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VIOLENCE AGAINST WOMEN IN INDIA: A LEGAL PERSPECTIVE ON PROTECTION, PREVENTION, AND AWARENESS

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ABSTRACT

There are plethora of laws against violence, exploitation as well as discrimination against women in India. The safeguard provided to these women in the constitution by promising them equality, purity as well as in regard to some legislations such as the dowry prohibition Act, 1961; The protection against domestic violence Act, 2005 and the sexual harassment of women at workplace Act, 2013, are some of the legal provisions that the Indian legislature has given to women against the several forms of abuse that women face in both the domestic and the work sphere. Also various provisions of the Indian penal code (IPC) founded on the numbers 498A, 376, 354 and others have been updated or added to indubitate the penal retributions on crimes as rape, unkind treatment to the wife or kid, sexual harassment and acid attacks. However, even though these were progressive laws, they continue to remain an issue to be applied drastically on the ground. The main stumbling block to the successful application of the laws, is, probably, the want of general information among women as to their legal rights. Not even women are blessed with the position to receive correct information regarding the security that they are given and even worse in the case of the rural and the economically disadvantaged classes. This has resulted in a high number of unreported criminal activities, uncared victims and the perpetrators who escape the crimes. Other odds standing against legal literacy of women is illiteracy and cultural taboo, patriarchal family system and fear of backlash. The educated women may also be found in the urban areas yet there is minimum practical know how on the way they can reach the legal institutions or good use of the available remedies. This lack of correlation between the law and law awareness is a terrible setback to the success of the female-centered legislations. Therefore, the present paper tries to elucidate the relationship, which is present between the awareness about laws among women and the implementation of gender justice laws in India. Discussing doctrinal aspects of these laws accompanied by empirical data on the level of awareness of women, the paper will strive to

describe the value of conducting legal literacy programs and institutional changes which could be used to invalidate this critical gap.

KEYWORDS – Women awareness, Legal rights, Women violence, Legal framework, Domestic violence

INTRODUCTION

India has many laws to prevent violence, exploitation as well as discrimination on women. The protection guaranteed in the constitution to these women through the guarantee of equality and dignity as well as in relation to certain legislations like the dowry prohibition Act, 1961; The protection of women against domestic violence Act, 2005 and the sexual harassment of women at workplace Act, 2013, these are some of the legal provisions that the Indian legislature has provided to women against all the various forms of abuse women occur in the domestic and the work sphere. Further, different sections of the Indian penal code (IPC) including 498A, 376, 354 among others have been amended or introduced to punitive provisions on crimes as rape, unkind treatment to wife or child, sexual harassment and acid attacks. Nevertheless, in spite of being progressive, these laws still prove to be a problem to implement in a severe manner on the ground.

Probably the greatest obstacle to the successful implementation of the laws, is the general ignorance of women concerning their legal rights. Even women are not in a position to obtain proper information about the protection provided to them and this is even more true among the rural and economically marginalized communities. This has led to a lot of unreported crimes, victims without support, and criminals who get away with the crimes. Other factors militating against legal literacy of women include illiteracy and cultural taboo, patriarchal family system and fear of backlash. The women who are educated can also be found in the urban areas but still there is little practical knowledge on how they can approach the legal institutions or make good use of the available remedies.

This disconnection between the law and law awareness is a grave blow to the effectiveness of the women-focused laws. We need solid laws but the people who have access to these laws should also be enabled to use them. Thus, this paper attempts to explain the correlation existing between legal awareness of women and enforcement of gender justice legislations in India. Analysing doctrinal elements of these legislation in combination with empirical evidence on the degree of awareness of women, the study shall endeavour to explain the importance of legal literacy programs and institutional reforms that would help nullify this vital disparity.

RESEARCH PROBLEM

Although there is a substantial overall legal framework which has been established in India to prevent violence against women, namely the laws like the Protection of Women against Domestic Violence Act, 2005, Section 498A of Indian Penal Code and the provisions of the Criminal Law (Amendment) Acts, violence against women remains a common and fundamental problem. The rate of incidences in regard to acts of domestic violence, sexual assault, dowry harassment, trafficking, and cyber-crimes is an alarming measure which shows that there is a lag between law and enforcement.

Additionally, a large section of female population especially in rural and marginal societies is ignorant about their legal rights and tools by which they can be safeguarded. Women are also discouraged by lack of legal literacy, unwillingness of society to listen to or accept them, fear of punishment, and ignorance of the competence of the legal system. The lack of matching legal provisions with the actual situation on the ground casts serious doubts to the effectiveness of the laws present not only to the protection of women, but also to their empowerment.

Thus, the issue is not only in the prevalence of gender-based violence but also in the low awareness on legal opportunities and systemic barriers in the application of the protective legislation, mainly in the legislative gap between abuse and its legal protection. There is a need to examine such laws more in detail, find out at what stage they are currently in terms of implementation and whether they accomplish the purpose set, and reflect on the steps that can be taken in order to make the law more available to all women in India, so that their awareness of it would be raised.

RESEARCH OBJECTIVES

- To analyze the Indian laws and regulations with the purpose of deterring and eventual remedying of violence against women
- To examine the application of legal provisions and the judiciary and the law enforcement officer in attaining justice to the victims of gender-based abuses.

Empirical Objective:

- To determine the extent of awareness of women belonging to the selected regions of India to their rights conferred and remedy provisions established by Indian laws with reference to the laws related to violence and protection

RESEARCH HYPOTHESIS

“Lack of awareness of the legal rights and remedies of women is a major weakness that affects the effectiveness of the available legal framework in India in preventing and providing redress to the victims of violence against women and it is a major weakness that undermines law implementation and enforcement.”

RESEARCH METHODS

The study follows a mixed methodology because it is based on a combination of both research operating on the procedure of doctrinaire analysis and empirical analysis that allows obtaining a comprehensive picture of the legal system that governs the problem of violence against women in India and the awareness of women about the legal opportunity determining their rights. The doctrinal component consists of the critical discussion of the constitutional provisions, the laws listed in the hierarchy (including the short acts like the Protection of Women against Domestic Violence Act, 2005) and the interpretation of the specified laws by Indian judicial boards. Secondary sources are also used including legal commentaries, law commission reports, academic articles, publications of the NGOs to determine whether these laws are effectively the area of theory and practice and determine gaps in terms of enforcement and access to justice.

The empirical component of the study attempts to measure the awareness of women of legal rights and remedies via first hand data collection. Convenience sampling was used to select 400 women, depending on their availability and readiness. The information was gathered through a structured questionnaire aimed at finding out knowledge of the provisions of the law, awareness of mechanisms of support and obstacles to justice. It was also collected in the form of in-person interviews, phone surveys, and online forms, whichever was possible. Statistical analysis of the data was carried out through elementary statistical tools in order to find trends in legality relative to aspects like age, education and locality. This empirical study supplements the doctrinal researches as it bases the jurisprudential analysis on the life experience and the real world.

RESULTS AND DISCUSSION

Various legal framework for protection of women in India

1. The Dowry Prohibition Act 1961

The act of Dowry Prohibition, 1961 was made to suppress the social evil of dowry which in

most cases results in women harassment, cruelty or even death. The Act covers any religion and community in India and its Section 2 defines a dowry as, any property to be given or agreed to be given on account of marriage of the people.

Key Provisions:

- Section 3: A punishment is imposed both on giving and taking dowry, and it includes imprisonment not exceeding 5 years and fine of not less than 15,000 or value of dowry whichever is more.
- Section 4: Requesting dowry directly or indirectly is also an offence by which the person is punishable by imprisonment up to 2 years and a fine.
- Section 6: Compels that payment of dowry should be returned to woman after 3 months else it will be penal offense.
- Section 8B: Allows appointing Dowry Prohibition Officers in order to establish effective implementation.

This Act is aimed to save women against post-marital violence based on dowry and encourages treatment of the issue in the court by criminal proceedings.¹

2. Protection of women against domestic violence act 2005

The Protection of Women against Domestic Violence Act, 2005 (PWDVA) provides the complete legal simplification against domestic violence among women in different forms. It does not only define domestic violence as physical abuse and in that definition it adds sexual, emotional, verbal and economic abuse that in turn is quite progressive and victim-oriented legislation.

Key Provisions:

- Part 3: The broad definition of domestic violence that constitutes mental and economic abuse as well.
- Section 12: Allows an aggrieved lady to make an application in front of a Magistrate to seek some relief.
- Sections 18 to 22: Allow various kinds of relief, e.g.:
 - Orders of protection (Section 18)
 - Section 19 Residence Orders
 - Monetary Relief (Section 20)
 - Section 21- Custody Orders

¹ Government of India. (1961). *The Dowry Prohibition Act, 1961*. Ministry of Law and Justice. Retrieved from <https://indiacode.nic.in>

- Section 22: Compensation Orders
- Section 17: Secures, a women right to live within the common household regardless of ownership.
- Section 9: It supports the dogs of protection officers to help victims.

The Act is meant to offer quick civil redress along with any other criminal prosecution under some other legislation such as IPC Section 498A.²

3. The 2013 Act of Sexual Harassment of Women in the Workplace Act

The enactment of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 sought to provide adequate protection to women to work in a safe environment and also to offer redressal mechanism to consider complaints of sexual harassment within the workplace. This law considers principles established in Vishakha Guidelines (1997) issued by the Supreme Court.

Key Provisions:

- Section 2(n): This section defines sexual harassment to entail unwanted bodily contact and sexually tinted comments, exhibition of pornography, and other non-verbal as well as verbal behaviours.
- Section 4: Requires that organizations that have over 10 employees be to be subdivided into internal complaints committees (ICC).
- Section 6-7: Allows the creation of Local Complaints Committee (LCC) in the districts to deal with complaints received by the unorganized or small-scale sectors.
- Section 9: There should also be a complaint that has to be filed within 3 months of the date of the incident that is can be extended.
- Section 13: ICC is able to request disciplinary sanction, or pay monetary offence.
- Section 19: Employers have the responsibility of conducting awareness programs, submit annual reports and take other measures necessary to avoid harassment.

The act also provides procedural protection and dignity of redressal to safeguard the right of women under the constitution to work with dignity.³

4. Immoral Traffic (Prevention) Act 1956

The main statute that is specifically used to fight human trafficking especially in the fight of human trafficking with regard to commercial sexual exploitation is the Immoral Traffic

² Government of India. (2005). *Protection of Women from Domestic Violence Act, 2005*. Ministry of Law and Justice. Retrieved from <https://indiacode.nic.in>

³ Government of India. (2013). *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. Ministry of Women and Child Development. Retrieved from <https://wcd.nic.in>

(Prevention) Act, 1956 (ITPA). It not only criminalises a number of facets of trafficking, exploitation and organised prostitution but it is also an effort to preserve and remodel the victims.

Key Provisions:

- Section 3: 3 to 7 years of imprisonment is punishable in running a brothel.
- Section 4: It is a criminal matter to live off the proceeds of a prostitute.
- Section 5: Causing or procuring a woman or girl to become a prostitute is punishable with the maximum of 10 years imprisonment.
- Section 6: Keeping of woman in location during which the discussions of prostituting are conducted is penalized.
- Section 15 to 17: Give the police the authority to save victims, do medical checks, and reintegrate them with protective homes.

The Act is interested in punishing exploiters and traffickers and giving some protection and rehabilitation to women who are in prostitution as a result of force.⁴

5. Commission of Sati (Prevention) Act, 1987

The Commission of Sati (Prevention) Act, 1987 came following the outrageous scene of immolation of a young woman, Roop Kanwar in Rajasthan. The Act will not only disallow the practice of Sati, through which a widow commits self-immolation (willingly or otherwise) on the funeral of her husband, but also disallow its promotion. In this law, the practice of Sati constitutes the offence punishable by death or life imprisonment. More to the point, the Act criminalizes Sati Abetment that covers the actions of encouragement, coercion, or support. Anyone who assists or praises Sati by holding religious rites, constructions of temples or uses a Sati site as religious center is subjected to a jail term of up to seven years and a fine. It gives state the power to confiscate the property related to commission or promotion of Sati and permits preventive arrests where the government believes that an event may take place. The act became a milestone in discouraging harmful patriarchal-superstitious traditions.

- Section 3 - Attempt to suffer Sati: Any person who attempts to give or take Sati (may be voluntarily or with compulsion) will be found guilty and punishable with death sentence or by imprisonment.
- Section 4 Abetment of Sati: Punishment- With imprisonment which may extend up to 7 years and with fine, where an offence of abetment of the act of Sati is committed.

⁴ Government of India. (1956). *The Immoral Traffic (Prevention) Act, 1956*. Ministry of Home Affairs. Retrieved from <https://indiacode.nic.in>

- Section 5: Punishment to Solicit The Practice of Sati through Organizing Functions, Constructing Temples or Praising It in any form: This is a process of remedial action in case any person does it. Penalty is imprisonment not exceeding 7 years and a fine of up to 30, 000 rupees.
- Section 68: grants a power to ban glorification and take property as well as enact power to ensure that Sati does not happen by employing powers of administration.⁵

6. Indecent representation of women (prohibition) act, 1986

Indecent Representation of Women (Prohibition) Act, 1986 attempts to bar the indecent portrayal of the women subject by means of advertisements, publications, writings, paintings, figures, or, in any other ways. The Act comes under the phrase of Indecent representation which is the image of the figure of a woman, form, body indicating the possibility to corrupt or harm the morality or decency of the general population. The Act punishes those people or other organization engaged in publishing and circulating such materials. In the case of the first offence, the penalty will be imprisonment up to two years and a fine up to 2000 rupees where a higher penalty, imprisonment up to five years is imposed in case of a repeat offence and a fine up to 5000 rupees. As a case example, the Act has been applied where a commercial or product is advertised in a vulgar way or where the media is broadcasting something that objectifies women. Although it was revolutionary during the passing of the law, the law is currently being rebranded to accommodate digital and online platforms which were never part of it during the day of its enactment.

- Section 3- Prohibition of Publication: This prohibits publication or printing of materials that may contain indecent representation of women.
- Section 4 Prohibition of Distribution and Exhibition: Although it does not proscribe the preparation of such materials, it prohibits their distribution, selling, hiring, or exhibiting them to any people publicly.
- Section 6 - First Offence: punishment - imprisonment up to 2 years and fine up to 2000 rupees.
- Section 7-Penalty on Repeat Offences: Confined to a period of imprisonment up to 5 years and a fine up to 5000 rupees.⁶

7. Indian Penal Code (IPC) 306 abetment to suicide

The act of abetment by suicide is a major criminal offence as covered under Section 306 of

⁵ Government of India. (1987). *The Commission of Sati (Prevention) Act, 1987*. Ministry of Law and Justice. Retrieved from <https://indiacode.nic.in>

⁶ Government of India. (1986). *The Indecent Representation of Women (Prohibition) Act, 1986*. Ministry of Law and Justice. Retrieved from <https://indiacode.nic.in>

Indian Penal Code (IPC). According to it, whoever shall abet the commission of suicide, shall be punishable with imprisonment which may extend up to ten years and also punishable with fine. It is mostly appropriate in the case of crimes against women usually with regard to dowry harassment and domestic violence situations where the woman is compelled to commit suicide due to continued harassment or mental torture by the abuser. In order to prove the conviction under Section 306, it should be shown that and the accused enticed, abetted or abated the commission of suicide on or with the consent of the victim, and that there was direct and proximate natural and legal consequence between the action of the accused and suicide. The mental cruelty which has to be imposed should be severe and unbearable. This is one of the provisions used together with Section 498A IPC to ensure justice on women victims who are coerced mentally to commit suicide as a result of long-term domestic abuse.

- That whoever is the abettor of the person who commits suicide shall be punished with imprisonment, which may extend up to 10 years and a fine.
- The instigation and conspiracy or the intentional assistance in suicide is supposed to be proved.
- Fairly frequent in situations with domestic violence, harassment over dowry or mental tortures.⁷

8. Clauses against an Insult to Womanhood (IPC) and Eve- Teasing (IPC)

Sections 294, 354, 354A to 354D and 509 of the IPC are to protect the modesty and dignity of the woman both in public and private spheres. The section 294 makes obscene words or actions on the streets punishable and is subject to three months of imprisonment or a fine or the two. In section 354, it addresses assault or criminal force done under the intent of outrage of modesty of any woman, and this is punishable by up to five years in prison. Sexual harassment is singled out as an offence in Section 354A which includes advancement of unwanted physical contact or asking sexual favors or passing off sexually colored remarks; he/she may suffer imprisonment of up to three years. Section 354b is a criminal offence punishable by imprisonment of a minimum of three years but up to seven years and is directed at assault with intent to disrobe a lady. Part 354C which deals with voyeurism is used to punish the act of stalking or recording images of a woman in a personal act without her approval. This is written in 354D, which is the punishment of stalking, physically or in electronic communications. Finally, Part 509 imposes a sentence of imprisonment of up to one year and/or fine on every word, gesture, or act, designed to insult the modesty of a female, such as producing lewd sounds

⁷ Government of India. (1860). *Indian Penal Code (Section 306)*. Retrieved from <https://indiacode.nic.in>

or making intrusive remarks. These are the postulates of jurisprudential protection against eve-teasing, harassment in outdoors, and online exhibitions of sexual excessiveness.

- Section 294 IPC 294 Obscene acts and songs: Will be punished by imprisonment of 3 months or a fine, or both in places of an obscene act or sing of obscene words in public.
- Section 354 IPC-Assaulting woman with Intent to outrage modesty: 1 -5 years imprisonment and fine.
- Section 354A IPC- Sexual Harassment: It involves touching the body, asking sexual favors, or pornographic display; or having any sexually-loaded comments. The penalty: up to three years of imprisonment.
- Section 354B IPC - Assault with Intent to Disrobe: A minimum 3 years imprisonment (extendable up to 07 years) and fine.
- Section 354C IPC - Voyeurism: Watching or recording a woman doing a personal act. Max 3 years, minimum, 1 year in prison 1st time and 3 to 7 in prison on a repeat activity.
- Section 354D IPC - Stalking: It involves stalking a woman, or visiting her or making repeated calls to her even when she is not interested. Maximum 3 years of the first time, or 5 years of the second time.
- Section-509 IPC Word, Gesture or Act Intended to Insult the modesty of a woman: up to 1 year imprisonment, or fine, or both.⁸

9. Kidnapping or Abduction (Sections 366, 366A IPC)

In case of kidnapping, abduction, and inciting of women and minor girls with the intention of forced marriage or illicit intercourse, their cases are dealt with in section 366 and 366A IPC. Section 366 penalizes the offense of kidnapping or abduction of a woman with a view to endangering her into marriage or compelling her to enter into sexual relationship contrary to her will and/ or, subjecting her to any form of sexual abuse, and stipulates the punishment thereof as up to 10 years of imprisonment and fine. Section 366A covers the same but is more specific in covering the procurement of a girl under the age of 18 years through any means whatsoever with a view to have illicit intercourse and imposes a similar punishment. These are the essential measures to solve human trafficking and kidnapping, mainly when it comes to kidnapping minor children and vulnerable women.

- Section 366 IPC - Kidnapping, abducting or inducing woman to compel her marriage:
In case of a person guilty of kidnapping or abducting the woman with an intention to

⁸ Government of India. (1860). *Indian Penal Code (Sections 294, 354, 354A-D, 509)*. Retrieved from <https://indiacode.nic.in>

cause her marriage forcefully or an illicit intercourse, the maximum punishment is 10 years imprisonment and fine.

- Section 366A IPC - Procurement of minor girl: Any person who causes a girl under 18 to leave any place with an aim of illicit interaction may get a lifetime prison of up to 10 years with a fine.⁹

10. Rape (Sections 376, 376A to 376E IPC)

The offence of rape and its varied forms fall under Section 376 IPC, and Sections 376A to 376E IPC taken together. The punishment as given in a rape is the minimum of 10 years of rigorous imprisonment extendable to lifetime and with fine which is given in section 376. Section 376A handles the situations where the rape causes death of the victim or the victim becomes a vegetative itself where 20 years to life imprisonment or death sentence is prescribed. Part 376B to 376D deal with rape by separated husband, rape by persons in authority, and gang rape respectively with strict punishment of 5 years to life punishment. Repeat offenders are given a life imprisonment or death, as seen in section 376E. These are sections that promote harsher judgment in case of heinous sexual crimes and a deterrent.

- Section 376 IPC- Rape-Imprisonment of either description for term of at least 10 years up to life imprisonment as well as fine with circumstances.
- Section 376A IPC: Causing death or persistent vegetative state of the victim during rape: – On conviction, the offender faces rigorous imprisonment of not less than 20 years and up to life or facing capital punishment.
- Section 376B IPC - Husband intercourse with wife during separation- 2 to 7 years, and fine.
- Section 376 C IPC Sexual intercourse by a person in authority (eg: public servant, hospital worker, etc): 5 to 10 years imprisonment ad fine.
- Section 376D IPC 20 years to life imprisonment as well as fine which includes compensation amount to the victim in case of gang rape.
- Section 376E IPC- Repeat offenders: Imprisonment for life or death sentence incase of people found guilty under 376, 376A and 376D earlier.¹⁰

11. Section 498A IPC Inhumanity by Spouse or Family Members

The scope of Section 498A IPC is to safeguard the married ladies against brutality at the hands of her husband or his kin. Persecution of such nature by this section involves physical or mental

⁹ Government of India. (1860). *Indian Penal Code (Sections 366, 366A)*. Retrieved from <https://indiacode.nic.in>

¹⁰ Government of India. (1860). *Indian Penal Code (Sections 376, 376A-E)*. Retrieved from <https://indiacode.nic.in>

harassment which can result in suicide or serious bodily harm and this can specifically be connected with dowry demand. The seriousness of domestic abuse is expressed by the fact that this offense is cognizable, non-bailable, and non-compoundable. The penalty consists in the imprisonment until 3 years and the fine. This is something that has been often used in instances of dowry harassment and domestic violence so this can be considered as one of the foundations of protecting married women through the law.

Section 498A IPC Cruelty by husband or relatives: Where any man commits any wilful act that is likely to cause an injury with the intention of causing the woman to commit suicide or to cause women, grievous bodily harm, or even dowry harassment, the man is considered as being cruel and is subjected to up to 3 years imprisonment and a penalty fine. This clause is cognizable, non bailable and non compoundable.¹¹

12. Acid Attacks (Sections 326A and 326B IPC)

The acid attacks result in physical and psychological devastating damages on female survivors which is irreversible hence, sections 326A and 326B IPC are enacted consequently. Section 326A makes it an offence to voluntarily cause grievous hurt by using acid where the intention is to maim or disable and minimum five year imprisonment is required and could also extend upto life imprisonment in addition to fine that should cover medical expenses of the victim. The section 326B deals with an attempt of throwing or administering acid, with a punishment of 5 to 7 years as well as fine. These additions followed the rise of cases of acid attacks and a subsequent upsurge of civic criticism demanding the implementation of stricter measures of deterrence and support of victims.

- Section 326A IPC -Grievous hurt by use of acid: In case of throwing acid that causes permanent injuries and deformities, the convicted will be summoned to the minimum 10 years to life imprisonment with fine (the fine must meet the medical expenses).
- Sect 326B IPC: Attempt to throw or administer acid: The offence comes under section 326B of the Indian Penal Code and is punishable by 5 to 7 years and with a fine.¹²

13. Marriages, during lifetime, in fraud of provisions of law (Sections 494, 495, 496 IPC)

The offences relating to fraudulent or illegal marriages are covered under the following IPC sections 494, 495 and 496 IPC. Under section 494, remarrying under the lifetime of one of the spouses without divorcing will be criminalized with the two options of either imprisonment up to 7 years or a fine. Criminal code section 495 promotes a maximum prison term of 10 years in case of concealment of a prior marriage to the partner of towed marriage. The 496 section

¹¹ Government of India. (1860). *Indian Penal Code (Section 498A)*. Retrieved from <https://indiacode.nic.in>

¹² Government of India. (1860). *Indian Penal Code (Sections 326A, 326B)*. Retrieved from <https://indiacode.nic.in>

addresses the issue of using fake marriage ceremonies without undergoing legal marriage and this involves a jail sentence of not more than 7 years or a fine. The sections will serve to guard the women rights and dignity of those who are misled into illegal or bigamous affairs.

- Section 494 IPC -Marrying again during life time of spouse: Up to 7 years imprisonment and fine.
- Section 495 IPC -Concealment of former marriage: In case the individual conceals the information regarding the previous marriage to the new spouse, then the penalty is imprisonment without exceeding 10 years and fine.
- Section 496 IPC - Fraudulent celebration of marriages without lawful marriage: It is punishable with up to 7 years of imprisonment with or without a fine.¹³

14. Chain snatching and Stealing (379, 392 IPC)

The chapter 379 and 392 IPC includes theft and robbery such as chain snatching which is usually a street crime that targets women. Section 379 and Section 392 which deals with robbery with force or threat impose an imprisonment term of up to 3 years or a fine or both and maximum 10 years of imprisonment or a fine or both in certain circumstances such as robbery on highway. Chain snatching is usually a form of physical confrontation and women wearing jewelry in the streets become victims. Such provisions guarantee a legal redress and chastisement to such offences.

- Section 379 IPC- theft: punishable by imprisonment of up to 3 years or fine or both.
- Section 392 IPC - Robbery (which includes chain snatching done violently or with the threat): punishable with the rigorous imprisonment up to 10 years and fine: And can be extended to 14 years in some specific cases such as highway robbery.¹⁴

Crimes that are involved in Prenatal Diagnostics and Unborn Child (Sections 313 to 316, 318 IPC)

The crimes that involve forced miscarriage, abortion without consent and the decease of the unborn children are provided in sections 313, 314, 315, 316 and 318 IPC. Section 313 prescribes life imprisonment or not exceeding 10 years in prison, or pay of a fine upon inducing miscarriage without consent of the woman. The act of causing the death of the woman in the attempt of the miscarriage with or without her consents lie in section 314. The Section, 315 criminalizes the act that was aimed at the prevention of a child born alive or killing of the child after birth. Where the cause of death of an unborn child is act resulting to culpable homicide,

¹³ Government of India. (1860). *Indian Penal Code (Sections 494, 495, 496)*. Retrieved from <https://indiacode.nic.in>

¹⁴ Government of India. (1860). *Indian Penal Code (Sections 379, 392)*. Retrieved from <https://indiacode.nic.in>

Section 316 will apply. Section 318 is a punishment on concealment of birth through secret disposal of the dead body of a child. These measures safeguard the unborn children and pregnant women, especially when it comes to unsafe or illegal termination and foeticide based on gender.

- Section 313 IPC Causing abortion without wife knowledge: The offence is punishable by life imprisonment, or less than ten years imprisonment or imprisonment and fines.
- Section 314 IPC Death caused by act done with intent to cause miscarriage: 314. Section 314 IPC - In case of such act without consent - life imprisonment or up to 10 years and in case of such act with consent - up to 10 years.
- Section 315 IPC Act done with intent to prevent child born alive, or to cause death after birth: Up to 10 years imprisonment or fine or both.
- In section 316 IPC, Death of an unborn child by act constituting culpable homicide: Maximum of 10 years of imprisonment and fine.
- Section 318 IPC -Concealment of birth by secretly disposing dead body: This is punishable by imprisonment up to 2 years, or fine or with both.¹⁵

Landmark cases on women issues in India

Section 366, 366A IPC- Kidnapping or Abduction

Shyam and Anr. v. State of Maharashtra, AIR 1995 SC 2169¹⁶

Here, the offenders were taken to court under the Section 366 since kidnapping a woman and forcing her to marry was done. According to the Supreme Court, when a girl happened to go with the accused with the consent of the accused, it will not be sufficient to justify the accused in case she happens to be less than 18 years or in case she is to be forcibly or to be seduced to have illicit intercourse or illicit marriage. The Court again made it clear that intent on abduction that would lead to conviction was dependent on the intent behind the abduction according to Section 366. The case explained the difference between voluntary elopement and abduction which was done with criminal intent.

Rape and aggravated Rape, 376, 376A 376E IPC

Mukesh & Anr. v. State (NCT of Delhi), (2017) 6 SCC 1 -Nirbhaya Case¹⁷

The notorious Delhi gang rape case also resulted in the comprehensive changes of law in India. The accused was found guilty and sentenced under Sections 376D (gang rape) and 376A (rape causing death) and Section 376(2) (g) IPC. The apex court sentenced him to death penalty

¹⁵ Government of India. (1860). *Indian Penal Code (Sections 313–318)*. Retrieved from <https://indiacode.nic.in>

¹⁶ Shyam v. State of Maharashtra, A.I.R. 1995 S.C. 2169 (India).

¹⁷ Mukesh v. State (NCT of Delhi), (2017) 6 S.C.C. 1 (India).

because the atrocity of the crime was outrageous to the conscience of the nation. The direct result of this case was the Criminal Law (Amendment) Act, 2013, that punished more harshly, broadened the definition of rape and created new crimes such as stalking and voyeurism.

IPC Section 498A IPC - Husband and relative cruelty

Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273¹⁸

Here, the Supreme Court took up the issue of abusing Section 498A IPC. The Court had the observation that although the law was to keep away wives or women against cruelty, this law had turned into harassing husbands and in-laws by arresting them arbitrarily. The verdict advised laws that curbed blind arrests and instructed police personnel to adhere to the strict letters of Section 41 CrPC. This case is important because it had struck the right balance between protecting women and preventing the abuse of criminal law.

Section 326 A, 326B IPC- Acid Attack

Laxmi v. Union of India, (2014) 4 SCC 427¹⁹

This landmark PIL by acid attack survivor Laxmi received directions by the Supreme Court to control the acid sale and rehabilitation and compensation of victims. Court cited the shortcomings of existing legal provision and asked the government to change the laws and take proper care of its subjects through maintenance of proper medical and psychological counselling as well as by compensating adequate amount of money. The case resulted in the insertion of the Section 326A and 326B into the IPC under criminal law (Amendment) Act, 2013.

The offenses covered by Section 494 496 IPC involve bigamy and fraudulent marriage.

Judgment Sarla Mudgal v. Union of India, (1995) 3 SCC 635²⁰

This judgement is of much importance, in which the Supreme Court ruled that a Hindu male who out of his own will over marriage, converts to Islam to perform a second marriage without annulling the first one would be committing the offence of bigamy under the Section 494 of the IPC. The Court held that an episode of change of religion cannot be turned into a tool to avoid the law. It was a case that necessitated the development of a Uniform Civil Code, as well as dealt with matters of legal pluralism in the jurisdiction of marriage.

Sec 379, IPC 392- Theft and Chain Snatching

State of Maharashtra v. Chandraprakash Kewalchand Jain AIR 1990 SC 658²¹

As it is mostly known by its judgment on the issue of rape, this case is also referred to when

¹⁸ Arnesh Kumar v. State of Bihar, (2014) 8 S.C.C. 273 (India).

¹⁹ Laxmi v. Union of India, (2014) 4 S.C.C. 427 (India).

²⁰ Sarla Mudgal v. Union of India, (1995) 3 S.C.C. 635 (India).

²¹ State of Maharashtra v. Chandraprakash Kewalchand Jain, A.I.R. 1990 S.C. 658 (India).

there is chain snatching and theft involving element of intent and physical application of force. When threat or use of force is involved, the Court fulfilled chain snatching as a kind of robbery. Though the chain snatching cases usually go on lower courts, the judgment just made it clear that there is a difference between simple theft (Section 379) and the robbery (Section 392) when it is used with a sudden force.

Section 313-318 IPC- Certain crimes against Unborn Child and Forced Abortion

Suchita Srivastava v. Chandigarh Administration, (2009) 9 SCC 1²²

Although this was not a direct offence under the section 313-316 cases, the case revolved around the reproductive rights as well as the right of self-determination by a mentally retarded woman to carry her own pregnancy. The right of the woman in choosing a reproductive option was highlighted by the Supreme Court thus indirectly strengthening the significance of giving out consent in cases of abortion.

In yet another case there is Ravindra Kumar v. The Court in State of Chhattisgarh (2012)²³ affirmed that abortion when conducted without the consent of the woman constitutes a serious intrusion of bodily integrity and affirmed conviction under Section 313 IPC.

Besides influencing the implementation of particular sections of IPC, these landmark verdicts shaped legislative changes as well as judicial sensitivity towards women rights and safety in India.

Empirical Analysis

Extent of awareness of women belonging to the selected regions of India to their rights conferred

Table 1 - Descriptive statistics for knowledge on Women Laws among women

N=400		
Descriptive Statistics	Mean	Std. Deviation
The Dowry Prohibition Act, 1961	1.06	.233
Protection of Women from Domestic Violence Act, 2005	1.13	.341
Protection of Women against Sexual Harassment at Workplace Act, 2013	1.10	.294
The Immoral Traffic (Prevention) Act, 1956	1.13	.341

²² Suchita Srivastava v. Chandigarh Admin., (2009) 9 S.C.C. 1 (India).

²³ **Ravindra Kumar v. State of Chhattisgarh**, (2012) 3 S.C.C. (Civ.) 481 (India).

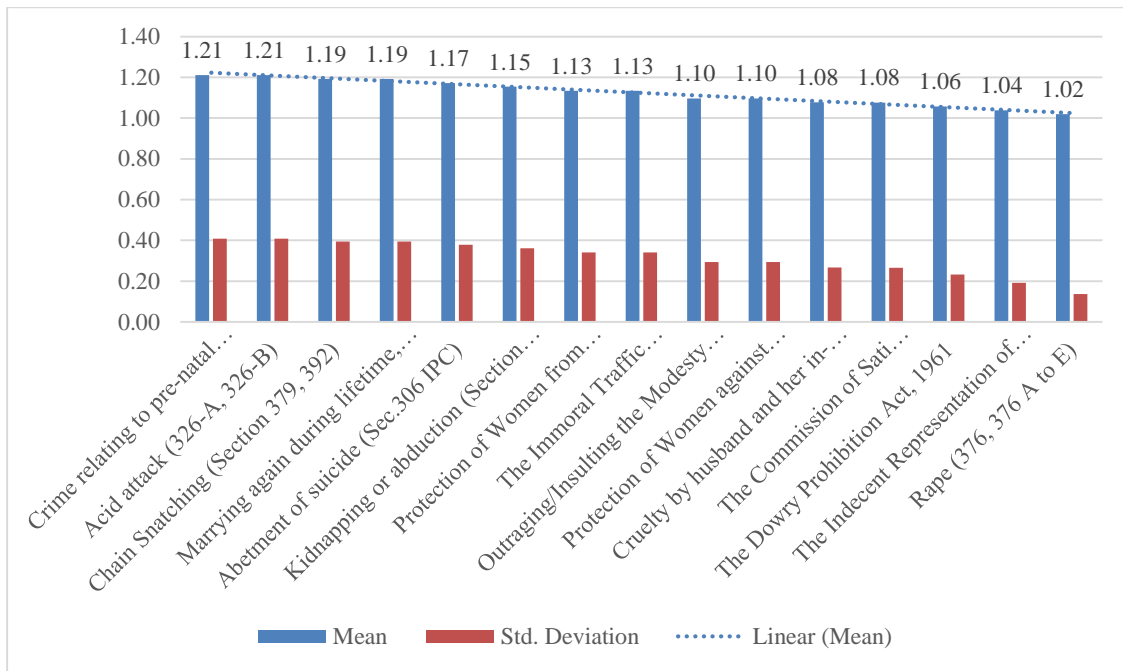
The Commission of Sati (Prevention) Act, 1987	1.08	.266
The Indecent Representation of Women (Prohibition) Act,1986	1.04	.192
Abetment of suicide (Sec.306 IPC)	1.17	.378
Outraging/Insulting the Modesty of Women/Eve Teasing(Section 294, 354, 354 A to D, 509)	1.10	.294
Kidnapping or abduction (Section 366, 366 A)	1.15	.361
Rape (376, 376 A to E)	1.02	.137
Cruelty by husband and her in-laws (498-A)	1.08	.268
Acid attack (326-A, 326-B)	1.21	.408
Marrying again during lifetime, Fraudulent Marriage (Section 494, 495, 496)	1.19	.394
Chain Snatching (Section 379, 392)	1.19	.394
Crime relating to pre-natal diagnosing test and killing unborn child (Sec.313, 314, 315, 316,318)	1.21	.409

Source: Field Survey 2025

Knowledge of Law items were administered to the women with a 3 point scale 1= No knowledge and 3= Full knowledge. The mean scores for all knowledge on women law items is below 1.5 and standard deviation below 0.500 indicates that the women under the study have No knowledge or very less knowledge of the women laws prevailing in the country.

Legal empowerment for women would provide them with the fortitude to overcome life's challenges and attain justice for crimes committed against them. However, in India, most educated and employed women lack legal knowledge, that is, they are unaware of the existence of most of the women-centric laws that have been enacted to protect them, their provisions, and the means of recourse to these laws. Even if they are aware, many avoid obtaining legal assistance because they are afraid of court processes due to the delayed justice delivery system, the existence of levels of appealing machinery, the expenses involved, and the absence of family support. However, given the current environment of growing violence against women, it is critical and necessary for them to obtain legal knowledge. Many young women would not waste their lives by committing suicide, leaving their children motherless and extending agony to their loved ones if Indian women had legal awareness and used it to defend themselves from abusive relationships and crimes against them.

Chart 1 - Descriptive statistics for knowledge on Women Law



Source: Field Survey 2025

The knowledge of Women in respect to women law is meagre, It is disheartening to see that the women are not having knowledge related to Protection of Women against laws. Sexual Harassment at Workplace Act, 2013, Cruelty by husband and her in-laws (498-A),The Dowry Prohibition Act, 1961, The Indecent Representation of Women (Prohibition) Act,1986 and Rape (376, 376 A to E) which are the most important laws are not known by the women.

Although a very strong legal framework that is trying to provide protection to women is in place in India, i.e. starting with the Dowry Prohibition Act, 1961 to the Protection of Women against Domestic Violence Act, 2005, awareness of the legal rights of women remains rather sketchy. This ignorance is high especially in the rural and semi-urban where little effort is put in reaching out educational and information-wise. Consequently, most women are either oblivious of the exact protection they are owed by the law or they lack discernment of how they could get a redress via the legal system. It has also been demonstrated that women tend to not report any of the above, whether abuse, dowry harassment or workplace harassment even when they are subjected to it because women are not aware of the harm done to them and do not want to deal with any stigmatization (Nigam, 2005)²⁴.

Such a low rate of awareness directly discourages the enforcement of the protective laws. Acts

²⁴ Nigam, S. (2005). *Understanding justice delivery system from the perspective of women victims of domestic violence in India*. New Delhi: Centre for Women’s Development Studies (CWDS).

like section 498 A of Indian penal code (which punishes inhuman behaviours by the husbands and in-laws) or protection of women against sexual harassment at workplace act, 2013 can only work when the victims actively correspond and report against the perpetrators. Nonetheless, women tend to be quiet or confused because of poor legal literacy. More so, they are even worsened by the weak nature of the institutions therein, including overworked Protection Officers or ill-trained police officials, leading to laws that are on paper yet weak in real life (Srivastava & Bedi, 2020)²⁵.

Raising awareness of the women regarding their legal rights is thus required to bring the promise of gender justice into practice. Legal literacy campaigns, particularly the grassroots ones that are addressed in schools, self-help groups, and online platforms can be quite revolutionary. Also, commercial media, non-profit organisations, and state institutions should cooperate in order to ensure lawful knowledge is recognisable, distinguishable, and realisable. The studies repeatedly demonstrate that with knowledge about their rights, women become more likely to report the abuses, demand legal assistance, and demonstrate resistance to injustices, thus, increasing the efficiency of the legal framework in the real world (Bhalotra & Chakravarty, 2021)²⁶.

CONCLUSION

Though India has comprehensive laws to protect rights and dignity of women, the desired effect of the legislation has barely been realized possibly because, there is tremendous ignorance on the part of the very women whom the legislation is meant to protect. There are good legislations like the Dowry Prohibition Act, the Protection of Women against Domestic Violence Act, and sections of the Indian Penal Code dealing with rape offense, and acid attack, and cruelty at home which also provide effective legal solutions. But to most women, especially in rural and marginalized sections of society, the existence of such laws is farfetched and mostly unrealised as far as protection and empowerment of the women goes since legal literacy is as low as it is socially acceptable.

The study makes it obvious that awareness is a very important channel between the presence and the apprehension of a law. Even the most advanced acts are futile when women are neither informed about their rights or about the procedures to go through in enforcing them.

²⁵ Srivastava, R., & Bedi, A. (2020). Legal awareness among women: A study of rural Haryana. *Journal of Human Rights and Social Work*, 5(3), 200–211. <https://doi.org/10.1007/s41134-020-00133-x>

²⁶ Bhalotra, S., & Chakravarty, A. (2021). Women's empowerment and legal reform in India. *International Social Science Journal*, 71(239), 55–70. <https://doi.org/10.1111/issj.12550>

Furthermore, stigma that exists in the society, fear of being punished and insecurity towards law apparatus also serves to deter women against filing lawsuits. This has formed a vicious cycle; in which silence has legitimized impunity, and impunity has disenfranchised victims. Narratives and empirical evidence explore that by enhancing legal literacy, one is bound to have more women reporting, improved community assistance, and involvement in the justice delivery system.

In an effort to fill this divide, legal reforms should be supplemented with vigorous sensitization at every field- schools, community centers, media platforms and workplaces. Legal knowledge should also be made much more accessible and actionable by policymakers, educators, non-governmental organizations and legal institutions. The Indian legal system can do justice and offer protection to women, only when they are educated and empowered by competent institutions. Therefore, gender awareness empowerment of women is not only legally required but morally and constitutionally required, in terms of creating an equal society.

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