
FROM PATRIARCHY TO NDAS – REASON FOR SURVIVOR’S SILENCE

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ABSTRACT

Justice remains an elusive promise for many, specifically women and marginalized communities facing gender-based violence (GBV). Deep-seated patriarchal norms, intersectional inequalities and corporate instruments like non-disclosure agreements (NDAs) manoeuvre to silence survivors, burying their truths under layers of stigma, bias and legal barriers. This blog examines how patriarchy normalizes abuse by administering rigid gender roles and victim-blaming, while legal systems perpetuate it through loopholes and inadequate enforcement. Intersectionality amplifies these issues, as overlapping identities like caste, class, race and sexuality reproduce disadvantages, leaving the most vulnerable unheard. Economic and structural hurdles further isolate survivors as poverty and literacy gaps block access to justice. In workplaces, NDAs shield powerful perpetrators, prioritizing reputation over accountability and nurturing a culture of secrecy. Drawing on global and Indian examples, including recent statistics from the National Crime Records Bureau (NCRB) showing over 4,45,000 reported crimes against women in 2022 and National Family Health Survey (NFHS-5) revealing 32% of married women enduring spousal violence, which highlights underreporting due to fear and systemic failures. Tech-facilitated abuse adds new dimensions, with survivors facing online shaming and inadequate response mechanisms. Ultimately, this exploration calls for holistic reforms to dismantle these silencing mechanisms in order to ensure equitable justice and amplifying survivor voices for societal transformation.

Key Words: - *Patriarchy, Gender-Based Violence, Intersectionality, Access to Justice, Non-Disclosure Agreements*

INTRODUCTION

Justice is promised to all, but in reality, is it really served equally to all? Women and Marginalized people often face emotional, physical and sexual abuse, but their stories remain buried under decades of oppression and systematically entrenched barriers. These barriers range from cultural expectations, societal taboos, legal obstacles and even workplace policies and contracts. They are not random rules or loopholes in the system. Instead, they are created by deep rooted patriarchal norms of male dominance, intersectional inequalities which hit certain groups hardest and corporate mechanisms like non-disclosure agreements that shield the powerful. This blog reflects upon how these forces combine to mute the voices of the sufferers. It deliberates as to how patriarchy twists the way in which violence gets seen; intersectional mechanisms decide whose pain is relevant and whose gets dismissed and NDAs provide legal cover to abusers in top places. By disclosing these layers, we can see how equitable justice still remains a fight and what steps we can take to achieve it.

PATRIARCHAL CULTURE AND HOW IT NORMALIZES GENDER-BASED VIOLENCE

Patriarchal culture builds into gender-based violence every day, allowing it to constantly reshape and further elaborate societal norms. At its core, it decides the normative idea as to how a man or a woman should be. Men are thought to be the providers and leaders, with a right to guide and correct those around them. On the other hand, women are made to obey as caretakers and housekeepers, maintaining peace at all costs. These roles embed control attitudes. A wife's independence can be seen as a threat to the husband, which leads him to slapping her or even worse, all in the name of "disciplining" her. This normalization extends beyond homes, penetrating public spaces where women are expected to shrink themselves to avoid "inviting" harm.

Victim blaming takes this further. Questions like "What was she doing out so late?" and "Was her outfit asking for it?" shifts the focus from the perpetrator's fault to what society thinks could have been the wrong of the victim which led to the abuser's misconduct. These attitudes run deep in India and studies evidence how these narratives keep women from speaking up. A 2022 study by SNEHA Mumbai shows how men justify violence through a sense of superiority and

authority, turning beatings into lessons of obedience. Families pressurize daughters to forgive for the sake of “honor” and “reputation”. Police often nod along, treating the case as a household row not worth their time. This is not limited only to India and similar patterns can be seen globally as well. In the United States, data from a survey shows that societal blame discourages reporting, resulting in only a small proportion of assaults being reported to authorities.

This private-public divide closes the deal. Abuse in households or offices stays hidden and are labelled as “personal”. No one calls police for a “family issue” and bosses often overlook complaints as drama. Patriarchal beliefs affect police and court discourses as well. Officers, often men who are shaped by the same beliefs, ignore the seriousness of the reports. Judges examine delays in filings, in the hope of erasing the truth by each passing day. These patterns do not just silence individuals. They normalize violence, teaching that voicing up will bring only more pain than protection. Recent data from the 2025 Gender Snapshot underlines this, noting that violence against women is one of the most pervasive human rights violations, yet less than 1% of humanitarian funding addresses it. In India, the National Family Health Survey-5 (2019–21) reveals that 32% of married women have faced spousal violence, emphasizing how cultural norms entrench this cycle.

PATRIARCHY WITHIN LEGAL SYSTEMS

Legal systems, meant to uphold principles of justice, often mirror the biases they were made to fight. The survivors approach the police station first, where the officers may brush them off and start lecturing them to save their marriage or warn them of the societal scandal. In 2013, a Reuter’s investigation found that majority of the police men surveyed in India, blamed the victim’s clothing or the timing of the assault. Scared and disappointed by this, women tend to walk away, without their complaints ever making to the paper. Even in 2025, these attitudes persist. A Pew Research Center study found that although 76% of Indians view violence against women as a serious problem, 87% still believe wives should obey their husbands, reinforcing bias in enforcement.

Courts further reinstate the doubt, where the judges often rely on stereotypes and judge the credibility by victim’s clothing, delay in reporting, or even her tears. They ask the victim, “Why didn’t you scream?” ignoring their freeze from terror. They reinforce patriarchal myths of how

“real” victims act. Legal loopholes make this worse. Marital rape is unrecognized in India, treating marriage as perpetual consent and protecting husbands from prosecution. The LEED initiative highlighted in 2021 that husbands cannot face charges for forcing sex on wives over the age of 15, trapping several women. Police downplay cases and courts reduce assaults to “cruelty”, dodging the rape label. Only a few officers and judges get gender-bias and trauma training. This results in a system that questions survivors more than it question the abusers, transforming achieving justice into a painfully rare arduous task. The NCRB reported 4,45,256 crimes against women in 2022, a 4% rise from the previous year, with domestic violence accounting for 31.4% of the total cases. Yet conviction rates remain as low as 25%, failing to a mere 2% for cases involving Dalit women. Globally, similar issues in countries like the U.S. show how patriarchal legacies in law delay progress.

INTERSECTIONALITY: HOW RACE, CASTE, CLASS, AND IDENTITY INTENSIFY SILENCE

No two survivors face the same fight. Intersectionality, a term coined by Kimberlé Crenshaw, demonstrates how coinciding identities like gender, race, caste, class and sexuality multiply detriments. While women from dominant groups face serious hurdles, women from the marginalised strata face harsher ones. For example, a Dalit woman confronts both sexism and casteism. The police dismisses her claims and side with the upper-caste men. Reports like Equality Now’s 2020 report depicts how this invisible overlap results in the collapse of Dalit women’s trust in the legal system. Black women abroad face these stereotypes that undermine their credibility. In the United States, studies informed by Kimberlé Crenshaw’s 1991 analysis of intersectionality demonstrate that racial bias within legal systems contributes to lower conviction rates for cases involving Black survivors. In India, Equality Now’s 2025 report highlights how caste and disability increase vulnerability to tech-facilitated violence, with survivors facing layered and compounded forms of discrimination.

Migrants and undocumented women fear the same as reporting could lead to deportation, forcing them to swallow their harassment. A 2023 report by The Migration Story highlights that in India, tribal workers on remote farms endure rape from landowners and are bribed with scraps to be silent. Queer and Trans people face yet another layer. Legal gaps do not account for non-binary

identities and police treat them as suspects rather than victims. A trans woman reporting faces risks of exposing or beating in custody. These layers compound obstacles. A poor, queer, Dalit woman might simultaneously face family rejection, stigma, economic threats and institutional bias. Intersectionality ensures the most vulnerable remain the most unheard. For instance, in healthcare settings, class and caste intensify gendered violence, with female nurses facing heightened risks due to entrenched hierarchies. Global trends show similar patterns in Africa and Asia, where intersecting oppressions silence millions.

STRUCTURAL AND ECONOMIC BARRIERS AGGRAVATED BY INTERSECTIONALITY

Poverty and social structures isolate the victims. Court fees, travel costs, childcare makes justice out of reach for some. It would be difficult for a poor single mother to afford a lawyer to fight against abuse. Women in rural India travel miles in search of help, only to be greeted by closed doors in return. Economic dependence further tightens the trap, where leaving an abuser can mean losing food and shelter. Class divide further affects this as wealthier women can hire influential legal teams, whereas poor women might have to seek help from overstretched NGOs. The NFHS-5 indicates that 49% of women lack decision-making power over their earnings, deepening economic vulnerability.

Literacy and Language barriers also uphold. Migrants struggle with forms and translations, unable to explain their stories. Community pressures in villages where honor practices prevail, silences many where speaking up risks ostracism. Tribal women already facing casteism and poverty, are hit by “triple burdens” of violence, debt and discrimination as evidenced by the report of The Migration Story of 2023. These factors discourage and even erase reports, leading to undercounts that make gender-based violence appear rare. When the data hides the scale, funding disappears and the progress stalls. In 2025, NARI reported India's women's safety score at 65%, with two-thirds of harassment unreported. Globally, economic barriers in low-income countries mirror this, where GBV funding is minimal despite prevalence.

HOW NDAS SILENCE SURVIVORS IN THE CORPORATE

The corporate sector, which is supposed to be based on meritocracies and capabilities, now is reduced to being another character in the societal script. Male leaders tend to dominate, and harassment thrives in this patriarchal club from leers to explicit demands. HRs, meant to safeguard employees, shield the firm instead. The complaints get dodged and no formal procedure is placed. Non-disclosure Agreements which were created to guard trade secrets, are now twisted to silence the workers. Sometimes, settlement agreements are made where women sign away their voice for money and barter it for their silence. Critics argue NDAs protect wrongdoers, as seen in Harvey Weinstein's case, where the non-disclosure agreements silenced victims for years.

This tool serves patriarchy and prioritizes reputation over rights. Influential men escape liability and roam around care-free. Emotional pleas like “Think about your career”, financial support, professional threats (No or Negative Reference) are used to push victim towards acceptance. In India, NDAs clash with POSH Act 2013, which demands reporting of abuse. But technical jargon further scares away the victims. Legal experts at the Tata Institute of Social Sciences Centre for Labour Studies and Development (TSCLD) warned in 2022 that such agreements foster secrecy, enabling perpetrators to evade accountability. One startup survivor had to face consequences for quitting post-harassment due to her NDA signature revealed by a 2018 investigation by Quartz India. NDAs provide a legal loophole to evade accountability. A Stanford analysis of 23 cases found that the ambiguity of non-disclosure agreements pressures employees into silence, allowing harm to extend well beyond the workplace. In Canada, the use of NDAs to conceal sexual assault cases within Hockey Canada led to public backlash and demands for reform, accentuating how such agreements can enable institutional cover-ups.

POWER DYNAMICS IN CORPORATE SETTINGS

Power skews the scale. HR sides with the company, offering NDAs instead of initiating real investigation. Past complaints disappear, shielding repeat offenders, A boss assaults one woman, pays her off, targets another and the cycle of abuse continues. No action is taken as the complaints never reach the paper and the name of the abuser stays clean throughout. Marginalised employees suffer the most. Women of colour, LGBTQ+ and migrants often lack strong networks or secure visas, making it challenging for them to initiate action. A queer

migrant fears being outed and a Dalit woman dreads caste-based humiliation on top of the assault. Many sign NDAs faster due to the tremendous risks accompanied with refusal. In global tech firms, similar dynamics silence diverse employees, with NDAs exacerbating isolation. In Indian workplaces and startups, young men often carry their biases into the office and tend to belittle women as “overreacting” and “hysterical” as noted by the Quartzin 2018. These messages echoes the dilemma – Stay silent for your survival or Speak up and pay the price.

Beyond immediate threats, these imbalances inflict long-term mental health tolls, like anxiety and depression, as survivors navigate toxic environments without support. Hierarchical structures intensify this, where junior staff hesitate to challenge seniors, fearing retaliation or blacklisting in industries with tight-knit networks. For example, in industries like Bollywood or their Silicon Valley counterparts, powerful executives often use fame and influence to intimidate others, transforming workplaces into echo chambers of unchecked authority. Economic precarity further worsens this, contract workers or gig economy participants, often women from lower socio-economic backgrounds, cannot afford job loss, making NDAs seem like the only viable escape. This perpetuates a culture where power not only protects abusers but also erodes employee morale, leading to higher turnover and lost productivity. Ultimately, such dynamics reinforce patriarchal control, keeping corporate advancement out of reach for those without privilege.

SOCIO-LEGAL IMPACT OF SILENCING MECHANISMS AND REFORMS CHALLENGING THEM

The silence of the survivors is not just limited to the individual, but spans across the society as well. It cultivates impunity and vulnerability. When the abuse is hidden, the perpetrators remain guilty and repeat offences leading to perpetual patterns and false data which represents the rarity of violence. Technologically facilitated violence in India is highly underreported due to the continuous stigma and victim-blaming. According to a 2023 Business Standard report, survivors often face secondary trauma in police stations and courts which destructs their trust in the system, and they feel violated all over again. Their families urge them to be silent to maintain “peace and reputation”, institutions fail under bias and society is trapped in an endless cycle of harm. A 2025 Equality Now report shows that online abuse continues to silence women, while fragmented and inadequate legal frameworks fail to provide effective responses.

Yet resistance is rising. Reporting by The Economic Times in 2019 show that the #MeToo movement in 2018, saw women break NDAs and name their abusers, bringing down powerful Bollywood figures and beyond, forcing policy shifts and prompting political debates. In today's times, proposed laws seek to limit the NDAs control, gender-sensitization training is spreading slowly, and NGOs are extending helplines and access to shelters. These victories prove that collective voices can break even the strongest and deeply entrenched dynamics of patriarchy, intersectional erasure and corporate cover-ups. The fight is far from over, but silence is no longer the norm.

On a broader scale, silencing imposes heavy economic and social costs, from rising healthcare expenses to lost productivity and unresolved legal cases. It also deepens inequality and social divisions. On the other hand, international initiatives like UN Women's support for Indian NGOs, along with grassroots digital platforms and judicial reforms such as victim advocates in Maharashtra, are gaining ground. Together, these layered efforts show how technology and community action can fill gaps left by traditional systems.

RECOMMENDATIONS FOR INCLUSIVE CHANGE

Fixing the system requires vast changes across the law, institutions and the society. Legally, NDAs should be banned in gender-violence cases. Marital rape should be criminalized, and the "exemption" farce should come to an end as emphasized by the Human Rights Watch in 2022. Bolstering anti-bias laws with intersectional data, including caste and marginalisation along with ratifying and enforcing global safeguards without loopholes can lead to a more inclusive and just legal system. Institutionally, police, judges and employers should receive gender-bias and trauma informed training. Fast track courts should be created with adequate staff. Independent panels should probe the complaints within the company to ensure fairness and equity. The number of women in law enforcement and judiciary should be increased substantially. On a social and educational aspect, schools should teach consent, intersectional biases and equality to students. Campaigns for rejection of victim-blaming and awareness should be run persistently. Targeted support like free legal aid for Dalit survivors, funds for migrants, accessible services for trans people should be provided. Marches like Reclaim the Night should be done to normalise outcry. Media should be encouraged to advocate for all survivors not merely high-profile cases. With

time, these shifts can help sustain a culture where shame is attached with the abusers, not the victims and communities can be built for protection, instead of silence. Drawing from global trends, like the African Union's 2025 Convention on Ending Violence Against Women, India could adopt binding frameworks for prevention. Additionally, tech regulations could mandate platforms to implement AI-driven abuse detection, while corporate mandates require annual audits of harassment policies with public reporting. Community-based restorative justice programs that involve elders and local leaders can help address gaps in rural areas. Increasing funding for survivor-focused mental health services, including tele-counselling in multiple languages, would support healing and recovery. International collaborations, such as partnerships with the WHO to develop standardized responses to gender-based violence, can sustainably utilise resources and foster sound practices. At the same time, empowering young people through university clubs and online forums helps build allyship and encourages long term cultural evolution.

CONCLUSION

Patriarchy, intersectional marginalisation and corporate secrecy interlink to suppress survivors and perpetuate injustice. These forces combine and further mute those silenced by the society the most, from normalized abuse in homes to corporate cover-ups through tools like non-disclosure agreements. They erode trust and justice, as evidenced by stark figures, such as India's 66.4 crimes per lakh women in 2022, yet vast underreporting due to fear and bias. Marginalized groups bear the heaviest burden, their voices drowned in overlapping discriminations of caste, class, race and identity.

Still, change is possible. Protective laws, accountable institutions and cultures that refuse to shame the abused can tackle these barriers and foster real safety. Movements like #MeToo exhibit resilience, starting the fight by breaking NDAs and sparking reforms across Bollywood, workplaces and beyond. Now it is time to enrich and win it. To create lasting change, marital rape must be criminalized, the misuse of NDAs curbed, and gender-sensitivity training made mandatory for police and judges. Survivor support systems, including helplines and shelters should be provided sustained funding. Empowering education on consent and equality can shift

cultures, while intersectional policies ensure no one is left behind, offering targeted aid for Dalit women, migrants and LGBTQ+ individuals.

Global examples, from U.S. restrictions on NDAs to African conventions aimed at ending violence against women, offer clear blueprints for reform. By transforming attitudes and reshaping institutions, societies can begin to uplift every survivor's voice. At last, dismantling these harmful mechanisms demands collective action that amplifies survivors, holds perpetrators accountable, and rebuilds systems grounded in true equity. Justice stands tall not from quiet endurance, but from collective courage to speak up and refusal to stay silent. Silence no longer serves us. It is time for voices to prevail, cultivating a safer world where justice is not merely promised but delivered.

References

1. National Crime Records Bureau, Crime in India 2022, Ministry of Home Affairs, Government of India (2023), available at: <https://ncrb.gov.in>
2. International Institute for Population Sciences (IIPS) & ICF, National Family Health Survey (NFHS-5), 2019–21: India, Ministry of Health and Family Welfare, Government of India (2021), available at: <https://rchiips.org/nfhs>
3. SNEHA Mumbai, Understanding Domestic Violence and Masculinity in Urban India (2022), available at: <https://snehamumbai.org>
4. Reuters, “Indian Police Still Blame Rape Victims, Survey Finds” (2013), available at: <https://www.reuters.com>
5. Pew Research Center, Attitudes Toward Gender Roles and Violence Against Women in India (2025), available at: <https://www.pewresearch.org>
6. LEED Initiative, Marital Rape Exception and Its Impact on Women's Rights in India (2021), available at: <https://www.leedindia.org>
7. Equality Now, Access to Justice for Survivors of Sexual Violence in India (2020), available at: <https://www.equalitynow.org>
8. Equality Now, Technology-Facilitated Gender-Based Violence in India (2025), available at: <https://www.equalitynow.org>

9. Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color,” 43 Stanford Law Review 1241 (1991).
10. The Migration Story, Gender, Caste and Violence Among Migrant Workers in India (2023), available at: <https://www.themigrationstory.com>
11. Quartz India, “How NDAs Silence Harassment Survivors in Indian Startups” (2018), available at: <https://qz.com/india>
12. Stanford University, Non-Disclosure Agreements and the Silencing of Workplace Harassment: A Case Analysis of 23 Incidents (2023).
13. The Canadian Press, “Hockey Canada Sexual Assault Scandal and the Use of NDAs” (2022), available at: <https://www.thecanadianpress.com>
14. Tata Institute of Social Sciences–Centre for Labour Studies and Development (TSCLD), Workplace Secrecy and Gender-Based Violence in India (2022).
15. Business Standard, “Why Cyber Violence Against Women in India Remains Underreported” (2023), available at: <https://www.business-standard.com>
16. UN Women, Gender Snapshot 2025: Violence Against Women and Girls (2025), available at: <https://www.unwomen.org>
17. The Economic Times, “#MeToo Movement in India: Impact on Bollywood and Corporate India” (2019), available at: <https://economictimes.indiatimes.com>
18. Human Rights Watch, India: Criminalize Marital Rape (2022), available at: <https://www.hrw.org>
19. African Union, Convention on Ending Violence Against Women and Girls in Africa (2025), available at: <https://au.int>
20. World Health Organization, Guidelines for Medico-Legal Care for Survivors of Sexual Violence (2023), available at: <https://www.who.int>
21. UN Women India, Digital Tools and Community Responses to Gender-Based Violence (2024), available at: <https://india.unwomen.org>