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"THINK ABOUT YOUR FUTURE": POLICE DISCOURAGEMENT AND VICTIM-BLAMING IN SEXUAL OFFENCE CASES

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Abstract

For countless women, the first battle after sexual violence is not fought in a courtroom. It is fought at the police station. It begins when a survivor, already carrying the weight of trauma, gathers the courage to speak, only to be met with doubt, moral scrutiny, discouragement, or questions that quietly place her conduct on trial. Although Indian law mandates the registration of First Information Reports in cognizable offences, the lived realities of many survivors reveal a troubling gap between legal guarantees and institutional practice.

This paper examines victim-blaming at the FIR stage as a form of institutional violence that often precedes formal legal proceedings. Drawing upon statutory provisions, judicial pronouncements, empirical studies, and feminist legal scholarship, it argues that survivors are frequently compelled to defend their choices, movements, relationships, and respectability before their complaints are even taken seriously. In doing so, institutions shift attention away from the perpetrator and towards the survivor, reinforcing deeply embedded patriarchal norms that continue to shape responses to sexual violence.

The paper contends that such practices are not merely instances of individual insensitivity, but manifestations of structural inequality within the criminal justice system. When survivors are advised to "think about their future," protect family honour, or compromise rather than pursue legal remedies, access to justice becomes conditional upon conformity with patriarchal expectations of womanhood.

A woman reporting sexual violence is not seeking moral approval. She is invoking a constitutional right. This paper therefore advocates for trauma-informed policing, sustained gender sensitisation, and greater institutional accountability, while emphasizing a simple yet often forgotten principle: survivors need justice, not judgment; empathy, not suspicion; and institutions that listen before they lecture.

Keywords: Access to Justice, Feminist Jurisprudence, Gender Sensitisation, Institutional Patriarchy, Police Discouragement, Sexual Violence, Survivor-Centric Justice, Victim-Blaming.

I. Introduction

For many survivors of sexual violence, the hardest part is not always the assault itself. Sometimes, it is deciding whether to speak about it.

Reporting sexual violence is not a simple legal formality. It is an act of courage. It requires a survivor to revisit one of the most traumatic

experiences of her life and narrate it before strangers, often in a society that has historically been more comfortable scrutinizing women than questioning the men who harm them. Before a woman enters a police station, she has already fought countless battles within herself: Will anyone believe me? Will I be blamed? Will my character be questioned? Will people ask what I was wearing, where I was, or why I was there?

These fears are not irrational. They are shaped by generations of women's experiences and by a social reality in which survivors of sexual violence continue to face stigma, disbelief, and moral scrutiny.⁶¹

Ideally, a police station should be the safest place for a survivor seeking justice. It should be the place where fear ends and the law begins. A woman approaching the police after experiencing sexual violence is not asking for a favour, seeking permission, or requesting sympathy. She is exercising a legal right. Recognizing the significance of this first step, the Supreme Court in *Lalita Kumari v. Government of Uttar Pradesh* unequivocally held that the registration of a First Information Report in cognizable offences is mandatory.⁶² Subsequent legislative reforms, particularly the Criminal Law (Amendment) Act, 2013, and the Bharatiya Nagarik Suraksha Sanhita, 2023, further sought to make the criminal justice process more responsive to survivors of sexual offences by strengthening procedural safeguards and imposing greater accountability upon public authorities.⁶³

Yet, for many women, the promise of the law often ends at the doors of the police station.

The first questions asked are not always about the accused or the crime. Instead, they are frequently about the woman herself. What were you wearing? Why were you out so late? Are you sure you want to file a complaint? Think about your future. Think about your family. Do you really want to go through all this? These questions do not merely seek facts. They communicate something far more disturbing: that before a woman's complaint can be taken seriously, her choices, character, and morality must first be examined.

Such responses expose a troubling contradiction at the heart of the criminal justice system. While

the law guarantees every survivor the right to report sexual violence, access to justice often remains contingent upon whether institutional actors consider the survivor sufficiently credible, respectable, or deserving of legal intervention. In effect, many women are compelled to prove not merely that a crime occurred, but that they themselves are worthy of being believed.

Although outright refusal to register FIRs has increasingly attracted judicial condemnation, more subtle forms of institutional resistance continue to persist. Discouragement, victim-blaming, pressure to compromise, concerns regarding family honour, and attempts to dissuade survivors from pursuing legal remedies frequently operate as invisible barriers to justice. Consequently, the police station, an institution meant to provide protection, sometimes becomes the site of a survivor's first experience of secondary victimization.

For many women, therefore, the first trial does not begin in the courtroom. It begins when they are made to feel ashamed for seeking justice.

II. The Law Says "Register the FIR." Reality Says "Think About Your Future."

The law, at least in theory, is unambiguous. A woman who approaches a police station to report a sexual offence is not expected to justify her morality, defend her lifestyle, or convince anyone that she is worthy of protection. She is simply expected to report the commission of a cognizable offence, and the police are legally obligated to register an FIR.⁶⁴ The Supreme Court in *Lalita Kumari v. Government of Uttar Pradesh* left no scope for ambiguity when it held that the registration of an FIR in cognizable cases is mandatory.⁶⁵ Subsequent legislative reforms, particularly those introduced after the Nirbhaya case, sought to ensure that survivors of sexual violence encounter a system that is responsive, sensitive, and survivor-centric.⁶⁶

⁶¹ Justice J.S. Verma, Justice Leila Seth & Gopal Subramaniam, Report of the Committee on Amendments to Criminal Law 76–83 (2013).

⁶² *Lalita Kumari v. Gov't of U.P.*, (2014) 2 S.C.C. 1 (India).

⁶³ The Criminal Law (Amendment) Act, No. 13 of 2013, Acts of Parliament, 2013 (India); Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 173, Acts of Parliament, 2023 (India).

⁶⁴ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 173, Acts of Parliament, 2023 (India).

⁶⁵ *Lalita Kumari v. Gov't of U.P.*, (2014) 2 S.C.C. 1 (India).

⁶⁶ The Criminal Law (Amendment) Act, No. 13 of 2013, Acts of Parliament, 2013 (India); Justice J.S. Verma, Justice Leila Seth & Gopal Subramaniam, Report of the Committee on Amendments to Criminal Law (2013).

Many survivors describe reaching a police station as an act that required extraordinary courage. Some have remained silent for months. Others have battled fear, shame, and self-doubt before deciding to report. By the time they enter the station, they are not merely carrying facts. They are carrying trauma. When institutions respond to this trauma with cautionary advice instead of legal action, the effect can be devastating. A survivor who is told, "Do you really want to do this?" may begin to wonder whether she is overreacting. A survivor who is repeatedly reminded of social repercussions may start feeling responsible for the disruption that follows disclosure. The conversation gradually shifts from "A crime was committed against me" to "Maybe I should stay silent."

This is not a failure of law. It is a failure of institutional empathy.

Feminist scholars have long argued that institutions are not gender-neutral spaces. They are shaped by the same social attitudes and patriarchal assumptions that exist outside them.⁶⁷ Consequently, when a woman reports sexual violence, she does not enter a space untouched by patriarchy. She enters an institution staffed by individuals who may consciously or unconsciously carry societal beliefs about "good women," family honour, sexuality, and respectability. This becomes particularly evident when survivors are advised to think about marriage prospects, family reputation, or social standing before pursuing legal action.

Perhaps this is why so many women describe reporting sexual violence as an emotionally exhausting experience. By the time a survivor reaches a police station, she has often already endured fear, shame, self-doubt, and societal scrutiny. What she seeks from the legal system is not sympathy, but recognition. Recognition that a wrong has occurred. Recognition that the law stands with her. Recognition that she will not have to fight alone.

A legal system cannot meaningfully claim to protect women if it simultaneously discourages them from using it. The first responsibility of the criminal justice system is not to preserve reputations or avoid discomfort. It is to uphold the law. More importantly, it is to ensure that a woman who walks into a police station after experiencing sexual violence leaves feeling heard rather than silenced.

III. "What Were You Wearing?" and Other Questions That Never Catch Rapists

Few questions reveal the gendered fault lines of the criminal justice system as starkly as this one: "What were you wearing?"

At first glance, it may appear to be a routine investigative query. In reality, it carries with it centuries of patriarchal assumptions about women, sexuality, and blame. The question is rarely asked to understand the crime. It is often asked to understand the woman. Was she "decent"? Was she "careful"? Did she somehow invite what happened to her? Beneath the language of investigation lies an unsettling implication that has followed women for generations. If a woman suffers sexual violence, perhaps the first thing that must be examined is not the conduct of the accused, but the conduct of the survivor herself. This is not merely insensitive. It turns the very purpose of a criminal investigation upside down. Sexual violence is an act of power, coercion, and violation. It is not an inevitable consequence of a woman's clothing, the time she returned home, whether she consumed alcohol, or whether she knew the accused. Yet, survivors continue to be asked questions such as, "Why were you out so late?" "Why did you go there?" "Why didn't you scream?" "Why didn't you resist?". A disturbing message quietly emerges from such questioning. Good women stay home. Good women do not go out late at night. Good women dress modestly. Good women avoid certain places. And if a woman deviates from these unwritten rules, her credibility becomes negotiable.

⁶⁷ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 161–70 (Harvard Univ. Press 1989).

Feminist scholars have long argued that victim-blaming in sexual offence cases stems from deeply entrenched societal beliefs regarding women's sexuality and "appropriate" behaviour.⁶⁸ These beliefs do not disappear at the doors of police stations. Rather, they frequently enter the criminal justice system through institutional practices and everyday interactions. Consequently, many survivors encounter not only legal scrutiny but moral scrutiny.

The problem with moral scrutiny is that it asks all the wrong questions.

It asks why she was outside instead of why he believed he had the right to violate her.

It asks why she trusted him instead of why he abused that trust.

It asks why she did not scream instead of why consent was absent.

It asks what she was wearing instead of what gave him the confidence to believe that her body was available to him.

Perhaps this is why so many women hesitate before reporting sexual violence. They know, often from the experiences of other women, that reporting a crime may require them to relive the trauma repeatedly while simultaneously defending their own character. For many survivors, the fear is not merely that they will not be believed. It is that they will somehow be blamed.

The Supreme Court has repeatedly cautioned against such stereotypes. In *State of Punjab v. Gurmit Singh*, the Court recognized that survivors of sexual violence should not be viewed with suspicion merely because of prevailing social prejudices.⁶⁹ Similarly, the infamous Mathura custodial rape case exposed how institutional and judicial attitudes could shift attention away from the accused and towards the survivor's conduct, ultimately igniting nationwide feminist

protests and prompting demands for legal reform.⁷⁰ The outrage surrounding the case was not only about one judgment. It was about a larger social reality in which women were expected to prove their innocence before men were required to prove their guilt. There is, perhaps, no greater feminist critique of victim-blaming than this simple truth: *Women are not responsible for preventing sexual violence. The responsibility lies entirely with those who commit it.* A legal system that continues to interrogate women's choices more rigorously than men's actions risks reinforcing the very inequalities it is meant to dismantle. The question, therefore, is not what a woman was wearing. The question is why society continues to believe that the answer matters.

IV. "Are you sure you want to ruin your life?"

Perhaps one of the most disturbing realities of sexual violence is that society often treats reporting the crime as a greater risk than committing it.

For many women, the fear of not being believed is only one part of the problem. The larger fear is what comes after. They know that once a complaint is filed, the assault no longer remains a private trauma. It becomes a public event. Families become involved. Neighbours begin to talk. Relatives offer unsolicited advice. Suddenly, everyone has an opinion on what the woman should do, except the woman herself.

It is in this context that survivors are so often asked: "Are you sure you want to go ahead with this?"

The question appears simple, but it carries an uncomfortable assumption. It assumes that pursuing justice is a choice women should carefully reconsider, as though justice itself is optional. The assault is seen not merely as a crime against bodily autonomy but as an event capable of altering how the woman will be perceived by society. In effect, the survivor is

⁶⁸ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 171–83 (Harvard Univ. Press 1989); Susan Estrich, *Real Rape* 28–33 (Harvard Univ. Press 1987).

⁶⁹ *State of Punjab v. Gurmit Singh*, (1996) 2 S.C.C. 384 (India).

⁷⁰ *Tukaram v. State of Maharashtra*, (1979) 2 S.C.C. 143 (India); Upendra Baxi, Lotika Sarkar, Raghunath Kelkar & Vasudha Dhagamwar, *An Open Letter to the Chief Justice of India*, 4 *Feminist Rev.* 17 (1980).

made to carry two burdens. The trauma of the violence itself and the anxiety of how that violence may redefine her social identity.

Feminist scholars have repeatedly observed that sexual violence is often surrounded by social stigma directed not at perpetrators, but at survivors.⁷¹ This stigma creates a powerful disincentive to report. Women are not simply deciding whether to initiate legal proceedings. They are deciding whether they are prepared to endure scrutiny from family members, acquaintances, employers, and institutions.

The cruel irony is that the shame almost always travels in the wrong direction.

A woman who reports sexual violence may be advised to remain silent to protect her future. Rarely is there equal concern for protecting the future of the woman before the violence occurs. Rarely is there comparable social anxiety about the future of the perpetrator at the moment he chooses to commit the offence. Somewhere along the way, society began treating women's silence as a form of social responsibility. A survivor who remains silent is often described as "strong," "mature," or "practical." A survivor who insists on pursuing legal remedies is sometimes portrayed as vindictive, emotional, or disruptive. The message is subtle but unmistakable. Women are expected to endure suffering with grace, provided they do not inconvenience others in the process.

This expectation exacts a significant cost. Studies consistently demonstrate that fear of social stigma and negative institutional responses remain among the most significant barriers preventing survivors from reporting sexual violence.⁷² When women anticipate blame, disbelief or social isolation, many choose silence not because they lack courage, but because they have carefully assessed the costs of speaking. The decision not to report, therefore, cannot be understood solely as an individual choice. It is often the product of a social

environment that makes silence appear safer than justice. *No woman should have to calculate whether seeking justice is worth losing her reputation, relationships, or peace of mind.* Justice was never supposed to demand that price.

V. Patriarchy Wears a Uniform Too

It is comforting to believe that patriarchy exists only inside homes, in conservative families, or in outdated social customs. It is far less comforting to admit that patriarchy can also sit behind a desk, wear a badge, and decide whether a woman's pain deserves to enter the legal system. Yet, that is precisely what many survivors encounter.

A woman walks into a police station after experiencing sexual violence. She expects the law. Instead, she often encounters society.

The questions may differ. The language may be softer. The setting may be official. But the message frequently remains the same: Are you respectable enough to be believed? Are you "that kind" of woman? Is this complaint worth pursuing?

Patriarchy has always been obsessed with regulating women. Their bodies, their mobility, their sexuality, their choices, their relationships. It should therefore surprise no one that these same attitudes find their way into institutions responsible for administering justice. Police officers do not emerge from a vacuum. They emerge from the same society that teaches girls not to return home late, warns women not to laugh too loudly, and constantly reminds them that their safety depends upon their behaviour rather than men's actions. A uniform does not automatically unlearn prejudice.

This becomes painfully evident in cases involving intimate partner violence, acquaintance rape, or sexual assault committed by influential men. Survivors are frequently told that such matters

⁷¹ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 171–83 (Harvard Univ. Press 1989); Susan Estrich, *Real Rape* 1–15 (Harvard Univ. Press 1987).

⁷² World Health Organization, *World Report on Violence and Health* 149–81 (2002); U.N. Women, *Handbook for Legislation on Violence Against Women* 37–41 (2012).

are "personal," "complicated," or capable of being "resolved" privately

Feminist scholars have long argued that the State is not entirely neutral in matters concerning gender because institutions often mirror the hierarchies of the societies that create them.⁷³ Catharine MacKinnon's critique remains particularly relevant here. She argues that institutions frequently treat male experiences as the norm while women's experiences are viewed with suspicion, trivialization, or disbelief.⁷⁴ The consequence is devastating. Women are not merely required to prove that violence occurred. They are often required to prove that their suffering deserves institutional attention.

Perhaps this is why so many survivors describe interactions with the criminal justice system as dehumanizing. They are not simply recounting facts. They are defending their character, explaining their choices, justifying their relationships, and reassuring authorities that they are worthy victims.

No survivor should have to audition for justice. And yet, many women do.

When institutions ask a survivor why she met the accused, why she trusted him, why she delayed reporting, or why she remained in a relationship, they reveal a deeper discomfort with female autonomy itself. Embedded within these questions is an expectation that women who exercise freedom must also bear responsibility for the violence inflicted upon them.

A woman goes out late. Why was she there?

A woman drinks alcohol. Why did she take the risk?

A woman trusts a friend, colleague, boyfriend, or husband. Why did she not see the warning signs?

The perpetrator's choices gradually fade into the background while the woman's choices occupy centre stage. This is not investigation. It is patriarchal accounting. Women are expected to

account for every decision they made before the assault. Men are rarely asked to account for the decision to commit it.

The Supreme Court has repeatedly condemned the use of gender stereotypes within the justice system. In *Aparna Bhat v. State of Madhya Pradesh*, the Court unequivocally held that judges and legal actors must refrain from perpetuating patriarchal stereotypes because such stereotypes undermine women's dignity and equal access to justice.⁷⁵ The judgment recognized what feminists have argued for decades: stereotypes are not harmless opinions. They shape outcomes. They determine who is believed, who is dismissed, and who is denied justice.

Patriarchy within institutions is particularly dangerous because it rarely announces itself openly. It does not always say, "Women are lying." Instead, it asks, "Are you sure?" It does not always refuse complaints. It suggests compromise. It does not always deny justice. Sometimes, it merely makes justice so exhausting that women abandon it themselves.

The tragedy is that these institutional responses do not simply affect individual cases. They send a broader social message to all women.

Speak, but only if your story is uncomplicated.

Report, but only if your character is unquestionable.

Seek justice, but only if you are prepared to defend your entire life in the process.

A legal system cannot genuinely claim to protect women while simultaneously distrusting them. Laws may change through parliamentary amendments. Institutions change only when they begin to see women not as potential liars, temptresses, or custodians of family honour, but as rights-bearing individuals entitled to dignity, autonomy, and justice. Until then, many women will continue to learn a painful lesson. Patriarchy

⁷³ Martha Chamallas, *Introduction to Feminist Legal Theory* 1–20 (3d ed. 2013).

⁷⁴ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 161–70 (Harvard Univ. Press 1989).

⁷⁵ *Aparna Bhat v. State of Madhya Pradesh*

does not disappear when women enter police stations. Sometimes, it is waiting for them there.

VI. Women Need Justice, Not Moral Science Lessons

By the time a woman reports sexual violence, she has already spent a lifetime being told how not to become a victim. Do not stay out late. Do not walk alone. Do not trust men too easily. Do not wear certain clothes. Do not laugh too loudly. Do not drink. Do not be "too friendly." Indian women do not grow up without safety instructions. They grow up overwhelmed by them. From childhood, girls are taught that their safety depends upon vigilance, restraint, and self-surveillance. Women learn to share live locations, remember cab numbers, avoid deserted roads, and constantly calculate risk. Fear becomes routine. And yet, sexual violence persists.

Society has perfected the art of asking women how they could have prevented violence while rarely asking men why they committed it. The result is a profound distortion of justice. The survivor enters the police station to report a crime. Somewhere between the complaint and the investigation, she finds herself defending her clothing, her relationships, her movements, and sometimes her entire character.

A police station should record crimes, not conduct entrance examinations on female morality.

After all, if reporting a crime requires a woman to justify every decision she has ever made, silence may begin to feel safer than justice. And silence, historically, has always served patriarchy remarkably well.

Susan Brownmiller famously argued that fear of rape has functioned as a powerful mechanism through which women are socially controlled.⁷⁶ Women are taught that safety lies not in men's self-restraint but in their own self-restriction. Consequently, women learn to shrink themselves. They avoid spaces, opportunities, friendships, careers, and freedoms in the hope of

reducing risk. Apparently, women's freedom remains negotiable. Male violence does not. This logic is deeply flawed.

Sexual violence occurs in homes, workplaces, universities, places of worship, public transport, and within intimate relationships. It affects women across age, class, caste, religion, and geography. Women who followed every social rule imaginable have experienced sexual violence. Women who defied those rules have experienced it as well. The common denominator has never been women's behaviour. It has always been the perpetrator's decision.

The Supreme Court of India has repeatedly recognized the dangers posed by gender stereotypes. In *Aparna Bhat v. State of Madhya Pradesh*, the Court unequivocally held that stereotypes relating to women's conduct, attire, or morality have no place in judicial or legal decision-making.⁷⁷ Similarly, in *State of Punjab v. Gurmit Singh*, the Court cautioned against evaluating survivors through the lens of patriarchal prejudice and social suspicion.⁷⁸ Yet, despite clear judicial pronouncements, institutional practices often continue to mirror patriarchal assumptions. Women are taught how not to get raped. Men are too rarely taught not to rape.

If victim-blaming prevented sexual violence, women would have been the safest people on earth by now.

Women do not approach the State seeking moral approval. They approach the State seeking justice. And justice begins when institutions stop asking women why they were there and start asking perpetrators why they believed they had the right to violate another human being.

Rights are not rewards for good behaviour. They belong to women because women are human. Women are not applying for moral certification

⁷⁶ Susan Brownmiller, *Against Our Will: Men, Women and Rape* (Simon & Schuster 1975).

⁷⁷ *Aparna Bhat v. State of Madhya Pradesh*, (2021) 3 S.C.C. 247 (India).

⁷⁸ *State of Punjab v. Gurmit Singh*, (1996) 2 S.C.C. 384 (India).

when they report sexual violence. They are invoking a constitutional right.

Conclusion

The journey to justice for survivors of sexual violence often begins long before a courtroom and, unfortunately, can become most difficult at the very point where the law is expected to protect them. A woman who approaches a police station after experiencing sexual violence is not merely reporting a crime. She is placing her trust in the criminal justice system at one of the most vulnerable moments of her life. That trust should never be met with doubt, moral scrutiny, or discouragement.

This paper has demonstrated that victim-blaming at the FIR stage is not simply a matter of individual insensitivity. It reflects deeper institutional attitudes that continue to shape the experiences of survivors seeking legal redress. When women are compelled to defend their choices, character, or respectability before their complaints are taken seriously, access to justice becomes conditional rather than guaranteed.

Survivors do not need lectures on caution or reminders about social reputation. They need institutions that respond with empathy, dignity, and professionalism. A truly survivor-centric justice system is one that listens without prejudice, acts without hesitation, and ensures that no woman is made to feel responsible for the violence committed against her. Justice begins when survivors are heard, believed, and treated with the dignity that the law promises them.

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