state, and civil society.

Judiciary: Courts need to take survivor-centred approaches. Judges should be provided with ongoing gender-sensitization training to prevent patriarchal thinking in judgments. They must discourage rape myths, provide for speedy trials, and solicit victim impact statements to make

²⁰ *Independent Thought v. Union of India*, (2017) 10 SCC 800 (India).

survivors feel heard. Judicial activism, particularly in the form of progressive interpretations of Articles 14 and 21, can go on being transformative²¹.

State: The state has the responsibility to see that laws are implemented effectively. This involves educating police to deal with complaints in a compassionate manner, establishing additional one stop crisis centres, and offering monetary and housing assistance to survivors. The state also bears a global responsibility under CEDAW to eradicate all discrimination, which translates to closing the gap between legal law and actual practice.

Civil Society: Activists, NGOs, and grassroot organizations are usually the first source of support for survivors. With awareness campaigns, legal assistance and shelter homes, civil society organizations fill in the gaps in the state. Community-based models like women's collectives and queer support groups are instrumental²² in ending the silence around violence and holding perpetrators accountable.

Collectively, these stakeholders can build a multi-layered safety net, where survivors are not only safeguarded by law but also supported socially and economically to restart their lives. In summary, feminist victimology encourages us to rethink victimization beyond crime statistics it is a matter of how gender, caste, class, and sexuality intersect to constitute experiences of harm and justice. India has come a long way through constitutional assurance and legislative improvements, yet there are implementation gaps, sensitivity gaps, and survivor-centric gaps to be addressed. The solution lies in integrating legal reform with policy innovation, judicial compassion with state accountability, and grass-root activism with community sensitization. Gender justice in India is only possible when survivors are not conceptualized as passive objects of protection but as active rights-holders with agency, dignity, and voice²³.

²¹ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

²² Nandita Haksar, *Demystifying Law for Women* 115–27 (2002).

²³ Sandra Walklate, *Handbook of Victims and Victimology* 189–202 (2d ed. 2017).