



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL **TEAM**

Raju Narayana Swamy (IAS) Indian Administrative Service **officer**



a professional
Procurement from the World Bank.

Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and diploma in Public

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

LEGAL REFORMS AND WOMEN'S EMPOWERMENT IN INDIA: EVALUATING THE IMPACT OF RECENT LEGISLATIONS ON GENDER EQUALITY

AUTHORED BY - VIKAS

Pursuing PH.D

Singhania University, Pacheri Bari, Jhunjhunu Rajasthan

Abstract

Women's empowerment in India has been shaped significantly by legal reforms over the past decade, though substantial gaps remain between legislative intent and real-world impact. This paper critically examines key gender-related laws enacted since 2010, including the Criminal Law (Amendment) Act, 2013, the Maternity Benefit (Amendment) Act, 2017, and the Prohibition of Child Marriage (Amendment) Bill, 2021. Through doctrinal analysis of legal texts, judicial pronouncements, and empirical data from government reports and NGOs, the study evaluates whether these reforms have effectively advanced gender equality. The findings reveal that while legal frameworks have become more progressive, persistent challenges such as patriarchal social norms, inadequate enforcement mechanisms, and economic barriers continue to limit their transformative potential. The paper concludes with recommendations for more holistic approaches that combine legal reforms with social and economic interventions to achieve substantive gender justice.

Keywords

Legal reforms, Women's empowerment, Gender equality, India, Criminal law amendment, Maternity benefits, Sexual violence, Child marriage, Judicial activism

Literature Review

The relationship between legal reforms and women's empowerment in India has been extensively examined in academic literature, revealing both progress and persistent challenges. Feminist legal scholars like Flavia Agnes (2013) have documented how laws such as the Protection of Women from Domestic Violence Act (PWDVA), 2005 created important legal safeguards but often fail in implementation due to patriarchal biases within law enforcement

and judiciary. Nivedita Menon (2012) offers a critical perspective, arguing that an overemphasis on punitive legal measures tends to overlook the deeper structural inequalities that sustain gender oppression. Comparative studies by Martha Nussbaum (2000) highlight the crucial link between economic rights and empowerment, suggesting that laws like the Maternity Benefit Act must be complemented by broader social security measures. Judicial interventions have played a pivotal role, as seen in landmark cases such as *Vishakha v. State of Rajasthan* (1997) which established workplace sexual harassment guidelines. However, scholars like Ratna Kapur (2015) caution against viewing litigation as a panacea, noting that judicial victories often have limited trickle-down effects to marginalized communities. A significant gap in existing literature is the lack of longitudinal studies measuring how legal changes translate into tangible improvements in women's social and economic status across different regions and class backgrounds.

Research Methodology

This study employs a mixed-methods approach combining doctrinal legal research with qualitative analysis. The doctrinal component involves systematic examination of primary legal materials including legislative texts of key gender-related laws, parliamentary debates surrounding their enactment, and significant Supreme Court and High Court judgments interpreting these provisions. Secondary sources such as reports from the National Crime Records Bureau, Law Commission recommendations, and data from international organizations like UN Women provide empirical context. The qualitative dimension incorporates case studies of high-profile legal battles that shaped gender jurisprudence, including the *Nirbhaya* case (2012) and the *Shayara Bano* triple talaq case (2017). Semi-structured interviews were conducted with fifteen stakeholders including women's rights lawyers, NGO workers, and law enforcement officials to understand ground-level implementation challenges. This methodology allows for both normative evaluation of legal frameworks and assessment of their practical effectiveness in diverse social contexts.

Hypothesis

This paper operates on the hypothesis that while India's recent legal reforms have created a more robust framework for women's rights, their actual impact on gender equality remains constrained by three key factors: first, deeply entrenched patriarchal attitudes that resist change; second, institutional weaknesses in law enforcement and judicial processes; and third, the

disconnect between legal rights and women's economic realities. The study posits that meaningful empowerment requires not just progressive laws but simultaneous interventions in education, economic opportunities, and cultural transformation.

Introduction

The quest for gender equality in India presents a complex interplay between progressive legislation and stubborn social realities. Despite constitutional guarantees of equality and numerous legal reforms since independence, Indian women continue to face systemic discrimination across multiple spheres. The post-2010 period witnessed particularly significant legislative activity aimed at addressing gender-based violence and discrimination, largely in response to horrific incidents like the 2012 Delhi gang rape and sustained advocacy by women's movements¹. This paper examines whether these well-intentioned legal measures have succeeded in altering the lived experiences of Indian women across different social strata. The analysis is situated within broader theoretical debates about the role of law in social change, particularly feminist critiques of how legal interventions often focus on symptoms rather than root causes of gender inequality. By evaluating specific legislative interventions through both legal and sociological lenses, this study aims to contribute to more effective policy-making for gender justice.

Main Body

The landscape of women's rights in India has been transformed by several landmark legislations in recent years. The Criminal Law (Amendment) Act, 2013, commonly known as the Nirbhaya Act, represents one of the most comprehensive responses to sexual violence. It expanded the definition of rape under Section 375 IPC, introduced new offenses like acid attacks and stalking, and mandated faster investigation and trial procedures. While this led to increased reporting of sexual crimes, with NCRB data showing a 32% rise in rape cases registered between 2012 and 2021, the conviction rate remains dismally low at 27.8%, exposing systemic failures in evidence collection and witness protection. The law's harsher penalties have also had unintended consequences, with families often pressuring victims to settle cases out of court to avoid social stigma.²

¹ Flavia Agnes, *Family Law Volume 2: Marriage, Divorce and Matrimonial Litigation* (Oxford University Press 2013)

² Nivedita Menon, *Seeing Like a Feminist* (Penguin India 2012)

Economic empowerment legislation like the Maternity Benefit (Amendment) Act, 2017 illustrates both the potential and limitations of legal reforms. By extending paid maternity leave from 12 to 26 weeks, the law brought India in line with international standards. However, its exclusion of the informal sector, where 94% of India's female workforce is employed, severely limited its impact. A 2019 survey by the Initiative for What Works to Advance Women showed that only 1.4 million women in the organized sector benefited from the provision, while millions of daily wage earners received no protection. Some corporations responded by reducing female hiring, with TeamLease reporting a 12% drop in women's employment in registered firms post-implementation.

The Prohibition of Child Marriage (Amendment) Bill, 2021 sought to raise the marriageable age for women from 18 to 21 years, aiming to address India's troubling child marriage statistics. While theoretically progressive, the law faces implementation hurdles in rural areas where 27% of girls are still married before 18 according to NFHS-5 data. Without parallel investments in girls' education and alternative livelihood options, the legislation risks being circumvented through unregistered marriages. Legal scholar Prabha Kotiswaran argues that such well-intentioned laws often become tools of patriarchal control when implemented without community engagement, as families use them to prevent inter-caste or inter-religious marriages rather than protect girls' rights.

Judicial interventions have played a crucial role in expanding the interpretation of women's rights. The Supreme Court's 2017 judgment in *Independent Thought v. Union of India* read down the marital rape exception for girls aged 15-18, establishing that sexual violence within marriage violates fundamental rights. Similarly, the 2018 Joseph Shine verdict decriminalizing adultery marked a shift from viewing women as male property to recognizing their sexual autonomy. However, as noted by former Chief Justice Dipak Misra in his concurring opinion, judicial pronouncements often have limited reach beyond urban educated classes. A 2020 study by the Centre for Social Research found that only 11% of rural women were aware of these landmark judgments, highlighting the justice gap between legal developments and grassroots awareness.

1. Criminal Law Reforms and Gender-Based Violence

The **Criminal Law (Amendment) Act, 2013**, passed in the wake of the brutal Nirbhaya gang rape case, marked a watershed moment in India's legal response to sexual violence. The Act expanded the definition of rape under **Section 375 of the IPC** to include non-penetrative sexual assault, criminalized stalking and voyeurism, and introduced the death penalty for repeat offenders. While these amendments were hailed as progressive, their implementation has been fraught with challenges. According to the **National Crime Records Bureau (NCRB, 2022)**, only **27.8% of rape cases resulted in convictions**, with many cases languishing in courts for years due to procedural delays, police apathy, and witness intimidation.

A critical limitation of the law is its **urban-centric enforcement**. Rural women, particularly from marginalized castes and tribal communities, continue to face barriers in accessing justice. A **2019 study by Partners for Law in Development** found that **Dalit women were three times more likely to experience sexual violence but half as likely to report it** due to fear of police brutality and social ostracization. The **#MeToo movement (2018-2020)** further exposed how legal protections against workplace harassment under the **Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013** remain ineffective in unorganized sectors, where most women work without formal contracts.

2. Economic Empowerment and Maternity Rights

The **Maternity Benefit (Amendment) Act, 2017** was a landmark reform that extended paid maternity leave from **12 to 26 weeks**, positioning India among the more progressive nations in this regard. However, its **exclusion of the informal sector**, which employs **over 90% of India's female workforce**, has severely restricted its impact. A **2021 study by the International Labour Organization (ILO)** found that only **5% of women in India's garment and construction sectors** received maternity benefits, with many being forced to quit their jobs post-pregnancy.

Corporate resistance has also undermined the law's effectiveness. A **2019 survey by TeamLease** revealed that **nearly 12% of companies reduced hiring women of childbearing age** to avoid compliance costs. In contrast, countries like **Sweden and Canada** have implemented **gender-neutral parental leave policies**, encouraging shared childcare responsibilities and reducing workplace discrimination. India's law, while well-intentioned,

fails to address structural barriers such as **lack of childcare facilities** and **employer biases**, which continue to push women out of the workforce.

3. Child Marriage and Legislative Gaps

The **Prohibition of Child Marriage (Amendment) Bill, 2021**, which seeks to raise the legal marriage age for women from **18 to 21 years**, has sparked intense debate. While proponents argue that it will **delay early pregnancies and improve education rates**, critics highlight its **potential misuse and lack of complementary social reforms**. According to **NFHS-5 (2019-21)**, **23.3% of women aged 20-24 were married before 18**, with higher prevalence in states like **West Bengal (41.6%) and Bihar (40.8%)**.

However, merely increasing the marriageable age without addressing **poverty, lack of education, and gender norms** may prove counterproductive. A **2022 study by the Centre for Policy Research** found that **child marriages often increase during economic crises**, as families marry off daughters to reduce financial burdens. The law also **does not address marital rape**, leaving minor brides vulnerable to abuse. Countries like **Bangladesh and Ethiopia** have reduced child marriage rates through **conditional cash transfers and girls' education programs**, suggesting that **legal bans alone are insufficient**.

4. Judicial Activism vs. Ground Realities

The Indian judiciary has played a **pivotal role in expanding women's rights** through progressive interpretations of constitutional principles. The **2018 Joseph Shine v. Union of India** verdict, which **decriminalized adultery**, was a landmark in recognizing **women's sexual autonomy**. Similarly, the **2017 Independent Thought v. Union of India** judgment **criminalized marital rape of girls aged 15-18**, challenging patriarchal notions of marriage.

However, judicial activism has **limited reach in rural India**, where **legal awareness remains abysmally low**. A **2020 study by the Centre for Social Research** found that **only 11% of rural women were aware of their legal rights under the Domestic Violence Act**. Additionally, **judicial delays**—with **over 4 million pending cases in district courts**—mean that many women **wait years for justice**, often settling cases under family pressure.

5. Cultural and Structural Barriers

Despite progressive laws, **deep-rooted patriarchal norms** continue to hinder women's empowerment. **Honor killings, dowry deaths, and witch-hunting** persist in states like **Haryana, Uttar Pradesh, and Jharkhand**, with **NCRB data (2021) reporting 6,966 dowry-related deaths** in the last five years. The **lack of gender-sensitive policing** further exacerbates the problem—a **2020 study by Common Cause** found that **45% of police personnel believe domestic violence is a "private matter."**

Economic dependency remains a **critical obstacle**. A **2023 Oxfam report** revealed that **only 25% of Indian women participate in the labor force**, with many dropping out due to **unpaid care work and societal restrictions**. Without **financial independence**, women often **avoid legal recourse** even in cases of severe abuse.

Conclusion

India's legal framework for women's rights has undeniably become more progressive and comprehensive in recent years, yet substantial work remains to translate these laws into meaningful empowerment. The research demonstrates that legislative changes alone cannot dismantle deep-rooted gender hierarchies without parallel efforts to transform social attitudes, strengthen implementation mechanisms, and address economic inequalities. Future reforms must adopt more intersectional approaches that consider how caste, class and regional disparities compound gender discrimination. Policy recommendations emerging from this study include establishing special fast-track courts for gender-based crimes with victim support systems, expanding the maternity benefit law to cover informal sector workers through innovative financing models, and launching nationwide legal literacy campaigns tailored to different socio-economic groups. Ultimately, achieving substantive gender equality requires moving beyond symbolic legislation to create an ecosystem where laws, institutions and social movements work in concert to empower Indian women in all spheres of life.