



WOMEN IN THE RED CORRIDOR: GAPS IN CRIMINAL LAW, PROTECTION, AND REHABILITATION FRAMEWORKS

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INTRODUCTION

The role and experience of women in conflict zones become residual or invisible in the larger discourses on conflict.¹ Often, the conflict is about the law-and-order situation; therefore, solutions come within the militarised framework and disregard how the conflict affects women specifically.² This aspect is prominent even in the writing of history, as the role and contribution of women in a movement such as the Naxalite has become invisible in mainstream historical narratives.³

In essence, women in conflict zones sometimes display this very contradictory trait of being both actors and victims at the same time.⁴ For example, in the Naxalite region, the involvement of women has been that of actors because they form a considerable percentage of the lower Maoist cadres. Some joined the organisation with the intention of getting liberation from patriarchal systems. Similarly, in the region of Northeast India, the involvement of women was that of peacebuilders because they were sandwiched between the security agencies and the insurgents.⁵ Women and children bear the brunt of conflicts because they experience violations and suffer from the use of sexuality as a weapon against them.⁶ This makes it difficult for the affected women to be reintegrated into their societies.

The Indian criminal law regime tends to be inadequate within the ambit of gender-based truth in conflict zones. There is a lack of legal recognition for those displaced through armed

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¹ P Saikia, 'Women, Post-conflict Security and Governance Practices in India's Northeast' (2021).

² P Sultana, 'Negotiating Marginality: Women's Experience in Conflict Areas of Assam and Manipur' (2014).

³ L Kamra and L Kamra, 'Self-Making through Self-Writing: Non-Sovereign Agency in Women's Memoirs from the Naxalite Movement' (2013) *South Asia Multidisciplinary Academic Journal*.

⁴ 'Conflict, Rehabilitation and Women' (2017) *NEZINE*.

⁵ S Kulkarni, 'Women's Approach in Maoist War in India: Naxalite and Anti-Naxalite Strategy' (2018).

⁶ S Chutia, 'Violence against Women and Issue of Rights in North East India' (2019).

conflict/violence, thereby making rehabilitation policies for conflict-induced displacement inadequate. The rehabilitation policy for militants has been successful, although replicating a similar strategy in other conflict zones, for instance, Naxal-affected districts, is difficult.⁷

In addition, security legislation in the Naxal-infested areas has been known to have human rights violations, with both the Naxals and security personnel violating the indigenous tribesmen and women there.⁸ There are killings, abductions, summary trials, torture by the Naxals, and arbitrary arrests, detention, and torture by security personnel. The failure of women to inherit property according to customary laws practised in some areas also raises the dilemma for women, affecting their security and resource endowment. The underrepresentation of women in top political positions means that all decisions, including those affecting women, do not always go in their favour. Though progressive legislation for advancing women's rights is in place, challenges associated with state matters could favourably affect their implementation, with State Women's Commissions not always sufficiently staffed and equipped.⁹

WOMEN AND THE NAXAL MOVEMENT: ROLES, REALITIES, AND MISCONCEPTIONS

Beyond Stereotypes: Diverse Roles in Collective Action: Women's participation in social and political movements may sometimes defy the ordinary stereotypes and may involve a broad range of activities that are very important for the functionality of the movement. Women may participate in the movement in both overt and passive forms.¹⁰

Women may take overt participation in the capacity of combatants, taking an active role in combat movements. Apart from taking overt roles in combat, women may take other supportive overt roles, such as those of couriers or sentries, providing movement and vigilance, respectively.¹¹

Women also take overt roles in the capacity of ideologues and informants, creating and spreading the ideals of a movement and providing crucial information, respectively. The

⁷ Ministry of Home Affairs, *Surrender-cum-Rehabilitation of Naxalites in the Naxal Affected States*.

⁸ J Saravanan, 'Human Rights Violation in Naxal Affected Areas in India: An Analysis of the Economic Dimension' (2018) *Human Rights*.

⁹ DK Biswal, 'Incompatibility of Security Laws and Human Rights: Case of Naxalite Movement and Tribals in Odisha, India' (2020) *International Journal of Social Sciences*.

¹⁰ 'On the Frontline: The Contemporary Naxalite Movement' (2019) *Discover Society*.

¹¹ L Kamra and L Kamra, 'Self-Making through Self-Writing: Non-Sovereign Agency in Women's Memoirs from the Naxalite Movement' (2013) *South Asia Multidisciplinary Academic Journal*.

distinction between voluntary participation and participation through force may sometimes not be clear due to the circumstances surrounding the movement.¹²

Push Factors Highlighting Structural Violence: It is not uncommon for the choice to participate in social and political movements as a result of deep-rooted structural violence. Displacement and land alienation, which take away one's home and livelihoods, might be some of the most compelling factors in seeking radical alternatives. Sexual violence, especially when committed by state apparatuses or in circumstances involving powerful men, might be another factor compelling women towards finding shelter or revenge in social movements.¹³ Lack of education and dearth of economic opportunities might limit a woman's choices, and the promise of equality and freedom held out by some social movements could be attractive even at the expense of the level of risk involved.¹⁴

The Gendered Burden within Naxal Cadres: "The Gendered Burden" within Movements. Despite the varied contributions and the proclaimed egalitarian ideals of these movements, a disproportionate gendered burden is caused within the groupings of these movements. These are the conventional labour and nurturing commitments, where the burden ultimately rests with the female gender, even while adhering to a revolutionary cause.¹⁵ By way of intra-group stratification that perpetuates a patriarchal order, the membership access of females is also constrained and does not allow decision-making parameters. In the conventional sense, it is appropriate to note that criticisms from early Naxalite literary pieces highlighted the existence of internalised patriarchy and oppression of women within these movements. In varying accounts of studies that have appeared, such as those published in journals like the Economic and Political Weekly and organisation reports such as those of Human Rights Watch, there are indicated attempts of sexual harassment, oppression, and denial of adequate opportunities, with protests of gender imperatives of egalitarianism.¹⁶ Some females have apparently felt that there was a degree of marginalisation and discrimination, thus shifting from one patriarchal system to another. However, some reports suggest that these groups have, with the passage of time,

¹² 'Women Cadres in Left-Wing Extremism' *INSIGHTS IAS*.

¹³ R Bhattacharyya, 'Understanding the Spatialities of Sexual Assault Against Indian Women in India' (2015) *Gender, Place & Culture*.

¹⁴ D McDuire-Ra, 'Violence Against Women in the Militarized Indian Frontier' (2012) *Violence Against Women*.

¹⁵ S Parashar and JA Shah, '(En)Gendering the Maoist Insurgency in India: Between Rhetoric and Reality' (2016) *Postcolonial Studies*.

¹⁶ R Kujur, 'Naxal Movement in India: A Feminist Critique' (2011) *Jadavpur Journal of International Relations*.

shown improvements, such that there are cases of anti-patriarchy movements, with the promotion of women's rights and decision-making parameters.¹⁷

CRIMINAL LAW AND THE PROBLEM OF MISCLASSIFICATION

Issues of Categorisation in Zones of Armed Conflict: In most cases, the criminal justice systems of those regions experience difficulties in distinguishing between low-level supporters, who might be coerced or loosely connected, and those of the armed group, who are actively fighting. Another problem that might occur is when a blanket approach is applied, where everyone who is associated with a non-state armed group is treated the same way under the law, mostly referred to as "terrorists." In most cases, these classifications might not consider the circumstances that might make people, especially women, associate with these groups, such as when they are coerced, living in poverty, or trying to escape other forms of violence.¹⁸

Lack of Evidence and Prosecution-Related Gaps: Prosecution of cases in conflict areas can face challenges. There can also be overdependence on confessions, even if these are extracted through force, rather than more concrete forensic evidence. A case that lacks comprehensive forensic evidence, even more so in cases of sex-related crimes, can be a challenge in prosecution and can also result in the denial of justice. Additionally, stereotypes of the parties involved in the conflict can find their way into the charge sheets. This can result in an imbalance in the justice that is delivered. There is also the challenge of the trial courts being unwilling to offer bail, where the accused is suspected of being affiliated with an armed group, and thus the accused can be held in detention even in the lack of concrete evidence.

The Obscurity of Sexual Violence Against Women: However, the incidence of women's sexuality-related violence in conflict zones is also unseen within the realms of law and society.¹⁹ It is apparent that the issue of understatement is widespread, where victims fear retaliatory action by the perpetrators, ostracism by society, or prosecution and disappointment by the legal authority.

There are laws in place, such as the Evidence Act of India and the Code of Criminal Procedure (CrPC) of 1973, which are considered the basis of the criminal justice system, although they

¹⁷ V Priyedarshi, 'Women's Rights in India: The Role of the Naxalite Movement' (2013) *World Affairs: The Journal of International Issues*.

¹⁸ Human Rights Watch, "Between Two Sets of Guns": Attacks on Civil Society Activists in India's Maoist Conflict' (2012).

¹⁹ M Mehra, 'The Rape Law and Constructions of Sexuality' (2018).

may unwittingly serve as obstructions to justice.²⁰ Provisions in the Evidence Act of India relate to presumptions of a female's character based on her past sexual conduct, obstructing the path to justice.

Although the Criminal Law (Amendment) Act of 2013 has made advancements to have better provisions and evidence gathering in relation to sexual crimes, its implementation and development of female-sensitive investigation procedures are key problems.²¹ In fact, the police, who are also the visible manifestation of the state's presence, have been questioned in respect to whether they are maintaining the security of women or whether greater developments are required to resist violence against women.²²

The Thesis of 'Double Victimization': "Double victimisation" is not uncommon among women living in conflict areas. They become victims of conflict first, due to direct conflict and the subsequent violence they are exposed to, and become victims again when they are dealt with by the very same justice system they are meant to seek refuge in. The latter happens when they are wrongly labelled, wrongly prosecuted, when there is an inadequate response to gender crimes such as rape, and when the overall response by law and order agencies is not gender-sensitive.

PROTECTION FRAMEWORKS AND THEIR BLIND SPOTS

Ineffectiveness of the Existing Laws in Conflict-Affected Areas: Despite the presence of various kinds of protective legislation, procedural barriers are sure to be caused in their implementation in conflict zones, such as Naxalite zones. The POCSO Act, as well as Section 375 of the IPC, although made with the intention to provide security and safety to vulnerable people, are sure to encounter serious barriers in their effective implementation in conflict zones.²³ For instance, in rural areas within conflict zones, there is a lack of proper legal and medical facilities, resulting in time being given to provide relief to the victims. Delays in filing FIR are very common, and although courts take judicial note, they only add to the complexity. There is indeed a lack of resources and proper education, resulting in time being taken to seek justice. Many instances might go unrecorded and unrewarded. There are various barriers specific to

²⁰ M Miranda and M-H Maras, 'Sexual Violence Perpetrated Against Women in India: The Role of Forensic Evidence' (2017) *International Journal of Comparative and Applied Criminal Justice*.

²¹ RC Borpatragohain, 'Safeguarding the Dignity of Women under the Criminal Law Amendment Act 2013: A Critical Analysis' (2013).

²² K Kumar, 'Sexual Assault on Women: The Role of Police' (2016) *Dynamics of Public Administration*.

²³ 'Challenges Faced by Child Witnesses in the POCSO Act' (2025).

this region, as in most conflict zones, there is nearly a complete break in the administration of law and order, which is required in providing real meaning to this legislation.²⁴

Policing and Security Operations as Spaces of Gendered Harm: However, the operations of the police and the forces of security, aimed at maintaining order and security, can paradoxically become the source of gender-related violence in conflict zones. Though the documents are not elaborate about "fake encounter" and "combing operation" in the context of the Naxal zones, the apprehensions regarding police conduct and its effect on women are noted. For example, there have been suggestions that police response to gender-related violence can result in the further victimisation of women, particularly through the policy of mandatory arrest, which can disproportionately affect women of colour. The presence of the armed forces in the zone is known to result in an escalation of gender-related violence, including all kinds of sexual violence. The justice system can result in secondary victimisation of children through harsh cross-examination, which can be traumatic. The problem of custodial abuse is well-acknowledged in the realm of policing, and the absence of mandatory training for medical personnel, who might be the first contact of the victim, adds to the problem.

Gaps in Witness Protection: Protection of witnesses is vital in the quest for justice, especially in complicated circumstances, especially in areas affected by conflict. However, the program is largely flawed. Women who decide to testify against armed forces, as well as state forces, may be extremely vulnerable to intimidation. Witnesses would inevitably be intimidated by the severity of a courtroom setting, the defendant, and hostile lawyers. There is a natural fear that the witnesses may have of intimidation by a courtroom setting, the defendant, or hostile attorneys. This is tantamount to violating the safety of these individuals who have to take a stand to seek justice.²⁵

The most glaring gap within the current framework of protection is the absence of trauma-informed care. This is particularly pertinent because the survivors of any form of violence, most dramatically sexual violence, experience extreme psychological and emotional trauma. Moreover, the availability of mental counselling, reintegration support for the affected communities, and the corresponding state protection is only partly adequate or entirely inadequate for the most part. Living the experience of trauma once again within the judicial

²⁴ S Mehta, 'Rape Law in India: Problems in Prosecution Due to Loopholes in the Law'.

²⁵ A Pandey, 'Witness Protection Scheme and Organised Crime: Lessons Learned and Future Challenges' (2022).

process is very stressful and adds further psychological distress. This is particularly pertinent because although the POCSO Act aims at making the judicial process and investigation for the accused child-friendly, the reality falls short of the intention for the most part. After all, most courts and police stations do not have the necessary facilities or trained manpower for dealing with the judicial process from the perspective of child witnesses.²⁶ Apart from this, it is admitted that the psychological care for the judicial aftermath is inadequate.

REINTEGRATION AND REHABILITATION: A FRAMEWORK NOT BUILT FOR WOMEN

Overview of State Surrender and Rehabilitation Schemes: State surrender and rehabilitation policies are generally formulated to induce members in extremist organisations to desist from the use of force and mingle with the rest of the community again.²⁷ This may consist of economic rewards and support to help the process along. For example, Chhattisgarh State's "Poona Margem" seeks the end of social reintegration.²⁸

Financial assistance of ₹50,000 is provided to surrendered cadres, along with skill development training and other support facilities. Madhya Pradesh and Maharashtra are also witnessing surrenders, with some people receiving immediate relief amounts and also being eligible for other benefits according to rehabilitation policies.²⁹ Odisha modified its scheme to provide increased financial assistance to surrendered individuals from Rs. 5 lakh.³⁰ In certain instances, the development works have been sanctioned for Rs 1 crore after the surrender of all active members belonging to a village panchayat. These programs are intended to allow ex-combatants to live peaceful lives.³¹

Why The Schemes May Fail Women Despite Positive Intentions: Despite the availability of rehabilitation policies, there can exist large gaps that can make them less effective for women. Those who surrender can face challenges in leading normal lives because of the absence of gender-sensitive support structures. The rehabilitation program can neglect the requirements of child care, women-specific vocational training, and adequate housing facilities,

²⁶ Srikanth, 'Challenges Faced by Child Witnesses in the POCSO Act' (2025).

²⁷ P Ramana, 'Taming India's Maoists: Surrender and Rehabilitation' (2013) *Strategic Analysis*.

²⁸ '34 Naxals, Including 26 Collectively Carrying Reward of Rs 84 Lakh Surrender in Chhattisgarh' (2025) *India TV News*.

²⁹ 'Woman Naxalite Carrying Rs 14 Lakh Bounty Surrenders in Madhya Pradesh' (2025) *India Today*.

³⁰ 'Odisha Revises Maoist Surrender and Rehabilitation Policy' (2025) *The Hindu*.

³¹ P Ramana, 'Reintegrating India's Maoists: Surrender and Rehabilitation' (2019) *Human Security in South Asia*.

which are greatly needed for their rehabilitation. Social stigma can also prove a large hindrance since those women who were involved in these movements can face challenges in getting back into societal circles.³² Also, currently present policies can neglect the differentiation between those women who were forced or trafficked and those who joined these groups on their own choice and can treat them all similarly for rehabilitation, which can neglect their different requirements.

The Legal Identity Crisis: It is in these contexts that women find themselves in a legal identity crisis in which they are viewed as either "victims" or "terrorists" without legal recognition in between. There is little recognition in legal circles of the real existence in between, in terms of forced or ideological involvement in these groups as a result of marginalisation. There is an implication in terms of citizenship and legal rights in not fully appreciating their involvement in these groups. For instance, women who may have been subjected to sexual violence in these groups or in state security forces may find themselves not easily reintegratable because, in most social contexts, issues of honour and dignity are heavily at play. There may be little opportunity for a legal and social framework in which they might reconstruct their realities with full recognition as citizens with full rights.

TOWARDS A GENDER-SENSITIVE LEGAL AND POLICY FRAMEWORK

This calls for the need for legal reforms that take into account the unique experiences that women have, especially in their vulnerable situations. One of the major factors is the reclassification of offences more contextually, instead of just limiting themselves to broad categories and taking into consideration the specific circumstances in which women generally find themselves involved. It will be important that such a theory recognises that women may be compelled for different reasons than men, including coercion and structural inequalities. Additionally, investigations into allegations of sexual violence should be independent of bias and undue influence to ensure that justice for survivors is protected. Special procedures should also be considered for women combatants and supporters, taking into consideration their needs, vulnerabilities, and potential for reintegration. Such changes could only seek to make the legal system more responsive and accountable in the gendered nature of conflict and societal ills.

³² S Parashar, 'Women and the Matrix of Violence: A Study of the Maoist Insurgency in India' (2016) in *Researching War*.

Procedural reforms are necessary to make the legal processes sensitive to gender and trauma. The introduction of mandatory gender-sensitive evidence handling will ensure that evidence of gender-based violence is collected, preserved, and presented without bias or re-victimisation. It also involves training in trauma-informed approaches for a host of actors, from police to lawyers. Similarly, protection and anonymity are key for women reporting crimes or testifying against accused persons, particularly in sensitive cases, from retaliation and intimidation. In India, the operation of criminal procedure has gradually adjusted to the articulation and incorporation of women's rights, but the practice of gender-neutral laws and procedures can be at odds. It aims at ensuring that the procedural environment is enabling of reporting, supportive of survivors, and conducive to a fair trial.

Rehabilitation frameworks must be fundamentally reviewed to make sure they are more sensitive to women's needs and concepts of efficacy. This should also include long-term socio-psychological support, which caters for the peculiar traumas and needs peculiar to women who have faced conflict or violence. Such support goes beyond immediate crisis intervention and focuses on sustainable mental health and well-being. Thirdly, there is a need for economic rehabilitation suitable for them, realising that traditional vocational training might not always align with their needs or local economic opportunities. Programs should look to empower women through skill development, leading to sustainable livelihoods and financial independence. Finally, community reintegration models will be important, working to dismantle the stigma often associated with women who have been involved in conflict or who are survivors of violence. These models should involve community education, mediation, and support networks to facilitate acceptance and successful re-entry into society. In focusing on these gender-sensitive reforms, rehabilitation can indeed become comprehensive and truly empowering for women to rebuild their lives.

CONCLUSION

This is evident in the case of women living in conflict areas, and they demonstrate how the binary concepts of the law are not adequate to grasp the reality of women. The engagement of women is not neatly compartmentalised into the "victim" or "perpetrator" category, and rather, women's engagement is represented by a whole range of dynamics and purposes that are often characterised by structural violence. In order to address the issues posed by these settings for women, it is necessary to adopt a strategy which deals with gender concerns within the root

legal structures. This requires an understanding that conflict affects women more, and legal structures need to be formulated specifically with their concerns in mind.

Finally, to be vastly just to women in conflict zones, it is important to remember that it not only means punishing crimes committed against women but incorporating a holistic approach to attach great importance to understanding women and to integrate them into their setting to meet their diverse needs. Indeed, it alone allows addressing attempts to achieve the objective to attain peace and to provide justice by developing an equal platform for everyone to be on in their societies.