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डॉ. भीमराव अम्बेडकर विधि विश्वविद्यालय, जयपुर

B.A.LL.B.
FIVE YEARS INTEGRATED COURSE
(SEMESTER SCHEME)



SYLLABUS OF SIXTH SEMESTER
(APPLICABLE FOR THE ADMITTED BATCH OF 2022-23 & 2023-24)

PAPER 6.5:

OFFENCES AGAINST WOMEN AND CHILDREN

NOTE:

This substituted syllabus shall be applicable to the candidates who have sought admission in the batch of 2022-23 and are appearing first time in semester sixth examination in 2024-25. It shall also be applicable for the admitted Batch of 2023-24 and will appear first time in semester sixth examination in 2025-26.

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 36

This paper shall consist of following two parts:

- | | | |
|--------------------------|---|-----------|
| (a) Written paper | — | 70 marks |
| (b) Internal examination | — | 30 marks |
| | | (15+10+5) |

Mid Semester Test: 15 marks

Project/Assignment: 10 marks

Presentation: 05 marks

The candidate must pass in part (a) and (b) separately. For passing, he shall be required to obtain 36 percent marks in each part, i.e. 25 marks out of 70 and 11 marks out of 30 marks.

- (1) The question paper shall be divided into two (02) Parts viz. Part – A and Part – B.
- (2) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of seven (07) questions. The Candidate is required to attempt any four (04) questions. All questions carry equal marks.
- (3) The prescribed syllabus includes latest amendments in the subject wherever applicable.

INTRODUCTION:

The course aims to create awareness as to importance and role of women and Child in society through the medium of law. It also focuses on women and child welfare laws.

In the past decade research has documented the growing magnitude of violence against women and children. Victims of violence/crime of any type fear stigmatization or societal condemnation and thus often hesitate to report crimes. The issue is compounded by the fact that for women and children the perpetrators are often people they know and because some countries lack laws or regulations protecting victims. The violence/crime poses a high burden on global health and that violence against women and children is common and universal. When directed against women or children, this violence can take a number of forms, including, but not limited to, sexual violence, intimate partner violence, child abuse and neglect, bullying, teen dating violence, trafficking, and elder abuse. The majority of offences against women and children are perpetrated by partners, family members, friends, or acquaintances, so that most violence against women and children takes place in the form of intimate partner violence, family violence, or school violence.

COURSE OBJECTIVES: The primary objectives of this course are:

1. To understand the issue of violence against women and children and its implications across all areas and providing knowledge required to play a role in shaping social policy responses.
2. To provide the highlights of different legislative enactments dealing with various crimes against women and children.
3. To Emphasize on providing a holistic understanding of criminal law by focusing on protecting women and children.
4. To understand the laws of crime and a legal aptitude for analyzing problems.

LEARNING OUTCOMES: The learning outcomes of this course are:-

1. Identify and understand the problems woman and children face in terms of protecting their rights through the criminal Justice administrative system.
2. Understand changing cultural and societal constructs related to offences against women and children.
3. Understand the laws relating to protection of children who are vulnerable.
4. Apply and appraise the legal provisions enacted to ameliorate the situations with special emphasis on the Indian criminal laws and its scope, applicability, and shortcomings in the existing legal regime in this regard.

Unit - I: Status of Women and Child

- 1.1 Concept of women and child, Definition of child under various legislations
- 1.2 Historical discourse on the status of Women
- 1.3 Constitutional Safeguards for the protection of women and children
- 1.4 Status of women and crime in India
- 1.5 Crimes against children; physical and emotional abuse, neglect, and sexual exploitation, child pornography, or sex trafficking of minors

Unit - II: Gender injustice and its various forms contributing in crimes

- 2.1 Gender Injustice and its Impact on crime against women and children
- 2.2 Definition of gender inequality around the world and in India,
- 2.3 Girl child as a victim of discrimination; Female Foeticide, Female infanticide, Sex selective abortions and laws related to Female Foeticide,
- 2.4 Gender bias, deep-rooted prejudices and gender discrimination
- 2.5 Constitutional provisions, Legal provisions and international measures to eradicate gender discrimination.

Unit – III: Offences Affecting Life, Liberty and Health of Women and Children

- 3.1 Honour killing; Legal Protection and concerned laws
- 3.2 Relationship of Honour killings to religion, caste, other forms of hierarchical social stratification, or sexuality,
- 3.3 Kidnapping and Abduction
- 3.4 Sexual Offences; Rape and Sexual Assault, Stalking, voyeurism, and sexual harassment
- 3.5 Acid attack as discussed under Bhartiya Nyaya Sanhita, 2023

Unit – IV: Legislative Protection to Women against Various Offences

- 4.1 Protection of women and domestic violence under Protection of Women from Domestic Violence Act of 2005,
- 4.2 Obscenity and the indecent representation of women under Anti- Obscenity Laws in India, Bhartiya Nyaya Sanhita, 2023 and The Indecent Representation of Women (Prohibition Act), 1986
- 4.3 Information Technology (Amendment) Act, 2008, Young Person's (Harmful Publications) Acts, 1956,
- 4.4 Dowry death and cruelty under BNS, 2023 and Dowry related offences under Dowry Prohibition Act, 1961,
- 4.5 Sexual harassment of women at work place under POSH, Act, 2013

Unit – V: Legislative Protection to Children against various offences

- 5.1 The Protection of Children from Sexual Offences under POCSO Act, 2012,
- 5.2 Child in need of care and protection and offences under The Juvenile Justice (Care and Protection) Act, 2015,
- 5.3 Prohibiting trafficking in children,
- 5.4 Prevention of the child labour and exploitation of children
- 5.5 The Prohibition of Child Marriage Act, 2006

Leading Cases:

1. Bachni Devi & Anr. Versus State of Haryana [(2011) 4 SCC 427]
2. Delhi Domestic Working Women's forum v. Union Of India 1995 SCC (1)
3. Laxmi v. Union of India (2014) 4 SCC 427
4. Mukesh & Anr v. State for NCT of Delhi & Ors Criminal Appeal Nos. 607 –608 of 2017
5. Rajesh Sharma & Ors. v. State of U.P. AIR 2017 SUPREME COURT 3869
6. Satish Chander Ahuja v. Sneha Ahuja [2020 SCC OnLine SC 841]
7. Satyama Dubey v. Union of India [2020 SCC OnLine SC 874]
8. Shilpa Mittal v. State (NCT of Delhi), (2020) 2 SCC 787
9. Social Action Forum v. Union of India and Ors. Ministry Law and Justice AIR 2018 S C 4273
10. Tuka Ram And Anr v. State Of Maharashtra 1979 AIR 185, 1979 SCR (1) 810
11. Vishaka & Ors v. State of Rajasthan & Ors. (1997) 6 SCC 241
12. Biswanath Mallick v. State of Orissa (1995) Cr LJ 1416,
13. S. Varadarajan v. State of Madras, AIR 1965 SC 942

Suggested Readings:

1. Mamta Rao, LAW RELATING TO WOMEN AND CHILDREN, (Eastern Book Company, 2018).
2. S. C. Tripathi and Vibha Arora, LAW RELATING TO WOMEN AND CHILDREN, (Central Law Publication, 2006).
3. Asha Shukla and Jaya Phookan, CRIME AGAINST WOMEN, (Serials Publications, 2015).
4. P.K. Majumdar and R.P. Kataria, Law Relating to Dowry Prohibition Cruelty & Harassment (Orient Publishing Company. New Delhi, 2014).
5. Paras Diwan, Law relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences (Universal Law Publishing Co. Pvt. Ltd., Delhi, 2002).

6. Suman Nalwa and Hari Dev Kohli, LAW RELATING TO DOWRY, DOWRY DEATH, CRUELTY TO WOMEN & DOMESTIC VIOLENCE (Universal Law Publication Co., New Delhi, 2013).
7. Himanshu Garg, A HANDBOOK ON LAWS RELATED CRIMES AGAINST WOMEN AND CHILDREN, (The Bright Law House, 2016).
8. The Protection of Children from Sexual Offences Act, 2012
9. The Juvenile Justice (Care and Protection) Act, 2015
10. The Prohibition of Child Marriage Act, 2006
11. Sexual harassment of women at work place Act, 2013
12. Dowry Prohibition Act, 1961
13. Bhartiya Nyaya Sanhita, 2023
14. Indecent Representation of Women (Prohibition Act), 1986
15. Information Technology (Amendment) Act, 2008
16. Young Person's (Harmful Publications) Acts, 1956
17. Protection of Women from Domestic Violence Act of 2005