



Offences Against Women in India

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“In a society where women are treated as inferior, crimes against them are bound to rise. The need is for a systemic change in the mindset of the entire society.”

Justice Leila Seth¹

ABSTRACT

Offences against women in India remain a significant concern, despite legislative advancements and societal changes. The Indian Penal Code (IPC) includes a variety of provisions that criminalize offenses such as rape, sexual harassment, dowry-related crimes, and domestic violence, aiming to protect women and ensure justice. This paper explores the various offenses against women under the IPC, examining their legal definitions, the effectiveness of their implementation, and the challenges faced in securing justice for victims. It analyzes key provisions such as Section 375 (rape), Section 498A (cruelty by husband or relatives), and Section 304B (dowry death), alongside judicial interpretations that have shaped the application of these laws. Additionally, the paper discusses the role of law enforcement, the judiciary, and civil society in addressing these offenses, while critically assessing the gaps in legal protection and the barriers to justice. Finally, it proposes potential reforms to strengthen the legal framework and ensure a safer environment for women in India.

Keywords: Offenses Against Women, Indian Penal Code, Rape, Dowry Death, Domestic Violence, Sexual Harassment, Legal Reform, Women’s Rights, IPC, Justice System.

1. Introduction

The legal system in India, particularly under the Indian Penal Code (IPC), provides several provisions aimed at protecting women from various forms of violence and exploitation. Despite these legal measures, women continue to face a disproportionate amount of violence, discrimination, and inequality. From sexual offences to dowry-related crimes, women are often subjected to harm that not only impacts their physical and mental well-being but also undermines their dignity and fundamental rights.

This paper will explore the various types of offences committed against women in India and how they are addressed under the IPC. It will critically examine the laws concerning such offences, the effectiveness of their enforcement, and the challenges women face in seeking justice. Additionally, the paper will propose possible reforms that can lead to a more effective legal framework for protecting women’s rights in India.

2. Historical Context of Women’s Rights in India

Historically, Indian society has been patriarchal, with women often placed in subordinate roles. The legal status of women in ancient and medieval India was often restrictive, with laws and customs limiting their freedoms. Women’s status gradually deteriorated starting in the later Vedic era. During the Mughal era, women were generally viewed as inferior to men.²

Indian society has always been a tradition-bound society where traditionalists would provide an idealized portrayal of women and support their arguments with specific allusions to classical and Vedic literature.³

The Indian women exploitation is not an incident happening only in current times. She has been exploited from early times. The women in Indian society never found themselves standing for a fair status. Many crimes were committed against women in past times.

Devadasis: Devadasis were religious practice found in some parts of southern India. Women were married to a deity or temple. However later the illicit sexual exploitation of the devadasi became the norm. This unfolded in some part of the country.

¹ Justice Leila Seth was Chief Justice of Himachal Pradesh High Court from 1991 to 1992.

² Ashraf K.M., *Life and Conditions of the People of Hindustan: 1200-1500 AD*, Gyan Publishing House, 2001, p. 192.

³ Sood Sushma, *Violence Against Women*, Arihant Publishers, 1990.

Jauhar: Jauhar refers to the voluntary immolation practice. It involved the wives and daughters of defeated warriors. The goal was to avoid being captured and then subjected to molestation by the enemy. This practice was observed by the wives of Rajput rulers. These rulers had a strong focus on maintaining their honor.

Purdah: Purdah is a practice. Some communities demand women cover their bodies. They are to hide their skin and form. This requirement limits women's freedom to interact. It stands as a symbol of women's subordination.

Sati: Sati is an ancient Indian custom. It involves widows being burned alive. It occurs on her husband's pyre. The act is considered optional. Yet enforcement was not uncommon. The widow was then often forced into doing it.⁴

In the early British era, women's status was unsatisfactory.⁵ However, the British colonial period marked the beginning of legal reforms aimed at improving the position of women. The British rulers introduced various reforms, such as the abolition of Sati, the regulation of child marriage, and the promotion of female education. The Indian Penal Code, enacted in 1860, was the first comprehensive code of laws that also reflected the concerns about women's safety, but these provisions were often insufficient in addressing the specific issues faced by women.

The social reform movement started during British rule, albeit slowly, when a few well-educated Indians, including Ishwar Chand Vidya Sagar, Mahatma Gandhi, Raja Ram Mohan Roy, Tilak, and others, placed a strong emphasis on Hindu women's education, the elimination of child marriage, the lifting of the Purdah System, the removal of dowry evil, and *Sati Pratha*.⁶

With the advent of the Indian independence movement, women's rights became a significant part of the national discourse. Post-independence, several legal measures have been implemented to address crimes against women. However, despite these advancements, crimes against women have remained prevalent, reflecting the deep-seated societal issues and the slow pace of legal and cultural change.

The legislature adopted a more pro-law reform stance after independence and started implementing some of the reforms that the British administrators were reluctant to implement. Even though the 21st century brought about a lot of changes and saw the passage of numerous laws aimed at improving the lot of women, the newfound opportunities were quickly melted away by the subtle and covert assault of male chauvinism.⁷

A number of pro women laws were passed as a result of independence including the Act of Woman's Legal Rights in 1952, the Suppression of Immoral Traffic in Women and Children Act in 1954, the Special Marriage Act in 1954, the Hindu Marriage and Divorce Act in 1956, the Hindu Minority and Guardianship Act in 1956, the Intestate Succession Act in 1956, the Orphanages and Widow Home Act (The Orphanages and other Charitable Homes (Supervision and Control) Act, 1960)), and the Dowry Prohibition Act in 1961, to name one.⁸

The history of women's rights in India has been deeply influenced by various social, cultural, religious, and political factors. Women's roles in India have evolved significantly from ancient times through the colonial era to post-independence India. The movement for women's rights in India has been a complex process, marked by diverse struggles for gender equality, the right to education, political participation, and protection from social injustices like child marriage and dowry. Here is a historical context that traces these significant milestones in the fight for women's rights in India.

When the Indian Constitution went into effect in 1950, it guaranteed both Indian citizens and non-citizens a set of fundamental rights. Women are entitled to the same rights as men, and in certain situations, they are even permitted to take advantage of special provisions.⁹

3. Categories of Offences Against Women

The practice of beating wives and torturing unmarried daughters, sisters, and other female relatives is widespread in rural communities. Because of the enormous sums of money needed for their weddings, girls are seen as a financial burden on the family. In general, girls are discouraged from pursuing even middle or higher education. The belief that girls should only be allowed in the home is the basis for the significant gender bias in education that exists between men and women.¹⁰

In general, there are two categories into which offences against women fall.¹¹

- i) The Indian Penal Code (IPC) lists seven crimes: i) rape (Section 376 IPC); ii) kidnapping and abduction (Section 363-373 IPC); iii) death by drowning (Section 304-B IPC); iv) physical and mental torture (Section 498 IPC); v) molestation (Section 354 IPC); vi) sexual harassment (Section 509 IPC); and vii) bringing girls into the country (Section 366-B IPC).

⁴ Dhanoa Ritu, Violation of Women Human Rights in India, SHIV SHAKTI, International Journal in Multidisciplinary and Academic Research (SSIJMAR), Vol. 1, No. 4, November-December (ISSN 2278 – 5973).

⁵ Pandey B.N., the Breakup of British India, London: Macmillan, 1969.

⁶ Nehru Jawahar Lal, The Discovery of India, Oxford University Press, Calcutta, 1946.

⁷ Upadhyaya Neelam and Pandey Rekha, Women in India Past and Present, 1990, p. 41.

⁸ Upadhyaya Neelam and Pandey Rekha, Women in India Past and Present, 1990, p. 23.

⁹ Reddy, G.B., Women and the Law, 2001, p. 2.

¹⁰ Mangoli R.N. & Tarase Ganapati M., Crime Against Women in India: A Statistical Review, International Journal of Criminology and Sociological Theory, Vol. 2, No. 2, December 2009, pp. 292-302.

¹¹ Mangoli R.N., Ganapati Tarase M., International Journal of Criminology and Sociological Theory, Vol. 2, No. 2, December 2009, pp. 293-294.

- ii) Crimes under Special and Local Laws: While not all laws are gender specific, those that have a substantial impact on women have undergone periodic reviews and amendments to stay up to date with new requirements. Acts with specific provisions to protect women and their interests include:
- I. The employees state insurance Act, 1948
 - II. The plantation labor Act, 1951
 - III. The family courts, act, 1954
 - IV. The special marriage Act, 1954
 - V. The Hindu Marriage Act, 1955
 - VI. The succession Act, 1956
 - VII. Immoral traffic (Prevention) Act, 1956
 - VIII. The maternity Benefit Act, 1961 (Amendment in 1995)
 - IX. Dowry Prohibition Act, 1961
 - X. The medical termination of pregnancy Act, 1971
 - XI. The contract labor (Regulation and Abolition) Act, 1976
 - XII. The equal Remuneration Act, 1976
 - XIII. The child marriage Restraint (Amendment) Act, 1979
 - XIV. The criminal law (Amendment) Act, 1983
 - XV. The Factories (Amendment) Act, 1986
 - XVI. Indecent Representation of women (Prohibition Act, 1986
 - XVII. Commission of Sati (Prevention) Ac, 1987
 - XVIII. Domestic Violence Act, 2005.

4. Offences Against Women under Indian Penal Code (IPC)

4.1. Rape

Rape is one of the most heinous crimes against women, and Section 375 of IPC defines rape and prescribes punishment for the offender. The section criminalizes non-consensual sexual intercourse with a woman, with the definition expanding to include penetration of any kind. Over time, the law has evolved, particularly following landmark judgments such as *Vishaka v. State of Rajasthan*¹², which expanded the definition of sexual harassment and created guidelines to prevent sexual violence in workplaces. In India, activists claim that despite a number of gang rapes in recent years that sparked widespread protests and resulted in tougher laws, crimes against women are still mainly underreported.¹³

4.1.1 Punishments Across the Globe

India: The punishment for rape under Section 376 of IPC is life imprisonment or death, depending on the severity of the offence, including the use of violence and the age of the victim. Despite these stringent provisions, underreporting, societal stigma, and lengthy trial processes continue to affect the ability of women to seek justice for rape.

Saudi Arabia: Saudi Arabia is an Islamic country. The legal system bases on Sharia- Islamic Law. The punishment for rape is cruel. Victims are sedated facing Mecca in a public place. Then their heads are beheaded with a single stroke by police.

Afghanistan: Afghanistan sentence the accused of rape following Shariah. The rapist faces execution. Hanging or shot dead by a bullet in the head. This comes within four days of crime conducted.

China: China views rape as brutal crime. Once convicted, the rapist faces execution. This is by firing a bullet at a spinal cord. It is a medulla spinalis, the area it reaches by joining the neck.

¹² AIR 1997 SC 3011.

¹³ Chandran Rina, Much Crime Unreported in Indian Cities, Sexual Harassment Complaints Ignored: Survey, Reuters, April 28, 2016. Retrieved from, <https://www.reuters.com/article/world/much-crime-unreported-in-indian-cities-sexual-harassment-complaints-ignored-su-idUSKCN0XP2CK/>.

USA: USA policies depend on type of sexual assault or rape. Different categories for rape punishment exist. These are 1st, 2nd and 3rd degree rape punishments. The maximum sentence is imprisonment, might be 30 years in jail. This is a serious crime with a serious punishment. In USA punishments vary. They depend on different types of sexual assault. This also includes rape. Punishment is grouped as 1st, 2nd, 3rd degree rape punishment. The maximum sentence is captivity. It can be 30 years in jail.¹⁴

4.2. Domestic violence or Cruelty by Husband or Relatives

There are three laws in India that deal directly with domestic violence.¹⁵ The Protection of Women from Domestic Violence Act, 2005 is a civil law that guarantees protection to women in a household from men in the household. Another is the Dowry Prohibition Act is criminal law punishes the person who is accepting or asking dowry and the person who is giving dowry. Lastly, Section 498A of IPC, which applies to husbands or relatives of husbands who are cruel to women.

Section 498A of the IPC criminalizes cruelty by a husband or his relatives against a woman. This provision covers various forms of cruelty, including mental and physical harassment, which can cause significant harm to the woman. It specifically addresses issues such as dowry-related violence and domestic violence.

Although this section has played a significant role in raising awareness about domestic violence, its implementation remains problematic due to the misuse of the law, false accusations, and the reluctance of victims to report abuse. Social factors such as financial dependence, family pressure, and fear of social stigma often prevent women from filing complaints.

Domestic violence also named as Intimate Partner Violence. Here behavior by an intimate partner or former partner causes harm. This encompasses physical damage, sexual harm, psychological injury. It also includes physical aggression, sexual coercion and psychological abuse. Controlling behaviors are part of this. The United Nations defines violence against women. It is any act of gender-based violence that results in physical or mental harm to women. It may result in sexual harm. It might be likely to result in such harm. Threats of these acts are damaging, as are coercion or arbitrary liberty deprivation. These can occur in public or private life. Intimate partner violence is a serious issue. It is a crime that occurs both within and outside of the home. It inflicts harm and suffering. It results in physical, sexual or mental abuse. It can also lead to death. Domestic violence according to oxford dictionary means violent or aggressive behavior. This takes place inside a home. It usually involves the violent abuse of a spouse or partner. The United Nations has its definition for violence against women. It is any act of gender-based violence. This violence causes physical harm or mental suffering in women. It can also result in sexual harm. Violence can also include threats or coercion. Arbitrary liberty deprivation is also considered an act of violence. This violence can happen in public or private life.¹⁶ Oxford dictionary gives definition for "Domestic Violence". It is "violent or aggressive behavior within home". This violent behavior is typically abuse of a spouse or partner.

There are certain international declarations that deal with domestic violence viz. [Universal Declaration of Human Rights](#) which was adopted by United Nations in 1948. It prescribes human rights as fundamental to all human beings and requires the help of the governing bodies to take actions to protect and preserve human rights of all beings.

Convention on the Elimination of all Forms of Discrimination Against Women- It was adopted in 1979 by the United Nations General Assembly, CEDAW has been sanctioned by 187 countries. CEDAW does not explicitly mention domestic violence, but it defines what constitutes discrimination against women, establishes norms and standards, and obligates states that have sanctioned the convention to end discrimination against women and girls.

UN Declaration on the Elimination of Violence Against Women- It was adopted in 1993 by the United Nations General Assembly, this declaration describes violence against women. As a consequence of this declaration, the Commission on Human Rights adopted Resolution 1994/45 that appointed a Special Rapporteur on violence against women.

Special Rapporteur on violence against women- The Special Rapporteur has four mandates, which includes seeking information on violence against women, and recommending measures, ways, and means to eliminate domestic violence.

International Violence Against Women- This report contains a detailed analysis for causes, prevalence, and consequences of violence against women. It provides examples of completed and ongoing U.S. activities that address domestic violence directly or include anti-violence against women components.

4.2.1 Violence in Different Corners of the World

Apart from India several countries are witnessing a surge in domestic violence complaints. Latin American Brazil, UK Cyprus, Italy and China in Southeast Asia are such countries. There is active response from some countries. They are tackling this dangerous issue. U.K. is one such country. Government of the U.K. has explicitly stated that women stepping out of house are not breaking any law. They are actually escaping abuse. Reporting to police is mandatory. Spain too is lenient. Women can leave home. They are not fined. They are reporting abuse. Some code words have been formed. Women request "Mask 19" from pharmacy. This alerts pharmacist. Pharmacist contacts authorities.

¹⁴ Sushil Malhotra, *Criminal Law: What is the punishment for rape in other countries that are safer than India*, QUORA (Mar. 21,2015), <http://www.quora.com/Criminal-Law-What-is-the-punishment-for-rape-in-other-countries-that-are-safer-than-India>.

¹⁵ The Protection of Women from Domestic Violence Act, 2005; The Dowry Prohibition Act, 1961; Section 498A, IPC.

¹⁶ United Nations Office on Drugs and Crime, *Global Study on Homicide*, 2019, p. 10.

All courts in Union Territory of Jammu & Kashmir treat cases of domestic abuse as 'urgent'. India also reflects these measures. They should be replicated. We need to respond effectively to domestic violence during these times of lockdown.¹⁷.

4.3. Dowry Death

In India, dowry is understood as property or valuable assets that one party in a marriage gives or promises to give to the other. Typically, it's the parents of the bride who provide dowry to the groom's family. It's important to note that accepting dowry is considered a crime and is banned under the "Dowry Act of 1961." However, research indicates that this law has not been effective in curbing the dowry system due to various shortcomings. Dowry-related deaths are a significant social concern, where brides may take their own lives or are killed by their husbands due to unbearable demands and abusive behavior.

Section 304B of IPC addresses dowry deaths, where a woman is subjected to harassment or cruelty by her husband or his relatives in connection with dowry demands. The section prescribes a mandatory punishment of life imprisonment for the perpetrators of dowry deaths. Dowry-related violence continues to be a significant concern in India, despite numerous laws and awareness campaigns aimed at curbing this practice.

State of Bihar v. Ramesh Singh,¹⁸ this case, which came before the Supreme Court of India in 1977, marked one of the first times the court tackled the serious issue of dowry-related offenses. The court highlighted the importance of rigorously enforcing the Dowry Prohibition Act and ruled that both giving and receiving dowry constituted an offense under this law.

In a significant ruling made by the Supreme Court back in **Satvir Singh v. State of Punjab**¹⁹, the court took the time to clarify what "dowry" really means under the Dowry Prohibition Act. They determined that any property or valuable security given, whether directly or indirectly, at any point before, during, or after the marriage, would be considered dowry according to the Act.

The growing number of dowry-related deaths, particularly in rural areas, indicates the persistence of deeply entrenched societal norms regarding dowry. Legal enforcement has been challenged by traditional practices and limited awareness, especially in underdeveloped regions. The Dowry Prohibition Act is a major step forward in tackling the widespread problem of dowry in India. Yet, even with its good intentions and tough penalties, the Act faces several hurdles that limit its effectiveness.²⁰

Tackling the dowry issue calls for a well-rounded approach that extends beyond just legal solutions. It's vital to promote gender equality, empower women both economically and socially, and confront patriarchal norms as key parts of any effective strategy to eliminate dowry. Community-driven efforts, educational programs, and awareness campaigns can significantly contribute to shifting societal attitudes and norms related to dowry.

4.4. Assault or Criminal Force with Intent to Outrage Modesty

Section 354 of the IPC addresses assault or the use of criminal force with the intent to outrage the modesty of a woman. This law covers a range of offences, from inappropriate touching to public molestation. It emphasizes protecting women's dignity in public and private spaces, although its scope has been criticized for being limited and often open to subjective interpretation by authorities.

While many incidents of molestation are reported, the challenge lies in the fact that these cases often don't lead to a conviction due to insufficient evidence or reluctance of women to testify.

The **State of Punjab v. Major Singh**²¹ case is a leading judgment that widened the legal scope of the offence of outraging a woman's modesty considerably. Major Singh was found guilty of his actions against a seven-and-a-half-month-old child, which involved unseemly contact with the child's genital region. This case tested traditional views regarding the application of the offence of outraging modesty, since prescribed in section 354 of the IPC, with particular regard to the age and awareness of the victim toward her modesty and sexuality. The baby, not yet able to grasp or show feelings of shame or modesty because of her young age, found herself at the heart of a legal discussion about whether her modesty could be seen as violated even though she wasn't aware of it. The key legal issue was whether the idea of modesty, as safeguarded by the IPC, is something that inherently belongs to women and deserves protection, no matter if they can recognize an action as an insult to their modesty. During the appeal in the Supreme Court, the majority opinion stated that a woman's modesty is fundamentally tied to her gender, suggesting that even infants have this sense of modesty simply because they are female.

As a result, the court decided to overturn the Punjab High Court's majority opinion, which stated that a victim needed to be aware of the offense for their modesty to be deemed violated. The Supreme Court made it clear that modesty is an inherent quality of women simply because of their gender, and any action that infringes upon this dignity is considered an offense, regardless of how the victim perceives or reacts to it. Major Singh was found guilty under section 354 of the IPC, highlighting the law's commitment to protecting the fundamental dignity and modesty that women possess, no matter their age or awareness of these values.

¹⁷ Coronavirus lockdown, Surge in domestic violence, says WHO, Retrieved from <https://www.thehindu.com/news/international/coronavirus-lockdown-surge-in-domestic-violence-says-who/article31529111.ece>, May 07, 2020.

¹⁸ 1977) 4 SCC 39, 42 para 4.

¹⁹ 2001 SC Appeal (crl.) 1319 of 1998.

²⁰ Pathak Pranshul, The dowry prohibition ACT in India: A critical analysis, International Journal of Law, Volume 10, Issue 1, 2024, pp. 248-251.

²¹ AIR 1967 SC 63.

4.5. Sexual Harassment

Section 354A of IPC criminalizes sexual harassment, which includes unwelcome physical contact, advances, and demands for sexual favours. This provision is significant as it formally recognizes harassment outside of the traditional boundaries of rape and molestation.

Despite its relevance, the prevalence of workplace harassment, particularly in rural and unorganized sectors, remains a serious concern. Women's limited access to legal resources and fear of retaliation often discourage them from pursuing such cases.

Did you know that over half of the crimes in Mumbai and New Delhi never make it to the police reports? According to the Commonwealth Human Rights Initiative, officers in these cities often turn away complaints about sexual harassment. A recent public survey revealed that sexual harassment is actually the third most prevalent crime in these areas. However, many individuals who chose not to report it mentioned they wanted to avoid the hassle of bureaucracy or simply didn't trust that the police would be able to assist them.²²

4.6. Insulting the Modesty of a Woman

Section 509 of IPC criminalizes any word, gesture, or act that insults or outrages the modesty of a woman. This provision aims to protect women from verbal abuse and public harassment. While it is an essential part of protecting women's dignity, the vague nature of the term "modesty" often complicates its application in legal contexts.

This law is particularly useful in cases of verbal or non-physical sexual harassment but requires better clarity in its interpretation to prevent misuse.

4.7. Kidnapping, Abduction, and Forced Marriage

Section 366 of IPC criminalizes the kidnapping or abduction of a woman with the intention of compelling her to marry someone against her will. This law is aimed at preventing forced marriages and ensuring that women are not subjected to abuse through abduction.

In India, particularly in rural areas, forced marriages continue to occur despite legal prohibitions, often due to cultural practices or family pressure. The implementation of Section 366 has been inconsistent, with many victims being unaware of their legal rights.

Child, early, and forced marriage is a serious violation of human rights and a harmful practice that mainly impacts women and girls around the world. It keeps them from living their lives free from all kinds of violence (UNHRC). According to UNICEF data from 2018, around 12 million girls are married each year before they turn 18. That means one in five girls globally sees their childhood cut short, and their future opportunities are severely limited. The year 2017 was pivotal for research on child marriage, as noted by Girls Not Brides, a prominent global organization dedicated to tackling this issue. It brought to light new insights into the factors driving child marriage, the decision-making processes involved, the consequences of child marriage, and what strategies have proven effective in addressing it.²³

4.8. Trafficking of Women

Women represent one of the most vulnerable groups when it comes to human trafficking. Sadly, women and girls are often kidnapped, sold, and forced into exploitation for sexual or commercial purposes in almost every corner of the globe. While numerous human rights organizations and governments recognize that trafficking women is a grave violation of human rights that must be addressed, the intricate and far-reaching nature of human trafficking makes it incredibly challenging to prosecute and punish those responsible in many instances.²⁴

Section 370 of IPC deals with the trafficking of women for purposes such as prostitution, forced labor, or other forms of exploitation. This law is crucial in combating human trafficking, a serious issue that often involves vulnerable women and children.

The rise in human trafficking, particularly from economically disadvantaged regions, indicates a gap in the enforcement of this provision. Coordination between state and central authorities, as well as cross-border cooperation, is essential to address this issue comprehensively.

Laws designed to put an end to child marriage have been a key focus for advocates of sustainable development, gender equality, and human rights all around the world. This movement traces back to the 1994 International Conference on Population and Development and the 1995 United Nations Fourth World Conference on Women, where advocates pushed for the creation and strict enforcement of laws that set a minimum age for marriage.

²² Chandran Rina, Much Crime Unreported in Indian Cities, Sexual Harassment Complaints Ignored: Survey, Reuters, April 28, 2016. Retrieved from: <https://www.reuters.com/article/world/much-crime-unreported-in-indian-cities-sexual-harassment-complaints-ignored-su-idUSKCN0XP2CK/>.

²³ Das Madhumita (Dr.) Research study for Children Believe, Child, Early and Forced Marriage in India, What We Know and What We Need to Know, 2021, p. 8. Retrieved from: https://www.girlsnotbrides.org/documents/1539/FINAL-CB_India_ChildMarriageReport_Mar-4-2021.pdf

²⁴ Iyer Saraswati Raju (Dr.) & Radha N., Women Trafficking in India - A Critical Analysis, Shanlax International Journal of Arts, Science & Humanities, Volume 4, Issue 2, October 2016, ISSN: 2321 – 788X, pp. 108-118.

Fast forward to 2015, when 193 countries came together to adopt the Sustainable Development Goals (SDGs), pledging to eliminate child and early marriage by 2030. More recently, in 2021, the Generation Equality Forum's Gender-Based Violence Action Coalition aimed high, setting a goal for an additional 55 countries to implement 'no exception' laws against child marriage by 2026.²⁵

5. Impact of Cultural and Societal Factors

Laws in this area are plentiful, but Indian women still face social, economic, political, cultural, and religious discrimination.²⁶

The legal provisions discussed above are only one aspect of addressing crimes against women. Societal attitudes and cultural practices often hinder the effective enforcement of these laws. Patriarchal attitudes that normalize violence against women, the glorification of traditional gender roles, and the economic dependence of women on their families or husbands contribute to the perpetuation of crimes against women.

Moreover, the stigma associated with victims of sexual violence or domestic abuse often deters women from reporting such crimes. The social pressure to conform to societal norms prevents many women from seeking legal redress for their grievances.

6. Judicial Interpretation and Legal Reforms

The judiciary has played a crucial role in interpreting laws relating to crimes against women. Landmark judgments, such as *Vishaka v. State of Rajasthan*²⁷ and *Nirbhaya case*²⁸, have led to significant reforms in the legal framework concerning sexual violence and harassment.

However, the slow pace of trials and the backlog of cases in Indian courts have resulted in a prolonged wait for justice. Furthermore, the reluctance of law enforcement agencies to act swiftly in cases of violence against women remains a significant challenge.

7. Challenges in Enforcement of Laws

We already have a solid framework of constitutional provisions, laws, rules, and initiatives aimed at preventing violence against women. However, the real challenge lies in how effectively these measures are put into action at the grassroots level, as that's where their true success will be determined.²⁹

Despite the existence of various provisions in the IPC, the enforcement of these laws faces several hurdles. Factors such as the lack of awareness among women about their rights, the reluctance of law enforcement agencies to act in cases of domestic violence, and the insensitivity of the judicial system contribute to the ineffectiveness of legal provisions.

Furthermore, the underreporting of crimes, especially in rural areas, due to fear of social stigma or retaliation from the perpetrator, creates a significant barrier to justice.

8. Conclusion and Suggestions for Reforms

We really need to consider the intricate nature of Indian society, which makes it tougher to prevent these kinds of crimes. Often, the women we aim to protect are facing threats from people they know and trust, as well as from the harmful practices that have become ingrained in their daily lives. In addressing these issues, we're not just shattering the myth of 'safety at home'; we're also challenging the social structures and norms that have allowed these practices to persist.

The role of the Indian state is quite complex when it comes to preventing offences against women. It's tasked with breaking down the existing social structures and vested interests that keep gender discrimination alive. At the same time, while it's working to make these necessary changes, the state must also protect the progress that's been made, the milestones that have been reached, and all the individuals who have contributed to this transformation from the inevitable backlash that often accompanies significant change. While India has made significant strides in protecting women through legal provisions under the IPC, the practical implementation of these laws has faced numerous challenges. Reforms are necessary to ensure better access to justice for women, including:

- Strengthening the capacity of law enforcement agencies to handle cases of violence against women
- Raising awareness about women's rights and legal options available to victims
- Streamlining judicial processes to ensure quicker trials and verdicts

²⁵ A case for differentiated legal responses to child, early and forced marriage and unions: Lessons from India for a Global Audience, Partners for Law in Development, 2022, p. 2. Retrieved from: https://kendedafund.org/uploads/documents/AJWS_CEFMU_Lessons_from_India.pdf.

²⁶ Skinnider, Eileen, Violence Against Children: International Criminal Justice Norms and Strategies in Gaur, K.D. (ed.) Criminal Law and Criminology, 2002, p. 740.

²⁷ AIR 1997 SC 3011.

²⁸ *Mukesh & Anr. v. State for NCT of Delhi & Ors.*, (2017) 6 SCC 1.

²⁹ CAWCH, Project Report on Crime Against Women- Check & Halt Prevention Strategies, Bureau of Police Research and Development Ministry of Home Affairs Govt. of India, p. 58.

- Addressing deep-rooted societal attitudes and norms that perpetuate violence against women

Even though the state's job is quite challenging, it's absolutely vital to ensure a safe society, particularly for women. The state simply can't afford to drop the ball on this responsibility. It must not deny women the chance to achieve the freedom, rights, dignity, and individual identity that the constitution promises them. This aspiration is what gives the state's actions their legitimacy, especially when those actions aim to dismantle systems that derive their own legitimacy from India's rich civilization, culture, history, and society. Only by viewing our mission to prevent crimes against women through this broader lens can we gather the willpower, inspiration, and clear direction needed to sustain our efforts. India can move towards a more equitable society where women can live free from violence and discrimination by focusing on both legal reforms and social change.