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### The effectiveness of legal frameworks in combating crimes against women: A critical appraisal

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#### Abstract

Crimes against women continue to be a pervasive global issue, despite the existence of numerous legal frameworks intended to prevent and punish such offenses. This paper critically appraises the effectiveness of these frameworks, focusing on legislation, implementation mechanisms, and judicial responses. By examining key national and international laws, real-life case studies, and the role of law enforcement and the judiciary, the paper highlights existing gaps and challenges. It concludes with recommendations for strengthening legal responses through reforms, sensitization, and better enforcement.

**Keywords:** Crimes against women, Legal frameworks, Legislation, Judicial responses, Law enforcement

#### 1. Introduction

Crimes against women—ranging from domestic violence and sexual harassment to rape and trafficking—remain a critical concern in both developed and developing societies. In response, countries have enacted various laws to safeguard women's rights and ensure justice. However, the persistence and even rise of such crimes in some regions question the effectiveness of these legal instruments. This study aims to analyze the strengths and shortcomings of legal frameworks aimed at combating gender-based violence, with an emphasis on implementation and outcomes.

#### 2. Literature Review

Numerous scholars and organizations have evaluated legal responses to crimes against women. According to the UN Women Report (2023), while over 150 countries have laws on domestic violence, implementation remains inconsistent. Studies by legal experts such as Baxi (2017)<sup>[1]</sup> and Dhanda (2020)<sup>[2]</sup> highlight the importance of both legislative clarity and enforcement efficiency. Furthermore, sociological research suggests that law alone cannot change entrenched patriarchal attitudes unless coupled with education and awareness campaigns.

#### 3. Overview of Legal Frameworks

##### 3.1. International Instruments

- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):** Often referred to as the international bill of rights for women, CEDAW obligates signatory states to take all appropriate measures to eliminate discrimination against women in all fields and spheres.
- **The Istanbul Convention (Council of Europe):** This is a comprehensive legal framework for preventing violence, protecting victims, and prosecuting perpetrators. It emphasizes a coordinated approach across all relevant agencies.
- **UN Declaration on the Elimination of Violence against Women (1993):** This declaration provides a clear definition of violence against women and affirms that such violence constitutes a violation of human rights and fundamental freedoms.

These treaties obligate signatory states to adopt comprehensive measures to prevent and punish gender-based violence.

##### 3.2. National Laws (Example: India)

- **The Protection of Women from Domestic Violence Act, 2005:** This civil law provides a broad definition of domestic violence and offers various remedies, including protection orders, residence orders, and monetary relief.

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- **Criminal Law (Amendment) Act, 2013 (post-Nirbhaya case):** This landmark amendment expanded the definition of rape and introduced stricter penalties, including the death penalty for certain offenses, and criminalized new offenses like acid attacks and stalking.
- **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:** This law mandates that all workplaces with more than 10 employees must have an Internal Complaints Committee to address sexual harassment.
- **Section 375 & 376 of the Indian Penal Code (Rape Laws):** These sections define and prescribe punishment for rape, though the legal landscape has undergone significant changes over the years.

These laws represent significant legislative progress, but enforcement remains problematic.

#### 4. Analysis of Effectiveness

##### 4.1. Legislative Strengths

- **Clearly defined offenses and penalties:** Modern laws are more explicit in defining what constitutes a crime, reducing ambiguity.
- **Provision for fast-track courts in some cases:** This aims to reduce judicial delays and ensure a speedy trial.
- **Victim protection mechanisms:** Many laws include provisions for restraining orders and other measures to protect victims from further harm.

##### 4.2. Implementation Gaps

- **Underreporting:** Due to social stigma, fear of retaliation, or a lack of trust in law enforcement, a large number of crimes go unreported, creating a 'dark figure' of crime.
- **Police Apathy:** Many cases are dismissed or mishandled at the police station level. Police officials often lack the necessary gender sensitization, leading to victim-blaming and flawed investigations.
- **Delayed Justice:** Court backlogs lead to prolonged trials, often spanning years or even decades, which is a significant deterrent for victims seeking justice.
- **Lack of Victim Support Services:** Psychological, legal, and financial aid are often inadequate, leaving victims to navigate a complex and traumatic process alone.

##### 4.3. Case Study: The Nirbhaya Case (2012)

The brutal gang rape and murder of a young student in Delhi in 2012, known as the Nirbhaya case, led to widespread public outrage and a landmark amendment in India's rape laws. Despite the legislative changes and stricter penalties, similar incidents have continued, raising questions about systemic issues in law enforcement and societal attitudes that no single law can fix. This case highlights that a legal response, while necessary, is not a complete solution.

#### 5. Role of Judiciary and Law Enforcement

While the judiciary has delivered strong verdicts in several high-profile cases, inconsistency persists in lower courts. The interpretation of laws and sentencing can vary widely. Law enforcement officials often lack proper gender-sensitization training, leading to victim-blaming attitudes and flawed investigations. In some cases, corruption and political

interference further weaken the justice delivery system, proving that the effectiveness of the law is dependent on the integrity of the institutions that implement it.

#### 6. Challenges in Ensuring Legal Protection

- **Patriarchal Social Structures:** Deeply entrenched social norms often protect perpetrators and silence victims, making it difficult for legal frameworks to operate effectively.
- **Low Female Literacy and Awareness:** In many regions, women are unaware of their rights and the legal recourse available to them.
- **Fear of Reprisal and Social Ostracism:** Victims often fear social ostracism or revenge from the perpetrator, which prevents them from coming forward.
- **Political Will and Corruption:** Lack of political will to allocate sufficient resources and rampant corruption can cripple the justice delivery system.
- **Ineffective Monitoring of Law Implementation:** Without independent bodies to oversee implementation and report lapses, the laws risk becoming mere symbolic gestures.

#### 7. Recommendations

- **Legal Reforms:** Close loopholes and clarify definitions (e.g., marital rape, cyberstalking) to ensure the law is comprehensive and unambiguous.
- **Fast-Track Courts:** Expand the number of fast-track courts to more regions with proper infrastructure and trained judicial staff to ensure speedy justice.
- **Police Reforms:** Implement mandatory gender-sensitization training for all police personnel and establish clear accountability mechanisms to address misconduct.
- **Victim Support Services:** Establish robust, state-funded victim support services that include free legal aid, shelters, and rehabilitation programs.
- **Public Awareness Campaigns:** Launch sustained public awareness campaigns to educate communities about women's rights and legal recourse, and to challenge harmful social norms.
- **Monitoring Mechanisms:** Create independent, powerful bodies to oversee the implementation of laws and report lapses, holding institutions accountable.

#### 8. Conclusion

While the legislative intent behind existing legal frameworks is commendable, their real-world impact remains limited by weak implementation, social barriers, and systemic inefficiencies. To effectively combat crimes against women, legal measures must be supported by institutional reform, public engagement, and a fundamental shift in cultural attitudes. Only then can justice be made truly accessible and a deterrent, moving from a legal ideal to a lived reality for women everywhere.

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