

GENDER SENSITIZATION OF POLICE AND JUDICIARY: EVALUATING INSTITUTIONAL RESPONSIVENESS TOWARDS FEMALE VICTIMS IN INDIA

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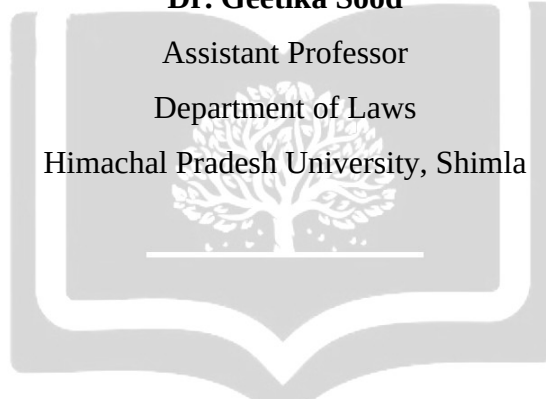
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Abstract

This study explores the evolving relationship between judicial attitudes, evidentiary standards, and gender stereotypes within India's legal system, particularly concerning cases involving women survivors of violence. Grounded in India's Constitution, which ensures gender equality under Articles 14, 15, and 21, the study examines how legal provisions have been interpreted and applied over time, moving from a strict, male-dominated approach to one increasingly focused on gender-sensitive justice. The analysis traces pivotal moments, such as the Mathura incident and the Delhi gang rape case, that catalysed legal reforms and judicial shifts toward more equitable treatment of women. Despite strong legal frameworks, institutional biases and outdated attitudes still persist, influencing verdicts and outcomes in gender-related crimes. The study highlights how courts have gradually moved away from doubting survivor testimonies and began giving greater weight to individual narratives, even when unsupported by corroborative evidence. Landmark rulings like **Vishaka v. State of Rajasthan** and **Lalita Kumari v.**

Government of Uttar Pradesh exemplify a growing commitment to upholding women's dignity and ensuring justice, even in the absence of specific laws. However, the persistence of gender stereotypes and unequal application of justice underscores the challenge: progress is not solely about new laws but changing entrenched beliefs within judicial and law enforcement practices. The research calls for deeper gender sensitization and a sustained focus on both legal evolution and the attitudes of those who implement justice.

Keywords: Gender Equality, Judicial Attitudes, Evidentiary Standards, Gender Stereotypes, Legal Reforms

INTRODUCTION

A civilized society develops through the contributions of women. If women's development reaches the highest level, then progress happens in every corner of the home, village, city, and country—this is when the vision of a good society truly takes shape. However, in India, the plight of women is such that crimes against them continue to rise, even when our literacy rate has reached 80%.¹

Now, whether it's the Nirbhaya case, the Hyderabad case, the Mathura case, the Jammu Kashmir case, the Unnao case, etc.-all these raise serious questions about women's safety. On the other hand, Parliament and State Legislatures have enacted numerous specific legal provisions-along with other major statutes-dedicated to women's safety and aimed at curbing the rising tide of crimes committed against them.² Yet, despite these efforts, the alarming prevalence of crimes against women persists. On one hand, the Indian Constitution-particularly Articles 14, 15, and 21-emphatically champions gender equality; on the other, the reality of our legal landscape serves as a stark mirror, reflecting the continued escalation of criminal offenses. The nature of crimes against women has intensified across various spheres-from government offices, factories, and corporate firms to private homes—encompassing rape, gang rape, exploitation, domestic violence, physical assault, and dowry-related murders. Consequently, specialized statutes such as the Protection of Women from Domestic Violence Act (2005), the Bharatiya Nyaya Sanhita, the Dowry Prohibition Act (1961), and the Supreme Court's **Vishaka** guidelines are proving

¹ Constitution of India, arts. 14, 15(3) and 21.

² National Crime Records Bureau, *Crime in India 2023* (Ministry of Home Affairs, Government of India, New Delhi, 2025/2026 publication cycle).

ineffective in curbing crimes against women. A primary reason for this failure lies in the gender-based bias exhibited by the police, who often intimidate and pressure victims-refusing to register their complaints-by baselessly accusing them of filing false cases solely to extort money; this systemic issue leaves the victimized woman to face not only the trauma of the crime but also the additional burden of humiliation and marginalization. A Rooted in India's Constitution, gender equality finds its basis in fundamental rights. Equality under law appears in Article 14, while unequal treatment based on sex is barred by Article 15(1). Provision for protective legislation favouring women and children exists through Article 15(3), a measure allowed despite general prohibitions. Life and personal freedom are secured under Article 21 - this scope now includes dignity, control over one's body, and private existence.³ Interpretations have widened these protections beyond literal wording. Foundational principles thus extend into lived experience. Such constitutional protections serve as a foundation where laws and court actions supporting women have developed over time. Still, whether these rights take effect often rests on how alert and reactive law enforcement agents and legal decision-makers happen to be - these individuals stand at the front edge, also within judgment roles, across justice operations. The National Family Health Survey-5 (NFHS-5) report, released by the Union Ministry of Health and Family Welfare in May 2022, reveals the stark reality regarding crimes against women: approximately 30% of women aged 18 to 49 have faced some form of physical violence or abuse since the age of 15. Furthermore, regarding marital violence, 32% of women have been victims of physical, sexual, or emotional abuse at the hands of their husbands or their husbands' families during their married lives. There has been no significant decline in domestic violence; while there was a marginal decrease compared to the 2015-16 survey (NFHS-4)-dropping from 31.2% to 29.3%—the prevalence remains alarmingly high. Moreover, victims of such violence often endure both mental and physical abuse in order to preserve their families' social honor.⁴

Only 14% of women come forward to seek help or speak out about their experiences—a statistic that underscores the pervasive social stigma and the lack of institutional trust. As a result, discriminatory social norms and a patriarchal mindset normalize violence, making it even more difficult to prevent.⁵ On one hand, the Bharatiya Nyaya Sanhita (BNS) 2023 prioritizes offenses

³ INDIA CONST. arts. 14, 15(1) & 15(3).

⁴ Legislative Department, Ministry of Law and Justice, Government of India, *The Constitution of India*, available at: <https://legislative.gov.in/> (last visited on 18 October 2026).

⁵ Supreme Court of India, *K.S. Puttaswamy v. Union of India*, W.P. (C) No. 494 of 2012, judgment dated 24 August 2017, available at: https://api.sci.gov.in/supremecourt/2012/35071/35071_2012_Judgement_26-Sep-2018.pdf (last

against women and children consolidating them into a dedicated chapter and mandates stricter penalties for such crimes, thereby placing a strong emphasis on the enhanced protection of victims. Furthermore, this legislation retains the essential safeguards that were present in its predecessor, the Indian Penal Code (IPC). ⁶The BNS 2023 introduces numerous amendments and new definitions aimed at combating gender-based The National Crime Records Bureau (NCRB) recorded a total of 448,211 cases of crimes against women in its "Crime in India 2023" report (BNS section 85 punishes the crime of cruelty to women) Cruelty by husband or relatives: 1,33,000 cases (accounting for 29.8% of total crimes against women) Assault with intent to outrage modesty 83,891 cases Rape 29,670 total cases (comprising 28,821 cases involving women aged 18 and above and 849 cases involving girls below 18).⁷

Insult to modesty 8,823 cases Dowry deaths: 6,156 cases Abatement to suicide: 4,825 cases Acid attacks 113 cases And in the 2022 report, compared to the data from 2021, there has been a 4% increase in crimes against women. The national crime rate stood at 66.2 incidents per 100,000 female population, with 66,381 cases recorded in Uttar Pradesh alone.⁸

For instance

Section 2(10) incorporates a definition of 'gender.' Furthermore, Exception 2 to Section 63 has been amended to raise the age of consent for sexual intercourse with one's wife from 15 years to 18 years.⁹

A new Section 69 has been introduced, stipulating that any person engaging in sexual intercourse through deceitful means (or similar methods) shall be punishable with imprisonment for a term of up to 10 years.¹⁰

Regarding the age limit for the offense of gang rape, Section 70(2) of the BNS¹¹ raises the age threshold for deeming a victim to be an adult (major) from 16 years to 18 years. Consequently, anyone who commits gang rape against a woman under the age of 18 shall now be punishable by

visited on 18 October 2026)

⁶ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, ch. V, §§ 63–99 (India).

⁷ Id. §§ 64–71, 74–80; Ministry of Home Affairs, Government of India, *Strict Action for Crimes* (17 December 2024), available at: <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=2085165> (last visited on 18 October 2026).

⁸ Bureau of Police Research and Development, Ministry of Home Affairs, Government of India, *The Bharatiya Nyaya Sanhita, 2023*, available at: https://bprd.nic.in/uploads/pdf/Final_BNS.pdf (last visited on 18 October 2026).

⁹ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, § 2(10) (India).

¹⁰ Id. § 63, Exception 2.

¹¹ The Indian Penal Code, 1860, No. 45 of 1860, § 375, Exception 2 (India).

the death penalty. This legislation explicitly criminalizes sexual relations established through deceitful methods or false promises of marriage.

In cases involving heinous crimes against women—including specific instances of rape this legislation mandates enhanced punishments, which may include the possibility of the death penalty. but over time, its impact helped reshape how sexual violence is viewed legally. With clearer wording today, protections have evolved not just in text but in intent. Though replaced, legal reasoning shaped during the earlier code's time still holds relevance today.¹² Specifically, Section 199(c) provides for the punishment of a public servant who fails to record information regarding cognizable offenses committed against women—specifically, information furnished under Section 173(1) of the BNSS¹³. Change did not arrive suddenly; it emerged through layered court interpretations over years. One ruling, once controversial, later became pivotal in redefining consent standards. Legal evolution here was less about new statutes, more about reinterpretation of old ones. Precedent built under colonial law continued influencing modern decisions long after independence. Judges slowly moved away from rigid evidentiary demands in sex offence cases. Public response to certain verdicts helped expose flaws within existing frameworks. Doctrine evolved because static rules could not address dynamic social realities. What mattered most was how courts chose to apply laws already in place. Earlier assumptions about victim behavior gradually lost ground in rulings.¹⁴ Not every judgment advanced progress; some sparked backlash instead. Over time, emphasis shifted toward survivor experience rather than procedural formality. Landmark moments often followed public outcry, yet change remained incremental. Despite structural continuity, interpretation introduced meaningful shifts. Old provisions gained fresh meaning without legislative overhaul. Courts began acknowledging power imbalances inherent in gendered crime. Legal language stayed similar, but its application transformed subtly. From narrow definitions arose broader understandings of injustice. Past decisions now serve as cautionary lessons alongside guiding principles. Under India's 2005 law on domestic abuse, women gained enforceable protections once seen as matters confined to homes. Instead of silence, the state now enables court-issued safeguards- on safety, shelter, financial support - through appointed officials alongside.¹⁵

¹² The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, §§ 65, 66 & 70(2) (India).

¹³ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023 (India); The Indian Penal Code, 1860, No. 45 of 1860 (India).

¹⁴ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, § 199(c) (India); The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46 of 2023, § 173(1) (India).

¹⁵ *Tukaram v. State of Maharashtra*, (1979) 2 SCC 143.

judicial oversight. A later ruling expanded who may be named in such cases, shifting focus from narrow roles to broader accountability within households. Where past readings limited responsibility, evolving interpretations prioritize intent: laws exist to uphold fairness, especially when power imbalances persist. Rather than restrict access, courts affirmed that statutes meant to correct injustice must remain open, adaptable, inclusive by design. Within cases on job-related harassment, the highest court's pivotal decision in *Vishaka v. State of Rajasthan*¹⁶ treated unwanted sexual conduct as breaching rights under Articles 14, 15, and 21, setting enforceable standards where laws were missing. Because no statute existed at the time, these principles later became law through the 2013 act addressing misconduct toward women at work. Far from passive interpretation, the ruling illustrated how courts may respond when legal frameworks lag behind treaty commitments such as those in CEDAW. Despite limited statutory tools then available, the outcome highlighted an institutional readiness to uphold dignity through constitutional means.¹⁷

Even with strong laws in place, real-world application often falls short. Investigations take too long; questioning can be harsh, unwelcoming court settings add strain, while community expectations weigh heavily on those who report harm - especially women. Though special courts, unified support hubs, and financial aid programs exist to respond, outcomes differ widely depending on location. What stands out is a recurring mismatch: ideals written into policy do not always reach daily practice.¹⁸ Change requires more than routine instruction - it demands shifts beneath the surface of habit and belief. Hence, viewing gender sensitization solely as a single event misses its true nature - it unfolds gradually within institutions. Although police schools and courts now include lessons on fairness across genders, how strictly these are followed still differs widely. When laws change, real progress follows only if enforcement stays consistent, judges monitor closely, yet without persistent support from leaders, momentum fades. What matters most is not the rule written, but whether it lives beyond paper.

Accordingly, this study examines if repeated constitutional duties, changes in lawmaking, followed by active court decisions have truly shaped a system focused on victims. Rooted in legal evolution, it weighs how well laws are applied alongside interpretations made by judges

¹⁶ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

¹⁷ Ministry of Women and Child Development, Government of India, *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, available at: <https://wcd.gov.in/> (last visited on 18 October 2026).

¹⁸ *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759.

when measuring institutional reaction against constitutional ideals.¹⁹ Yet transformation depends less upon forward-looking statutes instead rests within the ability of courts and officers to live out fairness toward genders during daily work.

Judicial Attitudes, Evidentiary Standards, and the Persistence of Gender Stereotypes

Assessment of gender awareness in criminal justice demands attention to judicial mindsets alongside methods used to weigh evidence when cases concern women harmed. Though laws now offer broader safeguards, outcomes often hinge on how judges apply these rules during rulings. From courtroom behaviour to decisions about what counts as proof, small choices accumulate into larger patterns affecting fairness seen by those identifying as female. Shifting from equal treatment under law toward deeper equity depends less on statutes alone but more on thinking behind verdicts given today. Whether progress has occurred might rest not in new acts passed but in old habits changed inside courtrooms where silence speaks loudly.²⁰

From the standpoint of constitutional foundation, guidance emerges through India's founding document, especially clauses 14, 15, and 21. Repeated rulings confirm: equal treatment does not mean treating everyone the same, rather it requires attention to systemic imbalance. Yet consistency falters when applying such ideals within criminal court decisions across time. In cases involving sexual crimes, legal thinking used to carry strong doubt regarding accounts given by those harmed, shaped by male-centered views on purity, personal conduct, and what a "proper" survivor should resemble.²¹

A Landmark judgement **Aparna Bhat and Ors. v. State of Madhya Pradesh**²² The Supreme Court rejected the bail plea of an accused in a rape case on the grounds that the Madhya Pradesh High Court had imposed a condition for granting bail-specifically, that the accused visit the victim's home and have her tie a Rakhi on his wrist-a condition that is unacceptable in modern society. Aparna Bhatt's house neighbor entered her house and along with her he tried to humiliate the victim by holding her hand, in which the Supreme Court granted only bail to the accused by the Madhya Pradesh High Court and put a condition that he will go to the victim's house and he will get a Rakhi tied on his wrist. And promise that you will always treat him like a "brother" and along with protection, also give him a gift of Rs 11,000.

¹⁹ Medha Kotwal Lele v. Union of India, (2013) 1 SCC 297.

²⁰ Aureliano Fernandes v. State of Goa, (2024) 1 SCC 632.

²¹ INDIA CONST. arts. 14, 15 & 21.

²² *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247.

The Supreme Court considered this condition to be an example of patriarchal and conservative thinking towards women, which was completely against women, which would have resulted in the plight of women. Court judicial stereotyping cannot be used against women. Old patriarchal notions about women (such as commenting on women's moral conduct, clothes they wear, drinking alcohol, behavior etc.) should not be imposed while giving court decisions.

A shift in how evidence is weighed emerged after scrutiny of the judiciary's own logic in *Tukaram v. State of Maharashtra*,²³ when remarks about a survivor's conduct and lack of physical marks implying agreement triggered widespread public reaction. Because of that moment, deeper awareness grew around biased assumptions shaping court decisions. Later changes to legal provisions altered what could be presented regarding past intimacy and adjusted default conclusions in rapes occurring under state detention. Though reform followed backlash, old patterns still linger beneath new rules.

From the moment silence breaks, truth may stand alone without seconding voices. When evidence speaks through one voice only, fairness still permits verdicts to form. Should courts demand more proof each time, shame grows heavier on those already harmed. Conviction becomes possible when words carry weight even unaided by others' accounts. Where belief rests in honesty shown under stress, law finds ground enough. Understanding pain hidden beneath speech alters how facts are weighed. Judgment changes shape once stigma and distress enter view. A single narrative, clear and steady, holds power equal to many.²⁴

Changes to how cases are handled became law through updates to The Bharatiya Sakshya Adhinaym 2023 specifically Section 48 (old Section 53A)²⁵. Under this provision, a survivor's past behavior or relationships bears no weight when determining consent during trials for sex crimes. Its purpose opposes long-standing assumptions linking personal history with truthfulness. Yet courtrooms still see probing questions about private lives, showing laws by themselves fail to remove fixed mindsets.²⁶

Views within courts on consent have shifted notably over time. From *Kaini Rajan v. State of Kerala* emerged a clearer standard: agreement should show clear intent, given freely. Where pressure or false belief shapes compliance, such acts stand outside legal approval. A fresh look at

²³ *Tukaram v. State of Maharashtra*, (1979) 2 SCC 143 (India).

²⁴ The Indian Evidence Act, 1872, No. 1 of 1872, § 114A (India) (as inserted by the Criminal Law (Amendment) Act, 1983).

²⁵ The Bharatiya Sakshya Adhiniyam, 2023, No. 47 of 2023, § 48 (India).

²⁶

the details reveals changes made under BNS guidelines. This version describes adjustments clearly. Updates appear where needed most. Revisions reflect current standards. The text now matches recent directives more closely.²⁷

This view fits within the updated wording found today in Section 63 BNS (Offense of Sexual Violence), replacing what was once Section 375 IPC. Shifting focus toward choice and agreement, courts started seeing women not merely as figures needing safeguarding but as people holding their own power. Because of this, individual control gained importance in rulings, altering traditional court thinking. Now, the survivor's ability to decide stands at the core when handling sexual violence matters.²⁸

Even with progress in legal thinking, occasional court comments have stirred unease about gender bias. From a quiet bench moment emerged sharp criticism in *Aparna Bhat v. State of Madhya Pradesh*. That ruling firmly dismissed outdated assumptions once common in rulings. Instead, it challenged practices downplaying crimes of sexual violence through careless bail terms. Removed entirely were references to whether a woman could still marry or how she ought to behave after harm. Words used by judges, the verdict stressed, shape fairness more than often admitted. When speech lacks care, wounds deepen for those already harmed. Trust in courts weakens where phrasing reveals prejudice.

Evidence brings up late reports. Time gaps before complaints appear were once seen as signs of false claims. Still, judges now see how shame, threats, or pressure at home can stop people speaking early. One case in Himachal Pradesh showed this shift. In *Sanjay Kumar*, the Court observed that timing in disclosing sexual crimes may not undermine legal proceedings, given surrounding circumstances. This approach shows increasing recognition of social obstacles women face when seeking justice.

When looking at how courts respond, attention is needed on overlapping identities. Where cases concern Dalit women or those from excluded groups, legal issues frequently connect with crimes covered by the 1989 Act meant to prevent atrocities. Attention from judges cannot treat acts rooted in caste hatred as simple personal conflicts. Without considering layered disadvantage,

²⁷ *State of Himachal Pradesh v. Sanjay Kumar alias Sunny*, judgment dated 15 December 2016, available at: <https://indiankanoon.org/docfragment/120603172/>.

²⁸ Supreme Court of India, *Aparna Bhat v. State of Madhya Pradesh*, judgment dated 18 March 2021, available at: https://api.sci.gov.in/supremecourt/2020/20318/20318_2020_35_1501_27140_Judgement_18-Mar-2021.pdf.

serious harm caused by multiple forms of bias may go unseen. The weight of combined injustices fades if such complexity escapes scrutiny.²⁹

This view fits within the updated wording found today in Section 228 BNS (Offense of Sexual Violence), replacing what was once Section 375 IPC. Shifting focus toward choice and agreement, courts started seeing women not merely as figures needing safeguarding but as people holding their own power.³⁰ Because of this, individual control gained importance in rulings, altering traditional court thinking. Now, the survivor's ability to decide stands at the core when handling sexual violence matters. One way to assess how institutions respond involves looking at training programs run by the National Judicial Academy along with those managed by regional counterparts. Although adding gender topics to course material shows recognition, proving real shifts in mindset proves challenging. Continued instances of higher courts overturning decisions- due to outdated assumptions made below - suggest learning cannot be one-time; it needs follow-up tied to oversight structures.³¹

From a doctrinal standpoint, constitutional morality has become more prominent in rulings by the Supreme Court. Guided by this standard, gender justice finds its place within the broader aim of societal change envisioned by the Indian Constitution. Rather than aligning with prevailing customs, the judiciary seeks alignment with foundational values. Yet such progress remains incomplete without consistent application throughout lower courts. Transformation hinges not only on principle but also on replication at every level of adjudication.³²

Overall, shifts in court behavior and proof rules across India show slow yet inconsistent movement when it comes to fair treatment based on gender. Important rulings alongside legal updates have dismissed outdated beliefs, reshaped how agreement is understood, while improving safeguards for those harmed. Still, occasional lapses in awareness reveal how delicate such progress remains. The system's reaction requires more than just clear doctrine - deeper change inside judicial culture must continue. Where fairness aims to reflect constitutional worth, its words, logic, and methods need to clearly support women's independence and truthfulness.

²⁹ *State of Himachal Pradesh v. Sanjay Kumar alias Sunny*, (2017) 2 SCC 51; *Tulshidas Kanolkar v. State of Goa*, (2003) 8 SCC 590.

³⁰ The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, § 63 (India)

³¹ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247.

³² National Judicial Academy, India, *Guidelines/Handbook on Judicial Sensitivity in Sexual Offence Cases* (available through the Delhi Judicial Academy website, <https://judicialacademy.nic.in/>, last visited on 18 October 2026).

POLICE RESPONSIVENESS, INVESTIGATIVE PRACTICES, AND STRUCTURAL BARRIERS IN ACCESS TO JUSTICE

When it comes to how institutions respond to women who face harm, changes within law enforcement stand out as both urgent and pivotal. From the moment someone speaks up, officers hold influence over what follows next. How an initial report gets recorded matters greatly; so does the depth of inquiry that unfolds afterward. Survivors often judge fairness by small gestures - tone, patience, presence - not just rules on paper. Behind every case lies a mix of written laws, court orders meant to guide action, and real behaviors seen at stations across India.³³ What happens in practice sometimes drifts far from official promises made elsewhere. Enforcement begins not with verdicts but with first reactions - and those reveal much about true priorities. Regarding gender sensitization within the police force, women currently hold leadership positions in 13% to 14% of police departments nationwide in India. While this figure remains low, it represents an improvement compared to previous levels.³⁴

The police constitute the primary response mechanism following the commission of a crime, playing a pivotal role ranging from the registration of the First Information Report (FIR) to the filing of a charge sheet in court. However, driven by a patriarchal mindset or adherence to traditional norms and customs, police personnel often categorize domestic disputes as mere "family matters," thereby blaming the victim or refusing to register an FIR. Numerous initiatives and measures have been launched by the Central and State governments to transform the stereotypical mindset often adopted by police officers toward women. Consequently, the participation and leadership of female officers and personnel within state police departments have received a significant boost. For instance, in Madhya Pradesh, approximately 200 'Women Help Desks' are currently operational-managed and staffed by trained female officers-which has not only bolstered women's self-confidence but also led to a remarkable improvement in the registration of First Information Reports (FIRs) regarding cases of domestic violence.³⁵

Under India's Constitution, especially through Articles 14 and 21, the basis for holding police accountable takes shape - ensuring equal treatment under law along with safeguarding life and individual freedom. It has been affirmed repeatedly by the Supreme Court: a just inquiry forms part of what Article 21 protects. When it comes to crimes rooted in gender harm, how

³³ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 SCC 247.

³⁴ National Judicial Academy, India, *Guidelines/Handbook on Judicial Sensitivity in Sexual Offence Cases* (available through the Delhi Judicial Academy website, <https://judicialacademy.nic.in/>, last visited on 18 October 2026).

³⁵ *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335.

investigations unfold goes beyond mere steps - it touches directly on the survivor's sense of worth and mental state. A lack of care during examination may deepen suffering, turning official interaction into added injury after the first act of violation.³⁶

One key moment reshaping oversight within law enforcement emerged through *Lalita Kumari v. Government of Uttar Pradesh*³⁷, where the highest court ruled that filing an FIR becomes required when facts point to serious crimes, especially those of a sexual nature. Before such clarity took hold, authorities frequently withheld or postponed recording reports- most notably in instances of rape, abuse at home, or assaults tied to social hierarchy.

When it comes to rape allegations, changes made to Section 173 of the BNSS now require statements to be documented by a female officer. And every information related to the commission of a cognizable offenses, irrespective of the area where the officer is committed may be given orally or by electronic communication to an officer in charge of a police station Still, laws require comparison with actual conditions on ground. Multiple reviews have pointed out cases where survivors undergo harsh interrogation, judgment based on personal conduct, or are pushed toward settlement instead of justice. These patterns weaken the intent behind legal safeguards such as the Protection of Women from Domestic Violence Act, 2005 - designed so law enforcement actively supports obtaining safety measures and guarantees well-being. Hesitation to act in what is labeled a "private" household conflict shows enduring male-dominated views that treat abuse inside homes as internal affairs, not breaches of fundamental rights.

Medical checkups can involve issues tied to investigative caution. In *Lillu @ Rajesh v. State of Haryana*,³⁸ the highest court ruled the "two-finger test" unlawful, due to breaches in personal dignity and privacy protected by Article 21. Not only did it lack scientific backing, but it reinforced outdated views about women's roles. Such methods, the bench stressed, belong outside modern legal processes. Procedures involving health professionals should follow standards aware of emotional distress, avoiding degradation during forensic gathering. For these actions to remain lawful, cooperation between officers and clinics needs careful ethical framing. Still, in *Delhi Domestic Working Women's Forum v. Union of India*, the highest court underlined legal aid, financial reparation, along with confidentiality for those who survived

³⁶ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

³⁷ *Nirmal Singh Kahlon v. State of Punjab*, (2009) 1 SCC 441.

³⁸ *Lillu v. State of Haryana*, (2013) 14 SCC 643

sexual assault, urging agencies to form systems aiding recovery. Before numerous changes in law came, this judgment stood out - voicing strong concern for how victims are treated during investigations and trials. Without emotional understanding within institutions, plus frameworks ensuring fairness, fair treatment exists only on paper.³⁹

Although laws like the Protection of Children from Sexual Offences Act, 2012 (POCSO), require strict adherence by police through gentle interview methods and secure handling of testimony, enforcement remains inconsistent across regions. Procedures meant to support children during reporting must avoid harsh tones or rushed settings, a principle that could guide wider reforms in how law enforcers interact with vulnerable groups. Despite these clear guidelines, gaps persist due to limited resources, especially where access to training and equipment is low.⁴⁰ The intent behind such legal frameworks - prioritizing dignity and discretion - remains relevant beyond age-specific cases when shaping more responsive approaches within public safety systems.

When intersecting identities shape experiences, responses by law enforcement grow less predictable. In matters concerning women from Dalit or Adivasi communities, legal frameworks like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 often apply.⁴¹ Hesitation or weakening of charges then reveals deeper patterns - beyond unequal treatment due to sex, there lies influence from social hierarchy. Courts have pointed out, on more than one occasion, that omitting required legal steps amounts to neglect. Training within systems cannot stop at awareness about sex alone; inclusion of caste realities, physical difference, and economic marginality becomes necessary.

Changes to systems have drawn attention as ways to improve oversight of officers. From a ruling in Prakash Singh against the central government, clear steps emerged meant to distance policing from political influence while lifting standards. Even if such measures do not center on gender alone, their success shapes how well institutions react. When authority stands apart from control by politicians, it gains space to act under law, resisting pressure from dominant social patterns or traditional hierarchies.⁴²

³⁹ Delhi Domestic Working Women's Forum v. Union of India, (1995) 1 SCC 14. The judgment recognises the importance of legal assistance, victim compensation and safeguards for the dignity of survivors of sexual assault

⁴⁰ Protection of Children from Sexual Offences Act, 2012, No. 32 of 2012, §§ 24 and 33(7).

⁴¹ Protection of Children from Sexual Offences Rules, 2020, G.S.R. 220(E), Ministry of Women and Child Development, Government of India, 9 March 2020.

⁴² The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989, § 4, as amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, No. 1 of 2016. Section 4 provides for punishment for wilful neglect of statutory duties by specified public servants.

Despite setting up women's help desks, dedicated police units, and emergency support hubs, doubts continue about their real impact due to under-resourcing. Though gender awareness sessions occur regularly, whether they lead to lasting change is uncertain. These initiatives often appear symbolic rather than transformative. True progress requires embedding sensitivity into daily practice, not just after public attention arises. Lasting integration depends on consistent enforcement, where disregard carries clear outcomes. Without structural backing, efforts risk fading when scrutiny fades.

When evaluating how police respond, attention turns to openness in sharing information alongside systems holding individuals responsible. Rarely does the public gain access to records of internal actions taken toward officers who break rules, a lack contributing to unclear processes and weakened confidence. Oversight might grow more effective under independent bodies handling complaints - such structures appear in reform plans aiming at stronger integrity across institutions while influencing behaviour through consequences.

Ultimately, transforming police approaches through gender awareness proves essential for meaningful fairness toward women affected by crime. Although rulings like *Lalita Kumari*, laws updated in 2013, and constitutional rights form a strong foundation, reality often lags behind these standards.⁴³ Deep-rooted institutional resistance, cultural biases favouring men, and weak enforcement expose the distance between policy and lived experience.⁴⁴ Real progress requires more than legal adherence it includes compassionate responses, responsibility at every level, and continuous change within systems. When policing fails to adapt to gender realities, access to justice-guaranteed on paper - stays distant, fragile, unfulfilled for those who need it most.

CONCLUSION

The path to fair treatment across genders inside India's courts has seen steps forward - yet obstacles persist. Though new laws and foundational rights slowly build a responsive structure, old views about gender roles still live within judges and police forces alike. Even after major court decisions reshaped parts of the system, daily outcomes frequently fall short due to hidden leanings, unexamined beliefs, and customs passed through generations. Looking back at how rules changed over time reveals much; so does observing who speaks, who listens, and what

⁴³ *Prakash Singh v. Union of India*, (2006) 8 SCC 1. The Supreme Court issued directions concerning police independence, institutional accountability, separation of investigation from law-and-order functions, and the establishment of Police Complaints Authorities.

⁴⁴ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, G.S.R. 316(E), Ministry of Welfare, Government of India, 31 March 1995, as amended.

evidence gets trusted when violence targets women. Between written promise and courtroom reality lies a space too often left unbridged.

The framework of India's Constitution anchors national ideals around fairness and dignity, ensuring women face neither bias nor harm. Equal standing before legislation finds support through Article 14; Article 15 blocks exclusion based on sex; while Article 21 upholds survival and autonomy as non-negotiable. From such roots, later statutes evolved - shaped by the aim of shielding female citizens. Yet what emerges from this analysis is clarity: meaning comes not from written words alone, rather from courtroom decisions and police actions that either honor or ignore those words.

Though laws have changed gradually through time, key court decisions often emerged after public anger surged following widely known incidents. Following protests sparked by injustice, judges began reconsidering long-held beliefs about victim conduct and permission in intimate acts. The Mathura case, officially *Tukaram v. State of Maharashtra*, opened doors to deeper scrutiny of how courts interpret silence during assault. Later, the horrific events in Delhi in 2012 pushed the judiciary toward stronger recognition of women's bodily autonomy. From workplace harassment guidelines in *Vishaka v. State of Rajasthan* to revised standards for conviction, each moment reshaped legal thinking. Assumptions once taken for granted - like resistance being necessary to prove non-consent - started dissolving under new reasoning. Change rarely happened quickly; instead, momentum built slowly through protests, news coverage, stronger advocacy. Though courts have advanced in acknowledging abuse tied to gender and reshaping laws, the shift continues without clear endpoint.

One overlooked aspect remains how judges view women during trials. Across India, court practices reflect older power structures favoring men, inherited from broader societal patterns seen globally. Instead of focusing solely on facts, some rulings rely on outdated ideas about femininity and conduct. When handling rape or abuse claims, certain magistrates challenge a woman's past actions, implying fault lies with her choices. These hidden biases shift attention away from perpetrators, demanding near-perfect consistency from those who speak out. Still, despite legal progress on such matters, courtroom decisions often reflect lingering gender assumptions. Though the way courts assess evidence - especially accounts from survivors - has improved, broader cultural views about gender and sexual identity still shape rulings behind the scenes. Not everything written in statutes erases what runs deeper in judgment.

Still, even after changes in law, old views on consent and how survivors act keep showing up in courtroom rulings. From one angle, the decision in *Aparma Bhat v. State of Madhya Pradesh* sharply challenges how judges let assumptions about gender affect choices on granting bail. Behind such judgments lies a pattern - beliefs shaped by culture quietly steer results in cases. At certain moments during hearings, those in charge turn attention toward what victims did before, who they knew, or what paths they took, planting quiet hints that blame might lie partly with them. Though laws evolve, habits within courtrooms shift slower. Questions like these matter little to the actual case - yet they expose long-standing doubts about women's control over their own bodies. Even when legal safeguards exist, old assumptions linger, quietly guiding courtroom outcomes.

A key concern involves how proof is handled, especially when it comes to sexual violence. In earlier times, Indian courts insisted on extra confirmation before accepting a rape survivor's account, demanding physical signs that were rarely present after such events. Because of this, convictions often collapsed - no visible harm was mistakenly seen as proof nothing happened. Change began slowly, through updated laws and court decisions easing those strict rules, acknowledging trauma doesn't always leave marks. One shift came in 2013: the law stopped allowing questions about a woman's prior relationships during trial, weakening long-standing habits of faulting victims for attacks they endured. Still, the research shows clear gaps in how courts apply these changes. Though laws have shifted, many judges stick to old ways of assessing evidence. Where one might expect fairness, doubt still shadows survivors' accounts. Progress exists on paper - yet practice lags behind. Unequal treatment persists, even after reform. Though, legal frameworks exist, their real-world effect depends heavily on how officials act. From the start, police behavior has undermined fair treatment under the law. A turning point emerged through the case of *Lalita Kumari versus the Government of Uttar Pradesh*. That judgment confronted a common barrier: officers refusing to record reports of assault. Before it, claims made by women were frequently brushed aside without proper inquiry. Often, delays occurred if visible injuries were absent or disbelief took hold. Registration now must happen whenever serious crimes are reported - no exceptions allowed. This shift aimed at reducing unchecked power within precincts. It opened doors once shut due to officer choice. Still, far too often, those seeking help meet coldness, pressure, or silence instead of aid. When investigations drag on, victims frequently face interviews that risk reopening emotional wounds. Training gaps

show clearly here - officers must learn to handle sexual assault reports with care, each interaction shaped by awareness and respect. How a case begins often sets its course; early missteps weigh heavily. Moments after reporting should not add harm. Learning continues, though unevenly, across departments. Empathy is not optional - it fits alongside procedure.

Still, even with rules such as the Protection of Women from Domestic Violence Act, 2005, along with measures tackling job-related sexual harassment - like the Vishaka Guidelines - the real-world enforcement differs widely across areas. In many places, help like safe housing, money support, or lawyers exists only on paper, while elsewhere it functions better. Rural zones or excluded groups usually find it harder to reach fair treatment under law. When rules and resources are applied unevenly, fairness based on gender becomes patchy; one region might offer meaningful protection, another nearly none.

True progress toward fairness between genders in India's courts hinges less on new laws than on how evenly they're applied. Though updates to legislation matter, they alone cannot uproot long-standing attitudes favoring one sex over another inside police forces and courtrooms. Shifts must take root slowly - through ongoing education about gender issues among judges, officers, and communities at large. Cultural habits supporting imbalance need questioning just as much as outdated procedures do. Change that ignores either social mindset or official practice will fall short. A system reflecting equal worth for every woman emerges only when reform moves on multiple fronts at once.

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