

## “Rights to Realities: Women’s Empowerment through Legal and Governance Reforms in India”

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### Abstract

India’s legal framework for women’s protection and empowerment is constitutionally entrenched and institutionally supported through a dense statutory landscape, progressive judicial doctrine, and scheme-based welfare delivery. Yet, gender inequality and violence persist, revealing a continuing gap between normative guarantees and lived outcomes. This paper argues that the enduring deficit is primarily a problem of institutional translation—enforcement capacity, procedural delay, social resistance, and

uneven service convergence—rather than an absence of rights. The paper updates women’s legal protection analysis to reflect India’s re-codified criminal law regime

(BNS/BNSS/BSA effective 1 July 2024), labour code implementation (effective 21 November 2025), and the Digital Personal Data Protection Act, 2023. It then examines women’s safety and empowerment delivery through Mission Shakti components such as One Stop Centres and Women Helpline (181), alongside cyber reporting infrastructure under I4C. Using official statistics (NCRB Crime in India 2022) and

scheme performance indicators, the paper demonstrates that legal advancement has not consistently produced gender-just outcomes due to structural patriarchy, under-reporting, enforcement deficits, and emerging technology-facilitated harms. The paper concludes with an integrated reform agenda for rights-delivery: enforcement strengthening, survivor-centric convergence, labour compliance for equality, and digital safety governance.

*Keywords:* women’s rights, BNS, BNSS, BSA, 2024, Mission

*Shakti, One Stop Centres, Helpline 181, DPDP Act 2023, safety.*

### 1. Introduction

Women’s protection and empowerment in India has evolved from a narrow understanding of formal equality to a broader constitutional and governance project that includes dignity, bodily integrity, autonomy, equal opportunity, and substantive participation in social and economic life. The Constitution supplies a strong equality architecture; Parliament has enacted protective statutes across domestic violence, workplace dignity, trafficking and reproductive autonomy; and courts have repeatedly expanded women’s rights through purposive interpretation. Yet the persistence of violence, constrained labour participation, and uneven access to justice indicates that formal rights frequently fail to translate into lived protection.

This paper advances a core thesis: the continuing gap is primarily a problem of institutional translation rather than a deficit of legal norms. A right becomes real when a

woman can recognise a violation, access a reporting channel, obtain survivor-safe support, preserve evidence, and secure timely adjudication and enforceable remedies. The chain breaks where any institutional node under-performs—where reporting is discouraged by stigma; investigations are weak; courts delay; services are fragmented; workplaces lack compliance mechanisms; or digital harms are left unaddressed.

Accordingly, the paper is structured as an integrated narrative. Constitutional guarantees establish the normative commitment (Section 2). Statutory architecture supplies the operational rules, updated for the post-2024 criminal law recodification

(BNS/BNSS/BSA), the post-2025 labour code regime, and DPDP 2023 (Section 3).

International instruments and contemporary global initiatives supply standards, indicators and accountability pathways—particularly relevant to violence prevention, workplace safety and digital governance (Section 4). Judicial doctrine provides both rights-interpretation and institutional design—most visibly in workplace harassment jurisprudence and equality decisions, including recent compliance-oriented POSH decisions (Section 5). Service delivery mechanisms under Mission Shakti (OSCs, Women Helpline 181, Shakti Sadan) are analysed as rights-infrastructure (Section 6). The paper then explains persistence of inequality through a multi-factor institutional model (Section 7) and analyses digital platforms as both empowerment infrastructure and risk space (Section 8). Finally, it translates the framework into employer-level compliance duties and checklists under the labour codes, POSH and DPDP (Section 9), and closes with an implementable reform agenda (Section 10) and conclusion (Section 11).

## 2. Constitutional Foundations: Equality, Dignity, and Transformative Capability

The Constitution of India is the normative foundation for women's protection and empowerment. Article 14 establishes equality before law and equal protection; Article 15 prohibits discrimination on grounds including sex, and Article 15(3) expressly empowers the State to adopt special provisions for women and children. This dual structure is crucial: it enables movement beyond formal neutrality and legitimises affirmative measures to correct structural disadvantage. Article 16 extends equality into public employment and enables constitutional scrutiny of discriminatory recruitment and service conditions.

Article 21 has become the constitutional engine for women's autonomy. Through judicial interpretation, 'life and personal liberty' now includes dignity, bodily integrity, decisional autonomy, privacy and, in many contexts, reproductive choice. Article 23 prohibits trafficking and forced labour, anchoring anti-exploitation commitments. Article 51A(e), as a Fundamental Duty, supplies a constitutional ethic: society must renounce practices derogatory to women's dignity.

Two interpretive points matter for a contemporary paper. First, equality and dignity are not merely negative protections against state action; they are also the basis for positive duties—safe workplaces, fair employment conditions, and effective justice delivery. Second, constitutional values now operate in digital environments: informational control and freedom from coercive surveillance are integral to dignity in an era where online harassment and data misuse can silence women. This makes the constitutional privacy doctrine (Puttaswamy) a foundational bridge between Article 21 and statutory data protection governance (DPDP 2023).

## 3. Statutory Architecture (Updated to the Latest Laws): Protection, Empowerment, and Regulatory Governance

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#### 3.1 Re-codified Criminal Law Framework (effective 1 July 2024)

A contemporary analysis must acknowledge that the core criminal law framework has been structurally replaced. With effect from 1 July 2024, the Bharatiya Nyaya Sanhita, 2023 (BNS) replaced the IPC as the primary penal statute defining offences and punishments; the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) replaced the CrPC governing investigation, arrest, bail and trial procedure; and the Bharatiya Sakshya Adhinyam, 2023 (BSA) replaced the Evidence Act, modernising rules of proof and strengthening recognition of electronic and digital records.

For women's protection, the relevance of this shift is operational. Women's cases increasingly involve electronic traces—messages, location evidence, CCTV, workplace access logs, digital payments—so an evidence regime that explicitly recognises digital records can improve adjudicatory reliability. Procedural design (BNSS) affects how

quickly survivors obtain protection, how promptly investigations proceed, and how evidence is preserved.

#### 3.2 Core protective statutes

Alongside criminal codification, several women-protective laws remain foundational. The Protection of Women from Domestic Violence Act, 2005 (DV Act) provides civil reliefs—protection orders, residence orders, monetary relief and compensation—recognising domestic violence as physical, emotional and economic harm. POSH Act, 2013 institutionalises workplace complaint mechanisms (Internal

Committees and Local Committees) and employer duties, translating workplace dignity into organisational compliance. Anti-trafficking law (ITPA 1956) remains relevant, but contemporary governance increasingly emphasises rehabilitation and recovery alongside punishment.

#### 3.3 Reproductive autonomy and reproductive technology regulation

The Medical Termination of Pregnancy Act, 1971 (as amended) supplies statutory governance for lawful abortion access, interpreted through dignity and autonomy jurisprudence. Reproductive markets are additionally governed by the Assisted Reproductive Technology (Regulation) Act, 2021 and the Surrogacy (Regulation) Act, 2021. Together they regulate clinics and banks, impose consent and eligibility controls, prohibit commercial surrogacy, and create oversight structures. The policy logic is twofold: prevent exploitation in reproductive markets while enabling regulated access to assisted reproduction.

#### 3.4 Digital governance: DPDP Act 2023 and cyber reporting

The Digital Personal Data Protection Act, 2023 creates rights for data principals and obligations for data fiduciaries; it establishes a governance architecture for lawful processing, security safeguards and grievance redress. This matters for women because many technology-facilitated harms involve personal data exposure. Complementing this is the National Cybercrime Reporting Portal under I4C, including the 1930 helpline for rapid financial fraud response.

#### 3.5 Labour code reform (effective 21 November 2025)

Women's empowerment depends on economic citizenship; labour law therefore functions as empowerment infrastructure. The Government implemented four Labour Codes effective from 21 November 2025: Code on Wages, 2019; Code on Social Security, 2020; OSH&WC Code, 2020;

and Industrial Relations Code, 2020. The women-direct relevance is strongest in three Codes.

The Code on Wages embeds a statutory prohibition of discrimination on ground of gender and retains the 'same or similar work' dispute framework. The Code on Social Security integrates maternity and social protection; specified provisions commenced via Gazette notification dated 21 November 2025 (S.O. 5319(E)). The OSH&WC Code contains Chapter X (Special Provision Relating to Employment of Women), embedding women's employment and safety as statutory working-conditions obligations.

A crucial interpretive point for this paper is that labour codes affect women's safety indirectly through economic independence. Equal pay, maternity continuity and safe work conditions reduce dependency and enhance exit capacity from violence.

#### 4. International Instruments, Policies, and Global Initiatives (Expanded)

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International norms shape domestic women's rights through (i) treaty obligations; (ii) global targets and indicators; and (iii) multi-stakeholder initiatives that mobilise financing and accountability.

##### 4.1 Core treaties and normative frameworks

CEDAW (1979) remains the primary treaty on elimination of discrimination against women, requiring structural reforms and addressing stereotypes. CRC (1989) reinforces protection of girls from discrimination, exploitation and harmful practices. The Beijing Declaration and Platform for Action (1995) remains a comprehensive agenda across violence, health, education, economy and political participation.

##### 4.2 SDG 5 (2015-2030)

SDG 5 provides a measurable global benchmark for gender equality. Its targets explicitly include ending discrimination; eliminating violence and exploitation including trafficking; eliminating harmful practices (child marriage/FGM); recognising and valuing unpaid care work; ensuring women's participation and leadership; ensuring sexual and reproductive health rights; and promoting empowerment through technology. This target structure aligns with India's legal architecture and also frames technology and digital participation as an empowerment domain.

##### 4.3 Women, Peace and Security (WPS): UNSCR 1325

UN Security Council Resolution 1325 (2000) inaugurated the WPS agenda, calling for women's participation in peace and security decision-making and protection from conflict-related sexual violence, along with gender mainstreaming in peacekeeping and post-conflict reconstruction. WPS is relevant to domestic policy because it treats protection and participation as linked objectives and supports victim-centred institutional design.

##### 4.4 Palermo Protocol (2000)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) provides the internationally accepted definition of trafficking and requires criminalisation, victim protection and recovery measures, including privacy protection, assistance and rehabilitation.

##### 4.5 International labour standards: ILO C190 and C183

ILO Convention 190 (2019) recognises a right to a world of work free from violence and harassment, including gender-based violence, and calls for legal and institutional measures supporting a

'zero tolerance' culture. ILO Convention 183 (2000) sets minimum standards for maternity protection, including leave and income replacement logic, and applies broadly to employed women including atypical work.

#### 4.6 Contemporary global initiatives and accountability platforms

Generation Equality (2021–2026), convened by UN Women with governments and civil society, launched Action Coalitions and a WPS-Humanitarian Compact, supported through a commitments dashboard and periodic accountability reporting. The Spotlight Initiative (EU–UN partnership launched 2017) deploys targeted investments to end violence against women and girls through integrated prevention, services, and

institutional strengthening. UNiTE to End Violence against Women (launched 2008) provides global mobilisation aligned with 16 Days of Activism.

In digital governance, UN Women's 2024 position paper 'Placing gender equality at the heart of the Global Digital Compact' calls for a dual-track approach: (i) a stand-alone gender equality goal in global digital governance; and (ii) mainstreaming gender across

digital trust, security, data protection and AI governance. This is directly relevant to women's online participation and technology-facilitated harms.

## 5. Judicial Framework: Constitutionalising Dignity, Equality, Autonomy, and Institutional Duty (Detailed)

### 5. Judicial Framework: Constitutionalising Dignity, Equality, Autonomy, and Institutional Duty

Indian constitutional adjudication has been a central engine of women's rights by converting constitutional principles into enforceable institutional duties and by rejecting stereotype-based restrictions that limit women's autonomy.

#### 5.1 Vishaka v. State of Rajasthan, (1997) 6 SCC 241; AIR 1997 SC 3011

Vishaka is the seminal workplace dignity case. It arose after Bhanwari Devi, a social worker, was assaulted in retaliation for her campaign against child marriage. Petitioners approached the Supreme Court highlighting a legislative vacuum regarding workplace sexual harassment. The Court held that sexual harassment violates Articles 14, 15, 19(1)(g) and 21, because it undermines equality and the right to practice one's profession with dignity. In a crucial doctrinal move, the Court used international standards to fill normative gaps and issued binding guidelines.

Final verdict/directions: The Vishaka Guidelines mandated preventive and complaint mechanisms, awareness, and employer responsibility, binding until legislation was enacted.

#### 5.2 Air India v. Nergesh Meerza, (1981) 4 SCC 335; AIR 1981 SC 1829

This case challenged discriminatory service conditions imposed on women air hostesses, including termination on first pregnancy and early retirement. The Court scrutinised whether such conditions, grounded in stereotypes and control of women's reproductive choices, were constitutionally permissible. It struck down the pregnancy-based termination clause and criticised arbitrariness.

Final verdict: Pregnancy-linked termination was invalidated, reinforcing employment equality.

#### 5.3 Government of A.P. v. P.B. Vijayakumar, (1995) 4 SCC 520; AIR 1995 SC 1648

The Court upheld women-preferential recruitment measures and clarified Article 15(3) as an equality-enhancing provision permitting affirmative measures to remedy historical disadvantage.

Final verdict: Preferential measures for women were upheld.

5.4 Secretary, Ministry of Defence v. Babita Puniya, (2020) 7 SCC 469; AIR 2020 SC 1000 Babita Puniya addressed denial of Permanent Commission to women officers based on stereotypes. The Court rejected patriarchal assumptions and emphasised that equality requires structural inclusion and parity in career pathways.

Final verdict/directions: The Court directed grant of Permanent Commission to women officers in specified streams and insisted on non-discriminatory implementation.

5.5 Vineeta Sharma v. Rakesh Sharma, (2020) 9 SCC 1; AIR 2020 SC 3717

Vineeta Sharma strengthened women's economic citizenship by affirming daughters' coparcenary rights by birth, clarifying that entitlement is not dependent on the father's survival on the amendment date.

Final verdict: Daughters' coparcenary rights by birth were affirmed.

5.6 Suchita Srivastava v. Chandigarh Administration, (2009) 9 SCC 1; AIR 2010 SC 235 Suchita Srivastava constitutionalised reproductive choice as part of personal liberty under Article 21 and emphasised consent as central to reproductive decision-making. Final verdict: Reproductive autonomy was protected.

5.7 X v. Principal Secretary, Health & Family Welfare Dept., NCT of Delhi, 2022 SCC OnLine SC 1321

The Court expanded abortion access beyond marital status stereotypes through purposive interpretation, recognising decisional autonomy and dignity.

Final verdict: Abortion access was extended in a rights-consistent manner.

5.8 Shayara Bano v. Union of India, (2017) 9 SCC 1; AIR 2017 SC 4609

The Court invalidated instant triple talaq by majority, reinforcing constitutional scrutiny of practices that disproportionately harm women.

Final verdict: Instant triple talaq was set aside.

5.9 Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1; AIR 2017 SC 4161

Puttaswamy recognised privacy as a fundamental right, grounding informational autonomy and dignity. For women, this supports protection against intrusive surveillance, coercion and digital exposure.

Final verdict: Privacy was declared a fundamental right.

5.10 Laxmi v. Union of India, (2014) 4 SCC 427

The Court issued victim-centric directions on acid attacks, focusing on prevention (regulating acid sale), treatment and compensation.

Final verdict/directions: Regulatory and compensation frameworks were directed.

5.11 Aureliano Fernandes v. State of Goa & Ors., 2023 INSC 527

This decision examined procedural fairness of a POSH inquiry and used the case to address nationwide POSH compliance deficits. The Court emphasised that POSH is only effective if implemented in letter and spirit and issued a structured set of compliance directions.

Final verdict/directions: Verification of IC/LC constitution, publication of committee details and complaint procedure on websites, and periodic training/awareness programmes were directed.

5.12 Initiatives for Inclusion Foundation v. Union of India (We The Women of India), 2023 INSC 927

This PIL focused on systemic enforcement of POSH architecture—District Officers,

Local Committees, nodal officers and annual reporting. The Court mapped the statutory design and treated District Officers as pivotal for accountability, interpreting ‘may’ as imposing a duty where discretion is coupled with obligation.

Final verdict/directions: Time-bound implementation and reporting obligations were reinforced.

5.13 S. Vijikumar(i) v. Mowneshwarachari, 2024 INSC 732

The Court clarified that DV Act Section 25(2) operates prospectively and requires a post-order change in circumstances; it cannot be used to seek refund of maintenance paid under final orders.

Final verdict: Orders permitting retrospective refund claims were set aside; liberty for prospective modification was preserved.

## 6. Welfare Delivery as Rights-Infrastructure: Mission Shakti, OSCs, WHL-181, and Rehabilitation (Detailed)

6. Welfare Delivery as Rights-Infrastructure: Mission Shakti, OSCs, WHL-181, and Rehabilitation Pathways

Rights become usable when institutions deliver accessible support. Mission Shakti positions One Stop Centres (OSCs) and Women Helpline (WHL-181) as integrated access pathways to reduce fragmentation.

OSCs: Government reporting indicates 802 operational OSCs (out of 878 approved) and over 10.12 lakh women assisted till 31 October 2024. OSCs are designed as single-window points providing police facilitation, medical aid, counselling, legal aid and shelter referral.

Women Helpline: Implemented since 1 April 2015, WHL-181 is functional in 35 States/UTs (West Bengal not implementing) and assisted over 81.64 lakh women till 31 October 2024. The helpline functions as an entry gateway for emergency and non-emergency support and facilitates referrals to OSCs and other institutions.

Rehabilitation: Shakti Sadan provides integrated relief and rehabilitation; official reporting indicates 404 operational Shakti Sadans supporting/rehabilitating 29,315 women.

Interpretation: high assistance numbers reflect both access and continuing vulnerability. Delivery systems reduce access costs, but they must connect to enforcement and adjudication to generate deterrence and long-term safety.

## 7. Why Inequality Persists: Structural and Institutional Gaps (7.1–7.9)

This section expands the ‘rights-to-outcomes’ gap analysis into nine linked determinants, each tied to policy and institutional examples.

7.1 Scale, patterns, and the persistence of violence Official statistics provide a baseline for the continuing magnitude of harm. NCRB’s

Crime in India 2022 reports 4,45,256 cases of crimes against women and a national crime rate of 66.4 per lakh. While reported numbers do not capture the full prevalence (see 7.2), the volume indicates that violence is not sporadic but structurally embedded across domestic and public contexts. The offence profile across jurisdictions repeatedly shows that harms are often relational and proximate—occurring in families, workplaces, and community spaces—underscoring that legal protection must be anchored both in punitive law and in protective social infrastructure.

Policy linkage: high incidence makes ‘prevention + services + enforcement’ an integrated requirement. Mission Shakti delivery systems (OSCs, WHL-181) should be interpreted not only as

welfare measures but as rights-infrastructure responding to this baseline demand.

## 7.2 Under-reporting and the ‘hidden denominator’ of gender harm

Under-reporting remains a decisive barrier between rights and remedy. Women may not report due to stigma, fear of retaliation, economic dependence, or distrust in police/courts. Under-reporting distorts governance by making regions appear safer than they are and by weakening the evidence base for resource allocation. It also increases

the social cost of speaking out by isolating complainants.

Policy linkage: Helplines and OSCs can lower entry barriers by enabling confidential support, referral and counselling; yet reporting pathways must be survivor-safe. Public disclosure of complaint mechanisms (including POSH IC/LC details) becomes crucial to reduce informational barriers.

## 7.3 Investigation capacity, forensic readiness, and survivor-safe policing

Even when complaints are registered, outcomes depend on investigative quality, evidence preservation, and survivor-safe procedures. Weak investigation leads to acquittals, delay, and retraumatisation. The post-2024 BNSS/BSA regime increases the practical importance of digital evidence integrity—CCTV, call detail records, messages, workplace access logs—because technology traces increasingly underpin modern cases.

Policy linkage: capacity building should include (i) gender sensitisation; (ii) forensic support; and (iii) clear evidence-handling SOPs. Employers and institutions should align record retention with lawful requirements to avoid evidence loss.

## 7.4 Delay, pendency, and the trust deficit in adjudication

Delay erodes women’s confidence in the justice system and increases the cost of litigation. Government notes on Fast Track Special Courts (FTSCs) indicate high throughput, reporting a 96.28% disposal rate and that in 2024, 88,902 cases were instituted and 85,595 resolved. However, speed does not substitute for quality: the system must ensure that evidence, witness protection, and survivor support are adequate.

Policy linkage: speedy trial initiatives should be complemented by quality investigation and protection services. Delay reduction must be measured not only by disposal counts but also by survivor experience and outcome quality.

## 7.5 Fragmented ‘case journeys’ despite service platforms

Even with OSCs and WHL-181, many survivors experience fragmented journeys across police, hospitals, legal services authorities, and courts. Referral systems may be inconsistent; documentation burdens and travel costs can discourage continuity. The sheer reach of WHL (over 81.64 lakh assisted) and OSCs (over 10.12 lakh assisted) suggests that case-flow management and convergence protocols are essential to reduce drop-offs.

Policy linkage: inter-agency SOPs are needed—common intake forms, referral tracking, defined timelines, and follow-up responsibilities. Digital case-tracking (with safeguards) can reduce duplication and improve continuity.

## 7.6 Federal variation and ‘rights deserts’ in implementation

Because implementation is mediated by states and local administration, geographic variation produces uneven access. WHL-181 is officially functional in 35 States/UTs and not implemented in West Bengal, illustrating uneven reach. Similar variations exist in POSH compliance (IC/LC constitution), OSC operational readiness, and cyber capacity. Policy linkage: minimum service standards and public

dashboards can reduce rights deserts. The Supreme Court's POSH compliance jurisprudence (Aureliano Fernandes; Initiatives for Inclusion Foundation) treats institutional appointments (District Officers, Local Committees) as structural necessities, not discretionary choices.

7.7 Economic dependency, labour market barriers, and the empowerment-safety link Economic dependence restricts women's ability to exit violence and discrimination. Lack of independent income, childcare, and social security creates structural coercion.

Labour codes effective from 21 November 2025 matter because they shape wage equality, maternity continuity and safe working conditions—core capabilities for women to remain employed and autonomous.

Policy linkage: enforcing equal pay/non-discrimination, maternity benefits, and safe work conditions should be treated as violence-prevention infrastructure. When women can sustain employment, they have greater exit capacity from abusive environments.

7.8 Intersectional disadvantage and structural exclusion

Women's vulnerability is mediated by caste, class, disability, age, migration status, and geography. Marginalised women face additional barriers: distance to institutions, language/documentation constraints, and heightened fear of retaliation due to local power hierarchies. A uniform policy approach can inadvertently privilege those already closest to institutions.

Policy linkage: targeted outreach, legal literacy and accessible support (including disability-friendly OSC design, multilingual helpline support, and community paralegal networks) can improve inclusion.

7.9 Digital harms and the new frontier of gendered violence

Digital spaces are both enabling and harmful. Women face cyberstalking, impersonation, doxxing and technology-facilitated harassment, which can silence participation and create offline risks. NCRP provides reporting channels; DPDP creates governance obligations and rights for data principals; and privacy doctrine (Puttaswamy) gives constitutional grounding for informational autonomy.

Policy linkage: cyber response must include trained cyber cells, swift platform cooperation, lawful evidence handling, and victim-centred support. Data protection compliance (privacy notices, access controls, and incident response) becomes part of women's safety.

## 8. Role of Digital Platforms: Empowerment, Delivery, and Risk (Expanded)

Digital platforms increasingly determine women's empowerment by expanding access to education, employment, entrepreneurship, and public voice. Online learning platforms reduce geographic barriers; digital payments and marketplaces expand women's micro-enterprise opportunities; and social media enables collective mobilisation.

Yet the same platforms facilitate new forms of harm. Technology-facilitated gender-based violence can include cyberstalking, non-consensual dissemination of intimate images, impersonation, coordinated harassment, and AI-enabled deepfakes.

Such harms can rapidly translate into reputational injury, economic exclusion, and offline threats. Institutional response now operates through a combination of reporting pathways and governance norms. The National Cybercrime Reporting Portal enables reporting and triage; the 1930 helpline is designed for rapid financial fraud response. The DPDP Act creates compliance obligations for entities processing personal data and provides a normative basis for restricting misuse of personal

information. Constitutional privacy doctrine under Puttaswamy frames informational autonomy and dignity as rights, reinforcing the legitimacy of statutory data protection and digital safety measures.

Policy implication: empowerment and protection must be co-designed. Digital inclusion programmes should include safety education, privacy literacy, and institutional response capacity, so that women's digital participation is sustainable rather than conditional.

## 9. Implications for Employers: Compliance Checklists under Labour Codes + POSH + DPDP (Expanded)

Employers are central institutional actors in women's economic citizenship. Under the Labour Codes effective from 21 November 2025, employers must shift from 'policy intent' to 'compliance design' across wages, social security, and working conditions. This section provides operational checklists aligned to the new legal ecosystem.

### 9.1 Code on Wages, 2019 — Employer checklist (equal pay and non-discrimination)

- Map roles and job families: document 'same or similar work' factors (skill, effort, responsibility, working conditions).
- Conduct a gender pay-gap diagnostic: compare wages for comparable roles; document objective justifications for differentials.
- Update wage structures to align with the Code's wage definition and ensure payroll systems calculate statutory components correctly.
- Establish an internal grievance pathway for wage discrimination claims; train HR on dispute resolution and documentation.
- Maintain registers/records required under wage compliance regimes; prepare for inspector-cum-facilitator scrutiny.

### 9.2 Code on Social Security, 2020 — Employer checklist (maternity and social protection integration)

- Coverage mapping: determine applicability thresholds for EPF/ESI and other schemes; ensure establishment registration where required.
- Payroll alignment: ensure social security contributions are computed per the uniform definition of 'wages' used across codes.
- Maternity benefit readiness: policy + process for eligibility tracking, leave administration, benefit payments, nursing breaks and related protections; align with rules as notified.
- Crèche/work-from-home: where applicable under rules/thresholds, document compliance protocols and eligibility.
- Documentation: maintain digital records for claims, contributions, and communications; audit readiness for inspections.

### 9.3 OSH&WC Code, 2020 — Employer checklist (safe working conditions and women's employment)

- Risk assessment: identify tasks/locations with safety risks; update controls (lighting, access control, CCTV where lawful).
- Women's employment safeguards: implement consent-based deployment where relevant; ensure non-discrimination in shift allocation.
- Transport and security protocols: for late hours/remote sites, implement verified transport, GPS tracking, emergency escalation.
- Facilities and welfare: restrooms, safe rest areas, first aid and medical support; ensure grievance and incident reporting.

- Training: periodic OSH training including gender-sensitive safety protocols.

#### 9.4 POSH compliance — checklist aligned to Supreme Court’s 2023 directions

The Supreme Court’s recent POSH compliance jurisprudence in Aureliano Fernandes (2023 INSC 527) and Initiatives for Inclusion Foundation/We The Women of India (2023 INSC 927) underscores that POSH is a ‘code in itself’ and that implementation gaps cannot be tolerated.

- Constitute Internal Committee (IC/ICC) where required: ensure composition strictly matches statutory requirements.
- Identify Local Committee (LC) for branches with fewer than the threshold employees or where employer is respondent; verify District Officer and nodal officer contacts.
- Public disclosure: publish on website/notice boards the ICC/LC constitution, email IDs, contact numbers, and complaint procedure; update regularly.
- Capacity building: train ICC/LC members on inquiry procedure, natural justice, evidence appreciation, and trauma-informed processes.
- Awareness: periodic workshops for employees; include information about SHE-Box where applicable.
- Reporting: ensure annual POSH reporting duties are met (cases received/disposed), routed through District Officer system where required.

#### 9.5 Criminal law and evidence readiness (BNSS/BSA) — employer incident-response checklist

- Evidence retention policy: define lawful retention periods for CCTV/access logs; preserve evidence upon complaint.
- Incident response SOP: ensure immediate safety, internal reporting, and lawful cooperation with authorities.
- Documentation integrity: secure chain-of-custody for digital records; restrict access to sensitive information.

#### 9.6 DPDP Act 2023 — employer data protection checklist (workplace privacy and safety)

- Data mapping: classify employee data, sensitive categories, and processing purposes.
- Notice and lawful processing: ensure transparent notices and lawful basis where applicable.
- Access controls and minimisation: limit access to HR/employee data; reduce exposure of personal contact details.
- Vendor governance: ensure HR/payroll vendors implement security safeguards.
- Incident response: establish breach response workflow and grievance redress mechanism.

#### 9.7 Implementation roadmap (practical 90-day plan)

Days 1–30: compliance audit (wages, POSH, social security, OSH, data); draft updated policies.

Days 31–60: training (ICC/HR/line managers), publish disclosures, implement record retention and incident SOPs.

Days 61–90: test drill (mock complaint workflow), payroll/system updates, vendor controls, management review.

Overall implication: employers must treat women’s safety and equality as governance—auditable, documented, and continuously improved—not as discretionary CSR.

## 10. Recommendations (Integrated Rights-Delivery Agenda)

A credible gender justice strategy requires reforms that strengthen the entire rights-delivery chain.

- (1) Enforcement strengthening: training, forensic capacity, and accountability

mechanisms for police and prosecution; survivor-safe procedures.

(2) Service convergence: OSCs and WHL must connect seamlessly to police, hospitals, legal aid, and shelter/rehabilitation.

(3) Labour compliance as empowerment infrastructure: enforce equal pay, maternity continuity and safe work conditions; strengthen POSH compliance and transparency.

(4) Digital safety governance: strengthen cyber investigation capacity, platform cooperation, and evidence handling; align DPDP compliance and privacy safeguards with enforcement.

(5) Data and accountability: publish compliance indicators (POSH, OSC/WHL capacity, cyber response metrics) to reduce rights deserts and improve institutional responsiveness.

## 11. Conclusion

India's gender justice framework is strong in its normative architecture: constitutional equality, protective statutes, progressive jurisprudence, and expanding welfare delivery. Yet persistence of violence and inequality demonstrates that institutional translation remains the central problem—under-reporting, enforcement deficits, delay, fragmented service journeys, uneven implementation, economic dependency, and rising digital harms.

Updated laws—the re-codified criminal law system effective 1 July 2024, labour codes effective 21 Nov 2025, and DPDP 2023—create new tools for justice, but outcomes will depend on implementation capacity and accountability. A future-ready empowerment model must integrate law with delivery: safe workplaces, equal pay, maternity continuity, accessible services, and digital dignity as an enforceable right.

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