

# Role of Judiciary in Strengthening the Criminal Laws relating to Women

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**Abstract:** "You can tell the condition of a nation by looking at the status of its women"- Pt. Jawaharlal Nehru. Women make almost 50% of the total population of the world. Then why this substantial section needs special protective laws. Biologically speaking also it is a proven fact that female race is superior to male. The answer is that for centuries the women have been subjected to domination and discrimination. They have been suppressed a lot and subjected to violence and different types of discriminatory practices.

**Keywords:** Judiciary, Strengthening Criminal Laws, Women

## I. INTRODUCTION

India is a complex country having various customs and traditions which have become a part of our society's collective consciousness. We worship female goddess. We also give great importance and respect to our mothers, daughters, sisters and other female relatives and friends. But at the same time we are well known for treating our women badly both inside and outside our homes. The main reason of suppression of women is male superiority complex and patriarchal system of society. There are several constitutional and other legal provisions which give special protection and empowerment to the women. But still the society has not given them the place equal to men.

The legislature in India has from time to time strengthened the criminal laws relating to Women. But these laws have proven to be less effective without proper implementation. The Indian judiciary is very much sensitized about the crimes against Women. The Honorable Supreme Court through its directions and guidelines has strengthened the criminal laws relating to women and has punished the culprits without taking into consideration their names and fame.

## II. SOME SPECIFIC CRIMINAL LAWS MADE FOR THE PROTECTION AND SAFETY OF WOMEN:

1. The Commission of Sati (Prevention) Act, 1937
2. The Dowry Prohibition Act, 1961
3. The Immoral Traffic (Prevention) Act, 1956
4. The Indecent Representation of Women (Prohibition) Act, 1986
5. The Prohibition of Sexual Harassment of Women at Work Place Act, 2013
6. The Protection of Women from Domestic Violence Act, 2005
7. The Medical Termination of Pregnancy Act, 1971

8. The Criminal Laws Amendment Act, 2013
9. The Criminal Laws Amendment Ordinance, 2018

## III. ROLE OF JUDICIARY IN STRENGTHEN THE CRIMINAL LAWS- RELATING TO WOMEN –

### A) Humanitarian Approach of judiciary toward sex worker and sexually abused women,

#### **Budhdave Karmaskar V. State of West Bengal<sup>1</sup>**

The bench in this case must be appreciated not only for just recognizing their right under article 21 of the Indian Constitution and directing the Center and State Govt. to act for their welfare but also to understand their prospective and impoverished situation.

### B) **Stop Acid Attack Regulate and Restrict the Sale of Acid.**

#### **Laxmi V. Union of India<sup>2</sup>**

To curb acid attack the Supreme Court give direction to conserved departments and authorities to curb and restrict the sale of acid throughout the country.

1. Criminal Appeal No. 135 of 2010 in the Supreme Court of India.

2. Writ Petition (C) No. 129 of 2006

### C) Safeguarding Rape Victims:-

#### **The conviction of Gurmeet Ram Rahim Singh**

When DeraSachaSauda head and Self-Styled GodmanGurmeet Ram Rahim Singh was accused of rape and sexual assault by two of his female followers in 2002, most people thought that this would be another case of a powerful man getting away with crime. But justice triumphed once again, and Singh was convicted

on two counts of rape in August . He was sentenced to 20 years in jail by a special CBI Court . The case also revealed the toxic and harmful cult the man had cultivated, where he would habitually assault and rape all his female followers. The two women who came forward were not taken seriously, and even threatened with death. But their hard work and bravery paid off, even if it was a shameful 15 years later.

This case showed how difficult it is for abused women to come forward, especially against a powerful man. The conviction resulted in the small town of Panchkula being set ablaze due to riots that lasted a few days. It showed us that our attitude toward survivors and their stories desperately needs to change.

#### **Death sentence to Nirbhaya's rapists**

The rape case that shook the nation five years ago is still branded in our minds, as a representation of everything that is wrong in our nation – from the way we treat our women to the broken system. Even though the four accused were convicted, it was only this year that the Supreme Court upheld the much-debated death sentence . The four convicts were sentenced to death in May.

The fact the rapists were caught and convicted in a short span of time, was, in itself, commendable (given the justice system's track record of failing victims). But to pronounce the harshest sentence it could was welcomed by everyone. Although capital punishment is still a hot topic of debate, the severity of the sentence was seen as a message for all those who thought they could get away with crime – the long arms of the law eventually catches you, and will make you suffer.

#### **D) Conviction of man for eve-teasing-**

In 2008, a young girl set herself on fire because she was constantly eve-teased and harassed by a man. Upon her death, her father filed a complaint against the man, who was arrested and convicted. The accused appealed to the SC this year , but the court in a hope-inspiring judgment, shot his appeal down, stating that there was 'no place for male chauvinism in society.'

The court condemning eve-teasing, a practice that is rampant in India, is a positive sign – one that will hopefully deter those who think they can get away with it. This case also brought to light how normalized this kind of disgustingly abusive behavior is in our society, that we don't even think twice about it.

These cases, and many others, made us think about the low depths we have sunk to as a society. Even with all the technological advances in the world, we still remain woefully stuck in the dark ages when it comes to society and people. Hopefully, more women will speak up and show the world that they will not be sidelined and silenced anymore. Here's to a better 2018 to all women out there.

#### **E) Safe Guarding the Women from Sexual Harassment at Work Place-**

As Zia Mody says in her book, *Ten Judgements that Changed India*, "Judicial activism reached its pinnacle in Vishakha Vs. State of Rajasthan."

The Bench, comprising of Chief Justice Verma, Justice SujathaManohar and Justice B.N. Kirpal issued Guidelines to prevent **sexual harassment against women in work places**. All complaints of sexual harassment by any woman employee would be directed to this committee. This is significant because an immediate supervisor may also be the perpetrator. The committee advises the victim on further course of action and recommends to the management the course of action against the man accused of harassment. This verdict was superseded by the Sexual Harassment of Women at work Place (Prevention, Prohibition and Redressal) Act, 2013.

#### **IV. CONCLUSION-**

The Indian judiciary is very much strict and sensitized to keep the women safe and protected from the mala fide hands and has subjected the culprits to severe punishments. But the rate of crimes committed against women is constant. Although the active and vigilant role played by the judiciary has given adequate relief to victims but the same has failed to stop the commission of crimes against women in an effective manner. We need to change the mentality of the society that the women are not an article of use. They occupy a respected place equal to men. They have the choice to live and to be in comfort with any man they like with their willingness. But they cannot be forced and eve teased to give pleasure to any man. Women can live in society freely having the cloths they like and the men should not commit any crime in the guise of their attractive appearance. We need to spread moral education among the male members of the society so that they can give respect to our women which they deserve.