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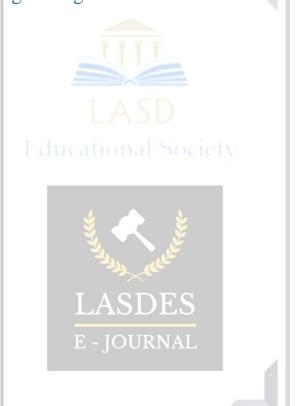
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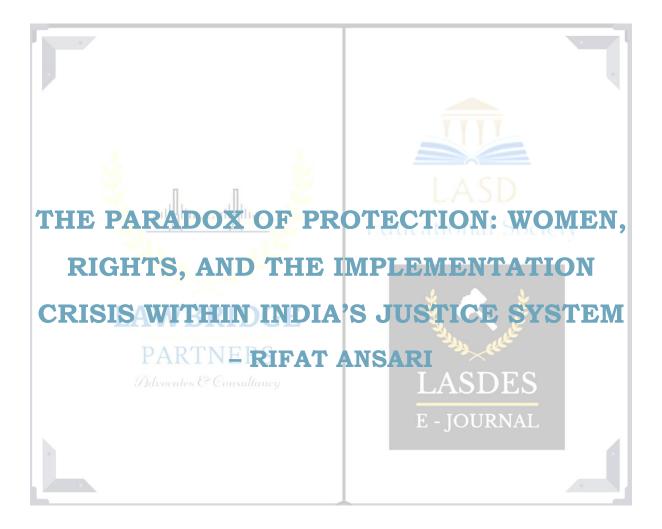
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# I. Introduction: The Dialectic of Law and Lived Reality

A.Contextualizing Gender Justice in India:

Constitutional Commitments and Global

### **Aspirations**

The Republic of India formally stands committed to the principle of gender equality, a cornerstone within duits on foundational document, the Constitution. This commitment transcends mere legislative provision, manifesting in the Preamble, the delineation of Fundamental E - JOURNAL Rights, the prescription of Fundamental Duties, and the aspirational mandates of the Directive Principles of State Policy. The Constitution guarantees not only equality before the law but also provides the State with explicit authority,

through Article 15 (3), to adopt measures of positive discrimination designed to neutralize the cumulative socio-economic, educational, and political disadvantages historically faced by women. Specifically, Article 14 ensures equality before the law and equal protection of law; Article 15 prohibits discrimination against any citizen solely on grounds of religion, race, caste, sex, or place of birth; and Article 16 guarantees equality of opportunity in matters of employment. These constitutional privileges form a grobust legal architecture aimed at women's advancement in various spheres.

Reinforcing its domestic mandates, India ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993, formally linking its domestic legal and policy framework to international human rights instruments. Within this framework, national laws, development policies, and governmental programmes have continually aimed at women's empowerment.

Despite these formidable constitutional and statutory commitments, a critical examination of the lived experience of women in India reveals a profound dissonance between the law's promise and the reality of justice delivery. Global indices reflect this alarming gap. The Social Institutions and Gender Index (SIGI) 2023 Global Report places India in the category of "high discrimination," grouping it with nations that face significant challenges in securing women's safety and bodily autonomy. Furthermore, the Women Peace and Security Index 2023 ranks India at a strikingly low

inclusion, justice, and security. This divergence demonstrates that the constitutional guarantees function primarily as symbolic reassurance rather than operational commands, implying that the failure is not legislative but fundamentally structural. The persistent failure of the system to translate formal legal equality into substantive equality suggests that the state has mastered the art of drafting progressive laws without rachieving widespread cultural or institutional compliance. This necessitates the conclusion that the implementation crisis is rooted in deep - seated, non - legal factors, predominantly the socio cultural patriarchy that continues to contaminate the institutional actors – police, administration,

128 out of 177 countries in terms of women's

and the lower judiciary – who act as the essential gatekeepers of justice.

Thesis Statement: Despite possessing one of the

world's most progressive legal frameworks designed for women's protection, the Indian state faces a debilitating crisis of implementation, where institutional bias, cultural resistance, and systemic inefficiency transform robust legal rights into inaccessible privileges, perpetuating violence and discrimination across all spheres of tife, from the home and the informal workplace to educational institutions.

## B. Methodological Approach: A Socio-Legal Critique

This paper adopts a socio-legal methodology to conduct a rigorous critical analysis of gender

justice in India. The approach involves contrasting normative legal standards, often referred to as the law *in books*, with the empirical reality of access to and delivery of justice, or the law *in action*.

The analysis integrates quantitative data from established sources, such as crime statistics published by the National Crime Records Bureau (NCRB), alongside qualitative evidence concerning systemic challenges within the justice delivery mechanism. This comprehensive approach allows for an assessment that moves beyond merely cataloguing statutes. It facilitates a deeper understanding of how institutional failings, sociocultural barriers (such as victim blaming and retribution fears), and economic constraints actively negate legal rights. By examining judicial precedent alongside institutional practices and 10

high-profile contemporary incidents, the report seeks to provide an expert-level critique demonstrating the complexity and multifaceted nature of the gender justice paradox in India.

II. Legislative Frameworks: Intent, Scope, and the Crippling Implementation Gap

India has enacted specific, progressive legislation ducational society targeting gender-based violence and discrimination in both public and private domains. While the PARTNERS intent of these laws represents a clear break from patriarchal tradition, their execution reveals a crippling implementation gap.

A.Domestic Sphere Protection: The Protection of Women from Domestic Violence Act (PWDVA), 2005

The enactment of the Protection of Women from Domestic Violence Act (PWDVA) in 2005 represented a watershed moment in Indian legal history. This legislation was significant not only for its progressive content but also for its explicit acknowledgment of domestic violence as a human rights violation and a form of gender-based discrimination. Moving beyond earlier, narrow legal remedies that primarily criminalized physical cruelty, the PWDVA was designed to provide comprehensive concivil remedies, A fundamentally prioritizing the protection, well-being, and dignity of women subjected to abuse within the domestic sphere. The Act features broad definitions of domestic abuse, covering physical, sexual, verbal, emotional, and economic abuse. It includes essential provisions for protection orders, granting residence rights, and compensation. Furthermore, the legislation mandates accessible forums, requiring cases to be addressed in magistrate's courts, which are intended to be less intimidating than higher courts. Crucially, the PWDVA emphasizes "time-bound proceedings," requiring courts to begin hearings within three days and endeavour to dispose of the case within sixty days from the first hearing. This focus on speedy justice acknowledges the extreme urgency and potential danger inherent in domestic violence situations, where delays can exacerbate abuse or threaten lives.

## B.Safety in the Professional Sphere: The POSH Act, 2013

Following the landmark *Vishaka v. State of Rajasthan* judgment (1997), the Sexual

Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (POSH Act) was formally enacted in 2013. This Act was created to ensure the safety and respect of women in the professional sphere, applying broadly to various environments, including corporates, schools, colleges, NGOs, start-ups, and even remote work settings. The POSH Act's definition of sexual harassment is wide-ranging, R covering unwelcome physical contact or advances, explicit requests for sexual favours, sexually collared comments or jokes, the display of pornography, and any discomforting physical, verbal, or non - verbal behaviours of a sexual nature. The law guarantees protection to a wide range of female workers, including full-time, part – time, contractual employees, interns, and 14

third-party vendors. The Act mandates that workplaces institute a legal system to report and resolve complaints, specifically requiring the constitution of Internal Committees (ICs) and upholding rights such as confidentiality and non-retaliation for the complainant.

# C. The Statutory Implementation Gap: A Crisis of Apathy

Despite the robust legislative intent and detailed

statutory provisions, the practical effectiveness of PARTNERS both the PWDVA and the POSHAACD is severely hampered by a crisis of institutional implementation. International analyses suggest that while women possess approximately 64% of the rights of men globally, economies often have less than 40% of the systems required to implement those rights in practice. This indicates

a profound and structural "implementation gap" existing between formal legislation and the reality experienced by women.

The failure of POSH compliance is widespread and concerning. Many private establishments have failed to comply fully with the law, either by neglecting to constitute ICs entirely, appointing members improperly, or failing conduct mandatory awareness and training sessions for employees and IC members. This non-compliance so pervasive suthat the Supreme Court has recently mandated a compliance survey, urging employers to constitute ICs at all eligible workplaces, frame and display anti-sexual harassment policies, and audit past complaints. The consistent and widespread failure to comply with these critical administrative mandates

signifies a collective institutional refusal or indifference to prioritize women's safety over bureaucratic inertia or cost avoidance. The effect is that the law's protective power is profoundly diminished, creating a culture of impunity in the workplace where rights remain purely theoretical. Similarly, the execution of the PWDVA is undermined by systemic failures. While the Act is structurally robust, the gap between legislative intent and ground-level execution remains wide. Reports indicate that women struggle severely to access protection and justice due to structural, systemic, institutional, and socio-cultural challenges. These challenges include poor awareness among law enforcement regarding the Act's provisions and, critically, inconsistent application by the judiciary. Many magistrates 17

lack sufficient training in handling domestic violence cases and fail to appreciate the broad scope of the Act, especially in recognizing nonphysical forms of abuse, such as economic or emotional inconsistent This harassment. application often results in the denial of protection orders, refusal to grant residence rights, or minimal compensation awards, ultimately failing to meet the core objectives of the legislation. The intended goal of "speedy justice" (disposal within 60 days) disabinherently contradicted by systemic judicial congestion and lengthy delays that characterize the Indian judicial process, forcing women into prolonged vulnerability.

The evidence points compellingly toward a systemic structural sabotage of the legislative intent. The failure to dedicate resources to training

and oversight for laws that mandate specific administrative and judicial responses effectively neuters the legislation.

Table 1 summarizes the persistent disjunction

between the progressive goals of key protective legislation and the harsh realities of implementation on the ground.

Table 1: Implementation Gap: Discrepancies

Between Legislative Intent and Ground Reality

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Legislati	Core Mandate	Systemic	Impact of
on	(Intent) Consultancy	Challenge LASI	Failure
		(Reality) E - JOU	RNAL
-			
PWDVA,	Comprehensive	Inconsistent	Prolonged
2005	civil remedies;	judicial	vulnerability;
	Time-bound	application;	Failure to
	proceedings (60	Magistrates lack	secure
	days)	training; Denial of	immediate
		residence/protecti	safety and
		on orders	dignity.

POSH	Mandatory	Widespread	Culture of
Act,	Internal	institutional non-	impunity in
2013	Committees	compliance,	workplaces;
	(ICs); Non-	particularly in	Rights remain
	retaliation;	private sector	purely
	Training		theoretical.
Constitu	Equality before	Gender	Rights become
tional	law (Art 14);	discrimination and	inaccessible;
Rights	Positive	bias among	Substantive
	discrimination	system actors ;	equality is
	(Art 15(3))	Significant	denied.
***		implementation gap	I Society

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## III. Judicial Activism and the Re-inscription of

Women's Rights: Landmark Jurisprudence

While the ground-level institutions struggle with

implementation, the Supreme Court of India has often acted as a transformative force, leveraging constitutional morality to strike down patriarchal laws and re – inscribe principles of autonomy and dignity for women.

## A. Asserting Personal Autonomy and Dignity Challenging Patriarchal Personal Laws

### Shayara Bano v. Union of India, 2017)

The Shayara Bano v. Union of India case in 2017 addressed fundamental constitutional questions regarding the legality of talaq-e-biddat (triple talaq), a practice under Muslim personal law. The petitioner challenged the constitutional validity of PARTNERS this practice, arguing that lita violated her fundamental rights. A majority of the Supreme Court bench viewed triple talaq as arbitrary and violative of gender equality.

This landmark ruling cemented the supremacy of fundamental rights over un – codified personal laws. The judgment advanced gender justice by 21

ensuring that the protective umbrella of the Constitution covered matters of marriage and divorce, which had historically been excluded from full constitutional scrutiny. Following this judicial pronouncement, the government enacted the Muslim Women (Protection of Rights on Marriage) Act, 2019, which subsequently criminalized the practice. .... Upholding Sexual Self - Determination (Joseph Shine v. Union of India, 2018) The judgmentein Joseph Shine va Unions of India achieved a profound philosophical metamorphosis in Indian gender jurisprudence. The Court struck down Section 497 of the Indian Penal Code (IPC), which criminalized adultery. This provision had historically been upheld by previous courts (

Yusuf Abdul Aziz and Revathi v. Union of India) on the discriminatory grounds that it was a special provision created in favor of women under Article 15(3), effectively treating the married woman as the property of her husband, unable to be an abettor or a culpable party. In 2018, the Supreme Court declared the provision unconstitutional, recognizing that men, possess the right to sexual self-determination and autonomy. The Court observed that the sexual decision of all an one adult individuals is the "most intimate domain of private life" and should not be subjected to state criminalization. The ruling recognized that adultery is better left as a ground for civil action, specifically the dissolution of marriage, rather than a crime punishable by up to five years imprisonment. This decision represents 23

a victory for dignity, shifting the legal narrative from viewing a woman as chattel to recognizing her as an autonomous agent in her intimate relationships.

## B. Protecting Procedural Fairness: Curbing Misuse of Arrest Powers

In Arnesh Kumar v. State of Bihar (2014), the Supreme Court addressed the rampant misuse of police powers, particularly in cases filed under Section LA498AR IPC (Cruelty by Husband or PARTNERS Relatives). Given the documented propensity for harassment and bias within the police system, the potential for procedural abuse, especially involving automatic arrests, necessitated judicial intervention.

The Arnesh Kumar guidelines stipulated that arrests should be an exception, particularly in

cases where the punishment is less than seven years of imprisonment. Police were mandated to provide explicit reasons for the necessity of arrest, thereby preventing arbitrary detention. While this judgment aimed to prevent the procedural misuse of powerful gender-specific laws, its contextual importance lies in forcing law enforcement—a system already prone to gender bias—to exercise caution and procedural fairness, a crucial step toward better regulation of police overreach. The analysis of these landmark cases reveals a fundamental dichotomy: the judiciary operates on two distinct levels. The highly progressive, rightsaffirming Supreme Court sets a high bar for constitutional morality and individual autonomy (the law in books), while the cautious, often culturally biased, lower judiciary and law

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enforcement apparatus consistently fail to translate these principles into practical reality (the law *in action*). The new standards of dignity articulated by the apex court are inherently challenged by the entrenched cultural norms and patriarchal stereotypes held by institutional

Table 2 highlights the transformative nature of Educational Society these judicial decisions.

gatekeepers on the ground.

Table 2: Defining Moments: Landmark Cases and PARTNERS the Evolution of Women's AutonomySDES

Case	Issue	Prior Legal	Impact on
Name	Addressed	Position	Women's
(Year)		(Status Quo)	Rights
			(Autonomy
			Principle)
Shayara	Constitutionality	Uncodified	Prioritized
Bano v.	of Triple Talaq	personal law	Constitutional
UOI	(Talaq-e-biddat)	permitted	Morality and
(2017)		immediate,	gender

		arbitrary	equality over
		divorce.	discriminatory
			personal law.
Joseph	Constitutionality	Woman	Affirmed
Shine v.	of Section 497	treated as a	women's right
UOI	IPC (Adultery)	husband's	to sexual self-
(2018)		property; only	determination;
		the man	Decriminalized
		could be	adultery.
		prosecuted.	-
Arnesh	Misuse of Arrest	Police	Introduced
Kumar	Powers (esp. S.	routinely	guidelines to
v. State	498A)	resorted to	curb
of Bihar		automatic	unnecessary
(2014)	3 (4	arrests, often	arrests,
T.AX	/BRIDGE	leveraging S.	promoting
	RTNERS	498A.	procedural
	RTINERS atos & Consultancy	LASI	fairness and
		E - JOU	curbing police
la constant		E - J00	overreach.

# IV. The Lived Experience: Exploitation and Violence in Day-to-Day Life

The implementation deficit in the justice system finds its most devastating consequence in the daily

lives of women, who face relentless exploitation and violence across virtually every domain.

## A.Quantifying Vulnerability: Data and Hidden Realities

Official statistics confirm a worrying trend in crimes against women. The rate of reported crimes against women in India (calculated per 100,000 women population) increased by 12.9% between 2018 and 2022, reaching 66.4 in 2022, compared with 58.8 in 2018. This increase is likely attributable to a confluence of factors, including a rise in actual crimes, improvements in reporting mechanisms, and a growing willingness among women to seek legal recourse.

Despite economic growth and development strides

– India's GDP grew significantly between 2000 and

2012 – official data indicates that crime figures,

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particularly those related to violence against women, have simultaneously escalated. The high incidence of violence is noted across states with both high and low Human Development Index (HDI) and literacy rates, suggesting that economic development and education alone are insufficient to mitigate these crimes, pointing instead toward deeply embedded socio-political and cultural factors.

A critical Wfinding G from NCRB data is the PARTNERS overwhelming prevalence of violence within familial structures. Cruelty by a husband or his relatives accounted for nearly half of the crimes against women in 2011 (46.8%), while dowry-related crimes contributed another 7.1%. This numerical dominance underscores that the primary site of danger for women is the home, challenging the

common narrative that violence is predominantly external or random. This fact simultaneously confirms the critical need for effective laws like the PWDVA and explains why PWDVA implementation is often weak: the judiciary and police, holding patriarchal stereotypes, are consistently hesitant to interfere in what is often deemed the "private" domestic sphere. It is essential to recognize the inherent limitations of relying solely on official data. NCRB data reflects only officially reported crimes registered by law enforcement agencies. This is often contrasted with the National Family Health Survey (NFHS), which collects self-reported data on women's experiences of violence, including intimate partner violence, through confidential household surveys. The NFHS captures both reported and unreported 30

incidents, offering a broader understanding that includes emotional and psychological abuse. The disparity between these two sources confirms that official statistics significantly undercount the true

prevalence of violence, demonstrating that institutional reporting practices are often influenced by cultural stigma and police efficiency.

### B.Exploitation in the Informal Economy

A vast majority of India's female workforce operates A within D the informal sector, where PARTNERS institutional vulnerability is Lacuters Women workers here face multiple forms of labour exploitation primarily due to the near-total absence of regulatory oversight and inadequate application of legal protections.

Specific forms of exploitation are rampant:

- 1. **Low Wages and Disparities:** Pervasive low wages and stark wage disparities characterize their employment.
- 2. **Unregulated Conditions:** Workers endure

long, unregulated working hours and suffer from a complete lack of job security.

- 3. Harassment and Safety: Workplace harassment and unsafe working conditions further exacerbate their exploitation.
- 4. Lack of Formal Protection: The absence PARTNERS of formal contracts and social security benefits represents a critical concern, preventing access to basic safety nets or legal recourse upon termination.

This environment of precocity means that legal protection, such as the minimum wage or basic

labour rights, is virtually non-existent for millions of women. Furthermore, the economic constraint imposed by low wages is itself a significant barrier to seeking justice, as these women often cannot afford legal assistance to fight exploitation or abuse, trapping them in continuous cycles of economic and social vulnerability.

### C. Pervasive Harassment Across Spheres

Harassment is a daily reality that cuts across all demographic Band Ginstitutional boundaries. In PARTNERS educational institutions, environments meant to foster empowerment, the problem is chronic. A survey found that one in three female students reported enduring sexual harassment during their time at university or college, with younger women, disabled students, and LGB students facing higher risks. Nearly one in five women also reported 33

experiencing sexual assault or violence as a student. These shocking figures indicate that academic campuses often mirror the broader societal hostility and lack of accountability toward

women.

In public and professional life, women routinely encounter molestation, "eve teasing," and outright sexual harassment on the street, transport, and in workplaces that fail to comply with POSH mandates. These normalized crimes against women reflect a deep-rooted vulnerability within Indian society. Because the informal sector is unregulated and the home is legally protected but socially resistant to intervention, women are often trapped in environments where legal recourse is structurally discouraged, resulting in a pervasive and inescapable lack of safe spaces.

# V. Systemic Corrosion: Failures of the Justice Delivery Mechanism

The structural impediments that prevent women from realizing their constitutional and statutory rights constitute a systemic corrosion of the justice delivery mechanism itself. These failures operate as a highly effective mechanism of attrition, systematically weeding out legitimate claims from those who are socially or economically marginalized.BRIDGE

### A.Institutional Bias and Stereotypes S

Gender discrimination is not merely incidental; it cuts across all facets of the legal and law enforcement systems. Individuals acting as gatekeepers of justice – including law enforcement officers, members of parliament, and judicial decision-makers – often harbour stereotypes and

patriarchal biases that predispose them when handling cases involving domestic violence, rape, and dowry harassment. This inherent bias often manifests as an ineffective or apathetic response to

crimes against women.

The victim's pursuit of justice is often met with further victimization within the legal process itself. Women filing complaints are harassment and questions that are frequently disrespectful, a reflection of the institutionalized victim-blaming consuculture. Legal S proceedings, particularly cross-examinations and negotiations, often inadvertently reinforce societal "myths surrounding gender-based violence," leading to disillusionment and a profound reluctance to pursue the case further. This treatment, regardless of the merits of the case, erodes the perceived legitimacy of the victim's claims and marginalizes them within the very institutions designed for their protection.

#### Access Barriers: Delays, Economics, and В.

#### Corruption

The practical hurdles to justice function as a structural deterrent, ensuring that the promise of Article 14 (equality before law) remains rhetorical for many women.

#### Procedural Delays E

Judicial Addelays sullancare insurmountable. Lengthy court processes

often systemic stand and

chronic systemic congestion force many women to abandon their pursuit of justice, as cases can drag on for years without resolution. This delay directly contradicts the urgency mandated by protective laws like the PWDVA. The justice system, in 37

practice, becomes optimized for endurance, not fairness, where only women with high economic capital or exceptional emotional resilience can sustain a multi-year legal battle against

bureaucratic inertia.

#### **Economic Constraints**

Economic vulnerability presents a critical barrier.

Financial difficulties prevent a significant proportion of women from affording legal counsel, making it nearly impossible to navigate complex legal proceedings. This is compounded by the limited availability of practicing lawyers willing or able to provide affordable legal aid, alongside a lack of easy access to legal information. The resulting attrition transforms systemic failure into structured social exclusion, rendering the rights of

the economically constrained majority meaningless.

#### **Corruption**

further exacerbates the crisis, often leading to unfair outcomes that disproportionately affect marginalized women. This pervasive corruption actively discourages women from trusting or pursuing their cases, creating an environment where faith in institutional redress is severely eroded.

C. The Cultural Weapon: Victim-Blaming

Socio – cultural resistance forms the bedrock of institutional failure. Victim-blaming attitudes are a critical manifestation of oppressive social norms that fundamentally discourage women from

and Retribution Fears

seeking legal recourse. This cultural obstacle is systemic, embedded within the patriarchal practices, stereotypes, and institutional arrangements prevalent in the country.

Furthermore, women frequently cite a paralyzing fear of retaliation or retribution from their abusers. family members, or community groups if they dare to pursue legal action. This fear often compels them into silence, trapping them in continued cycles of abuse and effectively prioritizing their personal safety (or lack thereof) over the pursuit of formal justice. When the law cannot guarantee protection against physical or social reprisal, it ceases to be a meaningful tool for vulnerable populations.

Table 3: Systemic and Socio-Cultural Barriers to Accessing Justice in India.

<b>Barrier Category</b>	<b>Specific Manifestation</b>	<b>Deterrent Effect</b>
Institutional Bias	Gender stereotypes	Marginalizes
	among law	victims; Erodes
	enforcement/judiciary;	claim legitimacy;
	Disrespectful	Leads to ineffective
	questioning during	response to serious
	proceedings	crimes.
Economic/Acces	Limited access to	Renders justice an
s	affordable legal counsel;	inaccessible
<u> </u>	Financial constraints;	luxury;
	Low availability of	Disproportionately
3,0	lawyers	excludes
		marginalized
LAWB	RIDGE	women.
Procedural PART	Judicial congestion and	Forces
Failure Odvocates	lengthy court delays	abandonment of
	(years) E -	cases; Undermines
		protective laws
		requiring speed
		(PWDVA).
Cultural	Victim blaming;	Discourages
Resistance	Retribution fears from	reporting; Enforces
	abusers/family	silence;
		Perpetuates cycles
		of violence within
		the home.

## VI. Intersectionality and Contemporary Crisis: Case Studies in State Failure

The true failure of the justice system is most starkly illustrated when gender violence intersects

with other axes of marginalization, such as caste or ethnic conflict. In these scenarios, systemic shortcomings transform from passive failure into active mechanisms for the denial of justice.

# A.Caste, Gender, and Delayed Justice: The Hathras Incident (2020)

The Hathras case of 2020 represents a devastating chapter in India's struggle with gender-based violence complicated by pervasive caste

discrimination. The victim, a Dalit woman, faced violence followed by a profound legal and institutional minimization of the crime. The judicial outcome revealed the deep-seated

institutional limitations when confronted with intersectional identity. The court convicted one primary accused, Sandeep Sisodia, for culpable homicide not amounting to murder (Section 304 Part 1 IPC). Crucially, the court acquitted the other three accused - Ravi, Ramu, and Lavkush - of all charges, including gang rape and murder. This verdict, which downgraded the offense from murder/rape to culpable homicide, raised profound questions about the institutional commitment to justice when the victim belongs to a marginalized community. The minimization of the charge suggests a systemic bias that operates to protect the structural status quo, specifically the existing caste hierarchy, rather than ensuring accountability for severe crimes. When the system defaults to protecting social stability over

individual constitutional rights, justice becomes fundamentally conditional on the victim's social and political positioning. This outcome echoes the broader findings that system actors hold stereotypes that predispose them in dealing with women-related cases.

B.Conflict, Displacement, and State

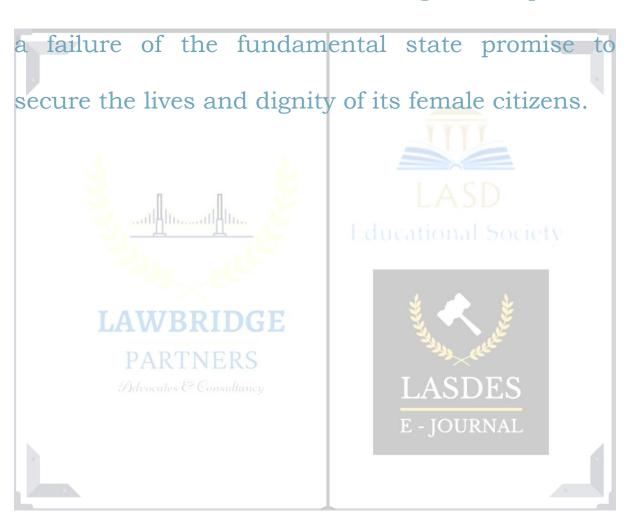
Accountability: The Manipur Crisis (2023)

The civil unrest that erupted in Manipur in May 2023 led to catastrophic human rights violations, PARTNERS including the cimmense displacement of conflict-related sexual violence.

In this conflict zone, the protective laws and constitutional guarantees collapsed entirely. The Indian government faced severe international

criticism for "neglecting the situation," which resulted in a catastrophic breakdown of law and order and an intensification of violence against women. This administrative overlook highlights that formal state structures fail completely in times of ethnic conflict, leaving women unprotected by the rule of law. Furthermore, the state apparatus demonstrated an active effort to impede accountability and suppress dissenting narratives. Authorities were criticized for filing First Information Reports (FIRS) against journalists who critically reported on the violence and the governmental response. This attempt to muzzle critical reportage suggests that the state, instead of fulfilling its constitutional duty to protect, actively sought to control the narrative and shield itself from accountability for its

perceived administrative neglect. The Manipur crisis thus underscores that in times of extreme strife, the systemic failures are not merely localized bureaucratic shortcomings but represent



## VII. Conclusion and Way Forward: Towards Transformative Justice

## A.Synthesis of Findings: The Dual Identity of the Justice System

The analysis confirms that the issue of women's rights and justice in India is characterized by a deeply entrenched and debilitating paradox of protection. The justice system maintains a dual identity: a progressive judicial apex that passionately champions individual dignity and autonomy, evidenced by transformative rulings such as Shayara Bano and Joseph Shine, and a vastly under-resourced, culturally contaminated ground apparatus plagued by institutional apathy and a profound implementation gap.

This paradox stems from the fact that legislative intent - whether expressed in the PWDVA's

demand for speedy justice or the POSH Act's requirement for mandatory oversight - is continuously thwarted by inconsistent judicial application, widespread institutional noncompliance, and the insidious effects of socio cultural biases, including victim blaming and the minimization of intersectional violence. The pervasive nature of domestic violence and the acute exploitation faced by women in the informal sector demonstrate that the promise of safety remains unfulfilled in the spaces women inhabit most often: the home and the unregulated workplace. For the economically and socially marginalized, the combined pressure of judicial delay, financial constraints, and institutional bias operates as a formidable mechanism of exclusion,

rendering constitutional justice an inaccessible privilege.

## B.Recommendations for Institutional and Cultural Reform

Addressing this implementation crisis requires transformative action that targets both institutional shortcomings and the socio-cultural biases contaminating the system:

and Police Sensitization: The government PARTNERS must implement rigorous, A regular, and mandatory training protocols for magistrates, law enforcement officers, and public

prosecutors. This training must specifically address prevailing gender stereotypes, the nuanced recognition of non-physical forms of abuse (economic and emotional, as defined by

PWDVA), and the unique dynamics of intersectional violence, including cases involving caste and ethnic conflict. This must be prioritized as a strategic effort to overcome the institutional biases documented within law enforcement and judicial decision - making. **Enforcement** of 2. Strict POSH Compliance: To close the significant institutional compliance gap, the state must enforce Pstrict C penalties and regulatory measures & formestablishments SthatS fail to constitute Internal Committees (ICs), appoint members, or conduct required external

awareness training. Accountability must be ensured through mandatory, public disclosure of compliance audits (beyond existing portals)

to actively counter institutional apathy and inertia.

- 3. Enhancing Legal and Social Support **Infrastructure:** A substantial increase in funding for affordable legal counsel and accessible legal aid is necessary to counteract the economic constraints that prevent marginalized women from seeking justice. This must be complemented by the establishment of decentralized, robust support services, including counselling centres and shelters, designed to directly mitigate the paralyzing fears of retribution and economic dependence cited by victims.
- 4. **Data-Driven Policy Reform:** Policy decisions must move beyond reported crime statistics. The methodology for standardized

integrate insights and scope captured by the National Family Health Survey (NFHS). This harmonization is critical to ensuring that national policy addresses both reported violence (NCRB) and the broader, self-reported spectrum of intimate partner violence and emotional abuse (NFHS).

crime data collection must be revised to

Delay: Urgent measures must be implemented PARTNERS to reduce judicial congestions and lengthy delays that undermine protective legislation, such as the 60-day mandate in the PWDVA.

The judiciary must commit resources to fasttrack specialized gender justice courts to dismantle the structure of endurance that currently functions to exclude the poor and vulnerable from substantive justice.

