

## Evaluating the Effectiveness of the Legal Framework on Crimes Against Women in India: A Comparative Perspective

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### Abstract:

Crimes against women continue to be a serious socio-legal challenge in India despite the existence of a comprehensive legal framework aimed at protecting women's rights, dignity, and security. This article evaluates the effectiveness of the legal mechanisms addressing crimes against women in India from a comparative perspective. It examines constitutional safeguards and key legislative measures, including the Protection of Women from Domestic Violence Act, 2005, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the Criminal Law (Amendment) Act, 2013.

The study analyses the scope and effectiveness of these laws in addressing offences such as domestic violence, sexual harassment, and rape, while also comparing the Indian legal framework with selected international standards. It highlights both the strengths and the limitations of existing laws. The article concludes that although India has a strong statutory framework, challenges remain in implementation, awareness, and victim support systems, thereby emphasizing the need for stronger enforcement, legal reforms, and greater institutional accountability to ensure effective protection of women and the promotion of gender justice.

**Key words:** Crimes against Women, Gender-Based Violence, Rights Protection, Domestic Violence, Sexual Harassment at Workplace

### Introduction:

Crimes against women remain a grave and persistent socio-legal concern across the world, and India is no exception. Despite notable progress in social, economic, and legal spheres, women in India continue to experience multiple forms of violence and discrimination, including domestic violence, sexual harassment, trafficking, rape, and other gender-based offences. Such acts not only infringe upon the fundamental rights, dignity, and bodily autonomy of women but also impede the broader objectives of gender equality, human rights protection, and social justice. The growing reporting and public awareness of these crimes have intensified the attention of policymakers, legal scholars, and

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civil society organizations, thereby emphasizing the urgent need for more effective legal and institutional mechanisms to combat gender-based violence. The constitutional framework of India provides a strong foundation for the protection of women's rights. The Constitution guarantees equality before the law, prohibits discrimination on the basis of sex, and promotes social justice through various fundamental rights and directive principles. In furtherance of these constitutional commitments, the Indian legislature has enacted several important laws aimed at preventing and addressing crimes against women. Prominent among these are the Protection of Women from Domestic Violence Act, 2005, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the Criminal Law (Amendment) Act, 2013, which introduced substantial reforms to strengthen legal safeguards against gender-based violence. Nevertheless, the mere existence of legislative provisions does not automatically ensure justice or effective protection for victims. The real impact of these laws largely depends on their implementation, enforcement mechanisms, public awareness, and the responsiveness of institutions such as law-enforcement agencies, the judiciary, and victim-support services. In practice, several barriers—including social stigma, underreporting, procedural delays, lack of awareness, and institutional shortcomings—often limit the accessibility and effectiveness of legal remedies available to women. In this context, the present article seeks to critically evaluate the effectiveness of the legal framework addressing crimes against women in India from a comparative perspective. It analyses the scope and functioning of major legal provisions while comparing them with selected international legal standards and practices relating to the protection of women's rights. By identifying both the strengths and shortcomings of the existing framework, the study aims to highlight the structural and procedural gaps that hinder effective implementation. Ultimately, the article contributes to the broader academic and policy discourse on strengthening legal safeguards, improving institutional accountability, and advancing gender justice within the Indian legal system.

#### **Historical back Ground:**

The issue of crimes against women in India has deep historical roots shaped by social, cultural, and economic factors. In ancient Indian society, women were often accorded a respected position and enjoyed certain rights in social and family life. However, over time, particularly during the medieval period, the status of women gradually declined due to the emergence of rigid social customs and patriarchal practices. Harmful traditions such as child marriage, dowry, purdah, and restrictions on women's education and mobility contributed to the marginalization of women and increased their vulnerability to various forms of exploitation and violence.

During the colonial period, several social reform movements emerged to challenge discriminatory practices against women. Reformers such as Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar played a significant role in advocating legal and social reforms aimed at improving the status of women. As a result of these efforts, important legislative measures were introduced, including the Bengal Sati Regulation, 1829, which abolished the practice of sati, and the Hindu Widows'

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Remarriage Act, 1856, which legalized the remarriage of Hindu widows. These reforms marked the beginning of the legal recognition of women's rights in India. Following independence in 1947, the Constitution of India established a strong foundation for gender equality by guaranteeing fundamental rights such as equality before the law and protection against discrimination on the basis of sex. Over the decades, the Indian legislature enacted several laws to address crimes and discrimination against women. Important enactments include the Dowry Prohibition Act, 1961, the Protection of Women from Domestic Violence Act, 2005, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the Criminal Law (Amendment) Act, 2013. These laws were introduced to address various forms of gender-based violence and to strengthen legal protection for women in both private and public spheres.

Despite the progressive development of legal provisions over time, crimes against women continue to persist, raising concerns about the effectiveness of the existing legal framework and its implementation. The historical evolution of laws addressing women's rights demonstrates a gradual shift from social reform initiatives to comprehensive legal protections. However, the continuing prevalence of gender-based crimes indicates the need for stronger enforcement, institutional reforms, and a more effective legal response. Understanding this historical background is therefore essential for evaluating the effectiveness of the current legal framework addressing crimes against women in India from a comparative perspective.

#### **Legal Aspects:**

The legal framework addressing crimes against women in India is founded upon constitutional guarantees, statutory enactments, and judicial interpretations that aim to ensure the protection, dignity, and equality of women. The Constitution provides the primary legal basis for gender justice through provisions such as equality before the law, prohibition of discrimination on the grounds of sex, and the protection of life and personal liberty. Articles 14, 15, and 21 of the Constitution collectively emphasize the State's obligation to protect women from discrimination, violence, and exploitation, thereby forming the constitutional backbone of legal protections for women. In addition to constitutional safeguards, the Indian legislature has enacted several statutes specifically designed to address crimes and violence against women. Among the most significant is the Protection of Women from Domestic Violence Act, 2005, which provides civil remedies and protection orders to women facing domestic abuse within the household. This law expanded the legal understanding of domestic violence by including not only physical abuse but also emotional, economic, and psychological forms of violence. Another important legislative measure is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, which was enacted to ensure a safe and secure working environment for women. The Act mandates the establishment of Internal Complaints Committees in workplaces and prescribes procedures for the prevention and redressal of sexual harassment. This legislation reflects the growing recognition of workplace safety as a fundamental component of women's rights and dignity. Further strengthening the legal

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framework, the Criminal Law (Amendment) Act, 2013 introduced significant reforms in the criminal justice system following increasing public concern regarding sexual violence. The amendment expanded the definition of rape, introduced new offences such as stalking and voyeurism, and enhanced punishments for various forms of sexual assault. It also emphasized the responsibility of law-enforcement authorities to respond promptly and effectively to complaints of sexual violence. Apart from these laws, other statutes such as the Dowry Prohibition Act, 1961 and provisions under the Indian Penal Code, 1860 also play a crucial role in addressing crimes against women. These legal measures collectively aim to deter gender-based violence and provide legal remedies to victims. However, while India has developed a comprehensive legal framework to address crimes against women, challenges remain in terms of implementation, enforcement, and accessibility. Issues such as underreporting of crimes, delays in judicial proceedings, lack of awareness, and institutional barriers often hinder the effective realization of these legal protections. Therefore, evaluating the effectiveness of these legal mechanisms is essential in determining whether the existing framework adequately protects women and ensures justice.

#### **Global Perspective:**

Crimes against women are a global concern that transcends national boundaries, cultures, and legal systems. Across the world, women continue to face various forms of violence, including domestic abuse, sexual harassment, human trafficking, and other gender-based crimes. Recognizing the seriousness of this issue, the international community has developed several legal instruments and policy frameworks aimed at protecting women's rights and promoting gender equality. These international efforts have significantly influenced national legal systems, including that of India. One of the most important international legal instruments addressing discrimination and violence against women is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the United Nations. Often described as the international bill of rights for women, CEDAW obligates member states to eliminate discrimination against women and to take appropriate legal and policy measures to ensure gender equality. India ratified this convention in 1993, thereby committing itself to align its domestic laws and policies with international standards for the protection of women. Another significant global framework is the Universal Declaration of Human Rights, which recognizes the equal dignity and rights of all individuals regardless of gender. Similarly, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights provide important guarantees related to equality, personal security, and protection from violence and discrimination. In recent decades, the global community has also emphasized the importance of addressing violence against women through international development agendas. The United Nations has promoted gender equality through initiatives such as the Sustainable Development Goals, particularly Goal 5, which focuses on achieving gender equality and empowering all women and girls. These global commitments encourage countries to adopt stronger legal measures, effective enforcement mechanisms, and institutional support systems to combat gender-based violence. Comparative experiences from different countries also demonstrate various

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approaches to addressing crimes against women. Many nations have introduced specialized laws, victim support services, and gender-sensitive judicial processes to ensure better protection and access to justice for women. These international developments provide valuable insights for evaluating the effectiveness of national legal frameworks and identifying best practices. Therefore, examining the issue of crimes against women from a global perspective helps in understanding international standards, comparative legal approaches, and the evolving global commitment toward protecting women's rights. Such a perspective is essential for assessing the effectiveness of the Indian legal framework and for identifying reforms that can further strengthen the protection of women against violence and discrimination.

### **Judicial Approach:**

The judiciary in India has played a crucial role in strengthening the legal framework for the protection of women and in addressing crimes against them. Through progressive interpretations of constitutional provisions and statutory laws, Indian courts have significantly contributed to the development of gender justice and the protection of women's rights. The judiciary has frequently intervened to fill legislative gaps, ensure the proper implementation of laws, and expand the scope of legal protection available to women. A landmark judicial development in this field was the decision of the Supreme Court of India in *Vishaka v. State of Rajasthan*. In this case, the Court laid down comprehensive guidelines to prevent sexual harassment of women at the workplace in the absence of specific legislation. These guidelines, popularly known as the Vishaka Guidelines, later formed the basis for the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The judgment demonstrated the proactive role of the judiciary in protecting women's dignity and ensuring a safe working environment. Another significant decision is *Vishal Jeet v. Union of India*, where the Supreme Court of India addressed the issue of child prostitution and trafficking. The Court directed the government to take effective steps to prevent sexual exploitation and to establish rehabilitation mechanisms for victims, thereby reinforcing the State's responsibility to protect vulnerable groups.

Similarly, in *Bodhisattwa Gautam v. Subhra Chakraborty*, the Court recognized rape as a violation of fundamental human rights and held that victims are entitled to compensation during the pendency of criminal proceedings. This judgment emphasized that crimes against women are not merely criminal offences but serious violations of human dignity and constitutional rights. Another important case is *Delhi Domestic Working Women's Forum v. Union of India*, where the Court emphasized the need for legal assistance, compensation, and support services for victims of rape. The Court directed the establishment of victim-support mechanisms and stressed the importance of maintaining the dignity and privacy of survivors during legal proceedings.

In *Laxmi v. Union of India*, the Supreme Court took significant steps to regulate the sale of acid and to strengthen measures to prevent acid attacks against women. The Court issued directions to both central and state governments to control acid sales and to provide compensation and medical

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support for victims.

Another notable judgment is *Shayara Bano v. Union of India*, where the Supreme Court declared the practice of instant triple talaq (talaq-e-biddat) unconstitutional. This decision marked an important step in protecting the rights and dignity of Muslim women and ensuring gender justice within personal laws.

Furthermore, in *Nirbhaya Case (Mukesh v. State (NCT of Delhi))*, the Supreme Court upheld the death sentence for the perpetrators involved in the brutal gang rape and murder in Delhi. This case led to significant legal reforms and strengthened public discourse on women's safety, ultimately contributing to the enactment of stronger criminal law provisions through the Criminal Law (Amendment) Act, 2013. The judiciary has also expanded the interpretation of constitutional rights to strengthen women's protection. By invoking Article 21 of the Constitution, which guarantees the right to life and personal liberty, the courts have interpreted this right to include the right to live with dignity, safety, and freedom from violence. Such interpretations have reinforced the legal safeguards available to women under both constitutional and statutory frameworks. The judicial approach in India reflects a progressive and rights-oriented perspective aimed at protecting women from violence and discrimination. Through landmark judgments and interpretative activism, the judiciary has played a pivotal role in shaping and strengthening the legal framework addressing crimes against women. However, the continued effectiveness of these judicial interventions depends on consistent enforcement, institutional cooperation, and increased awareness among citizens regarding their legal rights.

#### **Conclusion:**

Crimes against women continue to pose a serious challenge to the realization of gender equality and human rights in India. Over the years, the Indian legal system has developed a comprehensive framework consisting of constitutional guarantees, statutory enactments, and progressive judicial interpretations aimed at protecting women from violence and discrimination. Important legislative measures such as the Protection of Women from Domestic Violence Act, 2005, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the Criminal Law (Amendment) Act, 2013 have significantly strengthened the legal response to gender-based crimes. Despite these legal advancements, the persistence of crimes against women indicates that the effectiveness of the legal framework is often limited by challenges related to implementation, enforcement, social attitudes, and institutional barriers. Issues such as underreporting of crimes, lack of awareness, delays in judicial processes, and inadequate victim-support mechanisms continue to hinder the realization of justice for many women. From a comparative perspective, international legal standards and practices emphasize the importance of stronger enforcement mechanisms, victim-centered approaches, and institutional accountability in addressing gender-based violence. These global experiences provide valuable insights for improving the existing legal framework in India and ensuring that laws are not only well-designed but also effectively implemented. While India

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possesses a robust constitutional and statutory structure to combat crimes against women, there remains a pressing need for more effective implementation, greater public awareness, and stronger institutional coordination. Strengthening law enforcement, improving access to justice, and promoting societal awareness and gender sensitivity are essential steps toward ensuring meaningful protection for women and advancing the broader goal of gender justice in society.

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