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Indian Journal For Research in Law And Management

Task One - Blog

Topic - Women's Rights Under Indian Law

Exposing the Fragility of India's Justice System:

Women's Rights and the RG Kar Rape-Murder Case

- Soham Das

Introduction

On 9th August 2024, the body of a 31-year-old junior doctor was discovered in a seminar room of R.G. Kar Medical College and Hospital in Kolkata. Found brutally raped and murdered inside a reputed public hospital, a place recognized for healing and safety, what followed was not only a criminal investigation but a stark examination of how India's judicial and legal systems uphold the rights of women. Despite a long-standing Constitution and a dense web of protective statutes, the R.G. Kar case shows how easily those rights can be undermined in practice.

The Legal Promise to Women

Indian law formally guarantees robust protection to women in the form of constitutional rights. Article 14 ensures equality before law, Article 15(3) empowers the state to make special provisions for women while Article 21 guarantees the right to life and personal liberty. In addition, the Indian Penal Code (IPC) criminalizes rape (Sections 375–376), assault to outrage modesty (Section 354), acid attacks (Sections 326A & 326B), and cruelty by husbands or relatives (Section 498A). After the 2012 Nirbhaya gang rape, the 2013 Criminal Law (Amendment) Act expanded the definition of rape to include oral, anal, and object penetration, introducing the

offenses of stalking, voyeurism, and acid attack, and mandated harsher minimum sentences. In 2018, further amendments allowed the death penalty for the rape of minors under twelve. While on paper these measures create one of the most comprehensive legal shields for women in the world, yet the R.G Kar tragedy shows how fragile these protective measures can be when institutional machineries fails.

A Case that Shook Public Trust

Initial responsibility for the investigation lay with the Kolkata Police, but protests erupted as evidence surfaced of delayed action and poor crime-scene management. Under pressure from doctors, students, and the wider public, the Calcutta High Court transferred the case to the Central Bureau of Investigation (CBI). Even this move failed to inspire confidence. The victim's parents revealed that the CBI filed two conflicting status reports in two different courts, undermining the appearance of transparency. They publicly declared they had "lost faith in the legal system," a chilling indictment for a country that proclaims women's safety as a constitutional imperative. Investigators later arrested Sanjay Roy, a civic volunteer, who was convicted and sentenced to life imprisonment. But the trail of culpability extended further. Sandip Ghosh, the former principal of the college, and a local police officer were charged with evidence tampering and dereliction of duty. Reports alleged delayed filing of the First Information Report and destruction of key evidence: actions that, if proven - directly violate a survivor's right to fair investigation, a right explicitly reinforced by Supreme Court rulings interpreting Article 21.

When Rights Meet Reality

The R.G. Kar case illuminates a painful gap between law and enforcement: While social media upholds awareness about gender sensitivity and public safety, constitutional protections mean little when a woman can be assaulted inside a state-run hospital, an institution obliged to ensure her safety. Amendments after Nirbhaya mandated fast-track courts and time-bound appeals, yet procedural delays and opaque reporting continue to plague the case. Families of survivors and victims should not have to fight publicly for basic information, nor fear that political influence will bury the truth. Even India's harshest penalties have limited deterrent effect when the accused individuals believe evidence can be destroyed or investigations manipulated.

Cultural and Institutional Barriers

Legal texts cannot erase entrenched patriarchy. Many survivors hesitate to report sexual violence, fearing social stigma or reputational harm to their families. Hospitals and universities often lack clear protocols for preserving evidence or protecting whistle-blowers. In R.G Kar, the very people entrusted with maintaining the integrity of the institution, namely senior administrators and local police are alleged to have obstructed justice. These failures erode women's constitutionally guaranteed right to equality before the law. They also highlight how gendered crimes intersect with institutional privilege when authority figures are implicated, investigations slow and voices of victims are sidelined.

Reinforcing Strategic Reforms

The R.G Kar case underscores urgent priorities if India upholds its commitment safeguard the rights it promise its women: Strict evidence-preservation protocols should be maintained with every hospital, school, and public institutions. Legally binding procedures for securing crime scenes and handing over evidence should be promoted. Cases involving institutional actors should trigger automatic review by an independent national body, ensuring that neither state politics nor local hierarchies can suppress investigations. Survivors and families deserve timely access to case files, clear updates, and legal aid, as envisaged under Article 21's guarantee of fair procedure.

A glaring gap remains - sexual violence within marriage is still exempt from prosecution if the wife is over fifteen years of age. Comprehensive protection of women's bodily autonomy requires closing this loophole.

Justice Beyond Statutes

Nearly a year after the crime, the victim's parents continue their fight, embodying the struggle of many Indian women who must battle not only perpetrators but also an indifferent system. Their experience shows that rights on paper are not rights in practice until institutions, police, hospitals, courts treat women's safety and dignity as non-negotiable. India's constitution and its ever-expanding criminal statutes proclaim

equality and protection for women. But the R.G. Kar case reveals a deeper truth - laws can punish, but only a culture of accountability can prevent. Until evidence is preserved without question, investigations remain transparent, and survivors are treated with unwavering respect, women's rights will remain aspirational. The tragedy at R.G. Kar must not be remembered merely as another headline. It should stand as a turning point, compelling India to match its progressive legal framework with equally robust enforcement so that the rights of women, long promised by law, are finally guaranteed in life.

Citations:

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2. Indian Constitution Article 15, Clause. 3.
3. Indian Constitution Article 21

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C. S.C Key Supreme Court Precedent on Fair Investigation

1. *State of Punjab v. Gurmit Singh*, (1996) 2 S.C.C. 384 (India) (emphasizing survivor-centered procedures).
2. *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 S.C.C. 14 (India) (right to legal aid for sexual-violence survivors).

D. Case-Specific & Investigative Sources

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