ONE SIDED LAWS FOR WOMEN: A DISCRIMINATION TOWARDS THE ACCUSED

Looking towards the socio-economic background of the girls / women in the country. The Supreme Court of India in 1981 under the judgment of Justice VR Krishna Iyer held that evidence of prosecutrix is sufficient to record. India is rightly categorized as a common law country which has adopted the adversarial system of trials. In criminal cases, both the prosecution and the defense are represented by legally qualified persons. It is for them to command to their aid all the information in favor of the respective parties before another legally qualified person, the trial Judge, who is the pivot of the criminal justice system.

In the recent past serious allegation of molestations have been made against many important persons and in this regard even the Supreme Court judges including the Chief Justice of India have not been spared. On the account of maintaining the dignity of the courts i.e. district courts, high court's the Supreme Court have intervened into the matter to grant appropriate relief. The question however remains whether false allegations can be made against some of the retired or sitting judges of the Supreme Court or not.

the possibility of making of such allegations against the ordinary citizen and as per the prevailing law mere allegation of rape or molestation even after so many years of the incidence when there is no possibility of medical evidence, the court takes the cognizance of the matter and directs the police to arrest the accused in ordinary course of law. Such accused in the present atmosphere of the country are rarely granted bail in such cases.

the humble supreme court in the cases such as  **Ravindra vs. State Of M.P on 26 February, 2015 Bench: M.Y. Eqbal, Pinaki Chandra Ghose** was of the opinion that the case of the appellant is a fit case for invoking the proviso to [Section 376(2)(g)](https://indiankanoon.org/doc/1284610/) of IPC for awarding lesser sentence, as the incident is 20 years old and the fact that the parties are married and have entered into a compromise, are the adequate and special reasons. Therefore, although we uphold the conviction of the appellant but reduce the sentence to the period already undergone by the appellant.

**Rafiq vs State Of U.P on 14 August, 1980**

**Equivalent citations: 1981 AIR 559, 1981 SCR (1) 402**

**Bench: Krishnaiyer, V.R.**

The court was of the opinion the strategy for a crime- free society is not draconian severity in sentence but institutional sensitivity, processual celerity and prompts publicity among the concerned community. "Lawlessness is abetted by a laggard, long-lived, lacunose and legalistic litigative syndrome rather than by less harsh provisions in[the Penal Code](https://indiankanoon.org/doc/1569253/)". The focus must be on the evil, not its neighbourhood.

Counsel submitted that a 7-year sentence was too severe. No, because, as we have stated earlier, rape for a woman is deathless shame and must be dealt with as the gravest crime against human dignity. No interference on the score of culpability or quantum of punishment is called for in the circumstances.

Inspite of the aforesaid judgments, in some of the cases the Supreme Court of India has taken the view and held that these convictions can be based on side testimony of prosecutrix but ordinarily court seeks corroboration of the social testimony apart from the independent source like medical and circumstantial evidence.

 No doubt female should be protected from any type of atrocities but at the same time the innocent should not be put in to a situation where he becomes defend less. There are numerable reasons for the prosecutrix to falsely implicate the innocent person. Since the judgment in the case **Rafiq vs. State Of U.P on 14 August, 1980 rendered by V.R Krishna Iyer j.the socio economic situation in the country has dramatically changed.**

Now the girls are getting much higher grades in the educational courses and are working shoulder to shoulder competing with men. in our country in last 50 years the female have become very powerful politicians like President of India, Prime minister of India, Chief Minister of the states , Speakers of the look Sabah, deputy speaker Rajya Sabha, cabinet ministers, M.L.A, Member of Parliament, they are also holding the administrative part in the bureaucracy, they are holding core departments and high responsibilities in very high office, secretary to very important departments, they are now even becoming pilots in A and holding high ranks in various army which were previously limited to males.

In the current scenario it cannot be said with certainty that the country has not undergone serious socio economic changes resulting in empowerment of females particularly in cities.

If we move towards the other aspects of the society then comes the dowry act i.e. 498A Indian Penal Code 1860. The recent development is that along with the demand of dowry and just to harass the husband and his parents and his family members. in the number of complaints that has been lodged on account of some matrimonial disputes between husband and wife and the allegations of committing rape by father in law and that to in knowledge and presence of mother in law and sister in law are being made these days.

the result of these one sided law are that the results of judgments so passed by the Hon'ble court does not only affect the husband but has drafting effects upon the entire family.

In my opinion the law regarding sexual harassment is made stringent and deterrent enough. There cannot be any dispute for awarding deterrent punishment but there should be some strict check points on the false allegations which are often made and acknowledged by various reports.