



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B(HONS.)FYIC**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER(VIII) – ACADEMIC YEAR .....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T/P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>806 CR SP IV</b>	<b>WOMEN AND CRIMINAL LAW</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>	<b>4</b>	

**A. CODE AND TITLE OF THE COURSE: 806 CR SP IV ,WOMEN AND CRIMINAL LAW**

**B. COURSE CREDIT: 4 (TOTAL MARKS 200)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: DR KASTURI GAKUL**

**E. COURSE INSTRUCTOR: DR KASTURI GAKUL**

## **1. COURSE OBJECTIVES**

Right to life, dignity, equality of status and opportunity for persons is proclaimed by the Constitution of India. Yet in reality discrimination, oppression and violence upon women has belied the constitutional mandate. Gender equality forms the very basis for establishing just and peaceful civilized society. This has been realized by India in particular and the world community at large which has emphasized upon the equal status of men and women and expressly prohibited discrimination on the basis of sex. The constant perpetuation of crimes against women in India has raised serious concern and hence enactment of various women specific legislation along with amendment in criminal law has been undertaken in India to address gender based violence. There is a gamut of international and regional norms and standards which emphasize upon the right of women to be free from violence and obligates the States to undertake measures to curb and eliminate gender based violence against women. The present course is confined to the discussion and analysis of laws dealing with crime against women in India and also focuses on the various international and regional standards pertaining to protection of women from violence.

The objectives of the course are-

- i. To familiarize the students with the international and regional framework to combat violence against women.
- ii. To discuss the laws relating to crimes against women under the Indian Penal Code 1860, the Code of Criminal Procedure 1973 and the Indian Evidence Act 1872.
- iii. To acquaint students with the changes brought about in the criminal law by the Criminal Law (Amendment) Act 2013.
- iv. To analyze the legal provisions under various women-specific legislation in India.
- v. To discuss the impact of COVID-19 on women vis-a-vis criminal justice system.
- vi. To critically analysis relevant judicial decisions relating to crimes against women.
- vii. To inculcate critical thinking and awareness pertaining to key issues concerning women vis-a-vis criminal law.

## **2. TEACHING METHODOLOGY**

For teaching the paper on Women and Criminal Law in the National Law University and Judicial Academy, Assam lecture method along with alternative and supplementary strategies for effective teaching will be utilized such as permissive style of teaching, group discussion and seminar presentation. There will be participatory teaching with discussion on important concepts and judicial decisions relating to the subject. To encourage self-study, individualized instruction and to inculcate study attitudes seminar topics are allotted to students in advance. The students prepare their topics from the list of sources suggested to them under the supervision of the teacher-in-charge of the subject. In the classroom every student is required to present their

respective assigned topic through seminar presentation and to have their doubt cleared through discussion. The teacher will guide the students in their pursuit of learning the subject and clarify doubts and queries of students, if any, and put forward suggestions for further readings. The topics will be taught through projected teaching aids like power point presentation and white board.

### 3. COURSE OUTCOMES

At the completion of the course, it is humbly expected that the students shall:

- Understand the nuances of each module and comprehend the intricacies of various topics related to the course.
- Be able to analyze the contemporary issues pertaining to women vis-a-vis criminal law in the light of the concepts learnt and articulate their ideas on the subject-matter of the course.
- Produce at least one research paper of publishable quality.
- Undertake future studies and Ph.D research work.

### 4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

**Internal assessment: 70% (140 marks)**

**External assessment: 30% (60 marks)**

Sl. No.	Internal Assessment	
1	2 Assignments	2 x 20 marks = 40 marks
2	Seminar/Group Discussion	20 marks
3	Class Test (Twice in a Semester)	2 x 35 marks = 70 marks
4	<b>Attendance in Class</b>	10 marks
5	Semester End Examination	60 Marks

## **5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

### **MODULE I**

#### **INTERNATIONAL AND REGIONAL NORMS AND STANDARDS**

- General Recommendations 12, 19, and 35 of the Convention on the Elimination of all Forms of Discrimination against Women 1979
- World Conference on Human Rights 1993 and Vienna Declaration and Programme of Action
- Declaration on the Elimination of Violence against Women 1993
- International Conference on Population and Development 1994
- The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) 1994
- Beijing Platform for Action 1995
- The Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution 1997
- Rome Statute of the International Criminal Court 1998
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003
- Secretary-General's In-Depth Study on All Forms of Violence against Women 2006
- Convention on the Rights of Persons with Disabilities 2006
- The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders 2010
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence 2011
- The United Nations Standard Minimum Rules for the Treatment of Prisoners 2015
- United Nations General Assembly 75th session (2020) - Agenda item 28: Advancement of women
- Commission on the Status of Women 64<sup>th</sup> Session 2020
- UN Women Report 2020
- Sustainable Development Goals

## **MODULE II**

### **LAW RELATING TO CRIMES AGAINST WOMEN UNDER THE INDIAN PENAL CODE 1860**

- Rape
- Demand For Dowry
- Dowry Death
- Cruelty By Husband
- Sexual Harassment
- Outraging the Modesty of a Woman
- Acid Attack
- Voyeurism
- Stalking
- Trafficking
- Kidnapping and Abduction
- Causing miscarriage

## **MODULE III**

- Honour Killing
- Witch-Hunting
- Women and the Code of Criminal Procedure 1973
- Provisions Relating to Women under the Indian Evidence Act 1872
- Women Prisoners in India
- Gender Based Violence against Women, COVID 19 and Criminal Justice System

## **MODULE IV**

### **SPECIFIC LEGISLATION ON WOMEN**

- The Immoral Traffic (Prevention) Act 1956
- The Dowry Prohibition Act 1961
- The Indecent Representation of Women (Prohibition) Act 1986
- The Commission of Sati (Prevention) Act 1987
- The Protection of Women from Domestic Violence Act 2005
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

### **PROVISIONS RELATING TO WOMEN IN OTHER LEGISLATION**

- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989
- The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994
- Information Technology Act 2000
- The Prohibition of Child Marriage Act 2006
- The Protection of Children from Sexual Offences Act 2012
- The Rights of Persons with Disabilities Act 2016

## **6. PRESCRIBED READINGS**

- Anjani Kant, *Law relating to Women & Children* (3<sup>rd</sup> edn, Central Law Publication 2012)
- K. D. Gaur, *Text Book on Indian Penal Code*, (4<sup>th</sup> edn, Universal Law Publishing Co Ltd 2014)
- Mamta Rao, *Law relating to Women and Children* (3<sup>rd</sup> edn, Eastern Book Company 2012).
- M. Monir, *The Law of Evidence* (8<sup>th</sup> edn, Universal Law Publishing Co Ltd 2013)
- Paras Diwan, *Law relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences* (Universal Law Publishing Co Ltd 2004)
- Ratanlal and Dhirajlal, *The Code of Criminal Procedure* (20<sup>th</sup> edn, Lexis Nexis Wadhwa 2012)

- S. C. Tripathi and Vibha Arora, *Law Relating to Women and Children* (6<sup>th</sup> edn, Central Law Publications 2015)
- Lalita Dhar Parihar, *Women and Law* (1<sup>st</sup> edn, Eastern Book Company 2011)
- S. Anand, *Justice for Women: Concern And Expressions* (3<sup>rd</sup> edn, Universal law Publication 2002)
- Ankita Anand and Nasreen Habib, *Witch Hunting: Beyond the Law*, Indian Foundation Journal, Vol.5 Issue No.3, May-June 2017, pp.22-25, ISSN 2347-1522 ([www.indian foundation.in](http://www.indianfoundation.in))
- Centre for Child and the Law, National Law School of India University, *Child Marriage and the Protection of Children from Sexual Offences Act, 2012*
- D. Nagasaila, “Gender Equality at Workplace: A Frozen Agenda” in Kalpana Kannabiran (ed), *Women and Law: Critical Feminist Perspectives*, (Sage Publications India Pvt Ltd 2014)
- Usha Tandon and Sidharth Luthra, *Rape: Violation of the Chastity or Dignity of Woman? A Feminist Critique of Indian Law* (Available at: [www.ssrn.com](http://www.ssrn.com)> abstract =2821495)
- Hon’ble Mr. Justice Dipak Misra, *Women Empowerment and Gender Justice* (Available at : [www.latestlaws.com](http://www.latestlaws.com)>wp-content.uploads>2015/04)
- Jayna Kothari, *Criminal Law on Domestic Violence: Promises and Limits*, Economic and Political Weekly , Nov. 12-18, 2005, Vol. 40, No. 46 (Nov. 12-18, 2005), pp. 4843-4849 (Available at - [https://www.jstor .org/ stable /4417395](https://www.jstor.org/stable/4417395))
- Amy Hornbeck , Bethany Johnson , Michelle LaGrotta & Kellie Sellman *The Protection of Women form Domestic Violence Act: Solution or Mere Paper Tiger?*, 4 Loy. U. Chi. Int’l L. Rev. 273 (2007). (Available at: <http://lawcommons.luc.edu/lucilr/vol4/iss2/6>)
- Thomson Reuters Foundation, Acid Survivors Trust International, J. Sagar Associates, *Justice? What Justice? Tackling acid violence and ensuring justice for survivors* (Available at -[https://www.trust.org/publication s/i/?id=4d72e4f4-4ea7-445d-b636-d8023944a859](https://www.trust.org/publications/i/?id=4d72e4f4-4ea7-445d-b636-d8023944a859))
- K.N. Chandrasekharan Pillai, “Women and Criminal Procedure” in Amita Dhanda and Archana Parasha (ed), *Engendering Law: Essays in Honour of Lotika Sarkar* (Eastern 1999) (Available at -<https://www.cwds.ac.in>)
- United Nations, Department of Economic and Social Affairs- Division for the Advancement of Women *Handbook for Legislation on Violence against Women*

( United Nations Publications 2010) (Available at [-https://www.un.org/womenwatch/daw/vaw](https://www.un.org/womenwatch/daw/vaw))

- Natalia Ollus and Sami Nevala (eds), *Women in the Criminal Justice System: International examples & national responses*, Proceedings of the workshop held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders Vienna, 2000  
(Available at [-http://old.heuni.fi/heuni/reports/Women\\_in\\_CJS](http://old.heuni.fi/heuni/reports/Women_in_CJS))

### **Statutes**

- The Indian Penal Code 1860,
- The Indian Evidence Act 1872
- The Code of Criminal Procedure 1973
- The Criminal Law (Amendment) Act 2013

### **Cases**

- State of Punjab v. Major Singh AIR 1967 SC 63
- Pratap Alias Ram Pratap v. State of Rajasthan 2003 CriLJ 2421
- Ramkripal Singh v. State of Madhya Pradesh, AIR 2007 (crl.) SC 370
- Kailesh v. State of M.P. AIR 2007 SC 107
- Deen Dayal & Ors v. State of U.P. (2009) 11 SCC 157
- Dasrath v. State of M.P. (2010) 12 SCC 198
- Thathansetty Suresh v. State of A.P. (2010) 13 SCR 890
- Rajbir@Raju and Anr v. State of Haryana AIR 2011 SC 568
- Laxmi v. Union of India (2014) 4 SCC 427
- Parivartan Kendra & Anr vs U.O.I & Ors on 7 December, 2015  
Ravada Sasikala v. State of Andhra Pradesh and Anr AIR 2017 SC 1166
- Independent Thought v. Union of India and Anr. AIR 2017 SC 4904
- Mukesh & Anr. vs. State for NCT of Delhi & Ors (2017) 6 SCC 1
- State of Himachal Pradesh and Ors. v. Vijay Kumar and Ors. AIR 2019 SC 1543  
Yogendra v. The State of Madhya Pradesh (2019) 9 SCC 243
- Patan Jamal Vali v The State of Andhra Pradesh Criminal Appeal No 452 of 2021
- Aparna Bhat v. State of M.P., CRIMINAL APPEAL NO. 329 OF 2021 (2021 SCC OnLine SC 230)