



**2025**

# Empowering Justice: A Critical Analysis of Laws Protecting Women in India

Diksha Singh Raghav and Dr. Avantika Madhesiya

---

### **Recommended Citation**

Diksha Singh Raghav and Dr. Avantika Madhesiya, *Empowering Justice: A Critical Analysis of Laws Protecting Women in India*, 4 IJHRLR 433-449 (2025).

Available at [www.humanrightlawreview.in/archives/](http://www.humanrightlawreview.in/archives/).

This Article is brought to you for free and open access by the International Journal of Human Rights Law Review by an authorized Lex Assisto Media and Publications administrator. For more information, please contact [info@humanrightlawreview.in](mailto:info@humanrightlawreview.in).

---

# Empowering Justice: A Critical Analysis of Laws Protecting Women in India

**Diksha Singh Raghav and Dr. Avantika Madhesiya**

*Law Student, 5<sup>th</sup> Year, BA.LLB. (H.), Amity Law School, Amity University,  
Noida*

*Assistant Professor, Amity Law School, Amity University, Noida*

---

**Manuscript Received**  
06 Apr. 2025

**Manuscript Accepted**  
08 Apr. 2025

**Manuscript Published**  
10 Apr. 2025

---

## ABSTRACT

Women in India face various social, economic and legal challenges which makes it necessary to make legal framework to ensure their safety, dignity and empowerment. The Indian legal framework provides comprehensive protection through its constitutional provisions, criminal laws and special legislations made for protection of women and to safeguard their rights. Some key laws such as Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and The Dowry Prohibition Act, 1961 addresses the issue of violence and discrimination against women. The Criminal Law (Amendment) Act, 2013 strengthened the punishment for crimes like rape and acid attack while the POCSO Act, 2012 protects the minors from sexual offenses. Also, there are other various laws that are being enacted to address various issues and crimes against women in India.

Despite these measures challenges such as delayed justice, lack of awareness and social stigma still exists. Strengthening law enforcement, increasing awareness and ensuring easy access to justice can enhance the effectiveness of these laws. A holistic approach with social awareness is necessary to create a safer and more equitable environment for women in India.

The legal framework of India is very comprehensive that is designed to protect women's right and ensure their safety, dignity and equality. But despite various laws and acts, women have historically faced various challenges such as discrimination, violence and social-economic disadvantages. So, to address such challenges the government of India has enacted various laws that protect and safeguard women against crimes such as sexual harassment, domestic violence, human trafficking and dowry related crimes. Additionally, there are few other laws such as equal pay, maternity benefit and property related rights laws are

being established to empower women and to eradicate gender discrimination. Various types of laws established for protection of women and to safeguard their rights are:

### **1. The Immoral Traffic (Prevention) Act, 1956<sup>1</sup>**

The Immoral Traffic (Prevention) Act, 1956 was previously known as the Suppression of Immoral Traffic in Women and Girls Act, 1956. The act was enacted to prevent and prohibit human trafficking and sexual exploitation. The aim of the act is to protect and rehabilitate victims of prostitution and punish those who exploit victim in sex trade.

Section 2 of the act consist of definitions such as brothels and prostitution i.e. brothel is a place that is used for sexual exploitation and prostitution refers to engaging in sexual activities for commercial purpose. Section 3 prohibits brothels i.e. owning, maintain or managing a brothel is illegal and punishment for the same is for first offense imprisonment for one to three years and for subsequent offenses two to five years of imprisonment. Section 4 prescribes punishment for living on the earning of prostitution which is imprisonment up to two years and fine up to Rs 1,000 and in case the person exploited is a minor then the punishment will be imprisonment up to ten years. Under section 5 procuring, inducing or taking a person for prostitution is strictly punishable and punishment can be given as three to seven years if imprisonment with fine that can extend to Rs 2,000 and in case the offense is done against the will of the person than the punishment can extend to imprisonment for fourteen years. Detaining or forcibly keeping a person in a brothel is punishable under section 6 and punishment can be given as seven years of imprisonment which can extend to life imprisonment. Under section 7 prostitution near public places such as hospitals, schools or market is illegal and punishment up to three months of imprisonment can be given. Under section 16 & 17 the power is given to the police to raid brothels and rescue women forced into prostitution and to send rescued victims to protective homes or rehabilitation centres. Special courts and procedures are given under section 22A & 22B i.e. special courts can be established to ensure speedy trails of trafficking cases and law also provide for private court hearing to protect victim's identity.

#### **CASE LAW:**

---

<sup>1</sup> The Immoral Traffic (Prevention) Act, 1956 (No. 104 of 1956)

***Prerana v. State of Maharashtra***<sup>2</sup>

In this case, Bombay High Court emphasized that minor girls that are rescued from the brothel should not be treated as accused but as victims that are in need of rehabilitation.

**2. Dowry Prohibition Act, 1961**<sup>3</sup>

The Dowry Prohibition Act, 1961 was enacted to eliminate the practice of dowry in India. The practice of dowry was very prevalent in the earlier times so to prevent it the Dowry Prohibition Act was established in 1961. But despite the act, dowry remains deeply ingrained in society and it often leads to harassment, domestic violence and even death of the women. This act criminalizes both the giving and receiving of the dowry and prescribes strict punishment to eradicate the practice.

Section 2 of the act defines dowry which includes cash, jewellery, property and other valuable assets and it applies to demand made before, during or after the marriage. It excludes the voluntary gifts that are of reasonable value given out of love and affection. Punishment for giving or taking dowry is given under section 3 of the act which states minimum imprisonment for five years and it can be extended and fine of Rs 15,000 or the value of dowry whichever is higher. Penalty for demand of dowry is given under section 4 of the act which states imprisonment for 6 months to 2 years and fine up to Rs. 10,000. The offense is Cognizable and Non-Bailable under section 8 and burden of proof lies on the accused under section 8A.

The act was established to eradicate the practice of dowry and to punish the offender so that the rights of a woman will be protected.

CASE LAW:

***Satbir Singh v. State of Haryana***<sup>4</sup>

In this case, the Supreme Court rules that demand of dowry even after the marriage is also a punishable offense.

**3. Maternity Benefit Act, 1961**<sup>5</sup>

Maternity Benefit Act, 1961 was enacted to regulate the

---

<sup>2</sup> (2003) 6 AIC 674 (Bom)

<sup>3</sup> The Dowry Prohibition Act, 1961 (No. 28 of 1961)

<sup>4</sup> (2021) 6 SCC 1

<sup>5</sup> The Maternity Benefit Act, 1961 (No. 53 of 1961)

employment of a women before and after the childbirth. The act helps a working woman in many ways such as paid leave, medical allowance and protection from dismissal. The act ensure that women are able to balance their work life and family together. It is established so that a women will not suffer from job insecurity and financial instability during pregnancy and childbirth. The act applies to all the working women in in both organized and unorganized sector with 10 or more employees.

Under section 5 of the act, maternity leave and benefits are given as that women are entitled to 26 weeks of paid maternity leave for the first two children and for the third and beyond, the maternity leave is given for 12 weeks. The leave can be taken up from 8 weeks before the delivery. If a woman is adopting a child that is below the age of 3 months, then she is eligible for 12 weeks of maternity leave. A woman can request for work from home after maternity leave, but it depends on employer's approval. Under section 9, in case of miscarriage or medical termination of pregnancy, 6 weeks leave is given and in case of tubectomy operation 2 weeks leave with paid wages is given. Under section 10 additional leave with pay is provided for pregnancy related illness. Creche facility must be provided with 50 or more employees and women must be allowed four visits per day under section 11A. No employer can dismiss or discharge a woman during her maternity leave under section 12.

CASE LAW:

### ***Municipal Corporation of Delhi v. Female Workers***<sup>6</sup>

In this case, the Supreme Cort ruled that maternity benefits act also applies to daily wage workers.

### **4. Medical Termination of Pregnancy Act, 1971**<sup>7</sup>

The Medical Termination of Pregnancy Act, 1971 was enacted to regulate and legalize the abortion under specific conditions to protect women's health and rights. The law was enacted to prevent the women from illegal and unsafe abortion that could endanger their lives and to ensure that the women have access to safe and legal abortion services. The act was recently amended in 2021 to expand the access to abortion.

Ground for medical termination of pregnancy is given under section 3 of the act as a pregnancy may be terminated by a

---

<sup>6</sup> (2000) 3 SCC 224

<sup>7</sup> The Medical Termination of Pregnancy Act, 1971 (No. 34 of 1971)

registered medical practitioner up to 20 weeks of pregnancy for all the women if continuing the pregnancy can pose risk to the mother's life or physical and mental health, if there is any substantial risk of fatal abnormalities and as per the amendment of 2021 between 20 weeks to 24 weeks for rape survivors and in case of severe fatal abnormalities. In case of minor or mentally ill women, consent of legal guardian for abortion is necessary whereas above 18 years, only the consent of a woman is required. Under section 4 place where pregnancy can be terminated is given that is hospital established or approved by government. Only a registered medical practitioner can perform abortion i.e. for up to 20 weeks, approval from only one doctor is required and in case of 20-24 weeks, approval from two doctors is required. Under section 5A identity of a woman seeking abortion should be kept confidential and in case the personal details are disclosed then punishment of imprisonment which can extend to one year or fine or both is given. No action can be taken against the woman or the medical practitioner if the act is done in a good faith under section 5 & 8 but a doctor performing illegal abortion can be penalized.

CASE LAW:

***X v. Principal Secretary, Health and Family Welfare***<sup>8</sup>

In this case, the Supreme Court extended abortion rights to unmarried women ruling that all women married or unmarried have equal access to abortion services.

**5. Equal Remuneration Act, 1976**<sup>9</sup>

The Equal Remuneration Act, 1976 was enacted to ensure that there is equal pay for equal work for both men and women. The act was established to prevent gender-based discrimination and establish equality in employment. The main aim of the act is to prevent the practice of gender bias employment, prohibit discrimination on the basis of gender or sex. It applies to both government and private sector.

Section 4 of the act states no discrimination in wages for same or similar work and there should be equal remuneration to male and female workers for similar work. Section 5 of the act states that there should be no discrimination in recruitment and promotion except where the employment of women in such work is prohibited. Advisory committee for women employment can be set up by the government to promote employment opportunities for

---

<sup>8</sup> MANU/SC/1257/2022

<sup>9</sup> The Equal Remuneration Act, 1976 (No. 25 of 1976)

women under section 6. Under section 8 the employer must maintain pay records to ensure that they are complying with the equal remuneration laws. Penalties for non-compliance is given under section 10 which states imprisonment up to three years for violation and fine up to Rs. 10,000 and continued non-compliance can lead to additional fines or strict penalties.

CASE LAW:

***Mackinnon Mackenzie v. Audrey D'Costa***<sup>10</sup>

In this case, the court held that the women stenographers should receive the same pay as male stenographer.

**6. Indecent Representation of Women (Prohibition) Act, 1986**<sup>11</sup>

The Indecent Representation of Women (Prohibition) Act, 1986 was enacted to prohibit the indecent description or depiction of women in advertisement, publication, writings, paintings and other media. The main aim of the act was to curb objectification and derogatory portrayal of women to protect their dignity and prevent them from exploitation in visual and printed media. The law seeks to eliminate obscene and offensive depiction of women from all forms of media.

Section 2 of the act defines indecent representation of women and state that it refers to depiction of woman's figure, form, body in a derogatory manner which leads to injure the public morality. Section 3 & 4 of the act states prohibition of indecent representation such as in publication, distribution or exhibition of any indecent representation material of women and it also bans the printing, publication, sale, distribution of books, pamphlets, advertisements or any content that is obscene in nature. Under section 5 authorities have the power to search and seize material that violates the act. Section 6 of the act states penalties for violation as for first offense imprisonment up to two years and fine up to Rs 2,000 and for subsequent offenses imprisonment up to five years and fine up to Rs 5,000.

CASE LAW:

---

<sup>10</sup> AIR 1987 SC 1281

<sup>11</sup> The Indecent Representation of Women (Prohibition) Act, 1986 (No. 60 of 1986)

***Bobby Art International v. Om Pal Singh Hoon***<sup>12</sup>

In this case, the Supreme Court ruled that artistic and cinematic freedom cannot be misused for vulgarity.

**7. The Commission of Sati (Prevention) Act, 1987**<sup>13</sup>

The Commission of Sati (Prevention) Act, 1987 was enacted to prevent the practice of sati. Sati was the practice in which a widow voluntarily or forcefully self immolates herself on her husband's funeral pyre. This practice was very prevalent in the earlier times, and it was also banned by the British rule earlier but the Roop Kanwar Sati case of 1987 in Rajasthan led to the enactment of this comprehensive law. The act makes the encouragement or support of sati a punishable offense with penalties.

Definition is given under section 2 of the act which states sati as the act of a widow burning or burying herself alive on her husband's funeral pyre whether voluntary or forced. Punishment for attempt to commit sati is given under section 3 that is imprisonment of six month or fine or both and under section 4 punishment for abetment of sati is given as imprisonment for life or death penalty if the women die. Section 5 of the act states punishment for glorification of sati which is imprisonment for one year which is extendable to seven years with fine. Section 7 & 8 gives power to seize property and prevent gathering i.e. the government can confiscate land, funds or memorials for promoting sati and authorities can ban public events or religious gatherings glorifying sati.

CASE LAW:

***Roop Kanwar Sati Case***

In this case, an 18-year-old widow was burned alive in Rajasthan. This was the last documented case of sati in India and massive public support for the practice led to protest. The government passed the Commission of Sati (Prevention) Act, 1987 making it a strictly punishable offense.

**8. National Commission for Women Act, 1990**<sup>14</sup>

The National Commission for Women Act, 1990 was enacted to establish the national Commission for Women (NCW) which is a statutory body that helps and aims at safeguarding and

---

<sup>12</sup> (1996) 4 SCC 1

<sup>13</sup> The Commission of Sati (Prevention) Act, 1987 (No. 3 of 1988)

<sup>14</sup> The National Commission for Women Act, 1990 (No. 20 of 1990)



promoting the right of a women in India. The commission works on ensuring gender justice, protecting women rights and recommends legal reform for protection of women.

Section 3 of the act talks about the establishment of the commission which should consist of a chairperson i.e. appointed by the central government, five members with expertise in women issues and a member secretary. Section 10 of the act states functions of the commission as that the act plays an important role in empowering the NCW to review and recommend amendments in law affecting women, address complaints that are related to gender discrimination and harassment, do investigation in violation of women rights and take necessary actions on it and to promote women empowerment. Under section 13 & 14 of the act NCW must submit the annual reports to the government and highlight issues related to women. The government must take actions based on the annual report submitted by the NCW or based on NCW's recommendation.

CASE LAW:

***Vishaka v. State of Rajasthan (Supra)***<sup>15</sup>

In this case, the commission Suo moto took up the case of the victim and extended its full support in going on appeal and also provided security to the victim. The commission also appointed a special public prosecutor to argue her case.

**9. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994**<sup>16</sup>

The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of sex selection) Act, 1994 was enacted to prevent the practice of female feticide and to eliminate sex selection abortion in India. The law prohibits the use of ultrasound and other diagnostic techniques for determining the sex of the baby in womb or sex of a foetus which lead to decline in female sex ratio due to preference of a male child over female. In earlier times, people used to prefer male child over female because they think that the male child will help them in the future and a female child will go to other house after marriage.

Section 3A of the act prohibits the sex selection and section 3B prohibits the sale of ultrasound machines to person, laboratories,

---

<sup>15</sup> (1997) 6 SCC 241

<sup>16</sup> The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (No. 57 of 1994)

clinic that are not registered under the act. Regulation of pre-natal diagnostics techniques are given under section 4 of the act that states that pre-natal diagnostic techniques like ultrasound can only be used for medical purposes to detect genetic abnormalities or diseases, and it cannot be used to determine the sex of the baby. Under section 5 a doctor must obtain written permission or consent from the pregnant women before performing any diagnostic test and the doctor cannot reveal the sex of the baby to the patient or family. Section 22 of the act prohibits the advertisement of sex determination or gender selection and if done so then the punishment can be given as imprisonment which may extend to three years and fine which may extend to ten thousand. Section 23 & 25 states penalties as for first offense imprisonment up to three years and fine up to Rs 10,000 and for subsequent offenses imprisonment up to five years and fine up to Rs 50,000 and in case medical professional is involved may face suspension or cancellation of their medical license, in case there is contravention of provision which doesn't specifies punishment then the penalty for such will be imprisonment that can extent to three months or fine that can extend to Rs 1000 or both and in case of continuing contravention additional fine of Rs 500 for every day. Under section 30 government officials have the power to search and seize records, equipment and machinery that are being used for illegal sex determination.

CASE LAW:

***Federation of Obstetric and Gynaecological Societies of India (FOGSI) v. Union of India***<sup>17</sup>

In this case, the Supreme Court ruled that non-maintenance of records is a punishable offense under the act.

**10. Protection of Women from Domestic Violence Act, 2005**<sup>18</sup>

The Protection of Women from Domestic Violence Act (PWDVA), 2005 is an important and crucial law in India that aims at protecting women from domestic violence. Domestic violence is a type of violence that happens within the household. Unlike other laws that mainly focus on penalizing the offender, this act focuses and provides protection, maintenance and restraining order for women who are facing domestic abuse. The PWDVA, 2005 covers various types of abuse under section 3 such as physical, sexual,

---

<sup>17</sup> (2019) 6 SCC 283

<sup>18</sup> The Protection of Women from Domestic Violence Act, 2005 (No. 43 of 2005)

emotional, verbal and it also allows women to seek protection from their husbands and their family members.

There are various rights that are given to the women under the act such as under section 18 a woman can seek for protection order in which court can restrain the abuser from committing any violence and prevents communication, threats or harassments of the woman. A woman can seek for residence order under section 19 in which woman have the right to stay in the shared household and court can stop the husband and in-laws from evicting the women and they can also order the abuser to leave the house even if they own it. Under section 20 of the act women can ask for monetary relief and the abuser must provide her the financial support for medical expenses, loss of income and maintenance of the victim and children. Under section 21 woman can seek for custody of children and under section 22 victim can claim compensation for mental distress, pain and suffering. If the abuser violates a court order, then they can face imprisonment up to one year and fine up to Rs. 20,000.

CASE LAW:

***Hiral P. Harsora v. Kusum Narottamdas Harsora***<sup>19</sup>

In this case, the Supreme Court allowed women to file case against female relatives as well and struck down the word “adult male” from definition which makes a woman and a minor liable for domestic violence.

**11. The Hindu Succession (Amendment) Act, 2005**<sup>20</sup>

The Hindu Succession (Amendment) Act, 2005 was enacted to remove gender discrimination in inheritance of property under the Hindu Succession Act, 1956. Before the amendment of 2005, only sons have the right to inheritance the ancestral property and the daughters does not have the equal rights as sons. The amendment was made to ensure that daughters also become coparceners i.e. joint legal heirs of the property by birth just like sons. The act applies to Hindu, Buddhist, Jain and Sikhs and it does not apply to Muslim, Christians and Parsis. The key features of the act are that daughters also have equal rights as sons in the inheritance property, married daughter can also claim the share in property and daughters can be the ‘Karta’ i.e. the head or manager of the Hindu Undivided Family (HUF).

---

<sup>19</sup> (2016) 10 SCC 165

<sup>20</sup> The Hindu Succession Act, 1956 (No. 30 of 1956)

Under section 6 equal rights are given for daughters as coparceners after the amendment but before that only sons were considered coparceners in the Hindu Undivided Family. A daughter will have all the rights such as equal right in coparcener, inherit property by birth, regardless married or unmarried and they can also demand partition of the ancestral property. Under section 6(3) if the Hindu dies after 2005 then his property will equally devolve between sons and daughters. Before the amendment, section 23 stated that married daughter could not claim residence rights in their parental home whereas after the amendment it was repealed, and now married or unmarried daughter can reside or seek partition of the ancestral home. Also, in section 24 before the amendment widows were not allowed to inheritance if they remarried but after the amendment of 2005, widows can inherit the property even if they remarry.

CASE LAW:

***Vineeta Sharma v. Rakesh Sharma***<sup>21</sup>

In this case, Supreme Court ruled that daughter have equal coparcenary rights even if the father died before 2005 because the daughters get property rights by birth just like the sons.

**12. The Prohibition of Child Marriage Act, 2006**<sup>22</sup>

The Prohibition of Child Marriage Act, 2006 was enacted to prevent the practice of child marriage in India which is very prevalent from the earlier times. The act makes the child marriage illegal, voidable and punishable and also provides remedies for the victim. The act under section 2 of the act defines child as female below the age of 18 years and male below the year of 21 years.

Under section 3, child marriage is voidable if the minor petitions the court before turning 20 years or when the guardian petition on behalf of the child during minority. The marriage is automatically void under section 12 if the marriage is done by force or trafficking or marriage for exploitation or illegal purpose. Punishment under section 9, 10 and 11 is given for any adult man marrying a minor girl, punishment for performing any child marriage and punishment for guardian or parent arranging child marriage for which the punishment is given as imprisonment for two years and fine of Rs. 1 Lakh. Under section 16 the role of child marriage prohibition officer is given which states that the officer is appointed by the state government to prevent child marriage,

---

<sup>21</sup> (2019) 6 SCC 164

<sup>22</sup> The Prohibition of Child Marriage Act, 2006 (No. 6 of 2007)

rescue and protect minor and report any violation and support legal actions.

CASE LAW:

***Seema Begaum v. State of Karnataka***<sup>23</sup>

In this case, the court annulled a forced marriage and state that the Prohibition of Child Marriage act will prevail over any other un-codified law such as in this case Muslim personal law.

**13. Protection of Children from Sexual Offences (POCSO) Act, 2012**<sup>24</sup>

The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted to protect children i.e. below the age of 18 years from sexual abuse and exploitation. The act provides legal framework that address child sexual abuse, pornography and exploitation and it ensure speedy trial and child friendly legal procedures. In 2019, the amendment strengthens the POCSO Act with stricter punishment such as minimum punishment for aggravated penetrative assault increased to 20 years, strict punishment for child pornography and death penalty introduced for sever cases.

Under section 3 penetrative sexual assault is given as penetration of private parts by any body or object and the punishment for the same is given under section 4 as minimum imprisonment of 10 years which can extend for life and fine. Aggravated penetrative sexual assault is given under section 5 which states when the offender is in a position of authority such as teacher, police, doctor causes harm and the punishment is given under section 6 as imprisonment for 20 years which can extend to life imprisonment with fine or death penalty. Sexual assault is given under section 7 as touching a child's private parts or making them touch the offender's private parts without penetration and the punishment for the same is given under section 8 as imprisonment for three which can extend to five years with fine. Aggravated sexual assault is given under section 9 as sexual assault committed by someone in a position and punishment is given under section 10 as imprisonment for five years which can extend to seven years and fine. Sexual harassment is given under section 11 and the punishment is given under section 12 as imprisonment up to three years and fine. Using a child for pornographic purpose is given under section 13 and punishment

---

<sup>23</sup> 2013 SCC OnLine Kar 692

<sup>24</sup> The Protection of Children from Sexual Offences Act, 2012 (No. 32 of 2012)

for same is given under section 14 & 15 as imprisonment for five to seven years if involved in porn creation and imprisonment for three years if watching/distributing porn.

CASE LAW:

***Alakh Alok Srivastava v. Union of India***<sup>25</sup>

In this case, the court addressed the need to strengthen punishment for child rape and ensuring speedy justice.

**14. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**<sup>26</sup>

The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to provide safe and protected working environment for women. The act provides with the definition, establishes a complaint redressal system and mandates preventive measures for workplaces. The act was introduced after the Vishaka Guidelines that was issued by the Supreme Court in Vishaka v. State of Rajasthan which is a landmark case on sexual harassment at workplace.

The act applies to all the workplaces that includes private, government offices, NGOs etc, it also covers all women employees that includes regular, temporary, interns, domestic workers etc. The act recognizes all forms of sexual harassment that includes physical, verbal and non-verbal and.

Under section 4 of the act, it mandates the formation of Internal Complaint Committee (ICC) in an organization with 10 or more employees and section 6 of the act mandates Local Complaint Committee (LCC) for less than 10 employees. Complaint can be filed under section 9 within three months of the incident. Under section 16 it is given that the identity of the complainant, accused, witness and other case details should be kept confidential. Penalty for non-compliance is given under section 26 is which employer will be liable to pay fine of up to Rs. 50,000 and repeated violation can lead to higher fines and cancellation of business license.

CASE LAW:

***Punjab and Sind Bank v. Durgesh Kuwar Pathak***<sup>27</sup>

---

<sup>25</sup> (2018) 5 SCC 651

<sup>26</sup> The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (No. 14 of 2013)

<sup>27</sup> (2020) 19 SCC 46

In this case, the Supreme Court upheld strict disciplinary action against an employer who was guilty of sexual harassment.

### **15. Criminal Law (Amendment) Act, 2013<sup>28</sup>**

The Criminal Law (Amendment) Act, 2013 which is also commonly known as the Nirbhaya Act was enacted in response of the 2012 Delhi gang rape case. The brutal crime led to protest and promoting the government to strengthen laws related to sexual offenses against women. The act amended the Indian Penal Code, Code of Civil Procedure and the Indian Evidence Act to provide strict punishment for sexual offenses against women and improve and strengthen the legal framework established for protection of women and it also recognizes new offenses such as voyeurism and stalking.

It expanded the definition of rape under section 375 & 376 of the Indian Penal Code which now includes oral sex, anal penetration, insertion of object and forced sexual act in the definition of rape and punishment was amended as minimum seven years of imprisonment which can extent to life imprisonment and if the rape causes death or vegetative state than minimum twenty years to life imprisonment or death penalty. Punishment for gang rape was made as minimum twenty years imprisonment which is extendable to life imprisonment. Punishment under section 326A & 326B for acid attack was made as minimum ten years to life imprisonment and fine for acid attack causing permanent damages and imprisonment for minimum five years to seven year and fine in case of attempt to throw acid. Sexual harassment under section 354A covers unwanted physical contact, showing pornography against a woman's will, demanding sexual favour and the punishment for such act is imprisonment up to three years and fine. Voyeurism that is watching or capturing images of women engaging in private act without consent was given under section 354C and punishment for first offense is one to three years of imprisonment and fine and for repeated offence three to seven years of imprisonment and fine. Section 354D states stalking, which is unwanted following, tracking or contact with a woman online or offline and punishment for first offense is up to three and fine and for repeated offense imprisonment up to five years and fine. Under section 166A if the police on duty fails to record FIR or delay an investigation in rape cases then imprisonment up to two years and fine is given as punishment. Under the act, fast track courts were set up for speedy trials of sexual offense cases and hospital cannot refuse to provide medical treatment to rape

---

<sup>28</sup> The Criminal Law (Amendment) Act, 2013 (No. 13 of 2013)

or acid attack survivor.

CASE LAW:

***Mukesh & Anr. V. State (Nirbhaya Case) (Supra)***<sup>29</sup>

In this case, Supreme Court upheld death penalty for the accused in the 2012 Delhi gang rape case.

**16. Triple Talaq Act, 2019**<sup>30</sup>

The Muslim Women (Protection of Rights on Marriage) Act, 2019 which is commonly known as the Triple Talaq Act was enacted to criminalize the practice of Talaq-e-Biddat which is instant triple talaq. This law was passed in Shayara Bano case which is a Supreme Court landmark case which declared that the practice of instant triple talaq is unconstitutional. The main aim of the act was to protect Muslim women from arbitrary divorce, provide them legal rights, maintenance, custody and to punish the husband who violates the law.

Under section 2 definition of talaq is given as any form of talaq having the effect of instant and irrevocable divorce. It can be through verbal, electronic, written or any other mode of pronouncing triple talaq. Under section 3 of the act triple talaq was declared illegal and void and it will have no legal effect, the marriage will remain valid, and wife does not get divorced through this method. Punishment for giving triple talaq is given under section 4 which states punishment as imprisonment up to three years and fine. Section 5 provides right to subsistence allowance for wife i.e. wife is entitled to financial support from her husband after he is convicted. Custody of the minor children will be granted to the wife under section 6. Section 7 states that the offense of triple talaq is a cognizable and non-bailable offense.

CASE LAW:

***Shayara Bano v. Union of India***<sup>31</sup>

In this case, Supreme Court declared instant triple talaq as the practice that violates the fundamental rights of a Muslim women and made it unconstitutional.

---

<sup>29</sup> 2017 SCC OnLine SC 533

<sup>30</sup> The Muslim Women (Protection of Rights on Marriage) Act, 2019 (No. 20 of 2019)

<sup>31</sup> (2017) 9 SCC 1



These are the act that have been established and passed over time for the protection of women and to safeguard their rights in India. But despite many laws, women in India still faces various types of crimes against them every day. The main reason being the weak enforcement of laws, lack of awareness and not having as strict punishment as it should be for such heinous and brutal crimes that a woman is facing every day. The government need to focus more on the enforcement of the laws made for protection of women and should make punishment stricter that a person will not commit such crime. The awareness about the laws and rights need to be created in all the areas as women's living in some parts of rural areas are not well educated and they are still not aware of their rights and that is why they are facing crimes every day.