



# INDIAN JOURNAL OF LEGAL AFFAIRS AND RESEARCH

VOLUME 3 ISSUE 1

Peer-reviewed, open-access, refereed journal

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## **Introduction**

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

## **Preface**

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

## **Description**

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

# **"FRACTURED JUSTICE: UNRAVELING THE Labyrinth OF GENDER-BASED INJUSTICE IN INDIA'S CRIMINAL JUSTICE SYSTEM"**

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India's criminal justice system is a labyrinthine entity, beset by complexities and challenges that perpetuate gender-based injustices. Despite ostensible reforms, the system remains mired in patriarchal attitudes and norms, exacerbating the plight of women who navigate its labyrinthine corridors.

## **Women's Underrepresentation in the Criminal Justice System**

The dearth of women in the criminal justice system is a glaring anomaly that undermines the system's legitimacy. According to the National Crime Records Bureau (NCRB), women comprise a meager 7.3% of the police force in India. This paucity of representation has far-reaching consequences, as women's perspectives and experiences are frequently marginalized or ignored. According to the National Crime Records Bureau, crimes against women increased by 7.3% in 2020. Women in India are more likely to be victims of crime than perpetrators, with 53% of women experiencing some form of violence in their lifetime. The Indian police force has a significant shortage of women officers, with only 7.3% of police personnel being women. Women's representation in the judiciary is also limited, with only 12% of judges in the higher judiciary being women.

## **Laws and Policies Affecting Women**

India has enacted a plethora of laws and policies ostensibly designed to safeguard women's rights and promote gender equality. However, these laws and policies are often ineffectual or poorly enforced. The Protection of Women from Domestic Violence Act (2005), for instance, provides a semblance of protection to women from domestic violence, but its implementation and enforcement are frequently criticized for being lackluster. Similarly, the Criminal Law

(Amendment) Act (2013) provides for stricter punishments for crimes such as rape and acid throwing, but it has been criticized for not addressing the underlying causes of these crimes. To address the challenges facing women within the criminal justice system, it is essential to increase women's representation in the police force and judiciary. The Indian government must also strengthen laws and policies to protect women's rights and promote gender equality. Providing training and sensitization programs for law enforcement officials and other stakeholders is also critical to addressing gender bias and promoting gender-sensitive practices. Furthermore, establishing specialized courts and tribunals to handle cases of violence against women, including domestic violence and rape, is essential to ensuring that women receive justice. Providing support services, including counseling, medical care, and legal assistance, to women who are victims of crime is also critical.

### **Women's Experiences in the Criminal Justice System**

Women's experiences within the criminal justice system are often replete with trauma, harassment, and marginalization. Women who report crimes such as rape or domestic violence often encounter skepticism and hostility from law enforcement officials. They may be subjected to invasive and humiliating medical examinations, and may be forced to undergo protracted and traumatic court proceedings. Women accused of crimes also face significant challenges within the criminal justice system. They may be subjected to discriminatory treatment, including being denied bail or receiving harsher punishments than their male counterparts.

### **Reforms and Recommendations**

To address the challenges facing women within the criminal justice system, a plethora of reforms and recommendations are necessary. These include:

1. Increasing women's representation in the criminal justice system, including in the police force and judiciary.
2. Strengthening laws and policies to protect women's rights and promote gender equality.
3. Providing training and sensitization programs for law enforcement officials and other stakeholders to address gender bias and promote gender-sensitive practices.

4. Establishing specialized courts and tribunals to handle cases of violence against women, including domestic violence and rape.
5. Providing support services, including counseling, medical care, and legal assistance, to women who are victims of crime.

### **Challenges and Opportunities**

Despite the challenges facing women within the criminal justice system, there are opportunities for reform and improvement. The Indian government has taken steps to address some of the issues facing women, including establishing the National Commission for Women and introducing the Protection of Women from Domestic Violence Act (2005). However, more needs to be done to address the root causes of women's experiences within the criminal justice system. This includes addressing issues of poverty, education, and healthcare, as well as promoting gender equality and challenging patriarchal attitudes and norms.

### **The Role of Civil Society Organizations**

Civil society organizations play a crucial role in promoting women's rights and challenging patriarchal attitudes and norms. These organizations provide support services, including counseling, medical care, and legal assistance, to women who are victims of crime. Moreover, civil society organizations advocate for policy changes and reforms to address the root causes of women's experiences within the criminal justice system. They work with government agencies, law enforcement officials, and other stakeholders to promote gender-sensitive practices and challenge discriminatory attitudes and behaviors.

### **The Importance of Education and Awareness**

Education and awareness are critical components in promoting women's rights and challenging patriarchal attitudes and norms. Education helps to empower women and girls, enabling them to make informed decisions about their lives and to challenge discriminatory attitudes and behaviors. Awareness campaigns and programs also play a crucial role in promoting women's rights and challenging patriarchal attitudes and norms. These campaigns and programs help to raise awareness about women's issues, challenge discriminatory attitudes and behaviors, and promote

gender-sensitive practices. The Indian government has established several institutions to support women's empowerment, including the National Commission for Women and the Ministry of Women and Child Development. Despite these efforts, women continue to face significant challenges in accessing justice, including lack of awareness, lack of access to resources, and societal attitudes that perpetuate violence against women.

### **Conclusion**

India's criminal justice system faces significant challenges when addressing women's issues. Women's representation in the system is limited, and laws and policies designed to protect women's rights are often ineffectual or poorly enforced. To address these challenges, a plethora of reforms and recommendations are necessary. By working together, we can create a more just and equitable criminal justice system for all. While India's criminal justice system has made significant strides in addressing women's issues, much work remains to be done. By increasing women's representation in the police force and judiciary, strengthening laws and policies, and providing support services to women who are victims of crime, we can work towards creating a more just and equitable society for all.

### **References:**

1. National Crime Records Bureau. (2018). Crime in India.
2. United Nations Office on Drugs and Crime. (2018). Global Report on Trafficking in Persons.
3. International Labor Organization. (2017). Global estimates of modern slavery: Forced labour and forced marriage.
4. The Protection of Women from Domestic Violence Act (2005).
5. The Criminal Law (Amendment) Act (2013).