

Crime Against Women in India: In the Context of the Constitutional Right to Equality and Speedy Justice

(A brief study regarding police and justice administration)

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ABSTRACT

It has been said that "Yatra Naryastu Pujyante Ramante Tatra Devta", This means that where women are worshipped, gods also roam there, but if we look at the present developing India, the condition of women is not very good. On one hand, Article 14 of the Constitution says that every citizen and non-citizen has the fundamental right to equality before the law and equal protection of the laws, but the report of the National Judicial Data Grid says something different that in 2021, compared to 2020, The number of crimes against has increased by 15.3% At present, the number of cases related to crimes against women in courts across the country is 36 lakh, out of which the state of Uttar Pradesh is at the top with 7.90 lakh cases. After the Nirbhaya case, in many cases there was talk of fair and quick disposal of cases related to women, but neither the police administration improved nor the justice system improved. According to the National Judicial Data Grid report, currently about 4.44 crore cases are pending in the courts across the country, out of which 8% cases are related to crimes against women. Now the time has come, if we imagine a developed India, then we have to stop crimes against women in a civilized society, only then the concept of the Constitution will be realized.

1.Introduction :-

In the last decade, from the Supreme Court of India to various High Courts of the country, have given dozens of decisions asking the police and courts to be sensitive on crimes against women, but the situation remains the same, neither the police has changed nor the functioning of the courts has improved. While the Supreme Court has already said that the investigation of heinous crimes against women should be done with a deadline of 6 months, but despite all this, there has been no reduction in crimes against women in the country, rather the crime has increased. Have grown rapidly.

On one hand, Article 14 of the Constitution says that citizens and non-citizens will enjoy equality before the law and equal protection of the law, but it is often seen that crimes against women are suppressed even today, which is bad for developing India. It is not correct. According to the report of National Judicial Data Grid, at present about 4.44 caror cases are pending in the courts across the country and it is a matter of concern that out of these cases, 8% cases are related to women. About 36 lakh 57 thousand cases related to women are pending in the courts. These cases include both civil and criminal cases. According to a report, in about 45%cases, the lawyers did not appear in the court or absconded after the accused was granted bail, due to which the hearing of the cases got stuck and could not be decided on time.

2.Definition of crime against women: Crime against women in India means physical force or sexual violence committed by a man against a woman.

Types of crimes against women: The crimes against women in the country mainly include domestic violence, murder and sexual crimes. At present, violence and crime against women is coming in many forms like murder, common murder, female foeticide. Sexual crimes include crimes like rape, forced prostitution, molestation, trafficking of women and acid attacks which are a matter of concern. According to the report of Statista Research Department dated February 14, 2024, in the year 2022, the number of dowry deaths in India was 6 thousand 400 and the number of rape crimes was around 31 thousand.

3.Persuasion of the courts ineffective: Many courts across the country have tried to convince by giving orders and instructions in their decisions, but all the persuasions of the courts remained ineffective and

the number of crimes against women continued to increase. Women could not get justice due to delay in disposal of cases.

March 2013 Delhi High Court: Delhi High Court asked the police administration to be sensitive in crimes related to women so that investigation and proceedings can be completed on time.

August 2013 Supreme Court: Supreme Court said that the Tri Court should complete the investigation of crimes related to women in 23 months so that the verdict can be given on time

October 2018 Mumbai High Court: Mumbai High Court said that in crimes related to women, the court should complete the investigation in crimes related to women. It is the duty of the CBI to take such cases seriously and dispose of them in a timely manner by hearing them expeditiously.

September 2019 Supreme Court: The Supreme Court said that in cases related to rape of women, long dates should be avoided and cases should be disposed of on time.

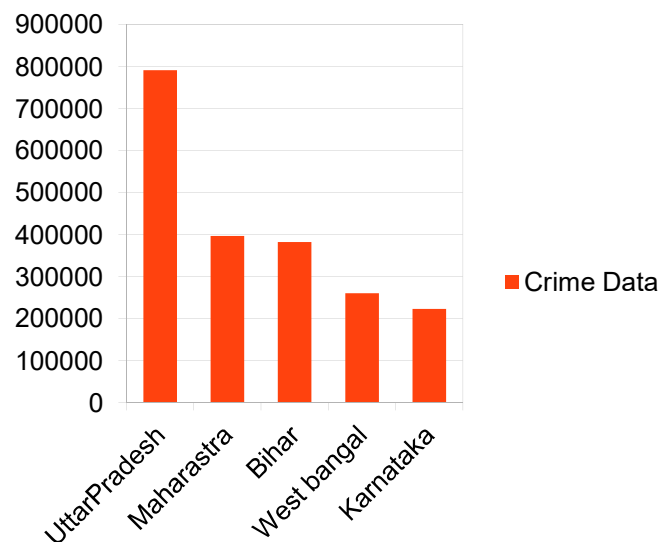
August 2024 Guwahati High Court: Guwahati High Court said that the police and courts should be sensitive to provide speedy justice to the women who are coming forward courageously to get the criminals punished so that the women can get timely justice.

October 7, 2023 Supreme Court: In the case of dowry death, the Supreme Court said that the courts should be sensitive towards such heinous crimes and dispose of the cases on time.

Statistical report related to much pending cases against women in India¹

Top five states having much pending cases relating to women

Name of state	Crime Data
Uttarpradesh	790938
Manarastra	396010
Bihar	381604



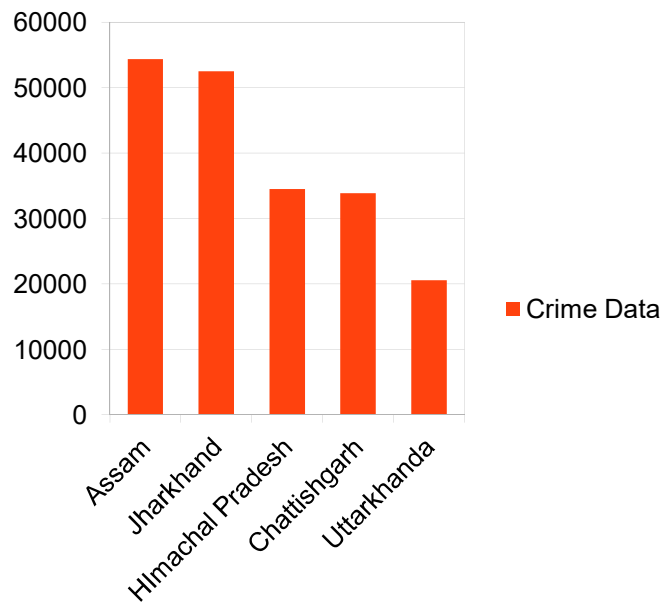
1 Nationla judiciary data grid report till 6th oct 2023

West Bengal	260214
Karnataka	222587

Statistical report related to less pending cases against women in India²

Top five stats having less pending cases relating to womens

Name of state	Crime Data
Assam	54351
Jharkhand	52479
Himachal Pradesh	34519
Chattishgarh	33860
Uttarakhand	20576



4.Reasons for getting stuck in cases related to women: There are many main reasons for getting stuck in the courts for crimes related to women, which include the role of the police and the proceedings of the courts, some of the main reasons are as follows:

- a). Due to courts giving date after date, cases are not being disposed of quickly.
- b). Witnesses not reaching court on time or turning away from their statements.
- c). Police not presenting charge sheet on time or repeatedly demanding extension of time for investigation.

2 Nationla judiciary data grid report till 6th oct 2023

- d). Police not presenting complete documents related to crimes in the court.
- e). Courts not framing charges against the accused in time.
- f). Government and private lawyers not representing the parties in the court on time.
- g). Accused absconding after getting bail etc.

5.Suggestion: Speedy disposal of cases of crimes against women is a big problem which needs to be solved. Courts and the apex court have given many suggestions from time to time but they have proved to be inadequate. Some suggestions are being given which are being followed. If this is done then the crimes related to women can be resolved quickly and timely, these suggestions are as follows:

- a). Courts should not give long dates in sensitive cases related to women, especially in cases related to POCSO, so that justice can be provided on time.
- b). The court should ensure that the police present the witnesses in the court on time and provide security to the witnesses if necessary.
- c). The courts should also ensure that the police files the charge sheet within the stipulated time limit.
- d). Present all the documents related to police crimes in the court.
- e). Courts should frame charges against the accused on time so that the trial can be completed on time and the case can be disposed of quickly.
- f). The lawyers of the parties should be present in the court on time and the court should not give repeated adjournments.
- g). While granting bail, the court should ensure that the accused does not leave the city without the permission of the court.

Reference

- 1.Violence Against Women And Children, page no. 11
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3. Y. Guruppa Naidu, page no. 28



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