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PROTECTION OF WOMEN: AN UNACCEPTABLE TRUTH

~ *Praveen Kumar*

India is a country where women have always been respected and worshipped in the form of Durga, Saraswati, Lakshmi and Radha. We celebrate women as symbols of strength, knowledge and prosperity. But there is another side of this reality which is difficult to ignore. Women continue to face harassment, sexual violence, domestic abuse and mental and physical torture in their everyday lives.

This creates a serious question in our minds: **Are women actually protected by the laws and Constitution of India, or are these protections stronger on paper than in real life?**

Recent incidents from different parts of the country have once again brought this question into public discussion.

In Delhi, a 17-year-old girl was allegedly gang-raped at Aastha Kunj Park in South Delhi. According to the FIR, three men allegedly posed as police officers and threatened the girl and her friend with a weapon. The accused were later arrested and a case was registered under the Protection of Children from Sexual Offences (POCSO) Act and relevant provisions of the Bharatiya Nyaya Sanhita (BNS).¹

The incident led to protests by students of Delhi University and other institutions. Students came out demanding safer public spaces, better policing and accountability. But their anger was not only about one incident. It reflected a much larger fear faced by women every day: **If**

¹ <https://indianexpress.com/article/cities/delhi/south-delhi-gangrape-teen-bushes-assaulted-knifepoint-fir-10893604/>

a girl cannot feel safe in a public park, while returning from college or simply walking outside, where is she supposed to feel safe?²

A disturbing incident was also reported from Bihar's Jamui district. A teenage boy and girl returning from coaching classes were allegedly stopped and assaulted by a group of men, and the girl was allegedly molested. Police registered a case under the POCSO Act and arrested three persons.³

Punjab also witnessed protests at Lovely Professional University after a claim circulated on social media alleging that a female student had been raped inside a hostel. The protests later turned violent and police formed a Special Investigation Team (SIT). However, the alleged rape had not been verified at the time of reporting.⁴ This incident also teaches us something important. Complaints or allegations relating to women's safety must be taken seriously and investigated quickly, but rumours on social media should not be treated as established facts.

Nirbhaya changed the law, but did it change the reality?

Whenever we talk about women's safety in India, it is difficult not to remember the **Nirbhaya case of December 2012**.

The brutal gang rape and subsequent death of a 23-year-old woman in Delhi shocked the entire country. Thousands of people came out on the streets demanding justice and stronger laws for women's safety.

Following the incident, the Government formed the **Justice J.S. Verma Committee** on 23 December 2012. The Committee submitted its report within a month and recommended major changes in laws dealing with rape, sexual harassment, trafficking, child sexual abuse and police accountability.⁵

These developments resulted in the **Criminal Law (Amendment) Act, 2013**. The amendment made important changes to India's criminal laws. It strengthened the law on rape and

² <https://indianexpress.com/article/cities/delhi/gen-z-reels-du-students-womens-safety-protest-10898357/lite/>

³ <https://indianexpress.com/article/india/bihar-boy-girl-coaching-assault-molested-10887006/>

⁴ <https://indianexpress.com/article/cities/chandigarh/lpu-students-protest-rape-report-damage-property-10895659/>

⁵ <https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary>

specifically recognised offences such as **stalking, voyeurism, sexual harassment and acid attacks**.⁶

Nirbhaya therefore changed India's laws in an important way.

But almost fourteen years later, we still need to ask: **Did stronger laws also make women feel safer?**

India does have strong laws for women

It would be wrong to say that India does not have laws to protect women. In fact, there are several constitutional and legal protections.

The Constitution itself gives the basic protection. **Article 14** guarantees equality before the law. **Article 15** prohibits discrimination on the ground of sex and also allows the State to make special provisions for women and children. **Article 21** protects the right to life and personal liberty, which includes the right to live with dignity.⁷

The **POCSO Act, 2012** provides special protection to children below 18 years from sexual assault, sexual harassment and other sexual offences. It also provides for Special Courts and procedures intended to make the legal process more sensitive towards children.

The **Sexual Harassment of Women at Workplace Act, 2013**, commonly known as the **POSH Act**, protects women against sexual harassment at workplaces. It requires covered workplaces to have a proper mechanism, including an Internal Committee, where complaints of sexual harassment can be made and examined.⁸

India's criminal laws changed again when the **Bharatiya Nyaya Sanhita (BNS), 2023** came into force on 1 July 2024, replacing the Indian Penal Code.

Under **Section 64 of the BNS**, rape is punishable with imprisonment of at least ten years, which may extend to imprisonment for life. **Section 70** deals with gang rape and provides even stricter

⁶ <https://legalspaceservices.in/bns-74-outraging-modesty-harassment.php>

⁷ <https://iknowpolitics.org/en/news/legal-rights-womens-protection-india>

⁸ <https://itdc.co.in/wp-content/uploads/2026/01/Gazette-Notification-1.pdf>

punishment. Where the victim is below 18 years of age, gang rape can attract imprisonment for the remainder of the offender's natural life or the death penalty.⁹

The **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**, which replaced the Code of Criminal Procedure, also contains procedures aimed at making investigation and recording of statements in sexual-offence cases more sensitive and transparent.

So, India does not lack laws.

The bigger problem is how effectively these laws work on the ground.

What do the numbers tell us?

The numbers make this discussion even more important.

According to the National Crime Records Bureau's *Crime in India 2023* data, **4,48,211 cases of crimes against women were registered across India in 2023**. The figure was 4,45,256 in 2022 and 4,28,278 in 2021.¹⁰

Among the cases registered in 2023, **29,670 were cases of rape**. There were also 1,33,676 cases under cruelty by husband or relatives and 88,605 cases involving kidnapping and abduction of women.¹¹

These numbers must be understood carefully. They only represent cases that were actually registered with the police. There may be incidents which are never reported because of fear, family pressure, social stigma or lack of confidence in the system.

At the same time, a higher number of registered cases can also mean that more women are coming forward to report crimes. So the numbers should not be used alone to conclude that crime has necessarily increased by the same proportion.

But more than **4.48 lakh registered cases in a single year** clearly show that crimes against women cannot simply be treated as a few isolated incidents.

There is another important point: **filing an FIR is not the same as getting justice.**

⁹ <https://spuwac.in/pdf/bns.pdf>

¹⁰ <https://www.newindianexpress.com/india/2025/Oct/01/451-cases-of-crime-against-women-in-2023-ncrb>

¹¹ <https://www.data.gov.in/resource/stateut-wise-cases-registered-under-rape-section-wise-during-2023?>

For a survivor, filing a complaint may only be the beginning of a long journey involving police investigation, medical examination, statements and court hearings. If the process takes years, even a strong law can lose much of its practical meaning.

Where are we going wrong?

Whenever a shocking crime against a woman happens, there is an immediate demand for stricter punishment. But punishment alone cannot be the complete answer.

India already has strict laws. What we need now is **better implementation of those laws.**

Police must respond quickly when a woman reports harassment or sexual violence. A woman approaching a police station should feel that she will be heard and protected rather than questioned about her clothes, behaviour, location or timing.

We also need to focus on prevention. Public parks, roads, public transport, college campuses and other public places should have proper lighting, CCTV cameras, emergency facilities and regular police patrolling.

Schools, colleges and universities also have an important responsibility. Complaint committees should not exist only because the law requires them. Students must know whom to approach, how their complaint will be handled and what protection they will receive.

Our courts and investigation system also need to ensure that cases involving sexual violence are dealt with without unnecessary delay. A survivor should not have to wait for years to see whether justice will finally be delivered.

But there is another change which no Parliament can bring through legislation alone.

Our thinking has to change.

Respect for women must begin at home and in schools. Boys must be taught from an early age that consent matters, that harassment is not a joke and that respecting a woman's boundaries is basic human behaviour.

Most importantly, women's safety should never become an excuse to restrict women.

We cannot tell a woman that she will be safe only if she comes home early, avoids certain places, changes the way she dresses or does not travel alone. **The responsibility should be placed on the person committing the crime, not on the woman trying to live her life.**

The Nirbhaya case changed India's laws. It forced the country to talk seriously about rape, harassment and women's safety. But years later, incidents continue to remind us that changing the law was only the first step.

Our Constitution promises equality, dignity and liberty. Our Parliament has passed several laws to protect women. Now these promises have to be seen and felt on the ground.

A woman should be able to go to college, return from work, travel on public transport, meet her friends or simply walk through a park without constantly thinking about whether she is safe.

We do not need to merely tell women that the law protects them.

We need to create a society where they can actually feel that protection.

Until that happens, the uncomfortable truth remains: India may have stronger laws today than it had before Nirbhaya, but there is still a long distance between **having protection under the law and feeling protected in everyday life.**