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## WOMEN'S SAFETY AND CRIMINAL JUSTICE REFORMS IN INDIA

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### ABSTRACT

The safety of women in India is a flaming case, which evidences a vast range of socio-cultural, economic and structural issues. Even with the progressive legislations and policy actions, almost all the crimes against women, including domestic violence, sexual harassment, rape, trafficking, and cyber exploitation, remain common. This paper will examine how complicated the problem of women safety is and how criminal justice reforms can be utilized to eradicate the issue. It covers the constitutional right, the statutory law and the specialized law namely, the Criminal Law (Amendment) Act, 2013, the Protection of Women against Domestic Violence Act, 2005 and Sexual harassment of Women at Workplace Act, 2013. The paper also addresses the institutional procedures, including gender-sensitive policing, Fast-track courts, victim support systems and technology intervention like safety apps and e-governance. Although these steps are some milestone achievements, there are still some challenges in law enforcement, trial delays, poor conviction rates, social beliefs, and under-reporting. The study outlines the loopholes in execution, social obstacles, and new challenges such as cybercrimes. Therefore, this study highlights that there is a need to have a comprehensive strategy that integrates the effective law, effective enforcement, awareness, and social transformation in order to provide women with security and justice in India. Enhancing the criminal justice system and also encouraging the community to be more involved is essential in protecting the rights of women in order to create a just and fair society.

*Keywords: Women's Safety, Criminal Justice Reforms, Gender-Based Violence, Domestic Violence, Sexual Harassment, Cybercrimes, Workplace Harassment, Fast-Track Courts, Victim Protection*

### BACKGROUND

The best data on crimes committed against women in India is found in governmental documents, mostly of the National Crime Records Bureau (NCRB) of the Ministry of Home Affairs. The annual reports of the NCRB are entitled Crime in India and contain the cases registered by the police under Indian Penal Code, 1860 (IPC) and Special and Local Laws (SLL) which provide an insight into the trends, rates and type of crimes. Statistics until 2023 indicate the continuing increase in the number of reported crimes against women, but observers indicate this could be due to increased reporting rather than just an increase in

reported cases. The surveys conducted by the government as complementary surveys such as National Family Health Survey (NFHS-5, 201921) show underreporting (32% of ever-married women reported experiencing physical, sexual, or emotional violence, which is much higher than NCRB data).<sup>1</sup>

Meanwhile, 2023 saw major changes in criminal justice with the Government of India passing new acts to improve women protection and improve the process of delivering justice. These reforms overlap with women safety by adding more severe penalties, consolidated corpus, and efficiency in the process. The statistics of the NCRB show that the number of reported cases has been constantly increasing during the period between 2018 and 2023, with national figures increasing by 3,78,277 in 2018 to 4,48,211 in 2023. This is a typical growth rate of 4-5 per year in recent years, although 2022-2023 has been insignificant at 0.7. The rate of crime per lakh female population in the country has been within the range of 66 with the highest at 66.4 in 2022 and a slightly lower of 66.2 in 2023 (as computed on a mid-year projected female population of about 677 million in 2023).<sup>2</sup> This represents an approximate amount of 51 cases per hour in the entire country. Nevertheless, there is low conviction (IPC and SLL 2332% and high pendency in courts (crimes against women more than 90%). Chargesheeting improved marginally to 77.6% in 2023 from 75.8% in 2022.<sup>3</sup>

<b>Year</b>	<b>Total Reported Cases</b>	<b>% Change from Previous Year</b>	<b>Crime Rate (Per Lakh Female Population)</b>	<b>Major Contributing Factors</b>
2018	3,78,277	-	58.8	Baseline post-Nirbhaya reforms; underreporting prevalent.

<sup>1</sup> Ambika Pandit, ‘Cruelty by Husband’: Crimes Against Women Up Marginally in 2023 — NCRB Report, *Times of India* (Oct. 1, 2022), <https://timesofindia.indiatimes.com/india/cruelty-by-husband-crimes-against-women-up-marginally-in-2023-ncrb-report/articleshow/124245044.cms> (last visited Dec. 08, 2023).

<sup>2</sup> “India records close 4.5 lakh crimes against women in 2023: NCRB report, *The Economic Times*, <https://economictimes.indiatimes.com/news/india/india-records-close-4-5-lakh-crimes-against-women-in-2023-ncrb-report/articleshow/124230733.cms?from=mdr> (last visited Dec. 08, 2023).

<sup>3</sup> *Id.*

2020	3,71,503	-1.8% (from 2019 est.)	56.5	Dip due to COVID-19 lockdowns reducing reporting/access.
2021	4,28,278	+15.3%	64.5	Surge post-lockdown; increased domestic violence.
2022	4,45,256	+4.0%	66.4	Continued rise; higher awareness and police registration.
2023	4,48,211	+0.7%	66.2	Marginal increase; focus on cruelty and abduction cases.

The 2020’s dip was attributed to pandemic restrictions, while post-2020 increases may stem from economic strain, reverse migration, and heightened household tensions. NFHS-5 data complements this, showing 6.1% of women reporting sexual violence, highlighting that NCRB captures only formal reports.

#### *Major Categories of Crimes (2022–2023)*

Crimes are dominated by domestic and interpersonal violence. In 2023, “cruelty by husband or relatives” (IPC Section 498A) accounted for 29.8% of cases (1,33,000), down slightly from 31.4% in 2022 (1,40,019).

Other key categories<sup>4</sup>:

- Kidnapping and abduction: 20% in 2023 (88,000 cases); 19.2% in 2022 (85,310).
- Assault with intent to outrage modesty (IPC Section 354): 19% in 2023 (83,800); 18.7% in 2022 (83,344).

<sup>4</sup> Tanvi Saxena, *Crimes Against Women in India: Trends, Challenges, and Policy Responses*, SPRF, <https://sprf.in/crimes-against-women-in-india-trends-challenges-and-policy-responses/> (last visited Dec. 08, 2023).

- Rape (IPC Section 376): 7.1% in both years (31,516 in 2022; ~32,000 in 2023).
- POCSO Act cases (involving girls): 14.8% in 2023 (66,200); embedded in 2022 data with 26,1761 total girl victim cases under SLL.
- Dowry deaths: ~6,450 in 2022; similar trends in 2023.
- Cybercrimes against women: 6,095 in 2022; rising with digital harassment.
- Murder with rape/ gang rape: 230 cases in 2023 (down from 248 in 2022), with Uttar Pradesh leading at 33 cases.

Workplace sexual harassment rose from 402 cases in 2018 to 422 in 2022, per NCRB.<sup>5</sup>

#### *State-Wise Variations*

Regional disparities are stark, with northern and central states often showing higher rates. Absolute cases are highest in populous states, but rates (per lakh) better indicate risk.<sup>6</sup>

State/ UT	Total Cases (2023)	Crime Rate (Per Lakh, 2023)	Key Notes
Uttar Pradesh	66,381	58.6 (2022 est.; 2023 similar)	Highest absolute; cruelty and kidnapping dominant.
Maharashtra	47,101	76.8	High rape cases (7,677 in 2022).
Rajasthan	45,450	114.8	Highest rape reports (over 5,000); gang rape hotspots.
West Bengal	34,738	71.3	Significant cruelty cases.
Madhya Pradesh	32,342	78.8 (2022)	High murder with rape (29 cases).

<sup>5</sup> *Supra* note 2.

<sup>6</sup> B. S. Pooja et al., *Crime Against Women in India: District-Level Risk Estimation Using the Small Area Estimation Approach*, 12 *Frontiers in Public Health* 1362406 (July 2022), <https://doi.org/10.3389/fpubh.2024.1362406> (last visited Dec. 08, 2023).

Delhi (UT)	13,439	133.6	Highest rate; urban vulnerabilities.
Telangana	-	124.9	Elevated rates post-2020.
Haryana	-	110.3	Persistent high rates (118.7 in 2022).
Tamil Nadu	-	23.2	Among lowest rates; better safety metrics.

### CRIMINAL JUSTICE REFORMS PERTAINING WOMEN’S SAFETY

In 2023, the Government of India enacted three landmark laws to overhaul the colonial-era criminal justice system: the Bharatiya Nyaya Sanhita (BNS) 2023, Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, and Bharatiya Sakshya Adhinyam (BSA) 2023. These replaced the IPC, CrPC, and Indian Evidence Act, respectively, and came into effect on July 1, 2024. Reforms prioritize crimes against women, children, & nation, with a focus on timely justice (e.g., trials within 45 days for rape cases) and digital integration for accountability.

BNS consolidates offences against women in Chapter V, introducing new protections and harsher penalties:

- *Rape and Sexual Offences (Sections 6371)*: Refines definitions (e.g. penetration by objects/mouth; consent is actually voluntary). Minimal prison term: 10 years to life. Increased to less than 16 (20 years to life, or 12 years to life or death in the case of a minor), gang rape (20 years to life, or 12 years to life or death in the case of a person under 18 years), repeat offender (life or death), or abuse of authority (e.g. police/custodial: 10 years to life). Victims are charged fines to get medical/rehab.
- *Fraudulent Intercourse (Section 69)*: new offence of false promise of marriage/ employment or suppression of identity: 10 years maximum and fine.
- Harassment and Modesty (Sections 7479) Assault to outrage modesty: 15 years; sexual harassment (unwelcome advances/pornography): 5 years; voyeurism: 17 years (greater on repeats); insulting words/gestures: 3 years.
- Marital and Dowry related (Sections 8086): Dowry death 7 years life imprisonment; cruelty by husband/ relatives: 3 years; deceitful cohabitation: 10 years.

- Victim Protections (Sections 7273): Forbids the revealing of victim identity (2-year sentence); forbids published proceedings without nod of the court.
- Other Improvements: Section 351(3) increases the criminal intimidation that attributes unchastity to women (up to 7 years). Section 67 deals with non-consensual intercourse in separation (27 years).

BNSS focuses on survivor-oriented processes, such as zero FIRs (filing anywhere) and compulsory capture of searches in videotapes. BSA streamlines the processing of evidence such as digital records to speed up the trial. Also, in May 2023 the Model Prisons and Correctional Services Act 2023 was distributed among states, to improve the management of prisons, such as the provision of better conditions to women inmates (e.g., separate facilities, health services), although this is not uniformly applied. Other campaigns are One Stop Centres (since 2015), where there are integrated support (police, medical, legal aid) and reports of the National Commission of Women of 2023 with 28,650 complaints, which are based on dignity and domestic violence.<sup>7</sup>

## FRAMEWORK OF LANDSCAPE OF WOMEN'S SAFETY IN INDIA

In India's entrenched patriarchal legal and social order, women's safety cannot be dissociated from the pervasive influence of patriarchy and structural gender discrimination, which operate not merely as cultural norms but as systemic determinants of inequality. The judiciary has recognized gendered vulnerability as a constitutional concern, *Vishaka and Others v. State of Rajasthan*,<sup>8</sup> where court, invoking Art. 14, 15, 19(1)(g), and 21 of the Constitution, held that sexual harassment in the workplace infringes fundamental rights and thus mandated protective guidelines in the absence of statutory law. However, the tenacity of patriarchal models outside the formal working life, at home, in the community, in the streets, among others, is indicative of ingrained gender relations that naturalize the domination of women and their autonomy and mobility. The sociological stand of women is that of the carrier of communal honour, a subject which relegates their safety to the ideas of social status and male dominance, which frequently leads to the underreporting of violence and condoning violence in families and society.<sup>9</sup>

<sup>7</sup> Bushra Ansari & Sowmya Rajaram, *It's Women's Day, but on the Ground, Little Has Changed*, ISDM Blog (Mar. 7, 2022), <https://www.isdm.org.in/blog/its-womens-day-but-on-ground-little-has-changed> (last visited Dec. 08, 2023).

<sup>8</sup> AIR 1997 SUPREME COURT 3011.

<sup>9</sup> Farheen Nahvi, *The Case for a Feminist Approach to Gender-Based Violence Policymaking in India*, ORF Issue Brief No. 632, Apr. 11, 2022 (Observer Research Foundation), <https://www.orfonline.org/research/the-case-for-a-feminist-approach-to-gender-based-violence-policymaking-in-india> (last visited Dec. 08, 2023).

Intersectional caste, class, and religion structures worsen these socio-cultural fault lines and make some of the women more susceptible to violence and systematic neglect, including the Dalit, tribal, and minority women groups. It is stressed in scholarly reviews that Dalit women carrying the stigma of triple marginalization suffer an increased number of sexual and physical violence, frequently as a form of caste hegemony and social control, and that they face high impediments in the way of seeking justice because of economic dependence and deeply ingrained prejudice within the legal institutions and legal decision-making.<sup>10</sup> These gaps are compounded by the reduced mobility in rural territories, the increased weakness in institutional presence, and societal pressures that limit reporting and redressal; in urban territories, although physical proximity to services is increased, widespread harassment in the street, workplaces and educational establishments is still experienced.<sup>11</sup>

The legal changes, beginning with Protection of Women from Domestic Violence Act, 2005 and POSH Act, 2013 attempt to eliminate such harms, but their effectiveness depends on the substantive application that is sensitive to socio-cultural contexts. Judicial declarations still determine this landscape as is evident in court's decisions on the jurisdiction in the POSH regime to enhance access to procedural means to aggrieved women. However, real experiences of oppressed women indicate persistent loopholes in the law and social change that is necessary to actually protect the dignity and safety of women in various fields of life both in the government and in the community.<sup>12</sup>

## **ROLE OF CRIMINAL JUSTICE SYSTEM**

Police and the enforcement machine provides the initial institutional point of contact with women who want redress and the reaction of the law enforcing machine to violence against women has always been characterized by the unwillingness to register a FIR, gender biasness and inefficient investigations. Court in *Lalita Kumari v. Government of Uttar Pradesh and Ors.* explicitly believed that FIR should be registered in cognizable offenses, even sexual crimes, which highlights the accountability of the police forces and the

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<sup>10</sup> Rashmika Goswami & Md. Abdul Hakim, *Women's Human Rights and Its Violations in Our Country*, 10 *Int'l J. Creative Res. Thoughts* 9 (Sept. 2022).

<sup>11</sup> *Id.*

<sup>12</sup> Amit Anand Choudhary, *ICC of Survivor's Office Has Jurisdiction in POSH Complaint, Not Accused's, Says Supreme Court*, *Times of India* (Dec. 12, 2022), <https://timesofindia.indiatimes.com/india/icc-of-survivors-office-has-jurisdiction-in-posh-complaint-not-accused-says-supreme-court/articleshow/125920928.cms> (last visited Dec. 08, 2023).

refusal to accept the discretionary inertia that disproportionately affect the women victims.<sup>13</sup> Although the number of women police stations, Mahila Desks and helpline numbers including 181 and 112 have increased, their success depends on the substantive gender-sensitive policing and not symbolic institutionalization. In *State of Punjab v. Gurmit Singh*,<sup>14</sup> court emphasized the need for in-camera trials and sensitivity at all procedural stages, implicitly extending to police conduct during investigation. Training of police personnel has been judicially recognized as indispensable; in *Aparna Bhat v. State of Madhya Pradesh*,<sup>15</sup> court expressly condemned patriarchal attitudes within law enforcement and mandated structured sensitization programmes, observing that stereotypical reasoning at any stage, investigation or trial, vitiates justice. Nevertheless, the persistence of custodial apathy and victim-blaming reveals a disjunction between doctrinal mandates and ground-level practice.

The judiciary, as the constitutional sentinel of women's rights, has sought to address endemic delays and pendency through the establishment of fast-track courts, particularly for sexual offences. In *Brij Mohan Lal v. Union of India & Ors.*,<sup>16</sup> judicially approved to guarantee prompt justice, their effectiveness has been compromised by infrastructural shortages and increasing caseloads with the result that they cause stagnation, not acceleration of the procedures.

The prosecution and investigation system alongside the rehabilitation mechanisms are the bedrock of substantive justice of women, but they are structurally weak. Although the role of Public Prosecutors has always been viewed as that of the minister of justice, and not as that of an adversarial agent, it is often involved in the investigation and therefore can do little to correct the evidence gaps, an issue implicitly acknowledged in *Zahira Habibullah Sheikh and Anr. v. State of Gujarat and Ors.*<sup>17</sup> where failure by the prosecutor and intimidation of witnesses were found to obstruct the protection of the right to fair trial. In *Mahender Chawla v. Union of India*,<sup>18</sup> court has emphasized victim protection severally. Witness protection is part and parcel of the right to fair trial especially in cases of sexual violence. On the rehabilitative front, the courts have strengthened victim compensation programs in *Suresh and Anr. v. State of Haryana*<sup>19</sup> by indicating that courts should provide compensation regardless of conviction as state had a duty to victims.

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<sup>13</sup> 2013 AIR SCW 6386.

<sup>14</sup> (1996) 2 SCC 384.

<sup>15</sup> AIR ONLINE 2021 SC 147.

<sup>16</sup> Transfer Case (civil) 22 of 2001.

<sup>17</sup> 2006 (3) SCC 374.

<sup>18</sup> 2019 (14) SCC 615.

<sup>19</sup> 2015 (2) SCC 227.

One Stop Centres, shelters, NGO interventions and legal aid services which are run by the government constitute constitutional mandate of restorative justice, but lack of balance, slow bureaucracy and lack of psychosocial support still marginalizes survivors. The criminal justice system therefore swings between formal retribution and the aspirations of restorative justice, and therefore a holistic, survivor-based approach must be adopted which is not limited to prison retaliation.

## **CHALLENGES AND GAPS**

The realization of India on its strong criminal justice system in contrast to violence against women depicts an alarming mismatch between the law and practice, which is instigated by the deep-seated system flaws. Even though new legislation such as the Protection of Women against Domestic Abuse Act and revised provisions of the criminal law after 2013 have increased opportunities to be legally safeguarded, its application in practice is uneven and often symbolic. Most police have not had under-specific training on gender sensitive investigation and cybercrime and hence there is a delay in FIR registration and insufficient gathering of evidence and lapses during the procedures undermining prosecution. Even the heinous offences have to wait years to resume their course due to the slowness of the judiciary and a lack of judges and cases can only be covered by the docket, which weakens the effect of the law as a deterrent and undermines the faith of the citizens in the law as a means to achieve justice. There is shamefully low conviction rates in gender crime categories, with rape conviction rates at the high-20% range in the country, and even less criminal justice agencies report close to zero ratings on domestic cruelty cases, and this indicates that charging is not a guarantee of legal closure.<sup>20</sup>

Strong patriarchal values and norms reinforce the victim-blaming culture, according to which survivors are usually blamed as the reason why they have been victimized, thus preventing them even contemplating reaching out to law enforcement in the first place and creating an enormous divide between actual violence and the crime rates reported. The fear of social stigma, reputational damage and retaliation, particularly in close-knit rural or urban circles, makes many women internalize suffering with national surveys showing that most of the incidences remain unreported due to the lack of trust in institution response and fear of the extended legal battle. New challenges in the cyber arena including online harassment, cyberstalking, sextortion, doxxing, and other forms of gender-based violence only demonstrate the further inadequacy of

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<sup>20</sup> *Supra* note 2.

the legal framework; the repeal of Sec. 66A of the IT Act, 2000 and a lack of specific legislation to deal with contemporary manifestations of digital violence have created enforcement gaps to which police and prosecutors have few options but to respond weakly, resulting in low official charges and even lighter convictions.<sup>21</sup>

## **CONCLUSION & A WAY FORWARD**

The debate of female safety in India shows the ongoing gap between the progressive laws and their inconsistent application of the criminal justice system. Although the legislations have been changed drastically especially due to the outcry of people against gender-based violence, the lived experiences of women have remained to be influenced by structural patriarchy, institutional inertia, and inefficiency in processes. Laws have not always led to substantive justice as those who are convicted are low, complex trials, and underreporting offences.

This new direction requires a paradigm shift in symbolic criminalization to transformative justice based on constitutional morality and on the basis of substantive equality. Reform in criminal justice should also be supplemented with structural capacity-building in the form of gender-sensitive policing, time-limited judicial procedures, and improved victim-witness protection. Empirical evidence and feminist jurisprudence should inform legal changes so that procedural law should not retraumatize survivors and also does not reinforce power imbalance.

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<sup>21</sup> *Shreya Singhal v. Union of India*, Writ Petition No. 167 of 2012.