



BREAKING THE SILENCE: EVALUATING LEGAL FRAMEWORKS ON VIOLENCE AGAINST WOMEN IN PUBLIC SPACES

Kartisha Vaishnavi*

ABSTRACT

Public spaces are intended to be accessible to everyone, allowing for unrestricted movement, expression, and participation. Nevertheless, for numerous women, these areas frequently represent threats, harassment, and violence. This paper aims to analyse the legal frameworks designed to combat violence against women in public spaces in India, highlighting both their positive aspects and the significant shortcomings that persist. By incorporating real-life stories, legal case analyses, and evaluations of policies, this research strives to humanise the statistics, placing personal experiences at the forefront of legal analysis. Despite advancing legislation and increasing public consciousness, the anxiety surrounding harassment continues to influence how and when women utilise public areas. By examining laws such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013¹, pertinent sections of the Indian Penal Code, and urban safety programs, this paper evaluates whether the existing legal framework genuinely provides protection or simply responds after damage has been inflicted. The paper also considers the obstacles encountered in reporting and prosecuting such violence, such as societal stigma, insufficient law enforcement reactions, and a lack of safety infrastructure. Ultimately, it contends that legal reforms must be paired with cultural transformation, gender-sensitive governance, and inclusive urban design. Only in this way can we start to reclaim public spaces—not just through legal means, but in a meaningful way—for all women.

Keywords: Public Spaces, Violence against Women, Socio-Cultural, Societal Stigma, Gender Sensitive Governance.

*BBA LLB (HONS.), FOURTH YEAR, IILM UNIVERSITY, GURUGRAM, HARYANA.

¹ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

INTRODUCTION

For numerous women, moving through public areas involves more than just arriving at a location. It is a routine negotiation of safety, respect, and personal autonomy. From subtle glances to overt harassment and even physical violence, aggression towards women in public areas is widespread and profoundly accepted. What's even more concerning is the quiet that envelops it—a quiet stemming from fear, shame, societal apathy, and systemic breakdown. Women learn to adjust instead of oppose: to change their attire, to steer clear of specific locations at particular times, to move quickly, to remain vigilant, and crucially, to keep silent. This quietness, however, does not imply agreement. It signifies a broader systemic issue that requires immediate legal and social remedies.² Public areas—streets, parks, markets, public transport—should ideally serve as inclusive venues that encourage equitable participation and interaction. Yet, for numerous women, they signify areas of isolation and susceptibility. The actual layout of our cities, along with insufficient infrastructure and weak enforcement of legal safeguards, exacerbates the issue.

Although movements such as #MeToo³ and Pinjra Tod⁴ have initiated important discussions regarding gender-based violence, the topic of safety in public areas continues to be overlooked in legal and policy discussions. India's legal measures against violence targeting women have changed notably, particularly following the 2012 Delhi gang rape incident, which acted as a nationwide wake-up call. Laws such as the Criminal Law (Amendment) Act, 2013, imposed harsher penalties and expanded the definitions of sexual violence. Additional initiatives, like the Nirbhaya Fund⁵, helplines for women, and safety applications, demonstrate a growing emphasis on the matter. Nonetheless, these actions are frequently disjointed, reactionary, and significantly dependent on women's capacity to report and manoeuvre through a complicated justice system that is often unhelpful or daunting. This study aims to critically assess the legal structures designed to prevent and address violence against women in public areas within India. It examines how laws from the Indian Penal

² 'Safe and healthy working environments free from violence and harassment' (International Labour Organisation, 2020)
<www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_protect/@protrav/@safework/documents/publication/wcms_751832.pdf> accessed 21 June 2025

³ 'What is me too movement' (Global Fund For Women)
<<https://www.globalfundforwomen.org/movements/me-too/>> accessed 21 June 2025

⁴ 'Pinjra Tod: A contemporary feminist movement' (The ArmChair Journal)
<<https://armchairjournal.com/pinjra-tod-a-contemporary-feminist-movement/>> accessed 21 June 2025

⁵ 'Nirbhaya Scheme' (Ministry of Women and Child Development, Aug 6 2021)
<<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1743231>> accessed 21 June 2025

Code, the Sexual Harassment at Workplace Act, urban planning initiatives, and local governance systems overlap—or do not overlap—in tackling the daily realities of fear and insecurity. It additionally explores the tangible obstacles to justice, including underreporting, gender-blind law enforcement, and insufficient public awareness. This paper seeks to address the silence regarding violence in public spaces by focusing on real-life experiences and integrating legal analysis with socio-cultural perspectives. The aim is not just to evaluate the legal system but to promote a more comprehensive, preventive, and compassionate approach—one that allows women to navigate safely, without apprehension, and with respect. Reclaiming public areas is more than a legal struggle; it is a move toward true equality.

UNDERSTANDING VIOLENCE IN PUBLIC SPACES

Violence against women in public settings includes various behaviours that endanger women's safety, dignity, and independence outside their homes. Unlike domestic violence, this type of gender-based violence takes place in open or shared spaces, like streets, parks, markets, public transportation, and even in online public forums. It comprises, but is not limited to, actions such as street harassment (catcalling, inappropriate comments, unsolicited advances), molestation (unwanted physical contact), stalking (both in-person and online), indecent exposure, groping, and threats of sexual violence.⁶ While these acts may differ in visibility and perceived gravity, they share a common element: they foster an environment of fear and control, compromising women's right to freely access and inhabit public areas.⁷

The effects of such violence reach far beyond just the physical act or the immediate aftermath. It shapes how women engage with freedom, mobility, and their role in society. Numerous women alter their daily habits—steering clear of specific locations, choosing certain types of clothing, and reducing their outdoor activities after dark—not out of preference but out of necessity. The ongoing requirement to remain alert takes a toll on mental well-being, often leading to anxiety, hyperawareness, depression, and an enduring feeling of vulnerability. For working women, students, and individuals from already disadvantaged groups, the repercussions are even more significant, restricting access to

⁶ Violence Against Women & Girls, Resource Guide (World Bank Guide), <https://www.worldbank.org/en/programs/violence-against-women-and-girls/terminology> accessed 22 June, 2025

⁷ Women girls and gender diverse peoples safety in public space (Mayor of London, Good Growth by Design) <https://www.london.gov.uk/sites/default/files/2024-09/Safety-Women-Girls-and-Gender-Diverse-People-Phase-II.pdf> accessed 22 June 2025

education, job opportunities, and fundamental civic participation.⁸ Cultural and societal standards frequently trivialise or normalise such violence, framing it as a minor issue or suggesting that women should simply “put up with it.” Expressions like “boys will be boys” or the insinuation that women provoke harassment through their looks or actions shift the focus from the offenders to the victims. This culture of blaming victims is deeply ingrained in societal attitudes, media representations, and even within legal systems. Consequently, numerous women are reluctant to report these events, fearing disbelief, stigma, or potential retaliation. Additionally, the absence of widespread public condemnation and legal repercussions has allowed such behaviours to continue unabated. To truly grasp violence in public spaces, we must go beyond viewing it as isolated events and acknowledge the systemic and structural elements that enable them. It is not just an issue of law enforcement, but rather a deeply rooted gendered reality that intersects with factors like class, caste, religion, and socio-economic background. A comprehensive approach should confront these norms, dismantle the silence surrounding public-space violence, and transform both legal and societal frameworks to foster genuinely inclusive, safe spaces for everyone.

INDIAN LEGAL FRAMEWORK ON VIOLENCE IN PUBLIC SPACES

India’s legal system addressing violence against women in public areas has undergone considerable development, particularly in reaction to public demand following notable incidents. Although there are multiple laws designed to address different facets of this violence, shortcomings in enforcement, scope, and implementation continue to diminish their effectiveness.⁹ This section examines the significant legislative measures, crucial amendments, and the involvement of law enforcement in combating violence against women in public spaces.

Bharatiya Nyaya Sanhita, 2023 (BNS): It replaces the Indian Penal Code (IPC), maintains the criminalisation of offences such as sexual harassment, assault to outrage modesty (Section 74)¹⁰, voyeurism (Section 76)¹¹, stalking (Section 77)¹², and disrobing (Section

⁸ Lara Fergus, Prevention of violence against women and girls EGM/PVAWG/2012/BP.1, 4-8, 13-18 (Sep 20, 2021)

⁹ ‘Addressing Women’s Safety in India’ (Dhristi IAS, Aug 21 2024) <<https://www.drishtiias.com/daily-updates/daily-news-editorials/addressing-women-s-safety-in-india>> accessed 24 June 2025

¹⁰ The Bharatiya Nyaya Sanhita, 2023, s 74

¹¹ The Bharatiya Nyaya Sanhita, 2023, s 76

¹² The Bharatiya Nyaya Sanhita, 2023, s 77

75)¹³. These provisions serve as the foundation for legal options available to women who encounter violence in public settings. Nevertheless, their effectiveness is frequently compromised by underreporting, lack of awareness, and societal stigma. Additionally, the judicial process is often prolonged and distressing, discouraging victims from seeking justice¹⁴.

The Protection of Women from Sexual Harassment at Workplace Act, 2013: It represented a crucial advancement in combating gender-based violence within professional settings. Although it requires the establishment of Internal Complaints Committees and specifies redressal processes, its applicability is confined to workplace environments. Consequently, it fails to offer protection to women working in informal sectors or to incidents occurring during travel, on-site work, or other atypical workplaces—thereby excluding a significant number of women, particularly from marginalised and unorganised sectors, from its protections.¹⁵¹⁶

The Criminal Law (Amendment) Act, 2013: It was enacted following the 2012 Delhi gang rape, was a landmark development in India's legal framework addressing gender-based violence. This amendment expanded the definitions of rape, introduced new crimes such as acid attacks and stalking, and strengthened penalties for sexual assault. Additionally, it established provisions for fast-track courts and victim compensation programs. Nevertheless, despite these reforms, many provisions are not effectively utilised because of insufficient police sensitivity and procedural delays. While the amendment is a progressive step, it still largely focuses on a reactive approach instead of implementing preventive measures that ensure safety in public spaces.¹⁷

¹³ The Bhartiya Nyaya Sanhita, 2023, s 75

¹⁴ Offences Relating to Criminal Force and Assault Against Woman (DrishtiJudiciary, Oct 22 2024) <<https://www.drishtijudiciary.com/to-the-point/bharatiya-nyaya-sanhita-&-indian-penal-code/offences-relating-to-criminal-force-and-assault-against-woman>> accessed 23 June 2025

¹⁵ Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (SH Act, 2013), Department of Women and Child Development Government of NCT of Delhi

¹⁶ Nishith Desai, 'Prevention of Sexual Harassment at the Workplace (POSH) India Legal & HR Considerations' (Associates Legal and Tax Counseling Worldwide, December 2023) <https://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Prevention_of_Sexual_Harassment_at_Workplace.pdf> accessed 23 June 2025

¹⁷ The Criminal Law (Amendment) Act (Drishti Judiciary, Jan.14 2025), <<https://www.drishtijudiciary.com/to-the-point/bharatiya-nyaya-sanhita-&-indian-penal-code/the-criminal-law-amendment-act-2013>> accessed 24 June 2025

Recent Judicial Decisions –

Lalita Kumari v. Government of Uttar Pradesh (2014):¹⁸ In this case, the Supreme Court mandated that FIRs must be registered in cases of cognisable offences, which has affected victims of violence in public spaces. In *Shehla Zia v. State of Jammu and Kashmir* (2020), the High Court stressed the state's responsibility to ensure the safety of women in public institutions. Likewise, courts have increasingly underscored the necessity for police reforms—from training in gender sensitivity to initiatives in community policing—to foster trust and responsiveness. However, obstacles such as victim-blaming, inadequate evidence collection and a shortage of female officers persist, hindering effective law enforcement.

GAPS AND CHALLENGES IN THE EXISTING LEGAL FRAMEWORKS

Although India has strengthened its legal frameworks to combat violence against women in public spaces over time, the actual implementation still falls short. One significant concern is the disconnection between legal provisions and their enforcement. Laws that are legislated often do not lead to practical action due to inadequate infrastructure, lack of accountability, and an overloaded justice system. Even when incidents are reported, delays in procedures and unempathetic treatment discourage survivors from seeking justice. Underreporting poses a significant issue. Numerous women, particularly those from marginalised groups, prefer silence over legal action due to a profound distrust in law enforcement. The fear of stigma, retaliation, or being dismissed by police often overshadows the possibility of achieving justice. Interactions with law enforcement are frequently characterised by indifference, scepticism, or outright victim-blaming, which further silences women who already feel unsafe in public environments.¹⁹

There is also a lack of clarity in the law regarding public versus private spaces, complicating protective measures. For instance, a woman experiencing harassment while commuting or during work travel might not be fully covered by workplace laws, yet she may also not receive adequate protection from criminal laws. These ambiguous zones often leave survivors without explicit legal options. Moreover, the absence of gender sensitivity in both policing and the judicial system exacerbates existing power disparities. From the moment of filing a

¹⁸ *Lalita Kumari v. Government of Uttar Pradesh* AIR 2014 SC 187

¹⁹ Social Justice Prev Next Persistent Issue of Violence Against Women in India (Drishti IAS, August 20 2024), <<https://www.drishtias.com/daily-updates/daily-news-analysis/persistent-issue-of-violence-against-women-in-india>> accessed 25 June 2025

First Information Report (FIR) to giving testimony in court, survivors often encounter institutional attitudes that undermine their credibility instead of bolstering their bravery. Without immediate reforms in training, awareness, and accountability, the prospect of justice will continue to be elusive for many women, particularly those who are already marginalised.²⁰

POLICY AND LEGAL RECOMMENDATIONS

To create genuinely safe public spaces for women, it's essential to move beyond disconnected reforms and adopt a comprehensive, intersectional, and inclusive strategy. Although current laws provide important protections, they do not fully address the wide range of challenges women encounter in public spaces. There is a need to rethink our legal and policy frameworks with a sense of urgency and compassion.²¹ A compelling argument exists for implementing an all-encompassing Public Space Safety Law that tackles violence against women in communal areas, such as streets, markets, parks, and public transportation. This legislation should not only focus on punitive actions but also emphasise prevention, protection, and support. It must clearly outline offences in public areas, guarantee accessible reporting mechanisms, and establish victim support systems that are non-threatening and sensitive to trauma.²² Moreover, it is crucial to enforce mandatory gender-sensitivity training for police and public officials. Law enforcement personnel are often the first point of contact for victims, and their attitudes can either empower or deter a woman seeking assistance. Ongoing training should emphasise empathy, legal knowledge, and handling cases with respect, particularly when the survivor is from a marginalised group facing multiple layers of bias.²³ Enhancing infrastructure is also essential to combat violence. Brightly lit streets, functional CCTV systems, clean and secure public restrooms, and safe public transportation can greatly lessen the chances of harassment and violence. These initiatives should be inclusive, considering the needs of women from diverse socio-economic backgrounds and

²⁰ Women's Safety in India: Initiatives and Challenges (Sleepy Classes IAS, April 7 2025)

<<https://sleepyclasses.com/womens-safety-in-india/>> accessed 25 June 2025

²¹ Anita Guerrero, Nicaragua, Ten harmful beliefs that perpetuate violence against women and girls' (OXFAM International, The future is equal) <<https://www.oxfam.org/en/ten-harmful-beliefs-perpetuate-violence-against-women-and-girls>> accessed 25 June 2025

²² Kanika Bansal and Aishwarya Bali, 'Empowering Women: Enhancing Urban Safety in Modern Cities' (National Institute of Urban Affairs, Feb 10 2025) <<https://niu.in/blogs/empowering-women-enhancing-urban-safety-modern-cities>> accessed 26 June 2025

²³ Gender Sensitisation In Police: The Need For HRD Interventions' (Bureau of Police Research and Development Ministry of Home Affairs Govt. of India, December 13 2016) <bprd.nic.in/uploads/pdf/01%20Gender%20Sensitisation%20In%20Police%20The%20Need%20For%20HRD%20Interventions.pdf> accessed 26 June 2025

varying physical abilities. Additionally, the government must support community-driven safety initiatives like women's patrol groups, citizen oversight programs, and local safety assessments. When communities actively participate in fostering safe environments, there is a greater sense of shared responsibility and renewed trust in the system.²⁴ Lastly, sustainable change can only be achieved through education and awareness campaigns that work to dismantle cultural norms that condone violence. Concepts of gender equality, consent, and respectful behaviour should be integrated into school curricula, media programming, and workplace standards. Public campaigns should also confront victim-blaming perspectives and advocate for bystander intervention. Together, these suggestions not only address legal deficiencies but also confront the culture of silence, transform societal attitudes, and create a safer, more equitable public environment for all women, particularly those who are frequently marginalised.²⁵

CONCLUSION

Violence against women in public areas is not an isolated phenomenon; it represents deeply entrenched gender disparities and a culture that has historically favoured silence over accountability. For numerous women, simply navigating a street or using public transportation becomes a calculated gamble, influenced by fear and self-restraint. This paper has sought to shatter that silence by exploring existing laws, the ongoing gaps, and the crucial need for reforms that are both compassionate and effective. Though legal changes like the Criminal Law (Amendment) Act of 2013 and the recent updates under the Bharatiya Nyaya Sanhita signify progress, they frequently do not reach the most at-risk populations, particularly women from marginalised groups who endure multiple forms of discrimination. The shortcoming lies not merely in the process of law creation, but also in how these laws are enforced, the attitudes surrounding them, and the accessibility for those affected. A woman's right to safety must not hinge upon her geographic location, the time of day, or her attire. It should be guaranteed unconditionally and universally. Genuine transformation will necessitate more than enhanced legislation; it requires a cultural evolution. It calls for the reimagining of public spaces to be inclusive, gender-sensitive, and secure. This entails

²⁴ Rachael Eisenberg, Nick Wilson, Improving Public Safety Through Better Accountability and Prevention (American Progress, May 16, 2024) <<https://www.americanprogress.org/article/improving-public-safety-through-better-accountability-and-prevention/>> accessed 27 June 2025

²⁵ Gender-based discrimination and women in conflict with the law (United Nations Office on Drugs and Crime) <<https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-9/key-issues/1--gender-based-discrimination-and-women-in-conflict-with-the-law.html>> accessed 27 June 2025

empowering women to voice their concerns, supporting them when they do, and ensuring that systems are held accountable when they fail to protect. From police reform to grassroots action, education to urban planning, every participant has a role in reclaiming public areas for women. In conclusion, challenging the silence is not solely about shedding light on the violence; it's about amplifying the call for justice, dignity, and equality. Because every woman deserves not only to occupy public spaces but also to belong, thrive, and live free from fear.