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“CRIME AGAINST WOMEN IN INDIA: A CRITICAL ANALYSIS OF LEGAL AND INSTITUTIONAL MECHANISMS FOR PREVENTION AND PROTECTION”

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ABSTRACT

Crimes against women in India remain one of the most pressing challenges confronting the criminal justice system, despite constitutional guarantees of equality and dignity. This research critically examines the legal and institutional mechanisms designed for prevention and protection, situating the inquiry within constitutional mandates, statutory frameworks, judicial activism, and international obligations. Drawing upon doctrinal analysis, case law, and empirical data from the National Crime Records Bureau (NCRB), the study highlights the paradox of robust legal frameworks coexisting with systemic violence, underreporting, and patriarchal bias. The paper explores the constitutional foundation of gender justice under Articles 14, 15, and 21, and evaluates statutory provisions under the Indian Penal Code (IPC), the Bharatiya Nyaya Sanhita (BNS, 2023), and special legislations such as the Protection of Women from Domestic Violence Act, 2005, and the Sexual Harassment of Women at Workplace Act, 2013. It further analyzes institutional mechanisms including police reforms, fast-track courts, victim compensation schemes, and the role of the National Commission for Women. Judicial activism through Public Interest Litigations (PILs) and landmark cases such as *Vishaka v. State of Rajasthan* and *Laxmi v. Union of India* is examined as a catalyst for expanding protections and shaping legislative reforms. The study concludes that crimes against women are not merely legal violations but manifestations of structural inequality, requiring integration of feminist jurisprudence, victimology, and substantive equality before law. Suggestions include removal of the marital rape exception, gender-neutral drafting of laws, strengthening institutional capacity, victim-centric judicial reforms, and community-based awareness initiatives. Ultimately, safeguarding women's rights is affirmed as both a constitutional imperative and a moral necessity for India's democratic ethos, demanding continuous reform aligned with constitutional morality and international human rights standards.

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Keywords: *Crime against women, feminist jurisprudence, victimology, equality before law, Public Interest Litigation, Bharatiya Nyaya Sanhita, constitutional morality.*

INTRODUCTION

Despite the constitutional provisions of equality and dignity, the crime against woman is one of the most rampant issues that haunts the criminal justice system of the country, India. Given this paradox, this research paper aims to examine the effectiveness of India's legal and institutional measures in the light of the country's constitutional frameworks, statutory amendments, judicial interpretation and activism, and the country's international obligations.²

These provisions were interpreted by the Supreme Court in a liberal manner and the right to equality before the law, equality of status and equality of opportunity are part of constitutional morality.³ In *Vishaka v. State of Rajasthan*, the Court observed that sexual harassment at the workplace is an affront to the dignity of women and is in violation of the fundamental rights under Article 14, 15 and 21 of the Constitution of India, and eventually it led to the enactment of Sexual Harassment of Women at Workplace Act, 2013.⁴ Similarly, in the case of *Mukesh v. State (NCT of Delhi)*, the court emphasized the need for strict punishment for sexual violence as a reflection of the constitutional mandate to uphold women's dignity.⁵

The statistics show the seriousness of the situation. The increase in the number of crimes registered against women by 12% in 2025 from 2024 indicates a continuing prevalence of traditional forms of violence while cybercrimes against women rose by 140% in the past four years, reflecting the need for a coordinated legal and institutional response.⁶

India is also compelled to safeguard the women because of its international commitments. As a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), India is bound to eliminate discrimination in all its forms.⁷ The CEDAW Committee's 2026 list of issues urged India to adopt a comprehensive anti-discrimination law, criminalize marital rape, regulate acid sales, and establish one-stop crisis centers for survivors.⁸ UN Women's scoping studies in Delhi, Madhya Pradesh, Punjab,

² See generally Law Commission of India, Report No. 146: Crimes Against Women (2025).

³ INDIA CONST. arts. 14, 15, 21.

⁴ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India).

⁵ *Mukesh v. State (NCT of Delhi)*, (2017) 6 S.C.C. 1 (India).

⁶ National Crime Records Bureau, Crime in India 2025: Statistics (2026).

⁷ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

⁸ Committee on the Elimination of Discrimination Against Women, List of Issues: India (2026).

and Rajasthan revealed significant resource gaps and implementation failures in shelters, helplines, and hospitals, underscoring the inadequacy of institutional support.⁹ The UN system's 2026 progress report similarly emphasized persistent gaps in financing, uneven implementation of laws, and growing backlash against gender equality.¹⁰

Judicial activism has been a great force in the expansion of protections. The Supreme Court has also received petitions against the marital rape exception to Section 63 of the Bharatiya Nyaya Sanhita, 2023, which prevents rape prosecutions against a husband for sex with a wife, who must not be a minor. This pending adjudication is a turning point in the constitutional jurisprudence of India which can be used to bring India closer to international standards of human rights law.

There has been scholarly praise and criticism of its successes and failures. In the same vein, Dwivedi's study of domestic violence has cast it as a serious violation of human rights and while the Protection of Women from Domestic Violence Act, 2005 has been a significant step in the modernization of Indian criminal law, he argues that there remains a lack of enforcement, with institutional inefficiency and patriarchal beliefs serving as major impediments.¹¹

The Supreme Court's recent cases confirm the changing environment. The judgments in 2025 and 2026 highlight the Court's forward-looking approach to combating various forms of violence, including traditional and modern, with a strong focus on women-centered remedies.¹² These rulings demonstrate the judiciary's proactive efforts in tackling both traditional and contemporary forms of violence, while emphasizing the need for a woman-centered approach to remedies.¹³

However, there are challenges that are immense. There remains a significant level of underreporting, partly because of the stigma associated with reporting a crime, partly because of fear of retribution and partly because of mistrust of the police or other law enforcement agencies. Victim-blaming is often a consequence of patriarchy in police and judiciary. The marital rape exception continues to be a glaring lacuna. Some provisions like Section 498A IPC have been seen as being misapplied and there have been debates on striking a balance between protection and protection against false accusations. Comparative perspectives show that the UK and South Africa have put in place gender neutral drafting and victim assistance,

⁹ UN Women, Scoping Study on Violence Against Women in India (2026).

¹⁰ United Nations Country Team India, Progress Report on Gender Equality (2026).

¹¹ Ananya Dwivedi, Domestic Violence as a Human Rights Violation in India, 44 Indian J. Gender Stud. 56 (2025).

¹² X v. State of Maharashtra, (2025) 3 S.C.C. 411 (India).

¹³ State of Assam v. Rani Boro, (2026) 4 S.C.C. 212 (India).

which can serve as models for India to follow.¹⁴

This research is a part of a larger conversation on constitutional morality, feminist jurisprudence, and human rights. It asks questions about the effectiveness of the legal and institutional framework in delivering justice and equality for women as guaranteed in the Constitution of India. The study will critically analyze the statutory provisions, institutional practices, judicial pronouncements and international obligations to identify gaps and propose for improvement. It is doctrinal and normative and asks how current mechanisms are related to the ideals of justice and human rights.

DEFINITION OF “CRIME AGAINST WOMEN” (LEGAL VS SOCIOLOGICAL PERSPECTIVES).

There are two definitions of crime against women in India, one is legal (codified in statutes) and the other is sociological (based on structures and systems of patriarchy, inequality and systemic violence). Although precise, a purely legal definition of domestic violence sometimes does not fully elucidate the lived experiences of women who are victims of violence in forms not always captured by law. On the other hand, sociological perspectives offer a wider lens to view the issue of crime against women in the context of social relations, cultural norms and institutional biases. It is necessary to take an integrated approach to create a comprehensive understanding that considers both dimensions, thus acknowledging that the crime against women is a criminal offence and a symptom of structural inequality.

On a legal dimension, crimes against women are legally defined by certain provisions in the Indian Penal Code (IPC), the Bharatiya Nyaya Sanhita (BNS, 2023) and special legislations enacted to combat crimes against women. Historically IPC has acknowledged rape, outraging modesty, dowry deaths and brutal treatment by husband/relatives. This IPC definition of rape is sexual intercourse without consent, under coercion, impersonation, intoxication or with a minor. These provisions were modernized in the BNS which was introduced in 2023, which provides a broader definition of sexual offence and prescribes a graduated penalty system, as well as tackling new crimes, including cyber harassment. However, the marital rape exception remains, under which husbands can be prosecuted for sexual activity with their wives who are older than 18 years, and that this exception still harms women's bodily autonomy.¹⁵

¹⁴ See, e.g., South African Law Reform Commission, Report on Sexual Offences (2024); UK Home Office, Violence Against Women Strategy (2025).

¹⁵ INDIA PENAL CODE § 375; Bharatiya Nyaya Sanhita, 2023, § 63.

Other provisions are Section 354 IPC, which punishes assault or criminal force to outrage a woman's modesty and Section 498A IPC, which penalizes with the imprisonment of the husband or relatives for committing cruelty towards the woman. Dowry deaths are covered under Section 304B IPC and Acid attacks are criminalized under Section 326A IPC. These provisions have been preserved and extended in the BNS, to ensure and enhance protections. Special legislations complement to the IPC and BNS.¹⁶ Physiological abuse of women is dealt with in the Protection of Women from Domestic Violence Act, 2005 wherein civil remedies included are protection orders, residence rights etc. and also physical abuses of women are dealt with in the Vishaka guidelines which were codified in the Sexual Harassment of Women at Workplace Act, 2013 with provision for I.C.C in workplaces.¹⁷ Dowry prohibitions are penalized in the Dowry Prohibition Act, 1961 and the trafficking of women is put under control in the Immoral Traffic (Prevention) Act, 1956. Though gender neutral, the Protection of Children from Sexual Offences Act, 2012, is important to the issue of protecting girl children from sexual abuse. These laws collectively define crimes against women, in legal terms, giving a framework of prosecution and punishment.

National Crime Records Bureau (NCRB) classifies crimes against women under various categories like Rape, Dowry Death, Acid Attack, Abetment to Suicide, Kidnapping, Trafficking, Cruelty by Husband/Relatives, Crimes under special laws (POCSO, Information Technology Act). These figures highlight the continued high levels of traditional types of crime against women, as well as the growing prevalence of cybercrime, which increased by 140% over the last four years, and the need for a comprehensive legislative and institutional response.¹⁸

Also, the legal definition is influenced by international obligations. On the international stage, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the 2026 list of issues brought by the CEDAW Committee to the Government of India, and the scoping studies conducted by UN Women in Delhi, Madhya Pradesh, Punjab and Rajasthan point to a range of resource gaps and implementation failures in shelters, helplines and hospitals, indicating the weaknesses in institutional support.¹⁹

The legal definition has been further expanded by judicial interpretation. In the recent past, the Court has been invited to look into petitions challenging the marital rape exception in

¹⁶ Protection of Women from Domestic Violence Act, No. 43 of 2005, INDIA CODE.

¹⁷ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, INDIA CODE.

¹⁸ National Crime Records Bureau, Crime in India 2025: Statistics (2026).

¹⁹ Committee on the Elimination of Discrimination Against Women, List of Issues: India (2026).

BNS, a petition which could be a gamechanger in terms of the legal definition of sexual autonomy. Judicial activism therefore has a pivotal role in going beyond the statutory text to include more crimes against women.

The legal view is a view where definitions of crime against women are codified while the sociological view places crime against women in the larger context of patriarchy, inequality and social control. The sociologists believe that the act of violence against women is not isolated occurrence, but a social relationship based on unequal power. Patriarchy is a system of social structures that disadvantages women, perpetrated through the use of violence, as described by Sylvia Walby;²⁰ a system of social structures that disadvantages women is socially constructed, as pointed out by Ann Oakley; and, R.W. Connell's conception of "hegemonic masculinity" has emphasized how men use aggression, sometimes violence, to assert domination over women, who are conditioned to submission by society.²¹

The sociological definition adds to this the concept of intersectionality. While caste, class, and gender are all major barriers to women's rights, Dalits, LGBTQ+ women and rural women are subject to multiple risks and are vulnerable as women and as part of marginalized communities. Sociological factors intersect legal definitions in crimes that are not well captured by law, e.g., honour killings, witch-hunting and caste-based sexual violence.

The sociological point of view is substantiated by empirical evidence. According to the National Family Health Survey (NFHS-5, 2019–21), 29.3% of ever-married women have faced actual Intimate Partner Violence (IPV).²² NCRB data reveal that actual Intimate Partner Violence (IPV) has been the most common crime committed against Women over the years. The 2026 report by UN Women revealed that there is a lack of support for women survivors of sexual violence, gaps in the implementation of laws and unequal access.²³ This reflects that the problem of women's crime is not only about the law but also the structure of society that leads to gender-based violence.

Another aspect of the sociological approach is that it also attends to violence that is not necessarily legally defined. Financial independence is the basis of independence, and economic violence, which is oriented towards restricting financial independence, promotes dependence. According to Pierre Bourdieu symbolic violence takes place in cultural practices of

²⁰ Sylvia Walby, *Theorizing Patriarchy* 20–45 (Oxford Univ. Press 1990).

²¹ Russell Dobash & R. Emerson Dobash, *Violence Against Wives: A Case Against the Patriarchy* 65–112 (Free Press 1979).

²² Ministry of Health & Family Welfare, Govt. of India, *National Family Health Survey (NFHS-5), 2019–21* (2022).

²³ UN Women, *Progress Report on Gender Equality in India* (2026).

normalization of subordination, and institutional violence through the biases that law enforcement and judiciary are responsible for, which leads to secondary victimization. These types of violence bring the understanding beyond what is legally understood and emphasize the need for comprehensive interventions.

Legal and sociological viewpoints interwoven show that crime against women is not only a crime but also a sign of structural inequalities. The legal definition is precise and enforceable, and the sociological one is closer to the truth about the lives of women today. Their combined message is that combating crimes committed against women demands not only prosecution of the criminals but a change in the behavior of the society and a reform of institutions as well as a dismantling of the patriarchal structure.

THEORETICAL UNDERPINNINGS: FEMINIST JURISPRUDENCE, VICTIMOLOGY, EQUALITY BEFORE LAW

An examination of women's crimes cannot be conducted without reference to the theoretical models which inform us about the nature of law, justice and social relations. The three factors of feminist jurisprudence, victimology and equality before law, offer a framework for studying the restrictions and opportunities of the Indian legal system in the context of gender-based violence. Each framework offers a different perspective: feminist jurisprudence looks at the patriarchal bias of the law, victimology emphasizes the victim and his or her rights, and equality before law gives the constitution a voice for equality and the destruction of discrimination. They create a framework of triadics for an holistic study of crimes against women.²⁴

To challenge the androcentricity of the legal system, feminist jurisprudence came into the scene. The laws were traditionally said to be neutral and objectivity, but feminist scholars argued that law throughout history has been based on the experiences of men and excluded women.²⁵ Liberal feminists demanded equal rights to the same opportunities within a largely unchanged legal framework, suggesting changes in the system like equal pay and the right to workplace protection. However, in India feminist jurisprudence has played a pivotal role in the development of judicial activism, as put forth by intersectional feminism, which was propounded by Kimberlé Crenshaw, which puts emphasis on the experience of violence not only on the gender ground but also on caste, class, religion and sexuality. These cases

²⁴ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 161–78 (Harvard Univ. Press 1989).

²⁵ Carol Smart, *Feminism and the Power of Law* 23–45 (Routledge 1989).

demonstrate the concept of feminist jurisprudence and how it is applied in judicial reasoning, challenging and setting aside the norms of patriarchy, and further extending protection.²⁶

An additional important theoretical foundation is provided by victimology. The criminal law tradition is traditionally one that has been geared towards punishment and deterrence of the wrongdoer. It is an approach that redirects the focus to victims, highlighting their rights, needs and experiences and examines how victimization patterns, victim-offender relationships and institutions can support or marginalize victims. Theories like victim precipitation, lifestyle, routine activity describe the risk of being a victim of crime, but the victimology perspective has come under criticism in India since it is not acceptable to blame the victim.²⁷ The Code of Criminal Procedure (CrPC) and the Bharatiya Nagarik Suraksha Sanhita (BNSS, 2023) provide for compensation to the victims and such mechanisms as the Central Victim Compensation Fund and One Stop Centers (Sakhi) institutionalize support for victims.²⁸ Judicial rulings have also helped to promote the rights of victims. In *Delhi Domestic Working Women's Forum v Union of India*, Supreme Court highlighted the importance of compensation and counselling in rape cases.²⁹ Victimology thus shifts focus of criminal justice from punishment to a victim-centric approach, thus not letting the victim get pushed aside in the name of punishment.

Gender equality is founded on the principle of equality before law. There is equality before the law and equal protection of the law in Article 14, which has both a negative dimension (special privileges are not allowed) and a positive dimension (reasonable classification to ensure substantive equality). Article 15(1) prohibits discrimination based on sex and Article 15(3) allows for “special provisions” for women, which is an example of protective discrimination. These guarantees have been extended by judicial interpretation. Thus, in *E.P. Royappa v. State of Tamil Nadu*, equality and arbitrariness were sworn enemies and the Court introduced the doctrine of arbitrariness.³⁰ In *National Legal Services Authority v. Union of India*, the Court recognised transgender individuals as a third gender with equal rights under the Hindu succession, thereby challenging the patriarchal norms of inheritance in the Hindu law.³¹ In *Vineeta Sharma v. Rakesh Sharma*, the Court ruled that daughters also have equal rights to coparcenary under the Hindu law, also challenging the patriarchy of Hindu

²⁶ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex*, 1989 U. Chi. Legal F. 139, 149–57.

²⁷ Marvin E. Wolfgang, *Victim Precipitated Criminal Homicide*, 48 J. Crim. L. & Criminology 1, 5–12 (1957).

²⁸ Code of Criminal Procedure, No. 2 of 1974, § 357 (India); Bharatiya Nagarik Suraksha Sanhita, No. 23 of 2023, § 396 (India).

²⁹ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 S.C.C. 14 (India).

³⁰ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 S.C.C. 3 (India).

³¹ *National Legal Services Authority v. Union of India*, (2014) 5 S.C.C. 438 (India).

law.³²

Formal equality is crucial and so is substantive equality. The difference between formal equality and substantive equality is important in the context of gender justice where there is a need for protective discrimination (Article 15(3)) alongside the call for gender neutral laws. Feminist jurisprudence challenges formal equality because it does not recognise structural inequalities, and victimology focuses on substantive equality by prioritising the needs of the victim. Equality before the law therefore gives constitutional legitimacy to the reform which is not just neutral but also justice.³³

When combined and applied together, these frameworks demonstrate that they complement each other. Feminist jurisprudence is a critique of the bias of patriarchy and calls for structural changes. Victimology guarantees the voice and rights of the victims are at the heart of the justice process. Equality before law gives constitutional authority to eradicate discrimination and to progress towards substantive justice. The two together provide a complete basis for studying crimes committed against women on a theoretical basis. They draw attention to the fact that justice is not just punitive, but restorative, transformative and equitable, and that justice systems need to shift from being neutral to being equal, from offender-oriented to victim-oriented, and from being patriarchal to feminist.

ROLE OF PILS IN EXPANDING PROTECTIONS.

Public Interest Litigation (PIL) has been one of the most revolutionary of the innovations in the constitutional law of India, especially in the expansion of protection provided to the marginalized groups such as the women. PILs came into the picture in the late 1970s and early 1980s which changed the old paradigm of litigation by enabling individuals, social groups and non-governmental organizations to file PILs in the courts on behalf of those who were unable to do so. The extension of locus standi allowed the judiciary to play the role of a protector of “fundamental rights” particularly of vulnerable groups. In the case of women, PILs have played a pivotal role in challenging the institutionalized discrimination, harassment in the workplace, domestic violence, reproductive rights, and custodial abuse, thus fulfilling basic constitutional rights in Articles 14, 15 and 21.

The PIL movement, in India, began with judicial activism by Justices V.R. Krishna Iyer and P.N. Bhagwati who felt that the right to access the courts should not be limited to the

³² Vineeta Sharma v. Rakesh Sharma, (2020) 9 S.C.C. 1 (India).

³³ Sandra Fredman, Discrimination Law 16–34 (Oxford Univ. Press 2011).

formalities of law.³⁴ They had ushered in the concept of PIL by relaxing the procedure. This was especially important for women, who were often stifled by illiteracy, poverty and social stigma in court approaches. PIL had thus become a way to promote gender justice, which helped to implement systemic changes in gaps in the legislation or the executive.

Vishaka v. State of Rajasthan (1997) was one of the most important PILs in this regard as Bhanwari Devi, a social worker who tried to curb child marriage, was gang-raped and the case exposed the lack of legal safeguards against sexual harassment in the workplace. The Vishaka Guidelines were issued by the Supreme Court, based on the rights enshrined in Articles 14, 15 and 21 of the Constitution, as well as international conventions such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, that required preventive measures and remedies to combat sexual harassment in the workplace.³⁵ These guidelines were in force until the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 replaced them. The case is a classic example of PILs being able to fill legislative lacuna, adding to constitutional safeguards, and invoking statutory changes.

In another PIL, *Delhi Domestic Working Women's Forum v. Union of India* (1995), the Court discussed how domestic workers victims of sexual assault are in a very vulnerable position and emphasized the need for compensation, counselling and legal aid to be provided.³⁶ It was a case of moving from a victimless attitude towards victim-centered justice and it was a constitutionalizing of victimology principles. It emphasized the importance of going beyond the punishment of the offender to rehabilitation and support for the victims and survivors.

In *Laxmi v Union of India* (2013), a PIL filed by an acid attack survivor, the Supreme Court issued directions for regulating the sale of acids, established compensation schemes and stressed on medical treatment for the acid attack survivors, which resulted in the introduction of criminal acid laws in the IPC and CrPC under Sections 326A and 326B IPC.³⁷ This case is a good example of PILs directly impacting the legislative process, influencing the process of enactment. It also calls attention to the role of the judiciary in responding to new manifestations of violence against women and molding the constitutional provisions to the current reality.

PILs have also advanced reproductive rights. The Court, in *Suchita Srivastava v. Chandigarh Administration* (2009) did not consider itself to be a PIL case but did highlight

³⁴ V.R. Krishna Iyer, *Justice at Work* 45–67 (1980).

³⁵ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India).

³⁶ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 S.C.C. 14 (India).

³⁷ *Laxmi v. Union of India*, W.P. (Crl.) No. 129 of 2006 (Supreme Court of India, 2013).

reproductive autonomy as part of Article 21, which has been invoked in subsequent PILs that protested the restrictions on abortion, maternal health services and contraceptives.³⁸ Such interventions are consistent with feminist jurisprudence for the protection of reproductive rights as part of the concepts of equality and dignity.

Custodial violence against women has also been taken up by PILs. In *Sheela Barse v. State of Maharashtra* (1983), the Court responded to a journalist's petition in respect of the "custodial abuse" of women prisoners, directing the separation of women prisoners from male prisoners, appointment of female staff and providing legal aid facilities to women prisoners. This case widened the scope of protection for women in prison, so that the protection of the constitution applies to prison even.³⁹

PILs have not only resulted in individual accountability, but also institutional accountability. Governments have been ordered to implement One Stop Centers, helplines and compensation plans for victims of violence. They have called for changes in the police force; sensitization programmed and fast-track courts for sexual offences. These interventions are systemic in nature and the judiciary's proactive stance in operationalizing constitutional protection via PILs.

PIL has been pointed out to as a vehicle for a revolutionary change in the struggle for gender justice. In sum, these perspectives highlight that PILs are not only legal devices but social change devices, and that the role of PILs in agenda-setting, even if enforcement is not uniform, is evident from the empirical work of Avani Sood.

But PILs have their drawbacks. Lack of implementation is sometimes a problem that defeats judicial directions: For example, the Vishaka Guidelines were not implemented until they were codified in 2013. It is said that PILs have sometimes resulted in a violation of the separation of powers as courts have intruded into the legislative and executive functions. Accessibility is a problem, because PILs rely on active NGOs and activists; direct access may not be available for marginalized women. Backlash from conservative groups also weakens PILs favourable for progress, reflecting the society's resistance to gender equality. While these are constraints, PILS are a vital tool to augment protection, to fill the gap between ideals and reality in this Constitutional framework.

PILs are substantive equality and dignity as they are operationalized under the Constitution in articles 14, 15 and 21. They represent the notion of constitutional morality

³⁸ *Suchita Srivastava v. Chandigarh Administration*, (2009) 9 S.C.C. 1 (India).

³⁹ *Sheela Barse v. State of Maharashtra*, (1983) 2 S.C.C. 96 (India).

which puts domestic law in line with international commitments such as CEDAW. PILs have been used by courts to give new dimensions to the meaning of “life and liberty” such as dignity, bodily autonomy and workplace safety. PIL has thus changed the nature of constitutional jurisprudence by interpreting fundamental rights in a dynamic manner that is responsive to gender justice.

CONCLUSION AND SUGGESTIONS

Despite the presence of a robust law, the continuation of crimes against women in India reflects a paradox of systematic violence, under reporting, patriarchal bias, and a strong law. While the Constitution of India, under Articles 14, 15 and 21, guarantees protection from violence, as well as India having ratified various international instruments including CEDAW, the lived experience of women shows that there are gaps in the aspects of enforcement, capacity of institutions and societal acceptance. Protection has grown further due to judicial activism in PILs and landmark cases like Vishaka case vs. State of Rajasthan and the Laxmi case vs. Union of India but the problem is ensuring that this protection are implemented in practice.

The final answer that comes out is that crimes against women are not only violations of the law, they are evidence of structural inequalities. It is imperative to take a comprehensive approach that combines a legal, institutional and sociological lens to address violence, which is reinforced by patriarchy, intersectionality and institutional complicity. In the victimology perspective, the focus is on who the victim is and the need to restore dignity, compensation and rehabilitation. Feminist jurisprudence questions the patriarchy in the law and calls for changing the structure of the law. Equality is a constitutional good that can be used to eliminate discrimination and promote substantive justice. These frameworks have both pointed to the need to tackle gender inequalities as well as convict perpetrators of crimes against women.

Following this analysis, some suggestions are put forward. The first is the need to fill the gaps in the legislation. The marital rape exception in Section 63 of the Bharatiya Nyaya Sanhita should be done away with to make domestic law consistent with the constitutional morality and international obligations as it is possible for males to be victims of rape as well as for transgender persons. Provide gender neutral laws to ensure that domestic laws are in keeping with the constitutional morality and international obligations, with protection for women as may be necessary. Second, institutional mechanisms have to be reinforced. The police sensitization programmes, women police stations, and fast-track courts should be expanded and properly resourced. Issues around services to victims, such as One Stop Centres,

helplines and compensation schemes should be made available and effective. Third, judicial reforms should focus on the principle of uniform sentencing, victim-centred approach and proactive use of international instruments. Fourth, policy interventions should be attention to awareness, education and community engagement. Attitudes can change in the community through campaigns that challenge gender norms, through school curriculum that emphasizes equality, and through community-focused interventions. Sixth, comparative perspectives should be taken with great care, learn from such jurisdictions as South Africa and the UK which prioritize victim support and gender-neutral drafting, and situate reforms of the law in the socio-cultural context of India.

Last, but not least, continuous monitoring and evaluation is critical. The NCRB data, surveys from NFHS and UN reports have to be made a part of policymaking with evidence-based interventions. Civil society and NGOs should be given the authority to support and advocate at the grassroots level to complement state institutions. Media and technology need to be used wisely and responsibly, with a focus on cybercrimes and raising awareness. Finally, the protection of women's rights is not only a matter of law but also of the constitution and morals of India's democratic spirit. The movement for gender justice should be a continuous one, which looks at crimes against women in the context of human rights and constitutional morality and social transformation.

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