

Conference Proceedings of **CRIME AGAINST WOMEN**

10th September, 2022

Organized by : Judicial Academy, Jharkhand

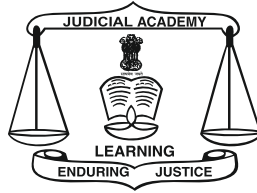


(For Educational Purpose Only)

Judicial Academy, Jharkhand

Near Dhurwa Dam, Dhurwa, Ranchi-834004

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About The Conference

Crime against women is an evil that has been persisting in India since centuries. Women being the easy targets in a patriarchal society like ours, have been at the receiving end of various kinds of violence at different places in different situations, time and again. Right from her birth to adulthood and even at old age, a woman faces different kinds of abuse and violence whether directly or indirectly at home or at office & schools, colleges or on the roads, trains, buses and not to forget, cyberspace. The rate of these crimes has not slowed down, in fact, it has only increased with time. As per the latest NCRB Report of 2021, crime against women increased by 15.5% from 2020. This is a significant increase from last year. Jharkhand itself ranks fifth amongst all states and union territories in the number of crimes committed against women. This is worrisome given the fact that Jharkhand ranks fourteenth in terms of population. Therefore, the need was felt to organize a conference in this regard.



The conference on 'Crime against Women' was organized by Judicial Academy, Jharkhand on 10th September, 2022 to sensitize the judicial officers and police officers of the state of Jharkhand about the increasing rate of crime against women and what should be their approach towards the same. The Conference was attended by Hon'ble Judges of the Supreme Court, High Courts of Jharkhand, Calcutta and Gujarat, Advocate General, Commissioners and Secretaries from different departments of the State of Jharkhand, Senior advocates, 150 Judicial Officers, 50 Police Officers and other learned advocates. Hon'ble Mr. Justice M R Shah, Judge, Supreme Court of India was the chief guest of the conference. Hon'ble Mr. Justice Aniruddha Bose, Judge, Supreme



Court of India was the Guest of Honour. And, Hon'ble Mr. Justice Dr. Ravi Ranjan, Chief Justice of the High Court of Jharkhand, was the distinguished guest of the event. The conference was organized under the able guidance of Hon'ble Mr. Justice Shree Chandrashekhar, Judge, High Court of Jharkhand.

The conference started with welcome address by Hon'ble Mr. Justice Dr. Ravi Ranjan, Chief Justice of the High Court of Jharkhand, followed by addresses by Hon'ble Mr. Justice Aniruddha Bose and Hon'ble Mr. Justice M.R. Shah, Judges of the Supreme Court of India and Vote of thanks by Hon'ble Mr. Justice Shree Chandrashekhar, Judge, High Court of Jharkhand. The conference comprised of four technical sessions upon topics of contemporary relevance. The first session of the conference was on '*Crime against women: Impact on victim and society*'. This session was chaired by Hon'ble Mr. Justice M.R. Shah and the speaker for this session

was Hon'ble Ms. Justice Sonia G. Gokani, Senior most Judge of Gujarat High Court. The second session was on, '*Changing perspective of offence against women: cyberbullying*' which was chaired by Hon'ble Mr. Justice Aniruddha Bose and the speaker for this session was Hon'ble Ms. Justice Moushumi Bhattacharya, Judge, Calcutta High Court. The third technical session was on, '*Crime against women: Judicial Approach*'. It was chaired by Hon'ble Ms. Justice (Retd.) Anjana Mishra, Member, Armed Forces Tribunal, New Delhi and the speaker for this session was Hon'ble Ms. Justice Anubha Rawat Choudhary, Judge, High Court of Jharkhand. The fourth and last session of the conference was on, '*Psychological/ Mental violence on women at home and workplace: its*

societal impact'. This was the last session of the conference chaired by Ms. Mahua Maji, Hon'ble Member of Parliament from Jharkhand and the speaker for this session was Ms. Nidhi Banga, Advocate, Delhi High Court.

It was an eye-opening conference where the speakers wonderfully highlighted various facets of crime against women. Crime against women has multiple shapes and dimensions and its nature is constantly changing. Whatever be the nature of crime against women, it is clear that these cases keep on happening because women are soft targets. Women are afraid to speak up about these crimes due to various reasons like family honour and societal ostracization; choosing to remain silent. There is therefore a huge under-reporting of these crimes till this date. This is because even though there are abundant laws for protection of women against crimes, our mindsets have not changed. As rightly said by Hon'ble Mr. Justice Anirudhha Bose in his address that *"making laws is one thing but making them work is another thing. And, for making the laws work, we have to work hard"*. We need to make the society a place where women feel safe and empowered, where she is able to speak up for her rights and fight against injustice. We are all stakeholders in this process to curb injustice against women and we must all pledge that justice is delivered to women and her dignity is protected at all costs. All of us need to change our approach, the judicial officers and police officers especially should be empathetic in their approach in dealing with victims of such crimes and as Hon'ble Ms. Justice Sonia G. Gokani said, we all have to be like King Jambavan was to Lord Hanuman, and make the victims realize their own potential, so that they are able to recover from their trauma and fight for themselves.

Sudhanshu Kumar Shashi

Director

Judicial Academy, Jharkhand

INAUGURAL SESSION



Summary of Welcome Address by Hon'ble Mr. Justice Dr. Ravi Ranjan

Chief Justice, High Court of Jharkhand-cum-Patron-in-chief,
Judicial Academy, Jharkhand

Hon'ble The Chief Justice of High Court of Jharkhand, Dr. Ravi Ranjan, welcomed Chief Guest, Hon'ble Mr. Justice M. R. Shah, Judge, Supreme Court of India; Guest of Honour, Hon'ble Mr. Justice Aniruddha Bose, Judge, Supreme Court of India; Hon'ble Ms. Justice Sonia G. Gokani, Judge, Gujarat High Court, Hon'ble Ms. Justice Moushumi Bhattacharya, Judge, Calcutta High Court, Hon'ble Ms. Justice Anjana Mishra, Judicial Member, Armed Forces Tribunal, New Delhi and Ms. Mahua Maji, Hon'ble Member of Parliament, to the conference. His Lordship also extended his welcome to the judges of High Court of Jharkhand, Advocate General, senior officers, advocates, judicial officers and other esteemed guests.

His Lordship began his address by mentioning that the topic of deliberation, crime against women, is a seminal and burning issue confronting our society which has acquired epidemic proportions, in recent times. His Lordship read out the definition of violence against women as given in the Declaration on Elimination of Violence against Women, United Nations and mentioned how gender inequality and suppression of women's rights are the results of the patriarchal structure of the society. His Lordship highlighted how we all live in a paradoxical society; where on one hand women are revered, worshipped, but at the same time mistreated and subjected to different forms of abuse and violence.

In his address, references to various texts, were made to show the importance of women and they are being reproduced below:

Manusmriti (Chapter 3, Verse 56)

“यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः।

यत्रैतास्तु न पूज्यन्ते सर्वास्तत्राफलाः क्रियाः ॥56॥”

"The worth of civilization is measured by the place it accords to women in society. One of the several factors that justify the greatness of India's ancient culture is the honourable place granted to the women"

Rashtrakavi Ramdhari Singh Dinkar's Urvashi :

“नारी ही वह महासेतु, जिस पर अदृश्य से चलकर

नए मनुज, नव प्राण दृश्य जग में आते रहते हैं।”

His Lordship further placed emphasis on how status of women is an indicator of the progress of a family, society and the nation at large and violence against women is a great impediment in the progress of the nation. His Lordship went on to quote the lines of Mahakavi Jaishankar Prasad's Kmayini;

“नारी! तुम केवल श्रद्धा हो विश्वास-रजत-नग पगतल में,

पीयूष-स्रोत बहा करो जीवन के सुंदर समतल में।”

to show how in an ideal society, a woman must be treated with equality and respect, the patriarchal structure and mindset of the society must be broken, laws should be implemented effectively and stringent actions should be taken against perpetrators of crime. His Lordship emphasised that education and a change in attitude of both men and women, are required to deal with this ever increasing menace.

His Lordship ended his address with the hope that the learned scholars, legal luminaries and other participants of the conference would deeply ponder over the issues confronting women in India and provide prudent answers.



Snippets from Address by Hon'ble Mr. Justice Aniruddha Bose

Judge, Supreme Court of India

Hon'ble Mr Justice Aniruddha Bose, Judge, Supreme Court of India, began his address by greeting all the dignitaries and reminiscing his days as Chief Justice of High Court of Jharkhand.

In his address, His Lordship highlighted how crime against women is not to be dealt with in isolation but to be dealt as a crime against society. His Lordship emphasised on the deprivation and discrimination which has been raging against women worldwide, since centuries and how in crisis situations like war, women become the easy targets. His Lordship touched on the various contributing factors to the menace, which ranged from a protein deficient diet, non-access to educational and

financial opportunities, deprivation from property rights, discrimination at workplaces, homes and the existence of patriarchy.

His Lordship specifically addressed the various participants of the conference, the members of the judiciary, members of law-enforcement agencies and practicing lawyers and called upon them to realise their roles in tackling this menace. His Lordship mentioned how legislature and the judiciary are trying to meet up with the ever-changing facets of crimes against women with examples of live-in relationships, and sexual harassment at workplaces. His Lordship further highlighted that though legislations have been made, a vast majority of these laws only cater to the privileged class of the gender and there is an emergent need to ensure that all women get the protection and security of laws. His Lordship specially emphasised that sharing of problems in implementation of legislation needs to be discussed not only for making laws, but for actually making the laws work.

While concluding his address, His Lordship urged all the participants to make good use of the technical sessions and discuss burning issues as well as lacunae and come up with solutions in this regard. His Lordship also requested all the chairs of the technical sessions to share any concrete suggestions that came up, for circulation to other Judicial Academies and other places, where it would help in dealing with this issue.



**Excerpts from Address by
Hon'ble Mr. Justice M.R. Shah**

Judge, Supreme Court of India

Hon'ble Mr Justice Mukeshkumar Rasikbhai Shah, greeted the august gathering and congratulated the Chief Justice of High Court of Jharkhand, Judge In-Charge, Judicial Academy, Jharkhand and others for organising the conference on this sensitive issue.

In his address, his lordship mentioned how the graph of crimes against women is galloping at a fast pace and instead of dealing with the same, the stakeholders are passing the buck from one authority to another. His Lordship highlighted how in Indian culture, women are worshipped in different forms like *Shakti* (power), *Shraddha* (respect), *Chetna* (consciousness) and *Karuna* (compassion), but the same is in stark contrast to societal environment and conditions that lead to institutionalised violence against women. To place emphasis on this point, references were also made to the history, where even deities like Sita and Draupadi suffered.

His Lordship also expressed his anguish that how violence against women is a

recurring crime across the globe and even with rapid modernisation, legal advancements and policy reforms, such crimes exist and only continue to increase and are even leading to suicidal tendencies among young women. His Lordship pinpointed the constant erosion of basic human values, tolerance and a spirit of live and let live, lack of education and economic independence of women as some of the major factors behind the increase. His Lordship emphasised on the need of awakening of the collective consciousness, change of the heart and attitude.

Moving further with his address, his Lordship enumerated the multitude of crimes against women, like domestic violence, dowry harassment, rape, molestation, eve teasing, female infanticide and feticide etc. His Lordship further emphasised that in order to do complete justice and ensure that women can live with dignity and honour, change in the socio-legal as well as the infrastructure of the justice delivery system is required. Freedom, independence, constitutional identity, individual choice and thought of a woman be it a wife or sister or daughter or mother cannot be allowed to be curtailed and definitely not by application of physical force as threat or mental cruelty.

His Lordship called for stricter implementation of the Pre Natal-Diagnostics Techniques Act 1994 and that the catchphrase, '*Beti Bachao Beti Padhao*', should also include, '*Beti Badhao*' i.e to welcome the girl child, in order to ensure the same. His Lordship highlighted how the ambit of Article 21 of the Constitution has been extended time and again by the Hon'ble Supreme Court to protect the self-esteem and dignity of women.

His Lordship once again emphasised on the need of the state machinery to work in a more organised and dedicated manner for safeguarding women rights. His Lordship outlined how Criminal Procedure Code and other laws have been amended, policies have been framed but the long-term measures that need to be taken are education, awareness and empowering women economically and educationally, in their fight against violence, injustice and gender discrimination.

His Lordship then ended his address by mentioning the various topics of the technical sessions, especially cyber bullying and expressed his hope that the technical sessions would be helpful in finding solution to protect women from crimes committed against them.



Vote of Thanks by Hon'ble Mr. Justice Shree Chandrashekhar

Judge, High Court of Jharkhand- cum-Judge In-Charge,
Judicial Academy, Jharkhand

Hon'ble Mr Justice Shree Chandrashekhar, Judge In-charge, Judicial Academy, Jharkhand , on behalf of Judicial Academy, Jharkhand, expressed his gratitude towards all the participants of the conference especially Hon'ble Ms Justice Sonia G. Gokani, Hon'ble Ms Justice Moushumi Bhattacharya, Hon'ble Ms Justice Anjana Mishra, Hon'ble Judges of High Court of Jharkhand, Madam Dimpi Shah, Madam Dr Sunita Roy, Advocate General, senior bureaucrats and police officials, and Ms. Nidhi Banga for attending the conference. He profusely thanked Hon'ble Mr Justice M.R. Shah, Hon'ble Mr Justice Aniruddha Bose and Hon'ble Mr Justice Dr Ravi Ranjan, for initiating the dialogue and deliberation on crime against women.

In his vote of thanks, he highlighted how the eminent chief guest, guest of honour and the esteemed guests had done their part in combating crime against women and how it was a privilege for the Judicial Academy, Jharkhand to organise this conference with such eminent speakers. He expressed his thanks to the district administration and acknowledged the efforts put in by the officers at Academy, Registry and Judicial Magistrates, in organising and making the conference a success.

He ended his vote of thanks with the hope and message that everyone must solemnly resolve to create a world where there is no crime against women.

TECHNICAL SESSIONS





FIRST TECHNICAL SESSION

Topic :Crime Against Women: Impact on Victim and Society

Chair: Hon'ble Mr. Justice M.R. Shah, Judge, Supreme Court of India

Speaker : Hon'ble Ms. Justice Sonia G Gokani, Judge, Gujarat High Court

The first session of the conference was on the topic, 'Crime against women : Impact on Victim and Society'. The session was chaired by Hon'ble Mr. Justice M.R. Shah, Judge, Supreme Court of India while Hon'ble Ms. Justice Sonia G. Gokani was the speaker for this session.

The chair, Hon'ble Mr. Justice M.R. Shah introduced the session by stressing upon the significance of women in our life and how women play one role or the other in everyone's life in different capacities. Therefore, if a woman suffers, family suffers and so does the nation. The chair emphasised on the serious consequences of crime against women upon the victim and the society at large which is why we must all pledge to



protect women and treat every woman equally. He also pointed out at the difference in treatment meted out to daughters and daughters in law. He mentioned that harassment has severe impact upon the family and the society and hence, there is a need, to deliberate upon the impact of harassment, violence and other forms of crime against women and invited the speaker of the session, to share her thoughts.

The speaker, Justice Sonia G. Gokani thanked Justice Shah for highlighting the issue and mentioned how crime against women is still rampant worldwide, instances of which can be found on a daily basis in the newspapers. She further highlighted the stark reality that, there are many cases that go un-reported because of issues like family honour, societal ostracization, etc. The speaker recalled a case where the entire family had moved out of their homes in Gujarat where people knew them, to their ancestral place in Uttar Pradesh where nobody knew them, because the daughter was raped by father's friend, instead of reporting the same. The speaker recalled another incident

where a woman was regularly beaten at her home, and the victim, a mother of three children, accepted the beatings as a matter of course, without having any knowledge of her rights. In both these incidents, she threw light on how, along with the life of the victim, the entire family was disturbed. She urged the participants that such incidents should not be viewed as a routine matter but with sensitivity and empathy, as there are many who suffer in silence, in need of our support.

Moving further with her speech, she mentioned how men and women need to be treated equally and the same was practised during the Vedic Period. She referenced one of the verses from our scriptures, which reads as follows;

अतुलं तत्र तत्तेजः सर्वदेवशरीरजम्।
एकस्थं तदभून्नारी व्याप्तलोकत्रयं त्विषा॥

This verse from *Dev mahtmyam* 2.13 elucidates that a woman is made of many good qualities. "The incomparable radiance that was born from all gods and pervaded the 3 worlds, came to one place and took the form of a woman." The speaker stated that it is a shame that the status of woman has degraded so much today that she is at the receiving end of different forms of violence right from when she is in the womb till her death. India still has a lopsided sex ratio due to prevalence of female feticide despite the enactment of The Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 which completely prohibits gender-determination of fetuses .

She then moved on to the issue of trafficking particularly of trafficking of young women for sexual purposes. She explained the psychological impact of being sold from one hand to another, rape and other such offences, which mentally breaks the girl and pushes a woman into abyss of depression and trauma. as she is robbed of her dignity, her most valuable possession. In most of the cases, the victims choose to remain silent being afraid of society and in order to avoid the gruelling experience of narrating the traumatic experience before the police, prosecutor and the court. Further the speaker mentioned that there is no surety of delivery of justice in a society where victim-blaming is not uncommon and cross-examinations can be distressing and sadly, in some cases, even the judges fail to empathize with the victim. It was in this light that

Hon'ble Supreme Court in *Aparna Bhat and others v, State of M.P.* 2021 SCC Online SC 230, held that gender sensitization of judges and lawyers was necessary. The speaker further referenced various landmark judgments on the issues of appreciation of evidence, guidelines on dealing with rape cases, acid attack, victim compensation sexual harassment, and her presentation slides have been annexed herefor, for reference.

In the concluding remarks, the speaker and the chair both recognised the fact that empathy with the victim is non negotiable as no one chooses to be a victim. They should not be forced to pay the price for something which was not their fault and then suffer in silence. They should be able to talk about injustice that they experienced and move on from their trauma and build a society where they have support and can realise their full potential.

Crime Against Woman-Impact on Victim & Society

अतुलं तत्र तत्तेजः सर्वदेवशरीरजम्।
एकस्थं तदभून्नारी व्याप्तलोकत्रयं त्विषा ॥

“The incomparable radiance that was born from all gods and pervaded the 3 worlds, came to one place and took the form of a woman.”

दस उपाध्याय की बराबरी में एक आचार्य है
शत आचार्यों के बराबर एक पिता है
हजार पिता से एक माता श्रेष्ठ है !

- उपाध्याय आचार्य

This quote shows what was respect for woman in that era.

Introduction

- Crimes which are directed and committed specifically against women 'and in which only women are victims are characterized as 'Crimes Against Women'.
- It a direct or indirect physical or mental cruelty to women. Crime Against Women is any act of gender based violence that results in, or, is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Such crimes are social crimes as attributed on women.

Gender Based Violence

- Any act of gender based violence that result in or is likely to result in
 - Physical
 - sexual or
 - psychological harm or
 - suffering to women including threats of violence coercion or arbitrary depreciation of Liberty

whether occurring in public or private life is Gender based violence.

Violence against women throughout the life cycle

Pre Birth:

Sex-selective abortion; effects of battering during pregnancy on birth outcomes.

Infancy:

Female infanticide; physical, sexual and psychological abuse

Girlhood:

Child marriage; female genital mutilation; physical, sexual and psychological abuse; incest; child prostitution and pornography

Adolescence and adulthood:

incest; sexual abuse in the workplace; rape; sexual harassment; forced prostitution and pornography; trafficking in women; partner violence; marital rape; dowry abuse and murders; partner homicide; psychological abuse; abuse of women with disabilities; forced pregnancy

Elderly:

Forced “suicide” or homicide of widows for economic reasons; sexual, physical and psychological abuse

Female Foeticide

- Female foeticide is the selective elimination of the girl child in the womb itself done deliberately after the detection of the child's gender through medical means. This is usually done under familial pressure from the husband or the in-laws or even the woman's parents.
- The fanatic obsession with the male sex is one of a reason. The root cause for female foeticide lies within the cultural norms as well as the socio-economic policies of the country due to which this practice prevails.

Object of PC & PNDT Act

- The Pre-conception and Prenatal Diagnostic Techniques prohibition of sex selection act 1994 has been enacted to provide for the prohibition of sex selection, before or after. Conception, and for regulation of prenatal diagnostic techniques for the genetic abnormalities or metabolic disorders or chromosomal abnormalities or sex linked disorders and for the prevention of their misuse for sex determination leading to female foeticide.

- In the case of *Dwarika Prasad v. State of U.P (2014)* The direction was issued to refer the petitioner's case to the Medical Council of India, for suspension and for taking disciplinary action for misconduct for cancelling his registration and to initiating criminal against him for carrying out sex determination tests, failing to maintain and furnish records and on submitting prescribed From-F in accordance with the provisions of the Rules, and for carrying out ultra sonography tests, on young females of reproductive age conclusively, indicating that there tests were carried out for sex determination, which is a punishable offence under PC & PNDT Act.

Human Trafficking

- Human trafficking is fastest growing crime & second largest illegal trade in the world. Article 23 of the Indian Constitution prohibits trafficking and human being and forced labour. India has rectified several international laws that protect vulnerable citizens.
- Many unfortunate teenaged female children and girls in full bloom are being sold in various parts of the country for paltry seem even by their parents finding themselves unable to maintain their children on account of acute poverty and unbearable miseries and hoping that their children would be engaged only in household duties or manual labour.

- Section 370 of IPC talks about **Trafficking of Persons**.

Whoever, for the purpose of exploitation, recruits, transports, harbours, transfers, or receives, a person or persons, by—using threats, or using force, or any other form of coercion, or by abduction, or by practising fraud, or deception, or by abuse of power, or by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Bonded Labour

- Bonded Labour is an oppressive form of forced labour where, due to a debt or other obligation (customary, caste-based, economic consideration), the labourer forfeits certain basic rights and freedoms that are guaranteed by the Indian Constitution.

Orissa Hand Chopping Case

- The right hand palm of Dialu Nial and Nilambar Dhangda Majhi, who belonged to Kalahandi district, were chopped off by a labour contractor in December, 2013 after they refused to go to the place where the contractors wanted them to take for work.
- Odisha hand-chopping victim said, “Glad I survived, but nothing to look forward to when I wake up”

What is not Recognized?

- The government, the police think bonded labor is when someone is tied up in chains or locked inside a room. They don't even acknowledge that workers are bonded, they have a right to be paid, to not be beaten or abused, to have time off, to send their kids to school.

Sex Trafficking

- If any other person gets the benefit from the sexual exploitation of a child or any person, then it is sexual exploitation for commercial purpose, which is a punishable offence under The Immoral Traffic (Prevention) Act, 1956.
- Supreme Court in the case of Gaurav Jain v. Union of India said that prostitution is an offence, but those women who are involved in prostitution, shall be seen as victim rather than as an offender. The Court has also said that women and their children who are living in these conditions shall be provided with education and financial support so that they can join back to the main stream of the society they also should assisted in getting married, so that child prostitution can reduce.

Rape

- Rape destroys the entire psychology of a woman and pushes her into deep emotional crisis. The physical scar may heal up, but the mental scar will always remain. When a woman is ravished, what is inflicted is not merely physical injury but the deep sense of some deathless shame.
- The offender robs the victim of the most valuable and priceless possession, that is dignity. It is only by her sheer will-power that she rehabilitates herself in the society, which on coming to know of the rape, looks down upon her in derision and contempt. By the very nature of the offence it is obnoxious act of the highest order.
- In every society, women often suffer the violence and humiliation in rape. Rape is the commission of unlawful sexual intercourse or unlawful sexual intrusion.
- The very dignity of a woman is attacked in case of rape. Nothing is more outrageous to the dignity of a woman than the invasion of her physical or bodily privacy. Rape is the ultimate violation of the self.

Why Rape Victim Prefers to Remain Silent ?

- As already stated, 'rape' is one of the most inhuman crimes against the women. But, most often, no voice is raised against this crime.
- A woman who becomes victim of such a heinous crime does not generally report it to the police. Even, the victim's family does not encourage her to file a report to the police because of the following reasons:

- People generally hold the girl responsible.
- She and her family will get a bad name in the society.
- When she has been raped by someone who is known to her and her family.
- When she has been raped by an influential or a powerful man.
- When she is unmarried.

Phool Singh v. State of Madhya Pradesh (2022) 2 SCC 74

- No exceptional and/or special reasons were made out to impose the sentence of imprisonment for a term of less than seven years. On the contrary and in the facts and circumstances of the case, it can be said that the accused has been dealt with lightly by imposing the minimum sentence of seven years' rigorous imprisonment only.

Aparna Bhat and others v. State of M.P & Another (2021 scc online sc 230)

❖ Judgement of the case started from the quote of Henrik ibsen:

“ A Woman can not be herself in the society of the present day, which is an exclusively masculine society, with laws framed by men and with a judicial system that judges feminine conduct from a masculine point of view.”

❖ Further, courts should desist from expressing any stereotype opinion, in words spoken during proceedings, or in the course of a judicial order, to the effect that:

- (i) women are physically weak and need protection;
- (ii) women are incapable of or cannot take decisions on their own;
- (iii) men are the "head" of the household and should take all the decisions relating to family;
- (iv) women should be submissive and obedient according to our culture;
- (v) "good" women are sexually chaste;
- (vi) motherhood is the duty and role of every woman, and assumptions to the effect that she wants to be a mother;
- (vii) women should be the ones in charge of their children, their upbringing and care;
- (viii) being alone at night or wearing certain clothes make women responsible for being attacked.
- (ix) a woman consuming alcohol, smoking, etc. may justify unwelcome advances by men or "has asked for it";
- (x) women are emotional and often overreact or dramatize events, hence it is necessary to corroborate their testimony;
- (xi) testimonial evidence provided by women who are sexually active may be suspected when assessing "consent" in sexual offence cases; and
- (xii) lack of evidence of physical harm in sexual offence case leads to an inference of consent by the woman.

Patan Jamal Vali v. the State of A.P **2021 scc online sc 343**

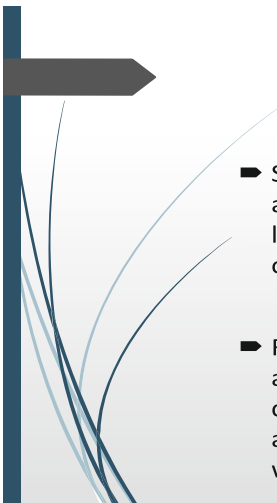
- victim being physically disadvantaged, she was already in a socially disadvantaged position which was exploited maliciously by the accused for his own ill intentions to commit fraud upon her and rape her in the garb of promised marriage which has put the victim in a doubly disadvantaged situation and after the waiting of many years it has worsened.
- It would not be possible for the victim to approach the National Commission for Women and follow up for relief and rehabilitation. Accordingly, the victim, who has already suffered a lot since the day of the crime till now, needs a special rehabilitation scheme.

Ganeshan v. State represented by its inspector of Police **(2020) 10 scc 573: (2021) 1 scc (cri) 76**

- Court has observed and held that there can be a conviction on the sole testimony of the victim/prosecutrix when the deposition of the prosecutrix is found to be trustworthy, unblemished, credible and her evidence is of sterling quality.
- In the aforesaid case, this Court had an occasion to consider the series of judgments of this Court on conviction on the sole evidence of prosecutrix.

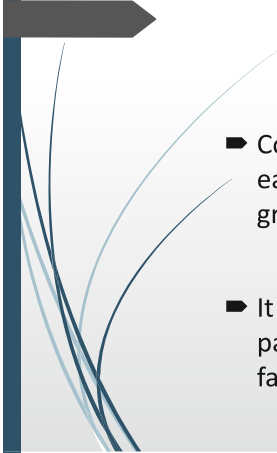
State of M.P v. Madanlal **(2015) 7 scc 681**

- In cases of sexual offences the concept of compromise, especially in the form of marriage between the accused and the prosecutrix shall not be thought of, as any such attempt would be offensive to the woman's dignity.



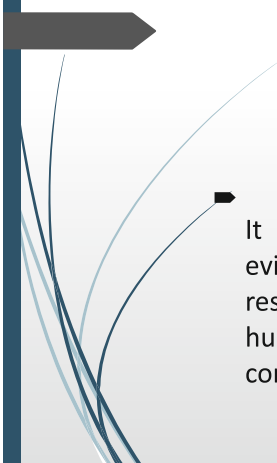
Pushpanjali Sahu v. State of Orissa (2012)9 S.C.C. 705

- Sexual violence is not only an unlawful invasion of the right of privacy and sanctity of a woman but also a serious blow to her honour. It leaves a traumatic and humiliating impression on her conscience-offending her self-esteem and dignity.
- Rape is not only a crime against the person of a woman, but a crime against the entire society. It indelibly leaves a scar on the most cherished possession of a woman i.e. her dignity, honour, reputation and not the least her chastity. It destroys the entire psychology of a woman and pushes her into deep emotional crisis.



State of U.P. v. Pappu (2005) 3 scc 594

- Court held that even in a case where it is shown that the girl is a girl of easy virtue or a girl habituated to sexual intercourse, it may not be a ground to absolve the accused from the charge of rape.
- It has to be established that there was consent by her for that particular occasion. Absence of injury on the prosecutrix may not be a factor that leads the court to absolve the accused.



Ranjit Hazarika v. State of Assam (1998) 8 scc 635: 1988 scc (cri) 1725

- It is well settled that the courts must, while evaluating the evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her.