

OFFENCES AGAINST WOMEN AND VULNERABILITY: AN OVERVIEW OF NEW CRIMINAL LAWS 2023

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Abstract

This paper traces the legal architecture built around crimes against women in India — rape, marital rape, acid attacks, domestic violence, and dowry death — and situates it within the Bharatiya Nyaya Sanhita, 2023, which replaced the Indian Penal Code, 1860 with effect from July 1, 2024. It examines why women continue to be disproportionately targeted, the effects such crimes leave behind, and the wave of judicial course-correction running through 2025 and 2026 — fresh guidelines on the trial of sexual offences, time-bound monitoring of dowry, cruelty and acid-attack prosecutions, and the batch of petitions on the marital rape exception, now finally posted for hearing before the Supreme Court of India. It argues that renumbering and exhortation alone cannot cure a problem that is, at its root, a problem of mindset, and that speedy, sensitive and certain justice remains the only real deterrent.

Keywords: Crimes against women, Bharatiya Nyaya Sanhita, 2023, Marital rape, Domestic violence; dowry death.

Introduction

“यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः ।
यत्रैतास्तु न पूज्यन्ते सर्वस्तत्राफलाः क्रियाः ।”

This means heavenliness blooms where women are respected, and where they are disrespected, all endeavours, however honourable, stay unfruitful. (Manusmriti, ch. III, verse 56.)

India is a country of gods and goddesses, where even cows are worshipped, yet, to my continuing surprise, in a land of such divine imagery, women remain unsafe — be it a family gathering, a workplace, public transport, or their own home. We cannot forget the Ramayana and the Mahabharata, where Goddess Sita and Draupadi were, respectively, subjected to grave wrongs, yet the presence of Lord Rama and Lord Krishna not only rescued them but also delivered justice; in today's era, hardly

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anyone steps forward to protect a woman against whom a crime is being committed, and “Satyamev Jayate” truth alone triumphs has become a line confined to books rather than a lived reality.

Every day is believed to be new day evidence suggests that once a day passes, it is forgotten. But sometimes only the dates change and not the circumstances. In 2012, the heart-wrenching ‘Nirbhaya Rape Case’ shook the nation to a point where it seemed the whole country had come onto the streets to protest for the poor soul, yet, as is so often believed, the pain eventually settled with time. To my dismay, that was not the last such incident; rape cases have only multiplied since, until, disturbingly, nobody considers rape an aberration any longer people have grown familiar with the offence. The attitude that once said ‘this needs to be stopped’ has quietly changed to ‘this happens all the time, nobody can change it’, an attitude that, sustained over a long run, only pushes a nation further toward becoming what I can only call a ‘broken’ one. Not only rape, but hundreds of offences little and big happen to women nearly every minute. Right now, as this paper is being written, somewhere a woman is being raped; a newly-wed may be getting burnt because her family could not meet a dowry demand; a young girl may be getting molested inside her own home; a female foetus may be eliminated because the family did not want a daughter; a little girl, instead of going to school, may be getting readied for marriage; a poor woman may be being forced into prostitution. Somewhere in this beautiful world, a woman may be losing herself for the rest of her life.

Does it not disturb us that, despite women across the world suffering so much, so little effective action follows? Measures are indeed being taken and small initiatives are indeed being introduced some legislative, some judicial, some administrative but almost none of them, taken alone, have proven sufficient to protect the women of this world. What has changed, as this paper will show, is that the judiciary itself has, through 2025 and 2026, grown visibly impatient with the gap between paper protection and lived safety, and has begun issuing time-bound, monitorable directions rather than mere observations. Whether that impatience translates into safer streets and safer homes is the question this paper keeps returning to.

What do you understand by Crimes Against Women?

A crime is a crime, whether physical or mental. Although offences occur against both human beings and animals, and against both men and women, offences that have only ‘women’ as victims are described as ‘crimes against women’. A crime is distinct from violence, since violence connotes a violent act having actually taken place domestic violence, for instance, includes

beating by family or relatives, sexual abuse, rape by a family member, threats, dowry death, maltreatment of a widow, and coercing a woman toward foeticide.

The United Nations Declaration on the Elimination of Violence against Women, 1993, defines ‘violence against women’ as *“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”*¹

Types of Crimes Against Women

Every woman, at least once in her lifetime, has gone through some form of offence or violence sometimes without even recognising it as one. Rape, molestation, sexual assault, sexual harassment, marital rape, acid attacks, domestic violence, persecution for dowry, dowry death, female foeticide, trafficking, workplace offences, cruelty by an intimate partner or relative, pornography, child pornography, kidnapping, abduction, outraging a woman’s modesty, child marriage, attempted rape, stalking, voyeurism, and indecent representation are only some of an endless list. Some are defined under statute; others, such as marital rape between adult spouses, still have no criminal consequence at all under Indian law. Since July 1, 2024, most of these offences have moved out of the colonial-era Indian Penal Code, 1860 and into Chapter V (‘Of Offences against Woman and Child’) of the Bharatiya Nyaya Sanhita, 2023 a renumbering that is important to get right, because a lawyer, police officer, or litigant citing the old IPC sections today is, quite literally, citing a repealed law. What 2025 and 2026 have added to this picture is not a fresh set of offences, but a fairly relentless run of Supreme Court orders insisting that these renumbered offences actually be *tried* differently faster, more sensitively, and with less room for the systemic delay that has historically been the real enemy of a woman seeking justice.

An explanation of the major offences against women, updated to the current statutory and judicial position, follows below.

1. Rape

The act of having sexual intercourse with a woman without her consent is known as rape. Rape is now defined under Section 63 of the Bharatiya Nyaya Sanhita, 2023, which carries forward, almost verbatim, the definition

1 Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, art. 1, U.N. Doc. A/RES/48/104 (Dec. 20, 1993).

that formerly stood at Section 375 of the Indian Penal Code, 1860.² In layman's terms, a man is said to have committed rape if he penetrates, to any extent, into a woman's body by force, fraud, or fear, against her will. Rape is as heinous as murdering a person a hundred times over here, the soul dies, and the body may or may not follow. It completely outrages the modesty, honour, dignity, reputation, and self-esteem of a woman, causing humiliation not only to her but to her family; the scars may fade from the body but stay engraved on the soul forever.

The punishment for rape is now provided under Section 64 of the Bharatiya Nyaya Sanhita, 2023, which prescribes a minimum sentence of ten years' rigorous imprisonment, extendable to imprisonment for life, along with a fine, for the basic offence, with enhanced punishment under Section 64(2) where the offence is committed by a police officer, a public servant, a member of the armed forces or a person in a position of trust or authority. The death penalty is not available under Section 64: it arises under Section 65(2), for the rape of a woman under twelve years of age, and under Section 70(2), for the gang rape of a woman under eighteen years of age. Section 65(1) separately prescribes rigorous imprisonment of not less than twenty years, extendable to imprisonment for the remainder of the offender's natural life, for the rape of a woman under sixteen years of age.³ Section 70 lays down the punishment for gang rape: where a woman is raped by more than one person acting with common intention, each offender is deemed to have committed rape and is liable for rigorous imprisonment of not less than twenty years, extendable to life imprisonment, along with a fine that must be paid to the victim toward her medical treatment and rehabilitation.⁴

2 The Bharatiya Nyaya Sanhita, 2023, No. 45, Acts of Parliament, 2023, Sec. 63 (India) (corresponding to The Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860, Sec. 375 (India), repealed with effect from July 1, 2024).

3 Bharatiya Nyaya Sanhita, *supra* note 2, Sec. Sec. 64–65, 70(2) (corresponding to Indian Penal Code, *supra* note 2, Sec. Sec. 376, 376AB, 376DB). The death penalty is available under Sec. 65(2) (rape of a woman under twelve years of age) and Sec. 70(2) (gang rape of a woman under eighteen years of age), and not under Sec. 64.

4 Bharatiya Nyaya Sanhita, *supra* note 2, Sec. 70 (corresponding to Indian Penal Code, *supra* note 2, Sec. 376D).

Most heart-wrenching judgment

Mukesh v. State (NCT of Delhi)⁵, popularly known as the “Nirbhaya Rape Case”

This case needs no introduction, but those unfamiliar with it may find it heavy to read. A woman and her friend, on their way home from a movie, boarded an off-duty charter bus carrying six men, including the driver. The driver took the bus off-route; when the friend objected, he was beaten with an iron rod, and the woman was dragged to the back of the bus and gang-raped repeatedly for over an hour, after which an iron rod was inserted into her body, tearing her intestines. Both victims were thrown out of the moving bus. The woman succumbed to her injuries a fortnight later. The incident occurred in 2012; the Supreme Court affirmed the conviction and death sentence of four of the accused in 2017, one accused had earlier died by suicide in custody, the juvenile offender was released after three years in a correction facility, and the four adult convicts were finally hanged on March 20, 2020 nearly eight years after the crime.

A course-correction on how such cases are tried

If Nirbhaya changed the law on paper, the years 2025 and 2026 have seen the Supreme Court turn its attention to how sexual-offence cases actually move through the courts. On March 17, 2025, the Allahabad High Court, in *Akash v. State of Uttar Pradesh*, a case involving allegations against a minor girl, had downgraded the trial court’s summons from rape under Section 376 of the erstwhile Indian Penal Code to the comparatively lesser offence of assault with intent to disrobe, correspondingly lowering the applicable provision of the Protection of Children from Sexual Offences Act, 2012 as well.⁶ Acting on a letter addressed by a women’s rights group, the Supreme Court took up the matter *suo motu*, staying the offending paragraphs of the High Court’s judgment on March 26, 2025 and, later, the judgment in

5 Mukesh v. State (NCT of Delhi), (2017) 6 S.C.C. 1 (India) (affirming the conviction and death sentence of the accused); *see also* State v. Ram Singh, Sessions Case No. 114/2013 (Sessions Ct., Saket, Delhi, Sept. 10, 2013) (India) (trial court judgment).

6 Akash v. State of Uttar Pradesh, 2025 SCC OnLine All 1476 (Allahabad H.C. Mar. 17, 2025) (India) (Ram Manohar Narayan Mishra, J.) (downgrading the summons from Indian Penal Code, *supra* note 2, Sec. 376, and The Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012, Sec. 18 (India), to Indian Penal Code, *supra* note 2, Sec. 354B, read with Protection of Children from Sexual Offences Act, Sec. 9–10); *discussed in* V. Venkatesan, Why the Supreme Court Wants New Rules for Sexual Offence Trials, SUPREME COURT OBSERVER (Feb. 19, 2026), <https://www.scobserver.in/journal/why-the-supreme-court-wants-new-rules-for-sexual-offence-trials/>.

its entirety on December 8, 2025.⁷ On February 10, 2026, a Bench of Chief Justice of India Surya Kant and Justices Joymalya Bagchi and N.V. Anjaria restored the trial court's original summons, holding that the allegations disclosed, at least *prima facie*, an “attempt” to commit rape rather than mere “preparation” for it — a distinction that, in the ordinary run of a criminal trial, can be the difference between a woman's complaint being taken seriously and its being quietly diluted at the very first stage.⁸ Significantly, the Court went further and set in motion the drafting of fresh, more consistent guidelines for the conduct of sexual-offence trials, setting aside, in the process, its own 2023 Handbook on Combating Gender Stereotypes. The Chief Justice's description of that Handbook as too “Harvard-oriented” drew published criticism from legal commentators, who argued that dismissing gender-sensitive language as a foreign import missed the point that the Handbook needed better dissemination rather than dilution, even as the Court defended the need for a framework better suited to Indian courtrooms. That exercise has since been completed: the Court asked the National Judicial Academy, Bhopal to constitute an expert committee chaired by former Supreme Court judge Justice Aniruddha Bose, and that committee's report, *Judgments and Gender*, submitted in August 2026, now stands in place of the 2023 Handbook.⁹

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- 7 *In re* Order Dated 17.03.2025 Passed by the High Court of Judicature at Allahabad in Criminal Revision No. 1449/2024 and Ancillary Issues, S.M.W. (Crl.) No. 1 of 2025, orders of Mar. 26, 2025 (Gavai & Masih, JJ.) & Dec. 8, 2025 (S.C.) (India) (staying paras. 21, 24 and 26 of the High Court's judgment and, later, the judgment in its entirety, acting on a letter dated Mar. 20, 2025 from “We the Women of India”); *see also* Venkatesan, *supra* note 6.
 - 8 *In re* Order Dated 17.03.2025 Passed by the High Court of Judicature at Allahabad in Criminal Revision No. 1449/2024 and Ancillary Issues, S.M.W. (Crl.) No. 1 of 2025, judgment of Feb. 10, 2026 (S.C.) (India) (Surya Kant, C.J.I., Bagchi & Anjaria, JJ.) (restoring the trial court's summons, describing the High Court's reasoning as “patently erroneous”, and directing the framing of fresh guidelines for sexual-offence trials), https://api.sci.gov.in/supremecourt/2025/15681/15681_2025_1_22_68511_Judgement_10-Feb-2026.pdf; *see also* Venkatesan, *supra* note 6.
 - 9 *Id.* (setting aside the Supreme Court's 2023 Handbook on Combating Gender Stereotypes and requesting the National Judicial Academy, Bhopal to constitute an expert committee chaired by Justice Aniruddha Bose (former Judge, Supreme Court of India) to draft comprehensive guidelines); *see also* NAT'L JUD. ACAD., EXPERT COMM., JUDGMENTS AND GENDER (2026) (the resulting report, submitted in August 2026, which now stands in place of the 2023 Handbook). On the criticism, *see* Indira Jaising, The Supreme Court's Move Towards Gender Justice Wasn't “Harvard-Oriented”, INDIAN EXPRESS (Feb. 2026).

The Court has, separately, had to grapple with the harder question of how the Protection of Children from Sexual Offences Act's strict, consent-blind framework should apply to genuinely consensual adolescent relationships, an issue it took up *suo motu* in 2023 and in which, in 2024, it set aside a Calcutta High Court judgment admonishing adolescent girls to control their sexual urges; the hearings continued through 2026, with the Court cautioning against the reflexive use of criminal law to police adolescent romance at a parent's instance.¹⁰ And in one unusual instance, in those same proceedings, on May 23, 2025, the Court invoked its extraordinary powers under Article 142 of the Constitution to spare a convicted person further incarceration on the ground that continued imprisonment would, on the facts before it, cause further harm to the child victim herself a ruling the Bench was careful to describe as turning on its own facts and not as a precedent for future sentencing.¹¹ Read together, these developments show a judiciary less content than before to leave the fate of a rape trial to procedure alone.

2. Marital Rape

Imagine a woman raped by a stranger traumatic enough. Now imagine that the person doing this to her is someone she has agreed to spend her life with, someone she knows inside out. Sleeping every night beside a person who has shown he is capable of forcing himself upon her, knowing full well that the law offers her no recourse, is a fear peculiar to a wife trapped in such a marriage. Marital rape refers to a husband having sexual intercourse with his wife without her consent. It remains a non-criminalised act in India: women silently endure it, and Parliament has still not moved to protect them. A husband must understand that his wife is not a commodity marriage does not entitle him to her body without consent, every single time. Evidence of such acts, occurring within the four walls of a home shared with the very person a woman is presumed to be in an intimate

10 *In re Right to Privacy of Adolescents (Suo Motu Proceedings) (S.C.) (India)* (proceedings registered in 2023 following a judgment of the Calcutta High Court that the Supreme Court set aside in 2024; observations of July 2026 by Nagarathna & Mahadevan, JJ.; proceedings pending); see also POC SO Act Consensual Teen Relationships: Supreme Court's Landmark Observations Explained, LEGAL SERVICE INDIA (July 21, 2026), <https://www.legalserviceindia.com/Legal-Articles/pocso-act-consensual-teen-relationships/>.

11 *In re Right to Privacy of Adolescents (S.C. May 23, 2025) (India) (Oka & Bhuyan, JJ.)* (exercising powers under INDIA CONST. art. 142); see also Gauri Kashyap, "Not a Precedent": Supreme Court Holds Back from Sentencing POC SO Convict, SUPREME COURT OBSERVER (May 29, 2025), <https://www.scobserver.in/journal/in-re-right-to-privacy-of-adolescents-not-a-precedent-supreme-court-holds-back-from-sentencing-pocso-convict/>.

relationship with, is also notoriously difficult to establish. Exception 2 to Section 63 of the Bharatiya Nyaya Sanhita, 2023 continues to exclude non-consensual sexual intercourse between a husband and his wife from the definition of rape, so long as the wife is not under eighteen years of age¹² — the only difference from the erstwhile Exception 2 to Section 375 of the Indian Penal Code, 1860 being the threshold of eighteen rather than fifteen years. Even that was not the new Code's innovation: the Supreme Court had already read "fifteen" down to "eighteen" in *Independent Thought v. Union of India*, (2017) 10 S.C.C. 800, so that the Bharatiya Nyaya Sanhita did no more than codify a position settled judicially in 2017. A wife is, in effect, still presumed to have given standing consent to her husband, at odds with the position in most of the world; India remains among a minority of countries that have not criminalised marital rape.¹³

The issue is, however, no longer static, and the last eighteen months have moved it further than at any point since it first reached a constitutional court. In May 2022, a Division Bench of the Delhi High Court delivered a split verdict on the constitutional validity of the marital rape exception in *RIT Foundation v. Union of India* Justice Rajiv Shakti struck it down as arbitrary and discriminatory, while Justice C. Hari Shankar upheld it, holding the distinction to rest on an intelligible differentia, and leave to appeal to the Supreme Court was granted on account of the substantial questions of law involved.¹⁴ A separate, equally significant challenge reached the Supreme Court through *Hrishikesh Sahoo v. State of Karnataka*: a husband, facing a 2017 complaint by his wife alleging rape and cruelty (and separately facing charges concerning their daughter under the Protection of Children from Sexual Offences Act, 2012), had invoked the marital rape exception before the Karnataka High Court to quash the rape charge against him. On March 23, 2022, Justice M. Nagaprasanna declined to interfere, relying in part on the Justice J.S. Verma Committee's 2013 recommendation for removing the exception, and holding that no exception under the criminal law could

12 Bharatiya Nyaya Sanhita, *supra* note 2, Sec. 63, Exception 2.

13 Marital Rape in India: 36 Countries Where Marital Rape Is Not a Crime, INDIA TODAY (Mar. 12, 2016), [https://www.indiatoday.in/education-today/gk-current-affairs/story/marital-rape-312955-2016-03-12\(country count as of 2016; a current comparative source should be substituted before publication\)](https://www.indiatoday.in/education-today/gk-current-affairs/story/marital-rape-312955-2016-03-12(country%20count%20as%20of%202016;a%20current%20comparative%20source%20should%20be%20substituted%20before%20publication)).

14 *RIT Foundation v. Union of India*, 2022 SCC OnLine Del 1404 (India) (split verdict of May 11, 2022 by a Division Bench of the Delhi High Court on the constitutional validity of the marital rape exception).

operate as a licence for a crime.¹⁵ On the husband's special leave petition, filed on May 10, 2022, a three-judge Bench of Chief Justice N.V. Ramana and Justices Krishna Murari and Hima Kohli stayed the High Court's judgment, and the trial before the Sessions Court, on July 19, 2022; that petition is one of eight connected matters now before the Supreme Court.

Through much of 2026, the matter has moved briskly. On September 7, 2026, a Bench headed by Chief Justice of India Surya Kant, sitting with Justices Joymalya Bagchi and V. Mohana, declined to defer the hearing to a later date and asked to be told the Union Government's stand before fixing dates for final arguments; Senior Advocate Indira Jaising, appearing for the petitioners, sought a hearing in November on the ground that pleadings across the eight matters had not yet been exchanged, while Senior Advocates Karuna Nundy and Siddharth Dave appeared in connected petitions.¹⁶ Two days later, on September 9, 2026, the Union Government placed its reply on record, and the Bench directed that pleadings be compiled and the matters be posted for final hearing after three weeks, on Wednesdays and Thursdays. The Court indicated that it would take up two questions: whether a prosecution can be maintained while the exception stands, and whether the exception is itself constitutionally valid.¹⁷ During the hearing, Justice Bagchi made observations that will likely be quoted for years regardless of how the case is ultimately decided: he recorded that the Bench fully appreciated the submission that marriage cannot result in the extinction of a woman's individual autonomy, while also noting the special

15 *Hrishikesh Sahoo v. State of Karnataka*, 2022 LiveLaw (Kar) 89, W.P. No. 48367 of 2018 (Kar. Mar. 23, 2022) (India) (Nagaprasanna, J.) (holding that no exception under law can be so absolute as to become a licence for the commission of a crime against society); *Hrishikesh Sahoo v. State of Karnataka*, S.L.P. (Crl.) Nos. 4063-4064 of 2022 (S.C. filed May 10, 2022) (India) (ad-interim stay of the High Court's judgment and of the trial granted on July 19, 2022 by Ramana, C.J.I., Krishna Murari & Hima Kohli, JJ.); *see also* *Challenge to the Marital Rape Exception*, SUPREME COURT OBSERVER (last updated July 8, 2025), <https://www.scobserver.in/cases/challenge-to-the-marital-rape-exception-hrishikesh-sahoo-v-state-of-karnataka/> (which gives the High Court's date as Feb. 23, 2022; the judgment itself is dated Mar. 23, 2022).

16 Debayan Roy, *Marital Rape Case: Supreme Court to Decide Hearing Date on September 9*, BAR & BENCH (Sept. 7, 2026), <https://www.barandbench.com/news/litigation/marital-rape-case-supreme-court-to-decide-hearing-date-on-september-9>.

17 "Marriage Cannot Result in Extinction of Individual Autonomy," Supreme Court During Marital Rape Criminalization Hearing, LAWBEAT (Sept. 9, 2026), <https://lawbeat.in/top-stories/marriage-cannot-result-in-extinction-of-individual-autonomy-supreme-court-during-marital-rape-criminalization-hearing-1630123>.

caution a constitutional court must exercise before a penal provision can expose a person to prosecution remarking that the State might, in an appropriate case, be given a window to correct a provision itself before a court declares it unconstitutional.¹⁸ The Union's own affidavit continues to oppose criminalisation, arguing that marriage creates reciprocal legal and social obligations amounting to an intelligible differentia, and that striking down the exception would have wider ramifications for the institution of marriage requiring a holistic legislative, rather than a purely judicial, response.¹⁹

Whichever way it is ultimately decided, the fact that the Court has now framed the central question whether a husband can be prosecuted at all while a clear statutory exception continues to stand on the books, and what a constitutional court must first do before that prosecution can proceed²⁰— is itself the most significant development in this area since this paper was first written. Readers of this paper should watch the outcome of the Wednesday–Thursday hearings as the single most important marker of where Indian law on marital rape is finally headed.

3. Acid Attack

Acid is a particularly vicious weapon of offence, and while not every victim of an acid attack is a woman, the offence is overwhelmingly committed against women. Such attacks not only disfigure the face or body of the victim but leave her in a state of enduring shock and trauma. Accused persons frequently aim at the victim's face specifically to shatter her confidence — there are countless cases of men who approached women for a relationship or marriage and, upon rejection, threw acid at them. The scars acid leaves can neither be healed nor forgotten, and the victims must additionally contend with a society that is, all too often, unkind to survivors of visible disfigurement.

18 *Id.* (observations of Bagchi, J.).

19 Supreme Court to Hear Pleas Against Marital Rape Exception; Centre Says Striking It Down May Impact Marriage, INDIA LEGAL (Sept. 2026), <https://indialegallive.com/constitutional-law-news/courts-news/supreme-court-to-hear-pleas-against-marital-rape-exception-centre-says-striking-it-down-may-impact-marriage/>.

20 Debayan Roy, Marriage Doesn't Mean Extinction of Individual Autonomy but Can Marital Rape Be Prosecuted? Supreme Court, BAR & BENCH (Sept. 9, 2026), <https://www.barandbench.com/news/marriage-doesnt-mean-extinction-of-individual-autonomy-but-can-marital-rape-be-prosecuted-supreme-court>.

Provisions specifically punishing acid attacks were first inserted into the Indian Penal Code as Sections 326A and 326B by the Criminal Law (Amendment) Act, 2013; that framework now stands consolidated as Section 124 of the Bharatiya Nyaya Sanhita, 2023, which punishes voluntarily causing grievous hurt by acid permanently or partially damaging, disfiguring, burning, or disabling any part of a person's body with imprisonment of not less than ten years, extendable to life imprisonment, along with a fine, and separately punishes the throwing or attempted throwing of acid with intent to cause such hurt with imprisonment of not less than five years, extendable to seven years, along with a fine.²¹

Landmark judgment

*Laxmi v. Union of India*²²

A public interest litigation was filed by an acid attack survivor, Laxmi. The Supreme Court directed the States and Union Territories to regulate the over-the-counter sale of acid, and, for the first time, laid down a compensation framework for victims of acid attacks and their families, directing that a minimum of Rs. 3 lakh be paid as compensation by the State or Union Territory concerned, of which Rs. 1 lakh was to be paid within fifteen days of the incident. This judicial framework continues to inform the victim-compensation schemes operated by States under the successor provisions to Section 357A of the Code of Criminal Procedure now found in the Bharatiya Nagarik Suraksha Sanhita, 2023.

More than a decade on, the *Laxmi* framework has had to be revisited, not because its principles were wrong, but because implementation has lagged badly behind them. On December 4, 2025, hearing *Shaheen Malik v. Union of India*, a public interest litigation brought by a survivor whose own trial had been pending since 2009, the Supreme Court called that delay “a mockery of the system” and a “national shame”, directed the Registrars General of all High Courts to furnish details of pending acid attack trials in their jurisdictions within four weeks, and mooted both special courts and day-to-day hearings in such cases. Delays of this order have persisted

21 Bharatiya Nyaya Sanhita, supra note 2, Sec. 124 (corresponding to Indian Penal Code, supra note 2, Sec. Sec. 326A-326B, as inserted by The Criminal Law (Amendment) Act, 2013, No. 13, Acts of Parliament, 2013 (India)).

22 *Laxmi v. Union of India*, (2014) 4 S.C.C. 427 (India) (order of July 18, 2013 regulating the over-the-counter sale of acid and directing payment of compensation of not less than Rs. 3 lakh by the State or Union Territory concerned, Rs. 1 lakh of it within fifteen days of the incident).

in the years since the Laxmi directions were first issued.²³ On January 27, 2026, continuing in the same matter, the Bench observed orally that reformatory theory has little place in acid attack cases and asked why, if a convict cannot pay compensation, his assets should not be attached and auctioned to compensate the victim; it directed all States and Union Territories to place on record year-wise data on such cases together with the rehabilitation and compensation measures available to survivors. These were observations in the course of hearing rather than binding directions, but they indicate the direction of the Court's thinking.²⁴ Then, on May 4, 2026, deciding the same petition brought by a survivor of a thrown-acid attack on behalf of those forced to ingest acid the Court broadened the definition of an acid attack victim in the Schedule to the Rights of Persons with Disabilities Act, 2016 to cover forced ingestion and internal injury even where there is no visible external disfigurement, holding that the resulting impairment is no less disabling than a scarred face. The clarification was made to operate retrospectively from 2016, and the Union Ministry of Social Justice and Empowerment was directed to notify the amendment within two weeks, the Court's order standing as a deemed amendment in the meantime so that medical boards may issue disability certificates at once.²⁵ Taken together, this run of orders shows

23 Shaheen Malik v. Union of India (S.C. Dec. 4, 2025) (India) (Surya Kant, C.J.I. & Bagchi, J.) (directing the Registrars General of all High Courts to furnish details of pending acid attack trials within four weeks); *see also* SC Asks All High Courts to Submit Details of Pending Acid Attack Cases in 4 Weeks, DECCAN HERALD (Dec. 4, 2025), <https://www.deccanherald.com/india/sc-asks-all-high-courts-to-submit-details-of-pending-acid-attack-cases-in-4-weeks-3819661>; CJP Team, Acid Attack Jurisprudence in India: Constitutional Promise and Persistent Institutional Failure, CJP (Dec. 30, 2025), <https://cjp.org.in/acid-attack-jurisprudence-in-india-constitutional-promise-and-persistent-institutional-failure/>.

24 Shaheen Malik v. Union of India (S.C. Jan. 27, 2026) (India) (oral observations in the course of hearing; not directions); *see also* SC Considers Attachment of Offenders' Property to Ensure Compensation for Acid Attack Survivors, THE STATESMAN (Jan. 27, 2026), <https://www.thestatesman.com/india/sc-considers-attachment-of-offenders-property-to-ensure-compensation-for-acid-attack-survivors-1503547460.html>.

25 Shaheen Malik v. Union of India (S.C. May 4, 2026) (India) (reading the Schedule to the Rights of Persons with Disabilities Act, 2016 to cover forced ingestion of acid and internal injury, with retrospective effect from 2016, and directing notification of the amendment within two weeks); *see also* Supreme Court Expands Disability Rights, Includes Acid Attack Victims and Internal Injuries Under RPwD Act, THE LOGICAL INDIAN (May 5, 2026), <https://thelogicalindian.com/supreme-court-expands-disability-rights-includes-acid-attack-victims-and-internal-injuries-under-rpwd-act/>; *see also* The Rights of Persons with Disabilities Act, 2016, No. 49, Acts of Parliament, 2016 (India).

the same pattern that recurs across every offence surveyed in this paper: a sound legal framework, built up patiently over a decade, still straining against slow trials and uneven implementation on the ground.

4. Domestic Violence

Have you ever noticed a woman who seems frightened of her husband or in-laws, or one with scars on her neck, body, or face that she has spent a long time trying to hide? These may be signs of an abusive relationship. Beating, physical or mental hurt, sexual assault, name-calling, constant insults, preventing a woman from working, studying, or seeing her family and friends, controlling how she spends money or what she wears, possessiveness, baseless accusations of infidelity, controlling her access to healthcare, threatening her with violence or a weapon, and forcing her into sexual acts against her will all constitute domestic violence — whether inflicted by a spouse or by the spouse's family and relatives.

What was Section 498A of the Indian Penal Code the principal criminal provision protecting married women from cruelty by their husbands or in-laws — is now found in Sections 85 and 86 of the Bharatiya Nyaya Sanhita, 2023, Section 85 defining the offence and Section 86 defining what constitutes 'cruelty', in substantially the same terms as before.²⁶ According to the delayed but now-released 'Crime in India 2023' report of the National Crime Records Bureau, 4,48,211 cases of crime against women were registered in 2023, a further, if marginal, rise over the 4,45,256 cases recorded in 2022, at a national rate of 66.2 incidents per lakh female population and a charge-sheeting rate of 77.6 per cent 'cruelty by husband or his relatives' continuing to be, by a wide margin, the single largest category, and the national capital again recording the highest number of such cases among India's metropolitan cities.²⁷ Domestic violence remains, by most accounts, significantly under-reported on account of shame, financial dependence, fear of retaliation, victim-blaming, and cumbersome bureaucratic procedures, so official figures almost certainly understate the true scale of the problem. The National Family Health Survey continues to serve as an independent, complementary source of self-reported data on the prevalence of domestic violence in India, alongside the NCRB's compilation of police-registered cases.

26 Bharatiya Nyaya Sanhita, *supra* note 2, Sec. Sec. 85-86 (corresponding to Indian Penal Code, *supra* note 2, Sec. 498A).

27 NAT'L CRIME RECS. BUREAU, MINISTRY OF HOME AFFS., CRIME IN INDIA 2023 (2025).

The provision has, at the same time, remained one of the most contested in the criminal statute book, and 2025 brought that tension squarely before the Supreme Court. RTI data drawn from five district courts in Delhi showed that, of 9,950 trials under Section 498A/Section 85 BNS between 2021 and 2024, only twenty-three barely 0.2 per cent ended in conviction, while nearly 47 per cent were quashed and hundreds more resulted in acquittal, figures that have fuelled a long-running debate about the gap between the provision's protective purpose and its practical misuse against extended family members with no real role in the alleged cruelty.²⁸ In *Shivangi Bansal v. Sahib Bansal*, decided on July 22, 2025, the Supreme Court endorsed guidelines earlier framed by the Allahabad High Court for the constitution of Family Welfare Committees and a two-month "cooling-off" period before arrest in such cases, aimed at filtering out non-serious or vague complaints. That endorsement is itself contested. A larger Bench had held in *Social Action Forum for Manav Adhikar v. Union of India* in 2018 that directions to constitute such committees lay outside the judicial domain, and critics argue that a blanket bar on arrest for two months postpones protection for precisely those women who most urgently need it.²⁹ That effort at calibration was carried further on August 20, 2026, when the Supreme Court, monitoring compliance in *State of Uttar Pradesh v. Ajmal Beg*, directed that charges in cruelty and dowry prosecutions ordinarily be framed within sixty to ninety days, that trials be treated as priority matters, that district judiciaries identify and periodically review cases pending beyond three years, and that mediation or counselling be explored only in matters arising from ordinary matrimonial discord expressly

28 Cooling-Off and Committees: New Path for Section 85 BNS Reform, LIVELAW (Aug. 10, 2025), <https://www.livelaw.in/articles/coolingoff-committees-new-path-section85-bns-reform-300442> (citing RTI data from five Delhi district courts, 2021-2024).

29 *Shivangi Bansal v. Sahib Bansal*, 2025 INSC 883, 2025 LiveLaw (SC) 735 (India) (decided July 22, 2025) (Gavai, C.J.I. & Masih, J.) (endorsing, under INDIA CONST. art. 142, the guidelines at paras. 32-38 of *Mukesh Bansal v. State of U.P.*, 2022 SCC OnLine All 395 (India) (Crim. Rev. No. 1126 of 2022, decided June 13, 2022)). But see *Social Action Forum for Manav Adhikar v. Union of India*, (2018) 10 S.C.C. 443 (India) (holding that a direction for the constitution of Family Welfare Committees lies outside the judicial domain).

excluding cases involving death or grievous violence while preserving the High Courts' power to quash proceedings that are vague, omnibus, or legally unsustainable.³⁰

5. Persecution for Dowry and Dowry Death

Marriage in India carries the weight of tradition and deeply rooted custom passed down across generations, and one custom that has proved stubbornly resistant to reform is the practice of dowry — property, gifts, or money given by a bride's family, historically framed as ensuring her independence within her marital home but, in practice, frequently weaponised into a running demand upon her and her natal family. The Dowry Prohibition Act, 1961 was enacted to prohibit the giving and taking of dowry and the offences connected with it.³¹

Where cruelty or harassment for dowry culminates in the death of a woman by burns, bodily injury, or otherwise than under normal circumstances, within seven years of her marriage the offence is 'dowry death', formerly punished under Section 304B of the Indian Penal Code and now under Section 80 of the Bharatiya Nyaya Sanhita, 2023, a markedly more stringent provision than Sections 85–86, carrying a minimum sentence of seven years' imprisonment extendable to life.³² The Supreme Court has repeatedly had occasion to interpret the statutory phrase 'soon before her death' that links the harassment to the death; in *Kans Raj v. State of Punjab*, the Court held that 'soon before' is a relative term incapable of a straitjacket, fixed-period definition, and is to be understood through the lens of proximity between the harassment and the death on the facts of each case³³ a test restated in *Satvir Singh v. State of Punjab* and reaffirmed by a three-judge Bench in *State of Haryana v. Satbir Singh*, which requires the prosecution to establish a "proximate and live link" between the dowry-related cruelty and the death, the sufficiency of the interval being

30 *State of Uttar Pradesh v. Ajmal Beg*, Misc. App. Nos. 2689-90 of 2025 in Crim. App. Nos. 132-133 of 2017 (S.C. Aug. 20, 2026) (India) (Karol & Masih, JJ.); see also Supreme Court Issues Ten Directions to Speed Up Dowry, Cruelty Trials, BUSINESS STANDARD (Aug. 27, 2026), https://www.business-standard.com/india-news/supreme-court-issues-ten-directions-to-speed-up-dowry-cruelty-trials-126082700723_1.html.

31 The Dowry Prohibition Act, 1961, No. 28, Acts of Parliament, 1961 (India).

32 Bharatiya Nyaya Sanhita, *supra* note 2, Sec. 80 (corresponding to Indian Penal Code, *supra* note 2, Sec. 304B).

33 *Kans Raj v. State of Punjab*, (2000) 5 S.C.C. 207 (India).

left to the court on the facts of each case.³⁴ On bail, the Court has been equally firm: in *Shabeen Ahmad v. State of Uttar Pradesh*, decided on March 3, 2025, it cancelled the bail granted by the High Court to the father-in-law and mother-in-law of the deceased, holding that the stringent standard attaching to Section 304B/Section 80 BNS, given the grave nature of the offence, requires considerable caution where the facts point to direct involvement in the fatal events. It nonetheless left undisturbed the bail granted to two sisters-in-law, against whom the material was thinner – a reminder that the same judgment can be firm on the principal accused and careful about omnibus implication of the wider family.³⁵

Enforcement, once again, has proved harder than definition. The Supreme Court's own record in *State of Uttar Pradesh v. Ajmal Beg* is instructive: the underlying prosecution, arising from the dowry death of a twenty-year-old woman within a year of her marriage over demands for a television, a motorcycle, and Rs. 15,000 in cash, took roughly twenty-four years to reach finality before the Court, on December 15, 2025, set aside the High Court's acquittal and restored the convictions of the husband and the mother-in-law – though the mother-in-law, then aged ninety-four, had her conviction restored but was spared imprisonment on humanitarian grounds.³⁶ Dissatisfied with treating that as an isolated correction, the Court, on August 20, 2026, issued ten further directions aimed at the systemic delay it had observed – covering institutional support for victims' families, public awareness of dowry law, mandatory identification and monitoring of cases pending beyond three years, realistic trial timelines, and periodic compliance reporting by the district judiciary back to the High

34 *Satvir Singh v. State of Punjab*, (2001) 8 S.C.C. 633 (India); *State of Haryana v. Satbir Singh*, (2021) 6 S.C.C. 1 (India) (three-judge Bench) (requiring a “proximate and live link” between the dowry-related cruelty and the death).

35 *Shabeen Ahmad v. State of Uttar Pradesh*, 2025 INSC 307, [2025] 3 S.C.R. 367 (India) (decided Mar. 3, 2025) (Vikram Nath & Sandeep Mehta, JJ.) (cancelling the bail granted to the father-in-law and mother-in-law while declining to disturb the bail granted to two sisters-in-law).

36 *State of Uttar Pradesh v. Ajmal Beg*, 2025 INSC 1435, Crim. App. Nos. 132-133 of 2017 (India) (decided Dec. 15, 2025) (Karol & Kotiswar Singh, JJ.) (setting aside the High Court's acquittal and restoring the convictions of the husband and the mother-in-law, the latter, aged 94, being spared incarceration on humanitarian grounds).

Courts.³⁷ It is difficult to read that timeline a death in 2001, a conviction that took a quarter of a century to survive appeal without concluding that certainty of punishment, not merely its severity on paper, remains the harder half of the deterrence this paper keeps returning to.

Why are Women more Prone to Crimes?

We are, as a very young nation, said to have developed a great deal but have we developed our mindset to match? Deep down, many of us, on seeing a woman in a mini-skirt, still hear an inner voice say ‘this is why women are not safe, look how she is dressed’, or, if not quite that, ‘doesn’t she know how dangerous it is to dress this way?’. Accept it or deny it, but many of us think, at least momentarily, along these lines without pausing to recognise that clothing is a woman’s personal choice. The pattern of reported cases bears this out: women in mini-skirts, in sarees, in burqas and hijabs, and even infant girls in diapers have all been victims of these inhuman offences. Clothing, plainly, is not the variable. So why women? Are they simply easier to target? The answer is no it is the mentality that must be blamed. Deeply ingrained across generations is the notion that women are a commodity, and that a woman cannot be equal to a man; the fact that women now excel in fields once thought the exclusive preserve of men is still resisted by many men and by many women too. Domestic violence, rape, child abuse, stalking, eve-teasing, and every act calculated to make a woman feel unsafe fall within ‘violence against women’, yet society, increasingly, takes these matters lightly ‘nobody cares’ remains, all too often, the operative truth, as videos of bystanders filming rather than intervening in attacks on women continue to surface with depressing regularity.

Nor is it reassuring to hear women themselves ask, ‘not all men beat their wives’, or ‘isn’t that the husband’s right?’ if that is what some women are taught, one can only imagine what some men are taught. Women are not an easy target by nature; but everything they already endure, day after day, makes them easier for offenders to prey upon.

Effects of such Crimes on the Victim

The consequences of violence against women are rarely confined to the moment of the offence. Physically, injuries range from bruises and fractures to chronic disability; violence during pregnancy poses documented risks

37 Ajmal Beg, *supra* note 30 (Karol & Masih, JJ.); see also Supreme Court Sets 60-90 Day Deadline for Framing Charges in Dowry Death Cases, Issues 10-Point Nationwide Directive, LAWBEAT (Aug. 2026), <https://lawbeat.in/top-stories/supreme-court-sets-60-90-day-deadline-for-framing-charges-in-dowry-death-cases-issues-10-point-nationwide-directive-1625920>.

to both mother and foetus; unwanted pregnancies resulting from rape can push women toward unsafe abortions where legal access is difficult; and exposure to sexually transmitted infections, including HIV, is heightened both by an inability to negotiate safe sex within an abusive relationship and by the physical trauma of a violent sexual assault. Psychologically, survivors of sexual violence and domestic abuse report disproportionately high rates of depression, anxiety, and post-traumatic stress, along with chronic fatigue, insomnia, disordered eating, and, in some cases, turning to alcohol or substances to cope. A single incident of sexual violence in childhood can leave lasting harm well into adulthood, particularly where the child-victim never receives appropriate support. Children who merely witness domestic violence at home often carry many of the same symptoms as children who are directly abused; girls who witness abuse are statistically more likely to normalise violence within their own future marriages, while boys who witness it are more likely to replicate it as adults. The costs extend to society at large the direct costs of policing, prosecution, and healthcare for survivors, and the indirect costs of lost education and employment. Fear of sexual harassment continues, in parts of the country, to keep girls out of school or to see them married off early rather than sent to complete their education, curtailing both their own life outcomes and their contribution to their communities.

From the Indian Penal Code to the Bharatiya Nyaya Sanhita: What has actually changed

When this paper was first written, in 2021, every provision discussed above sat within the Indian Penal Code, 1860, a code drafted under colonial rule and carried forward, with amendments, for over 160 years. That code stands repealed. Since July 1, 2024, the Bharatiya Nyaya Sanhita, 2023 governs offences committed on or after that date, while offences committed earlier continue to be tried under the old numbering as a matter of criminal law's ordinary rule against retrospective application which means that, for some years yet, courtrooms, textbooks, and complaints will have to speak both languages at once.

For the crimes surveyed in this paper, the substance has changed far less than the numbering: rape (old Sec. 375/376, now Sec. Sec. 63–64), gang rape (old Sec. 376D, now Sec. 70), acid attacks (old Sec. Sec. 326A–326B, now Sec. 124), cruelty by a husband or his relatives (old Sec. 498A, now Sec. Sec. 85–86), and dowry death (old Sec. 304B, now Sec. 80) have all been substantially carried forward rather than reimagined, generally with the same ingredients, the same or marginally enhanced punishments, and crucially the same marital rape exception. Even the one apparent

change of substance in this cluster the raising, from fifteen to eighteen years, of the age below which sexual intercourse with one's wife will still amount to rape was not the new Code's doing. The Supreme Court had already read "fifteen" down to "eighteen" in Exception 2 to Section 375 in *Independent Thought v. Union of India*, (2017) 10 S.C.C. 800, and the Bharatiya Nyaya Sanhita did no more than write that reading into the text. What 2025 and 2026 have added is not further renumbering but a distinct, procedural layer of reform, driven almost entirely by the judiciary rather than the legislature: fresh guidelines for the trial of sexual offences, the setting aside of the Supreme Court's own 2023 Handbook on Combating Gender Stereotypes and its replacement in August 2026 by the National Judicial Academy expert committee's report; a "cooling-off" and Family Welfare Committee mechanism for cruelty complaints; sixty-to-ninety-day charge-framing timelines and three-year pendency reviews for cruelty and dowry prosecutions; and asset-seizure recommendations and a broadened definition of injury for acid attack survivors. None of this required Parliament to amend a single section of the Bharatiya Nyaya Sanhita it is the higher judiciary, largely through its supervisory and Article 142 powers, doing the work that renumbering alone could not. Which is precisely why the pending Supreme Court challenge to the marital rape exception, now finally posted for hearing, carries so much weight: it is the one live fault-line still capable of producing a genuinely new *substantive* legal protection for women, rather than a renamed old one or a faster route to the same old destination.

Conclusion

Once a woman is victimised by an offence, its scars remain on her soul for the rest of her life, and, on the NCRB's most recent count for 2023, a woman in India is the victim of some registered crime roughly once every seventy seconds a rate that has barely moved, if at all, since the last edition of this paper.³⁸ This is evidence enough that no measure taken thus far by the government or the judiciary has been fully successful in safeguarding women's dignity in society.

Even the imposition of capital punishment in the Nirbhaya case did not deter other offenders from committing similarly heinous crimes perhaps because it took over seven years for the judiciary to finally deliver that justice, and a very similar arithmetic of delay resurfaces in *Ajmal Beg*, where a dowry death took a quarter of a century to reach finality. The 2025-2026 run of orders surveyed in this paper the sexual-offence trial guidelines, the cooling-off mechanism for cruelty complaints, the charge-

38 NAT'L CRIME RECS. BUREAU, *supra* note 27.

framing timelines, the acid-attack asset-seizure recommendation reads, at its most hopeful, as the judiciary finally treating *delay itself* as the primary accused. But orders monitoring pendency are still, at bottom, procedural fixes layered onto a substantive law that has barely moved since 2021. The most credible answer to crimes against women remains strict, certain, and swift punishment, delivered through dedicated fast-track courts where verdicts arrive in months rather than years, and where victims are able to speak freely without fear of further harassment. It was well said by Prime Minister Jawaharlal Nehru, speaking in Parliament on the Dowry Prohibition Bill on May 6, 1961, that: *“Legislation cannot by itself normally solve deep-rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential, so that it may give that push and have that educative factor as well as the legal sanctions behind it which help public opinion to be formed or public opinion which is being formed to be given a certain shape.”* That, in essence, is what the transition from the Indian Penal Code to the Bharatiya Nyaya Sanhita has attempted, what the judiciary’s 2025–2026 procedural reforms have tried to accelerate, and what the pending challenge to the marital rape exception now attempts to finish legislation and adjudication giving that push, while the harder work of changing mindsets continues outside any courtroom.

These offences remain a great termite gnawing at the world, and no single person can remove it alone; it will take the entire world coming forward together to stop crimes against women, and to make this a better, safer place for them to live.