



CRIMES AGAINST WOMEN IN INDIA: LEGAL FRAMEWORK, CASE LAW, AND CONTEMPORARY TRENDS

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ABSTRACT

Crimes against women in India remain a pressing socio-legal issue despite progressive legislation and increased awareness. This paper explores the multifaceted dimensions of violence and discrimination faced by women, including domestic violence, sexual harassment, rape, dowry-related offenses, acid attacks, and cybercrime. Crimes against women in India continue to pose a significant threat to gender equality and societal development. Despite a robust constitutional and legislative framework, incidents such as domestic violence, sexual harassment, rape, acid attacks, and trafficking remain alarmingly prevalent. This paper critically examines the legal mechanisms in place to address these crimes, focusing on key statutes including The Indian Penal Code, 1860 (Sections 354, 354A-D, 376, 498A, 509)¹ The Protection of Women from Domestic Violence Act, 2005,² The Dowry Prohibition Act, 1961,³ and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.⁴ It also analyses landmark judicial pronouncements such as Vishaka v. State of Rajasthan (1997),⁵ which laid the groundwork for workplace harassment laws; Mukesh & Anr v. State for NCT of Delhi (Nirbhaya case, 2017),⁶ which led to substantial amendments in criminal law; and Joseph Shine v. Union of India (2018),⁷ which decriminalized adultery, reinforcing women's autonomy and dignity. The study explores contemporary trends using National Crime Records Bureau (NCRB) data and evaluates the societal and institutional barriers that hinder the effective implementation of these laws. Additionally, the paper discusses contemporary trends such as the #MeToo movement, digital threats, and the role of

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¹ The Indian Penal Code, 1860, sections 354, 354A-D, 376, 498A, 509.

² The Protection of Women from Domestic Violence Act, 2005.

³ The Dowry Prohibition Act, 1961.

⁴ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

⁵ Vishaka v. State of Rajasthan (1997) AIR SC 3011.

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

⁷ Joseph Shine v. Union of India (2019) 3 SCC 39.

media and civil society in shaping public discourse and policy. By evaluating achievements and gaps in the legal system, this study underscores the need for holistic reforms and robust implementation to ensure safety, dignity, and justice for women in India.

Keywords: Harassment, Rape, Modesty, Cruelty, Custody.

INTRODUCTION

Crimes against women in India encompass a broad spectrum, including domestic violence, sexual assault, dowry-related offences, and workplace harassment. Despite legislative measures and judicial interventions, these crimes remain prevalent, necessitating continuous evaluation and reform. Crimes against women in India remain a critical social and legal concern, reflecting deep-rooted gender inequalities and systemic issues in law enforcement and societal attitudes. From domestic violence and sexual harassment to human trafficking and acid attacks, the spectrum of crimes is both broad and complex. Over the years, India has developed a comprehensive legal framework aimed at protecting women and ensuring justice, including key legislations like the Indian Penal Code (IPC), The Protection of Women from Domestic Violence Act, 2005, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Landmark judgments by Indian courts have further shaped the interpretation and implementation of these laws. However, despite these efforts, the prevalence of such crimes and the challenges in securing timely justice highlight the need to assess legal responses and examine contemporary trends continually. This paper explores the legal framework, significant case law, and evolving trends to provide a holistic understanding of how India addresses crimes against women.

LEGAL FRAMEWORK

India's legal system addresses crimes against women through various statutes:

Indian Penal Code (IPC) -

Section 498A: Addresses cruelty by husband or relatives: Section 498A⁸ was introduced in the year 1983 to protect married women from being subjected to cruelty by their husbands or their relatives. Section 84 of Bhartiya Nyaya Sanhita, 2023 (BNS)⁹ deals with the same

⁸ The Indian Penal Code (1860), sec 498A.

⁹ Bhartiya Nyaya Sanhita, 2023.

provision. It states that if the husband or the relative of the husband of a woman subjects such woman to cruelty, the husband or the relative will be punished with imprisonment for a term which might extend to 3 years and may also be liable for a fine.

For this section, “cruelty” means, any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. The offence under this section is cognizable and non-bailable.

The complaint under Section 498-A may be filed by the woman aggrieved by the offence or by any person related to her by blood, marriage, or adoption. And if there is no such relative, then by any public servant as may be notified by the State Government on this behalf. A complaint alleging commission of an offence under Section 498-A can be filed within 3 years of the alleged incident. However, Section 473 Criminal Procedure Code, 1973 (CrPC) enables the Court to take cognisance of an offence after the period of limitation if it is satisfied that it is necessary to do so in the interest of justice.

Section 376:¹⁰ The Criminal Law (Amendment) Act, 2018,¹¹ significantly revised Section 376 of the Indian Penal Code (IPC), which deals with rape. The amendments increased the minimum punishment for rape, particularly for offenses against minors, and introduced new sections to address specific situations like gang rape and rape of a minor.

Section 354:¹² Section 354 of the Indian Penal Code (IPC) is defined as “Whoever assaults or uses criminal force to any woman, intending to outrage her or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, with a fine, or with both.”

Section 509:¹³ Section 509 of the Indian Penal Code (IPC) criminalises acts intended to insult a woman's modesty. This includes uttering words, making sounds or gestures, exhibiting

¹⁰ Indian Penal Code (1860), sec 376.

¹¹ Criminal Law (Amendment) Act, 2018.

¹² Indian Penal Code (1860), sec 354.

¹³ Indian Penal Code (1860) sec 509.

objects, or intruding on a woman's privacy, all with the intent to cause her to feel insulted. The punishment for such acts can be imprisonment for up to three years and a fine.

Protection of Women from Domestic Violence Act, 2005:¹⁴ The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is an Indian law that offers swift civil remedies to women facing abuse within domestic relationships, whether physical, sexual, verbal, emotional, or economic, without making them enter the slower criminal process. It empowers any woman in a domestic relationship (including wives, live-in partners, mothers, sisters, or widows) to seek protection orders, residence rights, monetary relief, custody of children, and compensation through a simplified procedure before a Magistrate. The Act mandates the appointment of protection officers and service providers to assist survivors, ensures residence in the shared household cannot be denied, and operates alongside, rather than replacing, criminal provisions like Section 498A of the IPC. Thereby giving victims immediate, court-enforceable civil relief while preserving the option to pursue criminal action.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, often called the “POSH Act”, translates the Supreme Court’s 1997 Vishaka Guidelines into a binding statute. It requires every employer, public or private, to provide a safe working environment and explicitly defines sexual harassment, covering unwelcome physical contact, sexually coloured remarks, displays of pornography, and any other conduct of a sexual nature that creates a hostile work atmosphere. Workplaces must display the Act’s provisions, frame an internal policy against harassment, and constitute an Internal Complaints Committee (ICC) at each office with ten or more employees, chaired by a senior woman and including an external member experienced in women’s rights.

The Act sets out a victim-friendly, time-bound redressal process. Aggrieved women can complain to the ICC within three months of an incident (extendable for another three months), with safeguards for confidentiality and protection against retaliation. The ICC is empowered to investigate, recommend interim relief (like transfer or leave), and, after an inquiry, propose disciplinary action or monetary compensation from the harasser. Employers face civil penalties for non-compliance, and repeated default can lead to cancellation of licences. By mandating

¹⁴ Dr J N Barowalia & Abhishek Barowalia - Commentary on The Protection of Women from Domestic Violence Act - <https://www.lexisnexis.in/blogs/protection-of-women-from-domestic-violence-act-2005/> 9 Sept 2024.

preventive training, periodic reporting, and accountability mechanisms, the POSH Act aims not only to punish misconduct but to foster an inclusive, respectful workplace culture across India.

Protection of Children from Sexual Offences (POCSO) Act, 2012: The Protection of Children from Sexual Offences (POCSO) Act, 2012, establishes a comprehensive, gender-neutral framework to protect individuals below 18 from sexual assault, harassment, and pornography. It classifies offences (penetrative sexual assault, aggravated forms by persons in positions of trust, non-penetrative assault, sexual harassment, and use of children for pornographic purposes) and mandates special child-friendly courts, in-camera trials, and assistance of support persons. FIRs can be lodged at any police station, statements recorded at a place of the child's choice, and medical examinations conducted in the presence of a trusted adult. Mandatory reporting (§19) makes failure to inform authorities a punishable offence, underscoring society's duty of vigilance.

Judicial interpretation has strengthened and clarified the Act's reach. In *State v. Satish* (2020)¹⁵, the Bombay High Court's controversial "skin-to-skin" acquittal was swiftly overturned by the Supreme Court in *Attorney General v. Satish* (2021)¹⁶, which held that direct physical contact is not required for a POCSO offence, reaffirming a broad, protective reading. *Alakh Alok Srivastava v. Union of India* (2018)¹⁷ compelled states to set up exclusive POCSO courts and fast-track pending cases, while *Kamlesh Vaswani v. Union of India* (2013)¹⁸ spurred action against online child pornography under the Act. These rulings ensure POCSO remains a dynamic shield, adapting to evolving forms of exploitation and emphasising expeditious, victim-centric justice.

Criminal Law (Amendment) Act, 2013: The Criminal Law (Amendment) Act, 2013 was enacted in response to the nationwide outrage following the 2012 Delhi gang rape case, also known as the Nirbhaya case. This landmark case involved the brutal gang rape and fatal assault of a 23-year-old woman on a moving bus in Delhi, sparking protests across the country and bringing urgent attention to the inadequacy of existing laws on sexual violence. The incident led to the formation of the Justice Verma Committee, which proposed significant legal reforms to enhance the protection of women and ensure swifter justice. The Amendment Act broadened

¹⁵ *State of U.P v. Satish* (2005) 3 SCC 114.

¹⁶ *Attorney General for India v. Satish and Another*, (2021)10 SCC 1.

¹⁷ *Alakh Alok Srivastava v. Union of India* (2018)17 SCC 291.

¹⁸ *Kamlesh Vaswani v. Union of India* (2013) 6 SCC 705.

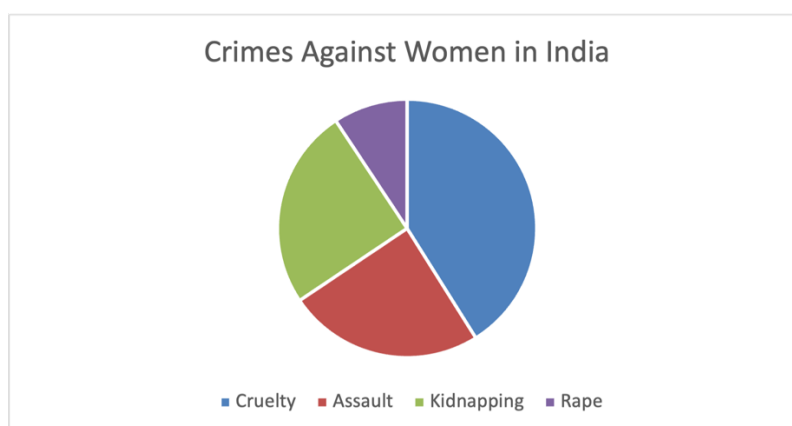
the definition of rape, included new offenses such as stalking, voyeurism, and acid attacks, and increased penalties for existing crimes, including the provision of the death penalty in extreme cases of rape.

Following the 2013 amendment, several cases tested the scope and application of the new provisions. For instance, the 2013 Mumbai Shakti Mills gang rape case saw multiple accused sentenced under the revised law, including life imprisonment for repeat offenders, as permitted by the amendment. The case demonstrated the judiciary's increased responsiveness to the enhanced legal provisions and the deterrent effect intended by the law. Another significant case was *Lillu @ Rajesh & Anr v. State of Haryana* (2013),¹⁹ where the Supreme Court held that the "two-finger test" on rape victims violates their privacy and dignity, aligning with the principles promoted by the 2013 amendment. These cases highlighted both the legal and cultural shifts occurring in the aftermath of the Nirbhaya tragedy and underscored the importance of victim-centric justice.

STATISTICAL OVERVIEW

According to the National Crime Records Bureau (NCRB):

1. In 2022, India recorded 45,256 cases of crimes against women, a 4% increase from the previous year.
2. Cruelty by husband or relatives constituted 31.4% of these cases.
3. Assault with intent to outrage modesty: 18.7%.
4. Kidnapping and abduction: 19.2%.
5. Rape cases: 7.1%.



¹⁹ *Lillu @ Rajesh & Anr v. State of Haryana* (2013) 14 SCC 643.

The crime rate per 100,000 women rose to 66.4 in 2022 from 64.5 in 2021.

State-wise data:²⁰

1. Uttar Pradesh: 65,743 cases.
2. Maharashtra: 45,331 cases.
3. Rajasthan: 45,058 cases.

In Mumbai, 2024 saw a 12.8% increase in crimes against women compared to 2023. Notably, child sex abuse cases under the POCSO Act rose by 21%, with 1,341 cases reported, including 609 rapes and 677 molestations.

The Highest Crime Rate State in India: Uttar Pradesh (UP) has the highest crime rate in India in 2024. As of 2022, UP's crime rate was 171.6%, which is much lower than the national average of 258.1%. However, according to NCRB data, UP has a significant crime rate, with reported incidents reaching 753,675. Other states with high crime rates include Maharashtra, Gujarat, Madhya Pradesh, Tamil Nadu, Kerala, Bihar, and Delhi.

Lowest Crime Rate State in India: As of 2021, Nagaland had the lowest crime rate in India. In 2022, NCRB data showed that Uttar Pradesh's crime rate was 171.6%, which is lower than the national average of 258.1%. In 2021, Delhi had the highest crime rate in India, while D&N Haveli and Daman & Diu had the lowest. In 2016, Delhi had the highest cognizable crime rate of 160.4 per 100,000 people.

LANDMARK JUDGMENTS

Mathura Rape Case (1972):²¹ A young tribal girl, Mathura, was raped by policemen in custody. The Supreme Court's acquittal of the accused led to public outcry, resulting in the Criminal Law Amendment Act, 1983, which introduced significant changes to rape laws.

The Mathura Rape Case of 1972 involved the custodial rape of a young tribal girl named Mathura by two police officers in a police station in Maharashtra. Despite clear evidence and her testimony, the Supreme Court acquitted the accused in 1979, citing "consent" due to lack of resistance. This verdict sparked nationwide outrage and protests by women's rights activists,

²⁰ Ministry of Home Affairs, *Crimes Against Women*, <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2024-pdfs/LS06082024/2412.pdf> 6th August, 2024.

²¹ *Tukaram and Anr vs. State of Maharashtra* (1979) 2 SCC 143.

who argued that the judgment ignored power dynamics and the reality of custodial rape. The case led to a landmark movement for legal reform in India, culminating in the Criminal Law Amendment Act of 1983, which introduced changes in laws related to rape, especially custodial rape, and shifted the burden of proof in such cases.

Vishaka v. State of Rajasthan (1997): The Vishaka v. State of Rajasthan (1997) case was a landmark judgment by the Supreme Court of India that laid down guidelines to address sexual harassment of women at the workplace. The case arose after the brutal gang rape of Bhanwari Devi, a social worker in Rajasthan who was targeted for trying to prevent a child marriage. In the absence of specific legislation, the court invoked international conventions, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and established the "Vishaka Guidelines" to ensure a safe working environment for women. These guidelines mandated preventive steps, a complaint mechanism, and disciplinary actions, serving as binding law until the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act in 2013. Following the gang rape of social worker Bhanwari Devi, the Supreme Court laid down the Vishaka Guidelines to address sexual harassment at the workplace, leading to the enactment of the 2013 Act.

Bilkis Bano Case (2002):²² The Bilkis Bano case is a harrowing instance of communal violence and justice in India, stemming from the 2002 Gujarat riots. Bilkis Bano, a 21-year-old pregnant Muslim woman, was gang-raped, and 14 members of her family, including her 3-year-old daughter, were brutally murdered by a mob. Initially, the case was mishandled by local authorities, but after intervention by the National Human Rights Commission and the Supreme Court, it was transferred to Mumbai for a fair trial. In 2008, a special court convicted 11 men for rape and murder. However, in 2022, the early release of these convicts under a remission policy sparked national and international outrage, leading to widespread criticism over justice, women's safety, and the use of remission in cases of heinous crimes. During the Gujarat riots, Bilkis Bano was gang-raped, and several family members were killed. The Supreme Court awarded her ₹50 lakh compensation, a government job, and housing, emphasising the state's responsibility in protecting citizens.

2012 Delhi Gang Rape: The 2012 Delhi gang rape, also known as the Nirbhaya case, involved the brutal gang rape and fatal assault of a 23-year-old physiotherapy intern on a moving bus in

²² Bilkis Yakub Rasool v Union of India 2024 INSC 24.

Delhi on December 16, 2012. She was attacked by six individuals, including a juvenile, and later died from her injuries in a Singapore hospital, sparking nationwide protests and global outrage. The case highlighted deep-rooted issues of gender-based violence in India and led to the formation of the Justice Verma Committee, which recommended significant legal reforms. As a result, the Criminal Law (Amendment) Act, 2013 was enacted, strengthening laws against sexual offences. Four adult convicts were eventually executed in 2020, while the juvenile was released after serving the maximum sentence permissible under juvenile law. A brutal gang rape on a moving bus led to nationwide protests. The incident prompted the Criminal Law (Amendment) Act, 2013, which introduced stricter penalties for sexual offences.

Shakti Mills Gang Rape (2013):²³ The Shakti Mills gang rape case occurred in Mumbai in 2013, when a 22-year-old photojournalist was gang-raped by five men while on an assignment at the abandoned Shakti Mills compound. The crime drew comparisons to the 2012 Delhi gang rape and sparked national outrage over women's safety in urban spaces. The case led to a swift investigation and trial, resulting in the conviction of the accused. Three of them, who were repeat offenders in a similar earlier rape case, became the first in India to be sentenced to death under the newly introduced Section 376E of the Indian Penal Code, which allows for the death penalty for repeat rape offenders. The case emphasised the urgent need for stricter enforcement of laws and better protection for women in public and professional settings. A photojournalist was gang-raped in Mumbai's Shakti Mills compound. The court awarded life sentences to the accused, highlighting the severity of repeat offences.

RECENT DEVELOPMENTS

Pollachi Sexual Assault Case:²⁴ The Pollachi sexual assault case, which came to light in 2019 in Tamil Nadu,²⁵ involved a criminal network of young men who lured, sexually harassed, and blackmailed multiple women, often recording videos of the assaults to extort victims. The case erupted when a college student reported an incident, leading to the uncovering of a larger racket involving over 50 victims. Allegations of political connections and police mishandling led to public outrage and demands for justice. The case was eventually transferred to the Central Bureau of Investigation (CBI), and charges were filed under various sections, including sexual

²³ Shakti Mills Gang Rape (2013) SC 914.

²⁴ Thomas, Wilson (2025-05-12). "Pollachi sexual assault case and trial | Explained", The Hindu, retrieved 2025-05-14.

²⁵ Azeefa Fathima, Nandini Chandrashekar (13 May 2025), "Pollachi Sexual Assault Case Verdict", The News Minute, retrieved 13 May 2025.

assault, criminal intimidation, and cybercrime. The incident highlighted the dangers of digital blackmail and the need for stronger mechanisms to protect women from sexual exploitation and ensure swift justice. Between 2013 and 2019, a gang in Pollachi, Tamil Nadu, sexually assaulted multiple women, recording videos to blackmail them. In May 2025, all nine accused were sentenced to life imprisonment until death, and the Tamil Nadu government was directed to provide ₹85 lakh in compensation to eight survivors.

Conviction Based on Child Testimony:²⁶ Eleven years after the murder of Shagufta Khan in Mumbai, Arvind Gupta was sentenced to life imprisonment in May 2025, primarily based on the testimony of Khan's 13-year-old daughter, Riya. Conviction based on child testimony is legally permissible and has been upheld in various judicial decisions, provided the child's testimony is found to be credible, consistent, and given without coercion. Indian courts, including the Supreme Court, have emphasised that a child is a competent witness under Section 118 of the Indian Evidence Act²⁷ as long as they can understand and answer questions rationally. While courts exercise caution and often seek corroboration, they have ruled that if the child's testimony is trustworthy and inspires confidence, it can form the sole basis for conviction. This principle is especially significant in cases of sexual abuse or assault, where the child victim may be the only direct witness to the crime.

Denial of Bail in POCSO Case: In May 2025, the Calcutta High Court denied bail to a blind school principal accused of raping a minor in 2010, emphasizing the gravity of the offense and the survivor's clear implication of the accused. Denial of bail in POCSO (Protection of Children from Sexual Offences) cases is guided by the seriousness of the offence, the possibility of tampering with evidence or influencing the victim, and the need to ensure the safety of the child. Courts generally adopt a cautious approach due to the sensitive nature of such offences. In *State of Maharashtra v. Vikram Anantrai Doshi* (2014),²⁸ the Supreme Court emphasised that bail should not be granted if there is a reasonable apprehension of tampering with evidence. Similarly, in *Satish Ragde v. State of Maharashtra* (2021),²⁹ the Apex Court criticised leniency in granting bail under POCSO, reinforcing that such cases require strict scrutiny. Thus, courts

²⁶ Arjun Mehta Published on 25 Feb 2025, <https://www.legalbites.in/bharatiya-Sakshya-adhiniyam/legal-scrutiny-of-child-witness-testimony-in-india-1115613>.

²⁷ Indian Evidence Act (1872), sec 118.

²⁸ *State of Maharashtra v. Vikram Anantrai Doshi* (2014) 15 SCC 29.

²⁹ *Satish Ragde v. State of Maharashtra* (2021) Criminal Appeal No. 161 of 2020.

often deny bail if the allegations are grave, and the release of the accused may hinder a fair trial or endanger the victim's well-being.

CONCLUSION

Despite the existence of a comprehensive legal framework in India aimed at protecting women from violence and discrimination, crimes against women continue to pose a serious challenge to society and the justice system. Laws such as the Protection of Women from Domestic Violence Act, the Sexual Harassment of Women at Workplace Act, and the stringent amendments to the Indian Penal Code (IPC) regarding rape and sexual assault demonstrate India's commitment to addressing these issues. However, the effectiveness of these laws often hinges on their implementation, awareness among victims, and the sensitivity of the judiciary and law enforcement agencies. While legal reforms have been significant, gaps remain in prevention, victim support, and societal attitudes that perpetuate gender-based violence.

Judicial intervention through landmark case laws such as *Vishaka v. State of Rajasthan*, the Mathura rape case, and the 2012 Delhi gang rape verdict have been instrumental in shaping public discourse and strengthening legal safeguards. These cases not only spotlighted the urgent need for protective measures but also led to policy changes that have improved the reporting, investigation, and prosecution of crimes against women. The judiciary has increasingly adopted a victim-centric approach, recognising the complexities involved in such cases and emphasising the importance of timely justice. However, challenges such as victim intimidation, social stigma, and delays in the justice delivery system continue to undermine the pursuit of effective redressal.

Contemporary trends show both progress and emerging concerns. Awareness campaigns, women's helplines, fast-track courts, and digital reporting platforms have made reporting crimes more accessible. Yet, the rise in cybercrimes, stalking, and online harassment reveals new dimensions of violence that demand updated legal tools and vigilant enforcement.

New dimensions of violence that demand updated legal tools and vigilant enforcement. Moreover, intersecting factors such as caste, class, and rural-urban divides influence the vulnerability of women and their access to justice. This underscores the need for a holistic approach that integrates legal reforms with societal change, education, and empowerment initiatives to create safer environments for women across India.

In conclusion, while India has made commendable strides in strengthening its legal framework and judicial response to crimes against women, much remains to be done. The journey towards a society free from gender-based violence requires continued vigilance, robust law enforcement, and a shift in societal attitudes that challenge patriarchal norms. Empowering women through education, economic independence, and community support, along with strict enforcement of laws, can pave the way for meaningful change. Ultimately, protecting women's rights and dignity is not only a legal imperative but a crucial step towards building an equitable and just society.