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Access vs. Equity: Rethinking Women's Pathways to Justice

RUDRAKSHI VERMA* AND MANVI SINGH**

ABSTRACT

Despite decades of progressive legal reforms, women's access to justice remains constrained by complex structural barriers and societal norms. This research advocates that empowerment requires more than the mere "access" to laws or the existence of institutions. From key legislations like POCSO, the Domestic Violence Act, and constitutional guarantees provided under Articles 14, 15, and 21 to data from the National Crime Record Bureau and findings of civil society organisations, the paper first highlights the gap between legal promises and lived realities. Landmark judgments, international obligations like CEDAW, ICCPR, and studies by UN Women are another significant aspect of this paper to provide an in-depth analysis of the ground realities lived by countless women around the globe. Along with the doctrinal methodology, there is a mixture of empirical trends to reveal persistently low conviction rates in gender-based violence cases and sheer urban-rural disparities in justice delivery. The study focuses on four main categories of barriers that eventually hinders the pathways of women to justice, i.e., socio-cultural norms that discourage women to report crime immediately and burden women with the perception of society, shame, and guilt-tripping, economic dependence that limits their legal action and denies them autonomy of their own lives, procedural and institutional biases within law enforcement and judiciary where women often face sexual harassment or unusual delay in justice delivery, and inter-sectional disadvantages that severely affects women from marginalized communities. At the same time, to show where progress is taking root, this study critically evaluates the introduction of many recent opportunities to favour women, i.e., fast-track courts, one-stop crisis centres, women's help desks, and growing engagements of civil society. By bridging doctrinal analysis with empirical data, this research aims to reveal where reform is truly needed and how it can move beyond symbolic access towards equitable justice for all women.

Keywords: Women, Access, Justice, Barriers, Equity.

I. INTRODUCTION

India has made remarkable strides towards gender justice and equality over the past few

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decades. Yet in practice, women in India often remain elusive from justice, not because they don't have access to courtrooms, but due to visible & invisible barriers obstructing their pathways to claim their constitutional rights. The living realities of countless women are still far away from the ideal realization of 'equal access to justice', whether it is due to lack of awareness, financial dependence, fear of social stigma, lack of family support, unusual delays in formal procedures, or the cruel reality of sexual harassment at every public place for women.

The situation is even worse for the women from marginalized communities or inter-sectionally disadvantaged backgrounds, where justice is not merely about the enforcement of legislation but their ability to raise voices against injustice & enforce laws without any prejudice, compromise, or guilt tripping. According to the annual report of NCRB, 4.45 lakh cases of crime against women were registered in 2022, which recorded a 4% increase in the crime rate as compared to 2021. The majority of crimes were reported to be of cruelty by the husband or his relatives. Out of the said number of cases, around 13,479 cases were registered under the Dowry Prohibition Act.¹

This is the outcome of deep-rooted patriarchal norms in society where women are persistently considered of lower status and inferior or unequal to men, even in the massive technological era. Women are often blamed or shamed as a victim and advised to continue to live with their abusive husband and in-laws to escape social stigma, carry the burden of socio-cultural norms, and be tolerant to make the marriage work. As a result, many women either commit suicide due to excessive mental torture or are brutally killed by their in-laws. Though our constitution has adopted certain women-centric laws to grant them equal access to justice, the barriers hindering such access still exist in society.

Meanwhile, Government has introduced many legal reforms and transformative projects to help women i.e., Nirbhaya Fund for safety and security projects for women, National Database on Sexual Offenders (NDSO) to facilitate investigation & tracking of sexual offenders across the nation for law enforcement agencies, single Emergency number and the scheme of One Stop Centres introduced by The Ministry of Women & Child Development, which provide integrated support to victims of violence. These steps indicate a recognised effort of government and organisations to safeguard and empower women to break the wall of orthodox norms and seek justice.

Along with the national efforts, two international agreements are also crucial to uphold

¹KGS, Crime Against Women Rises (May 15, 2024), <https://currentaffairs.khanglobalstudies.com/crime-against-women-rises/>

women's right to live with dignity and safeguard them from violence or any form of abuse. One of them is Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and another is 1993 UN Declaration on the Elimination of Violence against Women, which defines 'violence against women' as any act of gender-based violence that results in physical, sexual, or psychological harm or suffering to women, and this includes the threats of such acts including arbitrary deprivation of liberty in its article 1.²

Though many women since the adoption of these laws have come forward to seek justice, new challenges have also emerged with time in the implementation of such laws, i.e., delay in justice, lack of qualified and skilled officers, and low representation of women in the police force. To tackle such challenges, community-level awareness, legal aid campaigns, mandatory gender training to increase female participation in the police force and judicial services, and combating economic inequality must be considered as holistic & multi-layered solutions. Law in books and Law in action are completely different; granting mere access to legal papers or the provisions of the constitution cannot be sufficient to empower women unless the issues preventing them from seeking justice are resolved. To shift towards substantive equity, society needs to grow out of the rotten concept of patriarchy, stigma, and so-called honour.

This paper is typically divided into four sections, where the first section will delve into the evolution of concepts in legal terms over time, identifying the access-equity gap and where traditional initiatives are falling short in achieving equitable justice for women. The second section will provide a theoretical insight into legislation, judgments, public policies, and their ground realities, using a doctrinal methodology. The third section will identify barriers to equity and pathways to equitable justice, utilizing empirical findings and survey reports. The fourth section preceding the conclusion aims to suggest specific actionable policy recommendations that can be directed in the future to combat the existing gaps and inequality in society.

In conclusion, the importance and central distinction between access & equity will be highlighted with a special emphasis upon the alarming need for a paradigm shift in how women's justice approaches are conceptualized and pursued. Areas requiring further empirical investigation in the research will be highlighted with a compelling concluding thought on broader implications for human rights and social justice.

² M. Zahan & M. Singh, Women's Access to Justice: Understanding the Barriers, 17 PalArch's J. Archaeology Egypt/Egyptology 1131 (2020).

II. THE EVOLUTION OF CONCEPTS: IDENTIFYING THE ACCESS-EQUITY GAP

A. Justice for Women in Ancient and Medieval India

Access to justice is a fundamental right that every individual, irrespective of gender, race, caste, or any other basis of discrimination, must be entitled to. India, being a populous and diverse country, has had a well-developed system of justice since ancient times. At that time, law and justice were multifaceted and based on the principles of Dharma that emphasized the value and importance of morals and righteousness. These principles were rooted in the religious texts like the Vedas and the Manu Smriti. This system was complex with different rules & regulations for different types of disputes that were designed for the protection of vulnerable communities like women, children, and senior citizens. There were different courts to address disputes and judges who were appointed on the basis of their reputation & experience.³

Alongside formal legal structures, there were informal mechanisms like village panchayats and councils to resolve minor to large-scale conflicts and enforce justice in rural life as well. Though the rights and duties enshrined in ancient legal texts for women included the right to initiate legal proceedings in case of any exploitation or injustice, it was never easy for women to seek justice. Patriarchal norms and societal customs discouraged women from raising their voices and enforcing their basic human rights in public. In case any women initiated legal proceedings, they were humiliated and discriminated against in society. Certain religious beliefs and orthodox customs were also responsible for making women consider and follow strict gender roles.

However, many women crossed those barriers and fought for justice even in ancient periods. Many movements, organisations, and legal reforms attempted to establish an equitable society and justice for women rather than mere access. These steps have marked a significant beginning to establish gender equality in society, a struggle that continues to date.

In medieval India, women had to take on many responsibilities and had very few chances to get an education. Women then had very little freedom compared to women in a democratic society. Practices like sati (widow burning alive on the funeral pyre of her husband), purdah (veiling and seclusion), slavery, inhumane treatment, and restrictions on remarriage of widows, and child marriages were still common, and these traditions were used to keep women oppressed.⁴

³ Aarju, S. Anand & A. Shrivastava, Access to Justice for Women in India, 5 Indian J. Integrated Res. L. 255 (2025).

⁴ S. Patil, How Were Women Oppressed During the Ancient and Medieval India: Analysis of Legislative Framework and Customary Practices, iPleaders (Nov. 20, 2018), <https://blog.ipleaders.in/journey-of-indian-women-oppression-since-ancient-days-till-the-present-day/>

The dowry system was considered very crucial in Hindu marriages, where the bride's father had to pay a huge amount of cash or movable & immovable properties to the bridegroom to get their daughter married. This system was once voluntary and considered a token of love to the bride from her parents. But with time, patriarchy had changed marriages to gambling, where women were inhumanely harassed and even burnt alive by their husbands & in-laws if their dowry demands were not fulfilled accordingly.

Medieval India didn't witness any significant legal reforms to protect women or vulnerable communities of society. However, some legal rules gave women certain protections. These rules were written in old texts called the Dharmashastras. These texts explained the duties and rights of people in society, including women. According to the Dharmashastras, women had some important rights to access, i.e., they could inherit property from their family, and the law said they should be treated fairly. Women were also allowed to take part in legal matters. They could go to court, be witnesses in cases, and even act as jurors. This shows that there were some efforts to give women a place in the legal system.

Still, just having laws was not always the case. To ensure women can actually use their rights, we also need social change, proper enforcement, and education. In many cases, women were not allowed to access these rights because of social customs and traditions. But some groups and movements tried to change this and help women get justice. One of the most important movements was the Bhakti movement. This was a spiritual and devotional movement that started in medieval India. It questioned many old and unfair traditions in society, including those that treated women badly. Many women joined the Bhakti movement and found the courage to speak out. Through their faith and devotion, they challenged the oppressive rules. Some women who were part of the Bhakti movement were able to utilize their voice and position to seek justice and improve their lives. Thus, even though there were many challenges, movements like Bhakti helped women take steps toward equality and justice.⁵

B. Justice for Women in Modern India

In Modern India, the cases of many regressive practices like Sati Pratha, child marriages, restrictions on widow remarriage, and the Dowry system were at their peak. According to many recorded cases of that time, women were forced to burn themselves alive on the funeral pyre of their husband to be honoured as Sati, and if a woman was able to escape the Sati Pratha, her family members would ill-treat her. Girls at a very young age were married to a man triple their age, and after his demise, they were not allowed to remarry or live their lives normally. These

⁵ *Id.* at 4.

practices suppressed women for a very long time; they were not even allowed to raise their voice or seek justice. The exploitation became so deeply rooted in society that almost every woman considered their suffering as a duty or role that they were meant to carry by birth.

During the British Era, some social reformers like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Jyoti Rao Phule, and Mahatma Gandhi decided to spread awareness about the injustice suffered by women for ages. They, along with their many supporters, strongly opposed Sati Pratha, child marriages, and the taboo on widow remarriage. Their mass movements resulted in the implementation of many reformatory legislations. The Bengal Sati Regulation Act, 1829, which was later amended as The Commission of Sati (Prevention) Act, 1987, completely banned Sati. The Child Marriage Restraint Act, 1929, legally decided the minimum age of marriage as 14 years for girls and 18 years for boys, which was later amended in our Constitution as 18 years for both boys and girls. The Hindu Widow's Remarriage Act, 1856, which legalised widow remarriage and prevented the inhumane treatment of widows.

After the implementation of this legislation, the number of cases slowly began to decline, and women were now encouraged to fight for themselves. But there was still a very ancient custom that was used to humiliate and exploit not only women but their families too, during or after the marriage of women. That custom was known as the Dowry system. To eliminate this inhumane custom, our legislation has introduced Dowry prohibition act, 1961 enacted on 1 May, 1961 to prevent the giving or receiving of a dowry and if any person after the commencement of the act gives or takes, abets the giving or taking of dowry shall be punished with an imprisonment for a term not less than five years and with fine which shall not be less than fifteen thousand rupees or the amount of the value of dowry, whichever is more.⁶

The provisions of Dowry Death were also enshrined under Indian Penal Code, 1860 in which Section 304B states that if a woman dies due to burns, injuries, or in any unusual way within seven years of her marriage, and it is proven that just before her death, her husband or his relatives harassed her with dowry demands, then her death is called a dowry death. In such cases, the husband or his relatives shall be responsible for her death and be punished with imprisonment of at least seven years to life imprisonment. With this, there were many important legal rights introduced, like the Right to get Free Legal Aid, Right to Maternity Leave, Right to Stridhan, Right to Equal share in property, right against Female foeticide, etc. These rights are just a glimpse into the history of legal reforms and developments in India. Since Independence, there have been many amendments and judicial precedents allowing women access to justice

⁶ *Dowry Prohibition Act, 1961*, § 3 (India).

over time. But access alone was never enough; the barriers caging women in the patriarchal society are denying them substantive equity, and due to this, even after having access to justice, the oppression of women is continued.

C. The Emergence of Equity in Justice Discourse

Despite the implementation of such laws, even today, the dowry system exists in our society, and people in rural areas still follow the dowry system in the guise of a 'gift'. According to NCRB, more than thirteen thousand cases were registered under the Dowry Prohibition Act, and more than six thousand dowry deaths under the IPC were officially registered in 2022, out of which nearly four hundred cases were closed due to lack of evidence.

According to the National Family Health Survey (NFHS-5), 32% of ever-married women between the ages of 18-49 experienced spousal violence, with 29% facing physical and/or sexual violence. Furthermore, the estimates of the World Health Organisation (WHO) indicate that globally, 1 in 3 women has been subjected to violence by their intimate partners, and 38% of all murders of women are committed by their intimate partners.⁷ The studies of UN Women indicated an alarming upsurge in the reporting of domestic violence during the lockdown of the COVID-19 pandemic. However, many cases go unreported due to limited knowledge and access of survivors to support services.⁸

In India, the survivors of sexual harassment and domestic violence are frequently silenced by the fear of social stigma, for the sake of family honour, and due to the broken justice system. The Protection of Women from Domestic Violence Act, 2005, was introduced to allow women access to justice by challenging the exploitation of their dignity and basic human rights. However, in the absence of substantive equity, the actual occurrence of crime is quite different & covered, and the statistics only represent the registered incidents.

Alongside, the cases of sexual harassment of women are a major concern in today's evolving world. Even today, Indian society blames the victim of sexual assault more than the predator. Minors, especially girls, often fall prey to pedophiles, and these cases are mostly reported to be in broad daylight. According to a new UNICEF report, over 370 million females who are alive today have experienced sexual assault before the age of 18. The concern is not only the devastating statistics but also the fact that a large percentage of sexual assault is committed by

⁷ World Health Organization, Violence Against Women (Mar. 25, 2024), <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

⁸ UN Women, The Shadow Pandemic: Violence Against Women During COVID-19 (May 27, 2020), <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

someone known to or a relative of the victim or their family. India reported nearly thirty-nine thousand child rape cases, and only 3% of registered child rape cases came to an end with a conviction under the Prevention of Children from Sexual Offences (POCSO) in 2022.⁹

Women were guaranteed equal opportunity and access to work in the Indian Constitution, but the safety of women at workplaces remains a concern. Women are approached with sexual advances, favours, or other verbal and physical conduct of a sexual nature at the workplace to either receive higher pay and promotion or to make the environment abusive and intimidating for them. NCRB reports more than four hundred cases and about thirty-five cases per month of sexual harassment at the workplace in 2022.¹⁰ The data of ETHRWorld suggests that complaints raising concerns about workplace security have increased significantly by 79% in India's top 10 private companies over the last five years. The concerning figures have been recorded despite the implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, or POSH, to ensure a safe work environment for women.¹¹

Another major concern in India is the mass female trafficking for sexual exploitation, where they are treated as property for profit. Young and virgin females are the primary target of perpetrators due to the induced fear of Sexually Transmitted Diseases (STDs). Women from marginalized communities are more likely to be targeted by traffickers due to their limited access to resources. An estimate suggests that 0.8 million women and children are trafficked across international borders per year, and around 80% of them are forced into sex labour. However, these estimates exclude missing children and women who are trafficked within their own countries. Meanwhile, the conviction rate, along with the protection efforts for trafficking crimes, remained very low, undermining the deterrence and efforts to hold traffickers accountable in India.¹² This represents the huge access-equity gap in our society. Though there has been a marginal decline in the crime rates compared with the time when there were no such legislations against regressive customs and societal norms, the present crime rate is still concerning.

These crimes not only affect the physical state of being but also cause serious short-term and long-term psychological trauma, mental health diseases, and reproductive health issues to the

⁹ A. Saxena, India: Rural Rape Victims Struggle to Get Justice, DW (Oct. 18, 2024), <https://www.dw.com/en/india-rural-rape-victims-struggle-to-get-justice/a-70532084>

¹⁰ Vision IAS, Sexual Harassment of Women at Workplace (Oct. 17, 2024), <https://visionias.in/current-affairs/monthly-magazine/2024-10-17/society/sexual-harassment-of-women-at-workplace>

¹¹ A. Sahu, Sexual Harassment Complaints at India Inc Rise by 79% in Last 5 Years, ETHRWorld (The Econ. Times) (Dec. 10, 2024), <https://hr.economictimes.indiatimes.com/news/workplace-4-0/diversity-and-inclusion/sexual-harassment-complaints-at-india-inc-rise-by-79-in-last-5-years/116137786>

¹² R. Rai & A. K. Rai, Nature of Sex Trafficking in India: A Geographical Perspective, 120 Child. & Youth Servs. Rev. 105739 (2021).

survivors. According to the WHO, any kind of violence or harassment can have fatal outcomes like homicide or suicide. Survivors often experience unintended pregnancies, Sexually Transmitted Diseases (STDs), i.e., HIV, and induced abortions. Women subjected to violence during pregnancy often experience pre-term birth, stillbirth, or miscarriage, causing serious reproductive health issues. Sometimes, the survivors of violence suffer post-traumatic stress, poor health, anxiety, and sleep disorders for the rest of their lives. These consequences of the exploitation of women force them into isolation and limit their ability to work, engage in regular activities, or even care for themselves.¹³

D. Conceptualizing the Access-Equity Gap

Initially, women had to face many problems when it came to seeking justice. Their rights and position in society were not the same everywhere; they changed from one region or period to another. Women were treated unfairly and suffered from violence and discrimination by their family members. It was not easy for them to raise their voices or fight for their rights. However, the position of women has now improved a lot, especially in the legal field. Because of changes in the law, women who earlier faced social and financial problems are now slowly gaining more respect and rights. The Indian Constitution and other specific legislations aim to empower women in all areas of life and support equal rights for both men and women. With constitutional amendments and legal reforms, the government of India has also initiated several support services to help women seeking justice. Some of them are:

(i) One Stop Centres (OSCs), also known as Sakhi Centre, are designed to offer women a wide range of support and assistance under one roof. These centres appoint professionally trained employees to provide women with quality services. The survivors of trafficking, domestic/sexual violence, or any other form of violence can receive medical, legal, and psychological assistance, as well as temporary shelter. These centres are integrated with an emergency women's helpline number. There are around eight hundred OSCs operational across India.

(ii) Emergency Response Support System (ERSS) is a vision of the government of India to launch a Pan-India single number for citizens in case of any emergency. Each State/Union Territory is directed to designate an official Emergency Response Centre to handle all kinds of emergency response.

(iii) SHE-box or the Sexual Harassment Electronic box is launched by the Ministry of Women and Child Development in India. It is an online portal for women to register complaints about

¹³ *Id.* at 8.

sexual harassment at the workplace, regardless of their working sector. This initiative aims to streamline the process of reporting, tracking, and redressal of crimes against women. The digital platform serves as a step towards making women's access to justice easier.

(iv) Women's Help Desks in police stations, with female desk personnel, are the specialized units designed to provide a safe and supportive environment for women seeking justice. They serve as a first point of contact for the female survivors of injustice and exploitation and help them navigate the legal and social systems.

(v) Anti-Human Trafficking Units (AHTU) are established by the Ministry of Home Affairs in India. These units are the specialized legal executive team working in collaboration with the state police departments on preventing and combating human trafficking. The team conducts investigations on trafficking cases, gathers intelligence, and coordinates with stakeholders to help the victims.

(vi) Project Stree Manoraksha is an initiative by the Ministry of Women and Child Development in collaboration with the National Institute of Mental Health and Neuro Sciences (NIMHANS), focusing on the improvement of women's mental health, especially of those who have been the victims of any type of violence or harassment in their lives. This project aims to modify the capacity of One Stop Centres by training their staff on trauma-informed mental health care.¹⁴

Along with these steps, Fast Track Special Courts (FTSC) are also established to expedite trials for sexual offences, specifically the cases of the POCSO Act. These courts were designed to reduce the burden of regular courts and ensure timely justice for survivors. There have been many more steps taken in the pursuit of justice for women by the government of India. Still, access to justice has not been very helpful in the pursuit of empowering women.

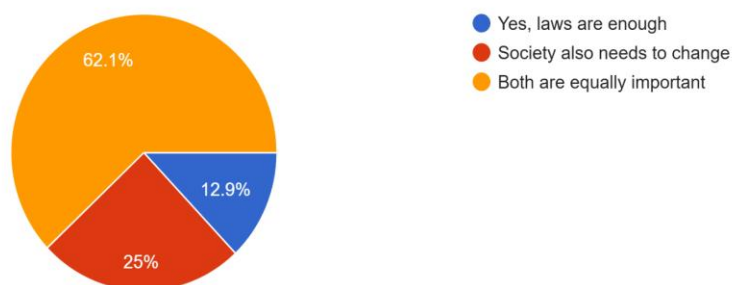
To gauge the real-life experiences of people upon this, we have conducted an online survey called "Exploring Women's Experiences with the Indian Justice System." This survey was circulated among college students, working-class people, and homemakers. The survey has collected views of people living in rural, urban, and semi-urban areas. The data shows that around 62% of participants believe that both laws and the evolution of society are equally important (Table 1.1).

Table 1.1

¹⁴ Ministry of Women & Child Dev., India's Commitment to Women's Safety, Press Info. Bureau (Mar. 29, 2025), <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2025/mar/doc2025329529701.pdf>

13. Do you think laws alone are enough to achieve justice for women?

116 responses



This highlights that access alone is not enough, and substantive equity needs to be established to ensure women's safety and empowerment in the country. Substantive equity, in legal and social context, is a principle that ensures equal outcomes for all and not just the equal treatment under law, by addressing systemic hurdles and historic injustice regardless of their economic or social background or any circumstances. It attempts to go beyond formal equality and strives to eliminate the barriers preventing marginalized communities from achieving the same opportunities as others. The gap between theory and practice is represented in the considerable number of cases and the public perception recorded in our survey.

III. SYSTEMIC BARRIERS TO EQUITY

For ages, women and their voices have been suppressed under the golden light of cultural norms and traditions of patriarchal society. But with the evolution of time, the Indian Legal System has introduced many reforms in favour of vulnerable sections of society, including women. Each step has provided equal access to justice for both men and women. Nevertheless, countless women confront age-old systems whenever they attempt to raise their voice against injustice. This is because access without substantive equity is just a theory on paper with no real practice. The obstacles in the path of equitable justice are numerous to count because every living reality has to encounter different barriers. Yet, we have collected several obstacles under the umbrella of four listed barriers that almost every woman has come across:

(i) *Socio-Cultural Obstacles*

Women often have to face significant barriers in the name of socio-cultural norms. One of the very common barriers has been the fear of social stigma. Women are induced with the fear of losing their dignity, family honour, and facing backlash from their class or social community if they fight against exploitation. For example, if a minor girl has been molested or sexually assaulted, several families silence them, believing that the revelation of the truth would close

the doors of marriage for their daughter. Marriage, in Indian society, is perceived as a religious ceremony, especially among the Hindu community. This is considered an essential part of one's life. But women in marriages are often expected to compromise, adjust even in unfavourable environments, and put in lifelong efforts for a successful marriage.

With all divorce laws and legislation supporting women to step out of a toxic marriage, divorces in India are discouraged in the name of traditions and customs. This worsens the conditions of women, forcing them to stay in harmful relationships and be subjected to all the adversities. Conservative families push women to continue their marriages despite witnessing the domestic abuse and torture with them because a divorced woman living with her parents is considered shameful. Therefore, even if a woman is courageous enough to raise her voice against injustice, the lack of family support cages her in the four walls of the house.

In our survey, we have also collected data on the personal experiences of women who have been involved in some court cases or have seen any women known to fight for justice. It was recorded that around 67% of participants have witnessed cases of domestic violence (Table 1.2). Apart from that, it was also observed that around 58% of the participants believe that fear of social stigma is one of the biggest barriers stopping women from seeking justice. (Table 1.3). While around 51% of them believe lack of family support often silences them (Table 1.3). These reports not only indicate the concerning situations demanding reforms but also represent the difference between theoretical access and the living realities of Indian women.

Table 1.2

15. What was the main issue?
49 responses

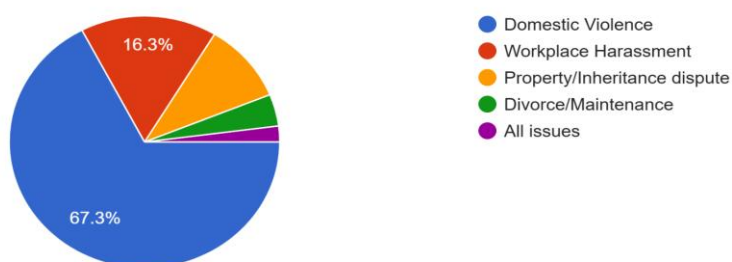
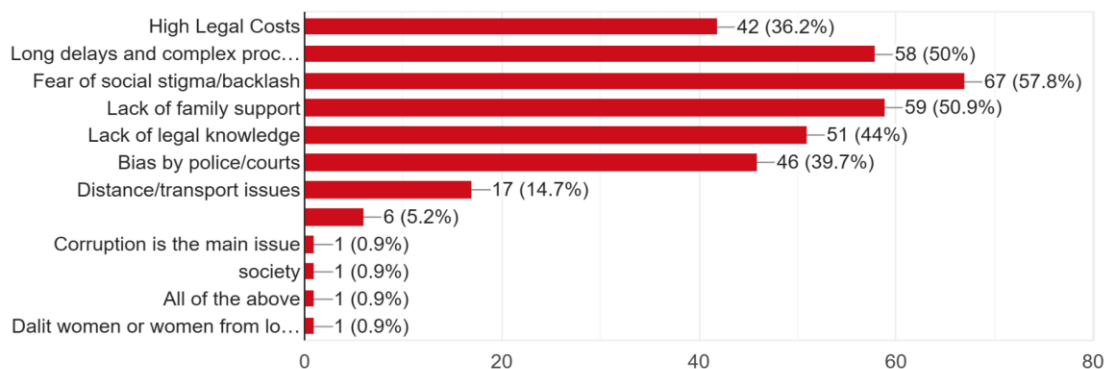


Table 1.3

9. In your view, what are the biggest barriers stopping women from getting justice? (Select all that apply)

116 responses



(ii) Procedural and Institutional Hurdles

Another major hurdle in the pathways of women seeking justice is the broken justice system of India. In the ground realities lies one of the darkest truths – victims fighting for justice suffer more than the perpetrators. The complex legal procedures and long delays in proceedings take years to serve justice. Meanwhile, the victims of domestic or sexual abuse are often at risk of retaliation by perpetrators if they challenge them in court. This induces fear in women to step into the lengthy court proceedings, eventually discouraging them from seeking justice. It also becomes challenging for women facing social stigma and financial constraints to continue the expensive and time-consuming proceedings. Though there are free legal aid services provided to women, many women from marginalized communities often lack access due to their limited availability.

In rural areas, they also lack awareness about their legal rights and available remedies. This makes them more vulnerable to exploitation, obstructing their ability to seek justice. The lack of awareness is also a reflection of institutional failure, as there are fewer or no government initiatives and awareness campaigns for women in rural or backward areas. Rural areas also witness a weak enforcement of laws protecting women, leading to continuous impunity of perpetrators. Another institutional hurdle is the lack of gender sensitive training to legal personnel and judicial officers, which can often lead to insensitive handling of cases, eroding the trust in the system. Along with this, several women face gender biases by legal officials, police, and even judicial officers, which ultimately affects their ability to navigate through legal procedures.

According to our survey, around 50% of participants believe long delays and complex procedures are another major obstacle stopping women (Table 1.3). This analysis not only reflects the gap between access and equity but also suggests the specific areas where reforms are required to clear the pathway to equitable justice.

(iii) *Economic Disparities*

Economic disparities include limited access to financial resources due to biases in employment and adverse environments at the workplace. In rural areas or many conservative families, women are not encouraged or supported for education. This ultimately results in their financial dependency upon their father, brother, or husband. It limits their ability to step out for justice in case of any exploitation because every step in the formal and legal procedure requires a certain amount of fees, expenses, and travel expenses. So, if a woman is suffering in her marriage, she is forced to survive in an abusive environment due to her financial dependency on the abuser. Not only in the case of marriages but in every form of abuse, women of different age groups suffer silently due to their lack of financial independence.

In many cultures, women are not provided with the right to inherit property, reducing their ability to legally claim property rights. Even when legal aid is provided to them, the quality of representation is often compromised due to a lack of resources and expertise in cases of gender-based violence and biases. The financial constraints also cage a lot of women who are the sole caretaker of their children, elderly parents, or other family members. Their disproportionate role and societal burden of expectations prevent them from stepping into another age-long war of justice with numerous challenges. This observation suggests an emerging need to initiate certain economic reforms, favouring women, especially from marginalized communities or backward areas with less education and financial resources.

(iv) *Intersectional Challenges*

Marginalized women include women with physical disabilities, from the LGBTQ+ community, ethnic minorities, rural areas, or who are illiterate. The barriers are amplified for these women. They encounter scepticism, disbelief, or even hostility from legal and judicial officers. Along with all of the above-stated barriers, marginalized women face compounded biases and resistance based on their race, sexual orientation, disability, or other intersecting identities. Physically disabled women have to confront communication barriers, a lack of accessibility to legal support services, and negative attitudes towards their capabilities. Rural and illiterate women are forced to stay silent due to a lack of proper infrastructure, limited resources, and access to information, further hindering their access to justice.

A very common societal hurdle that all women face equally is victim-blaming. The deep-rooted patriarchal norms of society often question a woman's chastity, interaction, and dress if she has been a victim of sexual abuse. People criticize and shame the survivor instead of the perpetrator. In any form of abuse, women are frequently questioned about their behaviour or chastity. This victim-blaming and societal shaming prevent women from reporting the violation of their rights and dignity. It also restricts them from seeking professional help for their trauma, distress, and mental health issues after surviving the abuse. Due to geographical limitations, the marginalized survivors of any form of abuse confront the shortage of shelters, counsellors, and other support services. This further increases their difficulties in coping with the trauma of abuse and navigating through legal services. Although women from all communities encounter the difficulties equally in the pathway of equitable justice, marginalized women confront more challenging barriers due to their different capabilities. This research highlights the dire need for reforms and actionable policy implementation to help women of all communities, with special emphasis on marginalized women.

Pathways to Equitable Justice

Likewise, women's legal rights have improved around the world, but true equality under the law is still a work in progress. International agreements, national laws, and global campaigns have helped bring change. To give all women justice, respect, and equal opportunities, the world must work together using a mix of laws, action, and changes in culture. In today's India, women's legal rights are becoming more important because more people are aware of and supporting gender equality. Women are making progress in education, politics, business, and technology, but they still need legal protection to move forward. Recent campaigns like MeToo and government programs like "Beti Bachao, Beti Padhao" have helped in promoting girls' education and safety. But with evolving needs of society, there must be more awareness campaigns and initiatives to reduce the gap between law enactment and enforcement. There are still many backward areas in India that require development, not only in terms of infrastructure and facilitations but also in ensuring the safety and security of vulnerable sections of society.

IV. ACTIONABLE POLICY RECOMMENDATIONS

From the above-mentioned living realities of women and the primary data analysis, it can be clearly understood that access alone is not enough to establish equitable justice in society. Substantive equity is an emerging need to eliminate the hurdles in the pathways of women seeking justice. It not only takes the legal and judicial efforts but also the community-led initiatives and support system. The collective steps can help reduce the pressure of patriarchal

society upon women who are willing to rise above. To take women's access to legal rights from paper to practice, there needs to be several reforms introduced. Some of the reforms suggested to eliminate the gap in access and equity are stated below.

(i) *Reforming Legal and Judicial Systems for Equity*

There must be non-biased formal legal procedures where a supervisory body must be established to complain against any bias towards women. The court fees and all other expenses must be checked for marginalized and economically weaker women. This will help promote equitable justice among both financially dependent and independent women. Financial constraints will no longer stop women from seeking justice. Alongside, free legal aid services must be expanded and made easily accessible to marginalized women. These services must be provided in rural and backward areas too. This will make women more aware of their legal rights and remedies and empower them to raise their voice against any form of abuse or exploitation. With certain reforms in the legal system, the judicial system must also be improved in terms of serving justice. It is high time to realise that justice delayed is justice denied. The lengthy court proceedings discourage many women from taking legal action. There must be a check to ensure the timely delivery of justice.

There must be gender-sensitive legal training for both advocates and judges. This will make them deal with the cases of female survivors of any form of abuse with more sensitivity and help them navigate through legal services. Gender-sensitive education will help promote fair and impartial procedures, eliminating stereotypes. It will also emphasize gender-neutral language in court proceedings and foster a more inclusive environment for women. Alongside, trained legal personnel will be able to understand the specific vulnerabilities that women experience in legal settings. Ultimately, all of these reforms would invite more women to trust and pursue the legal system in case of any injustice.

(ii) *Strengthening Support Services and Accessibility*

To increase accessibility for women, pro bono services and affordable legal aid must be introduced to make the complex legal procedures more navigable for them. This will help the survivors to understand their legal rights and represent themselves in court more effectively. Education plays a vital role in promoting accessibility. Hence, there must be certain legal literacy programs specifically introduced in rural or backward regions to educate more women about their legal rights, remedies, and how to access the justice system. This will not only foster an effective legal system but also empower women to make better-informed decisions and participate in legal processes actively.

Along with enhancing accessibility for women, strengthening support services will significantly help the survivors seeking justice. There must be more counselling centres to support women and guide them to improve their mental health after surviving the abuse. To ensure their immediate safety and long-term recovery, there must be more shelter homes and rehabilitation centres offered to victims of any kind of violence. These initiatives will provide women with essential services like psychological support, medical guidance, and economic empowerment programs. On the other hand, the community-led approaches and multiple public awareness campaigns can be introduced in every region of India to begin this reformative journey to make people more aware and informed. These campaigns will challenge societal norms and promote gender equality, which will eventually encourage more women to fight against injustice. Meanwhile, engaging with communities, specifically the marginalized groups, through community-based support systems will help eliminate the additional barriers faced by marginalized women seeking justice.

(iii) Addressing Socio-Economic Determinants of Injustice

One of the major barriers obstructing women's way to justice is financial dependency. To tackle financial barriers, significant steps must be taken, empowering women economically and promoting gender responsive legal frameworks. Women facing financial constraints must be provided free or subsidized legal aid services with adequate representation and advice to ensure that women can fight for their justice without any societal fear or economic burden. The survivors of any form of abuse must be exempted from high legal costs and expenses. They must also be provided with transportation services to travel from the court, legal aid centres, and other legal institutions to make the participation of women in legal processes easier.

Women are often not encouraged to gain education and have limited access to resources and information due to patriarchal norms of society. To increase the financial independence of women, it is essential to make education, employment, and entrepreneurship more accessible to them, particularly in regions with low literacy rates. The cultural restrictions upon the inheritance of property by women must be eliminated with effective law enforcement programs. These steps will require the incorporation of a gender perspective in the budget processes to ensure that resources are allocated to ease women's access to equitable justice. This will increase women's control over economic resources and their bargaining power with family and society, allowing them to assert their rights more prominently. Economic empowerment can challenge traditional gender norms, stereotypes, and extremists restricting women's access to justice.

(iv) *Fostering Collaborative and Intersectional Approaches*

This can be one of the most effective reforms favouring women's pathway of equitable justice, as the collaborative and intersectional approach will help acknowledge the distinct ways women experience discrimination and oppression. This approach moves beyond perceiving women as a monolithic group. By recognising how societal divisions extend the barriers for every intersecting woman differently, more effective initiatives can be introduced to tackle the diverse obstacles increasing the gap of access and equity. For example, a woman from the LGBTQ+ community can experience additional and different barriers to justice due to sexism. The approach can also highlight the need for multi-lingual legal aid services and resources, as well as more intervening policies to eliminate root causes of inequality and injustice. It will help recognize women's capacity to drive a change in their own lives and communities.

With an intersectional approach, collaborative efforts can ensure legal aid services are designed and accessible to all women regardless of their backgrounds. These efforts can also provide culturally sensitive and appropriate legal support by working with community organizations and leaders. The collaboration among women's rights organisations, community groups, and legal personnel can amplify women's engagement in seeking justice. It will also build the capacity of women by providing them with essential resources, knowledge, and skills to advocate for their rights. These collective efforts can even hold institutions accountable for eliminating systemic biases and ensuring women's access to justice. The ultimate goal of an intersectional and collaborative approach is to create a more just and equitable society where all women have equal access to opportunities and resources. All of the above-mentioned recommendations aim to establish substantive equity in Indian society.

V. CONCLUSION: TOWARDS A PARADIGM SHIFT

The study reaffirms that the actual challenge lies not only in mere access to laws and institutions but in achieving substantive equity that transforms theoretical rights of women into their living realities. It also establishes the fact that access without equity is symbolic, as systemic barriers rooted in the patriarchal society, like orthodox societal norms, economic dependency, and institutional bias, continue silencing women. This indicates an alarming need for a paradigm shift to dismantle the structural inequalities. The evolving society demands equitable justice instead of mere procedural availability. On the other hand, this paper highlights the importance and areas of further empirical investigation, i.e., rural-urban disparities, ground experiences of marginalized women, and impacts of state-led initiatives. Ultimately, unless the wider limitations in social justice and human rights are considered, women's access to constitutional

guarantees will remain mere promises without action, demanding urgent reforms.
