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Provocative clothing or Problematic Mindset

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Provocative Clothing or Problematic Mindset?

The Kerala High Court has found the order of Kozhikode session court, in the much talked sexual harassment case of author Civic Chandran, non-justifiable. The court also stayed the order granting anticipatory bail to the accused till the appeal is disposed of.

The court observed that “prima facie it appears that there was an improper exercise of jurisdiction by the Session Judge while granting bail to the accused. Irrelevant materials of substantial nature are seen relied on to grant bail.”

This stay on the bail application has come after a series of protests by the people dismayed by the judge’s remark.

While granting bail, the Sessions Court heavily relied on certain photographs of the victim which were published on social media and observed that the complainant herself is ‘exposed to sexually provocative dresses’ therefore Section 354-A will not prima facie stand against the accused.

The Supreme court, in several cases, has held that discussion about the dress, behaviour, past conduct, and morals of the victim should not enter the verdict while granting bail to the accused as it makes women more susceptible to unwanted trauma.

The Apex court previously, in several landmark judgments, has given paramount importance to women’s rights, such as participation in defence forces, triple talaq or protection of women at the workplace.

However, based on the Order of the Session Judge, it seems we have a long way to go considering that every day we get to hear incidents where women are denied their basic dignity. Although this month we have marked 75 years of independence, the mindset of some lawmakers and guardians of law is not independent of the patriarchal narrative. This is not the first time we have seen this type of victim blaming being done by the same people who are entrusted to uphold the dignity of every individual of this nation. Last year, a member of the National Commission for Women blamed a 50-year-old woman for going out alone in the evening which made her susceptible to gang rape. All of these instances and assertions demonstrate how justice and equality for women continue to be distant goals. The problem does not lie with the choice of clothing, it is more deep-rooted, it lies with the patriarchal mindset.



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is a Senior Associate at Vardharma Chambers and has practicing before the Supreme Court of India, Delhi High Court and various other Tribunals. She worked with a reputed law firm in Mumbai, and further made a shift to Delhi in 2018. Vidula, is currently practising in the area of white collar crimes, arbitrations and matrimonial disputes. Vidula, is also engaged activities pertaining to women empowerment and provide legal aid to the underprivileged. She has been recognised by the India Today Magazine for her selfless work towards the same. She is also the Co-Chair of the young lawyers division at the Indian National Association of Legal Professional at New Delhi. Apart from doing litigation she indulges in writing several articles in different fields of law some of which are published in SCC Online Blog, The World Journal of Juristic Polity etc.



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