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# CRIMES AGAINST WOMEN AS A VIOLATION OF FUNDAMENTAL RIGHTS

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## ABSTRACT

Crimes against women continue to be one of the most serious challenges to constitutional democracy and human rights protection in India. Although the Constitution guarantees equality, dignity, liberty, and non-discrimination to all citizens, women remain disproportionately affected by various forms of violence, including domestic abuse, sexual assault, trafficking, workplace harassment, dowry-related violence, and cyber exploitation. These crimes are not merely violations of criminal statutes but also direct infringements of Fundamental Rights guaranteed under Part III of the Constitution of India. Gender-based violence undermines the constitutional vision of social justice and equality. It restricts women's ability to exercise their rights freely and equally in both private and public spheres. The denial of safety and dignity affects women's participation in education, employment, politics, and social life, thereby weakening democratic values. This study examines crimes against women from a constitutional perspective, analyzing how such acts violate the Right to Equality, the Right against Discrimination, the Right to Freedom, and the Right to Life and Personal Liberty. It further explores the gap between constitutional guarantees and ground-level realities, emphasizing the need for stronger enforcement mechanisms, institutional accountability, and social transformation. Recognizing crimes against women as constitutional violations is essential to ensure substantive equality and to uphold the core principles of justice, dignity, and human rights.

## **Introduction**

The Constitution of India is founded upon the principles of justice, liberty, equality, and dignity. These values form the backbone of a democratic society committed to protecting human rights. Women, as equal citizens, are entitled to enjoy these constitutional guarantees without discrimination or fear. However, the persistence of crimes against women reveals a disturbing contradiction between constitutional ideals and social realities.

Crimes against women include acts that cause physical, emotional, psychological, sexual, or economic harm. These crimes occur in both private and public spaces and are often rooted in deeply embedded patriarchal norms, gender stereotypes, and structural inequalities. Despite legislative measures and policy initiatives, gender-based violence remains widespread, affecting women across all socio-economic backgrounds.

The constitutional framework under Part III guarantees Fundamental Rights that are directly relevant to the protection of women. The Right to Equality ensures equal protection under the law. The prohibition of discrimination on the ground of sex reinforces gender justice. The Right to Freedom enables women to participate in society without fear or restriction. Most importantly, the Right to Life and Personal Liberty encompasses the right to live with dignity, safety, bodily integrity, and privacy.

When a woman is subjected to violence, harassment, or discrimination, these constitutional guarantees are violated. Violence restricts her freedom of movement, undermines her dignity, and deprives her of equal opportunities. It creates an environment of fear and insecurity that prevents women from fully exercising their rights as citizens.

Understanding crimes against women solely through the lens of criminal law limits the scope of protection. A constitutional perspective broadens the analysis by recognizing such crimes as violations of basic human rights. This approach emphasizes state responsibility not only to punish offenders but also to create conditions that ensure safety, equality, and dignity for women.

Furthermore, the persistence of gender-based violence highlights the gap between formal equality and substantive equality. While the Constitution provides legal equality, social and institutional barriers continue to hinder its effective realization. Therefore, addressing crimes

against women requires a multidimensional strategy involving legal reform, institutional accountability, awareness generation, and societal change.

Crimes against women challenge the foundational values of the Constitution. Ensuring women's safety and dignity is not merely a matter of law enforcement but a constitutional obligation aimed at achieving social justice and democratic equality.

### **Research Problem**

Despite progressive constitutional provisions and numerous statutory safeguards, crimes against women continue at alarming levels. The key issues include:

1. Increasing incidents of gender-based violence.
2. Gap between constitutional guarantees and actual enforcement.
3. Social stigma and under-reporting.
4. Delay in justice delivery.
5. Lack of gender-sensitive implementation mechanisms.

The central research problem is whether crimes against women are adequately recognized and addressed as violations of fundamental rights and why constitutional protections have not effectively eradicated such crimes.

### **Review of Literature**

The issue of crimes against women has been widely discussed in socio-legal scholarship. However, the constitutional dimension of such crimes as violations of fundamental rights requires deeper examination.

Flavia Agnes, in her works on gender justice, argues that criminal law reforms alone are insufficient unless supported by structural and social transformation. She highlights the limitations of punitive approaches in addressing gender inequality.

Upendra Baxi emphasizes the transformative nature of the Indian Constitution and the role of fundamental rights in protecting marginalized groups, including women. His writings

underline that constitutional morality must guide judicial interpretation in cases involving gender violence.

Indira Jaising and other feminist legal scholars have examined the judicial expansion of Article 21, particularly the recognition of dignity and bodily autonomy as essential components of the right to life.

Scholarly analyses of landmark cases such as *Vishaka v. State of Rajasthan* (1997) and *Nirbhaya* case (2017) demonstrate the judiciary's active role in linking gender-based violence with constitutional guarantees under Articles 14, 15, and 21.

Research on the Criminal Law (Amendment) Act, 2013 has focused on statutory reforms, but limited studies systematically evaluate crimes against women as direct violations of enforceable fundamental rights. While existing literature addresses criminal law reforms and gender justice, there remains a research gap in examining crimes against women primarily through the lens of constitutional accountability and rights enforcement. This study attempts to fill that gap.

### **Research Objectives**

1. To critically examine crimes against women as violations of fundamental rights under the Constitution of India.
2. To analyse the scope and interpretation of Articles 14, 15, 19, and 21 in relation to gender-based violence.
3. To evaluate the role of the judiciary in expanding constitutional protections for women.
4. To assess the effectiveness of statutory mechanisms in safeguarding constitutional rights.
5. To suggest legal and institutional reforms for strengthening enforcement of women's fundamental rights.

### **Research Questions**

1. In what manner do crimes against women infringe fundamental rights guaranteed under

Part III of the Constitution?

2. How has the Supreme Court interpreted constitutional provisions in cases involving violence against women?

3. To what extent do existing statutory protections align with constitutional guarantees?

4. What institutional and structural barriers limit effective realization of women's fundamental rights?

5. How can constitutional remedies be strengthened to ensure better protection for women

### **Research Hypothesis**

This study is based on the hypothesis that crimes against women constitute a direct and serious violation of the fundamental rights guaranteed under Part III of the Constitution of India, particularly Articles 14, 15, 19, and 21. It assumes that gender-based violence not only amounts to criminal misconduct but also infringes constitutional guarantees of equality, dignity, liberty, and non-discrimination. The study further hypothesizes that although the judiciary has adopted a progressive and expansive interpretation of fundamental rights to protect women, the effective realization of these rights is hindered by weak enforcement mechanisms, social stigma, institutional delays, and patriarchal attitudes. Therefore, strengthening constitutional remedies and ensuring better implementation of laws can significantly enhance the protection of women's rights.

### **Significance of the Study**

The present study is significant because it examines crimes against women from a constitutional perspective rather than limiting the discussion to criminal law alone. By analyzing gender-based violence as a violation of fundamental rights, the study highlights the broader constitutional responsibility of the State to protect women's dignity and equality. It contributes to academic discourse on gender justice and constitutional law by bridging the gap between statutory protections and constitutional guarantees. The study is also important for policymakers, legal practitioners, and scholars as it identifies implementation gaps and suggests reforms for improving institutional accountability. Furthermore, it promotes awareness about constitutional remedies available to women under Articles 32 and 226,

thereby strengthening the understanding of rights-based approaches to gender justice.

## **Research Methodology**

research adopts a doctrinal and analytical method of study. It primarily relies on secondary sources of data, including the Constitution of India, statutory enactments, landmark judgments of the Supreme Court and High Courts, books, law journals, research articles, and government reports. The study involves a detailed examination of constitutional provisions, particularly Articles 14, 15, 19, and 21, and their judicial interpretation in cases relating to crimes against women. The approach is descriptive as well as critical, aiming to analyze the effectiveness of existing legal frameworks and identify gaps in implementation. No empirical or field-based research has been conducted; instead, the study is based on qualitative analysis of legal materials and authoritative sources.

## **THEORETICAL FRAMEWORK**

### **Crimes Against Women as a Violation of Fundamental Rights**

The theoretical framework of this study is built upon four interrelated perspectives: Constitutionalism and Fundamental Rights Theory, Feminist Legal Theory, Human Rights Theory, and Transformative Constitutionalism. These theories collectively provide a structured foundation for analyzing crimes against women as constitutional violations rather than merely criminal offences.

#### **1. Constitutionalism and Fundamental Rights Theory**

Constitutionalism is based on the idea that State power must be limited and regulated by constitutional norms to protect individual liberty and equality. In India, the Constitution is not only a governing document but also a moral and social charter designed to ensure justice and protect marginalized groups. Fundamental Rights under Part III are enforceable rights intended to safeguard individuals from both State oppression and systemic discrimination.

Articles 14, 15, 19, and 21 form the constitutional core for protecting women. Article 14 guarantees equality before the law and equal protection of laws, ensuring that women receive the same legal protection as men. Article 15 prohibits discrimination on the ground of sex and permits the State to enact special provisions for women to achieve substantive equality. Article

19 protects freedoms such as movement, speech, and profession, which are often restricted in practice due to fear of harassment or violence. Article 21 guarantees the right to life and personal liberty, which has been interpreted to include dignity, privacy, bodily integrity, and autonomy.

The doctrine of fundamental rights imposes both negative and positive obligations upon the State. The negative obligation requires the State to refrain from violating rights directly. The positive obligation requires the State to actively protect individuals from violations committed by private actors. Crimes against women, such as domestic violence, sexual assault, trafficking, and workplace harassment, reveal the failure of effective enforcement mechanisms and therefore raise constitutional concerns. When the State fails to provide adequate protection or remedy, it indirectly undermines fundamental rights.

## **2. Feminist Legal Theory**

Feminist Legal Theory challenges the assumption that law is neutral and objective. It argues that traditional legal systems often reflect patriarchal values and fail to adequately address gender-based inequalities. According to feminist scholars, violence against women is not merely a series of isolated incidents but a manifestation of structural power imbalances embedded in society.

This theory emphasizes the distinction between formal equality and substantive equality. Formal equality focuses on equal treatment under the law, whereas substantive equality seeks to address social and historical disadvantages faced by women. In the context of crimes against women, simply having gender-neutral laws is insufficient. The State must recognize systemic discrimination and adopt corrective measures to eliminate structural barriers.

Feminist legal thought also highlights the importance of bodily autonomy and freedom from violence as fundamental aspects of human dignity. Crimes such as marital rape, domestic abuse, sexual harassment, and acid attacks are often rooted in control, dominance, and gender stereotypes. These acts reflect broader patterns of discrimination that limit women's ability to exercise their constitutional rights fully. By applying feminist theory, the study interprets crimes against women as violations arising from systemic inequality rather than isolated criminal misconduct.

### **3. Human Rights Theory**

Human Rights Theory is grounded in the principle that all human beings possess inherent dignity and equal rights by virtue of their humanity. Dignity is considered the foundational value from which all other rights derive. Violence against women directly infringes upon this dignity, as well as upon the rights to life, security, and personal integrity.

The expansion of Article 21 by judicial interpretation reflects the influence of human rights principles within Indian constitutional law. The right to life has been interpreted to include the right to live with dignity, protection against exploitation, privacy, and reproductive choice. Crimes against women undermine these core human rights values and therefore constitute constitutional violations.

Human rights theory also introduces the concept of “due diligence,” which requires the State to prevent, investigate, and punish acts of violence effectively. Failure to ensure proper enforcement mechanisms or timely justice can amount to a denial of fundamental rights. Thus, the human rights framework strengthens the argument that protection against gender-based violence is not merely a matter of policy but a constitutional and moral obligation.

### **4. Transformative Constitutionalism**

Transformative constitutionalism views the Constitution as an evolving instrument designed to bring about social transformation. The Indian Constitution aims to dismantle historical hierarchies and promote equality, justice, and dignity. It recognizes that mere formal guarantees are insufficient without structural change.

Judicial interpretation has played a significant role in advancing transformative constitutionalism. By expanding the scope of Articles 14 and 21, courts have recognized sexual harassment, domestic violence, and reproductive autonomy as matters of constitutional importance. This approach reflects the idea that the Constitution must respond to changing social realities and protect vulnerable groups.

Under this framework, crimes against women represent ongoing barriers to achieving constitutional transformation. Persistent gender-based violence indicates that societal structures continue to resist equality. Transformative constitutionalism therefore demands continuous reform, progressive judicial interpretation, and effective institutional mechanisms

to ensure that constitutional promises translate into lived realities.

## **CONSTITUTIONAL PROVISIONS RELATING TO CRIMES AGAINST WOMEN AS A VIOLATION OF FUNDAMENTAL RIGHTS**

### **1. Article 14 – Equality Before Law and Equal Protection of Laws**

Article 14 guarantees equality before the law and equal protection of the laws within the territory of India. This provision ensures that women are entitled to the same legal status and protection as men. Gender-based violence, including domestic abuse, sexual assault, dowry-related harassment, and trafficking, denies women equal protection and undermines their status as equal citizens.

The principle of equal protection requires the State to ensure that laws are effectively implemented to safeguard women. Failure to provide adequate legal remedies or enforcement mechanisms may amount to denial of equality. Article 14 thus serves as a constitutional safeguard against discriminatory practices and systemic violence.

### **2. Article 15 – Prohibition of Discrimination on Grounds of Sex**

Article 15(1) prohibits discrimination on the ground of sex. Crimes against women often arise from deep-rooted gender discrimination and patriarchal attitudes. Practices such as honour killings, female foeticide, and dowry-related violence reflect discriminatory treatment based on gender.

Article 15(3) empowers the State to make special provisions for women and children. This clause recognizes the need for protective legislation to achieve substantive equality. Laws such as the Protection of Women from Domestic Violence Act, 2005, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, are grounded in this constitutional mandate.

### **3. Article 19 – Protection of Freedoms**

Article 19 guarantees several freedoms, including freedom of speech and expression, freedom of movement, and freedom to practice any profession. Gender-based violence often restricts these freedoms in practice. Fear of harassment, assault, or trafficking may prevent women from

moving freely, expressing opinions, or participating fully in public life.

When crimes against women create an environment of insecurity, they indirectly limit the exercise of constitutional freedoms. Thus, ensuring women's safety is essential for meaningful enjoyment of Article 19 rights.

#### **4. Article 21 – Right to Life and Personal Liberty**

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. Judicial interpretation has expanded this provision to include the right to live with dignity, bodily integrity, privacy, and autonomy.

Crimes such as rape, acid attacks, domestic violence, and trafficking directly violate a woman's dignity and bodily autonomy. The right to life under Article 21 includes the right to live free from violence and exploitation. Any act that humiliates, degrades, or physically harms a woman infringes her fundamental right to life and personal liberty.

#### **5. Article 23 – Prohibition of Traffic in Human Beings and Forced Labour**

Article 23 prohibits trafficking in human beings and forced labour. Human trafficking for sexual exploitation or forced marriage is a serious crime against women and directly violates this constitutional provision. The State has a constitutional duty to prevent trafficking and provide rehabilitation to victims.

#### **6. Article 39(a), 39(d), and 39(e) – Directive Principles of State Policy**

Although not enforceable in courts, the Directive Principles guide the State in policymaking. Article 39 directs the State to ensure equal livelihood opportunities and equal pay for equal work. Article 39(e) requires protection of health and strength of women.

These principles reinforce the constitutional commitment to gender justice and provide the foundation for social welfare legislation aimed at protecting women from exploitation.

#### **7. Article 42 – Just and Humane Conditions of Work**

Article 42 directs the State to provide humane working conditions and maternity relief. Workplace harassment and unsafe working environments violate this constitutional directive.

Protective labour laws for women are inspired by this provision.

### **8. Article 51A(e) – Fundamental Duty**

Article 51A(e) imposes a fundamental duty on every citizen to renounce practices derogatory to the dignity of women. Although fundamental duties are not enforceable by courts, they reflect constitutional values and societal responsibility in preventing crimes against women.

### **9. Constitutional Remedies – Articles 32 and 226**

Articles 32 and 226 provide the right to constitutional remedies through the Supreme Court and High Courts. Women whose fundamental rights are violated can approach constitutional courts for enforcement. These provisions strengthen the accountability of the State in protecting women's rights.

Constitutional framework demonstrates that protection against gender-based violence is deeply embedded in the structure of Indian constitutional law. Crimes against women therefore represent not only statutory offences but also violations of the constitutional principles of equality, dignity, and liberty.

### **Case Law**

*Vishaka v. State of Rajasthan* (1997), the Supreme Court addressed the issue of sexual harassment at the workplace in the absence of specific legislation. The case arose after the gang rape of a social worker who was attempting to prevent child marriage. The Court held that sexual harassment violates Articles 14 and 15, which guarantee equality and prohibit discrimination, as well as Article 19(1)(g), which protects the right to practice any profession, and Article 21, which ensures the right to live with dignity. Recognizing the vacuum in domestic law, the Court laid down binding guidelines to prevent workplace harassment, thereby affirming that gender-based violence in professional spaces is a constitutional violation. This judgment marked a significant development in linking crimes against women directly to fundamental rights.

*Bodhisattwa Gautam v. Subhra Chakraborty* (1996), the Supreme Court held that rape is not merely an offence under criminal law but a violation of the victim's fundamental right to life and personal liberty under Article 21. The Court emphasized that rape destroys the dignity and

self-worth of a woman and constitutes a serious breach of her human rights. It also recognized the power of courts to grant interim compensation to victims, thereby strengthening the constitutional remedy for violations of fundamental rights.

The case of *Laxmi v. Union of India* (2014) dealt with the alarming rise in acid attacks against women. The Supreme Court recognized that acid attacks cause permanent physical and psychological damage, violating the victim's right to live with dignity under Article 21. The Court issued directions regulating the sale of acid and mandated compensation schemes for survivors. The judgment reinforced the idea that protection from physical violence is integral to the constitutional guarantee of life and liberty.

In *Mukesh & Anr. v. State (NCT of Delhi)* (2017), commonly known as the Nirbhaya case, the Supreme Court upheld the conviction and death penalty of the accused involved in a brutal gang rape and murder. The Court strongly affirmed that sexual violence is a violation of the right to dignity, bodily integrity, and personal liberty under Article 21. The judgment emphasized the State's duty to ensure the safety of women and maintain constitutional values of equality and justice.

In *Suchita Srivastava v. Chandigarh Administration* (2009), the Supreme Court recognized reproductive autonomy as a component of personal liberty under Article 21.

The Court held that a woman has the right to make decisions regarding her own body, including reproductive choices. This judgment strengthened the understanding that bodily autonomy is a fundamental constitutional right and that interference with such autonomy amounts to a violation of fundamental rights.

In *Joseph Shine v. Union of India* (2018), the Supreme Court struck down the adultery provision in the Indian Penal Code as unconstitutional. The Court observed that the law treated women as property of their husbands and violated Articles 14, 15, and 21. By emphasizing equality, dignity, and autonomy, the Court reinforced the principle that laws rooted in patriarchal notions are inconsistent with constitutional guarantees.

The decision in *Independent Thought v. Union of India* (2017) addressed the issue of marital rape involving minor wives. The Supreme Court read down the exception that allowed sexual intercourse with a wife between 15 and 18 years of age. The Court held that such acts amount

to rape and violate Article 21. This judgment highlighted the importance of bodily integrity and protection of minor girls under constitutional law.

In *Shakti Vahini v. Union of India* (2018), the Supreme Court addressed honour killings and violence against couples exercising their choice in marriage. The Court held that honour-based violence violates Articles 14, 19, and 21, as it infringes upon equality, freedom of choice, and personal liberty. The judgment directed preventive measures to protect women's autonomy and dignity.

Similarly, in *State of Punjab v. Gurmit Singh* (1996), the Supreme Court emphasized the need for sensitivity in handling rape cases and recognized the severe impact of sexual violence on a woman's dignity. The Court stressed that such crimes affect not only the individual victim but society as a whole.

these judicial pronouncements demonstrate the evolving constitutional approach toward crimes against women. The Supreme Court has consistently interpreted fundamental rights expansively to protect women from violence, discrimination, and exploitation. These cases establish that crimes against women are not merely statutory offences but serious constitutional violations affecting equality, dignity, autonomy, and liberty.

## **LEGISLATIVE ROLE IN ADVANCING CONSTITUTIONAL PROTECTION OF CRIMES AGAINST WOMEN AS A VIOLATION OF FUNDAMENTAL RIGHTS**

The Constitution of India guarantees equality, dignity, liberty, and protection against exploitation under Part III. However, constitutional guarantees require effective legislative mechanisms for practical enforcement. The legislature plays a vital role in translating constitutional principles into enforceable rights by enacting laws that prevent, punish, and remedy crimes against women. Crimes such as domestic violence, sexual assault, trafficking, dowry-related abuse, workplace harassment, and child marriage directly violate Articles 14, 15, 19, 21, and 23. Through various enactments and amendments, Parliament has sought to operationalize these constitutional mandates and strengthen institutional accountability.

### **1. Protection of Women from Domestic Violence Act, 2005**

The Protection of Women from Domestic Violence Act (PWDVA), 2005 marked a significant shift in addressing domestic abuse as a violation of fundamental rights rather than merely a

private family matter. Domestic violence infringes the right to life and dignity under Article 21 and denies equal protection under Article 14. The Act recognizes multiple forms of abuse, including physical, emotional, verbal, sexual, and economic violence. It provides civil remedies such as protection orders, residence orders, custody orders, and monetary relief.

Importantly, the Act ensures immediate relief without requiring criminal prosecution, making constitutional protection more accessible. By acknowledging women's right to reside in the shared household and live free from violence, the legislation reinforces substantive equality and dignity.

## **2. Criminal Law (Amendment) Acts, 2013 and 2018**

The Criminal Law (Amendment) Act, 2013 was enacted following nationwide protests demanding stronger legal safeguards against sexual violence. It expanded the definition of rape, recognized new offences such as stalking, voyeurism, and acid attacks, and enhanced punishments for sexual crimes. These amendments reflect the legislature's recognition that sexual violence violates the constitutional guarantee of bodily integrity and dignity under Article 21.

The 2018 amendment introduced stricter punishments, including the death penalty for rape of minors. These reforms aim to deter crimes and affirm the State's commitment to protecting women's fundamental rights.

## **3. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

Workplace harassment restricts women's ability to participate in economic activities and undermines Articles 14 and 19(1)(g). This Act, enacted after judicial guidelines in the Vishaka case, mandates the establishment of Internal Complaints Committees and Local Committees to address complaints. It provides a structured grievance redressal mechanism, ensuring safe working conditions.

By addressing sexual harassment as a violation of dignity and equality, the legislation operationalizes constitutional guarantees in professional environments.

#### **4. Dowry Prohibition Act, 1961 and Related Penal Provisions**

Dowry-related violence remains a serious social issue. The Dowry Prohibition Act criminalizes the giving and taking of dowry, while Section 498A and Section 304B of the Penal Code address cruelty and dowry deaths. Dowry harassment directly violates Article 14 (equality) and Article 21 (right to life and dignity).

These provisions reflect legislative intent to eliminate discriminatory customs that treat women as property or financial burdens. By criminalizing dowry demands and related abuse, the law seeks to uphold constitutional values of equality and non-discrimination.

#### **5. Protection of Children from Sexual Offences Act, 2012 (POCSO)**

The POCSO Act provides comprehensive protection to children, especially minor girls, against sexual abuse and exploitation. It establishes child-friendly procedures for reporting, investigation, and trial. This legislation reflects Article 15(3), which allows special provisions for women and children, and reinforces Article 21's protection of dignity and bodily integrity.

By ensuring confidentiality and victim-sensitive procedures, the Act strengthens constitutional protection for vulnerable groups.

#### **6. Immoral Traffic (Prevention) Act, 1956**

Human trafficking and sexual exploitation violate Article 23, which prohibits traffic in human beings and forced labour. The Immoral Traffic (Prevention) Act criminalizes trafficking activities and provides for rescue and rehabilitation measures. The legislation addresses exploitation as both a criminal offence and a constitutional violation, reinforcing the State's duty to prevent abuse and protect dignity.

#### **7. Prohibition of Child Marriage Act, 2006**

Child marriage denies girls the right to education, health, and personal liberty. It often results in early pregnancy and domestic abuse, violating Articles 14 and 21. The Prohibition of Child Marriage Act declares such marriages voidable and provides penalties for those promoting the practice. This legislation supports constitutional goals of protecting minors and ensuring gender equality.

### **8. Maternity Benefit Act, 1961 (Amended 2017)**

The Maternity Benefit Act ensures paid maternity leave and job protection for pregnant women. It reflects Article 42 of the Directive Principles, which directs the State to provide just and humane working conditions and maternity relief. By protecting women's reproductive rights and economic security, the Act advances substantive equality and constitutional dignity.

### **9. Amendments to Evidence and Procedural Laws**

Legislative reforms have also strengthened procedural safeguards. Amendments to the Evidence Act limit questions regarding a victim's character in sexual offence trials. Fasttrack courts and victim compensation schemes have been introduced to ensure timely justice. These measures enhance access to constitutional remedies and reinforce the right to fair trial and dignity.

### **10. Role of Directive Principles and Fundamental Duties**

Although Directive Principles are non-justiciable, they guide legislative action. Articles 39(a), 39(d), and 39(e) promote equal livelihood and protection of women's health. Article 42 mandates humane working conditions. Article 51A(e) imposes a fundamental duty on citizens to renounce practices derogatory to the dignity of women. These provisions shape legislative policies aimed at promoting gender justice.

### **Legislative Impact on Constitutional Protection**

The combined effect of these enactments demonstrates the legislature's commitment to advancing constitutional protection for women. By criminalizing harmful practices, establishing victim-friendly procedures, and creating enforcement mechanisms, Parliament transforms constitutional guarantees into actionable rights. However, the effectiveness of these laws depends on proper implementation, awareness, and institutional accountability.

Legislation therefore functions as a bridge between constitutional ideals and practical justice. It operationalizes the principles of equality, dignity, and liberty by providing structured remedies against gender-based violence.

## CONCLUSION

Crimes against women represent not only violations of criminal law but also serious infringements of fundamental rights guaranteed under the Constitution of India. Articles 14, 15, 19, 21, and 23 collectively establish a constitutional framework that protects equality, dignity, liberty, and freedom from exploitation. Gender-based violence such as domestic abuse, sexual assault, trafficking, dowry harassment, acid attacks, and workplace harassment directly undermines these constitutional guarantees.

Judicial interpretation has played a transformative role in expanding the scope of fundamental rights to include dignity, bodily autonomy, privacy, and freedom from violence. Landmark judgments have affirmed that crimes against women constitute violations of constitutional values. Similarly, legislative enactments have sought to operationalize constitutional principles through protective statutes and procedural reforms.

Despite these developments, significant challenges remain in the effective realization of women's fundamental rights. Under-reporting of crimes, societal stigma, delays in investigation and trial, lack of awareness, and institutional weaknesses continue to hinder justice delivery. The gap between constitutional ideals and ground realities demonstrates that legal provisions alone are insufficient without strong enforcement and social transformation.

Ensuring constitutional protection for women requires not only punitive measures but also preventive strategies, institutional accountability, and societal change. The constitutional vision of equality and dignity can be achieved only when women are able to exercise their rights freely and live without fear of violence or discrimination.

## RECOMMENDATIONS

To strengthen constitutional protection against crimes against women, the following measures are recommended:

### **1. Strengthening Implementation Mechanisms**

Laws protecting women must be effectively implemented through proper monitoring systems, accountability of police authorities, and timely investigation. Establishing independent oversight bodies can improve enforcement.

## **2. Speedy Justice and Fast-Track Courts**

Special courts for crimes against women should function efficiently to reduce delays. Timely justice reinforces the constitutional guarantee of equality and personal liberty.

## **3. Gender-Sensitive Training**

Police officers, judicial officers, and public prosecutors should receive regular gender-sensitivity training to ensure victim-friendly procedures and reduce secondary victimisation.

## **4. Awareness and Legal Literacy Programs**

Public awareness campaigns should educate women about their constitutional rights and available legal remedies. Legal literacy can empower victims to seek justice.

## **5. Victim Support and Rehabilitation**

Comprehensive support systems including counseling, medical care, financial assistance, and rehabilitation programs should be strengthened to uphold dignity and restore confidence.

## **6. Data Collection and Research**

Improved data collection and research on gender-based violence can help in policy formulation and identification of systemic gaps.

## **7. Strengthening Constitutional Remedies**

Access to constitutional remedies under Articles 32 and 226 should be simplified, and legal aid services should be expanded to ensure that economically weaker women can approach courts.

## **8. Educational Reforms and Social Change**

Long-term prevention requires addressing patriarchal attitudes through education, community engagement, and promotion of gender equality at all levels of society.

## **9. Periodic Legislative Review**

Existing laws should be periodically reviewed and amended to address emerging forms of violence, including cyber crimes and digital harassment.

## **Books**

Basu, D.D., Introduction to the Constitution of India, LexisNexis.

Jain, M.P., Indian Constitutional Law, LexisNexis.

## **WEBLIOGRAPHY**

1.National Commission for Women (NCW) <https://ncw.nic.in>

2.India Code – Legislative Department <https://www.indiacode.nic.in>

3.Supreme Court of India – Judgments

<https://main.sci.gov.in>

4.National Crime Records Bureau (NCRB), Crime in India Report <https://ncrb.gov.in>

5.United Nations Women (UN Women) <https://www.unwomen.org>

6.Office of the High Commissioner for Human Rights (OHCHR) <https://www.ohchr.org>

7.PRS Legislative Research <https://prsindia.org>

8.Protection of Women from Domestic Violence Act, 2005 – Bare Act  
<https://www.indiacode.nic.in>

9.Sexual Harassment of Women at Workplace Act, 2013 – Bare Act,  
<https://www.indiacode.nic.in>