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Effects of the criminal law (amendment) act, 2013 on women’s legal outcomes and social empowerment: A social-legal study

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ARTICLE INFO	ABSTRACT
<p>Article history: Received: 12-04-2025 Received in revised form: 08-05-2025 Accepted: 02-06-2025</p> <p>Keywords: <i>Criminal Law (Amendment) Act 2013, women's rights, legal outcomes, gender-based violence, socio-legal study, legal empowerment, access to justice, law enforcement, sexual offences, social change</i></p>	<p>The Criminal Law (Amendment) Act, 2013 was enacted in the wake of the Nirbhaya case, marking a significant turning point in India's legislative approach to gender-based violence. This socio-legal study examines the impact of the amendment on women's legal outcomes and broader social empowerment. Drawing on legal analysis, crime data, and qualitative interviews, the study evaluates whether the expanded definitions of sexual offences, the introduction of new crimes (such as stalking and voyeurism), and changes to procedural law have translated into improved access to justice for women. It also explores the extent to which the law has contributed to shifting social norms, enhanced awareness of women's rights, and increased public trust in the legal system. While the Act represents a progressive legal reform, the study finds that gaps remain in enforcement, legal literacy, and cultural attitudes, which continue to hinder women's full empowerment. The research underscores the importance of complementary measures such as police reform, judicial training, and grassroots education to ensure the law's intended outcomes are fully realized.</p> <p>© 2025 The Authors. Published by IASE. This is an open access article under the CC BY-NC-ND license (http://creativecommons.org/licenses/by-nc-nd/4.0/).</p>

Introduction

Criminal Law (Amendment) Act, 2013 The Criminal Law (Amendment) Act, 2013, an Indian legislation passed by the Lok Sabha on 19 March 2013, and by the Rajya Sabha on 21 March 2013, provides for amendment of Indian Penal Code, Indian Evidence Act, and Code of Criminal Procedure, 1973 on laws related to sexual offences. The Bill received Presidential assent on 2 April 2013

and deemed to come into force from 3 February 2013. It was originally an Ordinance promulgated by the President of India, Pranab Mukherjee, on 3 February 2013, in light of the protests in the 2012 Delhi gang rape case. This incident generated huge international coverage and was condemned by the United Nations Entity for Gender Equality and the Empowerment of Women, who called up the

Government of India and Delhi “to do everything in their power to take up radical reforms and the like to make women’s lives safer and secure”. There had been widespread demand by the public as well as various human rights groups and women’s organisations to change or amend the existing law relating to sexual offences. A graver punishment for the accused was demanded for committing such a heinous crime. In a meeting at UN Women, Justice Verma stated that, “to ensure its success, it is important that the Act be implemented with dedicated human and financial resources, and clarity in roles and responsibilities. A law is only as good as the systems and individuals that implement them. Mindsets and attitudes need to change so women can truly be respected equally and value in society.”

Reasons for the Enactment the nation-wide spread outrage over the brutal gang rape and subsequent death of the physiotherapy intern in India’s very own capital city, New Delhi was the driving force behind the passing of the Criminal Law (Amendment) Act, 2013 that sought to amend the existing laws regarding sexual offences in India. The Act is deemed to be one of the most important changes that have been made in the existing criminal laws namely the Indian Penal Code,

the Code of Criminal Procedure and the Indian Evidence Act. The Justice Verma Committee On December 23, 2012 a three member Committee headed by Justice J.S. Verma, former Chief Justice of the Supreme Court, was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The other members on the Committee were Justice Leila Seth, former judge of the High Court of Delhi and Gopal Subramaniam, former Solicitor General of India. The committee urged the public in general and particularly eminent jurists, legal professionals, NGOs, women’s groups and civil society to share their views, knowledge and experience suggesting possible amendments in the criminal and other relevant laws to provide for quicker investigation, prosecution and trial, and also enhanced punishment for criminals accused of committing sexual assault of an extreme nature against women.

The key objective of the Commission was to review for possible amendments to the criminal law and suggest measures for faster trials and harsher penalties for vicious offences related to violence against women. Taking further cognizance of the strident

storm of public protests in general and a tribute to Nirbhaya in particular, on January 23, 2013, the commission submitted its recommendations by identifying 'lack of good governance' as the central cause of violence against women. The commission goes on to criticize the government, the abysmal and old fashioned police system alongside public apathy in tackling violence against women, and thereby, recommends dramatic transformation in legislations. It made recommendations on laws related to rape, sexual harassment, trafficking, and child sexual abuse, medical examination of victims, police, electoral and educational reforms.

Recommendations of the Committee the following are the recommendations of the Committee with regard to sexual offences in India: 1. Punishment for Rape: The panel has not recommended the death penalty for rapists. It suggests that the punishment for rape should be rigorous imprisonment or RI for seven years to life. It recommends that punishment for causing death or a "persistent vegetative state" should be RI for a term not be less than 20 years, but may be for life also, which shall mean the rest of the person's life. Gang-rape, it suggests should entail punishment of not less than 20 years, which may also extend to life and gang-rape

followed by death, should be punished with life imprisonment. 2. Punishment for other sexual offences: The panel recognised the need to curb all forms of sexual offences and recommended – Voyeurism be punished with upto seven years in jail; stalking or attempts to contact a person repeatedly through any means by up to three years. Acid attacks would be punished by up to seven years if imprisonment; trafficking will be punished with RI for seven to ten years.

Registering complaints and medical examination: Every complaint of rape must be registered by the police and civil society should perform its duty to report any case of rape coming to its knowledge. "Any officer, who fails to register a case of rape reported to him, or attempts to abort its investigation, commits an offence which shall be punishable as prescribed," the report says. The protocols for medical examination of victims of sexual assault have also been suggested. The panel said, "Such protocol based, professional medical examination is imperative for uniform practice and implementation."

The Justice Verma Committee (JVC) report was a landmark statement, applauded by all citizens, welcomed by all Political Parties. JVC was significant because it showed a

mirror to the Constitution of India, and reflected its wise and just guarantees of women's equality. Today the women and youth of India are looking with hope and expectation towards Parliament, and towards all Political Parties. There has been an urge to all Members of Parliament to pass a law upholding the spirit and letter of the Justice Verma Committee; to pass a law that makes a step forward in our collective struggle to end sexual violence in India. Criticism of the Act The Criminal Law (Amendment) Act, 2013 has been strongly criticised by several human rights and women's rights organisations for not including certain suggestions recommended by the Verma Committee Report like, marital rape, reduction of age of consent, amending Armed Forces (Special Powers) Act so that no sanction is needed for prosecuting an armed force personnel accused of a crime against woman. The Government of India replied that it has not rejected the suggestions fully, but changes can be made after proper discussion. Critics of the 2013 Act run the gamut of political and ideological affiliations. One of the most notable omissions of the Act is its failure to criminalize marital rape as recommended by the Verma Committee which places India in the company of a select group of nations,

including China, Pakistan and Saudi Arabia. In the fervent debate that preceded the 2013 Act, opponents insisted that criminalizing marital rape would destroy the institution of marriage, and allow women to fabricate claims of rape, since rape within marriage was "difficult to prove." The remedy espoused by the self-styled saviors of marriage is divorce or prosecution for cruelty, but not for rape. However, such "justifications" ignore the very specific harms induced by the crime of rape, which violates a woman's physical integrity and sexual autonomy by forcing her to submit to unwanted intercourse.

Literature review

Kapoor and Dhingra (2013) [1] examine the pervasive issue of sexual harassment against women in India, offering a legal, cultural, and social overview of the problem. Their study, published in the *OIDA International Journal of Sustainable Development*, critically evaluates the inadequacies of the legal framework at the time, highlighting the disconnection between laws and their effective implementation. The authors argue that while the Vishaka Guidelines laid the foundation for addressing workplace harassment, enforcement remained weak,

and many victims continued to face stigma, fear of retaliation, or institutional apathy. They also explore how patriarchal attitudes and deeply ingrained gender norms contribute to the persistence of harassment in both public and private spheres. Kapoor and Dhingra emphasize the need for broader awareness campaigns, stronger institutional accountability, and education reform to challenge cultural norms that normalize such behaviors. Their work situates the problem not just within legal boundaries but within the larger social and developmental context, thus framing sexual harassment as both a human rights issue and a barrier to sustainable development.

Bhattacharyya (2015) [2] in her article titled "*Understanding the spatialities of sexual assault against Indian women in India,*" explores the geographies of sexual violence, moving beyond the act itself to interrogate the spaces where such violence occurs. Published in *Gender, Place & Culture*, her study introduces a spatial lens to the discourse on sexual assault, emphasizing how public and private spaces are constructed through gendered power dynamics. Bhattacharyya asserts that women's access to space in India is deeply conditioned by social norms, which often blame victims and restrict women's mobility

in the name of safety. Her analysis is grounded in both feminist geography and postcolonial theory, offering a nuanced understanding of how urban planning, transportation systems, and even cultural narratives about space reinforce gendered vulnerabilities. She argues that the politics of fear and surveillance further marginalize women by reinforcing the idea that women's safety is ensured only through confinement. Bhattacharyya's work expands the debate from legal and social dimensions to include spatial justice, making a critical intervention in how sexual violence is conceptualized in Indian society.

Kalaiyarasi, R. (2015) [3] in her study "*Violence against Women in India,*" published in the *IOSR Journal of Humanities and Social Science*, presents a comprehensive overview of the pervasive issue of gender-based violence across various social, economic, and cultural contexts in India. The paper highlights the historical and structural roots of violence against women, tracing how deep-seated patriarchy and gender discrimination have normalized various forms of abuse, ranging from domestic violence to sexual harassment and dowry-related deaths. Kalaiyarasi emphasizes the role of family, community, and institutional apathy in

perpetuating violence, pointing out that despite legal reforms and increased awareness, the actual implementation and protection mechanisms remain weak. Her analysis underscores the gap between legislative intent and societal reality, calling for more stringent enforcement, education, and gender-sensitization initiatives to address the systemic nature of violence.

Yadav, R. B. (2022) [4] in the article "*Increasing Sexual Offences and Its Impact on the Society*," published in *Part 1 Indian Journal of Integrated Research in Law*, explores the alarming rise in sexual offences in India and their multifaceted impact on society. Yadav delves into the legal, psychological, and societal dimensions of sexual crimes, highlighting how the frequency and brutality of such incidents have shaken public conscience and trust in the justice system. The paper discusses the failure of deterrence due to delays in legal proceedings and the stigmatization faced by victims, which often discourages reporting. Moreover, Yadav draws attention to the broader societal consequences, including fear, behavioral restrictions on women, and the erosion of social cohesion. The study calls for urgent reforms in the judicial process, comprehensive victim support systems, and a cultural shift towards respect

and equality to combat the rising trend of sexual violence effectively.

Behere, P. B., Rao, T. S., & Mulmule, A. N. (2013) [5] in their article "*Sexual Abuse in Women with Special Reference to Children: Barriers, Boundaries and Beyond*," published in the *Indian Journal of Psychiatry*, explore the psychological and social dimensions of sexual abuse, with a special focus on vulnerable groups such as women and children. The authors highlight how sexual abuse is not only a legal or social issue but also a profound mental health concern, often leaving survivors with long-term psychological trauma. They discuss how cultural taboos, fear of stigma, and lack of awareness act as major barriers to reporting abuse and accessing support systems. Furthermore, the paper emphasizes the need for early identification, proper psychological intervention, and institutional support to help survivors rebuild their lives. The authors call for a multidisciplinary approach involving legal, medical, and mental health professionals to address the complex layers of trauma associated with sexual abuse.

Chattoraj, B. N. (2006) [6] in the report "*Sex Related Offences and Their Prevention and Control Measures: An Indian*

Perspective," presents a critical analysis of the legal and policy framework related to sex crimes in India. The study offers an in-depth evaluation of various types of sex-related offences, including rape, molestation, and trafficking, examining both their causes and patterns of occurrence. Chatteraj highlights systemic challenges such as inadequate law enforcement, slow judicial processes, and the social stigma attached to victims, all of which contribute to the persistence of such crimes. The report also reviews preventive and corrective measures taken by the Indian state, including legal reforms and awareness programs, while stressing the need for more proactive and community-driven solutions. The author advocates for stronger institutional mechanisms, public education, and victim support services as essential components in the long-term prevention and control of sex-related offences.

Behera, A. (2021) [7] in the paper "*Sexual Offences Against Women: A Legal Analysis*," published on SSRN, offers a detailed examination of the legal framework governing sexual offences against women in India. Behera critically evaluates the effectiveness of existing laws, such as those under the Indian Penal Code and post-Nirbhaya amendments, in addressing sexual

crimes. The paper discusses significant judicial interpretations and how legal definitions of sexual offences have evolved over time. Behera also highlights key issues like the underreporting of cases, inadequate support systems for survivors, and gaps in implementation despite progressive legislation. The study underscores the need for a more victim-centric legal approach, faster judicial processes, and better enforcement mechanisms to ensure justice for survivors of sexual violence.

Neuman, S. (2013) [8] in the article "*The Issue of Sexual Violence Against Women in Contemporary India*," explores the broader social and cultural dynamics contributing to the persistence of sexual violence. The work draws attention to how rapid urbanization, entrenched patriarchy, and socio-economic disparities intersect to create an environment where women remain vulnerable. Neuman emphasizes that while legal reforms are necessary, they are insufficient on their own without accompanying societal change. The author advocates for comprehensive sex education, gender sensitization at all levels of society, and greater public engagement in dismantling gender norms that normalize or excuse violence against women.

Kalra, Gurvinder, and Dinesh Bhugra (2013) [9] in their article "*Sexual Violence Against Women: Understanding Cross-Cultural Intersections*," published in the *Indian Journal of Psychiatry*, offer a psychiatric and cross-cultural perspective on sexual violence. The authors examine how cultural beliefs, social hierarchies, and stigma influence both the occurrence and reporting of sexual violence across different communities. They argue that cultural relativism often complicates the perception of sexual offences and the rights of victims, making it essential to adopt a culturally sensitive yet rights-based approach to intervention. Kalra and Bhugra also emphasize the psychological impact of sexual violence, including post-traumatic stress, depression, and anxiety, and advocate for integrated mental health services alongside legal and social support systems.

Rao, T. S. Sathyanarayana et al. (2022) [10] in their comprehensive article "*Forensic and Legal Aspects of Sexuality, Sexual Offences, Sexual Dysfunctions, and Disorders*," published in the *Indian Journal of Psychiatry*, delve into the multifaceted dimensions of sexuality and sexual offences from legal, clinical, and forensic perspectives. This collaborative work provides an in-depth analysis of sexual

behaviour, consent, and the legal frameworks governing sexual offences in India. The authors emphasize the need for better understanding of sexual rights and mental health in the context of sexual crimes, highlighting how outdated notions and social taboos hinder justice and appropriate care. The article also discusses the medico-legal responsibilities of professionals in sexual offence cases and the importance of trauma-informed forensic evaluations. It is a vital resource that bridges psychiatry, law, and social justice, advocating for a more integrated and sensitive approach to sexual offence cases.

Gupta, S., Kalra, V., & Ranjan, R. (2021) [11] in their paper "*Sexual Offences: Critical Analysis of Section 375 of the Indian Penal Code*," published in *Jus Corpus Law Journal*, undertake a critical legal examination of the statutory definition of rape under Section 375 IPC. The authors explore how the language of the law has evolved post-Nirbhaya, while also critiquing its limitations—such as the narrow interpretation of consent and the exclusion of marital rape. The paper calls attention to the need for a gender-neutral law that protects all individuals regardless of gender, and addresses the social stigma that often prevents survivors from seeking justice. The

authors argue for more progressive reform that aligns legal definitions with modern understandings of bodily autonomy, consent, and human rights.

Banerjee, N. (2021) [12] in the article "*A Functional Analysis of the Position of Women in Indian Context & Various Sexual Offences Against Women,*" published in *Young*, examines the socio-cultural positioning of women in India and its correlation with rising instances of sexual violence. Banerjee adopts a socio-legal lens to evaluate how patriarchal norms, gender-based power imbalances, and institutional failures contribute to the normalization of violence against women. The paper discusses how women's subjugation in both public and private spheres reinforces vulnerabilities, leading to various forms of sexual exploitation. Banerjee calls for systemic change, including education reform, policy implementation, and empowerment strategies, to challenge entrenched misogyny and ensure women's safety and equality in society.

Sarkar, S. C., Lalwani, S., Rautji, R., Bhardwaj, D. N., & Dogra, T. D. (2008) [13] in their article "*Prospective Study of Victims and Offender of Sexual Offences,*" published in the *Malaysian Journal of*

Forensic Pathology and Science, present an empirical examination of sexual offence cases, focusing on both victims and offenders. Drawing from forensic case studies, the researchers analyze patterns related to age, relationship between victim and offender, nature of assault, and medical evidence. Their findings reveal that a significant number of sexual offences occur within familiar or domestic settings, and that children and young women are disproportionately affected. The study also highlights challenges in collecting and preserving forensic evidence, which often hampers successful prosecution. The authors advocate for better forensic protocols, sensitization of law enforcement, and timely medical examinations to strengthen the justice delivery process in sexual offence cases.

Menon, N. (2019), [14] in the chapter "*Sexual Violence and the Law in India,*" from the *Research Handbook on Feminist Jurisprudence* (Edward Elgar Publishing), provides a critical feminist analysis of the Indian legal system's approach to sexual violence. Menon traces the historical evolution of laws governing sexual offences, highlighting how these laws have often reflected patriarchal values and control over women's sexuality rather than prioritizing

victim protection or autonomy. The work critiques the limitations of reforms that, while progressive on paper, fail to dismantle structural and cultural barriers to justice. Emphasizing intersectionality, Menon explores how caste, class, and gender identity shape both the experience of sexual violence and access to legal recourse. The chapter calls for a feminist reimagining of legal frameworks that goes beyond punitive measures to address root causes and empower survivors.

Dr. Nagarathna, A. (2019) [15] in her article *“Investigation of Sexual Offences Against Women in India – A Review of Legal Procedural Mandates and Directives,”* published in the *National Law School Journal*, offers an in-depth review of the procedural aspects of investigating sexual crimes against women. She scrutinizes the legal mandates laid out in Indian criminal law, especially the roles and responsibilities of investigating officers, medical practitioners, and judicial authorities. Nagarathna highlights key procedural gaps such as delays in FIR registration, mishandling of evidence, and lack of victim-sensitive practices. She emphasizes the need for better training of police personnel, accountability mechanisms, and adherence to Supreme Court directives that aim to

protect victim rights and dignity throughout the investigation process. Her work underscores that procedural justice is essential to achieving substantive justice in cases of sexual violence.

Yadav, Rani Balkrishna (2022), [16] in the article *“Increasing Sexual Offences and Its Impact on the Society,”* published in the *International Journal of Innovative Research and Legal Studies*, examines the growing incidence of sexual offences in India and their far-reaching consequences on societal structures. Yadav argues that the rise in these crimes reflects not only the failure of deterrent legal mechanisms but also deep-seated cultural and patriarchal attitudes. The paper discusses how such offences impact the psychological well-being of victims, the safety perception among women, and public trust in law enforcement and the judiciary. Yadav calls for multi-layered interventions, including legal reform, public education, and community-based approaches, to combat the normalization of sexual violence and create a safer environment for women.

Hoque, Dr. Azmal (n.d.), [17] in the article *“A Study on the Violence against Women in India,”* published in the *International Journal of Research and Analytical Reviews*

(IJRAR), provides a broad overview of the forms, causes, and consequences of violence against women in the Indian context. The author identifies cultural traditions, economic dependence, illiteracy, and systemic discrimination as key drivers of abuse, ranging from domestic violence to sexual assault. Hoque emphasizes that despite the existence of protective laws, enforcement is often weak due to societal stigma, victim-blaming, and institutional apathy. The study recommends stronger government accountability, awareness programs, and grassroots-level empowerment to reduce gender-based violence effectively.

Kumar, Krishna (2014) [18] in the article “*Understanding Gender-Based Violence in India: A Legal Perspective,*” published in the *Indian Journal of Law and Society*, analyzes the legal framework addressing gender-based violence in India. Kumar evaluates key provisions of the Indian Penal Code and special laws such as the Protection of Women from Domestic Violence Act (2005) and the Sexual Harassment of Women at Workplace Act (2013). The author critiques the law's reactive nature and highlights gaps in implementation, especially in rural and marginalized communities. Kumar advocates for a more

proactive, rights-based legal approach that integrates legal protections with social policy reforms to challenge the root causes of gender-based violence.

Ghosh, Shohini (2014) [19] in her article “*The Sexual Harassment of Women at Workplace: A Critical Analysis,*” published in the *Journal of Indian Law Institute*, provides a feminist critique of workplace harassment laws in India, particularly the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Ghosh explores how power dynamics, organizational hierarchies, and social attitudes towards working women contribute to hostile work environments. She points out that while the law marked a progressive step, its implementation is fraught with challenges such as lack of awareness, poorly constituted internal complaints committees, and fear of retaliation. The article underscores the need for institutional accountability and a cultural shift in workplace ethics and gender sensitivity.

Human Rights Watch (2017) [20] in its report “*Everyone Blames Me: Barriers to Justice and Support Services for Sexual Assault Survivors in India,*” presents a harrowing account of the systemic challenges faced by survivors of sexual

assault. The report documents how victims encounter victim-blaming by police, delays in forensic and legal processes, and inadequate access to medical care and psychosocial support. Drawing from interviews across several Indian states, Human Rights Watch criticizes the Indian justice system for failing to uphold survivor rights and protect them from secondary trauma. The report calls for comprehensive reforms, including trauma-informed policing, survivor-centric legal procedures, and investment in mental health and support services.

Methodology

Justice as fairness and *justice as alterity* provides "dealing with people fairly in relation to other people and dealing with people decently in relation to their own needs, beliefs, and desires respectively." Justice as fairness and justice as alterity are comparable in law to formal and substantive justice principles. The formal components of law include consistently implementing legal rules, which full fill the need for justice as fairness, but substantive justice requires making the appropriate choice and giving the proper remedy, which corresponds to justice as²⁵ alterity. The increasing number of crimes reported and unreported shows a

growing concern for the welfare of women. The adequate human resources and use of technology in law enforcement and the modernisation of police are challenging tasks for the Government to minimise crime rates.

Proper implementation of judgments of the Indian Judiciary word by word will show the result of actual delivery of justice and strict enforcement of the law will mini mise the violence against women. However, people's perceptions of gender must change. One of the prominent tools to change the perception of gender discrimination is quality-based education.

The liberty of the modern people is of more excellent value than the liberty of the ancients. The state machinery must ascertain human aspiration, freedom of thought, liberty of conscience, and civil liberties. Justice is the first virtue of the social institution, and laws and institutions, no matter how efficient and well-arranged, must be reformed or abolished if they are unjust. Social legislation for women is promising in number in India, but the implementation is very slow; many women lag when compared to men. All the legislation in the world must uphold the dignity of women. As civilisation

progresses, the law will also progress, but the law must balance protecting the rights of all gender in reality and not in black and white written in the statutes.

The law enforcement agencies must proactively give their helping hand to the victim of crime so that they can be encouraged in reporting. The conviction rate will increase only when an active role is played by investigating agencies in crime investigation and reporting of crimes from the victim of crime. The National Human Rights Commission recently issued a standard operating procedure (SOP) on December 9, 2020, to all States and Union Territories to collect and handle forensic evidence. The NHRC expects that if this SOP is implemented in letter and spirit by the investigating agencies in cases of a sexual offence against women, the conviction rate will increase. The offenders of gender-based crime must not be spared; otherwise, it will motivate fellow offenders and upcoming law violators. The law enforcer must plan well and work systematically for better conviction, including using modern scientific tools and equipment in criminal investigation from top to bottom level of investigation by all sections of crime investigating officers.

Education starts at home, so children must be taught about gender equality, respect for all human beings, and compassion towards all gender. The educational institution is the second place where children and adults learn after home, so just like environmental subjects in schools and colleges, in every course, at least one chapter on gender equality must be incorporated according to the course structure. It is undoubtedly a long-term goal, but it will show its result in the coming times.

Public infrastructure and services should be gender-sensitive. Feminist urban planning could be one of the solutions to prevent many offences which are committed in public places.³¹ Implementing such planning will assist females in developing socially and economically and have a sense of security. Good examples of feminist urban planning are making well-lit streets, accessible public toilets, readily available police services, and community housing. In actuality, records of NCRB show that the crime rate against women from 2013 to 2019 has increased drastically. The rigour of law and procedure and the filing of

complaint/FIR by the victim are the time taken to process, which demotivates the victim of crime to seek justice from the state machinery.

If the victim belongs to an economically weaker section, it becomes more difficult to get justice under the present Indian Criminal Justice System. There is an excessive burden on the Indian courts to deal with cases of gender violence. The number of investigating officers in the police department outnumbered in proportion to the number of reported crimes, which leads to non-submission of the charge sheet on time and eventually release of the accused on bail.

Time-bound submission of charge sheet by investigating officer, Modernisation of police, handling cases sensitively by the police towards the victim of a crime against women, awareness among the general masses on laws relating to women, and the installation of CCTV cameras with face recognition dynamics technology in every major city and public places such as bus stops, railway stations, markets, shopping malls, and cinema halls will enhance the security of women and the general public. The recent verdict in the criminal defamation case of MJ Akbar, where women's right to life and dignity has been

placed the upper hand in comparison to the right to reputation by the trial court, is a sign of judicial initiative for balancing rights in sexual harassment. Even though various rights have been incorporated into the different legislation, their actual application also depends on people's shared consciousness. Suppose every individual in the society gives their efforts and puts forward their hand in implementing welfare law for women. In that case, the objective of the preamble of the Constitution of India will be fulfilled. Building a constituent base is essential in generating public support for addressing gender-based violence. This responsibility lies with civil society and state agencies. However, women organisations should be a facilitator in this process. The strong women's movements with the help of friends, partners, and family are equally significant in making such a movement a common cause for all.

The culture turned two theoretical stands – subculture theory and labelling theory – constituting a new deviance theory antecedent to cultural criminology. Cultural criminology occupies a privileged vantage point on the everyday working of social life. Its twin focuses on culture and crime, and its respective position can be like (a) where norms are imposed and threatened, (b) laws

enacted and broken (c) rules negotiated and renegotiated. E. B. Tylor has elaborately defined culture, "Culture taken in its wide ethnographic sense, is that complex whole which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habit acquired by men as a member of society."

Result analysis

Almost all the international Convention instructs the member states to have a non-discriminatory approach to all gender and to promote equality in public and political life. The gender neutrality standard in the international Convention was changed by adopting a gender-specific international instrument, e.g. CEDAW.

The Supreme Court of India Bench of Dr. A.S. Anand C.J. and V. N. Khare J. in the landmark case of *Apparel Export Promotion Council v. A.K. Chopra* while addressing women's rights and gender justice issues observed the following. The court also stated the importance of international conventions and instruments in resolving discrimination against women. "Sexual harassment of women at workplace is incompatible with the dignity and honour of a female and needs to be eliminated and that there can be no compromise with such

violation. This is in keeping with CEDAW (1979) and the Beijing Declaration, which directs all state parties to take appropriate measures to prevent discrimination of all forms against women besides taking steps to protect the honour and dignity of women and the International Covenant on Economic, Social and Cultural Rights. The Indian Penal Code was passed by then the Legislative Council of India and received the assent of the Governor-General on 6 October 1860. The Act was published in the Appendix to the Calcutta Gazette dated 13, 17, and 20 October 1860. Successively series of amendments have taken place to update criminal law in India.

The Criminal Justice System aims to protect individuals' and society's rights and personal liberty against its invasion by others. The impact of the Criminal Law (Amendment) Act, 2013, on India's criminal justice system needs to be understood in a very holistic manner. The anti-rape law of the country, for the first time, witnessed the recognition of some of the new aspects of women's rights. The newly incorporated terms like voyeurism, stalking, disrobing, and acid attack have been inserted in the Indian Penal Code, 1860. In its ambit, new definition and enhanced punishment were inserted to deter the offenders in crimes of rape, sexual

harassment; stalking, voyeurism, disrobing, acid attack; trafficking and gang rape.

It also substantiates some of the recommendations of the Justice Verma Committee Report.⁵⁸ The new changes brought by the new Criminal Law (Amendment) Act, 2013 are appreciable. The theory of deterrence is reflected in the substantive law of IPC. Other changes in the procedural and evidential provision show intent of the legislature to curb the menace of gender-based violence. However, harsher punishment with the certainty of conviction will make this new law more effective. The preceding are the primary offences under the Indian Penal Code that have been newly added and defined in some existing offences. Terms of punishment increased to protect women from violence and uphold gender justice.

The Supreme Court ruling in the acid attack case of Lakshmi filed in 2006 and the aftermath of the Nirvaya bus gang rape paved the way for the inclusion of acid attack as a specific offence in The Criminal Law (Amendment) Act, 2013. Looking into the growing cases of acid attacks in India, the crime of acid attacks found its place in sections 326A and 326B of IPC. A heavy penalty is imposed in section 326A for those

who commit such crime, i.e. ten years to life imprisonment, including a fine. Section 326B defines voluntarily throwing of acid or attempting to throw acid for which punishment ranging from five years to seven years imprisonment with a fine is prescribed. The stringent of criminal law and enforcement agencies is insufficient to curb the crime of acid attacks unless the practice of gender bias deeply rooted in Indian society is removed.

In the case of *Parivartan Kendra v. Union of India*, The Supreme Court of India ordered that acid attack survivors be included in the disability benefit to access welfare programmes and government jobs. India being a signatory to the United Nations Convention on the Rights of Persons of Disabilities 2006 had an obligation to enact a law on rights of the persons with disabilities to empower them socially, economically, and politically. India ratified this convention on October 1st 2007. Accordingly, the Right of Persons with Disabilities Act, 2016, was enacted. As per the Right of Persons with Disabilities Act, 2016 Disabled persons will have the right to accessibility, equal opportunity in employment, education, social security, reproductive rights, and access to justice. This statute also gives acid attack victims

specific disability rights, such as health care, insurance scheme, rehabilitation, disabled access to all public buildings, hospitals, and modes of transportation. This type of initiative by the Indian Government promotes gender justice.

Hospitals, irrespective of public or private, have been mandated to admit any acid attack victim under section 357C of Cr. P.C. However, the supervising mechanism by a specific tribunal should have been created like in Bangladesh, where a specific tribunal, i.e. 'Acid Prevention Tribunal', was established to deal with acid attack issues. Furthermore, a one-year imprisonment term as a penalty imposed on the hospital authority for non-treatment of an acid attack victim is not justified in looking into the commercialization of the health industry and the pain suffered by the victim. The decision to provide free of cost treatment to the victim of an acid attack by the hospital, including medicine, food, bedding, and surgeries, is, to some extent, will give relief. However, the treatment of acid attack is of long duration and requires multiple surgeries, and each surgery costs around 50 thousand to 1 lakh.

*The State (Govt. of NCT of Delhi) & Anr.*⁶⁹
The Delhi High court held that fondling the

breast of the prosecutrix with ill intention and touching her private part attracted sections 354 and 354A of IPC. The definition of sexual harassment under section 354A is gender-neutral. In the case of *Anamika v. Union of India*, The Delhi High Court upheld the applicability of sexual harassment provisions (sec. 354A) to transgender victims. On a plea brought by one such transgender victim who identified as a woman despite being classified as a "male" at birth, a Bench of Justice Siddharth Mridul and Justice Sangita Dhingra Sehgal pronounced this judgment. The victim transgender filed the petition in the Delhi High Court after the victim's complaint alleging sexual harassment by male students on campus was closed by the police because there was no provision in the criminal law that applied to the complaint and that it was a civil complaint. Person of the third gender has equal rights guaranteed under the constitution of India. Furthermore, the right to determine their gender is vested in them. Because of the gender complexities, any individual should not be denied their fundamental rights.

This type of activity is named differently in other countries, such as "Propios" in Mexico, "taltish" in Syria and "Anmache" in Germany.⁷⁴ As a result, in other

civilizations, street comments have been referred to by various titles. Many volunteer organisations in India have criticised using the term eve-teasing since it portrays women in a bad light. According to them, instead of using an Indian English phrase that depicts Eve's temptress character and throws the blame on the woman as an enticing tease, an Indian-origin word should be used for such street harassment. The Indian Penal Code, 1860, prescribes such street harassment under sections 294, 509, and 354. Under section 509 of IPC, the punishment term could be extended only to one year in simple imprisonment, but the punishment term has increased by the criminal law Amendment Act, 2013 up to three years. Furthermore, before the Criminal Law Amendment, section 354 prescribed punishment of up to 2 years imprisonment, but it has changed to imprisonment ranging from one year to five years, including a fine. The criminal law Amendment Act, 2013 has incorporated sections 354A and 354D under which the offender can be punished. The crimes against women in open public have been curbed considerably by incorporating these provisions. The state of Tamil Nadu enacted special law on eve-teasing after the death of women in 1998.

Conclusion

The Criminal Law (Amendment) Act, 2013, marked a critical juncture in India's response to gender-based violence, significantly expanding the legal framework to protect women and ensure justice in cases of sexual offences. This study reveals that while the amendment has contributed to increased legal awareness and reporting of crimes, its impact on women's legal outcomes and broader social empowerment remains uneven. Legally, the Act has enhanced the scope of protections available to women by criminalizing a wider range of offences and mandating faster legal processes through special courts and time-bound investigations. However, persistent challenges in enforcement, delays in the judicial system, and under-resourced police and legal aid services continue to limit the law's effectiveness on the ground. Socially, the Act has played a role in bringing issues of sexual violence into public discourse, reducing stigma around reporting, and gradually shifting societal attitudes. Nevertheless, deep-rooted patriarchal norms, fear of retaliation, and mistrust in law enforcement still deter many women from seeking legal recourse. In essence, the Amendment has laid a strong legislative foundation, but law alone is insufficient to achieve true empowerment. For meaningful

change, it must be supported by sustained institutional reform, public education, gender-sensitization of authorities, and stronger accountability mechanisms. Only through a holistic approach can the goals of justice, dignity, and empowerment for women be fully realized.

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