



**SYMBIOSIS LAW SCHOOL, PUNE IN COLLABORATION WITH
NATIONAL COMMISSION FOR WOMEN, GOVT OF INDIA, NEW DELHI**

SYMBIOSIS LAW SCHOOL, PUNE

CARE | COURAGE | COMPETENCE | COLLABORATION

REPORT ON

REGIONAL CONSULTATION -

**"REVIEW OF CRIMINAL LAW -
IMPROVEMENT IN STATUS OF
WOMEN"**

DATE - 16th February, 2022

TIME - 10:00 AM TO 4:00 PM

VENUE - SYMBIOSIS LAW SCHOOL, PUNE



SYMBIOSIS INTERNATIONAL (DEEMED UNIVERSITY)
SYMBIOSIS LAW SCHOOL, PUNE



NATIONAL COMMISSION FOR WOMEN, NEW DELHI

Organized

Regional Consultation on Review of Criminal Law- Improvement in Status of Women

Date: Wednesday, 16th Feb., 2022

Time: 10.00 am to 4:00 pm

INTRODUCTION

On the 16th of February 2022, Symbiosis Law School, Pune in collaboration with National Commission for Women, Government of India, New Delhi organized a Regional Consultation on “Review of Criminal Law – Improvement in Status of Women”, with its core theme based upon the “Improvement in Status of Women”. This Regional Consultation witnessed the participation of Justice Ambadas Joshi(R), Prof. Dr. K. V. S. Sarma, Vice-Chancellor amongst other professors, police officers, Eminent Lawyers, Legal Academicians to name a few. This session was conducted under the extremely watchful and thoughtful intervention by Dr. Shashikala Gurpur, Director, Symbiosis Law School, Pune and Dean, Faculty of Law, Symbiosis International Deemed University as the moderator of the track.

This Regional Consultation is one of the many efforts undertaken by Symbiosis Law School, Pune to encourage the engagement of the Legal Fraternity towards the issues that are directed towards society. The legal luminaries participated from states such as Goa, Maharashtra, Madhya Pradesh, Rajasthan and Gujarat. Dr. Bhama represented the management from Symbiosis International University. The consultation received participation from NGOs—Dhoop, Saheli, Maher, Childline, and Sevavardhini, Maharashtra National Law University Aurangabad, NLSIU Bhopal, National Forensic University, National Commission for Women and Directors of three sister law schools of SIU at Noida, Hyderabad and, Nagpur. About twenty-four polls were created to identify the inclination of the audience on the status of women

in criminal law. Approximately, **1085 students, lawyers, and members of civil society participated through online polling. The event was live streamed on YouTube.**

The ultimate objective of the consultation was:

1. To review and analyze the position of law and formulate consolidated recommendations for viable amendments keeping in view women's perspective and position in India.
2. To re-examine and review the criminal law and suggest potential and practical solutions to cure the deficiencies that threaten to derail the effective operation of the criminal justice system.
3. To collate suitable suggestions through experts to bring the needful changes in the Indian criminal law.
4. To seek views of experts and professionals to understand difficulties if any, in preventing crime against women
5. To see the feasibility of modification/ addition/ deletion/ replacement or part thereof, of criminal law provisions for the better protection of women.
6. To examine the suitability of introducing new and effective approaches that mean to control crime through a new sentencing policy.
7. To seek views of experts to understand difficulties faced by women and further explore, collate and provide suitable suggestions to the NCW to dispense criminal justice to women.

This regional consultation was divided into two plenary sessions, to have a thoughtful discussion based on the experience of every expert. Both plenary sessions witnessed an extensive review of literature, existing research, and independent analysis of existing loopholes in the statutory framework. The experts have also pondered upon the points of discussion mentioned in the concept note and questions of discussion shared by the National Commission for Women.

Based upon such a premise, the two plenary sessions dealt with: -

Session I: Review of Criminal Law- Improvement in Status of Women: Cyber Crime and IPC (Sexual Offenses) This Plenary Session was further divided into the following sub-themes:

A. Sexual Offences

Classification (Need for reform in classification, modification)
Rape (Idea of consent, Standard of consent, vitiation of consent, Marital Rape Exception 2 of the S. 375 to be removed) and Gender Neutrality
Gender neutrality and Rape
Sentencing guidelines for sexual offenses

B. Cyber Dimension of Sexual Offences

COVID Related experiences
Cyber Crime as a trigger
Victim impact statements during sentencing and role of compensation (Manodhairya schemes)
S. 354 D, 354E, 505, 509 IPC <ul style="list-style-type: none">• Stalking- (354D)• Liability person present who fails to prevent the commission of the offense (354E)• Misogynistic hate speech (505)• Insulting modesty of women (509)
108(3) Cr. P.C new clause b security from accused of sedition.

II Session: Improving the Status of Women: Discussion on Law Relating to Dowry Death, IPC, Cr. P.C and IEA, related on marriage and family-related offenses

A. Offenses relating to marriage

Armed conflict and sexual offenses
S. 114A of IEA – to be compatible with S.376 of IPC.
Repeal of S. 493 and S.498 to be repealed or modified
Live-in and S. 494

Law related to dowry death (304B IPC, r/w 113B of IEA 7yrs limit to be deleted and evidence of ongoing abuse to be taken)

B. Cruelty by Husband and Relatives

498A – amendment – scope, punishment, bailability, and compoundability (243 rd Law Commission report)
Pre-arrest or other procedural safeguards to be added 498A.
Maintenance of wives, children, and parents. Modification of grounds for S. 125(4) and S. 125 (5)
Modification of S.125 (2)
The exception to 375 to be repealed – special procedure/ standard of Evidence for marital rape

C. Remedies and Compensation

Remedies – court fund, corpus fund, a one-stop-shop for the helpline, and consolidated information regarding halfway homes, overnight shelters.
S. 20 of PWDA Act computation of maintenance – compatibility with S. 125(3) – limitation period to be modified
General Remarks
CONSOLIDATED SUMMARY TABLE OF RECOMMENDATIONS

In light of the above themes, the inaugural ceremony witnessed the welcome address by Dr. Shashikala Gurpur, Director, Symbiosis Law School, Pune and Dean, Faculty of Law, Symbiosis International Deemed University, Justice Ambadas Joshi, Lokayukta, Goa, Prof. Dr. K. V. S. Sarma, Vice-Chancellor MNLU Aurangabad.

Hon’ble Chief Guest of Consultation, Justice Ambadas Joshi, Lokayukta, Goa, shared some words of wisdom about this Consultation serving as a guiding light, for all the deliberations that take place about the topic of “protection of women”. With his opening remarks, he highlighted dimensions of socio-legal complexities and sensitization of issues, with particular reference to the way how female victims of violence are treated and viewed. Justice Ambadas Joshi stressed upon the principles of equity and pressed upon its difference with the principles

of equality and fairness, not necessarily being the same. Issues of accountability and lack of human conscience are just a few of the issues that plague the Indian criminal justice delivery system.

The Guest of Honour for the event Prof. Dr. K. V. S. Sarma, Vice-Chancellor MNLU Aurangabad, stressed upon the role of mediation and how the process of adjudication should take a turn. Dr. Sarma's address was aimed towards highlighting the issues of prison, courts, and rehabilitation centers being heavily under-staffed. His point of view indicated that such neglect in administration has mostly been the concern behind the issues about a woman and their safety. Lastly, he urged for the law fraternity to join hands with NCW and establish mediation centers in the law colleges for creating a way for speedy justice for women.

The consultation proceeding witnessed the participation of the following esteemed panelists:

1. Dr. Shashikala Gurple, Director, SLS, Pune, Dean, Faculty of Law, Symbiosis International Deemed University
2. Justice (Retd.) Ambadas Joshi Lokayukta, Goa
3. Prof. Dr. K. V. S. Sarma, Vice-Chancellor MNLU Aurangabad
4. Dr. Rashmi Oza, Principal, Chembur Karnataka College of Law, Mumbai
5. Adv. Puneet Bhasin, Cyber Law & Cyber Crime Experts, Mumbai
6. Poornima Gaikwad, Deputy Commissioner of Pune
7. Dr. K I Vibhute, Director, Amity Law School, Mumbai
8. Prof. Renjith Thomas, NLU, Jodhpur
9. Dr. Atmaram Shelke, Dr. Girish Abhyankar and team, Symbiosis Law School, Pune
10. Ms. Anuradha Sahasrabudhe, Pune Childline, Social Activist
11. SK Jain, Criminal Law Advocate, Pune
12. Adv. Uday Warunekar, Criminal Law Practitioner, High Court Mumbai
13. Dr. Sanjay Jain, Principal (Additional Charge) ILS Law College, Pune
14. Dr. Purvi Pokhriyal, Dean, National Forensic Science University, Gujrat
15. Dr. Rajeshri Varhadi, Professor & Former Head, Department of Law, University of Mumbai
16. Prof. Tapan R. Mohanty, NLIU Bhopal
17. Prof. Yogesh Dharrangutti, Assistant Professor, Symbiosis Law School, Pune
18. Pratap Sawant, Secretary, District Legal Services Authority, Pune.
19. (Retd.) Justice Shalini Phansalkar Joshi, Retired Bombay High Court Judge (in absentia submitted her inputs).

Towards the end, based on the discussions, deliberations, and polling a consolidated list of suggestions has been listed in this report. The virtual discussion facilitated an opportunity to transform the current criminal justice system into a more dynamic one through the identification of lacunae in key areas of law.

The Recommendations Report is Compiled and Edited by :

- *Dr. Shashikala Gurpur, Fulbright Scholar, Jean Monnet Chair Professor, Director, Symbiosis Law School, Pune, Dean, Faculty of Law, SIU*
- *Dr. Dhanaji Jadhav, Deputy Director (Administration), Symbiosis Law School, Pune*
- *Dr. Atmaram Shelke, Associate Professor, Symbiosis Law School, Pune*
- *Dr. Bindu Ronald, Professor, Symbiosis Law School, Pune*
- *Prof. Aditi Mane, Teaching Associate, Symbiosis Law School, Pune*
- *Prof. Ashutosh Panchbhai, Assistant Professor, Symbiosis Law School, Pune*
- *Dr. Ram Ratan Dhumal, Assistant Professor, Symbiosis Law School, Pune*
- *Dr. Vivek Nemane, Assistant Professor, Symbiosis Law School, Pune*
- *Ms. Karthiyani, Teaching Assistant, Symbiosis Law School, Pune*
- *Ms. Kunika K., Teaching Assistant, Symbiosis Law School, Pune*

RECOMMENDATIONS REPORT

**Symbiosis Law School, Pune,
Symbiosis International (Deemed University)**

SUMMARY OF RECOMMENDATIONS

Consultation on “Review of Criminal Law”

I. Sexual Offences:

Q.1. Should sexual offences be classified as:

- a. A subset of offences against the human body; or,*
- b. A subset of gender-discrimination offences; or,*
- c. An independent category of offences?*

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.1. Should sexual offences be classified as:</i> <i>a. A subset of offences against the human body; or,</i> <i>b. A subset of gender-discrimination offences; or,</i> <i>c. An independent category of offences?</i>	IPC Chapter 16	<p>Addition of separate classification of sexual offenses under the category- ‘offences against the human body’ in IPC.</p> <p>The UK and Kenya Sexual Offence Act to be referred by India too while categorizing sexual offences under different heads.</p>	Dr. KVS Sharma: Vice Chancellor, Maharashtra National Law University, Aurangabad
	Chapter XVI, IPC	Addition of an independent category of offences that further classifies sexual offences wherein Cultural and religious sexual offences to be covered under sexual offences category of IPC with additional punishments.	Dr. KVS Sharma: Vice Chancellor, Maharashtra National Law University, Aurangabad
	--	<p>Addition of the concept of consent over cyber-sex, shall be defined and put under the offence of extortion.</p> <p>Addition of an independent category of SEXTORTION- in addition to the existing section of extortion, there is a need of a sub section that defines the concept of sextortion so as to curb cybersex.</p>	Adv. Puneet Bhasin, Cyber Law & Cyber Crime Experts

Q.2. Other than rape, the sexual offences listed in the IPC are-

- *Obscene Acts and Songs (s. 294)*
- *Assault or Criminal Force to Woman with Intent to Outrage her Modesty (s. 354)*
- *Sexual Harassment (s. 354A)*
- *Assault or Criminal Force to Woman with intent to disrobe (s. 354B)*
- *Voyeurism (s. 354C)*
- *Stalking (s. 354D)*
- *Unnatural Offences (s. 377)*
- *Word, Gesture or Act Intended to Insult the Modesty of a Woman (s. 509)*

Is there a need to reform in this classification of sexual offences by adding/ deleting/ modifying any offences?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<p><i>Q.2. Other than rape, the sexual offences listed in the IPC are-</i></p> <ul style="list-style-type: none"> ● <i>Obscene Acts and Songs (s. 294)</i> ● <i>Assault or Criminal Force to Woman with Intent to Outrage her Modesty (s. 354)</i> ● <i>Sexual Harassment (s. 354A)</i> ● <i>Assault or Criminal Force to Woman with intent to disrobe (s. 354B)</i> ● <i>Voyeurism (s. 354C)</i> ● <i>Stalking (s. 354D)</i> ● <i>Unnatural Offences (s. 377)</i> ● <i>Word, Gesture or Act Intended to Insult the Modesty of a Woman (s. 509)</i> <p><i>Is there a need to reform in this classification of sexual offences by adding/ deleting/ modifying any offences?</i></p>	Cyber crimes	To curb cybercrimes against women with emerging and new forms of vulnerabilities, special mechanism shall be provided with insertion of Chapter -II A in the National Commission for Women Act, 1990.	Dr. Shashikala Gurpur, Fulbright Scholar, Jean Monnet Chair Professor, Director, Symbiosis Law School, Pune, Dean , Faculty of Law, Symbiosis International (Deemed University)- <i>Welcome Address</i>
	Section 354 IPC	Modification to section 354E IPC Digital Assaults shall be incorporated under Section 354IPC: Assault on liberty by showing / sending scary videos coming on face etc. shall be incorporated as a part of part of section 354IPC.	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
	354 A	Handling of victims in sexual harassment cases results in further victimization therefore the police official and judiciary handling matters of Sexual Harassment shall deal the cases with carefully.	Dr. Shashikala Gurpur, Director, Dean, SLS , SIU Anuradha Sahasrabudhe, Activist, Child Line Puneet Bhasin, Cyber Law Expert.

	Section 354 (D), IPC- Stalking of Women Stalking behaviours are interrelated to harassment and intimidation and may include following the victim in person or monitoring them. Section 354D of Indian Penal Code deals with the offence of stalking.	Section 354 D shall be made gender neutral.	Adv. Puneet Bhasin, Cyber Law & Cyber Crime Experts
	Section 354E IPC	Modification to section 509E IPC- Scope of section 354E, IPC shall be expanded by adding ‘knowledge’ and ‘reason to belief’ elements in the section: Under section 354E term “being present at the time of commission of an offence” is used, in order to add offences committed online word, “known” or “has reason to belief” shall be added.	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
	Section 354E IPC	Modification to section 354E IPC – Additional punishment for person in the authority, who has capacity to prevent the offence or a public servant: There shall be an additional punishment for person who is in the authority, has capacity to prevent the offence or a public servant under section 354E IPC.	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
	Section 509 IPC	Modification to clause no. 1 of section 509 IPC Section 509 shall be Gender Neutral, word ‘women’ used in this section shall be replaced with word ‘person’ so member of LGBTQ+ community etc. can be protected under this section.	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU

	Section 509 IPC	<p>Modification to clause no. 1 of section 509 IPC</p> <p>Scope of section 509 shall be expanded by adding element of ‘knowledge’ and ‘reason to belief’: Under section 509 of IPC, term ‘intending to insult the modesty’ is used word ‘knowing’ and ‘reason to belief’ shall be added to increase the scope of section 509 of IPC.</p>	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
	Section 509 IPC	<p>Modification to section 509 IPC</p> <p>Digital insult to the modesty shall be added under section 509 of IPC. Scope of insult to Modesty shall be expanded in the light of digital insult to modesty: Words: uploads, forwards, creates, exhibits, use metatags, links, frames, or does anything with help of computer, computer system or computer network shall be added under section 509 IPC.</p>	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
	Section 509 IPC	<p>Modification to section 509 IPC</p> <p>There shall be additional punishment for repetition of (second and third) offence.</p>	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU

Q.3. What should be the standard of consent under s. 375 of the I.P.C.?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.3. What should be the standard of consent under s. 375 of the I.P.C.?</i>	Exception -2 to section 375 IPC	<p>A clause under exception 2 of section 375, shall be added that form (oral or written) of the consent for the purpose of marital rape.</p> <p>Consent to define parameters :</p> <ul style="list-style-type: none"> • whether consent means willing agreement; is there any relation between ‘will’ and ‘consent’; • whether consent means voluntary agreement; what is the meaning of the expression ‘voluntary’; • whether consent means unequivocal agreement; • whether the ‘unequivocal’ aspect of consent in section 375 IPC is different from ‘mistake of fact’ under section 90 IPC; • whether communication of agreement is must in every consent; what is ‘capacity to consent’; • is it different from ability to ‘communicate’ consent; etc. 	<p>Adv. SK Jain, Criminal Law Expert, AND Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU</p>

- Q.4. Should the grounds of vitiation of such consent be expanded to include cases where*
- a. The victim has been put in fear of injury other than physical hurt or death; and,*
 - b. The perpetrator is impersonating any other person (and not just the husband as currently provided in s. 375) that the victim would otherwise knowingly have consented to?*

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<p><i>Q.4. Should the grounds of vitiation of such consent be expanded to include cases where</i></p> <ol style="list-style-type: none"> <i>a. The victim has been put in fear of injury other than physical hurt or death; and,</i> <i>b. The perpetrator is impersonating any other person (and not just the husband as currently provided in s. 375) that the victim would otherwise knowingly have consented to?</i> 	<p>Section 375 IPC Section 14 of Indian Contract Act, 1872</p>	<p>Yes, grounds of vitiation of the consent in cases of rape shall include consent which is not a free consent as per the contract laws.</p> <p>Ground of vitiation of consent shall include cases where</p> <ol style="list-style-type: none"> <i>a. The victim has been put in fear of injury other than physical hurt or death; and,</i> <i>b. The perpetrator is impersonating any other person (and not just the husband as currently provided in s. 375) that the victim would otherwise knowingly have consented to.</i> 	<p>Dr. (Prof.) Bindu Ronald, Dr. Atmaram Shelke, Ms. Aditi Mane, SLS, Pune</p>

- Q.5. Should the marital rape exception (Exception 2) under s. 375 of the I.P.C. be deleted?*

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<p><i>Q.5. Should the marital rape exception (Exception 2) under s. 375 of the I.P.C. be deleted?</i></p>	<p>Sections 375 of the Indian Penal Code, and title, objectives and relevant provisions of the Protection of Women from Domestic Violence ACT, 2005</p>	<p>Section 375 (2) shall be amended particularly in the light of states commitment to international human right documents in light of gender neutrality and more particularly in light of commitment to international human right documents.</p> <p>Under Section 375, IPC: Word “man”, “woman”, “her”, “him”, “he”, “she” etc. shall be replaced with word “person” in order to make it gender neutral. Relevant provisions the Protection of Women from Domestic Violence Act, 2005</p>	<p>Dr. Shashikala Gurpur, Fulbright Scholar, Jean Monnet Chair Professor, Director, Symbiosis Law School, Pune, Dean, Faculty of Law, Symbiosis International (Deemed University)- <i>Welcome Address</i></p> <p style="text-align: center;">AND</p> <p>Dr. KVS Sharma: Vice Chancellor, Maharashtra National Law University, Aurangabad</p>

		shall be amended to make it gender- neutral.	
	Exception 2 to Section 375 of the Indian Penal code that does not give recognition to marital rape.	The section shall be addressed by comparatively analyzing and inculcating the safeguards as mentioned under the pre-existing UK, Australian and Scandinavian laws on marital rape and legislations for the same should be made. The spirit of human rights as seen in international instruments shall be inculcated in Indian laws, specifically in context of Article 5 and 16 of the CEDAW.	Dr. Rashmi Oza, Principal, Chembur Karnataka College of Law, Mumbai
	Exception 2 to Section 375 of the Indian Penal code that does not give recognition to marital rape.	There are two approaches to bring the desired change concerning marital rape. First is the legislative approach i.e. by way of express amendment and Second approach that calls for judicial creativity and rendering exception 2 to section 375 as unconstitutional on grounds of dignity of woman and autonomy of her identity.	Dr. K. I. Vibhute, Director, Amity Law School, Mumbai
	Exception 2 to Section 375 of the Indian Penal code that does not give recognition to marital rape.	<p>The exception 2 to the Section 375 of IPC shall be amended however while making such an amendment following three sub-issues shall be addressed and addressing the same is a crucial challenge.</p> <p>The three issues are</p> <ul style="list-style-type: none"> • How to define marital rape? • What should be the definition of consent for that matter? • What should be the quantum of punishment in case the offense of marital rape is proven? 	Dr. K. I. Vibhute, Director, Amity Law School, Mumbai
	Exception -2 to section 375 IPC	A clause under exception 2 of section 375 shall be added that	Adv. SK Jain, Criminal Law Expert, Dr. Atmaram Shelke & Dr. Girish Abhyankar,

		defines form consent (oral/ written) the purpose of marital rape.	Faculty, Symbiosis Law School, Pune, SIU
	Section 375, Exception 2	Exception 2 of Sec. 375 shall be removed and replaced with cautions, checks and balances in order to avoid misuse of suggested amendment.	Prof. K.V.S. Sarma, Vice Chancellor, Maharashtra National Law University, Aurangabad.
	Section 108 and exception 2 of section 375 of IPC	Insertion of a new clause under Exception 2 of 375 of IPC shall be made wherein the complainant shall be treated as an abettor in case of false case for marital rape under section 375 IPC.	Adv. SK Jain, Criminal Law Expert, Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU

Q.6. Should sexual offences be defined by employing gender-neutral terms for the offender and the victim?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.6. Should sexual offences be defined by employing gender-neutral terms for the offender and the victim?</i>	Section 354 (D), IPC- Stalking of Women	Shall amend section 354 (D) to make it gender neutral	Adv. Puneet Bhasin, Cyber Law & Cyber Crime Experts
	Sections 375 of the Indian Penal Code, and title, objectives and relevant provisions of the Protection of Women from Domestic Violence ACT, 2005	Shall amend section 375 (2) particularly in the light of states commitment to international human right documents in light of gender neutrality and more particularly in light of commitment to international human right documents. Under Section 375, IPC: Word “man”, “woman”, “her”, “him”, “he”, “she” etc. shall be replaced with word “person” in order to make it gender neutral. Relevant provisions the Protection of Women from Domestic Violence Act, 2005 shall be amended to make it gender neutral.	Dr. Shashikala Gurpur, Fulbright Scholar, Jean Monnet Chair Professor, Director, Symbiosis Law School, Pune, Dean, Faculty of Law, Symbiosis International (Deemed University)- <i>Welcome Address</i> Dr. KVS Sharma: Vice Chancellor, Maharashtra National Law University, Aurangabad Dr. Rashmi Oza, Principal, Chembur Karnataka College of Law, Mumbai Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
	Section 509 IPC	a) Section 509 shall be Gender Neutral, word ‘women’ used in this section shall be replaced with word ‘person’ so member of	

		LGBTQ+ community etc. can be protected under this section.	
		Modification to clause no. 1 of section 509 IPC	

Q.7. Should sexual violence during armed conflict be expressly penalised as a sexual offence?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.7. Should sexual violence during armed conflict be expressly penalised as a sexual offence?</i>	-	A special category of offence shall be added in the current Indian Penal Code (IPC) and the relevant amendments shall be made in the Armed Forces Act with respect to regarding sexual offences against women during the armed conflict	Adv. Uday Warunjekar, Criminal Law Expert, Mumbai

Q.8. Barring generally applicable aggravating and mitigating factors (gravity of offence, recidivism, age, socio-economic background, etc.), which other factors should be taken into account during sentencing in sexual offences?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.8. Barring generally applicable aggravating and mitigating factors (gravity of offence, recidivism, age, socio-economic background, etc.), which other factors should be taken into account during sentencing in sexual offences?</i>	Relevant Provisions of IPC and POSCO etc.	<p>In addition to existing aggravating and mitigating factors following additional factors shall be considered during sentencing in sexual offences.</p> <p>a) Financial Impact Assessment: actual damage, hospital bills, loss of wages: to be verified by magistrate/judge;</p> <p>b) Psychological Impact Assessment: to be assessed by psychiatrist;</p> <p>c) Assessment of Impact to Capacity such as disability: to be assessed by a Medical Professional;</p> <p>d) Impact Assessment on Future Prospectus such as marriage, employment etc.: to be assessed by magistrate/judge;</p> <p>e) Secondary Victimization: Apart from psychological impact on children or other members of the family, the impact on their livelihood, education etc. shall be assessed: to be assessed by an officer appointed by Government. This is more</p>	Dr. Atmaram Shelke, Ms. Aditi Mane, SLS, Pune

		relevant when victim is sole earning person of the family. f) Other things such as pregnancy, transmission of diseases such as HIV etc. shall be assessed: to be assessed by the Medical Professional.	
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II. Offences Relating to Marriage

Q.9. In the light of contemporary discourse on constitutional morality, individual autonomy and gender neutrality in-laws, should ss. 493 and 498 be repealed or modified?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.9. In the light of contemporary discourse on constitutional morality, individual autonomy and gender neutrality in laws, should ss. 493 and 498 be repealed or modified?</i>	Section 493, IPC	Section 493 involving cohabitation shall be treated as aggravated forms of cheating causing reputational and emotional harm.	Faculty Members, SLS Pune
	Section 498 A of the Indian Penal Code	<p>The guidelines laid down in the Lalita Kumari v. Govt. of U.P [W.P.(Crl) No; 68/2008] shall be strictly implemented.</p> <p>NOTE: The case held that registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.</p>	Poornima Gaikwad, Deputy Commissioner of Police; Pune, Zone 3

Q.10. Should live-in relationships be deemed to be a relationship in the nature of marriage for the purpose of s. 494?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.10. Should live-in relationships be deemed to be a relationship in the nature of marriage for the purpose of s. 494?</i>	Section 494 & 495, IPC	Live-in relationships shall deem to be a marriage for the purpose of section 494 and 495 of IPC	Dr. Purvi Pokhriyal, NFSU, Gujarat

III. Cruelty by Husband and Relatives of Husband

Q.11. In light of the Law Commission's 243rd Report, should s. 498A be amended with respect to its scope, punishment, cognizability, bailability and compoundability?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.11. In light of the Law Commission's 243rd Report, should s. 498A be amended with respect to its scope, punishment, cognizability, bailability and compoundability?</i>	498 A	Yes, scope of Section 498 A shall be widened. Additional Punishment shall be given to the Second and third offender	Team SLS Pune

Q.12. In light of the Law Commission's 243rd Report, should any pre-arrest or other procedural safeguards be added specifically with reference to s. 498A?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.12. In light of the Law Commission's 243rd Report, should any pre-arrest or other procedural safeguards be added specifically with reference to s. 498A?</i>	Section 498 A of the Indian Penal Code	Existing provisions are good and SOPs are followed by the Police and as such do not require any correctional measures to provide additional safeguards by way of amendment.	Poornima Gaikwad, Deputy Commissioner of Police; Pune, Zone 3

IV. Procedural Law

Q.13. In what manner should the provisions pertaining to arrest, search and seizure be modified in order to account for the needs of gender and sexual minorities (e.g., gender minorities being provided the right to demand search by non-male police officer)?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.13. In what manner should the provisions pertaining to arrest, search and seizure be modified in order to account for the needs of gender and sexual minorities (e.g., gender minorities being provided the right to demand search by a non-male police officer)?</i>	Section 41 CrPC	There shall be special procedure to avoid unnecessary arrest.	Justice Ambadas Joshi, Lokayukta,, Goa

Q.14. Should Victim-Impact Statements be considered at the time of sentencing?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.14. Should Victim-Impact Statements be considered at the time of sentencing?</i>	Karan vs State NCT, Delhi, 2020; Manodharya Scheme; Section 354, Cr.P.C: Compensation n Sec. 235 crpc. Judgment of acquittal or conviction: Sentencing	Victim Impact Assessment Statement shall be adopted for the purpose of Compensation, Aid, Maintenance and Sentencing. Addition of section 354 A in Cr. P.C shall be made to provide Compensation, Aid and Maintenance to victim. Need to add sub-clause under section 235 CrPC adding the Victim Impact Assessment Statement.	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
	Karan vs State NCT, Delhi, 2020.	Victim Impact Assessment Statement Shall include: a) Financial Impact Assessment: actual damage, hospital bills, loss of wages: to be verified by magistrate/judge; b) Psychological Impact Assessment: to be assessed by psychiatrist;	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pun

		<p>c) Assessment of Impact to Capacity such as disability: to be assessed by a Medical Professional;</p> <p>d) Impact Assessment on Future Prospectus such as marriage, employment etc.: to be assessed by magistrate/judge;</p> <p>e) Secondary Victimisation: Apart from psychological impact on children or other members of the family, the impact on their livelihood, education etc. shall be assessed: to be assessed by an officer appointed by Government. This is more relevant when victim is sole earning person of the family.</p> <p>f) Other things such as pregnancy, transmission of diseases such as HIV etc. shall be assessed: to be assessed by the Medical Professional.</p> <p>Addition of sub clause (b) to Section 2 (W), Cr.P.C. shall be made that defines VIS</p>	e, SIU
Manodharya Scheme and section 354 Cr,PC.	<p>Secondary victimization shall be considered :</p> <p>Compensation shall be provided to secondary victims, more particularly when a sole earning member of family is murdered or handicapped as result of offence, State has to provide the compensation and maintenance to such secondary victims.</p> <p>A provision of compensation to secondary victimisation shall be added under section 354 of Cr.PC and under Manodharya Scheme</p>	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU	
Manodharya Scheme and section 354 Cr,PC.	<p>State shall provide Maintenance, Aid and Compensation to victim of offences against women- A provision of Maintenance and Aid under section 354 and under Manodharya Scheme shall be added</p>	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU	
Manodharya Scheme and section 354 Cr,PC.	<p>There shall be Auto and Time Bound Process for proving Maintenance, Aid and Compensation to the victim.</p> <p>State shall add a provision mentioning timeline for Maintenance, Aid and Compensation under section 354 and under Manodharya Scheme</p>	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU	

	Manodharya Scheme	<p>Adequate fund shall be provided for implementation of Manodharya Scheme and it shall be duty of DLSA to distribute the fund.</p> <p>There is inadequacy of the fund as compare to cases covered under Manodharya, therefore, by studying last three years cases in particular district adequate fund shall be provided.</p> <p>Addition in Manodharya Scheme needed</p>	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
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V. Orders for Maintenance of Wives, Children and Parents

Q.15. Should the grounds for refusal of maintenance in sub-sections (4) and (5) of s. 125 be modified?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.15. Should the grounds for refusal of maintenance in sub-sections (4) and (5) of s. 125 be modified?</i>	Section 125(4) and (5) of CrPC CrPC	Refusal to maintenance: Needs probe for the women who refuses to stay with husband that if it is due to fear induced by husband.	Dr. Tapan R. Mohanty, Professor, National Law Institute University, Bhopal
	- Section 125 (4) and (5) CrPC	Clause 4 and 5 of Section 125 CrPC shall be repealed.	Prof. Yogesh Dharangutti, Assistant Professor, SLS Pune

Q.16. Should s. 125(2) be modified to make the amount of maintenance be payable only from the date of application by the claimant?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.16. Should s. 125(2) be modified to make the amount of maintenance be payable only from the date of application by the claimant?</i>	Section 125(2) of CrPC	Section 125 (2) shall be amended to add the provision of claiming maintenance from the date of application as per the judicial precedents laid down in <i>Rajnesh v. Neha</i> , (2021) 2 SCC 324 .	Justice Dr. Shalini Phansalkar Joshi, Former Judge, High Court of Bombay & Distinguished Visiting Judge Scholar-in-Residence, Symbiosis Law School, Pune (In absentia submitted her views)

Q.17. In the light of issues relating to inexpediency and inefficiency of enforcement procedures under s. 125, should magistrates be given further powers to ensure the timely enforcement of such orders? If yes, please suggest suitable remedies or modifications in present procedures for the same.

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.17. In the light of issues relating to inexpediency and inefficiency of enforcement procedures under s. 125, should magistrates be given further powers to ensure the timely enforcement of such orders? If yes, please suggest suitable remedies or modifications in present procedures for the same.</i>	Section 125 of CrPC	<p>The magistrate shall be empowered to cast duty on employer for ensuring that the amount of maintenance is paid effectively and immediately after the salary is paid.</p> <p>The key points of <i>Rajnesh v Neha</i> (2021) 2 SCC 324 relied as a reference by the panellists are mentioned below for ready reference.</p> <p>Criteria for determining the quantum of maintenance and provided the following factors to be considered by the court:</p>	Justice Dr. Shalini Phansalkar Joshi, Former Judge, High Court of Bombay & Distinguished Visiting Judge

		<ol style="list-style-type: none"> 1. Status of the parties 2. Reasonable needs of the wife and dependent children 3. Whether the applicant is educated and professionally qualified 4. Whether the applicant has any independent source of income 5. Whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home 6. Whether the applicant was employed prior to her marriage 7. Whether she was working during the subsistence of the marriage 8. Whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family 9. Reasonable costs of litigation for a non-working wife 10. The financial capacity of the husband 11. His actual income 12. The spiraling inflation rates and high costs of living 13. Reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, his liabilities if any. 	Scholar-in-Residence, Symbiosis Law School, Pune (In absentia submitted her views)
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Q.18. Should the limitation period for going to the court for issuance of warrant under sub-section (3) of s. 125 be modified?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.18. Should the limitation period for going to the court for issuance of warrant under sub-section (3) of s. 125 be modified?</i>	Section 125(3) of CrPC	Under Section 125(3) of CrPC, the period of limitation is to be increased to 2 years.	Justice Ambadas Joshi, Lokayukta,, Goa

Q.19. Should s. 125 be amended to provide for a right to appeal against an order passed by the magistrate?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.19. Should s. 125 be amended to provide for a right to appeal against an order passed by the magistrate?</i>	Section 125	Yes, s. 125 shall be amended to provide for a right to appeal against an order passed by the magistrate?	Team SLS Pune

Q.20. Should factors such as those enumerated in s. 20 of the Protection of Women Against Domestic Violence Act, 2015 (eg. the maintenance amount being adequate, fair and reasonable and consistent with the standard of living to which the claimant is accustomed; inclusive of medical expenses, if any; etc.) also be expressly listed in s. 125 for computation of maintenance? If yes, please suggest appropriate factors.

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.20. Should factors such as those enumerated in s. 20 of the Protection of Women Against Domestic Violence Act, 2015 (eg. the maintenance amount being adequate, fair and reasonable and consistent with the standard of living to which the claimant is accustomed; inclusive of medical expenses, if any; etc.) also be expressly listed in s. 125 for computation of maintenance? If yes, please suggest appropriate factors.</i>	Section 125 of CrPC	Best interest of child as well woman to be considered..	Dr. Tapan R. Mohanty, Professor, National Law Institute University, Bhopal
	-	National Crimes Bureau (NCRB) should include rubrics on violence against disabled women	Dr. Sanjay Jain, Principal (Additional Charge) ILS Law College, Pune

Q.21. Should the presumption as to absence of consent under s. 114 A of the Indian Evidence Act be extended to include - a) S. 376 (1) of the I.P.C.?

Question	Existing Provision in Law	Recommendation proposed	Resource Person
<i>Q.21. Should the presumption as to absence of consent under s. 114 A of the Indian Evidence Act be extended to include - a) S. 376 (1) of the I.P.C.?</i>	S. 114 A of Indian Evidence Act r/w S. 375 IPC	S. 114 A of Indian Evidence Act to be compatible with Sec. 375 of IPC	Adv. Uday Warunjekar, Criminal Law Expert
	Section 114 A of Indian Evidence Act r/w S. 376 IPC	<p>Section 114 A of Indian Evidence Act shall not be extended to Section 376 (1) of IPC as it would be a repetition and application of two different standards under both the legislations.</p> <p><u>Summary of 376:</u> 376. Punishment for rape- (1) Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.</p>	Justice Dr. Shalini Phansalkar Joshi, Former Judge, High Court of Bombay & Distinguished Visiting Judge Scholar in Residence, Symbiosis Law School, Pune (In absentia submitted her views)

General Observations/ comments made by the Panelists:

1	Chapter II of Cr. P.C.	Addition of a Chapter -II A for shall be done to create more Women Friendly Courts and Mahila Adalats and the judges of women-friendly courts shall be provided special training on gender issues.	Dr. Shashikala Gurpur, Fulbright Scholar, Jean Monnet Chair Professor, Director, Symbiosis Law School, Pune, Dean, Faculty of Law, Symbiosis International (Deemed University) Anuradha Sahasrabudhe, Activist, Child Line
2	Section 10 of the National Commission for Women Act, 1990	Frequent awareness programmes and workshops on gender issues shall be organized by the NCW Clause 5 under section 10 of National Commission for Women Act, 1990 shall be added to impose duty on NCW to conduct frequent workshops and awareness programmes for police to provide knowledge of correct application of sections and police needs to consider the background of the alleged criminals	Dr. Shashikala Gurpur, Fulbright Scholar, Jean Monnet Chair Professor, Director, Symbiosis Law School, Pune, Dean, Faculty of Law, Symbiosis International (Deemed University)
3	-	More Budgetary allocation for women counselling centres shall be made to provide psychological support to victim.	Justice Ambadas Joshi, Lokayukta, Goa
4	-	Increase in Helplines for women parallel to the recording of FIR shall be done for their safety.	Justice Ambadas Joshi, Lokayukta, Goa
5	-	An additional provision for contributory insurance funds shall be created by the NCW.	Justice Ambadas Joshi, Lokayukta, Goa
6	-	New Mediation Centres by Law Universities in collaboration with NCW shall be set up.	Dr. KVS Sharma: Vice Chancellor, Maharashtra National Law University, Aurangabad
7	-	Demand for more female officers in police forces and Bar and Bench shall be encouraged.	Dr. KVS Sharma: Vice Chancellor, Maharashtra National Law University, Aurangabad
8	Intermediary Rules, 2021	Intermediary rules are good however the online platforms shall have a 3-tier system of grievance officers to make the woman safe on an online platform.	Adv. Puneet Bhasin, Cyber Law & Cyber Crime Experts
9	Manodharya Scheme	Adequate fund shall be provided for implementation of Manodharya Scheme and it shall be duty of DLSA to	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty,

		distribute the fund. There is inadequacy of the fund as compare to cases covered under Manodharya, therefore, by studying last three years cases in particular district adequate fund shall be provided.	Symbiosis Law School, Pune, SIU
10	Section 79 IT Act, 2000	Under section 79 of IT, Act, 2000, ‘Take Care’ rather than ‘Take Down’ approach shall be followed for the offences against women Modification to section 79 of IT Act, 2000	Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School, Pune, SIU
11	Art. 21 of the Constitution, Section 167, 258, 309, 311 and 468 Cr. P. C. provides to expedite the disposal of cases and to enable timely delivery of justice.	Need to have time bound process/ speedy procedure Section 309A needs to be inserted mentioning the timeline to be followed from investigation to final judgment in the cases of marital rape.	Adv. SK Jain, Criminal law expert
12	Section 108 of Cr.P. Code	Section 108 Cr. P.C. shall be utilized for preventive actions Insertion of clause 3 under section 108 of the Criminal Procedure Code shall be done empowering the executive magistrate/designated officer to order for execution of bond in order to prevent the offences mentioned under section 108 of Cr.P.C.	Adv. SK Jain, Criminal law expert
13	Section 108 of Cr.P. Code	Section 108 of Cr. P. Code shall be utilized even for state of preparation of offences incorporated under section 108 Cr. P.C.	Adv. SK Jain, Criminal law expert
14	Section 108 of Cr.P. Code	An independent officer of a higher rank, superintendent of police shall be appointed or magistrate of court be given enough power to enforce section 108 of Cr.P.C. effective. Amendment of clause 1 of section 108 shall be done by adding an independent officer of a higher rank, superintendent of police and judicial magistrate.	Adv. SK Jain, Criminal law expert
15	Section 108 of Cr.P. Code	Insertion of clause 5 under section 108 of the Criminal Procedure Code shall be done that imposes duty on social medial to provide data required for the purpose of section 108 of Cr. P. C.	Adv. SK Jain, Criminal law expert

16	RPWD Act	The laws under RPWD Act shall be implemented and made visible	Dr. Sanjay Jain, Principal (Additional Charge) ILS Law College, Pune
17	304B of Indian Penal Code 1860	<ol style="list-style-type: none"> 1. The 7 years limit under section 304B of Indian Penal Code, 1860 must be done away with, and assumptions of dowry deaths shall be continued after 7 years. 2. The legislature shall increase the punishments for dowry deaths and other dowry related offences under the Dowry Prohibition Act 	Dr. Rajashree Varhadi - Professor & Former Head, Department of Law, University of Mumbai.

I. PRE-PLENARY SESSION

A very enriching session titled “Review of Criminal Law- Improvement in Status of Women: Cyber Crime and IPC (Sexual Offenses)” commenced with the introduction of the honorable resource persons for the session by Prof. Dr. Bindu Ronald. The plenary session was moderated by esteemed Director **Prof. Dr. Shashikala Gurpur** who also briefed the speakers concerning the themes of panel discussion and with very insightful introductory background to the topic.

Dr. Shashikala Gurpur, Fulbright Scholar, Jean Monnet Chair Professor, Director, Symbiosis Law School, Pune, Dean, Faculty of Law, Symbiosis International (Deemed University)- *Welcome Address*

Dr. Gurpur in her welcome address highlighted the importance of reformatory measures that are needed to tackle the modern era issues.

1. NCW should emphasize on setting up of more women courts/ Mahila Adalats.

The Mahila Courts will provide an alternative dispute-resolution forum specifically designed to address women's marital and family-related problems. The women-friendly courts can aim to provide a safe and unthreatening environment where the victims can air their grievances, work out satisfactory settlements with husbands and in-laws, or find ways to escape their difficult situations altogether. As set up in Delhi and some parts of India, the Mahila courts encourage women to resolve domestic disputes informally, rather than by resorting to the state's judicatory institutions. Women judges can be appointed for the same to adjudicate such issues.

2. Law to consider the ambiguity of the procedural aspects under the PCPNDT Act and implementation of the same.

In the PCPNDT Act, there are many ambiguities concerning procedural aspects for instance under section 2(d) of Chapter I genetic clinic has been defined. The Genetic Clinic includes

a vehicle, where an ultrasound machine or imaging machine or scanner or other equipment capable of determining the sex of the fetus or portable equipment which has the potential for detection of sex during pregnancy is used. The confusion surrounding the same is whether a vehicle, e.g. car carrying the machine (not used for doing ultrasound) is to be registered or not and the registration charges to be paid if it is registered as a genetic clinic. She further stated that it is not clear whether a separate monthly report is to be sent or not. These questions are unanswered by the Act thus this clause is of no use as portable ultrasound is banned by the High Court in Maharashtra and many other states by the concerned authorities.

3. NCW should conduct more workshops and awareness programmes in police stations to provide knowledge of the correct application of sections and take into consideration of the socio-cultural background of the alleged criminals.

Investigation being the most important aspect in any criminal case, it is the responsibility of the police officials to find out the truth as per the law of the land, like, identification of the accused, establishing the guilt of the accused, and producing the same before the respective magistrate. However, the police are not well trained, or well versed in the process of investigation, which most of the time leads to injustice to the accused or the victim. For instance: Section 156 of CrPC deals with the power of a police officer to investigate and the procedure for such investigation is mentioned under Section 157 of CrPC, however, the manner under which police conducts an investigation is very poor, and often, leads to malicious prosecution of an innocent person. Therefore, the traditional procedure of investigation by police must be abandoned, and professionalism, transparency, and accountability must be introduced in the legal provisions.

4. NCW should come up with mechanisms to curb cyber-crimes against women with emerging and new forms of vulnerabilities post COVID-19.

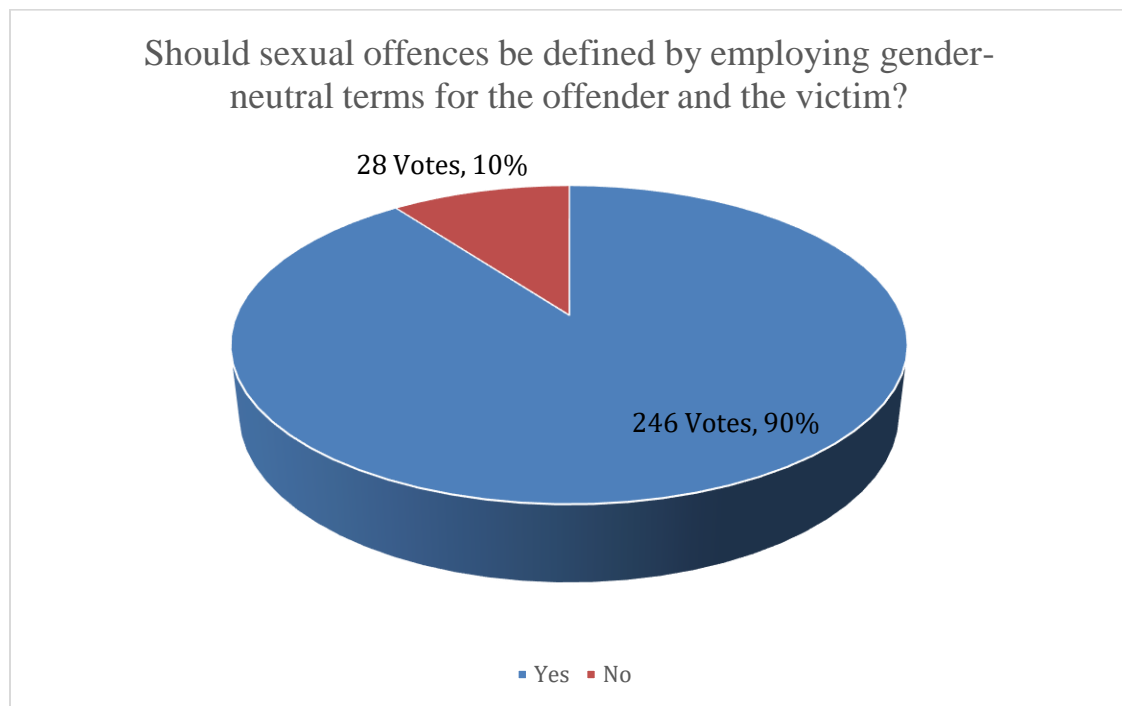
With the increase in online mediums becoming a lifeline today, women and other sections of society are more vulnerable to cyber abuses. Dr. Gurpur stressed the emerging and new forms of vulnerabilities post-COVID-19. She stated that the Complaint & Investigation

Cell must work with the legal cell side by side in resolving issues faced by the women with relation to cybercrimes.

5. Laws to be made more gender-neutral in today's modern era.

Sections 375 and 376 of the Indian Penal Code, 1860, mention the conviction on the offense of rape of a woman by a man. In addition to the rape laws, there have been many other acts such as the Domestic Violence Act, 2005 that are gender-specific and related only to women, such as sexual harassment or voyeurism. Increased awareness about these offenses in society shows any form of sexual assault could happen to both males and females, as well as the other genders of society therefore gender neutrality in the laws of India is essential now.

• **POLLING RESULT:**



SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendation
1	Chapter II of Cr. P.C.	Need to set Women Friendly Courts and Mahila Lok-Adalats- Need to add Chapter -II A for the creation of Women Friendly Courts and Mahila Adalats. The judges of women-friendly courts shall be provided special training on gender issues.
2	Section 10 of the National Commission for Women Act, 1990	Need to have frequent awareness programmes and workshops on gender issues. - Need to add clause 5 under section 10 of National Commission for Women Act, 1990 imposing a duty on NCW to conduct frequent workshops and awareness programmes for police to provide knowledge of the correct application of sections and take into consideration of the socio-cultural background of the alleged criminals
3	The National Commission for Women Act, 1990	Need to provide a special mechanism to curb cyber crimes against women with emerging and new forms of vulnerabilities- Need to insert Chapter -II A in the National Commission for Women Act, 1990 mentioning a special mechanism to curb cyber crimes against women with emerging and new forms of vulnerabilities post.
4	Sections 375 and 376 of the Indian Penal Code, and title, objectives, and relevant provisions of the Protection of Women from Domestic Violence ACT, 2005	Section 375 of IPC and Protection of Women from Domestic Violence ACT, 2005 shall be gender-neutral- Word “man”, “woman”, “her”, “him”, “he”, “she” etc. shall be replaced with the word “person” to make it gender-neutral. Relevant provisions of the Protection of Women from Domestic Violence Act, 2005 shall be amended to make it gender-neutral.

Justice Ambadas Joshi, Lokayukta, Goa- *Chief Guest's Address*

Justice Joshi emphasized on curative measures in the prevention of crime against women. He suggested that it's necessary to meditate on the inclusion of backward integration for offenses against women. He added that victims need to be provided with immediate consolation, moral and psychological support. At the same time, the FIR shall be recorded. to the recording of FIR, assistance in the form of a helpline can help. He highlighted that the workforce of law colleges and NGOs is to be used. According to Justice Joshi, pre and post-marriage counseling are required. There is a need to provide contributory funds, with the same object of insurance, to the victims. He questioned the end objectives of the law. The law needs to be preventive and remedial in its object.

His recommendations can be summarized as follows:

- Inclusion of 'backward integration' for offenses against women.
- Immediate consolation, moral and psychological support to the victims.
- Helplines for women parallel to the recording of FIR.
- Provision for Pre-Marriage and Post-Marriage counseling for people.
- Need for provision of contributory funds.

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1	-	Counseling essential as psychological support to the victim
2	-	Increase in Helplines for women parallel to the recording of FIR.
3	-	More Budgetary allocation for women counseling centers
4	-	Make provision for contributor insurance funds

**Dr. KVS Sharma: Vice-Chancellor, Maharashtra National Law University,
Aurangabad- *Guest of Honor Address***

1. National Commission for women to urge universities to set up mediation centers to resolve pendency of issues in courts

Out of the 28,000,000 cases pending in Indian subordinate courts, 24% have been pending for divorce and maintenance issues which can be resolved by mediation. NCW can mandate law universities and colleges to set up mediation centers that will aid in resolving issues that are a burden on the judicial system. NCW to involve in these mediation centers set up law universities to give more authority and impact.

2. Demand for more female officers in police forces

The India Justice Report 2019 states that there is only one policeman for every 858 persons in the country and 13 states have more than 10 percent women in their police force. Similarly, there are only 6% women in the judiciary and only 18% as panel lawyers. Therefore, more female representation in these cadres is essential to promote the interest of women.

SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1	-	Setting up of New Arbitration Centers by Law Universities in collaboration with NCW
2	-	Demand for more female officers in police forces and Bar and Bench.

PLENARY SESSION 1

***Review of Criminal Law- Improvement in Status of Women:
Cyber Crime and IPC (Sexual Offenses)***

**Dr. KVS Sharma: Vice-Chancellor, Maharashtra National Law University,
Aurangabad *Classification (Need for reform in classification, modification)***

- **Need for separate Act that classifies sexual offenses in IPC.**

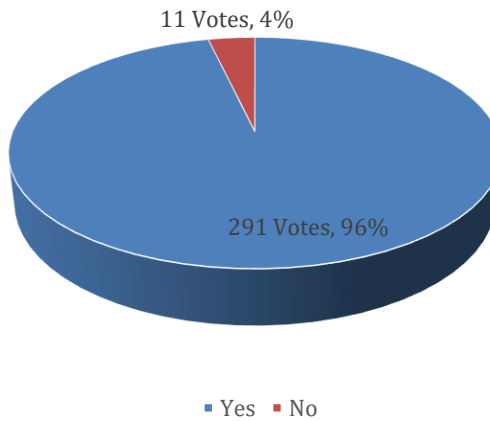
The IPC, 1860 contains antiquated provisions that fail to address the sexual offenses committed today. Like the U.K. Sexual Offences Act, 2003 divided the ‘sexual offenses’ into four broad categories, the offense of ‘rape’ under IPC is only limited to instances of penile penetration under s. 375, while non-penetrative sexual offenses are strewn across ss. 354, 377 and 509 of IPC. S. 354- Assault or criminal force to woman with intent to outrage her modesty; S. 509- Word, gesture or act intended to insult the modesty of a woman; S. 377- Unnatural Offences; Grave sexual – offenses where penile penetration is absent would be meted with a much lesser degree of punishment than the one prescribed under s. 376. The offense of rape is only limited to instances of penile penetration under section 375. The Honorable speaker highlighted how the term non-penetrative is strewn across S. 354. S. 509. S. 377. For grave sexual offenses where penetration is absent like- the Tara Dutt vs State of Delhi CRL.REV.P. No. 321 of 2008 (the offense of digital rape was committed on a five-year-old girl), it is observed that the punishment given to the offender is inadequate, as was evidenced in this matter

Dr. Sarma further provided a comparative analysis of the U.K. Sexual Offences Act, 2003 that classifies sexual offenses in 4 major categories; and Kenya’s Sexual Offences Act, 2006 which categorizes sexual offenses in almost 25 different categories, thus covering a variety of different sexual crimes to help address the issue in a much more holistic fashion.

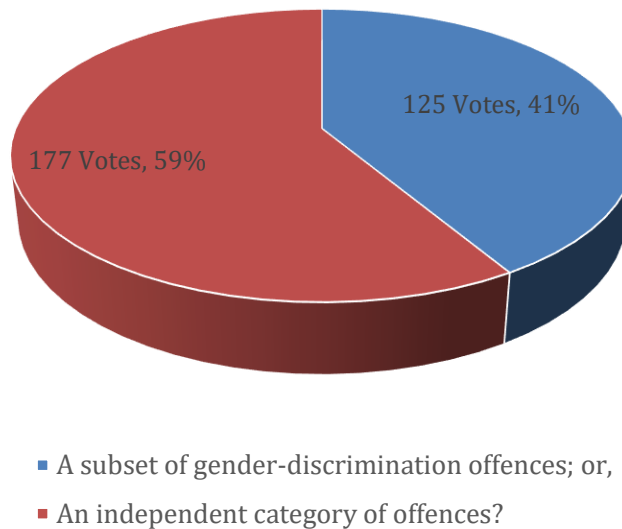
The speaker recommended that India needs to introspect and evaluate whether it needs a classification based on Justice Verma Committee; a) Rape; b) Sexual Assault; c) verbal Sexual Assault; d) Sexual Harassment; e) Acid Attack; f) Offences against women in conflict areas (Armed forces); f) Trafficking; g) Child Sexual abuse; Therefore, bringing out an Act in India that classifies sexual offenses will be a boon to the criminal justice system.

- **POLLING RESULT:**

Is there a need to reform in this classification of sexual offences
by adding/ deleting/ modifying any offences?



Should sexual offences be classified:



Discussion By Panelists On Whether A Sexual Harassment Law Should Be Passed Separately For Women?

With Dr. Sarma's suggestion on new legislation, a discussion was put forth on cybercrimes to be taken under the IT Act or IPC before the experts:

- Justice Ambadas Joshi, Prof. KI Vibhute and Adv. Puneet Bhasin thought that the IPC sections should be amended to intersect the laws relating to issues under IPC and the IT Act instead of creating new legislation separately targeting a crime of sexual offenses as it would lead to multiplicity of legislations.
 - The police officials should be educated to correctly apply sections for a crime.
 - Address the cyber-crimes committed against women or a stringent subsection under the IPC needs to be brought.
 - Amendment of s. 375 of IPC to incorporate the perspective of the victim and cyber-crimes to help address all the different kinds of sexual crimes. It was discussed that bringing in new legislation would require a process of assimilation and education regarding the same.
 - Dr. Purvi emphasized that Gender Neutrality in all sections of the IPC should be implemented to make issues inclusive of all genders. While incorporating amendments of any kind it is important to understand that sex should not be a determining factor.
 - It was also suggested that while making amendments it needs to be considered that the amendments need to be made watertight and conceptually clear to avoid ambiguity of the section to tackle the issue of wrong sections being applied.
- **Need to revisit the Section 376 of IPC - Offence of Rape to not be restricted only to penile penetration.**

The definition as mentioned under section 376 only takes into account forced acts of penile-vaginal intercourse, it leaves instances of forced penile/oral, penile/anal, finger/vaginal, or object/vaginal out of its ambit. The impact of these offenses is in no manner less than the trauma of penile/vaginal intercourse; however, no amendment has been effected as of today to include these offenses in the definition of rape.

- **Attempt to commit rape u/s 376 and sexual assault u/s 354 to be based upon physical and psychological impact on the victim rather than the test of penile penetration as used about section 376 of IPC.**

On the point of distinction between an attempt to rape and outraging the modesty was highlighted. During this discussion 172nd Law Commission Report was relied upon. The 172nd Law Commission Report states that the physical and psychological impact on the child must be the basis, to make the distinction. The distinction between the penetrative and non-penetrative sexual assault makes for severe crimes to go unpunished. Several committee reports including Justice Verma report attempt to make a classification to encompass several kinds of sexual violence.

- **Cultural and religious sexual offenses to be covered under sexual offenses category of IPC**

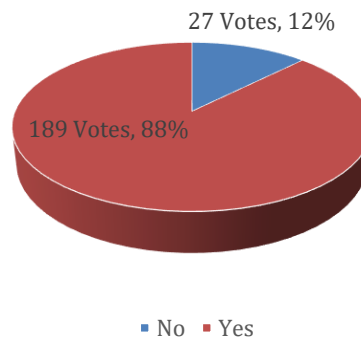
Sexual abuse in religion is not an uncommon activity and is not recognized as a crime in IPC. IPC must have a clause added to sexual offenses chapter that includes sexual abuse in the name of culture and religion.

- **Need for section 375 (2) IPC in light of gender neutrality and more particularly in light of commitment to international human rights documents.**

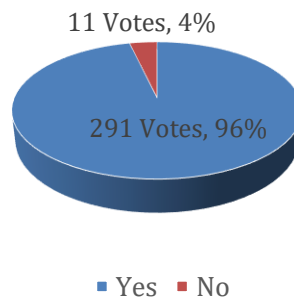
The exception under the rape law that protects a husband from prosecution for a non-consensual sexual act with his wife could be declared unconstitutional as it is not gender-neutral. It was submitted that such an unequal exception creates cause for deeper introspection and therefore the unequal status of the Section 375 (2) IPC needs to be addressed.

- **POLLING RESULT:**

Should the grounds of vitiation of such consent be expanded to include cases where:. The perpetrator is impersonating any other person (and not just the husband as currently provided in s. 375) that the victim would otherwise knowingly have consented to?



Is there a need to reform in this classification of sexual offences by adding/ deleting/ modifying any offences?



SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1	-	Need for separate Act that classifies sexual offenses in IPC.
2	Section 376 IPC	Need to amend Section 376 - Offence of Rape to not be restricted only to penile penetration.
3	Attempt to commit rape u/s 376 and sexual assault u/s 354, IPC	Attempt to commit rape u/s 376 and sexual assault u/s 354 to be based upon physical and psychological impact on the victim rather than the test of penile penetration as used about section 376 of IPC
4	Chapter XVI, IPC	Cultural and religious sexual offenses to be covered under the sexual offenses category of IPC
5.	section 375 (2)	Need to amend section 375 (2) in light of gender neutrality and more particularly in light of commitment to international human rights documents.

Dr. Rashmi Oza, Principal, Chembur Karnataka College of Law, Mumbai
Rape (Idea of consent, Standard of consent, vitiation of consent, Marital Rape Exception 2 of the S. 375 to be removed) and Gender Neutrality.

- **Need to repeal Section 375 clause 2 of the IPC**

The question was raised whether marriage gives a man a right to rape his wife. Globally Women's rights are often overlooked. To date throughout the world, women have been subjected to sexual crimes the concept of consent is inadequately addressed in s. 375. Section 375 clause 2 takes the power away from the woman to give consent and only gives judicial oversight to define the concept of consent. The Court in a plethora of judgments from the Mathura Rape case to the Independent Thought Case considered the age of 18 years for consent in the offenses of rape. Section 375 S. 2 was not addressed in 172nd Law Commission Report however the Justice Verma report recommended this exception to be removed. Governments in Australia and the UK have criminalized marital rape. The speaker highlighted the principles of the CEDAW Convention ratified by India 1993, Section 16 makes a specific provision concerning thrusting an obligation on the state to ensure there is equality within the marriage. The liberty and choice of the woman to make sexual and reproductive decisions need to be addressed. In the backdrop of Azadi ka Amrut Mahotsav, the Speaker raised the question that whether the country can truly be considered independent with exceptions such as this still in existence.

- **Need to inculcate the spirit of International Conventions in regional Laws**

Dr. Rashmi Oza presented her viewpoint on the issue from a human rights perspective. She questioned that after 75 years of Indian independence, more than seven decades since the Constitution of India has been put in its place and more than seven decades since the UN General Assembly adopted the Universal Declaration of Human Rights 1948 what is the stance of India at the moment. India in the context of its civilization or quality of formation, civilization can be measured by the respect or nation-state gives to its citizens towards protection and promotion after rights and mechanisms it uses for enforcement of these rights as such. India being a party to majority of international human rights instruments,

it's high time for us now to focus on this exception to Section 375 specifically exception 2 from the perspective of gender neutrality as well. She drew a comparison of the two documents and observed that there are lots of similarities. One of the significant rights which our Constitution treats as a human right is the right to life liberty and security of a person. Under the right to life and personal liberty, the "right to bodily integrity" is implicit within the right to life. Would it mean that the social fabric of the society is such that once there is a matrimonial tie, then it would mean that a man have an unlimited right to unlimited access to a woman's body? She emphasized that throughout the globe women's rights has always been a contentious issue.

To date, there are grave and systematic violations of women's rights which force us to introspect where do we stand now in the context of section 375 exception 2. It has been described under explanation within section 375 and in specific terms, it states that it's "an unequivocal voluntary agreement by a woman" so far "by words or by gestures" or by "word" by or "nonverbal communication" or giving or "showing or expressing her willingness to sexual intercourse" but there is a proviso to this section 375 which states that if a woman resists through this forcible act as such then it will not be presumed that she had not consented. It is all subject to the interpretation by the Court.

The judicial journey has traversed from *Mathura Rape Case* where the court interpreted the word consent as to how do we treat consent. In *Sakshi v Union of India* (2004) 5 SCC 546 the court in specific terms stated that any such offense against a woman or a girl less than 18 years old will amount to the offense and making a specific mention of "right to bodily integrity" "her right of reproductive choice" as well. The Justice JS Verma Committee Report, 2013 has made a specific recommendation that mentions section 375 exception 2 should be criminalized and it needs to be repealed/ deleted. India needs to take lessons from UK, Australia, and Scandinavian countries where they have specific legislation criminalizing marital rape. The respect for Article 5a which talks about the elimination of social and cultural patterns against women and Article 16 which talks about equality in the marriage of the CEDAW needs to be maintained. Equality within marriage

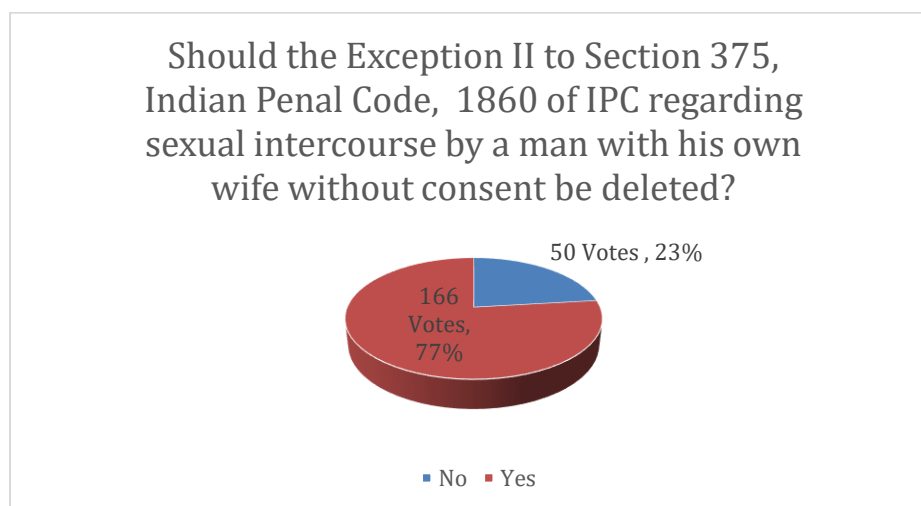
includes giving equal right to women in the matter of choices, whom to marry, whether to have sex with her husband, to decide the spacing between children and number of children.

The speaker concluded by saying that we must strive to ensure the equality which is guaranteed by the Constitution as well as the international document- Universal Declaration of Human Rights without any discrimination, whatsoever.

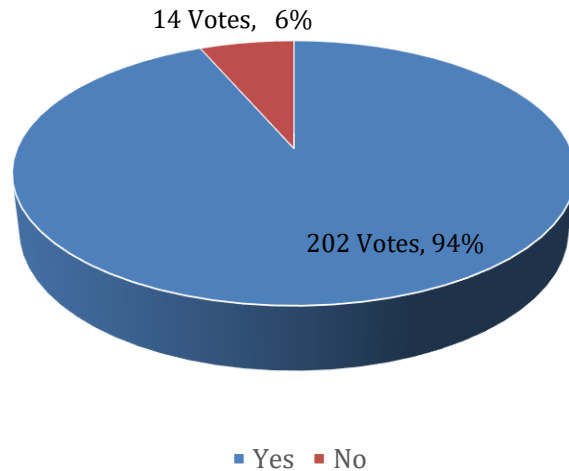
The recommendations given by Dr. Rashmi Oza can be summarized as follows:

- The unequal status enumerated in section 375 exception 2 needs to be addressed by comparatively analyzing and inculcating the safeguards as mentioned under the pre-existing UK, Australian and Scandinavian laws on marital rape, and legislations for the same should be made.
- The spirit of human rights as seen in international instruments need to be inculcated in Indian laws, specifically in context of Article 5 and 16 of the CEDAW.
- In context of marital rape and right to bodily integrity of women, researchers, jurists, legislature and judicial officers to view jurisprudence concerning *Mathura rape case*, *Sakshi v Union of India* ((2004) 5 SCC 546, AIR 2000 SC 3479) and *Independent Thought v Union of India* ((2017) 10 SCC 800).

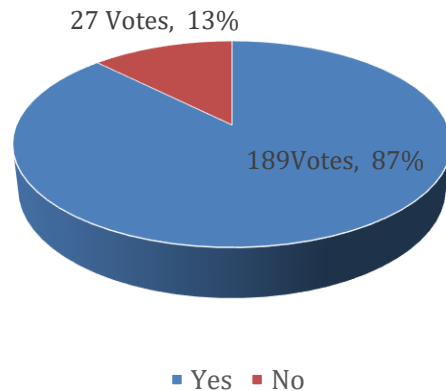
• **POLLING RESULT:**



Should the grounds of vitiation of such consent be expanded to include cases where:. The victim has been put in fear of injury other than physical hurt or death?



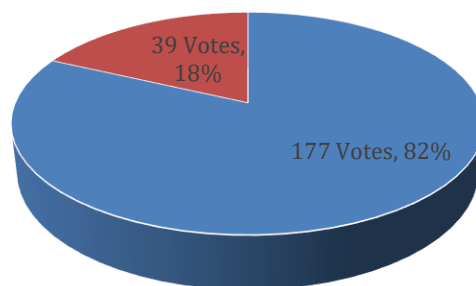
Should the grounds of vitiation of such consent be expanded to include cases where:. The perpetrator is impersonating any other person (and not just the husband as currently provided in s. 375) that the victim would otherwise knowingly have consented to?



SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Section 375, Exception 2	The section needs to be addressed by comparatively analyzing and inculcating the safeguards as mentioned under the preexisting UK, Australian and Scandinavian laws on marital rape and legislations for the same should be made. The spirit of human rights as seen in international instruments needs to be inculcated in Indian laws, specifically in context of Article 5 and 16 of the CEDAW.

Should the marital rape exception (Exception 2) under s. 375 of the I.P.C. be deleted?



■ Yes ■ No

Dr. K. I. Vibhute, Director, Amity Law School, Mumbai

Gender Neutrality and Marital Rape and Sentencing guidelines for sexual offenses

- **Need to address the issue of gender neutrality and the unequal status of marital rape by Repealing the subsection as it is the need of the hour.**

The 160-years journey of the IPC can be divided into 3 parts: Mathura, Post Mathura to Nirbhaya's case and post Nirbhaya. IPC in its original definition based on the recommendations of reports changed the name from rape to sexual assault and to understand this nomenclature change we need to evaluate the definition as; Rape- has a connotation of sexual intercourse, assault is wider than rape and violence is wider than assault.

This loophole of the Legislature to recognize the rationale behind the same has led to it not amending the section. Section 375 Sub-section 2 allows the husbands to rape their wives with impunity. The rationale behind the same is that marriage allows and bestows consent on the husbands and raises 2 issues:

- A. At the time of any carnal activity outside the bond of marriage, it is considered as an offense, but within the marriage boundaries, it is not. The doctrine of Coverage advocates that wife is under the protective cover of the husband.
- B. The other conception of the section denotes women as the property of a man. The Section 375 clause 2 of IPC just protects that proprietary right. - The consent aspect involved in a marriage that the wife is supposed to have consented to the marriage and its irrecoverable consent that applies to sexual intercourse as well

Comparing the IPC to the penal code in Britain, no man has the right to hurt the woman while committing the offense of sexual violence, no right to forced fellatio. The Blackstonian exception is an objection to any man and therefore cannot be a part of their law. The Indian Legislature, for the last 3 decades is reluctant to remove exception 2 of

section 375 of IPC. The 5th Law Commission 1971 recommended that this exception shall be taken out. The 9th Law Commission declined to support this view of the 5th Law Commission claiming that this amounts to excessive interference with marital interference. The same was echoed by the 15th Law commission. J. S. Verma Committee Report post Nirbhaya argued strongly that this is to be taken out. The husband should not get the special privilege to hurt his wife. Consent needs to be made necessary even for sexual intercourse in matrimonial tie. However, the legislature argued that this exception needs to be there to protect the marriage as an institution. The affidavits indicate that the general opinion of the parliament is that sexual intercourse is an integral part of the institution of marriage.

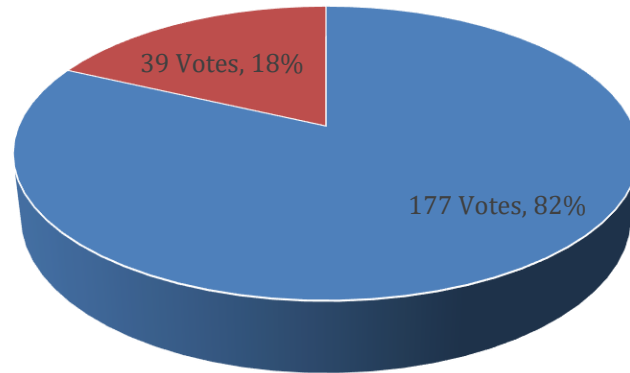
In light of these views expressed by him with a balancing approach he gave the following recommendations:

- 1) There are two approaches to bring the desired change concerning marital rape. First is the legislative approach i.e. by way of express amendment and the Second approach that calls for judicial creativity and renders exception 2 to section 375 to be rendered as unconstitutional on grounds of the dignity of woman and autonomy of her identity.
- 2) exception 2 to the Section 375 of IPC needs to revisit and maybe amended however while making such an amendment following three sub-issues need to be addressed and that may be a little challenging. The three issues are
 - How to define marital rape?
 - What should be the definition of consent for that matter?
 - What should be the quantum of punishment in case the offense of marital rape is proven?

In addition to this, he also expressed his dissent that the present approach of treating marital rape as sexual assault is an inadequate approach to look at the gravity of the offense of marital rape.

- **POLLING RESULT:**

Should the marital rape exception (Exception 2) under s. 375 of the I.P.C. be deleted?



■ Yes ■ No

SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1	Exception 2 to Section 375 of the Indian Penal code does not give recognition to marital rape.	There are two approaches to bring the desired change concerning marital rape. First is the legislative approach i.e. by way of express amendment and the Second approach that calls for judicial creativity and renders exception 2 to section 375 as unconstitutional on grounds of dignity of woman and autonomy of her identity.
2		<p>Exception 2 to the Section 375 of IPC needs revisit and may be amended however while making such an amendment following three sub-issues needs to be addressed and addressing the same is a crucial challenge.</p> <p>The three issues are</p> <ul style="list-style-type: none">• How to define marital rape?• What should be the definition of consent for that matter?• What should be the quantum of punishment in case the offense of marital rape is proven?

Discussion by panelists on: Should the Marital Rape exception under s. 375 of the IPC be deleted?

- An alternative opinion was provided where it was argued that protection of family rights should also be taken care of while making such change. There should always be safeguards to ensure that it's not one-sided allowing it to be misused. Section 498 A was a welfare measure. It should always be considered that the fabric of family institutions should not be shattered while promoting liberal approach.
- The Rebuttal for the same was provided where it was mentioned that legislation and law are meant for a recalcitrant minority, legislation should be created allowing checks and balances. The arguments for not deleting the rape exception further the patriarchal mindset and burdens the women more. The definitions of marital rape and contents of marital rape need to be discussed. It was argued that consent in no way will disturb the institution of marriage.

Adv. Puneet Bhasin, Cyber Law & Cyber Crime Experts

Cyber Dimension of Sexual Offenses: COVID Related experiences and Cyber Crime as a trigger

- **‘Need for appropriate legislation to deter cyber offenses’:**

The increase in cybercrimes during the pandemic has worsened the situation where women, men, children and other sections of society are victimized. However, the situation of women being victimized is far and far worse. Women are soft targets to these cybercriminals. She further stated that COVID-19 brought the worst in every aspect. She emphasizes the importance of proper legislation to tackle offenses of this nature.

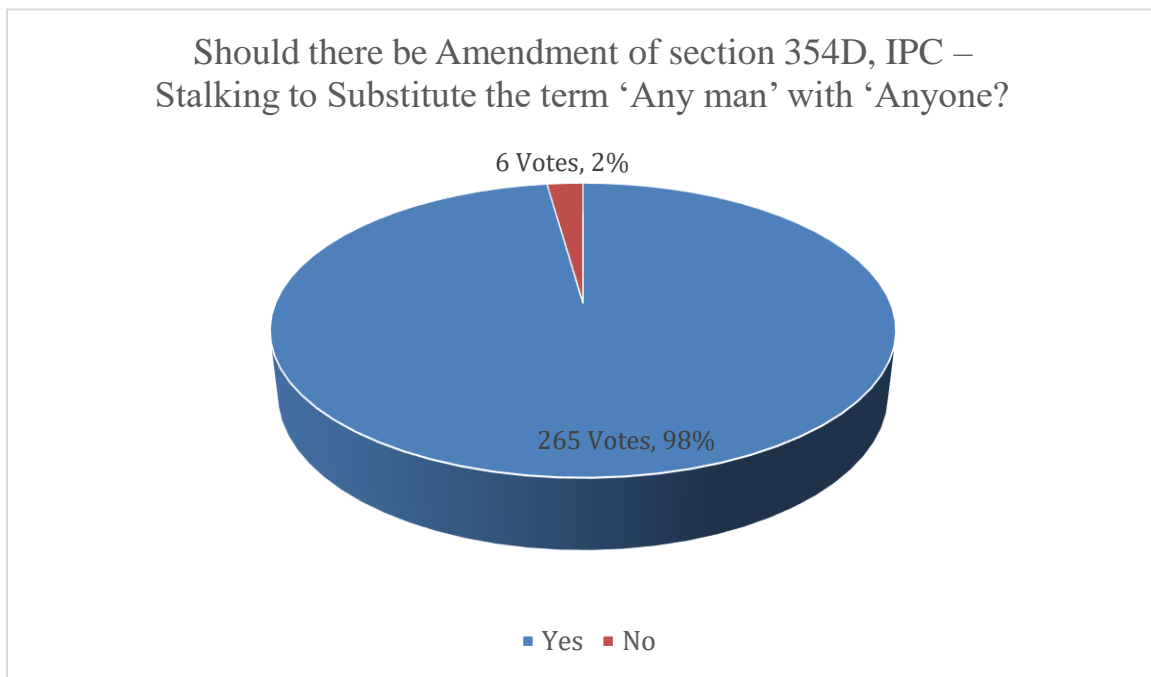
- **NCW to create a 3-tier system of grievance officers to make the woman safe on an online platform:**

According to her the Intermediary Rules, 2019 were enacted in a haste during the COVID 19 pandemic. According to the speaker, there is a need to amend these rules. She made a few suggestions regarding this:

- A. Nude content or any other derogatory content should be removed within 24 to 48 hours of the complaint;
- B. If the intermediary refuses to remove the content within this prescribed time they may be booked in accordance with the provisions of the Information Technology Act of 2000.
- C. Penalization of the intermediary platform should be there.
- D. Appropriate compensation should be provided to the victims.

The tedious process of making a complaint and the absence of punishment to the intermediaries for the crimes they commit are the two basic obstacles. Several intermediaries don't have the grievance redressal mechanism. The women need to be made safe in an online format for the true empowerment of the woman. The intermediaries need to be penalized and need to be obligated to enforce the internal three-tier redressal mechanism. She also stressed the fact that many intermediary platforms do not have a proper grievance cell. The absence of such cells should be addressed and the intermediaries should be required to create grievance redressal cells, she concluded.

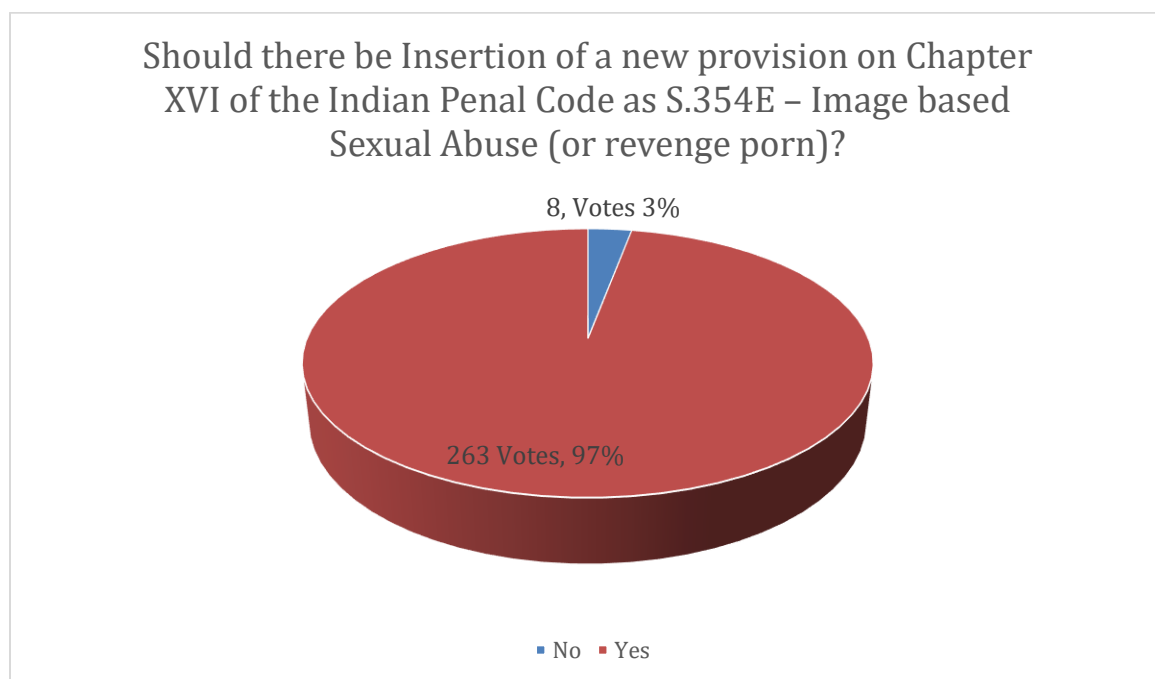
- **Section 354 D- Cyberstalking to be made gender-neutral.**
- While reflecting upon new age offenses like cyberstalking, she mentioned that the latest amendment bill on criminal law is only concerning women and further drew attention to the fact that cyberstalking happens to both men and there are a lot of men who are subjected to stalking and left without any legal recourse. Cyber Stalking needs to be penalized however, there is no provision to file a complaint about the same. The police also do not take these complaints seriously due to the lack of a mechanism for the same. Cyberstalking is an offense against both men and women. Section 354 (d) needs to include all genders and become more gender-neutral. Some individuals engage in online harassment, just for fun.
- **POLLING RESULT:**



- **Revenge Porn to be one of the offenses in IPC or IT Act:**

At a time when sexual content is often exchanged between youngsters, however, it has often turned into a tool for harassment against the victim, often justified by the rationale of doing it just for fun. Many times, such exchanges take place through coerce the process of grooming. Section 66 (A) was struck down however it should have been amended. She added that Harassment and bullying should cover unsolicited contact over cyber platforms as well. Such incidents can affect the victims. Section 66 (A) which already protected the same has now been taken down. She added that unsolicited contact itself is harassment.

- **POLLING RESULT:**

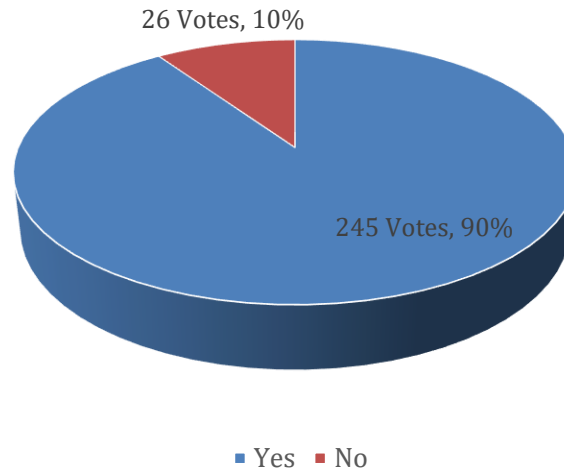


- **The concept of consent over cyber-sex, should be defined and put under the offense of extortion. “Sextortion” is a separate section to be included in the IPC rather than being included in the Section of Extortion / Sexual Assault, under IPC.**

About deep fakes and flashing, she briefly discussed forms of cyber offenses like ‘sextortion’. She highlighted that in sextortion there is the consent given for the act but not for recording the same.

- **POLLING RESULT:**

3.Should there be Insertion of a new clause (d) in subsection (1) of Section 505, IPC to punish misogynistic hate speech - Statements conducing to public mischief?



- **Regulation of Apps and OTT Platforms needed to curb Spying apps, Deepfakes, and online flashes which have increased during covid 19.**

There is no concrete definition given for this offense. Lack of intermediary regulation and content regulation are affecting the young minds hence regulation of apps and OTT Platforms is recommended.

SUMMARY OF RECOMMENDATIONS

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Section 354 (d), IPC	Should be gender-neutral.
2.	Intermediary Rules, 2021	Intermediary rules are good however these online platforms need a 3-tier system of grievance officers to make the woman safe on an online platform.
3.	--	The concept of consent over cybersex should be defined and put under the offense of extortion. "Sextortion" is a separate crime and needs to be included in the IPC rather than being interpreted in the Section of Extortion / Sexual Assault, IPC.

Discussion by Panelists on: Should Sexual offenses be defined by employing gender-neutral terms for the offender and the victim?

- Adv. Puneet Bhasin highlighted diversity in a culture where different kinds of marriage exist, however, in the current state we have very different and very limited perspectives for marriage. The COVID-19 crisis worsened the situation in terms of Cyber Crimes. Men are victimized by Cyber Crime however women are victimized far more and far worse. The rules were enacted in a haste during the COVID 19 pandemic since we witness cases of revenge porn and other forms of cyber-crimes. The enforcement of the same is challenging.
- There was a suggestion, upon a complaint being made within 24 hours. and 48 hours to take it down. The tedious process of making a complaint and the absence of penalizing the intermediaries for the crimes they commit. For these intermediaries we don't have efficacious grievance redressal mechanism. The women need to be made safe in online platforms for the true empowerment of the woman. The intermediaries need to be penalized and need to be obligated to enforce the internal three-tier redressal mechanism
- Cyber Stalking needs to be penalized however, there is no provision to file a complaint about the same. The police also do not take these complaints seriously due to the lack of a mechanism for the same. Cyber stalking is an offense against both men and women. Section 354 (d) needs to include all genders and become more gender-neutral.

Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty , Symbiosis Law School, Pune, SIU-
Victim impact statements during sentencing and role of compensation (Manodhairya schemes)

- **The concept of the second victim to be taken into consideration.**

The Speaker also highlighted the Manodhairya Scheme, which is helpful however, the scope of the scheme is limited to cases of rape, acid attack and sexual violence, and children. This is a disadvantage since poor people are not able to take advantage of scheme. For the same, a time-bound process is necessary for this scheme. Further, we have to follow a “take care approach instead of takedown approach” to address the data that has been collected by the intermediaries.

- **The victim impact statement should include:**

- A. **Financial Statement:** actual damage, hospital bills, loss of wages: to be verified by magistrate/judge;
- B. **Psychological Impact Assessment:** to be assessed by psychiatrist/ psychologist;
- C. **Assessment of Damage to Capacity** such as disability: to be assessed by a Medical Professional;
- D. **Impact on Future Prospectus** such as marriage, employment etc.: to be assessed by magistrate/judge;
- E. **Secondary Victimization:** Apart from the psychological impact on children or other members of the family, the impact on their livelihood, education etc. shall be assessed: to be assessed by an officer appointed by Government. This is more relevant when the victim is the sole earning person of the family.
- F. **Other things** such as pregnancy, transmission of diseases such as HIV, etc. shall be assessed and in particular to be assessed by the Medical Professional.

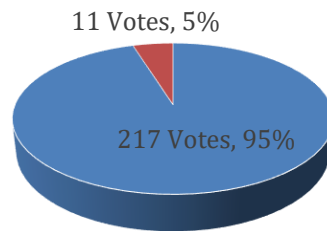
- **The VIS shall be used for verification and procedure to challenge Sentencing, compensation and maintenance**

While providing Maintenance, Justice and Compensation this victim impact statement should be applied. The State has to take care of the victim, because failure to do so goes against Article 21 and the fundamental duties of the government.

- **Application of an Auto and Timebound Process**

- **POLLING RESULT:**

Should Victim-Impact Statements be considered at the time of sentencing?



■ Yes ■ No

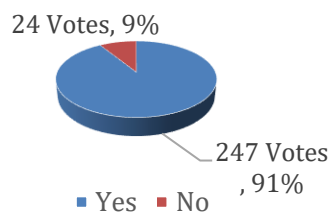
**Dr. Atmaram Shelke & Dr. Girish Abhyankar, Faculty, Symbiosis Law School,
Pune, SIU-**

S. 354 D, 354E, 505, 509 IPC

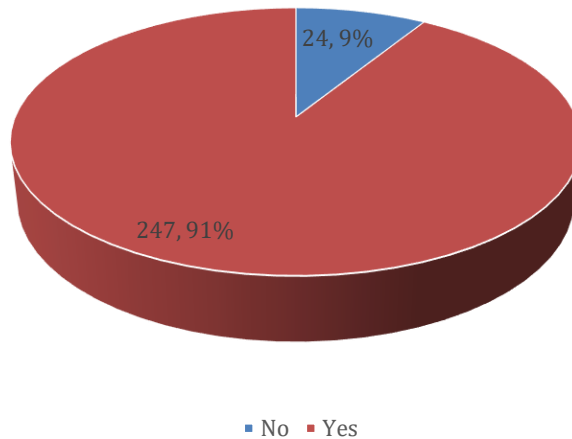
- ***Stalking- (354D)***
- ***Liability of person present who fails to prevent the commission of offense (354E)***
- ***Misogynistic hate speech (505)***
- ***Insulting modesty of women (509)***
- **Section 509 IPC to be made gender Neutral to consider members of LGBTQ+ community as well.**

Under IPC, Section 509, insult to modesty to be re-considered and enforced in a manner to make it gender-neutral as it currently alienates LBGTQI and Men.
- **In Section 509, the word ‘utters...Word/sound, gesture, exhibits. Object’ should include or be replaced by : “Uploads, forwards, creates, exhibits, use metatags, links, framing: sexually-oriented words... does anything with help of a computer, computer system or computer network shall be share on the group.../Facebook/ Instagram or any other etc....part of the groups...”**
- **POLLING RESULT:**

Should there be Insertion of a new explanation
after section 509, IPC – Word, gesture or act
intended to insult the modesty of a woman?



Should there be Insertion of a new explanation after section 509, IPC – Word, gesture or act intended to insult the modesty of a woman.



- **Section 354 to include harassment.**

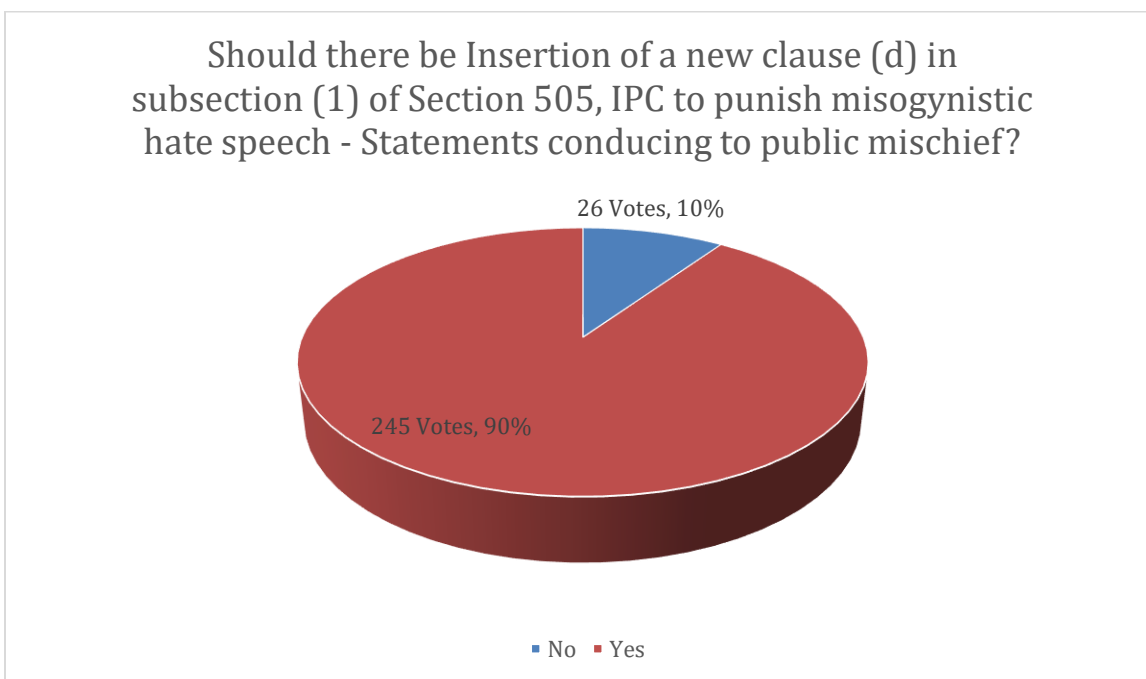
Under section 354 of IPC digital harassment should be included under the section, often scarring images capable of causing distress to the victim are dispersed across the web, such images should be considered to count as digital harassment.

- **Word “Knowingly”, and “Reason to Believe” need to be added under section 354E of IPC:**

Under this section the intention is only featured however, knowledge or reason to believe needs to be added to increase the scope of the section. If a person is in a capacity to prevent or is a public servant the punishment should be more severe.

- **There should be different punishments prescribed for sections 509 and 354 E to consider severity of the crime.**

- **POLLING RESULT :**



SUMMARY OF RECOMMENDATIONS

Sr. No	Existing Provision	Recommendation
1	Karan vs State NCT, Delhi, 2020; Manodhairya Scheme; Section 354, Cr.P.C: Compensation Sec. 235 Cr.P.C. Judgment of acquittal or conviction: Sentencing	Need to adopt Victim Impact Assessment Statement for Compensation, Aid, Maintenance, and Sentencing. Need to add section 354 A under Cr. P.C, providing Compensation, Aid and Maintenance to victims. Need to add sub-clause under section 235 CrPC adding the Victim Impact Assessment Statement.
2	Karan vs State NCT, Delhi, 2020.	Victim Impact Assessment Statement Shall include: a) Financial Statement: actual damage, hospital bills, loss of wages: to be verified by magistrate/judge; b) Psychological Assessment: to be assessed by a psychiatrist; c) Assessment of Damage to Capacity such as disability: to be assessed by a Medical Professional;

		<p>d) Impact on Future Prospectus such as marriage, employment etc.: to be assessed by magistrate/judge;</p> <p>e) Secondary Victimization: Apart from psychological impact on children or other members of the family, the impact on their livelihood, education etc. shall be assessed: to be assessed by an officer appointed by Government. This is more relevant when the victim is the sole earning person of the family.</p> <p>f) other things such as pregnancy, transmission of diseases such as HIV etc. shall be assessed: to be assessed by the Medical Professional.</p> <p>Need to add a definition of VIS under Sec. 2Wb of Cr.PC</p>
3	Manodharya Scheme and section 354 Cr,PC.	<p>Need to consider secondary victimization: Need to provide compensation, aid and maintenance to secondary victims, more particularly when a sole earning member of the family is murdered or handicapped as result of the offense, State has to provide the compensation and maintenance to such secondary victims.</p> <p>Need to add provision of compensation to secondary victimization under section 354 and under Manodharya Scheme</p>
4	Manodharya Scheme and section 354 Cr,PC.	<p>The state needs to provide maintenance, aid and compensation to the victim of offenses against women.</p> <p>Need to add provision of Maintenance and Aid under section 354 and under Manodharya Scheme</p>
5	Manodharya Scheme and section 354 Cr,PC.	<p>There shall be an Auto and Time-Bound Process for proving maintenance, aid and compensation to the victim.</p> <p>Need to add provision mentioning timeline for Maintenance and Aid under section 354 and Manodharya Scheme</p>
6	Section 509 IPC	<p>a) Section 509 shall be Gender Neutral, word 'women' used in this section shall be replaced with word 'person' so a member of LGBTQ+ community etc. can be protected under this section.</p> <p>Modification to clause no. 1 of section 509 IPC</p>

7	Section 509 IPC	<p>Scope of section 509 shall be expanded by adding an element of knowledge and reason to belief: Under section 509 of IPC, the term ‘intending to insult the modesty is used the word ‘knowing’ and ‘reason to believe’ shall be added to increase the scope of section 509 of IPC.</p> <p>Modification to clause no. 1 of section 509 IPC</p>
8	Section 509 IPC	<p>Digital insult to modesty shall be added under section 509 of IPC. Scope of insult to Modesty shall be expanded in the light of digital insult to modesty: Words: uploads, forwards, creates, exhibits, use metatags, links, frames, or does anything with help of a computer, computer system or computer network shall be added under section 509 IPC.</p> <p>Modification to section 509 IPC</p>
9	Section 509 IPC	<p>There shall be additional punishment for repetition of (second and third) offense.</p> <p>Modification to section 509 IPC</p>
10	Section 354E IPC	<p>Scope of section 354E, IPC shall be expanded by adding knowledge and reason to belief elements in the section: Under section 354E term “being present at the time of commission of an offense” is used, to add offenses committed online word, “known” or “has reason to believe” shall be added.</p> <p>Modification to section 509E IPC</p>
11	Section 354E IPC	<p>Additional punishment for a person in the authority, who has the capacity to prevent the offence or a public servant: There shall be an additional punishment for the person who is in the authority, has the capacity to prevent the offence or a public servant under section 354E IPC.</p> <p>Modification to section 354E IPC</p>
12	Section 354 IPC	<p>Digital Assaults shall be incorporated under Section 354IPC: Assault on liberty by showing scary videos coming on face etc. shall be incorporated as a part of part of section 354IPC.</p> <p>Modification to section 354E IPC</p>

13	Manodhairya Scheme	<p>The adequate fund shall be provided for implementation of the Manodhairya Scheme and it shall be duty of DLSA to distribute the fund. The fund is inadequate as compared to cases covered under Manodhairya, therefore, by studying last three years cases in particular districts adequate fund shall be provided.</p> <p>Addition in Manodhairya Scheme</p>
14	Section 79 IT Act, 2000	<p>Under section 79 of IT, Act, 200, Take care rather than take down approach shall be followed for the offenses against women</p> <p>Modification to section 79 of IT Act, 2000</p>

Adv. S. K. Jain, Leading Criminal Law Practitioner

108(3) Cr.P.C new clause b security from accused for sedition and

Remedies – court fund, corpus fund, a one-stop-shop for helpline and consolidated information regarding halfway homes, overnight shelters.

- **Need to take preventive action only in exceptional cases the crime is instantaneous, however, in most cases there is preparation involved.**

While expressing his views he opined that “This august gathering may like or not like his views since audience may find it little difficult to digest in reality”. He requested to attend the court proceeding to understand the practical dimension of law as well as to know the law in motion. He further added that under the pretext of consent in cases marital rape should not result in destroying the family and marriage institution, there is a need to ponder upon what kind of consent is needed? To be specific whether the consent should be oral consent, written consent or consent in registered or any other form? Do we suppose that husband should get written consent everyday either in registered or oral form? What kind of nature of consent we are expecting to meet the requirement of consensual sex between husband and wife? We have great culture and values deeply rooted in our family institution. There are elderly Family members who can take care of many things as controlling or supervising mechanisms to protect marriage as an institution.

- **Need to follow correct global models that are appropriately applicable in India legal system**

The speaker mentioned that we should not accept the foreign philosophy in verbatim to Indian society and culture under pretext of liberalization and freedom. Indian culture is altogether different than the western culture. It would be difficult to deal with practical difficulties, if we accept and try to inject the same western practices into our existing values, ethos and culture. In this background one may even find it difficult to work with female colleagues in office to avoid unwarranted allegations related offenses against females. We have witnessed many of the legislation enacted in furtherance to protection of females are also being misused for ulterior motives, ill will, personal grudge etc. Hence

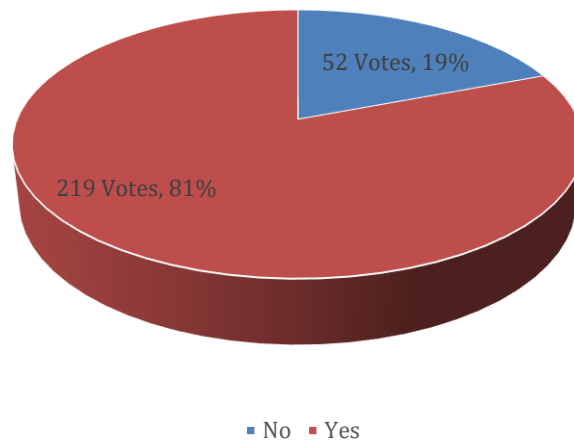
blindly following the foreign notion may lead to many practical difficulties and can shatter the institution of marriage and family. Police stations will be flooded with many such disputes arising out of consensual or non-consensual relationships between husband and wife. As it is observed that section 498A of IPC is misused in some of the cases, similarly the possibility of misuse of consent in marital rape cannot be ruled out. The life partner may use the provision of marital rape as a tool to harass. Hence, we should take extra-safeguards and take more precautionary measures while introducing the new change into existing laws. Adv. Jain further stressed upon safety measures if we are adding consent as a determining factor to decide the commission of the offense of marital rape. In case marital rape has to be considered as an offense there should be a time-bound process starting from investigation to final decision otherwise it will have an adverse impact on the family institution. Similarly, in case a false complaint is filed by the complainant and after investigation, it is revealed that a complaint is false then such complainant should be tried as an abettor for mental harassment and agony.

- **Need for regulatory rules that protect security of a victim from the accused under section 108 Cr. P. C. and other similar provisions:**

The speaker also highlighted that the bond shall be taken under section 108 Cr.P.C from accused if there is the possibility of threat to the victim. For an offense to be constituted, there is always intention, motive, preparation, and act. In majority of cases there is no punishment provided. Only in exceptional cases the offenders are punished on time under this provision. It was suggested that to make section 108 more effective, enough power shall be provided either to an independent officer of a higher rank of superintendent of police, magistrate or special officer appointed. The platforms- Twitter, YouTube and Facebook should be called upon by way of preventive action by calling them on for providing extra space and ability to help preparation through advertisements etc. Section 108 (1) (III) should incorporate preventive action as an authority that only deals with cases. Moreover, accountability for those who fail to prevent the occurrence of the same despite having the capacity to address the same.

- **POLLING RESULT:**

Should there be Insertion of a new clause (iii) in section 108, CrPC- Security for good behaviour from persons disseminating seditious matters?



SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1	Expiation -2 to section 375 IPC	<p>Need to define and find out the form of consent (oral or written) for marital rape.</p> <p>Need to add a clause under exception 2 of section 375, defining the form and definition of consent for the purpose of marital rape.</p>
2	Art. 21 of the Constitution, Section 167, 258, 309, 311 and 468 Cr. P. C. provides to expedite the disposal of cases and to enable timely delivery of justice.	<p>Need to have time-bound process/ speedy procedure</p> <p>Section 309A needs to be inserted mentioning the timeline to be followed from investigation to final judgment in the cases of marital rape.</p>

3	Section 108 and exception 2 of section 375 of IPC	The complainant shall be treated as an abettor in case of the false case for marital rape 375IPC Need to insert new clause under Exception 2 of 375 of IPC
4	Section 108 of Cr.P.C.	Section 108 Cr. P.C. shall be utilized for preventive actions Need to insert clause 3 under section 108 of the Criminal Procedure Code empowering the executive magistrate/designated officer to order for execution of bond to prevent the offenses mentioned under section 108 of Cr.P.C.
5	Section 108 of Cr.P.C.	Section 108 of Cr. P. Code shall be utilized even for the state of preparation of offenses incorporated under section 108 Cr. P.C.
6	Section 108 of Cr.P.C.	An independent officer of a higher rank, superintendent of police to be appointed or magistrate of the court be given enough power to enforce section 108 of Cr.P.C. effective. Need to amend clause 1 of section 108 adding an independent officer of a higher rank, superintendent of police and the judicial magistrate.
7	Section 108 of Cr.P.C.	The help of social media can be called for. Need to insert clause 5 under section 108 of the Criminal Procedure Code imposing duty on social media to provide data required for section 108 of Cr. P. C.

CONCLUDING REMARKS

Concluding the session, Dr. Gurpur extended her views and Plenary Session-1 came to a successful determination of issues with questions put forth by the panel being heavily debated and discussed by other members of the panel. The session concluded with an ocean of knowledge being gathered by the enthusiastic participants.

PLENARY SESSION 2

*Improving the status of Women: Discussion on Law Relating to
Dowry Death, IPC, Cr.P.C and IEA*

Adv. Uday Warunjekar, Criminal Law Expert

Armed conflict and sexual offenses and S. 114A of IEA – to be compatible with S.376 of IPC.

- **A special category of offense in the current Indian Penal Code (IPC) and the relevant amendment in the Armed Forces Act regarding sexual offenses against women during the armed conflict.**

A deliberation is needed on the issue of sexual offenses during the armed conflict. Despite the amendments and steps taken after the Nirbhaya case, there is no specific legislation or legal framework that specifically addresses sexual offenses during an armed conflict.

The allegations relevant to sexual misconduct against the Armed officers have been made right from 1991, where a 4th Rajasthan Rifle from the Indian Army was accused of sexual assault in a district of J&K and also another allegation against the 17th Assam Rifle for using excessive power including the commission of sexual assault in 2004 AT Manipur. But all these merely remain as “allegations”. Neither anyone attempted to prove these allegations nor tried to assess whether these incidents occurred as independent events or as an outcome of the armed conflict. It is important to consider the gravity of these allegations. Apart from these allegations, other issues like forced or compulsory pregnancy, forced sterilization in armed forces, forced marriages and allegations of sexual slavery in armed forces are not addressed and are not taken into consideration by the Indian legislature and it is time to consider the same according to the need of the society. Taking this into account, it is important to consider the need for a special category of offenses in the current Indian Penal Code (IPC) and the relevant amendment in the Armed Forces Act regarding sexual offenses against women during the armed conflict

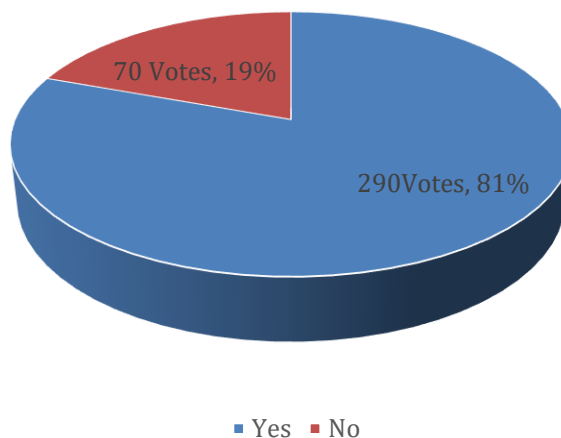
- **S. 114 A of Indian Evidence Act to be compatible with Sec. 375 of IPC**

Under Sec.375 of IPC, there is no proper standard for consent. The grounds of vitiation of consent can be expanded in the case where the victim has been put in fear of injury other than hurt or death. The grounds of vitiation of consent can also be expanded in cases where the perpetrator is impersonating any other person (and not just the husband as currently provided in s .375). Overall, there must be compatibility between Sec. 114 A of Indian Evidence Act with Sec. 375 of the IPC.

The Rights of Persons with Disabilities (RPWD) Act, 2016 has the reference to sexual exploitation and reproductive rights but specific laws relating to sexual offenses are limited. Hence the issue of sexual offenses against disabled women needs to be looked at. In this context, an urgent reflection and decision are needed on the issue of ‘the age of mentally disabled women.

- **POLLING RESULT:**

Should the presumption as to absence of consent under s. 114 A of the Indian Evidence Act be extended to include - a) S. 376 (1) of the I.P.C.?



SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1	-	A special category of offense needs to be added in the current Indian Penal Code (IPC) and the relevant amendments shall be made in the Armed Forces Act regarding sexual offenses against women during the armed conflict
2	S. 114 A of Indian Evidence Act	S. 114 A of Indian Evidence Act to be compatible with Sec. 375 of IPC

Dr. Sanjay Jain, Principal (Additional Charge) ILS Law College, Pune
Repeal of S. 493 and S.498 to be repealed or modified

1) National Crimes Bureau (NCRB) should include rubrics on violence against disabled women.

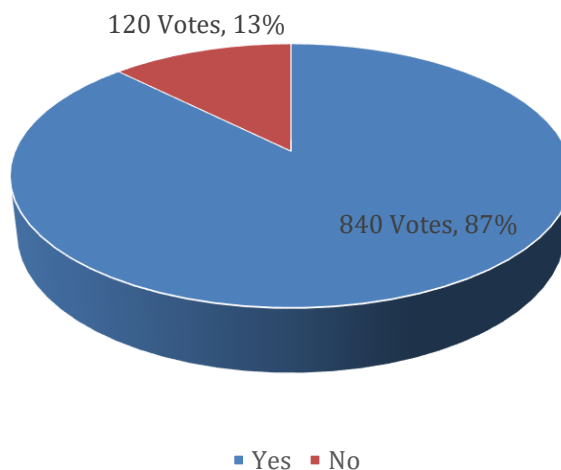
A deliberation is needed on the status of women with disability in criminal law. The vulnerability of women with disabilities within the context of criminal law and its application has been acknowledged for the first time in India by Justice D.Y. Chandrachud. There is a need to apply intersectionality to address the narrow meaning and interpretations of the word ‘violence’. Violence is not only limited to physical category of violence but encompasses psychological, social, economic and mental aspects too. Violence encountered by disabled women assumes serious form since compounding factors and the vulnerability of an individual owing to her disability aggravate the violence. There is no existing rubric with the NCRB on violence against women with disabilities. Taking the above-mentioned factors into consideration, the National Crime Records Bureau does not have any rubric on violence against women with disabilities

2) The laws under Rights of Persons with Disabilities (RPWD) Act, 2016 must be implemented and made visible.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) casts an obligation on state parties to generate disability disaggregated techniques, through which the data of violence against women can be made visible and relevant action can be taken. The RPWD Act prescribes a special court and a special prosecutor but the RPWD Act is not implemented in many states; moreover, many are not even aware of the provisions in the RPWD Act. Here, the visibility of data is important to create awareness of the rights of women with disabilities which in turn will trigger the implementation of RPWD Act.

- **POLLING RESULT:**

In the light of contemporary discourse on constitutional morality, individual autonomy and gender neutrality in laws, should ss. 493 and 498 be repealed or modified?



SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1	-	National Crimes Bureau (NCRB) should include rubrics on violence against disabled women
2	-	The provisions under RPWD Act must be implemented and made visible

Dr. Purvi Pokhriyal, NFSU, Gujarat

Section 494 & Live-in

- **‘Live-in relationships can be deemed to be a relationship in the nature of marriage’**

Dr Purvi Pokhriyal made two remarks, a general one and a specific one. According to her, when we talk about the improvement of the status of women or whenever we talk about empowerment of women through law and policy framework, the biggest challenge is concerning building a *progressive legislative framework*. She referred to the Parliamentary Standing Committee report which was submitted in March 2021 which gave the statistics of the conviction rate of the offenses against women. The conviction rate for all the offenses against women has been drastically decreasing day by day. She mentioned that she had given the Ministry of Home Affairs a suggestion that an online investigative tracking system may be introduced to handle the offenses against women. It has been mandated to all the states to set up this kind of a decoy system. But the status of such systems is unknown.

The scheme of IPC is in such manner that the offenses do not cover offense against specific gender and in the offenses against marriage the victim is women and offenses against men are not discussed under the presumption that marriage means lifetime consent to sex or any kind of violence and abuse and this liberty is widely accepted amongst all classes of the society.

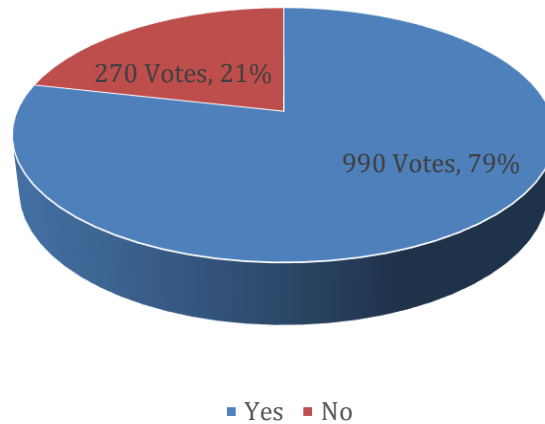
She opined that there is a need to constitutionalize both substantive and procedural aspects of criminal law. To bring procedural justice, fairness and reasonableness a dialogical approach needs to be adopted. It is grossly missing specifically in the case of women victims. National Forensic Sciences University has a mandate that every state should have a Forensic Science University and the forensic law courses to be run by all the universities in order to see how do we bring the objectivity and the scientific temperament, how do we scientifically lead the evidence so that it reduces the subjectivity and probably chances of increasing of conviction rates. India Justice Report, 2019 is only focusing on the four pillars of the criminal justice administration system. There is a need to dig down.

While referring to Section 494 and 495 of IPC, she mentioned that it is so difficult even to prove the second marriage because the solemnization of the marriage cannot be proved easily. In many cases solemnization of second marriage is difficult to prove due to a lack of concrete evidence. If we consider ancient Indian culture, there was Gandharva Vivah. In Muslim law *muta* marriage is being accepted. It is something which was very much traditional and cultural. Live-in relationships are in Indian culture and in other cultures as well. Domestic violence is also an already accepted facet of live-in relationships. Live in relationship is something which cannot be criticised anymore.

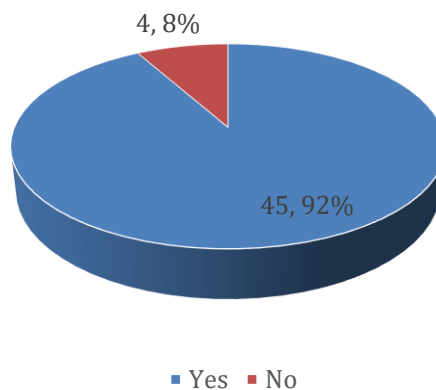
Live-in relationship is a cooperative agreement in which two people choose to live together mutually to have a long-term partnership that resembles a marriage. This can be considered to be a walk-in walk-out relationship wherein there are no strings attached between the adult male and adult female involved. The traditional responsibilities of a marriage are not imposed in this relationship. The basic principle behind deciding to live-in relationships is to test compatibility with the other person before entering into some kind of legal arrangement. In India, live-in relationships are generally considered to be a taboo. None of the legislation related to marriage and succession have expressly recognized live-in relationships in India. But off late the courts have adopted a liberal approach in matters related to live-in relationships as there are no specific statutes related to such relationships. A mechanism similar to 'domestic partnerships' prevalent in Western countries may be introduced in India by way of an appropriate legislation.

- **POLLING RESULT:**

Should live-in relationships be deemed to be a relationship in the nature of marriage for the purpose of s. 494?



Should factors such as those enumerated in s. 20 of the Protection of Women Against Domestic Violence Act, 2015 (eg. the maintenance amount being adequate, fair and reasonable be consistent with the standard of living to which the claimant is accustomed?)



SUMMARY OF RECOMMENDATIONS

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Section 494 & 495, IPC	Live-in relationships shall deem to be a marriage for the purposes of sections 494 and 495 of IPC

**Dr. Rajashree Varhadi - Professor & former Head, Department of Law,
University of Mumbai.**

“Law related to dowry death (304B IPC, r/w 113B of IEA 7yrs limit to be deleted and evidence of ongoing abuse to be taken)”

- **The speaker spoke on the law relating the dowry death under section 304B of Indian Penal Code¹ read with Section 113B of Indian Evidence Act and the 7 years limit under section 304B of Indian Penal Code, 1860 must be done away with, hence changed and modified.**

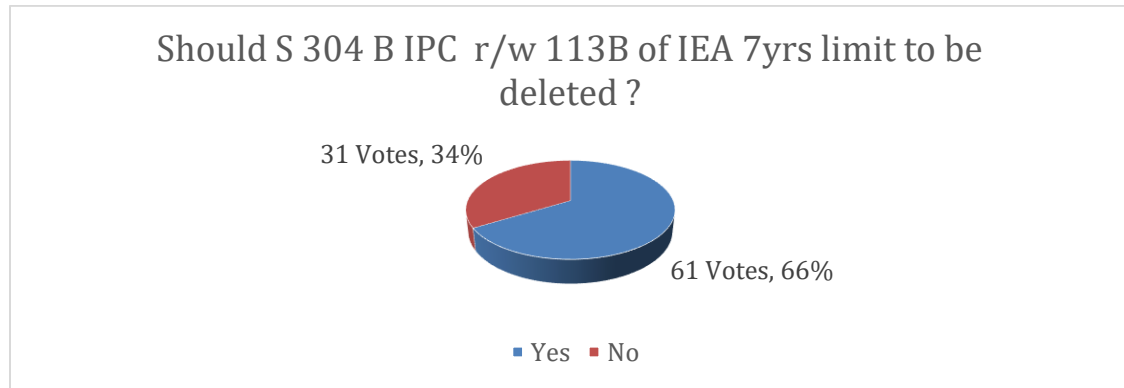
According to the speaker, the words ‘soon before her death in section 304B (1) has been vaguely interpreted. This has immensely contributed to the acquittal of the accused in many dowry death cases. Further, to substantiate her findings, the eminent panelist relied on the National Crime Records Bureau figures. According to the Bureau data, the dowry deaths in 2001 accounted for 6851 cases, whereas in 2012 the deaths stood at 8233, there was 16% increase in the death cases. There was also an increase observed in the pending dowry death trial cases. In 2001, 21000 dowry death cases were pending, whereas in 2012 the numbers

¹ 304B. Dowry Death.—

- (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death. Explanation. —For the purpose of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).
- (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life

stood at 27,969. So, in the last ten years, there is 24% increase in cases of dowry death. Also, during the pandemic and post-pandemic period, the NCW through their helpline have received numerous domestic violence-related cases. At the same time, many cases are unreported due to illiteracy and social pressure, she argued. Therefore, the speaker suggested that the 7 years limit under section 304B of Indian Penal Code, 1860 must be done away with, hence changed and modified.

- **POLLING RESULT:**



SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	304B of Indian Penal Code 1860	1. The 7 years limit under section 304B of Indian Penal Code, 1860 must be done away with, hence changed and modified. 2. The legislature should increase the punishments for dowry deaths and other dowry related offences under the Dowry Prohibition Act.

Justice Ambadas Joshi, Lokayukta, Goa

498A – amendment – scope, punishment, bailability and compoundability (243rd Law Commission report) and

S. 20 of PWDA Act computation of maintenance – compatibility with S.125(3) – limitation period to be modified

While referring to the 243rd Law Commission Report, Justice Joshi quoted parts from the text of the report such as “misuse of section 498A” creating awareness” “effort of reconciliation”. The concept of “backward integration” needs to be applied through counselling of the husband and the family. There should be compulsory pre marriage counselling. After a reasonable pause, FIR must be registered. Justice Joshi recommended for police officers that should ensure a statement in the handwriting of the complainant in their language. A conscious decision should be taken whether to arrest or not and the police officer should record the reason for the same. Therefore, an amendment in relation to the provision for arrest is suggested. He emphasized that unwarranted arrest must be avoided.

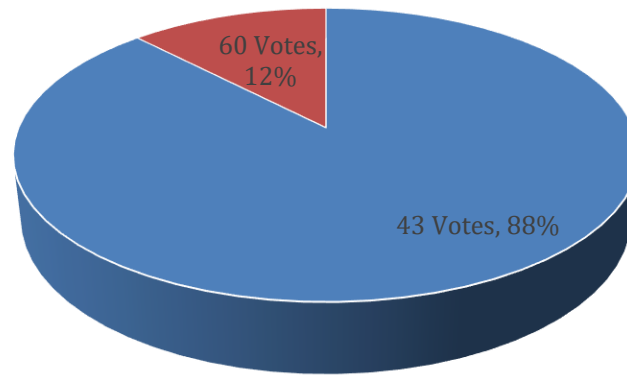
With regards to the limitation period under Section 125 of the Cr.P.C, one year could be extended to two years for the basic reason that no Indian lady would hurry to go to court rather they will try to find solution first and will think twice. Therefore, Section 125 should be amended and this one year could be extended to longer period of time.

The recommendations given by Justice Ambadas Joshi can be summarized as follows:

- There should be compulsory pre-marriage counselling for couples and the families.
- After reasonable pause, FIR must be registered for criminal justice system to function well.
- To ensure a statement in the handwriting of the complainant in their language for the sake of correctness of the facts.
- Amendment in relation to procedure for arrest.
- Under Section 125(3) of Cr.P.C, the period of limitation can be increased to 2 years.

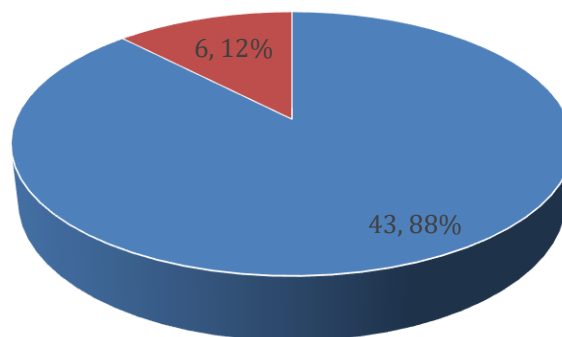
- **POLLING RESULT:**

Should the grounds for refusal of maintenance in sub-sections (4) and (5) of s. 125 be modified?



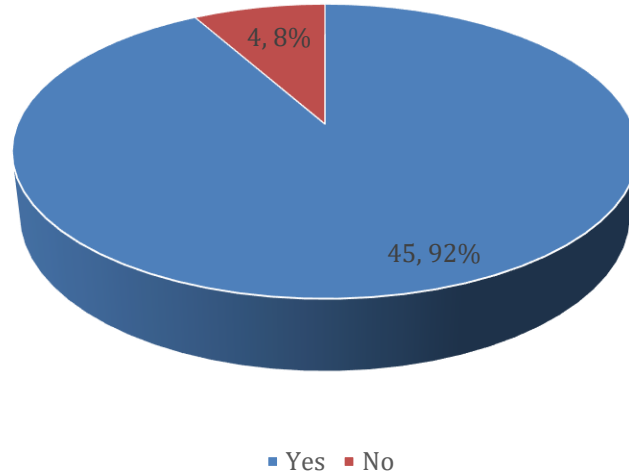
■ Yes ■ No

Should the limitation period for going to the court for issuance of warrant under sub-section (3) of s. 125 be modified?

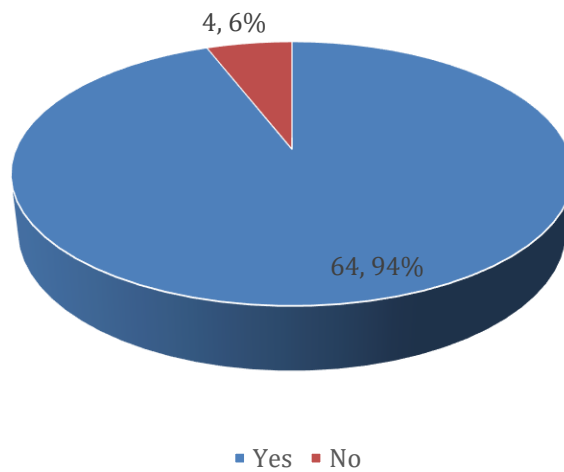


■ Yes ■ No

Should s. 125 be amended to provide for a right to appeal against an order passed by the magistrate?



In light of the Law Commission's 243rd Report, should s. 498A be amended with respect to its scope, punishment, cognizability, bailability and compoundability?



SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Section 41 Cr.P.C	There shall be special procedure to avoid unnecessary arrest.
2.	Section 125(3) of Cr.P.C	Under Section 125(3) of Cr.P.C, the period of limitation is to be increased to 2 years.

Poornima Gaikwad, Deputy Commissioner of Police; Pune, Zone 3

Pre-arrest or other procedural safeguards to be added 498A.

- **Strict Standard Operating Procedures to be adopted and implemented to avoid Misuse of Section 498 (A):**

With several SOP's made from the cases of Lalita Kumari's case, Sushil Kumar's case, Rajesh Sharma's case and all are being followed so that there is no fallout and everything is safe guarded. She expressed her view in light of several Standard Operating Procedures which are implemented under magisterial supervision. There is stage to stage progress which is required to be given to the Magistrate from time to time that gives enough assurance as to availability and compliance with the safeguards available to the accused as well as victim in the cases concerning Section 498 A.

Also, the Police and investigating agencies, starting from pre-case or pre-FIR counseling to criminal prosecution throughout, are required to comply with the SOPs issued by the courts and there is no need to specifically introduce procedural safeguards to the accused as well as victim in relation to the cases coming under Section 498 A.

This argument with respect to compulsory registration of FIR as laid down in Lalita Kumari v. Govt. of U.P [W.P.(CrI) No; 68/2008] was countered by other panelists since the judgement of Lalita Kumari has been impliedly overruled by the court in the judgement of Arnesh Kumar vs State of Bihar & Anr, 2014 SCC 273. The copies of the judgments in both the cases relied by the panelists and were debated at length.

SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1	Section 498 A of the Indian Penal Code	Existing provisions are good and SOPs are very much taken care of by the Police and as such do not require any correctional measures to provide additional safeguards by way of amendment. She strongly relied on the guidelines laid down by the Hon'ble Supreme Court in Lalita Kumari v. Govt. of U.P [W.P.(CrI) No; 68/2008], wherein it was held by the court that mandatory registration of FIR which needs to be complied with.

Discussion by panelists on how the 498 A misuse is avoided

- A lively discussion on how to provide evidence for a live-in relationship and whether it should be brought under the umbrella of marriage took place. The panel recommended that live-in relationships are legally recognized, and that Section 498A of the Indian Penal Code on Offences against Marriage be amended to include a proviso extending the provision to live-in relationships.
- Deputy Commissioner of Police Poornima Gaikwad suggested remedies to prevent misuse of section 498A including magisterial supervision of investigation and weekly submission of reports.

The cases referred and relied for the discussion by the panelists are as below:

Mandatory Registration of FIR- Supreme Court Guidelines in Lalita Kumari Case

A Constitution Bench of the Supreme Court in *Lalita Kumari v. Govt. of U.P* [W.P.(Crl) No; 68/2008] held that registration of First Information Report is mandatory under Section 154 of the Code of Criminal Procedure, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. If the information received does not disclose a cognizable offense but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offense is disclosed or not. The Supreme Court issued the following Guidelines regarding the registration of FIR.

- i. Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.
- ii. If the information received does not disclose a cognizable offense but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offense is disclosed or not.

- iii. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.
- iv. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed.
- v. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.
- vi. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.
- vii. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:
 - (a) Matrimonial disputes/ family disputes
 - (b) Commercial offences
 - (c) Medical negligence cases
 - (d) Corruption cases
 - (e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.
- viii. While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.

Guidelines given in Arnesh Kumar vs State of Bihar & Anr, 2014 8 SCC 273

- Section 41, Cr.PC which authorizes the police officer to arrest an accused without an order from a Magistrate and without a warrant are scrupulously enforced, the wrongs committed by the police officers intentionally or unwittingly would be reversed and the number of cases which come to the Court for grant of anticipatory bail will substantially reduce.
- We would like to emphasize that the practice of mechanically reproducing in the case diary all or most of the reasons contained in Section 41 of Cr.P.C for effecting arrest be discouraged and discontinued. Our endeavor in this judgment is to ensure that police officers do not arrest accused unnecessarily and Magistrate do not authorize detention casually and mechanically.
- In order to ensure what we have observed above, we give the following direction: All the State Governments to instruct their police officers not to automatically arrest when a case under Section 498-A of the IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41 of Cr.P.C; All police officers be provided with a check list containing specified sub- clauses under Section 41(1)(b)(ii); The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention; The Magistrate while authorizing detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorize detention;
- The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing; Notice of appearance in terms of Section 41A of Cr.P.C be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing.

Guidelines in Rajesh Sharma vs The State of Uttar Pradesh

- i. (a) In every district one or more Family Welfare Committees be constituted by the District Legal Services Authorities preferably comprising of three members. The constitution and working of such committees may be reviewed from time to time and at least once in a year by the District and Sessions Judge of the district who is also the Chairman of the District Legal Services Authority.
- (b) The Committees may be constituted out of para legal volunteers/social workers/retired persons/wives of working officers/other citizens who may be found suitable and willing.
- (c) The Committee members will not be called as witnesses.
- (d) Every complaint under Section 498A received by the police or the Magistrate be referred to and looked into by such committee. Such committee may have interaction with the parties personally or using telephone or any other mode of communication including electronic communication.
- (e) Report of such committee be given to the Authority by whom the complaint is referred to it latest within one month from the date of receipt of complaint.
- (f) The committee may give its brief report about the factual aspects and its opinion on the matter.
- (g) Till report of the committee is received, no arrest should normally be affected.
- (h) The report may be then considered by the Investigating Officer or the Magistrate on its merit.
- (i) Members of the committee may be given such basic minimum training as may be considered necessary by the Legal Services Authority from time to time.
- (j) The Members of the committee may be given such honorarium as may be considered viable.
- (k) It will be open to the District and Sessions Judge to utilize the cost fund wherever considered necessary and proper.

ii) Complaints under Section 498A and other connected offenses may be investigated only by a designated Investigating Officer of the area. Such designations may be made within one month from today. Such designated officer may be required to undergo training for such duration (not less than one week) as may be considered appropriate. The training may be completed within four months from today;

iii) In cases where a settlement is reached, it will be open to the District and Sessions Judge or any other senior Judicial Officer nominated by him in the district to dispose of the proceedings including closing of the criminal case if dispute primarily relates to matrimonial discord;

iv) If a bail application is filed with at least one clear day's notice to the Public Prosecutor/complainant, the same may be decided as far as possible on the same day. Recovery of disputed dowry items may not by itself be a ground for denial of bail if maintenance or other rights of wife/minor children can otherwise be protected. Needless to say, that in dealing with bail matters, individual roles, prima facie truth of the allegations, requirement of further arrest/ custody and interest of justice must be carefully weighed;

v) In respect of persons ordinarily residing out of India impounding of passports or issuance of Red Corner Notice should not be a routine;

vi) It will be open to the District Judge or a designated senior judicial officer nominated by the District Judge to club all connected cases between the parties arising out of matrimonial disputes so that a holistic view is taken by the Court to whom all such cases are entrusted; and

vii) Personal appearance of all family members and particularly outstation members may not be required and the trial court ought to grant exemption from personal appearance or permit appearance by video conferencing without adversely affecting the progress of the trial.

viii) These directions will not apply to the offences involving tangible physical injuries or death.

Dr. Tapan R. Mohanty, Professor, National Law Institute University, Bhopal
Maintenance to wife, children and parents. Modification of grounds for S. 125(4) and S. 125 (5)

Dr. Tapan R. Mohanty emphasized the lawmakers need to consider about the refusal of wife to stay with the husband. Such women should not be denied maintenance rather the probe should be made to know the nature of fear which constrain the wife to refuse to stay with the husband. Also, when courts discuss about the best interest of the child in child rights custody cases under maintenance law, the Courts need to give equal importance to the best interest of the woman as well. In case, if she is pregnant or had miscarriage then all the medical expenses incurred should be considered as a part of maintenance.

The recommendations given by Dr. Tapan R. Mohanty can be summarized as follows:

- Need to develop social developmental mechanisms to tackle the issues of the modern era.
- To consider that the person against whom the charges are made are they in condition to pay.
- Maintenance for pregnancy or miscarriage (including medical expenses) to be made part of Section 125.

SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Section 125(4) and (5) of Cr.P.C	<u>Refusal to maintenance:</u> Needs revisit of the section to protect the interest of the women who refuses to stay with husband that if it is due to fear induced by husband.
2.	Section 125 of Cr.P.C	Best interest of child as well woman to be considered. Maintenance for pregnancy or miscarriage (including medical expenses) to be made as a part of Section 125.

***Discussion by Panelists: On Maintenance of Wives, Children and Parents-
Modification of Grounds for S. 125(4) And S. 125 (5)***

Regarding the point of discussion Prof. Yogesh Dharangutti, Assistant Professor, SLS Pune offered the recommendation; based on the concept of ‘community of property’ as discussed by Lord Nicholls in the case *White vs White* (2000 UKHL). Deriving from this concept a woman should get 50 percent property (concerning the self-acquired property of husband) from the date of marriage. This would provide adequate compensation to women who often compromise their career for the family.

Recommendations: Community of property- ‘Woman should get 50 percent property (with respect to the self-acquired property of husband) from date of marriage’. Clause 4 and 5 of Section 125 Cr.P.C may be repealed. Also, K.I. Vibhute added that limitation period of section S. 125(3) Cr.P.C should be modified:

SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Section 125 Cr.P.C	A woman should get 50 percent property (concerning the self-acquired property of husband) from date of marriage.
2.	Section 125 (4) and (5) Cr.P.C	Clause 4 and 5 of Section 125 Cr.P.C may be repealed.

Anuradha Sahastrabudhe, Activist, Child Line

Practical Views on Offences faced by women.

- **Need for sensitization of the police and the wings of the criminal justice system and to have woman-friendly courts should be set up.**

The panelist was of the view that there needs to be a lot of amendments in the procedural matters, because most of the time these procedures put off the victims from getting justice. In many cases women are always put down because of the patriarchal psyche which is rooted in the system. At every stage of the investigation or during the pendency of case the victims are “procedurally harassed” by repeated questioning, which reopens the wounds that amount to further victimization in certain cases.

SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Chapter II of Criminal Procedure Code	Setting up of Mahila Courts and Sensitization of matters concerning women must be made mandatory

Prof. K.V.S. Sarma, Vice Chancellor, Maharashtra National Law University, Aurangabad.

The exception to s. 375 to be repealed-Special Procedure/Standard of Evidence for marital rape.

- **Marital Rape Should not be an exception to rape**

The foundation of this exemption can be traced back to statements made by Sir Matthew, Chief Justice in 17th Century England. Lord Hale wrote that: “ the husband cannot be guilty of rape committed by himself upon his lawful wife, for by their mutual consent and contract, the wife has given up herself this kind unto her husband which she cannot retract” Also, a female slave has an admitted right, as is considered under a moral obligation, to refuse her master. The other traditional justification for the marital exemption were the common law doctrines that a woman was the property. She can claim for judicial separation. The 42nd and 172nd Law Commission Reports also recommended removing the exception. In the light of Article 14: Equality before Law and Equal Protection of Laws; Article 21: Right to Life and Personal Liberty; Right to live with Human Dignity, and cases like State of Maharashtra v. Madhukar Narayan AIR 1991SC 207, Visakha v. State of Rajasthan AIR 1997SC 3011 the marital rape needs to be considered as a rape.

SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Section 375, Exception 2	Exception 2 of Sec. 375 shall be removed and replaced with cautions, checks and balances in order to avoid misuse of suggested amendment.

Justice Dr. Shalini Phansalkar Joshi, Former Judge, High Court of Bombay & Distinguished Visiting Judge Scholar in Residence, Symbiosis Law School, Pune (In absentia submitted her views)

Orders for Maintenance of Wives, Children and Parents

The Regional Consultation received inputs from Justice (Dr.) Shalini Phansalkar Joshi, Former Judge, High Court of Bombay as well. Justice Joshi in absentia shared her views on the crucial issues relating to the “Orders for Maintenance of Wives, Children and Parents” through telephonic communication.

The recommendations are given by Justice (Dr.) Shalini Phansalkar Joshi can be summarized as follows:

1. The modification of the grounds for refusal of maintenance in sub-sections (4) and (5) of Section 125 of the Cr.P.C is not necessary.
2. With regards to the modification of Section 125(2) of Cr.P.C, Justice Dr. Shalini Phansalkar Joshi mentioned that as per the judicial precedents till *Rajnesh v. Neha*, (2021) 2 SCC 324 maintenance is already payable to claimant from the date of application. Such an amendment in the legislation can also be introduced.
3. Under Section 125 of the Cr.P.C, further powers to the magistrates may be given for ensuring timely enforcement of procedures. One of the ways of giving that power is by giving the authority to magistrates, if the person is working or serving then issuing of salary attachment to be made in the order itself. The order should specify that this much amount should be deducted from the salary and pay directly. Casting duty on the employers can be done in order to ensure that the amount is paid effectively and immediately after the salary to the wife. So, the employer should be directed accordingly. At present, the attachment and sale of the property, in case if the respondent does not pay the amount, the attachment goes to the Tehsildar or the Collector or Revenue Officers which takes time. It should be rather administered by a civil court.
4. Under Section 125 (3) of the Cr.P.C, the limitation period for going to the court for issuance of warrant needs modification. The limitation period should be as same as civil matters such as 3 years but not as limited as 1 year or less.

5. Concerning amendment for including right to appeal against an order passed by the magistrate under Section 125, Justice Dr. Shalini Phansalkar Joshi opined that there is right of revision in which court considers everything even if that right to appeal is not there. It does not make much difference as such whether right of appeal is provided or not. At present, revisionary powers are used by the courts in a very effective manner. The right to revision is sufficient as of now due to the less scope of interference.
6. For computation of maintenance, the judgment of *Rajnesh v. Neha*, (2021) 2 SCC 324 is a judge-made law and has laid down the criteria for maintenance. One can take recourse to the judgment while making amendments in relation to maintenance.
7. The presumption as to absence of consent under Section 114 A of the Indian Evidence Act need not be extended to include Section 376 (1) of the I.P.C. Section 114 A of the Indian Evidence Act is sufficient in itself. Judges always take recourse to that section. It is not necessary to expressly lay it down in Section 376(1) of the IPC. It would be a repetition and there will be two standard and methods under both the Acts.
8. With reference to Exception 2 of Section 375 IPC, Justice Dr. Shalini Phansalkar Joshi expressed that let the trial court evolve those evidentiary standards in the course of as and when the fact comes before the trial court and the way trial court appreciated that and then it reaches up to High Court, the Supreme Court and then it becomes a law. Hence laying down certain criteria will make it rigid. It would not remain then flexible enough for the trial courts to appreciate the evidence.

SUMMARY OF RECOMMENDATIONS:

Sr. No.	Existing Provision in Law	Recommendations (to amend existing provision/ to adopt new law or new provisions)
1.	Section 125(2) of Cr.P.C	Need to amend Section 125 (2) to add the provision of claiming maintenance from the date of application as per the judicial precedents up till <i>Rajnesh v. Neha</i> , (2021) 2 SCC 324 determined maintenance is already payable to claimant from the date of application.

2.	Section 125 of CrPC	<p>The magistrate shall be empowered to cast duty on employer for ensuring that the amount of maintenance is paid effectively and immediately after the salary is paid.</p> <p>The key points of <i>Rajnesh v Neha</i> (2021) 2 SCC 324 relied as a reference by the panelists are mentioned below for ready reference.</p> <p>Criteria for determining the quantum of maintenance and provided the following factors to be considered by the court:</p> <ol style="list-style-type: none"> 1. Status of the parties 2. Reasonable needs of the wife and dependent children 3. Whether the applicant is educated and professionally qualified 4. Whether the applicant has any independent source of income 5. Whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home 6. Whether the applicant was employed prior to her marriage 7. Whether she was working during the subsistence of the marriage 8. Whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family 9. Reasonable costs of litigation for a non-working wife 10. The financial capacity of the husband
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		<p>11. His actual income</p> <p>12. The spiralling inflation rates and high costs of living</p> <p>13. Reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, his liabilities if any.</p>
3.	Section 125 of Cr.P.C	Computation of maintenance be amended in the light of the Supreme Court judgment of <i>Rajnesh v. Neha</i> , (2021) 2 SCC 324.
4.	Section 114 A of Indian Evidence Act	<p>Section 114 A of Indian Evidence Act need not be extended to Section 376 (1) of IPC as it would be a repetition and application of two different standards under both the legislations.</p> <p><u>Summary of 376:</u></p> <p>376. Punishment for rape-</p> <p>(1) Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the women raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of fewer than seven years.</p>

Key guidelines of *Rajnesh v Neha* (2021) 2 SCC 324

Criteria for determining the quantum of maintenance and provided the following factors to be considered by the court:

1. Status of the parties
2. Reasonable needs of the wife and dependent children
3. Whether the applicant is educated and professionally qualified
4. Whether the applicant has any independent source of income
5. Whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home
6. Whether the applicant was employed prior to her marriage
7. Whether she was working during the subsistence of the marriage
8. Whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family
9. Reasonable costs of litigation for a non-working wife
10. The financial capacity of the husband
11. His actual income
12. The spiraling inflation rates and high costs of living
13. Reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law, his liabilities if any.

ANNEXURES

**Annexure 1: Media and News
Clippings**

**Annexure 2: Photographs of the
Consultation**

Annexure 3: List of Participants

Annexure 4: Bio Data of Dignitaries

Annexure 1: Media and News Clippings

1. <https://www.punekarnews.in/regional-consultation-on-review-of-criminal-law-improvement-in-status-of-women/>



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Regional Consultation on “Review of Criminal Law-Improvement in Status of women”



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Pune: 15/02/2022: – Symbiosis Law School, Pune, is hosting a "Regional Consultation on Review of Criminal Law- Improvement in Status of Women" in collaboration with the National Commission for Women, New Delhi on their special invitation in the western region. The event will take place on 16th February, 2022 from 10:00 AM to 4:00 PM IST.

The event shall be graced with the august presence of Dr. S. B. Mujumdar, Chancellor, Symbiosis International (Deemed University) Dr. Vidya Yeravdekar, Pro- Chancellor, Symbiosis International (Deemed University), Dr. Rajani Gupte, Vice Chancellor, Symbiosis International (Deemed University) and Dr. Shashikala Gurpur, Fulbright Scholar, Director, SLS-R, Dean, Faculty of Law, Jean Monnet Chair Professor in EU Climate Justice Law, Governance, Management.

The event will be the third edition in a series of five Regional Consultations on Review of Criminal Law- Improvement in Status of Women, which were held previously on 18th January 2022 and 22nd January 2022. Regional Consultations are conducted with the objective of

2. <http://www.uniindia.net/regional-consultation-on-review-of-criminal-law-improvement-in-status-of-women-tomorrow/west/news/2653870.html>



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Regional Consultation on “Review of Criminal Law - Improvement in Status of Women” tomorrow

Pune, Feb 15 (UNI) Symbiosis Law School, Pune, will host on Wednesday a “Regional Consultation on Review of Criminal Law - Improvement in Status of Women” in collaboration with the National Commission for Women, New Delhi on their special invitation in the western region.

Dr S B Mujumdar, chancellor, Symbiosis International (Deemed University), Dr Vidya Yeravdekar, pro-chancellor, Symbiosis International, Dr Rajani Gupte, vice chancellor, and Dr Shashikala Gurple, Fulbright scholar, director, SLS-P, dean, Faculty of Law, Jean Monnet, chair Professor in EU Climate Justice Law, Governance, Management, will be present on the occasion. The event will be the third edition in a series of five Regional Consultations on Review of Criminal Law - Improvement in Status of Women. **Please log in to get detailed story.**


Tags: #Regional Consultation on “Review of Criminal Law - Improvement in Status of Women” tomorrow

3. <https://www.mypunepulse.com/symbiosis-law-school-holds-regional-consultation-on-review-of-criminal-law-improvement-in-status-of-women/>



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February 19, 2022

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Symbiosis Law School holds Regional Consultation on "Review of Criminal Law- Improvement in Status of Women"

Posted By: mypune pulse on: February 15, 2022 In: News, Others No Comments [Print](#) [Email](#)

Symbiosis Law School, Pune, a constituent of Symbiosis International (Deemed University) is hosting a "Regional Consultation on Review of Criminal Law- Improvement in Status of Women" in collaboration with the National Commission for Women, New Delhi on their special invitation in the western region. The event will take place on 16 February, 2022 from 10 AM to 4 PM.

The event shall be graced with the august presence of Dr. S. B. Mujumdar, Chancellor, Symbiosis International (Deemed University) Dr. Vidya Yeravdekar, Pro- Chancellor, Symbiosis International (Deemed University), Dr. Rajani Gupte, Vice Chancellor, Symbiosis International (Deemed University) and Dr. Shashikala Gurple, Fulbright Scholar, Director, SLS-P, Dean, Faculty of Law, Jean Monnet Chair Professor in EU Climate Justice Law, Governance, Management.

4. <https://thebatami.com/pune/symbiosis/>

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मुख्य ताज्या घडामोडी देश महाराष्ट्र - पुणे - राजकीय संपादकीय काईम Q

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गुंड गजानन मारणेंच्या पत्नीचा राष्ट्रवादी काँग्रेस पक्षात जाहीर प्रवेश
आज खा धरणार,

पुणे

‘फौजदारी कायदा पुनर्विलोकन व महिलांच्या स्थितीत सुधारणा याविषयी प्रादेशिक सल्लामसलत

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5. <https://www.theurbanbeats.com/breaking-news/%e0%a4%b8%e0%a4%bf%e0%a4%ae%e0%a5%8d%e0%a4%ac%e0%a4%be%e0%a4%af%e0%a5%8b%e0%a4%b8%e0%a4%bf%e0%a4%b8-%e0%a4%b5%e0%a4%bf%e0%a4%a7%e0%a5%80-%e0%a4%ae%e0%a4%b9%e0%a4%be%e0%a4%b5%e0%a4%bf%e0%a4%a6%e0%a5%8d/>

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TRENDING NEWS महाराष्ट्र बळकट

सिम्बायोसिस विधी महाविद्यालयात पुनरावलोकनावर प्रादेशिक सल्लामसलत

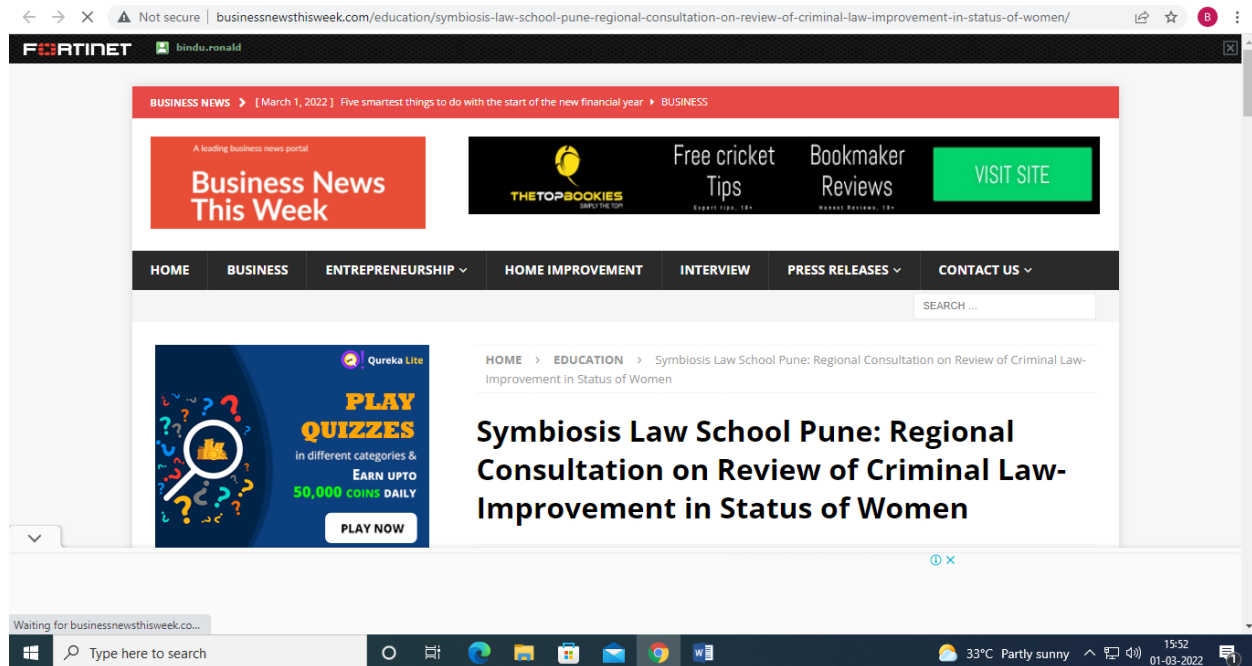
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पुणे – सिम्बायोसिस विधी महाविद्यालयात राष्ट्रीय महिला आयोग (भारत सरकार) यांचे सहयोगाने 'फौजदारी कायदा पुनर्विलोकन व महिलांच्या स्थितीत सुधारणा याविषयी प्रादेशिक सल्लामसलत' चर्चासत्र आयोजित केले होते. डॉ. शशिकला गुरुपूर, फुलब्राइट स्कॉलर, संचालिका, सिम्बायोसिस विधी महाविद्यालय पुणे, अधिष्ठाता विधी विद्याशाखा, जॉन मोने चेअर प्रोफेसर ई यु क्लायमेट जस्टिस लॉ, गव्हर्नन्स, मॅनेजमेंट अँड पॉलिसी, प्रमुख पाहुणे न्यायमूर्ती अंबादास जोशी, लोकायुक्त- गोवा, हे यावेळी सहभागी झाले होते. यावेळी पुणे आणि विधी महाविद्यालयातील अनेक प्रादेशिक प्रतिनिधी उपस्थित होते. महिलांच्या स्थितीत सुधारणा: सायबर गुन्हे आणि भारतीय दंड विधान मधील लैंगिक गुन्हे यावर भाष्य झाले. प्रा. डॉ. शशिकला गुरुपूर यांनी या सत्राचे सूत्रसंचालन केले. प्रथम पॅनेल सदस्य प्रा. डॉ. सरमा यांनी भारतीय दंड संहितेअंतर्गत लैंगिक गुन्हांमध्ये सुधारणा सुचवल्या. डॉ. रश्मी ओझा यांनी लैंगिक गुन्हांना मानवी हक्कांच्या दृष्टिकोनातून संबोधित केले. त्यांनी भारतीय दंड विधान १८६० मधील कलम ३७५ मध्ये सुधारणा करून बलात्कार कायद्यात लिंग

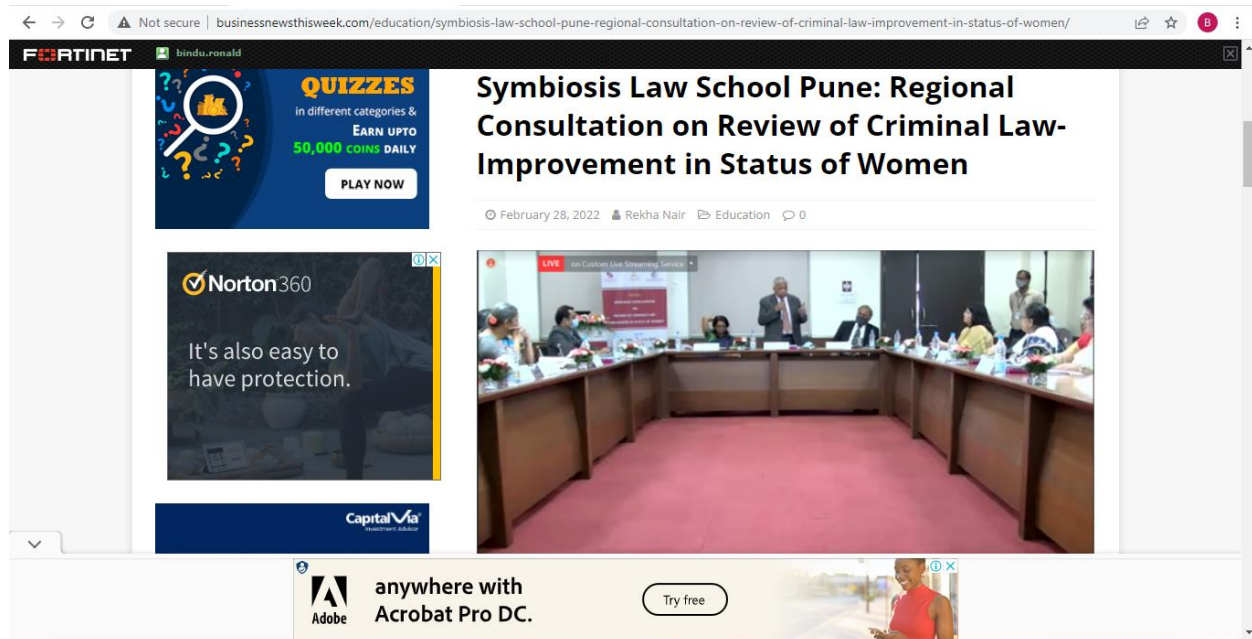
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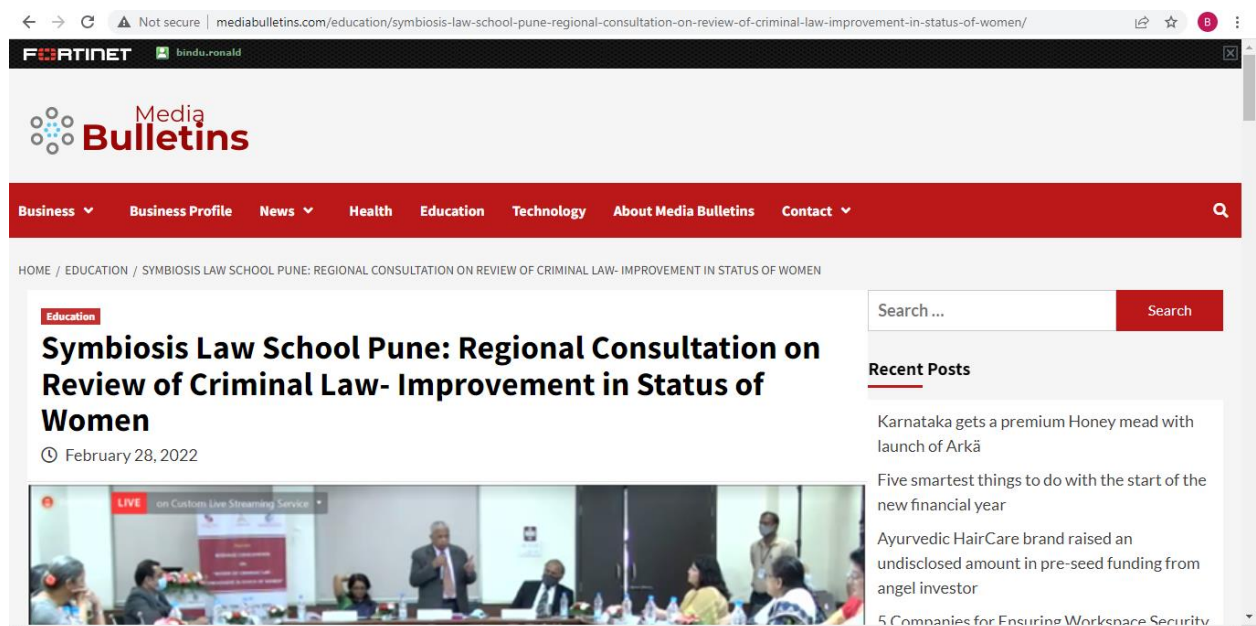
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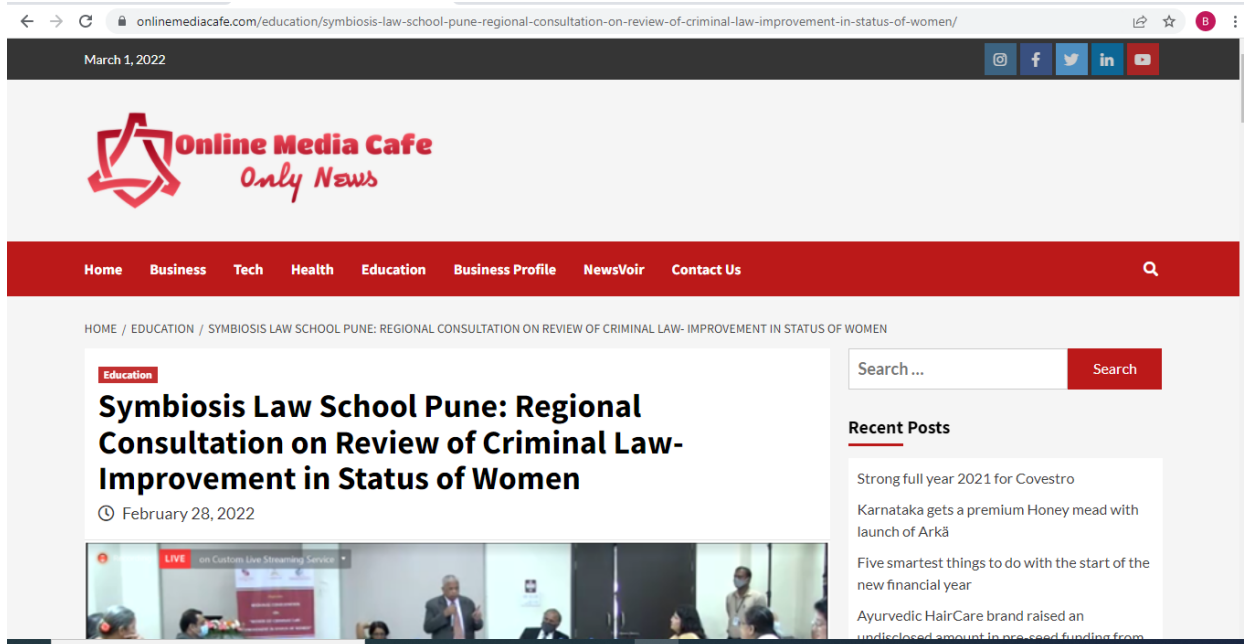
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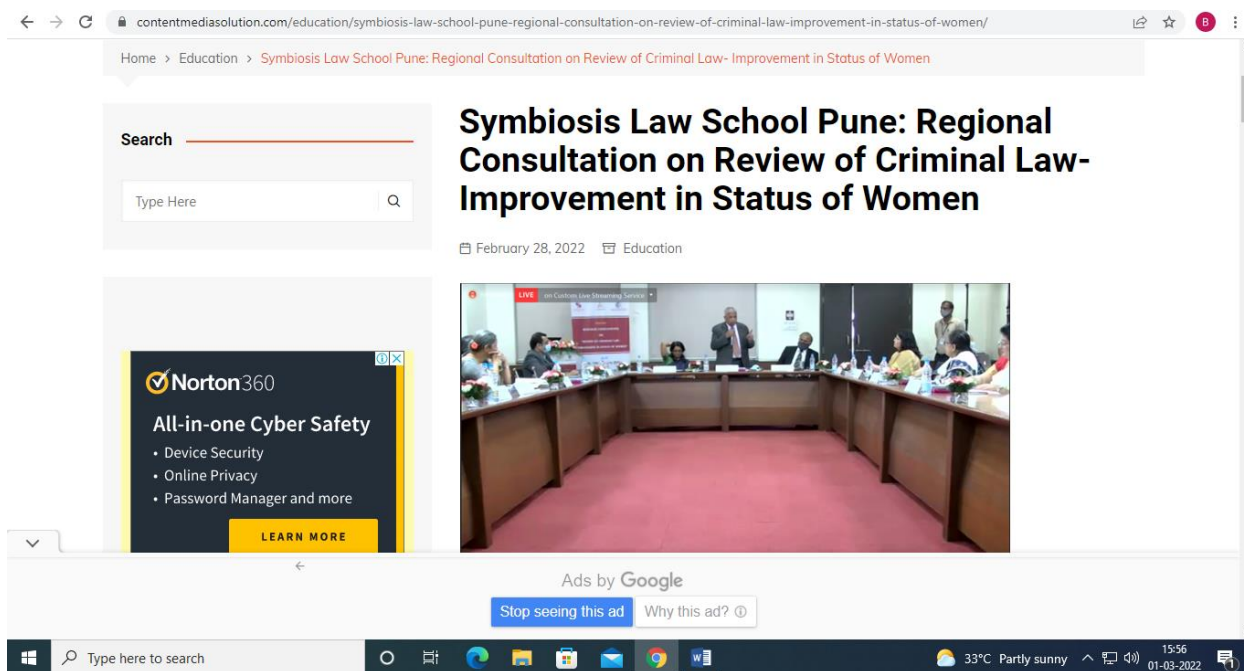
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9. <https://onlinemediacafe.com/education/symbiosis-law-school-pune-regional-consultation-on-review-of-criminal-law-improvement-in-status-of-women/>



10. <https://contentmediasolution.com/business/symbiosis-law-school-pune-regional-consultation-on-review-of-criminal-law-improvement-in-status-of-women/>



ANNEXURE 2: PHOTOGRAPHS OF THE CONSULTATION



**Dr. Shashikala Gurpur, Fulbright Scholar, Director, Symbiosis Law School, Pune,
Dean, Faculty of Law, SIU welcoming all the dignitaries for the regional consultation held at Symbiosis Law
School Pune on 16th February 2022**



**Lighting of the lamp by
Dignitaries**

DISCUSSION OF THE PANELLISTS







ANNEXURE 3: LIST OF PARTICIPANTS

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ANNEXURE 4:
BIO DATA OF DIGNATARIES



DR. SHASHIKALA GURPUR

Fulbright Scholar

**Jean Monnet Chair Professor
(2021-2024)**

**Director, Symbiosis Law
School, Pune**

**Dean, Faculty Of Law,
Symbiosis International
(Deemed University)**

**Karnataka Govt. Annual
Kittur Rani Chennamma
Awardee 2018-2019**

Current Positions

- Director, Symbiosis Law School, Pune.
- Dean, Faculty of Law, SIU.
- Jean Monnet Chair Professor (2021-2024).
- Member of Curriculum Development Committee, Bar Council of India, Academic Council of National Judicial Academy, Bhopal, IALS Global Law Dean's Forum, International Consortium of Law Schools.
- Member, MCCIA Corporate Legislation Committee 2020-2022.
- Principal investigator and Project Manager in several research projects like Erasmus projects on 21st Teach Skills, Climate Change Policy and Law, ILFM, ICSSR Projects, etc.

Experience

- Listed as one of the '100 Legal Luminaries of India' by LexisNexis.
- Former member of the Law commission of India.
- More than 26 years of teaching experience including tenures in NLSIU, Bangalore, SDM Law College, Mangalore, Manipal Institute of Communication, MAHE, Manipal and University College Cork, Ireland.
- 72 articles/research papers, two co-authored books and twelve book chapters to her credit.
- Acted as an Advisor to research project and publication for Asian Network of Women in Communication sponsored by WACC, UK in 1999-2004
- Distinguished Member Of The Editorial Board of LexisNexis Butterworths, Journal of IPR by CSIR, Law and Policy Journal, Dublin, Ireland, Polish Law Review.

Education

- Ph.D. in International Law (Mysore University) UGC-NET
- LL.M. Mysore University (Gold Medalist)



Experience

- Practised as Advocate at Beed, Aurangabad and then in High Court, Bench at Aurangabad since 1982.
- Worked as Assistant Government Pleader and Additional Public Prosecutor in 1987-88 for 1 year in High Court Bench at Aurangabad.
- Was appointed Special Counsel for the State of Maharashtra in many cases, Service Matters, Writ Petitions and Appeals arising out of Land Acquisition, Civil Supplies, Labour Laws, etc.

As a Judge:

- Elevated to the Bench of Mumbai High Court on 16th March 2004.
- Worked as a Single Judge in Criminal Labour and Services, Civil Criminal Company Law Assignments for about 2 years.
- Participated as Junior Judge in Division Bench for hearing Writ Petitions, Labour and Service and Laws including service matters for two years.
- Presided over as Senior Judge over the Bench hearing Writ Petitions including Service matters. Letters Patent Appeals in Civil and Labour. Service matters for about two and half years.
- Presided as Senior Judge on Division Bench hearing Criminal Appeals and Writ Petitions for two and half years.
- Retired in 2013 while sitting at Aurangabad.
- Appointed as the Chairman of Maharashtra Administrative Tribunal in July 2014.
- Retired as the Chairman Maharashtra Administrative Tribunal on 15th July 2019

Justice Ambadas Joshi (Ret.)

Lokayukta,

Goa



**Prof. Dr. K. V. S.
Sarma**
Vice-Chancellor,
MNLU, Aurangabad

Current Designation:

- Vice-Chancellor, Maharashtra National Law University (MNLU),
- Consumer Laws Chair Professor (Ministry of Consumer Affairs, New Delhi), NALSAR UNIVERSITY OF LAW, Hyderabad.

Experience:

- He Received The Best Teacher's Award from State Government of Telangana on Head Centre for Consumer and Competition Law, NALSAR UNIVERSITY OF LAW.
- Presiding Arbitrator in a dispute between NTPC AND SINGARENI COLLIERIES LTD.
- Enrolled as an Advocate on 11th November 1983 in the Bar Council of Andhra Pradesh, Hyderabad.
- Practiced as an Advocate in Visakhapatnam from 1983 to 1986. Professional Affiliations and Associations.



Rape (Idea of consent, Standard of consent, vitiation of consent, Marital Rape Exception 2 of the S. 375 to be removed) and Gender Neutrality



Experience



Dr. Rashmi M. Oza
Principal
B.Sc. LL.M. (Gold Medalist), Ph.D.
PGD(HR) Mumbai

- Dr. Rashmi M. Oza is a recipient of Gold Medal for securing First-class-first in Master of Law Degree from Mumbai University.
- She is Former Head and Professor, Department of Law, Mumbai University and Former I/c. Dean-Interdisciplinary Studies in University of Mumbai.
- In June 2005, she had been listed as the leading Educator of the World and in October 2005, she was awarded the title of 'Blue-book Woman of the Year' by the International Biographical Centre, Cambridge, England.
- She has been conferred Doctorate Degree on the topic "Human Rights and Gender Inequalities in India" by Mumbai University. She is a member of Research and Recognition Committee at Symbiosis International University.
- She has to her credit numerous publications both National and International.
- She was the only participant selected from India to participate in the Advanced International Training Programme at Sweden.
- She presented a paper on 'Violence against Women in India' before the Committee Members of United Nations.
- She was awarded International Diploma in Human Rights with distinction, by the "Raoul Wallenberg Institute of Human Rights and Humanitarian Law", Sweden.



Gender Neutrality and Marital Rape, Sentencing guidelines for Sexual Offences



Experience

- Dr Khushal Vibhute is an Honorary Professor Emeritus, National Law University, Jodhpur.
- He is a recipient of distinction at the graduate and post-graduate studies in law and of Fellowships from the Hague Academy of International Law (the Netherlands); the International Institute of Human Rights, Strasbourg (France), the UN Human Rights Centre, Geneva (Switzerland), and Max Planck Institute for Comparative Public & International Law, Heidelberg (Germany).
- He has also to his credit, one hundred and seventeen articles (117) in reputed law journals across the globe.
- He has contributed to the ILI's prestigious Annual Survey of Indian Law.
- He is also the Vice-President of the Indian Society of Victimology (ISV).



**Prof. Dr. Khushal
Vibhute,
Director,
Amity Law School,
Mumbai**



COVID Related Experiences, Cyber Crime as a trigger



Adv. Puneet Bhasin, Cyber Law & Cyber Crime Experts

Experience

- Advocate Puneet Bhasin is a Pioneer in Cyber Laws in India and was Awarded the Best Cyber Lawyer in India.
- She is an advisor to the Rajya Sabha Committees on Internet laws and is the Recipient of 5 National Awards for contribution in Cyber laws
- She has presented as Expert in Cyber Laws before in - Amendments to the Information Technology Act & drafting of New Legislations , Rajya Sabha Committee on Online Pornography Regulation in India , Recommendations for formulation of the Indian Data Protection Law , Recommendations for Cryptocurrency regulation & Online Gambling Laws ,Recommendations to National Commission for Women on “Cyber Crimes against Women”
- Ms. Puneet is a well known Author in Cyber laws and her articles are published routinely in News Papers and Online portals. She is also routinely featured on leading news channels like BBC, CNBC, Zee News, DD News etc. for her views and recommendations.
- Ms. Puneet launched Cyberjurre Academy in 2018 to develop Industry skill sets in EU GDPR Compliance, Cyber laws, Cyber Crime Investigation and Data Protection Compliances and till date has trained over 400 CXOs and Professionals.



Procedural dimensions of arrest search and seizure for gender and sexual minorities



Renjith Thomas,
Assistant Professor of Law

**Executive Director,
Centre for Child Rights
Advocacy and the Centre
for Criminal Law Studies
at the National Law
University, Jodhpur**

Experience

- He has specialization in Criminal Law and is currently doing an extensive research work on the topic of Jurisprudence of sentencing in India.
- His areas of expertise inter alia include Philosophy of Criminal Law, Administration of Criminal Justice system, and Sentencing.
- He has delivered more than Eighty expert lectures on various topics, which include, "Sentencing Issues and Challenges", "Admissibility of Forensic Evidence in Criminal Trial" and "Arrest and Trial Procedures".
- He has to his credit several national publications and has participated in numerous professional training programs, conferences, workshops and seminars and has conducted a few by himself.
- In 2018 he was selected as a visiting scholar to Faculty of Law, University of Oxford.
- In the same year he was nominated as an expert for providing legal and technical support to the proper implementation of integrated Child Protection Scheme (ICPS) Juvenile Justice Act 2015 in the state of Rajasthan.
- He is also associated with several Judicial Academies, Intelligence Bureau, and Bureau of Police Research and Development.



Maintenance of wives, children and parents. Modification of grounds for S. 125(4) and S. 125 (5)



Prof. Tapan R. Mohanty
Dean,
Department of Distance
Education

Chairperson,
Centre for Socio-Legal Studies
at National Law Institute
University Bhopal

Experience

- He did doctoral dissertation titled 'Culture, Development and Entrepreneurship: A Study of Silk Traders of Chanderi' explored the nuances of entrepreneurial dimensions of a traditional craft among the rural artisans of Madhya Pradesh.
- He had four major research projects to his credit on diverse issues like educational management (NUEPA), Bhopal Gas Tragedy (World Bank and MoEF), Engendering Criminal Law (NCW) and Implementation of PCPNDT Act (UNFPA), Rajiv Gandhi Advocates Training Scheme (Ministry of Law, Govt. of India).
- He conducted Executive Training Programmes for law officers of Tehri Hydroelectricity Development Corporation, Judges of Subordinate Judiciary of Madhya Pradesh, Nodal Officers of Department of Health, executives of Vodafone-India etc.
- He has more than 60 research articles to his credit published in international and national referred journals.
- He has a consistently brilliant academic regards that boasts first class first honours with distinction from Ravenshaw University, UGC National Scholarship, Merit Scholarship from JNU.



S. 354 D, 354E, 505, 509 IPC



Experience



**Dr. Anuradha
Sahasrabudhe**
Director, Pune Childline

- Dr. Anuradha Sahasrabudhe did her post graduation in Foods Nutrition and Dietetics and M. Phil and PhD in Education- interdisciplinary, with research in women's adult education. Besides she has diplomas in German, Japanese, Sanskrit , Bengali , Homeopathy.
- She officiates as NGO member on several Vishakha committees and has been on the Juvenile Justice Board.
- She has 20 books and several published articles and research papers on diverse subjects to her credit.
- She has received 40 +awards for her work in the field of women's empowerment and child rights. The children helped and children rescued addressing her as "AAI"/"MAA"- though, she considers her biggest and most favourite award.
- She has developed a model of non formal education called Gammat Shala for children from socio economically and educationally backward communities.
- Dr Sahasrabudhe anchors Pune Childline, the 24 hour helpline for children in distress, a project of the Ministry of women and Child Development, GOI. Childline Pune since inception has rescued thousands of children from physical/emotional/sexual abuse, provided shelter, guided and counselled them , restored runaway/lost children to their parents.



Celebrating 50 Years of Excellence

S. 108(3) Cr.P.C New Clause b Security from accused for sedition



Experience

- 48 years of Practice
- President of the Niramay Trust [N.G.O.] Pune that works for upliftment of slum dwelling children especially girls
- Director of the Century Enka Ltd., Century Textiles & Industries Ltd
- Chairman, Constitution Committee of Jain International Trade Organization (JITO)
- Patron Member of Science & Technology Park- Savitribai Phule Pune University – Pune.
- President Pune Adhivakata Parishad, Chairman of the Advisory Committee of Apang Kalyankari Sanstha-Wanawadi Pune and has
- Represented various Government Bodies, local authorities such as Pune Cantonment Board, Khadki Cantonment Board, Dehu Road Cantonment Board, N.D.A., as a special counsel for Pune Municipal Corporation and various social organisations in the District Court Pune



Adv. S. K. Jain,
Criminal Law Advocate
President,
Niramay Trust [N.G.O.]
Director,
Century Enka Ltd



Armed Conflict and Sexual Offences , S. 114A of ITA – to be compatible with S.376 of IPC



Experience

- Adv. Dr. Uday Warunjekar is an alumni of Pune University of which he is also a PhD holder. His PhD work was on the topic of Gender Justice, Human Rights and Pre-Conception and Pre Natal Diagnostic Technique Act 1994 (Critical Appraisal of Statutory and Judicial Prospective).
- He has been Practicing in the High Court at Bombay for more than 26 years. He has successfully filed many Public Interest Litigations.
- He was a delegate in 1st LAWASIA Human Rights Conference, New Delhi and presented paper on 'New Technologies, Privacy and Mass Surveillances: Will Human Rights Survive?

- He was the Vice President, Bar Association of India, Delhi and is holding the post of President of Consumer Court Advocate Association Mumbai (currently)

Awards received:

- Ethical Legal Practitioner Award from Trans Asia Chamber of Commerce.
- Award from Mumbai Grahak Panchayat for valuable contribution in protection and promotion of consumer rights.
- Award from National Association of Blind India.

Adv. Uday Warunjekar
Leading Criminal
Lawyer, Bombay HC





Repeal of S. 493 and S.498 to be repealed or modified



Experience

- He has expertise in Comparative Constitutional Law, Jurisprudence, International Economic Law, Feminism, etc.
- Co-authored and edited one of the most acclaimed book "*Basic Structure Constitutionalism: Revisiting Kesavananda Bharati*"

Honors & Awards

- He has received President Award as a most efficient Disabled employee from Dr. A. P. J. Abdul Kalam.
- Best employee with Disability-Swaraj Viklang Sewa Samiti Allahabad-Feb 2017.
- Shanti Bhushan Award-Bharatiya Jain Sanghata-Jul 2010.
- Professional Competence' award - Rotary Club, Sinhagad Charter, Pune -Nov 2006.
- Biannual State Level Ideal Teacher Award - NAB,Maharashtra Unit, Nasik Feb 2006
- National Award in the Employee CategoryHon'ble the then President of India Dr. A.P.J. Abdul Kalam-Dec 2004
- Ideal Teacher Award - Mahavir International Sep 2004Mrs. Piloo Doraf Khambatta Memorial Award 1999-2000 NAB, India 1999



Dr. Sanjay Jain
Principal

ILS Law College, Pune



Live-in and S. 494



Experience



Prof. Dr. Purvi Pokhriyal

**Dean,
National Forensic
Science University,
Gujrat**

- Prof. (Dr.) Purvi Pokhriyal is the founding dean of School of Law, Forensic Justice and Policy Studies. She specializes in the area of Criminal Justice Studies and Justice Education.
- She holds a Master's degree in law with specialization in Criminal Law and a Doctoral degree in the Constitutional Law from Maharaja Sayajirao University of Baroda, Vadodara.
- She was conferred with Senior Social Scientist Award by the Indian Society of Criminology for her significant contribution to the field of Criminology.
- She was also selected for best Law Professor Award by the Business School Affairs & Dewang Mehta National Education Awards.
- She has authored a book on Artificial Intelligence and Law. She has also been the editor of many academic law journals.
- Prof. Pokhriyal has been a member of the Board of Governance at Nirma University.
- She is holding the position at many Universities as a member of the Board of Studies and the Advisory Board.



Law related to dowry death (304B IPC, r/w 113B of IEA 7yrs limit to be deleted and evidence of ongoing abuse to be taken)



**Dr. Rajeshri Varhadi,
Professor & former
Head, Department of
Law, University of
Mumbai**

Experience

- She has edited several Law books on Human Rights, Environment Law & Social Transformation, Judicial Process etc.
- Her research papers are published in various Law Journals. She is a former member of the Maharashtra State Consumer Disputes Redressal Commission , and during her time there she had passed several judgements relating to consumer services, which becomes the law of the Maharashtra State.
- Her judgements were appreciated by National Consumer Commission, New Delhi. She had also organised several Seminars to create awareness amongst the public about Consumer Law and other Laws like Human Rights, Environmental Law, Laws relating to Women, Children, Disaster Management etc.



Pre-arrest or other procedural safeguards to be added 498A.



Pornima Gaikwad
Deputy Commissioner of
Police; Pune , Zone 3



General Remarks



Adv. Pratap D Sawant
Secretary, District Legal
Services Authority, Pune

Experience

- Adv. Pratap D. Sawant B.S.L., L.L.M Member secretary DLSA Pune.
- He started practice as an advocate in the year 2004 at High Court of Bombay, Bench at Aurangabad.
- He conducted various Civil, Criminal and service-related cases.
- He joined Judiciary in the year 2008, as Civil Judge Junior Division & Judicial Magistrate First Class.
- In the year 2018, he was promoted as Civil Judge Senior Division and Additional Chief Judicial Magistrate.
- In June 2021, he was appointed as Member Secretary District Legal Services Authority, Pune.
- In 2018, he was promoted as Civil Judge Senior Division and Additional Chief Judicial Magistrate.
- In June 2021, he was appointed as Member Secretary District Legal Services Authority, Pune



TEAM FACULTY SLS, PUNE

Victim Impact Statements during sentencing and role of compensation (Manodhairya schemes)



Dr. Atmaram Shelke
Associate Professor,
Symbiosis Law
School, Pune

- Member of International Council of Jurist (Membership no. P-16076)
- Member of Advisory Council of Indian Constitutional Law Review (Quarterly Law Journal), <http://www.iclrq.in/advisory-council>
- Permanent member of South Asian Society of Criminology & Victimology
- Member of GAJE (Global Alliance for Justice Education)
- Member and Editor of All India Law Teachers Congress (ALLTC)
- Recipient of Two Gold Medals for standing first in LL.M. at Symbiosis International University, Pune (India):
 - a) Chancellor's Gold Medal
 - b) Nani A. Palkiwala Gold Medal
- Awarded for Most Number of Researchers for academic Year 2010-11 by SLS, Pune
- Awarded with Special Services Medal in 2010 by Symbiosis International (Deemed University)
- Awarded for 'Most Significant Research Contribution –in Law' and 'Most Sincere & Adaptable Teaching Staff' for academic year 2020-21 by SLS, Pune.
- He worked on many projects including 'Project on Indian Penal Code' sponsored by Shri. Ram Jethmalani, Sr. Advocate, Supreme Court of India; project on 'Critique on Indian Legal Framework for Addressing Sexual Abuse, Exploitation and Trafficking of Children (Special focus on male child)'; a project on problems of foreign prisoners in Pune;



TEAM FACULTY SLS, PUNE

Victim Impact Statements during sentencing and role of compensation (Manodhairya schemes)



Dr. Girish Abhyankar
Associate Professor,
Symbiosis Law
School, Pune

- Author of the book “Witness Protection in Criminal Trials in India” published by Thomson Reuters a renowned publishing house.
- Approved as research supervisor for Ph.D. in Symbiosis International University in 2017.
- Submitted recommendations to Justice Verma Committee on Juvenile Justice under the guidance of Dr. Shashikala Gurpur, Director, Symbiosis Law School, Pune in 2012.
- Submitted recommendations on Whistle Blower’s Protection Bill under the guidance of Dr. Shashikala Gurpur, Director, Symbiosis Law School, Pune in 2011.



Section 125 of Cr.P.C.



Prof. Yogesh Dharangutti
Assistant Professor,
Symbiosis Law School,
Pune

Experience

- He is an assistant professor at Symbiosis Law School, Pune.
- He holds expertise in law of inheritance and succession, child rights and protections and laws relating to marriage and separation.
- He is pursuing his PhD in law from Symbiosis International University.