

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 2

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Indian Criminal Justice System and Crime against Woman: A Critical Analysis

PROF. (DR.) PAWAN KUMAR MISHRA¹ AND ALOK KUMAR²

ABSTRACT

India is usually described as a country with a rapidly developing economy and advanced human development rankings. However, in India, there has been an increase in the reporting of crimes against women in the last ten years, which appears to contradict the first description. As a result, we have a problem understanding and explaining this.

In India, the number of crimes committed against women is increasing rapidly. Any form of violence against women is a serious violation of Articles 14, 15, and 21 of the Indian Constitution, which safeguard women's human rights and fundamental rights. Despite of various safeguards in place to protect women's rights and dignity, women in India's patriarchal society are oppressed and victims of various forms of violence both inside and beyond the house. Police have recently reported a large number of cases. Some incidents have decreased in the last two or three years as a result of the lockdown, but others, such as domestic violence against women, have increased dramatically in the last year.

The purpose of this paper is to provide a comprehensive review of what defines crime against women, the many categories of crimes committed against women as defined by the Indian Penal Code (IPC), and Special and Local Laws., and the evolution of various laws and legislations aimed at ensuring the safety and protection of women in India. The paper also discusses the various preventive actions that might be used in India to address this significant issue.

Keywords: *Crime, Crimes against women, National Crime Records Bureau (NCRB), Indian Penal Code (IPC), Legislation, Laws.*

I. INTRODUCTION

At the local, regional, national, and global levels, crimes against women are on the increasing. Women's crime is a worldwide problem. Despite all of the advancements, women continue to be victims of terrible atrocities all across the world. The UN Declaration on the Exclusion of Crime against Women (1993) states that "crime against women is an expression of traditionally

¹ Author is a Professor of Law at Department of Law and Governance, Central University of South Bihar, Gaya, India.

² Author is a Research Scholar at Department of Law and Governance, Central University of South Bihar, Gaya, India.

imbalanced power relations between men and women, which have led to command over and discrimination against women by men and to the anticipation of the full development of women.”³

India is taking action to implement all women into social and political life, but on the other hand, its women are subjected to inhumane treatment and the fear of violence, jeopardising both women's and the country's progress. It is a well-known truth that the number of crimes against women is a negative sign of growth, and India is currently dealing with a serious challenge in this regard. As a result, it is critical to investigate the nature, causes, and forms of crime against women in order to find solutions to the problem.

II. CONSTITUTIONAL AND LEGAL PROVISION FOR WOMEN

The Indian Constitution not only guarantees women's equality, but also permits the government to implement measures of positive discrimination in their favour in order to mitigate the collective socioeconomic, educational, and political disadvantages they experience. Certain legislative and constitutional articles, such as the Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of State Policy, are established in the Indian Constitution with the objective of securing a safe environment for women against any misbehaviour. India has ratified a number of international treaties binding the country to ensuring equal rights for women.

Bhagwati J in *Maneka Gandhi v. Union of India*⁴

These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the future extent.

- i. *Article 14*⁵- Equality before law for women.
- ii. *Article 15 (i)*⁶- The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

³http://memoires.scd.univtours.fr/EPU_DA/LOCAL/2015_M2RI_SHAKTHE_SHARAVANA%20KUMAAR.pdf

⁴ (1978) 1 SCC 248.

⁵ Article 14- Equality before law.—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

⁶ Article 15- Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

- iii. *Article 15 (3)*⁷- The State to make any special provision in favour of women and children.
- iv. *Article 16*⁸- Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- v. *Article 39(a)*⁹- The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.
- vi. *Article 39(d)*¹⁰- And equal pay for equal work for both men and women .
- vii. *Article 39 A*¹¹- To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
- viii. *Article 42*¹²- The State to make provision for securing just and humane conditions of work and for maternity relief.
- ix. *Article 46*¹³- The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation.
- x. *Article 47*¹⁴- The State to raise the level of nutrition and the standard of living of its people.

⁷ Article 15(3) Nothing in this article shall prevent the State from making any special provision for women and children.

⁸ Article 16- Equality of opportunity in matters of public employment.

⁹ . Article 39- Certain principles of policy to be followed by the State.—The State shall, in particular, direct its policy towards securing— (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

¹⁰ Article 39- Certain principles of policy to be followed by the State.—The State shall, in particular, direct its policy towards securing—(d) that there is equal pay for equal work for both men and women.

¹¹ Article 39A- Equal justice and free legal aid.—The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

¹² Article 42- Provision for just and humane conditions of work and maternity relief.—The State shall make provision for securing just and humane conditions of work and for maternity relief.

¹³ Article 46- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.—The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

¹⁴ Article 47- Duty of the State to raise the level of nutrition and the standard of living and to improve public health.—The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

- xi. *Article 51(A) (e)*¹⁵- To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.
- xii. *Article 243 D(3)*¹⁶- Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.
- xiii. *Article 243 D (4)*¹⁷- Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women.
- xiv. *Article 243 T (3)*¹⁸- Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality.
- xv. *Article 243 T (4)*¹⁹- Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide.

Crime heads under the Indian Penal Code (IPC)

To comply out the Constitution's objective, the state has passed a number of laws aimed at ensuring equal rights, preventing social discrimination and other forms of violence and atrocities, and providing support services, particularly to working women. Although women can be victims of any crime, such as 'murder,' 'robbery,' or 'cheating,' acts directed exclusively

¹⁵Article 51A. Fundamental duties.—It shall be the duty of every citizen of India—(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.

¹⁶ Article 243D. Reservation of seats.— (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

¹⁷Article 243 D (4)- The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law

¹⁸ Article 243T. Reservation of seats.— (3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

¹⁹ Article 243T(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

against women are known to as 'crime against women.'²⁰ The legal laws not only prevent the occurrence of crimes against women, but also empower the state to enact policies and activities that benefit women. As a result, these laws and acts have been reviewed and updated on a regular basis in order to keep perpetrators in check and create fear of punishment in their minds, as well as to assist women in leading a life of dignity, self-worth, and self-respect both within and beyond their homes.

1. Dowry Death (Section 304B)
2. Causing Miscarriage (Section 312-318)
3. Acid Attack (Sections 326A and 326B)
4. Rape (Sections 375, 376, 376A, 376B, 376C, 376D, 376E and 376AB, 376DA, 376DB) Attempt to commit rape (Section 376/511)
5. Kidnapping and abduction for different purposes (Sections 363–373)
6. Offences against Minor Girls (Sections 366/366A/366B/372/373)
7. Murder, Dowry death, Abetment of Suicide, etc. (Sections 302, 304B and 306)
8. Cruelty by husband or his relatives (Section 498A)
9. Obscene acts and songs (Section 294)
10. Outraging the modesty of women (Section 354)
11. Sexual harassment (Section 354A)
12. Assault on women with intent to disrobe a woman (Section 354B)
13. Voyeurism (Section 354C)
14. Stalking (Section 354D)
15. Importation of girls up to 21 years of age (Section 366B)
16. Word, gesture or act intended to insult the modesty of a woman (Section 509)

Crime Heads under The Special & Local Laws (SLL)

1. *The Muslim Women (Protection of Rights on Marriage) Act, 2019.*
2. *The Criminal Law (Amendment) Act, 2018.*

The bill changes the Indian Penal Code (IPC) of 1860 to raise the minimum sentence for rape of women from seven to ten years. Rape and gang rape of females under the age of 12 shall

²⁰http://www.mospi.nic.in/sites/default/files/reports_and_publication/statistical_publication/social_statistics/W16ConstitutionalLegalRights.pdf

result in a minimum sentence of twenty years in jail, with the possibility of life imprisonment or death.

3. *The Criminal Law (Amendment) Act, 2013.*

The Nirbhaya case, in which a female student was gang-raped in December 2012, prompted the enactment of the Criminal Law (Amendment) Act, 2013. Several provisions of the Indian Penal Code, Indian Evidence Act, and Criminal Procedure Code were changed by the Act. Several new offences have been recognised and incorporated into the Indian Penal Code as a result of this amendment, including acid attack (Section 326 A & B), voyeurism (Section 354C), stalking (Section 354D), attempting to disrobe a woman (Section 354B), sexual harassment (Section 354A), and sexual assault resulting in death or injury resulting in a persistent vegetative state (Section 354 (Section 376A).

4. *The Protection of Children from Sexual Offences Act 2012 (Amended in 2019)*

The bill raises the mandatory minimum sentence from seven to ten years. It goes on to say that anyone who commits penetrative sexual assault on a minor under the age of 16 would face a sentence of 20 years to life in jail and a fine.

5. *The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013*

6. *Protection of Women from Domestic Violence Act, 2005*

7. *Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994*

8. *Commission of Sati (Prevention) Act, 1987*

9. *Indecent Representation of Women (Prohibition) Act, 1986*

10. *The Medical Termination of Pregnancy Act, 1971 (Amended in 2021)*

11. *Dowry Prohibition Act, 1961*

12. *The Maternity Benefit Act, 1961 (Amended in 2017)*

13. *Immoral Traffic (Prevention) Act, 1956*

14. *The Hindu Marriage Succession Act, 1956 (Amended in 2005)*

15. *The Hindu Marriage Act, 1955*

16. *The Special Marriage Act, 1954*

17. *The Family Courts Act, 1954*

III. RECENT CHANGES IN CRIMINAL LAW

Despite progressive anti-rape legislation revisions, the reality of rape cases remained unchanged. The mind-numbing Unnao and Kathua rape crimes shocked the entire nation

almost six years after the Delhi rape case.

In 2017, a 17-year-old girl, minor girl, was kidnapped and raped by a former BJP MLA Kuldeep Singh Sengar, his brother Jaideep alias Atul Singh, and others. The girl's father, was arrested in an arms case. He was allegedly beaten up in the custody and later died.²¹ Later, the victim was severely injured in a car accident and two of her aunts died in the accident. Owing to the seriousness of the case, the Apex court transferred the all cases registered in connection with the Unnao rape incident from Lucknow court to the Delhi court.²² Kuldeep Singh Sengar was convicted for kidnapping and raping by the Delhi High Court. The court asked him to pay Rs 25 lakh to the victim apart from the life sentence.

In 2018, the Unnao rape incident coincided with the infamous Kathua rape case. An 8-year-old girl in Kathua, J&K, was raped by six men for a week after which she was killed.²³ Since the deceased was a Muslim girl and the accused were Hindus, it thus became an issue of communal politics because of which the accused garnered support in the name of religion.²⁴ The apex court had to transfer the case from J&K to Punjab in order to ensure fair trial and the six of the seven accused were convicted.

It was the result of these brutal cases that led to widespread protests that pressured the government to bring about stricter laws against such heinous crimes. Owing to this, the Government passed the Criminal Amendment Act, 2018.

IV. IMPACT OF KATHUA RAPE CASE

The Indian government passed the Criminal Law (Amendment) Ordinance 2018 in response to public outcry following the terrible gangrape that lasted for days and the murder of an eight-year-old girl in Kathua, Jammu and Kashmir. The criminal law amendment ordinance aimed to add a new provision to the Indian Penal Code (IPC), the Evidence Act, the Code of Criminal Procedure (CrPC), and the Protection of Children from Sexual Offences (POCSO) Act that would allow convicts of such offences to be sentenced to death.

(A) Criminal Law²⁵

²¹ INDIA TODAY, <https://www.indiatoday.in/news-analysis/story/unnao-rape-and-murder-no-judge-to-hear-kuldeep-singh-sengar-case-1575728-2019-07-31>, (last visited March 11, 2021).

²² Hindustan times, <https://www.hindustantimes.com/india-news/court-verdict-in-unnao-rape-case-against-kuldeep-sengar-likely-today/story-8avdmeud3ogav1uatbhcfi.html>, (last visited March 14, 2021).

²³ First post, <https://www.firstpost.com/india/kathua-rape-and-murder-case-bakarwal-community-protests-in-anantnag-family-of-accused-demands-cbi-probe-4428689.html>, (last visited March 14, 2021).

²⁴ First post, <https://www.firstpost.com/india/kathua-and-unnao-cases-linking-sexual-crimes-with-identity-politics-obstructs-reforms-in-rape-laws-4432221.html>, (last visited March 16, 2021).

²⁵ https://economictimes.indiatimes.com/news/politics-and-nation/ordinance-on-death-for-child-rapists-approved-by-centre/articleshow/63855777.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

- i. Minimum punishment in case of rape of women has been increased from rigorous imprisonment of 7 years to 10 years, extendable to life imprisonment.
- ii. In case of rape of a girl under 16 years, minimum punishment has been increased from 10 years to 20 years, extendable to imprisonment for rest of life, which shall mean imprisonment till that person's natural life.
- iii. The punishment for gang rape of a girl under 16 years of age will invariably be imprisonment for rest of life of the convict.
- iv. Strict penalties have been established for rape of a girl under the age of 12 years, including a minimum sentence of 20 years in jail, life imprisonment, or death.
- v. In case of gang rape of a girl below 12 years, punishment will be imprisonment for rest of life or death sentence.

Speedy investigation and trial:

- i. A time limitation has been set for the investigation of all rape cases, which must be finished within two months.
- ii. A deadline has also been set for the completion of all rape cases' trials, which must be concluded within two months.
- iii. A six-month deadline has also been set for the disposal of rape appeals.

Restrictions on bail

- i. A person accused with rape or gang rape of a girl under the age of 16 will not be eligible for anticipatory bail, as per the law.
- ii. In the instance of rape of a girl under the age of 16, the court must give the Public Prosecutor and the victim's advocate 15 days' notice before considering on bail applications.

(B) Other measures

In order to give effect to the legal provisions and to improve the capacity of criminal justice system to deal with rape cases, Cabinet has approved a number of important measures:

Strengthening the courts and prosecution

- i. In consultation with states/UTs and high courts, new Fast Track Courts will be established.
- ii. In consultation with States/UTs, new public prosecutor offices and supporting infrastructure will be created.

- iii. All police stations and hospitals will receive special forensic kits for rape cases.
- iv. A dedicated team of investigators will be assigned to rape cases in a reasonable timeframe
- v. Creating specialised forensic labs for rape cases in each state/UT.
- vi. These improvements will be implemented as part of a new mission mode initiative that will be introduced in the next three months.

National Database

- i. The National Crime Records Bureau will keep track of sexual offenders in a national database and profile.
- ii. This information will be shared with States/UTs on a regular basis for tracking, monitoring, and inquiry, including police verification of antecedents.

Assistance to victims

All districts in the country will be covered under the current scheme of One Stop Centres for victim aid.

In 2012, the Nirbhaya Gang Rape case drew to the attention of practically all Indians the stark truth of how women in the country have become victims of horrible crimes. Following this case, crimes against women became a major political issue in India, bringing to light offences that had previously escaped the notice of the general public. The government formed the Justice Verma Committee, which issued a report in a record speed, making suggestions on different elements of women's offences. For the trial of such cases, fast track courts were established.

V. EMERGING TRENDS IN CRIME AGAINST WOMEN

According to NCRB, total crime against women reported in 2020 came down to 9,782 incidents from 12,902 in 2019. Assault on women stood at 938 in 2020 as opposed to 1,088 in 2019 and sexual harassment stood at 862 cases in 2020 as compared to 644 in 2020. A total of 967 rape cases were reported in 2020 as opposed to 1,231 in 2019, leading to a decrease of 21%. Stalking also saw a dip of 40% as 235 cases were reported in 2020 as opposed to 388 in the preceding year.²⁶

As per the bureau's 'Crime in India-2020' report, crimes against women decreased between 2019 and 2020 by no less than 8.3%. In 2020, a total of 3,71,503 crimes against women were recorded against 4,05,326 crimes in 2019. The NCRB observed in its report, "The country

²⁶ <https://www.thehindu.com/news/cities/Delhi/crimes-against-women-dip-by-24-cybercrimes-see-55-rise-ncrb-data/article36486113.ece>

remained under complete lockdown from March 25, 2020, to May 31, 2020, due to COVID-19 Pandemic (First Wave), during which movement in public space was very limited. The cases registered under Crimes against Women, Children and Senior Citizens, Theft, Burglary, Robbery, and Dacoity has therefore declined...”²⁷

Domestic violence against women increased dramatically during the lockdown, according to data from the National Commission for Women (NCW). The NCW received 1,477 domestic violence complaints from women between March 25 and May 31. More complaints were received in this brief period of 68 days than in the previous ten years between March and May. The women's commission received 5,297 complaints of domestic violence for the entire year of 2020, when some level of movement restriction was imposed in various sections of the country even after the lockdown. This represents an almost 79 percent increase over the 2,960 complaints received by the NCW in 2019.

However, according to NCRB data, which tracks cases reported by the police, domestic violence in the country has decreased. According to the NCRB, the Protection of Women from Domestic Violence Act registered 446 cases in 2020. (or the DV Act). This was a stunning 19.3 percent decrease from the 553 instances reported in 2019. Similarly, cases of spouse cruelty, which are frequently utilised instead of or in conjunction with the DV Act, have decreased. In 2019, there were 1,24,934 such incidents, compared to 1,03,272 in 2020. (A fall of 17.3 percent).

In 2020, the NCRB recorded a total of 28,046 rape cases, a dip of 12.4 % from 2019 when the number of recorded rapes was 32,032. In 2020, the NCRB registered 28,046 rape cases, a decrease of 12.4% from the previous year's total of 32,032. More than 90% of rapes are committed by persons known to the victim, data from the 2018 NCRB report had shown.

Another surprise in the recent NCRB data is the increase in the rate of rape and crime against women convictions. In 2019, the conviction rate for rape cases was 27 percent (conviction in 5,800 cases out of 20,919). By 2020, the rate had risen to a staggering 37%. (Conviction in 4,473 cases out of 11,977). Overall, from 19.3 percent in 2019 to 23 percent in 2020, the conviction rate for crimes against women increased. Is the judicial system performing better now? Has the legal system grown more female-friendly?

According to the government debates, 371,503 cases of crimes against women were filed across the country last year, according to data from the National Crime Records Bureau (NCRB). The data shows that in 2020, 398,620 persons were arrested in connection with crimes against

²⁷ <https://theleaflet.in/how-to-read-the-latest-crime-against-women>.

women, 488,143 were charge-sheeted, and 31,402 were convicted. Also, instances of crimes against women in the cities went down by 8.3% in 2020 over the previous year.²⁸ Crimes against women include cases of rape, outraging modesty, dowry deaths, harassment, acid attacks, and kidnappings. Among states and Union territories, Uttar Pradesh saw the highest number of such cases, with 49,385, followed by West Bengal (36,439), Rajasthan (34,535), Maharashtra (31,954) and Madhya Pradesh (25,640).²⁹

According to the NCRB report released in September and cited by the government, "the majority of cases under crimes against women were registered under [the category of] cruelty by husband or his relatives (30.2 percent), followed by assault on women with intent to outrage modesty (19.7%), kidnapping and abduction of women (19.0 percent), and rape (7.2 percent)."

VI. RECENT RULINGS OF THE SUPREME COURT OF INDIA IN CASES

(A) Instances of Crime against Women in India

The following are a few examples of women in India who have been victims of crimes in the previous few years.

1. The Nirbhaya Rape Case

In 2012, the gruesome Delhi rape case shook the whole country with the brutal gang rape of a young woman who was named Nirbhaya by media for not revealing her identity as per section Section 228A (2) of IPC. She was brutally gang raped by six men on a bus in Delhi, and her internal organs were pulled and her private parts were mutilated in a very inhuman manner that caused grave injuries which ultimately annihilated her life.³⁰ She was treated as an object, an article for experimentation and prey to the pervert proclivity of the six.³¹ *"The attitude, perception, the bestial proclivity, inconceivable self-obsession and individual centralism of the six made the young lady to suffer immense trauma and, in the ultimate eventuate, the life-spark that moves the bodily frame got extinguished in spite of availing of all the possible treatment that the medical world could provide."*³² On 29 December 2012, she succumbed to her injuries and died at a Singapore hospital.

²⁸ <https://www.hindustantimes.com/india-news/more-than-370-000-cases-of-crimes-against-women-reported-in-2020-says-govt-101639625323320.html>.

²⁹ <https://www.hindustantimes.com/india-news/more-than-370-000-cases-of-crimes-against-women-reported-in-2020-says-govt-101639625323320.html>

³⁰ Business standard, https://www.business-standard.com/article/current-affairs/brutality-of-nirbhaya-gang-rape-sounds-like-story-from-different-world-sc-117050501358_1.html,

³¹ Ibid

³² Ibid

The four defendants were convicted of rape, kidnapping, murder and destruction of evidence in September 2013 and were sentenced to death penalty which was upheld by the Supreme Court in 2017 by stating that the case clearly came within the category of 'rarest of rare case'.³³ One of the accused Ram Singh, allegedly committed suicide in Tihar Jail and the juvenile perpetrator was sentenced to three years of punishment in a reform home, as per the provisions of the Juvenile Justice Act.³⁴

2. Justice K. S. Puttaswamy (Retd.) v. Union of India³⁵

The right to privacy is widely considered one of the basic human rights and the same is explicitly stated under Article 12 of the 1948 Universal Declaration of Human Rights:

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

VII. ME TOO MOVEMENT AND ITS LEGAL CONSEQUENCES

The “#Me Too” Phrase was coined by Tarana Burke, an American social activist and community organiser, in 2006 on Myspace social network which received wide recognition on social media in October, 2017 when Alyssa Milano, an American actress, used the hash tag in her tweet against Harvey Weinstein. Me Too Movement or #MeToo Movement is against sexual harassment and sexual assault usually at workplaces. Sexual problems not only undermines the confidence level of the women but also creates a negative impact in the society. With the passing time, sexual harassment at workplaces have increased leading to its own detrimental effects on the women.³⁶

Many women came forward with allegations of sexual harassment at work as a result of this occurrence. At least ten women who worked with him while he was an editor at the Asian Age and Telegraph have accused Union minister MJ Akbar of sexual harassment. Akbar disputed the allegations and filed a defamation suit against journalist Priya Ramani, who had been the first to name him. Senior journalists and Bollywood celebrities like as Sajid Khan, Vikas Bahl, and Alok Nath have also been accused of sexual harassment.

On the one hand, the #MeToo movement has aided many women in raising their voices against sexual harassment. On the other hand, it has resulted in a large number of false accusations.

³³ THE HINDU, <https://www.thehindu.com/news/national/nirbhaya-case-four-convicts-hanged-to-death-in-tihar-jail/article31114864.ece>.

³⁴ Ibid

³⁵ AIR 2017SC 4161

³⁶ <http://racolblegal.com/metoo-movement-and-its-legal-consequences/>

The country's laws could not be discriminatory against women. That is why, in addition to keeping an eye on the implications of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, the government has strengthened anti-defamation laws to ensure that the image of an innocent person is not tainted by false accusations.

VIII. INITIATIVES BY GOVERNMENT FOR REDUCING GENDER GAP IN ALL ASPECTS OF SOCIAL, ECONOMIC AND POLITICAL LIFE

- Beti Bachao Beti Padhao provides the girl child's safety, survival, and education.
- Working Women Hostel (WWH) ensures that working women are safe and secure.
- In February 2019, the "Investigation Tracking System for Sexual Offenses," an online analytic tool for police, was established to monitor and manage time-bound investigations in sexual assault cases in accordance with the Criminal Law (Amendment) Act 2018.
- Ministry of Home Affairs announced the "National Database on Sexual Offenders" (NDSO) on September, 2018 to help law enforcement authorities investigate and track sexual offenders across the country.
- In 2018, a cyber-crime portal was opened allowing citizens to report obscene content. In addition, Cyber Crime Forensic Labs have been established in many states, and over 3,664 people have been trained in recognising, detecting, and resolving cyber-crimes against women and children, including 410 Public Prosecutors and Judicial Officers.
- The standard composition of a sexual assault evidence collection kit has been announced, as well as guidelines for collecting forensic evidence in sexual assault cases. Training and skill-building programmes for Investigation Officers, Prosecution Officers, and Medical Officers have begun in order to provide enough manpower capacity. The Bureau of Police Research and Development (BPR&D) and the Lok Narayan Jayaprakash Narayan National Institute of Criminology and Forensic Science have already trained 3,221 officers in the collecting, management, and transportation of forensic evidence. As part of the training, BPR&D sent 3,120 Sexual Assault Evidence Collection Kits to States/UTs as an orientation kit.

IX. CONCLUSION

Violence against women refers to acts of violence perpetrated mostly against women and girls in society. It is therefore described as gender-based violence, i.e., crimes perpetrated against women and girls solely because they are females, i.e., the opposite sex, who must remain in a

submissive position to men in society. As a result, violence against women is a worldwide problem that requires immediate response. Rape, female genital mutilation, forced prostitution, and other crimes can be classed into numerous categories ranging from subtle to coercive. Various new laws have been introduced in India, as well as modifications to existing laws, in order to properly deal with these offences. Even though there have been progressive legal reforms, there are several highly discussed problems, such as marital rape and gender neutrality in rape legislation, that need to be addressed immediately, as highlighted by the Justice Verma Committee. Several cases have tried to highlight the ambiguity and contradiction in the court's decisions. There are a lot of incidents that are not disclosed for fear of being stigmatised by society. From police stations to courtrooms, victims are hounded at every turn. Every stage of the victims' battle for justice, from the poor healthcare system to the law enforcement system, adds to their agony. The society in which we live plays a critical role in obstructing access to justice. As a result, the full impact of the legislation will never be realised unless and until societal change occurs in tandem with legislative reforms.

X. REFERENCES

1. Crimes in India (2020). *National Crime records Bureau*. Government of India, New Delhi.
2. <http://racolblegal.com/metoo-movement-and-its-legal-consequences/>
3. THE HINDU, <https://www.thehindu.com/news/national/nirbhaya-case-four-convicts-hanged-to-death-in-tihar-jail/article31114864.ece>.
4. Business standard, https://www.business-standard.com/article/current-affairs/brutality-of-nirbhaya-gang-rape-sounds-like-story-from-different-world-sc-117050501358_1.html,
5. <https://www.hindustantimes.com/india-news/more-than-370-000-cases-of-crimes-against-women-reported-in-2020-says-govt-101639625323320.html>
6. Indian Courts on female victims of sexual Crimes: Recent Developments- G.S.Bajpai and Preetika Sharma.
7. The Nirbhaya Incident and one- step centre Programme in India- Bhanu Prakash Nunna.
8. Rao, Mamta . “Law Relating to Women and Children (Eastern Book Company, 4th Edn., 2018)
9. Lakshmi, B. V, “Victimology and Criminal Justice System (Asian Law House, 1st Edn., 2021)
10. The National Policy for Women Empowerment (2016). Retrieved from: <http://wcd.nic.in/acts/draft-national-policy-women-2016>
11. Crimes in India (2020). *National Crime records Bureau*. Government of India, New Delhi.
