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# **CRIME AGAINST WOMEN AND REFORMS IN INDIAN CRIMINAL LAW**

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## **Abstract:**

According to the National Crime Records Bureau of India the conviction rate in Crime against women is very low in India. This trend can be traced down to decades together and the impact of which is reflected in terms of: criminalizing the society, ruining the mental health of innocent person by implicating them in false cases, flooding the courts with fake cases which in-turn burden the courts resulting in deprivation of justice for the genuine cases and surging male suicides in India which is 2.6 times more as compared to female, where one married man commits suicide every 6 minutes. Judiciary has expressed concerns over above effects time and again, leaving it to the legislature to further deal with it. The Malimath Committee established by the Ministry of Home Affairs which aimed to reform India's criminal justice system, presented several recommendations which also included recommendations pertaining to offences against women and police reforms in India to improve the standard of investigation and collection of evidence as the entire foundation of criminal justice is based on investigation. Also, in 2013 Justice Verma Committee recommended amendments to the criminal law to provide for quicker trial, enhanced punishment for criminals accused of committing sexual assault against women and several reforms in management of cases related to crime against women. Even then, there are no definite reforms implemented in India's criminal justice by legislature, executive and judiciary ensuring equality and justice. We are in a new era focusing on the digital transformation of courts, along with which we should utilize the concepts of artificial intelligence to implement innovative methods to further strengthen the justice delivery system especially in criminal cases preserving the fundamental rights of the individuals and ensuring transparency in the justice system.

## Statistics of Crime against women:

The National Crime Records Bureau (NCRB) with tagline Empowering Indian Police with Information Technology, is an agency of Indian Government responsible for collecting, maintaining, and analyzing the crime data of the country. It has various divisions like Central Finger Print Bureau (CFPB), Crime and Criminal Tracking Network & Systems (CCTNS), Statistical Branch, Data Center & Technical Branch (DCT), Training Branch and the recently created one in the month of July 2020 is PMPB (Popularization, Master Data Maintenance, Publications and Best Practices) Branch. is an authentic source of data on crimes, accidental deaths, suicides, prison statistics of India. The NCRB is an authentic source of data which compiles and publishes National Crime Statistics i.e., Crime in India, Accidental Deaths & Suicides and Prison Statistics reports which would further serve as principal reference point by policy makers, police, criminologists, researchers, and media, both in India and abroad.

Crime in India is the oldest and the most significant publication of NCRB and the report contains complete statistical information on cognizable crimes registered in police stations during the reference year and their disposal, person arrested and their disposal under major heads of Indian Penal Codes (IPC) and Special & Local Laws (SLL). The snapshot of the NCRB data with respect to “Crime against women in India” statistics in terms of conviction rate and disposal of the cases in which arrests were made by the police upon registration of the crime are shown in **Table - 1.1**. Similarly, the snapshot of the NCRB data with respect to “Crime against women in Karnataka” statistics in terms of charge-sheeting rate and conviction rate are shown in **Table - 1.2**

**Table - 1.1: Statistics - Crime Against Women in India**

Year	Conviction Rate (IPC + SLL)	Disposal of Person Arrested
		Discharged + Acquitted
2017	24.6	1,67,527
2018	23.1	1,69,790
2019	23.7	1,75,129
2020	29.8	91,328
2021	26.5	1,15,473

**Table - 1.2: Statistics - Crime Against Women in Karnataka State**

Year	Charge-Sheeting Rate	Conviction Rate (IPC + SLL)
2017	83.3	5.4
2018	81.9	7.7
2019	83.5	4.8
2020	84.7	4.3
2021	87.2	8.2

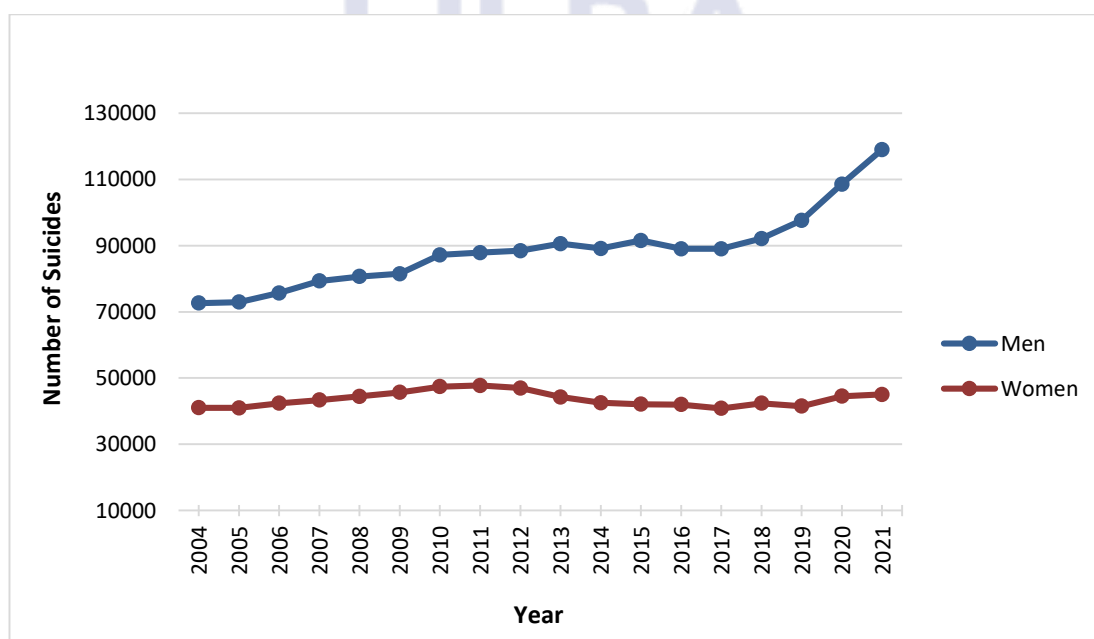
With reference to the NCRB data shown in **Table - 1.1**, the average conviction rate in India for the “Crime against women” is 25.5% and on an average the Courts have discharge and acquitted around 1,43,850 person every year (out of which around 14,900 are women), who were arrested by the police for crime registered under “Crime against women”. Similarly, with reference to the NCRB data shown in **Table - 1.2**, the charge-sheeting rate by the Karnataka state police for the complaints received by them under “Crime against women” is 84.2% and the conviction rate on the same in Karnataka state is 6.1%, which means for every 100 crime or complaints registered in the police stations under “Crime against women”, the police after investigating the reported matter filing the charge-sheet in 84 instances and submitting it to the courts. In the courts, for every 100 charge-sheet submitted by the police in only 6 charge-sheet the accused is proved to be guilty. Basically, the police have scored 6 out of 100 marks and have failed to perform their duty miserably. The main reason behind this is the mechanical submission of charge-sheets to the courts without proper investigation of complaints registered related to crimes against women, where the police have failed to detect the false complaints at the stage of investigation. As per the NCRB data, it is a matter of shame for the police and clearly the failure of the police department stands out here. This situation prevails in all the states of India with respect to crime against women.

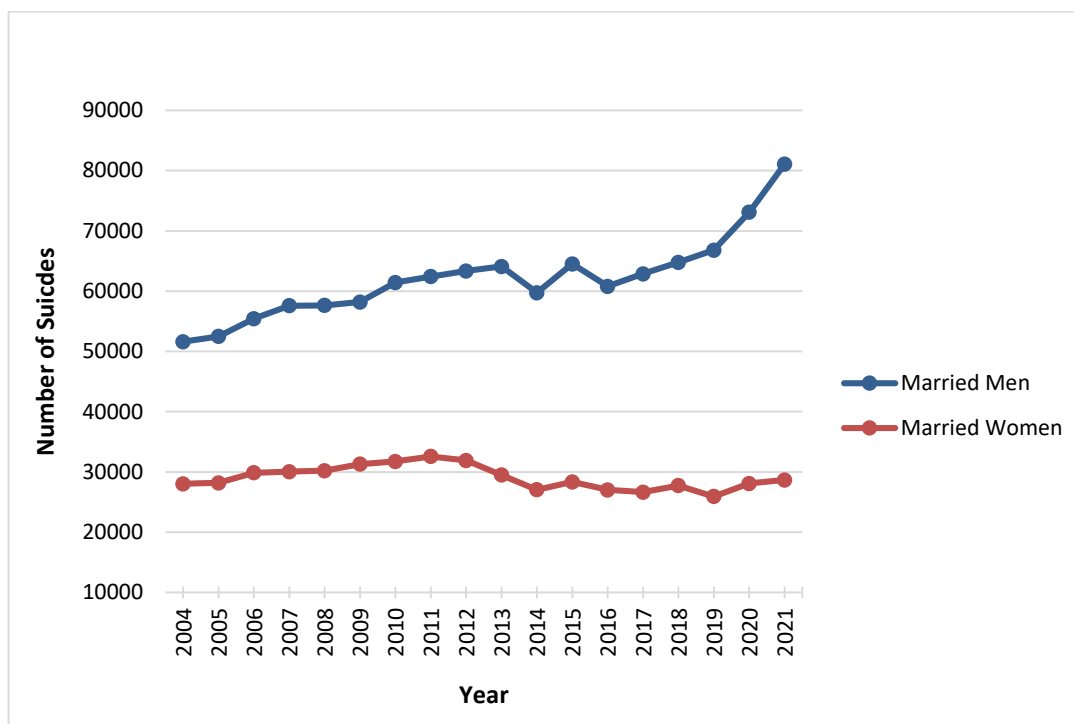
In the complaints registered of crimes against women, the police usually make men accused, and they do not investigate the matter diligently, even in the false cases just to benefit the complainant, police mechanically file charge-sheets and submits to the courts to put pressure on men, so that women/complainants can settle their personal scores against men. Thus, such actions of police resulting in criminalizing the society and burdening the courts with false cases, which in-turn resulting in wastage of valuable time of the court, consumption of taxpayers’ money, and deterring the welfare of the society by implicating innocent people as accused in the false cases

and harass them which is nothing but human rights violations, dereliction of duty and corruption by the police. Even after having such crystal-clear data there are no actions or reforms made by the higher police officers of the police department, the ministry of home affairs, the legislature, and the judiciary in this regard. And the impact of this is getting reflected in terms of Suicides in India and destroying the families, family culture which is prevailing in India.

**Statistics of Suicides in India:** Accidental Deaths & Suicides in India (ADSI) is the publication of NCRB, and the report contains information on deaths due to accidents and suicides. The data for the same is collected by the State Crime Records Bureau (SCRB) from the District Crime Records Bureau (DCRB) and sent to NCRB at the end of the year under reference. NCRB collects data on suicides from the police recorded suicide cases. The report has separate chapters in-detail on accidental deaths, traffic accidents and suicides. With reference to chapter of “Suicides in India” contains information on suicides by causes such as family problems, illness, drug abuse/alcohol addiction, marriage related issues, love affairs, bankruptcy or indebtedness, unemployment, professional or career problem, death of dear person, poverty, property dispute, failure in examination, fall in social reputation, suspected or illicit relation, impotent or infertility and other various causes. This chapter contains details of professional, educational, and social profile of suicide victims based on age-group-wise and sex-wise details in the report. Number of suicide victims by sex during 2004 to 2021 is represented in **Figure - 1.1**. Similarly, the number of suicide victims by social status of married during 2004 to 2021 is represented in **Figure - 1.2**.

**Figure - 1.1: Suicide Victims by Sex during 2004 to 2021**



**Figure - 1.2: Suicide Victims by Social Status of Married during 2004 to 2021**

With reference to the NCRB data represented in **Figure - 1.1**, every year, more than 1,00,000 people commit suicide in India and the suicide rate of men is 2.5 times more than women. That is, as compared to women, significant number of men are victims of suicide across the country, which is around 72% of total suicide cases. And out of which 86% of them fall under the age group of 18 to 59 years. “Family Problems” and “Illness” are the major causes of suicides accounting around 33.2% and 18.6% of total suicides respectively. Also, with reference to the NCRB data represented in **Figure - 1.2**, year on year, married men suicide rate is getting increased and from past few years there is a sharp increase in number of married men being victims of suicides in India. In the year 2019, married men suicide rate is 2.58 times more than married women. Whereas, in the year 2020, it is 2.61 times more than married women and with the latest report of NCRB, in the year 2021, married men suicide rate is 2.82 times more than married women.

As family problems and illness being the major causes of suicides, the laws favouring women in India along with poor investigation standards of police followed in the complaints reported under crime against women and submission of charge-sheet by police without proper investigation framing false charges against innocent men's and his family members, where the men are left

with no law protecting them from atrocities of women which is causing lot of men to suffer from mental trauma, distress and humiliation that is forcing thousands of men to commit suicide. Looking into NCRB data and the gender biased laws with current trend in India, it is evident that men are victims of laws favouring women. In fact, the Supreme Court way back in the year 2005 itself called out the misuse of Section 498A of the IPC as “legal terrorism” and in *Sushil Kumar Sharma vs Union of India*, marked its opinion saying: “But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used a shield and not assassins' weapon. If cry of ‘wolf’ is made too often as a prank assistance and protection may not be available when the actual ‘wolf’ appears”.

Recently, in many of the instances the high courts have observed and expressed worry on the misuse of sections of the IPC relating to crime against women and few of them are referenced as below.

*In the case of “Swapan Kumar Das vs State of West Bengal, 2023”, the Calcutta High Court stated that Section 498A of the IPC was enacted by the legislature to “strike out the dowry menace from the society. But it is observed in several cases that by misusing of said provision new legal terrorism is unleashed.”*

*The Madras High Court, Justice S Vaidyanathan says that: “It is unfortunate domestic violence law not available for men.”*

*The Kerala High Court, Justice A. Muhamed Mustaque says that: “Section 376 of the IPC is not a gender-neutral provision. If a woman tricks a man under false promise of marriage, she can't be prosecuted. But a man can be prosecuted for the same offence. What kind of law is this? It should be gender neutral.”*

*The Allahabad High Court, Justice Shekhar Kumar Yadav observed that: “In our society, certain false FIRs under the POCSO as well as SC/ST Act are lodged against innocent persons, which ruins their image in the society. This is done just to take money from the State.”*

*The Delhi High Court, Justice Subromonium Prasad observed and expressed worry that: “there is an alarming increase of false cases of rape being registered only to arm-twist the accused and make them succumb to the demands of the complainant.”*

## Malimath Committee:

In the year 2000, the Committee on Reforms of the Criminal Justice System was established by the Government of India to review and suggest reforms to the criminal justice system headed by Justice V. S. Malimath, a former Chief Justice of Karnataka and Kerala High Courts. The Committee submitted its report with 158 recommendations to improve and simplify judicial procedures and practices, to bring synergy among the judiciary, the prosecution, and police, making the system simpler, faster, cheaper, and people-friendly, and restoring the confidence of the common man on criminal justice system. To improve the existing criminal justice system, which is suffering by huge pendency of criminal cases, delay in their disposal and very low rate of conviction, some of the measures were introduced by the committee in their recommendation for cases involving serious crimes like stringent punishment should be provided for false registration of cases and false complaints, prevention of the evil of witnesses turning hostile in criminal cases etc. The committee also put forwarded several recommendations dealing with offences against women which are misused. As rightly pointed out by Malimath Committee stringent punishment should be given for false cases and complaints otherwise the menace of misuse of law cannot be controlled. But even after two decades the legislature and judiciary are very reluctant to implement this recommendation and we can visualize the effects of it in the society as explained in the previous sections along with NCRB data.

### Suggestions:

Legislature and judiciary have opined that a law cannot be repealed just because of its misuse, and it does make sense but at the same time there should be measures in-place to control the misuse of the law. If not, then we end-up in a situation where we are in today with more than 5 crores of cases pending before the courts, low conviction rate in criminal offences, enormous delay in deciding the criminal cases, with the view of misuse of law many innocents suffer and more importantly the genuine cases would also suffer by not getting justice in time. Martin Luther King said: *“Injustice anywhere is a threat to justice everywhere”*. So, there should be stringent punishment for the misuse of law especially in criminal cases and it is need of the hour for India. Police reforms should be made such that criminal cases should be registered promptly with utmost promptitude, and the investigating officers should ensure that no innocent individuals must have to suffer the rigours of the law. Quality of investigation should be improved, and the investigation officers should be subjected to periodical evaluation by higher police authorities to review the charge-sheet submitted by them to identify the false cases and take strict legal action against such

officers who submits charge-sheets frivolously and without proper investigation. From these measures one of the major problems like very low conviction rate and misuse of law in criminal justice system can be addressed.

Generally, a criminal case takes more than 3 years sometimes even 10 years to get decide in India denying fair trial and due to this people undergo with immense mental health crisis which drive them to commit suicide. So, to address this every court should appoint psychologists and psychiatrists to prevent mental health crisis of people facing litigations. Further, other major problems in criminal justice system are huge pendency of criminal cases and the inordinate delay in disposal of criminal cases by which the citizens have lost confidence in the criminal justice system. To address this problems, new technologies like artificial intelligence can be used to generate a chart with scheduled dates for each stage of the criminal justice process with reasonable buffer time for each stage and hand over the same schedule to the accused and prosecution on the first day they appear before the court for trail. By this accused and prosecution will get to know the schedule and stage of the case upfront and subsequently adhere to those schedules and complete the trail on time. Such types of innovations or ideas should be implemented to timely disposal of the criminal cases.

### **Conclusion:**

Crime has no gender. But the crime against women such as domestic violence, sexual harassment, rape laws are gender specific favouring women which are extremely misused by women to settle her personal scores against men. The gender discrimination laws in India are spoiling the spirit of freedom and equality in the country which is against to Article 14 of Constitution of India. When it comes to men, the system and society talks about his duties but not the rights, whereas dealing with women they talk about her rights but not the duties. Men has no law to protect themselves from the atrocities of women due to which the family culture in India is degenerating, subjecting lot of men to undergo tremendous mental pressure leading them to commit suicide. It's men too and laws protecting specific gender under IPC should be made gender neutral. Investigations should be impartial, and no innocent individuals should be implicated in false case. Stringent punishment should be given for the person who make false accusations under criminal law. Justice delivery system should be strengthened by introducing new innovative ways to keep up the good mental health of the society and timely disposal of criminal cases by publishing the chart with scheduled dates for each stage of the criminal justice process with the help of

technologies like artificial intelligence and focus more on the digitalization of the system such as e-filing, video conferencing, etc., simplification of the procedures and bringing transparency in the justice system.

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