

ROLE OF JUDICIARY IN PROTECTION OF RAPE VICTIM: CASE ANALYSIS

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ABSTRACT

Constitutional and ordinary law, via the judiciary, has served as a savior of women from horrors while also assisting in a variety of ways to raise women's status in all aspects of their lives. In this study the researchers main aim is to analyse the role of judiciary in protection of rape Victim by case analysis. The results shows that the status of women in our nation has grown to the present level, which, although not perfect, is nonetheless satisfactory, thanks to an active judiciary and public-spirited individuals who successfully navigated the position of women in our country to this point. The unbiased and independent court has always served as a real guardian of justice. Since independence, the judiciary has frequently interpreted and expanded the scope of legislative laws in favor of the underprivileged half of society, namely the women of our nation.

KEYWORDS: *Sexual Offences, Women protection, Indian Judiciary, Case Law etc.*

INTRODUCTION

All provisions of the Constitution and all legislation adopted by the legislature gain their true meaning and significance via the process of judicial interpretation. The courts have heard arguments over the Constitutional mandate and different statutes that provide for protective discrimination in favor of women in various facets of their social, economic, and political lives. The superior courts in India have developed gender jurisprudence through various devices such as judicial review, judicial activism, social action litigation, and the duty to enforce fundamental rights, giving substance and life to the constitutional scheme of protective discrimination in favour of women. The following is a thorough analysis of the judicial strategy in several situations where the courts effectively delivered their verdicts to enhance the position of women.

Rape is an assault against women's privacy and dignity. Courts have ruled in *Delhi Domestic Working Women's Forum v. Union of India* [1], *Bodhisathwa Gautam v. Subhra Chakraborty* [2], and *Chairman, Railway Board v. Chandrima Das* [3] that women have the right to life, liberty, and equal treatment as citizens. Their honour and dignity cannot be harmed or defiled. They have the right to live an honorable and tranquil life. Rape violates core human rights, including the right to life and privacy under Art. 21 of the constitution. Courts have granted compensation to victims in several situations.

In *Lillu @ Rajesh & Anr v. State of Haryana* [4], the Supreme Court recognized the trauma experienced by a rape victim who had to undergo two finger tests for character certification. The court ruled that this violated the victim's right to privacy and dignity, citing various precedents. The court ruled that medical operations should not be carried out in a cruel,

inhuman, or humiliating way, and that health should be prioritized when dealing with gender-based violence. The state has a duty to make such services available to survivors of sexual assault. Proper precautions should be taken to guarantee their safety, and there should be no arbitrary or unlawful intrusion into her private.

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The right against exploitation is acknowledged in Articles 23 and 24 of the Indian Constitution. Article 23 forbids "human trafficking, begging, and other similar forms of labor."

The term "traffic in human beings" clearly encompasses a wide range of activities, including the restriction on trafficking in women for immoral or other purposes. The Suppression of Immoral Traffic in Women and Girls Act of 1956 was also passed with the goal of preventing or eliminating immoral trafficking of women and girls. Article(s) 21 and 23 also require the state to locate, release, and rehabilitate liberated bonded workers.

In *Gaurav Jain v. Union of India* [5], the Supreme Court ruled that prostitutes' children had the right to equal opportunities, dignity, care, protection, and rehabilitation in order to participate in ordinary social life.

Aside from the foregoing, there are several issues to consider, such as recognizing women's right to maintenance not only under personal law but also under the criminal procedure code, regardless of their religion, in the case of *Mohd. Ahmed Khan v. Shah Bano Begum & others* [6], a stepmother in the case of *Pitei Bewa v. Larimidhi* [7], an adoptive mother[8], and a woman who has been in a live-in relationship for a long time can also receive maintenance based solely on a judicial verdict.

LITERATURE REVIEW

Dr. T.K.K. Naidu (2007) discusses the significance of forensic medicine in the prompt discovery of crimes. The author has noted that forensic medicine plays an important role in the prevention and detection of sexual offenses. Dr. Naidu has also stated that forensic medicine plays an important role in facilitating experts' scientific and medico-legal reports in the shortest amount of time, which is useful in early trial scheduling and providing effective administration and real justice to victims of sexual crimes. Thus, in this excellent effort, it has been noted that sexual offenses against women are on the rise. According to the author, the majority of such crimes go undetected for a variety of reasons. More significantly, the author has shown that, according to the National Crime Reports Bureau (NCRB), such crimes occur in India every 17 seconds on average, whereas crime against women occurs every three months. The author also states in this book that rape or sexual assault occurs every 27 minutes in India. More significantly, the author has demonstrated that forensic medicine plays an important role in early discovery and provision of scientific findings, which leads to a rapid trial and immediate justice administration.[9]

Dalbir Bharti (2008) discusses the reality that until we can eliminate dowry killings, discrimination against women, and sexual harassment, we would be unable to compete with modern countries throughout the world. The author went on to say that, despite the passage of

many regulations and changes to them, the ladies in our firm did not feel safe even in their own homes, let alone when they went out late at night. The author attempted to convey the idea that women were always feeling smothered because they were afraid of being sexually harassed by a stranger or subjected to some other humiliation. It has also been revealed that the condition of women has not changed at all, despite grandiose claims made by numerous stakeholders. Women continued to feel unequal and discriminated against in terms of higher education and professional advancement. Even now, some of the girls have no say in selecting their life mates. The author further stated that according to a global poll conducted in 2008, our nation, India, was ranked at serial Women continued to feel unequal and discriminated against in terms of higher education and professional advancement. Even now, some of the girls have no say in selecting their life mates. The author also stated that, according to a global poll conducted in 2008, our nation, India, was ranked as serial.[10]

In this article, Rustum Singh Thakur (2010) approaches the crime from a new perspective. He wrote that "eye for an eye" has the potential to blind the entire planet. The researcher discussed the relevance of the re-formative theory, which always attempts to improve and rehabilitate the victim in relation to society standards. According to the study, the emphasis should be on bringing the perpetrator back into the legal fold and then living as a law-abiding citizen. In fact, the researcher condemned all forms of corporal punishment. However, the researcher attempted to strike a balance by finding that in the case of hardened criminals, such re-formative options were of little use, but they functioned better in the circumstances of first time offenders and minors.[11]

In this article, researcher GS Bajpai (2012) discusses the major issues faced by India's criminal justice system in terms of victims and witnesses. This is a one-of-a-kind article in which all 18 chapters discuss the perspectives of both victims and witnesses in relation to our legal system. The researcher also emphasized the importance of witness protection programs from the perspective of victims of sexual and gender-based abuse.[12]

Anika and Fraser (2014), in this article, underline the importance of forensic science in the investigation of sexual offenses. The researcher also discusses the elements and situations that prevent appropriate use of forensic science in the investigation of sexual crimes against women, despite significant technological advancements in our nation.[13]

Dr. Vidyadevi Patil (2015), in this book, the author portrayed that, according to government sources, rape incidents in India increased between 1990 and 2008. The author has addressed the well-known fact that in the majority of cases of sexual crimes against women in India, the offenders are close relatives or family members of the victim, or are known to the victim. Furthermore, the author has highlighted the fact that the victim's conduct was strongly related to the criminal activities surrounding her. The victim's actions, if proper, might assist avoid a criminal act or, at the very least, reduce the consequences of the offender's illegal act. The author also discussed three sorts of victims: juvenile victims of violence, chance victims, and those who are predisposed to become victims, including themselves. Again, the author highlighted that in situations of sexual crimes against women in India, 70% of the victims knew the attackers. Going further, this author has taken up a different feature: there has been an upsurge in crimes, particularly sexual crimes, committed by juveniles, which has been strongly linked to the economic downturn. According to the author, children who have been victims of violent acts, especially sexual assaults, might subsequently become young criminals.[14]

Terence Thomas (2016), in this book, the author has brilliantly written about the need of sensitizing police organizations in dealing with crimes, particularly sexual crimes against women. Previously, there was a shortage of facilities for conducting medical examinations, as well as a lack of adequate support services for victims of sexual crimes. Aside from that, the author depicted in this book a completely distinct but significant feature: rape and sexual assault cases were completely underreported, as victims were too afraid to come out and raise their voice against the perpetrators of the crime to the police and other authorities.[15]

The author of Dr. Gurpreet Pannu (2017) has addressed the problem of violence against women. In this book, the author discusses the painful fact that, while Indian society equates women to goddesses, women are really recorded as slaves. Indian women are not even considered as human beings with dignity or self-respect. The author also portrays how women in India have historically struggled economically and been vulnerable to social exploitation. In terms of Indian culture, it is based on the incorrect assumption of male supremacy and superiority, whereas women in India are treated as second-class citizens. The author also highlights the stark truth that, despite the overall progress made by Indian women in various domains of education, scientific research, and so on, sexual violence against women is on the rise.[16]

In Dr. Vibha Hetu (2018), the author discusses the problem of rape. This book contains well-evidenced material on how to deal with the more controversial subject of rape victims' rights in India's orthodox milieu. The author also discussed the utter lack of information about the rights of rape victims protected by our legal system. The author has written an excellent summary of the criminal justice system's response to sexual assault victims. Aside from that, the distinction between what is offered by legislative provisions and what is really executed on the ground level has been thoroughly underlined in this excellent work. In a nutshell, the current work accurately portrays the misery of victims of sexual assault, first at the hands of offenders of such crimes and then by our theoretical criminal justice system.[17]

Nieder (2019) evaluates the present state of sexual assault against women in India and their different coping techniques. The researcher conducted 15 semi-structured interviews with Indian college students aged 17 to 22. The current scenario poses a significant threat to women and highlights the impact of sexual abuse on their life. Second, to deal with sexual assault, women listed three sorts of strategies: (a) safety, (b) avoidance, and (c) empowerment. Our discussion suggests that women's usage of safety and avoidance methods contribute to perpetuating their anxiety and social dynamics.[18]

Suvarna Cherukuri et al.'s (2021) study provides a feminist criticism of the legal language around rape and the death sentence. It examines an ironic appropriation of the critique of sexual assault by a patriarchal discourse on social harm and communal consciousness. The research investigates how wrath toward the perpetrators and calls for the death sentence protect wider sexist societal norms. This myopic wrath ignores sexual assault in women's daily lives. Finally, the article examines why legislative reforms prompted by terrible incidents of sexual assault, which have received considerable media exposure, fail to accomplish systemic societal change.[19]

According to Debanjan Banerjee et al. (2022), sexual assault and physical aggression in marriages have always been considered a murky legal area. Marital rape is defined as "forcible sexual assault or violence by one spouse towards the other." In other terms, it is the act of having sexual relations with one's spouse without his or her consent. Though starting a sexual

connection between a married couple was traditionally seen as a "right" in many communities, the context of permission has become equally significant as among nonmarried persons. Since the twentieth century, there have been increasing international agreements and voices against sexual and intimate partner abuse in marriages (particularly sexual violence against women). Despite the well-known terrible repercussions of any sort of coerced sexual contact, marital rape has long been shrouded in legal uncertainty in many countries, operating outside of criminal law and commonly accepted.[20]

Beatriz Cruz et al. (2023) give official statistics on reported and convicted individuals in European nations, analyzing crime trends and the varied involvement of sexes in certain criminal offenses. Furthermore, this chapter discusses potential gender disparities in the ethology of crime on three levels: individual, family, and society. The second portion discusses gender and criminal victimization, focusing on domestic violence and sexual offenses. The final portion of this chapter discusses the courts' punishment policy. Data on European sentencing practices are given, with a focus on specific criminal acts. Aside from data on incarceration, various types of penalties are discussed. This portion of the book goes into further detail about the elements that may contribute to the disparities in sentencing between men and women.[21]

Dr. Sushma Singh et al. (2023) revisit the controversy over the age of consent in India. It evaluates them in light of new legal changes, adjudicates cases of sexual assault, and investigates the consequences of the new legislation for teenagers and their sexuality. We claim that legal developments have created a number of obstacles for teenagers discovering their sexuality, as well as courts adjudicating on love, romance, and elopement. This study analyzes and contrasts India's stance with that of Australia, New Zealand, and the United Kingdom in order to offer an overview of the present legislation in effect dealing with child sexual offenses, as well as to track the evolution of discussions on the age of consent for sexual activity.[22]

On Thursday (May 2), the Anmol Kaur Bawa (2024) Supreme Court heard a suo motu case brought by it in response to a Calcutta High Court verdict in which certain observations were made about the sexual conduct of teenagers, particularly young females. The suo motu case titled "In Re: Right to Privacy of Adolescents" was heard by Justices Abhay S Oka and Ujjal Bhuyan.[23]

Ionel Zamfir's (2024) paper presents an overview of the legislative laws governing rape in the 27 EU Member States, with an emphasis on rape victims' lack of consent. It seeks to conduct a comparative study of these provisions in light of the ongoing interinstitutional deliberations on the proposed EU regulation to prevent violence against women and domestic abuse. More information may be found in the EPRS 'EU legislation in process' briefing on the proposed EU regulation 'Combating violence against women and domestic abuse', which will be issued in September 2023.[24]

CASE ANALYSIS

BADAUN RAPE CASE [25]

This case aptly highlights the gaps in the administration of provisions for filing a first information report and doing an investigation in sexual assault cases, which is a clear violation of the existing provisions of the Criminal Procedure Code associated to rape and other sexual assault cases. In this case, the first information report was not lodged immediately, despite the fact that it is a well-established law that whenever the police receive information about the commission of a cognizable offence, the police must first register the first information report before proceeding with the investigation. In this situation, the initial information report was not recorded until the post-mortem was performed. For an extended period of time, no action was taken against the Officer in Charge of the pertinent Police Station under Section 166A of the Indian Penal Code.

According to reports, initial information was just filed against the involved Police Officer under Section 166A of the Indian Penal Code, which is both too late and too little in light of the public outcry. Until now, one of the suspects has not been apprehended. There were clear charges that the Temple Priest and his collaborators committed the offense, but the first information report was not filed as soon as required by law, and no action was taken against the involved SHO for breaking the terms of law. Even the Central Bureau of Investigation submitted a closure report, which was later dismissed by the Additional District and Sessions Judge presiding over the POCSO Court. If the court had not dismissed the closure report, this case, which sparked the emotions of the entire nation, would have been permanently closed. Even so, the inquiry was not done in accordance with the law. Despite extensive media coverage, the probe did not conclude within the time span specified. In fact, as the investigation by the Special Investigation Team or the Central Bureau of Investigation progressed, the current case became more complicated, while the accused remained on bail and justice was not served to the victims, despite the existence of stringent legal provisions in the Indian Penal Code. Even the physician who performed the victims' medical examination stated that she was inexperienced and had never handled a rape inquiry before. This data also suggests that professional police officers and medical practitioners are not used to conduct investigations into major incidents of rape. The current rape case has attracted both national and international interest.

UNNAO RAPE CASE [26]

The current case is a typical illustration of the police-criminal relationship in sexual offense cases. There have been countless examples of sexual assaults against women in which either the initial information report is not filed or the victim does not receive justice from the police. In other circumstances, the cancellation report is relocated, witnesses are threatened, or the right case is not presented in court in order to prevent justice being served to the victim. When such a case of sexual offense against women has political overtones, the law enforcement agencies can go to any length to thwart the dispensation of justice, as the victim must run from pillar to post to obtain justice, and as a result of this situation, the victim of rape and other sexual offenses chooses not to knock on the door of justice because they do not expect right but humiliation in the eyes of the public. This case also highlights the gaps in the investigation and how police might distort the facts of a case while investigating such serious crimes. As a result, the regulations pertaining to the registration of first information reports and the fair and

prompt investigation of sexual crime cases have not been fully implemented.

The police make every effort to clear the primary accused, even when a finger of guilt is expressly pointed at him, as in this case. The cops made every attempt in the current instance to sway the investigation in favour of the accused. This case highlights a failure to follow both the statutory requirements of the Indian Penal Code and the Supreme Court of India's guidelines for investigating sexual criminal offenses. In [27], the Hon'ble Apex Court of India issued guidelines for investigating sexual assault cases, as outlined below: As soon as information about the commission of a cognizable rape case is received, the Investigating Officer must take the required procedures to bring the victim to the Judicial Magistrate for the purpose of recording her statement under Section 164 of the Criminal Procedure Code. The Investigating Officer is required to record the specific day and time he learned of the sexual crime. He is also required to record the date and time when he or she took the victim to the Lady Judicial Magistrate. If there is a delay of more than 20 hours in taking the victim to the Lady Judicial Magistrate, the investigating officer must record specific explanations for the delay and send a copy to the concerned Illaqa Magistrate. The Unnao rape case highlights a lack of adherence to the Hon'ble Apex Court of India's guidelines for impartial investigation of sexual assaults. The victim's statement under Section 164 of the Criminal Procedure Code was not recorded. No medical examination of the victim was performed immediately, and a copy was given to the appropriate Illaqa Magistrate. While minor amendments to the Indian Penal Code may be necessary for sexual offenses, the most important aspect is proper implementation of sexual assault laws and Supreme Court directions, particularly in recent cases.

HATHRAS GANG RAPE CASE (2020)

This case once again sheds emphasis on the procedural aspects of sexual assault cases [28], notably the registration of FIRs, the appropriate time period, and expert investigation in such circumstances. According to Section 173 (1A) of the Code of Criminal Procedure, the investigation into rape cases and other similar sexual offences must be completed within two months of the police receiving information about the commission of such a cognizable crime. In the particular case, the event happened on September 14th, 2020, yet the inquiry was not completed within two months. More than that, this case demonstrated police officials' total disinterest toward conducting honest and impartial investigations into such offenses, particularly when the case had political overtones.

Despite public and media scrutiny and indirect oversight by the Allahabad High Court and the Honourable Supreme Court of India, the police used delaying tactics to evade justice for the victim. The body of a juvenile girl was cremated hurriedly and without the approval of her family members, which violated the rules and procedures. The police justified their legal action, right up to the Supreme Court, by invoking the law and order situation. Certainly, the police authorities were not authorized to breach the terms of the law, notwithstanding the so-called law and order issue. In this case, it is the CBI that has clearly noted severe breaches on the side of Uttar Pradesh's police authority. Following the Hathras Gang Rape Case, the authorities received widespread condemnation. People said that the government neglected to address the problem of sexual violence against women. The Central Government released an advice in which three key articles of the Criminal Procedure Code were underlined. The first included the mandatory registration of FIRs in sexual offense cases when information was received by the person in charge of the police station. And if such officer did not file a FIR, he

will be held accountable under Section 166 A of the Indian Penal Code [29]. The victim's statement was recorded late, which violated the law and the Supreme Court of India's directives in *Ms. A v. State of Uttar Pradesh* [30]. The CBI also highlighted a delay in conducting the following medical examination of the underage girl, which violated the rules of law. This case exemplifies a failure to provide justice to victims of rape and sexual offenses by limiting the procedure and implementation of the Indian Penal Code and disregarding Supreme Court directives in various cases.

CHITRAKOOT GANG RAPE CASE

This case [31] aptly demonstrates the gaps in the execution of provisions for filing an initial report of information and conducting investigations in sexual assault cases, which is a clear violation of the current rules in the Indian Penal Code associated to rape and other sexual assault cases. In this case, the first information report was not lodged immediately, despite the fact that it is established law that whenever information about the commission of a cognizable offence is received by the police, the police are required to register the first information report first and then begin investigating the matter. In this situation, the initial information report was not recorded until the post-mortem was performed. No action was taken against the Officer in Charge of the relevant Police Station under Section 166A of the Indian Penal Code.

KATHUA GANG RAPE CASE

This case [32] involves a horrible child rape of an 8-year-old girl, which causes a public outcry and turmoil. On January 12, 2018, a FIR was lodged based on a complaint by the victim's father. His lawsuit stated that on January 10, 2018, his 8-year-old daughter went to check over grazing horses at 30 minutes past noon. She was observed around 2 p.m., but when the horses returned at 4 p.m., she was not with them. After looking for her and being unable to locate her, her father filed a First Information Report (FIR) with the police, reporting that his daughter had gone missing. The victim's body was discovered on January 17, 2018, and police took it into custody to conduct an autopsy. A team of doctors conducted the postmortem at Kathua's District Hospital around 2:30 PM on the same day. On January 22, 2018, the case investigation was handed to the Crime Branch and Crime Headquarters in Jammu & Kashmir. The police published a statement naming seven people who had been detained and charged with the crime, including four police officers. Eight persons were detained, including four police officers. Two police officers were detained on suspicion of attempting to destroy evidence and taking money to conceal the event. One of the accused claimed to be 15 years old, but a medical check later revealed he was 19.

The girl's corpse contained clonazepam, according to the post-mortem report. The physicians' assessment found that the girl had been sedated before being raped and killed. Forensic evidence revealed that one of the defendants, Sanji Ram, had detained her for several days. Strands of hair found at the temple matched those removed from the girl. According to the forensic analysis, Asifa was raped several times by various males before being strangled to death and smashed in the skull with a hefty stone. The Delhi Forensic Science Laboratory examined 14 packets of evidence, including vaginal swabs, hair strands, blood samples from four suspects, viscera of the girl, her gown and salwar, plain clay, and blood-stained clay. On April 9, 2018, the police submitted a charge sheet against seven of the eight defendants at Kathua court. On April 10, 2018, a charge sheet was filed against the eighth accused, who

claimed to be a minor. On April 9, the police filed a FIR against attorneys who protested and attempted to prevent crime branch personnel from presenting the charge sheet in court. On May 7, 2018, the Supreme Court moved cases from Kathua to Pathankot in Punjab because the victim's father reported a danger to his family and counsel's lives in Jammu [33].

The Supreme Court ordered that the trial be expedited and held in camera, away from the media. The trial closes on June 3, 2019, after a year of procedures that included the examination of over 100 witnesses. On June 6, 2019, the special court in Pathankot convicted six of the seven suspects, comprising former revenue official Sanji Ram, Special Police Officers Deepak Khajuria and the couple Kumar, and two investigating officers, head constable Tilak Raj and sub-inspector Anand Dutta, Parvesh Kumar. The court acquitted one accused, Vishal. Sanji Ram, Deepak Khajuria, and Parvesh Kumar were convicted under Ranbir Penal Code provisions and sentenced to life in jail. The three were fined Rs 1 lakh each for murder and sentenced to 25 years in prison for gangrape. Anand Dutta, Tilak Raj, and Surender Verma were convicted of committing evidence destruction and sentenced to nearly five years in jail. Following this case, the legislature approved the Criminal Law Amendment Act of 2018, which amended the Indian Evidence Act of 1872, the Indian Penal Code of 1860, the Code of Criminal Procedure of 1973, and the Protection of Children from Sexual Offences Act of 2012. For the rape of a girl under the age of 12, the minimum imprisonment penalty is 20 years, with the possibility of life in prison or death. Perpetrators of gang rape on girls under the age of 12 will face life in jail or death. Subsection (1) of Section 376 was amended to increase the sentence period for criminals from seven to ten years. The change to Section 376 also makes the fine payable to the victim. Section 439 of the Code was revised to require courts to notify the Public Prosecutor of an accused's bail application under Section 376(3), Section 376 AB, Section 376DA, or Section 376 DB of the Indian Penal Code [34].

NIPUN SAXENA VERSUS UNION OF INDIA [35]

According to the Supreme Court, victims of rape may endure social ostracism and hostile discrimination. Such victims will have a tough time finding work, getting married, and integrating into society as regular human beings. Our criminal justice system lacks an appropriate witness protection program, therefore the necessity to protect the victim and conceal her identity is considerably higher. This is a serious topic dealing with victims of horrendous sexual offenses that must be handled with care. Without revealing her actual name, "Nirbhaya" became the most powerful symbol of resistance in the country's history.

The Court issued the following nine important directions:

1. No one may print or broadcast the victim's name in print, electronic, or social media, or even remotely divulge any details that might lead to the victim's identification and reveal her identity to the general public.
2. In cases where the victim is deceased or of unsound mind, the victim's name or identity should not be disclosed, even with the authorization of the next of kin, unless circumstances justifying the disclosure of her identity exist, which shall be determined by the competent authority, which is currently the Sessions Judge.
3. FIRs for offenses under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB, or 376E of the 39th Indian Penal Code, as well as offences under POCSO, must not be made public.
4. When a victim files an appeal under Section 372 CrPC, he or she is not required to

- reveal his or her identify, and the appeal will be handled in accordance with the law.
5. Police personnel should store any documents in which the victim's name is disclosed in a sealed cover, if feasible, and replace these documents with similar documents in which the victim's name is erased from all records that may be scrutinized in public.
 6. All authorities to whom the victim's name is disclosed by the agency conducting the investigation or the court are also required to keep the victim's name and a sense of self secret and not disclose it in any way other than in the report, which should be sent to the investigating agency or the court in a sealed cover.
 7. A request submitted by the next of kin for authorization for disclosure of the identity of a deceased victim or a victim of unsound mind under Section 228A(2)(c) of the Indian Penal Code should be made only to the Sessions Judge worried until the Government acts under Section 228A(1)(c) and lays down a criterion as per our instructions to determine such social welfare agencies or organizations.
 8. In the instance of minor POCSO victims, the Special Court may only sanction the revealing of their identify if it is in the child's best interests.
 9. All States/Union Territories must establish at least one "one-stop center" in each district within one year of this ruling [36].

LOCHAN SRIVAS VERSUS STATE OF CHATTISGARH

Sections 363, 366, 376 (2) (i), 377, 201, and 302 are read in conjunction with Section 376 of the Indian Penal Code, 1860, and Section 6 of the Protection of Youth from Sexual Offences Act, 2012. [37] The Supreme Court of India changed the death penalty verdict to life imprisonment due to flaws in the Trial Court's decision, notwithstanding the severity of the crime committed. In order to resolve the case in a single day, the trial court recorded all of the prosecution's evidence in one day, found the accused guilty, and sentenced him to death following a hearing on the quantum of sentence. The Supreme Court of India has repeatedly ruled that Section 235 of the Code of Criminal Procedure is essential and requires the accused to be given a reasonable chance to demonstrate cause for their sentencing. However, the accused was not given a meaningful opportunity to be heard on the magnitude of sentence, and the Supreme Court of India finally ruled in their favour.

RAVISHANKAR @ BABA VISHWAKARMA VERSUS STATE OF MADHYA PRADESH

A thorough review of the case reveals faults in the inquiry, prompting the Honourable Apex Court of India to lessen the sentence [38]. In the present case, the connection marks on the deceased/victim's neck, which were clear evidence of throttling to death, were noted down by Senior Scientific Officer PW20 Harsha Singh and Dr. Kinshu Jaiswal (PW12), but these facts were not incorporated by the Investigating Officer while preparing the panchnama. Similarly, viscera samples sent for chemical evaluation were discovered to be decayed/spoiled, hence they were not investigated. Similarly, the Investigating Officer took the accused's nails but failed to submit a report proving that the accused's DNA was there. There was another factory that indicated the flawed investigation in the current instance. Another suspect, Baba @ Ashok, was discovered to have fled during the inquiry, raising suspicions that another individual was also involved in the crime. The Supreme Court of India found insufficient evidence to exonerate the accused, but it was enough to change the death sentence to life in prison. The Apex Court of

India ruled that the current case did not qualify as the "rarest" of rare instances due to flaws in police investigation. All of this suggests that there is no substantial flaw in the law's provisions; the problem is with its implementation.

VISHAL JEET VERSUS UNION OF INDIA AND OTHER STATES AND UNION TERRITORIES (IMMORAL TRAFFIC (PREVENTION) ACT 1956)

A careful examination of the current case [39] reveals that laws and provisions relating to the sexual assault and prostitution of girls already exist, as correctly observed by the Hon'ble Supreme Court of India, but the issue is the effective implementation of those provisions by law enforcement agencies. In this scenario, law enforcement officials have been directed to act quickly before it is too late.

UNION OF INDIA VERSUS MUDRIKA SINGH

A detailed examination of the Supreme Court's decision will indicate that in this instance [40], the Apex Court of India expressly said that there was a growing tendency of resorting to hyper-technicalities in interpreting the regulations controlling service conditions. The Calcutta High Court took a very limited view of the severe charge of sexual harassment. While quashing the proceedings, the Calcutta High Court observed a slight variation in the date of the occurrence. In reality, the whole disciplinary procedures against the responder were discontinued for very important reasons. There is a need to interpret the regulations pertaining to sexual harassment in the workplace so that the complaint receives appropriate justice. The Supreme Court correctly remarked in this instance that the plaintiff had to confront the fury of several senior authorities while pursuing her sexual harassment suit, which could not be rejected on frivolous grounds. This case once again highlights the inadequacy of procedural and operational requirements in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Supreme Court correctly pointed out that while crucial laws on the issue may not benefit an aggrieved person of sexual harassment, the method used by law enforcement agencies may instead serve as a penalty for the complainant. Thus, the Supreme Court observed that there was a crucial need to uphold the dignity of the law by strictly enforcing it, as the right against sexual misconduct was vested in each citizen as part of the basic right to life and dignity under Article 21 of the Indian Constitution.

CONCLUSION

To summarize, the Indian judiciary has taken a proactive approach to dealing with sexual offenses. Unfortunately, India is one of the only countries where crimes against women have increased dramatically. In this environment, constitutional and ordinary law via the courts have been striving to protect women from atrocities while also assisting them in a variety of ways to improve the status of women in India. In reality, the current situation of women in our nation can be attributed to both an active court and public-spirited citizens. Without a question, an impartial and independent court has served as a real foundation of justice since its inception. The Superior Courts of India have established gender jurisprudence through diverse ways such as judicial activism, giving life and substance to the constitutional framework of protected discrimination in favor of women.

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