



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 1

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.53>

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LAWS TO CURB CRIMES AGAINST WOMEN IN INDIA

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I. ABSTRACT

Crimes against women are still a serious social and legal issue in India and a serious human rights violation. Despite constitutional guarantees of fairness, respect, and personal freedom, women are subjected to a wide range of forms of brutality, involving domestic abuse, sexual assaults, harassment, cruelty related to dowries, trafficking in persons, and cybercrimes. The Indian legal system has created a comprehensive structure that includes judicial interventions, special laws, punitive measures, and constitutional safeguards in response to these enduring issues. India has made an effort to modernize its criminal justice system while maintaining and strengthening laws intended to protect women from assault, through the enactment of the Bharatiya Nyaya Sanhita, 2023, which has replaced the Indian Penal Code, 1860. In addition to special protective laws like the Protection of Women from Domestic Violence Act, 2005, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and laws addressing sexual violence and child protection, this research paper looks at the development and extent of laws passed to prevent crimes against women, with a focus on offenses under the Bharatiya Nyaya Sanhita. The research paper also examines how judiciary has advanced women's rights via significant rulings and progressive interpretations. Despite the seeming strength of the legal structure, there remain significant gaps in societal attitudes, implementation, and enforcement remain. The paper concludes that effective protection of women requires not only strong laws but also institutional accountability, gender sensitization, awareness, and victim-centric justice mechanisms.

II. KEYWORDS

Crimes Against Women, Bharatiya Nyaya Sanhita, Gender Justice, Constitutional Safeguards, Sexual Offences.

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III. INTRODUCTION

Crimes against women represent one of the most pressing challenges confronting Indian society and its legal system. Women in India continue to face multiple forms of violence, including domestic abuse, sexual harassment, dowry-related cruelty, trafficking, and cybercrimes, despite constitutional guarantees of equality and dignity. According to the *National Crime Records Bureau*, a total of 4,45,256 cases of crimes against women were registered in India in 2022, reflecting a significant prevalence of gender-based violence across the country.³ These offences not only violate individual rights but also undermine social order and development. Deeply ingrained patriarchal norms, socioeconomic disparities, and weak enforcement mechanisms continue to contribute to the persistence of such crimes. Recognizing the gravity of this issue, the Indian State has introduced several legislative and institutional measures to curb offences against women and provide victims with access to justice.

The cornerstone for protecting women's rights is the Indian Constitution's principles of nondiscrimination, equal treatment, and the right to a decent existence. Over time, criminal law reforms and special legislations have strengthened legal protection by addressing specific forms of violence. However, the increasing incidence of crimes against women, as reflected in crime statistics, raises serious concerns regarding the effectiveness of existing laws and enforcement mechanisms. This study seeks to examine the legal framework developed to curb crimes against women in India and critically assess its implementation.

A. Problem Statement

Even though India has a strong legal system in place to deal with crimes against women, these crimes nevertheless happen at startlingly high rates. The effectiveness of legislation like the Indian Penal Code, the Protection of Women from Domestic Violence Act, 2005, and the Sexual Harassment of Women at Workplace Act, 2013 is still up for debate, despite the fact that they provide important legal safeguards.

³ National Crime Records Bureau, *Crime in India Report 2022*, Ministry of Home Affairs, Government of India, available at <https://ncrb.gov.in> (last visited 8th March, 2026)

Women are frequently deterred from pursuing legal remedies by delays in investigations, poor conviction rates, and the absence of victim support systems, societal shame, and insufficient awareness.⁴

Furthermore, the alleged misuse of certain protective provisions has generated debates regarding the balance between safeguarding women's rights and preventing false accusations. This issue has been examined institutionally by the Law Commission of India in its 243rd Report on Section 498A IPC (2012), which acknowledged concerns regarding misuse while emphasizing that such instances should not undermine the necessity of legal protection for married women facing cruelty and dowry harassment.⁵ These debates have sometimes resulted in judicial caution, potentially diluting the protective intent of the law. The core problem, therefore, lies not merely in the absence of laws but in their enforcement, interpretation, and social acceptance. This research addresses the gap between legislative intent and ground-level implementation of laws designed to curb crimes against women.

B. Research Objectives

The primary objectives of the current investigation are as follows:

1. To review the laws and constitutional provisions implemented to reduce crimes against women in India.
2. To analyse the effectiveness of criminal laws and special legislations in addressing violence against women.
3. To research how the judiciary interprets and upholds legislation that are focused on women.
4. To determine obstacles to the application of legislation pertaining to crimes against women.
5. To suggest measures for improving enforcement and ensuring effective protection of women's rights.

⁴ C K Takwani, *Lectures on Legal Methodology* (8th edn, Eastern Book Company 2020).

⁵ Law Commission of India, *243rd Report on Section 498A IPC* (2012), Government of India, available at <https://lawcommissionofindia.nic.in> (last visited 8th March, 2026).

C. Research Questions

The following research questions are the focus of this investigation:

1. What are the main laws in India designed to prevent crimes against women?
2. How effective are existing laws in preventing and addressing crimes against women?
3. What role has the judiciary played in strengthening the legal framework for women's protection?
4. What are the main obstacles to the implementation of legislation protecting women?
5. What reforms are necessary to enhance the effectiveness of laws against crimes towards women?

D. Hypothesis

The study is predicated on the idea that, despite India's enactment of a broad and effective legal framework to reduce crimes against women, these laws' efficacy is severely compromised by inadequate enforcement mechanisms, protracted legal proceedings, lack of understanding within women, and prevailing sociocultural barriers. It is further hypothesized that judicial interventions and legislative reforms have strengthened women's legal protections, but without effective implementation, institutional accountability, and gender sensitization, the objective of reducing crimes against women cannot be fully achieved.

E. Research Methods

The present study is doctrinal in nature and is based on secondary sources including statutes, case law, journal articles, and authoritative commentaries. To comprehend the extent and purpose of women-protective legislation, primary sources pertaining to such statutes, case law, and constitutional provisions have been thoroughly

examined. Secondary sources include textbooks, research articles, reports of law commissions, and publications of national and international organizations.⁶

Another part of the method is a comparison of legislative provisions prior to and following major changes to criminal law, such as the Criminal Law Amendment Act of 2013. The judicial interpretations of the Supreme Court and High Courts have been examined to see how they support gender equity. The study does not involve empirical data collection and is limited to legal analysis and interpretation.

F. Literature Review

Numerous academics, legal experts, and organizations have examined crimes against women and the legal responses to them. Flavia Agnes highlights that violence against women in India is deeply embedded in patriarchal structures and argues that legal reforms must be accompanied by broader social transformation. She emphasizes the importance of victim-centric laws and cautions that legislative reforms alone cannot address structural inequalities without effective implementation.⁷

Women-centric criminal law reforms in India have also been critically examined by Flavia Agnes and Lotika Sarkar, particularly in relation to rape laws and domestic violence legislation. Their scholarship notes that although legislative amendments have expanded definitions of sexual offences and strengthened penalties, systemic challenges such as police insensitivity, delays in investigation, and judicial backlogs continue to obstruct effective justice for victims.⁸

Institutional reports have also significantly contributed to the discourse on reforming laws relating to offences against women. The 172nd and 243rd Reports of the Law Commission of India recommended important reforms to rape laws and addressed concerns regarding cruelty provisions under Section 498A of the Indian

⁶ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 1999).

⁷ Flavia Agnes, "Protecting Women Against Violence? Review of a Decade of Legislation, 1980-89" (1992) 27 *Economic and Political Weekly* WS19.

⁸ Lotika Sarkar, "Women and Law Reform in India" (2000) 42 *Journal of the Indian Law Institute* 234; Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 1999).

Penal Code. These reports played an influential role in shaping subsequent legislative reforms, particularly in the aftermath of the 2012 Delhi gang rape incident.⁹

Scholars have further analyzed the role of judicial interpretation in strengthening women's rights. Upendra Baxi argues that judicial activism, particularly through an expansive interpretation of Article 21 of the Constitution, has substantially contributed to the development of gender-protective jurisprudence in India. Landmark decisions such as *Vishaka v State of Rajasthan* illustrate the judiciary's proactive role in establishing safeguards against sexual harassment at the workplace and advancing constitutional protections for women.¹⁰

IV. LAWS TO CURB CRIMES AGAINST WOMEN IN INDIA

The Indian judicial system continues to struggle with crimes against women, which are a grave violation of human rights. Women still experience violence in both the public and private domains, including domestic abuse, sexual offenses, harassment, violence connected to dowries, and cybercrimes, despite constitutional protections of equal treatment, respect, and personal liberty. India has responded to these concerns by creating a comprehensive legal system that includes special legislation, criminal laws, constitutional provisions, and judicial interventions meant to provide justice and deter crimes against women.¹¹

A. Constitutional Clauses Protecting Women

The fundamental basis for defending women's rights is provided by the Indian Constitution. Article 14 guarantees equality before the law and equal protection of the laws, whereas Article 15 prohibits sex-based discrimination and grants the State the power to implement particular measures for women. Article 21, which provides the right to both life and private liberty, has been interpreted by the judiciary in a broad sense to include the freedom from violence, the ability to live with dignity,

⁹ Law Commission of India, *172nd Report on Review of Rape Laws* (2000); Law Commission of India, *243rd Report on Section 498A IPC* (2012).

¹⁰ Upendra Baxi, *The Future of Human Rights* (3rd edn, Oxford University Press 2008).

¹¹ Constitution of India 1950, arts 14, 15, 21.

and bodily autonomy.¹² These constitutional requirements serve as the foundation for passing laws that prioritize women and directing judicial interpretation in the direction of gender equity.

B. Crimes Against Women and the Penal Code of India

The Indian Penal Code, 1860 (IPC) is the primary criminal statute that addresses offenses against women. While the Criminal Law (Amendment) Act, 2013 introduced Sections 354A to 354D, which specifically address harassment of women, sexual assault, stalking, and removing clothing, Section 354 penalizes violence or criminal force intended to offend a woman's modesty. Rape is defined under Section 375 and punished under Section 376, with enhanced penalties prescribed for aggravated forms of sexual violence.¹³

Dowry-related offenses are covered under Section 498A, which prohibits cruelty by the husband or his family members, and Section 304B, which deals with dowry death. These laws were enacted in order to stop the pervasive social evil of dowries and shield married women from psychological and physical abuse. The Supreme Court acknowledged the significance of these laws in safeguarding vulnerable women and maintained their constitutional validity.¹⁴

C. Protection of Women from Domestic Violence Act, 2005

Many special laws have been created to address certain forms of violence against women. Civil remedies including as residence requirements, protection orders, and financial reparation are available under the landmark Protection of Women from Domestic Violence Act, 2005. The Act provides complete protection in domestic partnerships by adopting an expansive definition of assault in the home that includes economic, emotional, physical, and sexual abuse.¹⁵

Giving and receiving dowries is prohibited by the Dowry Prohibition Act of 1961, which also sets penalties for offenders. Although dowry practices continue in many

¹² *Francis Coralie Mullin v Administrator, Union Territory of Delhi* (1981) 1 SCC 608.

¹³ Indian Penal Code 1860, ss 354, 354A–354D, 375–376.

¹⁴ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281.

¹⁵ Protection of Women from Domestic Violence Act 2005.

parts of the country, the Act acts as a legal deterrent and supplements penal provisions dealing with dowry-related cruelty.¹⁶

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure a safe and dignified working environment for women. The legislation was introduced following the Supreme Court's landmark decision in *Vishaka v State of Rajasthan* AIR 1997 SC 3011, which recognized workplace sexual harassment as a violation of fundamental rights under Articles 14, 15, and 21 of the Constitution. The Act requires the establishment of Internal Complaints Committees and formal grievance mechanisms to prevent and redress incidents of workplace harassment.¹⁷

D. Cyber Laws and Judicial Interventions

With the rise of digital technology, cybercrimes against women have increased significantly. The Information Technology Act, 2000 addresses offences such as violation of privacy and publication of obscene content through Sections 66E and 67. However, enforcement challenges and lack of awareness limit the effectiveness of these provisions.¹⁸ Judicial interventions have played a vital role in strengthening women's protection by emphasizing victim dignity, speedy trials, and gender-sensitive interpretation of laws.¹⁹

E. Acid Attack Provisions under Criminal Law

Acid attacks represent one of the most brutal forms of gender-based violence, causing severe physical injury, psychological trauma, and long-term social consequences for victims. Recognizing the gravity of such offences, the Criminal Law (Amendment) Act, 2013 introduced Sections 326A and 326B into the Indian Penal Code, which specifically criminalize acid attacks and attempt to commit acid attacks. Section 326A prescribes stringent punishment, including imprisonment which may extend to life along with a fine intended to meet the victim's medical

¹⁶ Dowry Prohibition Act 1961.

¹⁷ *Vishaka v State of Rajasthan* (1997) 6 SCC 241; *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013*.

¹⁸ Information Technology Act 2000, ss 66E, 67.

¹⁹ *State of Punjab v Gurmit Singh* (1996) 2 SCC 384.

expenses. Section 326B addresses attempts to throw acid and prescribes substantial penalties.

These provisions were enacted following judicial concerns regarding the inadequacy of earlier legal responses to acid violence. Under the *Bharatiya Nyaya Sanhita, 2023*, the substantive criminalization of acid attacks has been retained with structural reorganization to ensure continuity in legal protection. The legislative recognition of acid attacks as a distinct offence reflects the State's commitment to addressing gender-based violence through stricter penal sanctions and victim-centric remedies.

F. Trafficking of Women and Legal Framework

Human trafficking is another serious crime affecting women in India, often linked to sexual exploitation, forced labour, and organized criminal networks. The principal legislation addressing this issue is the Immoral Traffic (Prevention) Act, 1956 (ITPA), which criminalizes trafficking for the purpose of prostitution and provides penalties for activities such as procuring, detaining, or exploiting individuals for commercial sexual exploitation.

In addition to the ITPA, provisions under the Indian Penal Code and now under the *Bharatiya Nyaya Sanhita, 2023* criminalize trafficking through specific offences relating to exploitation and forced labour. These provisions aim to dismantle trafficking networks and protect vulnerable women from exploitation. However, enforcement challenges, cross-border trafficking, and organized criminal involvement continue to pose significant obstacles. Strengthening coordination among law enforcement agencies, rehabilitation mechanisms for victims, and international cooperation remains essential to effectively combat trafficking of women.

V. CONSTITUTIONAL SAFEGUARDS FOR WOMEN

The Indian Constitution serves as the cornerstone of the legal system that protects and empowers women. By addressing the historical barriers that women have suffered, this revolutionary legislation not only ensures legal equality, but it also makes real justice possible. The founders of the Constitution understood that

affirmative action would be necessary to ensure women's safety, dignity, and social justice in addition to legal equality. Consequently, various constitutional provisions collectively safeguard women against discrimination and violence while empowering the State to enact women-centric legislation.²⁰

A. Lawful Equality, Article 14

Article 14 guarantees equality before the law and equal protection of the laws to all citizens, including women. This section ensures that women be treated similarly to men in terms of legal privileges and duties. It prohibits arbitrary government action and demands equality in governance. The Supreme Court has frequently held that while Article 14 permits reasonable classification to attain fundamental equality, it does not provide consistent treatment. This interpretation has made it possible for the State to take unique steps to safeguard women in the framework of women's rights without going against the equality principle.²¹

B. Article 15: Prohibition of Discrimination and Protective Discrimination

Article 15(1) expressly prohibits sex-based discrimination, whereas Article 15(3) grants the State the power to create particular policies for women and children. The constitutional foundation for protected discrimination in favor of women is this provision. Laws such as maternity benefits, reservations, and protective labour legislation derive their legitimacy from Article 15(3). The judiciary has upheld such measures, emphasizing that special provisions for women are not exceptions to equality but instruments to achieve real and effective equality.²²

C. Article 21: Dignity and the Right to Life

The comprehensive interpretation of Article 21, which protects the right to life and personal liberty, includes the right to live with dignity, bodily autonomy, privacy, and freedom from violence. The Supreme Court has recognized that violence against women directly violates Article 21 since it takes away them from their own personal safety and dignity. By identifying sexual harassment, domestic abuse, and custodial

²⁰ Constitution of India 1950, arts 14, 15, 21, 51A(e).

²¹ *E P Royappa v State of Tamil Nadu* (1974) 4 SCC 3.

²² *Yusuf Abdul Aziz v State of Bombay* AIR 1954 SC 321.

violence as breaches of the right to life, judicial interpretations have significantly strengthened women's rights.²³

D. Directive Principles of State Policy

Constitutional protections for women are further reinforced by the Directive Principles of State Policy. Articles 39(a) and 39(d) require the State to secure equal livelihood opportunities and equal pay for equal work, thereby addressing structural economic inequalities faced by women. Article 39(e) directs the State to safeguard the health and strength of workers, including women, while Article 39(f) emphasizes protection of children from exploitation and neglect. In addition, Article 42 mandates the provision of humane working conditions and maternity relief. Although the Directive Principles are non-justiciable, they serve as important guiding principles for legislative and policy initiatives aimed at promoting gender justice and social welfare.

VI. OFFENCES AGAINST WOMEN WITH BNS TRANSITION AND THE INDIAN PENAL CODE

The Indian Penal Code, 1860 (IPC), which has been essential in the fight against crimes against women, has traditionally served as the cornerstone of Indian criminal law. The IPC included special rules addressing sexual offenses, domestic abuse, and violence connected to dowries because it acknowledged the vulnerability of women to different types of violence. Over time, these provisions were strengthened through legislative amendments and judicial interpretation to respond to changing social realities.²⁴

A. Sexual Offences under IPC

Attacking or using criminal force towards a woman having the aim to violate her modesty is prohibited by Section 354 of the IPC. The Criminal Law (Amendment) Act, 2013 included Sections 354A to 354D, which expressly make sexual harassment, voyeurism, stalking, and disrobing illegal, in an effort to bolster protection. These provisions marked a shift from a narrow understanding of sexual crimes to a more

²³ *Francis Coralie Mullin v Administrator, Union Territory of Delhi* (1981) 1 SCC 608.

²⁴ Indian Penal Code 1860.

victim-centered perspective by recognizing frequent forms of harassment that women encounter in both public and private contexts.²⁵

The IPC defines rape in Section 375 and punishes it in Section 376. The 2013 amendment strengthened penalties for serious kinds of rape and greatly expanded the definition of rape to encompass non-consensual sexual activities beyond conventional ideas of penile penetration. The public uproar surrounding the 2012 Delhi gang rape case prompted the implementation of these reforms, which were meant to enhance victim protection and serve as deterrence.²⁶

B. Domestic Cruelty and Violence Associated with Dowries

Dower-related violence is one of the most prevalent forms of crimes against women in India. Section 304B of the IPC, which takes responsibility when a woman dies suddenly during seven years of marriage due to dowry harassment, covers dowry death. Section 498A punishes mistreatment, including assault both mentally and physically, by the husband or any of his family members in exchange for dowry demands. These laws were designed to safeguard married women from mistreatment in the marital household and to fight the deeply ingrained social evil of dowries. The Supreme Court has consistently affirmed the need for these protections notwithstanding claims of abuse, stressing that safeguards shouldn't lessen their protective objective.²⁷

C. Transition to the Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023 (BNS) replaced the IPC in order to modernize India's criminal justice system. Importantly, most offences relating to crimes against women have been retained with minor structural changes and renumbering, ensuring continuity of legal protection. Provisions corresponding to IPC Sections 354 and 354A–D have been incorporated into the BNS with clearer drafting and simplified language to improve interpretation and enforcement.²⁸

²⁵ Indian Penal Code 1860, ss 354, 354A–354D.

²⁶ Criminal Law (Amendment) Act 2013; *Mukesh v State (NCT of Delhi)* (2017) 6 SCC 1.

²⁷ *Sushil Kumar Sharma v Union of India* (2005) 6 SCC 281.

²⁸ Bharatiya Nyaya Sanhita 2023.

Similarly, offences relating to rape, sexual assault, dowry death, and cruelty to married women continue under the BNS with enhanced clarity and emphasis on victim dignity. The BNS seeks to ensure faster trials, gender-sensitive procedures, and stronger deterrence while retaining the substantive protections developed under the IPC regime. The continuity of these provisions reflects the legislature's recognition that crimes against women require strict legal regulation and cannot be diluted in the process of legal reform.²⁹

The IPC was crucial in making violence against women illegal, and its provisions established the framework for India's gender-protective legal system. The Bharatiya Nyaya Sanhita, 2023 is an attempt to update criminal law while maintaining crucial protections for women. However, strong regulation, judicial compassion, and cultural change targeted at eradicating gender-based violence are ultimately necessary for these laws to be successful.

Table 1: Comparative Position Under IPC and BNS

IPC Section	Offence	BNS Section
375	Rape	63
376	Punishment for Rape	64
498A	Cruelty by Husband	85
304B	Dowry Death	80

VII. LAWS ADDRESSING SEXUAL VIOLENCE AND CHILD PROTECTION

In India, sexual assault against women and children is among the gravest human rights abuses. Such offences not only cause physical and psychological trauma but also undermine the dignity, autonomy, and security of victims. In response to the growing incidence of sexual assaults, particularly against women and children, the

²⁹ Ministry of Home Affairs, *Statement of Objects and Reasons: Bharatiya Nyaya Sanhita 2023* (Government of India 2023).

Indian legislature has enacted stringent legislation aimed at victim protection, deterrence, and speedy punishment.

A. Criminal Law (Amendment) Acts and Sexual Violence

The 2013 amendment of the criminal law marked an important milestone in India's legal response to sexual assault. The 2012 Delhi gang rape (Nirbhaya case) prompted the revision, which significantly expanded the definition of sexual assault under the Indian Penal Code. It expanded the definition of rape to encompass non-consensual sexual actions beyond conventional interpretations and included additional crimes including harassment of women, voyeurism, harassment, and acid assaults. The Act enhanced punishments for aggravated forms of rape and emphasized victim-centric procedures, including in-camera trials and protection of victim identity.³⁰

By enforcing more severe penalties for sexual crimes against minors, the amendment to the Criminal Law, 2018 reinforced the judicial system. The amendment instituted the death punishment for assaults of children under twelve and increased the minimum penalties for rapes of females under sixteen. These rules were intended to be effective deterrents, reflecting the State's zero-tolerance approach toward sexual offences against children.³¹

B. Protection of Children from Sexual Offences Act of 2012 (POCSO)

The Protection of Children from Sexual Offences Act of 2012 (POCSO) is a comprehensive law that was created specifically to protect children, particularly girls, from sexual abuse and exploitation. The Act defines several offences including penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, and use of children for pornographic purposes. By providing clear definitions and stringent punishments, the Act addresses legal gaps that previously existed in dealing with child sexual abuse.³²

A crucial element of the Protection of Children from Sexual Offences Act, 2012 is its emphasis on child-friendly procedures during investigation and trial. The Act

³⁰ Criminal Law (Amendment) Act 2013; *Mukesh v State (NCT of Delhi)* (2017) 6 SCC 1.

³¹ Criminal Law (Amendment) Act 2018.

³² Protection of Children from Sexual Offences Act 2012.

prohibits coercive questioning and mandates that statements of child victims be recorded in a safe and non-threatening environment, preferably by female police officers. The legislation also provides for the designation of Special Courts under Section 28 of the Act, which are tasked with conducting speedy trials of offences under the statute while ensuring a child-sensitive judicial process.³³ The establishment of such courts represents an important procedural innovation intended to minimize trauma and ensure timely justice for child victims.

Important laws that prevent sexual assault and protect children in India include the POCSO Act of 2012 and the Criminal Law (Amendment) Acts of 2013 and 2018. Even while these laws show a strong legislative purpose, their efficacy mostly depends on how well they are implemented, how sensitive law enforcement is, and how quickly justice is served. Strengthening institutional capacity and awareness is essential to ensure meaningful protection for women and children.

VIII. ROLE OF JUDICIARY AND LAW ENFORCEMENT

In India, the judiciary has been instrumental in bolstering the legal system to prevent crimes against women. Indian courts have increased the scope of the rights of women while highlighting the principles of victim-centric justice, equality, and decency via innovative application of parliamentary and legislative laws. In order to protect women from assault and ensure that law enforcement authorities are held accountable, judicial activism has frequently addressed statutory and institutional inadequacies by issuing guidelines and directives.³⁴ With the implementation of the Bharatiya Nyaya Sanhita, 2023 (BNS) along with the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), judicial supervision has become even more crucial to ensure that these reforms result in effective protection on the ground.

A. Judicial Contributions and Landmark Judgments

The Supreme Court's and High Courts' judgments of the law have consistently promoted gender fairness. In *Vishaka v State of Rajasthan* AIR 1997 SC 3011, the Supreme Court formulated legally binding guidelines to prevent sexual harassment

³³ *Protection of Children from Sexual Offences Act 2012*, s 28 - Designation of Special Courts.

³⁴ Upendra Baxi, *The Future of Human Rights* (3rd edn, Oxford University Press 2008).

at the workplace and held that such conduct violates fundamental rights guaranteed under Articles 14, 15, 19(1)(g), and 21 of the Constitution. The Court emphasized that sexual harassment undermines women's equality, dignity, and their right to practice any profession or occupation in a safe working environment. The judiciary's proactive involvement in crafting women-protective law was highlighted by these guidelines, which eventually served as the foundation for legislative enactment.³⁵

In *Delhi Domestic Working Women's Forum v Union of India* [(1995) 1 SCC 14], the Supreme Court recognized the need for institutional safeguards for victims of sexual assault and directed that rape survivors be provided legal representation, protection of privacy, and access to compensation mechanisms. The judgment emphasized the State's obligation to support victims throughout the criminal justice process and laid the foundation for the development of victim compensation schemes.

Similarly, in *State of Punjab v Gurmit Singh* [(1996) 2 SCC 384], the Supreme Court emphasized the protection of rape victims' dignity and privacy by mandating in-camera proceedings and restricting publication of the victim's identity. The Court further held that the uncorroborated testimony of the prosecutrix can be sufficient for conviction if found reliable and trustworthy.

The State's obligation to rehabilitate victims of sexual assaults is strengthened by this idea, which is upheld under the BNSS.³⁶

B. Fast-Track Courts and Institutional Measures

The judiciary has backed the creation of fast-track courts to overcome delays in the administration of justice, especially in instances involving sexual assault. Following the Delhi gang rape case in 2012, special courts were set up around the country to ensure speedy trials. Furthermore, the Supreme Court's norms for witness protection are designed to prevent intimidation of witnesses and victims during a trial.³⁷ The BNSS further strengthens this approach by emphasizing time-bound investigations,

³⁵ *Vishaka v State of Rajasthan* (1997) 6 SCC 241.

³⁶ Code of Criminal Procedure 1973, s 357A; Bharatiya Nagarik Suraksha Sanhita 2023.

³⁷ *Mahender Chawla v Union of India* (2019) 14 SCC 615.

digital processes, and victim-friendly procedures, thereby complementing judicial efforts toward expeditious justice.

C. Role of Law Enforcement Agencies under BNSS

While judicial initiatives have significantly strengthened the legal framework, effective implementation depends largely on law enforcement agencies. As the initial point of communication for victims, police are essential in filing complaints, carrying out unbiased investigations, and guaranteeing the protection of victims. However, challenges such as lack of gender sensitivity, inadequate training, and social bias continue to undermine effective enforcement. Judicial directions mandating compulsory registration of FIRs and police accountability remain relevant under the BNSS, which seeks to modernize policing through procedural reforms and greater use of technology.³⁸

The judiciary has been instrumental in advancing women's rights and strengthening laws to curb crimes against women through progressive interpretations and institutional reforms. However, meaningful outcomes require coordinated efforts between courts, police, and other stakeholders. Strengthening law enforcement capacity, ensuring gender sensitization, and fostering institutional accountability—especially within the framework of the BNS and BNSS—are essential to translate judicial intent into real and effective protection for women.

IX. SUGGESTIONS AND RECOMMENDATIONS

Despite the existence of comprehensive legal provisions to address crimes against women, the effectiveness of these laws largely depends on their implementation and institutional accountability. Several structural and procedural reforms are necessary to strengthen the protection framework and ensure meaningful access to justice for victims.

1. Strengthening policing mechanisms is essential. Law enforcement authorities must receive mandatory gender-sensitization training so that complaints related to sexual violence, domestic abuse, and harassment are handled with

³⁸ *Lalita Kumari v Government of Uttar Pradesh* (2014) 2 SCC 1; *Bharatiya Nagarik Suraksha Sanhita* 2023.

sensitivity and professionalism. Proper investigation procedures and strict adherence to mandatory FIR registration can significantly improve victims' trust in the justice system.

2. The expansion of fast-track courts dealing with crimes against women should be prioritized. Delays in trials often discourage victims from pursuing justice and weaken deterrence. Dedicated courts with trained judicial officers can help ensure speedy trials and reduce the backlog of cases.
3. There is a need to strengthen victim-support mechanisms, including legal aid, psychological counseling, rehabilitation schemes, and witness protection programs. Victim compensation schemes must be implemented effectively to assist survivors in rebuilding their lives after traumatic incidents.
4. Public awareness and legal literacy programs should be promoted to educate women about their rights and available legal remedies. Awareness campaigns, especially in rural and marginalized communities, can empower women to report offences without fear of social stigma.
5. Continuous legislative review is necessary to address emerging forms of crimes against women, particularly cyber harassment and digital exploitation. Periodic evaluation of the *Bharatiya Nyaya Sanhita, 2023* and related procedural laws can help identify gaps and ensure that the legal framework remains responsive to evolving social realities.

X. CONCLUSION

India has developed a comprehensive legal framework to address crimes against women through constitutional guarantees, substantive criminal law, special legislations, and progressive judicial interpretation. The Constitution provides the normative foundation by ensuring equality, dignity, and personal liberty for women, while statutory measures including the *Bharatiya Nyaya Sanhita, 2023* and related legislation seek to criminalize and deter various forms of gender-based violence. Complementing these measures, judicial interventions have expanded the scope of women's rights and reinforced victim-centric principles within the criminal justice system.

Nevertheless, the persistence of crimes against women demonstrates that the existence of legal provisions alone cannot guarantee effective protection. Structural challenges such as inadequate enforcement, institutional limitations, and deep-rooted socio-cultural barriers continue to impede the realization of gender justice. The transition to the Bharatiya Nyaya Sanhita and Bharatiya Nagarik Suraksha Sanhita represents an attempt to modernize the criminal justice framework, yet their success will depend largely on implementation, institutional accountability, and sustained societal commitment to gender equality.

Ultimately, the protection of women's rights requires a holistic approach that integrates legal reform, effective enforcement mechanisms, and broader social transformation. Strengthening the synergy between law, institutions, and social awareness remains essential for translating constitutional guarantees into meaningful protection against gender-based violence.

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