

Violence Against Women and Girls: Law and Policy Framework in India

This resource provides an overview of Indian laws and policies related to Violence Against Women and Girls (VAWG), including relevant constitutional articles, acts, amendments and policy statements. It also includes information on statutory bodies at the national, state and district level that are responsible for the successful implementation of laws and policies, and relevant international agreements that India is a signatory to.¹

Laws and Policies

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Constitution of India – Part III (Article 12 to 35) Fundamental Rights	The constitution guarantees that all citizens of India (including women) have the fundamental right to live in peace and harmony, a right to equality, freedom, freedom of religion, right against exploitation, and a right to constitutional remedies.
Constitution of India Part IV (Article 36 – 51) Directive Principles	These principles are not enforced by court but are to be applied at the state level when making laws in hopes to establish a just society in the country. The provisions outlined in these principles relate to social justice, economic welfare, legal and administrative matters, and foreign policy.
Constitution of India Part IVA (Article 51A) Fundamental Duties	Just as the directive principles, this section does not have legal action for non-compliance, but it similarly outlines fundamental duties that should be followed by citizens including abiding by the constitution, upholding the values and integrity of the country, promoting harmony and peace among all groups of people in India irrespective of gender, religion, and region, reject violence, and develop a spirit of humanism.
Constitutional Right to Property under Article 300A	The right to property as a fundamental right is no longer recognized by the constitution due to the 44 th amendment to eliminate that right but another addition to the constitution, Article 300 (A), was inserted to ensure that everyone has a statutory right to property, which gives more authority to the state.

¹ This resource was developed as part of a broader review on VAWG to inform the work of the 3D Program for Girls and Women and our partners. Building on the work of women's and human rights movements and the expertise of urban planners and public institutions, the 3D Program seeks to apply evidence on what works to address VAWG in public spaces; map hotspots in the everyday journeys of girls and women as well as who is accountable for safety in each space; and leverage our partnerships with government, the private sector and civil society to conduct advocacy, identify and fill gaps in services, introduce innovations, and strengthen accountability to enhance the public safety of girls and women.

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Indian Penal Code, 1860	Has provisions to address and punish assault and criminal force, sexual harassment, voyeurism, stalking, human trafficking, dowry death, cruelty towards a married woman (domestic violence), rape and aggravated rape.
Provisions in Code of Criminal Procedure, 1973	Some of the prominent provisions made in the Criminal Procedure Code (CrPc) regarding crimes against women were on First Information Reports (FIR) to be completed by women officers; recording of statement before magistrate; outline of duties and responsibilities of medical practitioners and the medical examination procedure; and provisions relating to investigations and trials. The crimes administered through these procedures include acid attacks, rape and other sexual offences.
Prevent misuse of Section 498A of Indian Penal Code	The Supreme Court in India issued a new set of directions to prevent misuse of Section 498A of the IPC which deals with cruelty and harassment of a married woman at the hands of the husband or his relatives, which prevent authorities from making arrests without the due process that involves special committees to form at the district level and look into the case to make a decision that allows authorities to then take action.
Criminal Law (Amendment) Act, 2013	The amendments in this Act include provisions that highlight violence against women and expand the Indian Penal Code to include offenses such as acid attacks, disrobing a woman, sexual harassment, and stalking. It also raised the age of consent to 18, increased penalty and sentences for gang rape, and added measures to hold hospitals run by the Government or State and private institutions accountable by law to give free medical treatment to victims of rape or acid attacks and hold public servants responsible for refusing First Information Report (FIR).
Provisions in the Indian Penal Code regarding public servants	This provision holds public servants accountable to register any cognizable offenses (i.e. rape, murder, rioting, dacoity) outlined in the IPC under section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376A, section 376B, section 376C, section 376C, section 376D, section 376E or section 509. Failing to register these offences can result in imprisonment from 6 months up to 2 years.
Protection of Women from Domestic Violence Act, 2005	An Act of the Parliament of India enacted to protect women from domestic violence, defined as including physical, emotional, verbal, sexual and economic abuse within the family and the home. It is a civil law meant primarily for protection orders and not meant to penalize criminally. A protection officer – preferably a woman – is appointed by the state government to enforce the Act. The officer receives the complaint and file the report which is submitted to a magistrate, helps the victim get medical help and controls the shelter homes. The officer enforces the orders of the magistrate. Any company or voluntary organization providing legal, medical, financial or any other support to women must register as a service provider with the state government. The service provider has the power to file a domestic incident report at the victim's request, examine the medical situation and provide medical help through medical facilities and shelter through shelter homes with the assistance of the protection officer.

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Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act)	An Act that requires workplaces with more than ten employees to set up an Internal Complaints Committee to document and address cases of sexual harassment. Any woman, whether an employee or not, either working in the organized or unorganized sector, subjected to sexual harassment at the workplace can seek protection under this Act. In Maharashtra, a deputy collector has been designated in each district as the district officer responsible for carrying out the powers and functions under the Act. The district officer also constitutes a Local Complaints Committee for women working in smaller or informal enterprises, ensures the timely submission of reports by the committee, and engages NGOs to increase awareness of sexual harassment and rights of women.
University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015	Prevents and addresses sexual harassment of students and female employees on university campuses, perpetrated by teachers or administrative staff, and students. Under the Act, all colleges must convene an Internal Complaints Committee to document and respond to complaints, provide interim relief for aggrieved parties, and punish offenders (including suspension, expulsion and counseling).
Indecent Representation of Women (Prohibition) Act, 1986	An Act that prohibits the indecent representation of women through advertisements, paintings, figures, writings and other similar displays.
Information Technology Act, 2000	An Act that makes certain offenses against women punishable, including sending offensive messages such as false information, hatred, criminal intimidation through communication services (i.e. electronic mail), punishment for violation of privacy and for spreading obscene and sexually explicit materials electronically, including sexual exploitation of children.
Child Marriage Restraint Act, 1929	This Act restrains child marriage and it applies to the whole of India except the State of Jammu and Kashmir. A child in this case is referred to any male below the age of 21 and female below the age of 18. Any contracting party, parents, or any male adult above the age 18 who engage in child marriage will be punished with imprisonment (prosecution charges vary).
The Prohibition of Child Marriage Act, 2006	Outlaws child marriage and aims to protect the rights of children and provides relief services to victims.
Protection of Children from Sexual Offences Act, 2012 (POCSO)	Aims to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts to try these offences and related matters. This law is gender neutral. Recently, in reaction to a series of child rapes, in particular the attack of an eight-year old girl in Jammu and Kashmir, the Indian cabinet approved an ordinance amending laws on sexual violence to allow for capital punishment for those convicted of raping children below the age of 12, requires trials to be completed within two months of an arrest, and increased minimum jail sentences for convicted rapists.
Immoral Traffic in Women and Girl Act, 1956 (as amended up to 1986)	This Act aims to mitigate violence against women and children by prohibiting trafficking and sexual exploitation for commercial use.

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Dowry Prohibition Act, 1961	Taking or giving dowry is punishable under this Act.
Hindu Succession (Amendment) Act, 2005	This Act is an amendment to the Hindu Succession Act, 1956 that removes the gender discriminatory provisions that gives daughters equal access to ancestral rights as sons.
The pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) (PCPNDT) Act, 1994	An Act to regulate the use of pre-natal diagnostic techniques in hopes to reduce the chances of selective abortion caused by pre-natal sex determination.
The Commission of Sati (prevention) Act, 1987	An Act that prohibits Sati practices (voluntary or forced burning or burying of widows who are alive) and the observance of any ceremonies regarding this practice.
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989	An Act to protect scheduled castes and scheduled tribes from experiencing atrocities based on their social status in society, including acts of violence against women.
Muslim Women (Protection of Rights on Marriage) Bill, 2017	This bill to outlaw Triple Talaq passed by the Supreme Court makes it illegal to pronounce divorce using the practice where a Muslim husband could say 'talaq' thrice in one sitting to his wife resulting in a final irrevocable divorce. This law makes any form of talaq (i.e. written or electronic) illegal and punishable for up to three years in prison along with a fine. The Muslim women in this case can also seek a subsistence allowance for herself and her children, the amount of which is determined by a magistrate.
Rights of Persons with Disabilities Act, 2016	This Act replaces <i>The Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full participation Act, 1995)</i> and the rules were made operational in 2017. Under this law, the types of disabilities covered have increased from 7 to 21 (including acid attacks) and the central government have the permission to add more disabilities. This law protects the rights of the disabled and any offenses committed against them is punishable by law. This Act also designates special courts in each district to handle cases that violate the rights of the disabled.
National Population Policy (NPP), 2000	This policy aims to empower women by giving them full control over their reproductive choices and family planning, however, some state policies mandate a two-child norm which is a violation of this policy, anti-woman, anti-poor and anti-human rights.
National Policy on the Empowerment of Women, 2001	This policy aims to advance and empower women and relies on the engagement of many stakeholders to make that possible. Some of the objectives include equal access and participation in the political, economic, social, cultural, health, and civil spheres; elimination of all forms of violence against women and girls; adopting a gendered perspective in development and strengthening the legal system.

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NITI Aayog Three-Year Plan of Action	The government's think tank, NITI (National Institution for Transforming India) Aayog, has created a three-year plan aimed at attaining key development and policy goals by 2031-32. Some key agenda items include job creation, health, education and skill development and building an inclusive society that enhances the welfare of women, children, youth, minorities, SC, ST, Other Backward Classes (OBCs), differently abled persons and senior citizens.
Municipality Corporation Act, 1949	This Act outlines municipalities responsibilities to ensure that disadvantaged groups have the right to use and enjoy public facilities and basic services the municipalities offer.
Legal Services Authority Act, 1987	This Act aims to provide free legal aid to all, including women and children, based on equal opportunity to justice. These legal services have been set up at the national, state, district and taluka level. In addition, legal service committees are in place at the Supreme Court, High Court, District Court and Taluka level.

Statutory Bodies

The following statutory bodies are responsible for overseeing the successful implementation (or lack thereof) of existing laws and policies:

National	State/UTs	District
<ul style="list-style-type: none"> Ministry of Women and Child Development (WCD) National Commission for Protection of Child Rights National Commission for Women (NCW) – set up the Act of parliament in 1990 to protect the rights of women. Parliamentary Committee on Empowerment of Women (PCEW) – a special committee formed to oversee the empowerment of women in India. National Legal Services Authority – legal literacy and legal awareness camps NHRC Minorities Commission SC/ST Commission CSWB Central Social Welfare Board 	<ul style="list-style-type: none"> State Commission for Women Maharashtra State Commission for Women Legal Services Authorities State supervisory Board – to monitor, raise awareness and terminate any clinics or laboratories that use pre-natal diagnostics techniques. WCD in states CWC (child welfare committee) at state levels One stop centers and helplines State Commissions for Scheduled Castes. State/UT Police Complaints Authorities (PCA) 	<ul style="list-style-type: none"> District Collector's Office Pune Municipalities (Urban) – based on the Municipality Corporation Act, 1949, the municipalities aim to meet the special needs of the disadvantaged women and make sure they participate in training and awareness programs offered through the city and in collaboration with NGOs and CBOs Zilla Parishad Pune (Rural) Fast track court in place to specifically handle cases of violence against women in a district Legal Services Authorities One stop centers Mahila Panchayats (informal system) WCD

International Agreements

India is a signatory to many international agreements that protect girls' and women's fundamental rights and foster the movement towards gender equity. These international agreements include:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention of the Rights of the Child (CRC)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)
- India is a signatory of the International Labor Organization (ILO)'s 189th Convention on domestic workers (known as the Convention on Domestic Workers) but has not ratified it yet.
- International Convention on the Elimination of All Forms of Racial Discrimination
- New Urban Agenda adopted at the Habitat III Conference
- Sustainable Development Goals (SDGs) with targets addressing the public safety of girls and women:



- Goal #3** Good health and well-being
- Goal #4** Quality education
- Goal #5** Achieve gender equality and empower all women and girls
- Goal #6** Clean water and sanitation
- Goal #7** Affordable and clean energy
- Goal #8** Decent work and economic growth
- Goal #11** Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal #16** Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal #17** Strengthen the means of implementation and revitalize the global partnership for sustainable development

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Contributing to the implementation of the Sustainable Development Goals (SDGs), the 3D Program for Girls and Women advances gender equality and girls' and women's empowerment by facilitating convergent action across stakeholders and sectors to increase economic opportunities for girls and women and address their health, education and safety needs. The 3D Program is currently working with partners in Pune City and rural Pune District, Maharashtra State, India to identify priority issues and link stakeholders to provide cross-sectoral, coordinated solutions to meet the multiple, intersecting needs of girls and women. The Program is deriving lessons learned and developing tools for global application of a scaled-up convergent response for gender equality by demonstrating a convergent approach to programming in India and East Africa.