



# Justice delayed is Justice denied: An Exasperated Sigh of Rape Victims

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## INTRODUCTION

Crime is a social wrong taking place in a civilized society. It is an anti social behaviour which is discarded by the society and punished by law. Whenever a crime takes place it does not only affect an individual but the society as a whole. Crimes are often considered as disgrace to the honoured society. In ordinary sense Crime is an unlawful act for which a person or group of persons are punished by the state. Therefore it is the primary duty on the government, law enforcement bodies and the members of the society to protect an individual from paying immoral cost of such crime. Over the decades, it has become pertinent that mainly the poor, women and children becomes soft target and are vulnerable to such crime. It is not wrong to say that in India the gender based violence is increasing day by day, it starts from the day a woman takes birth till she takes her last breath in the form of sex selective abortion, female infanticides, dowry death, sexual harassment, acid attacks, domestic violence and most brutal of all rape.

As reported by The National Crime Records Bureau (NCRB) in its Crime in India Report of 2017, a total of 3,59,849 cases were reported of crime against women in the year 2017. Whilst in 2016 there were 3.38 lakh cases and in 2015 there were 3.2 lakh cases. These statistics clearly shows that the no. of cases are increasing to a great extent. Sadly a considerable no. of cases are left unreported.<sup>1</sup> According to NCRB data 2018, 1 rape case is reported in every 15 minutes in India.<sup>2</sup> Rape is the most pathetic crime against any women, it is not a myth and it is a real danger. Rape is not an offence which has been recognised recently but it existed in our society since long time. Earlier people use to make the rape victims dumb and prevented them from raising their voices, but with awareness and education rape victims are fearlessly reporting the cases. A murderer destroys a woman physically but a rapist impairs and tarnishes the soul and spirit of that woman. Unfortunately the family members and the society have an insensitive approach towards a rape victim. Instead of extending helping hands and co-operation towards her they treat her like a stigma. All this makes her condition worse.

<sup>1</sup> Herstory, *NCRB Crime in India 2017 report reveals most unsafe places for women*, (2019), available at <https://yourstory.com/herstory/2019/10/most-unsafe-places-women-india-ncrb-report> (Last visited on May, 15, 2020)

<sup>2</sup> India Today, *NCRB data 2018: 1 rape reported every 15 minutes in India*, (2018), available at <https://www.indiatoday.in/india/story/ncrb-2018-woman-reports-rape-every-15-minutes-in-india-1635924-2020-01-11> (Last Visited on May, 15, 2020)

The increasing cases of rape and the prevailing conditions of the rape victims calls for a speedy delivery of Justice to the victims and their families who are suffering because of the wrong done by someone else who is roaming freely without the fear of being punished.

**Quoting William Goldstone** – “Justice delayed is Justice denied” which means that if timely justice is not provided to the suffering party it will lead to injustice. Speedy disposal of cases has manifold advantages such as it maintains public order, facilitates effective prosecution, act as deterrence to potential criminals and most of all provides Justice to the victims.

One cannot forget horrifying Nirbhaya’s case in which a young girl was gang raped on a running bus in Delhi, the girl was so brutally raped that she lost her life. Despite of such heinous offence it took seven long and painful years for the Justice to be served. It is a matter of great anguish and concern to understand that prolonged and delayed trial increases the mental trauma of the rape victim.

The time has come to adopt speedy machinery for disposal of rape cases as the speedy delivery of Justice for a rape victim gives her new hope to live her life with dignity.

This paper deals with the concept of Speedy Trial, causes of delay in trials, legislations and recommendations of committees in relation to the speedy trial of the Rape Victim and how Rape cases can be disposed quickly.

### **THE CONCEPT OF RIGHT TO SPEEDY TRIAL**

Right to Speedy Trial is an essence of criminal justice system. It means disposing cases as soon as possible which makes the Judiciary trustworthy and efficient. Quick trials are very important in a democratic society to maintain public order and provide justice to the litigants. The aim of speedy trial is to protect the innocent from financial and mental burden caused due to prolonged pendency of cases. In a civilised society it is essential to ensure a dignified life to the citizens and to do so the state provides for courts to hear and decide the matter and award justice to the innocent citizen. Unnecessary delay in administration of justice creates threats to the well being of the individual and the society. Speedy trial ensures that the accused is not given an opportunity to fabricate the charges on him. The right to speedy trial first appeared in the Magna Carta, 1215 and is also enshrined under the Constitution Article 21 which deals with right to life and personal liberty<sup>3</sup>. For the Rape victims to lead a dignified life, speedy trial is of paramount importance. Rape victims have to face many obstacles like insensitive approach of the society towards them who does not allow them to forget those distressing memories and never misses a single chance to curse them for the incident. Emphasizing on the pitiable condition of women **S. Ahmad J.**, observed:

*“unfortunately, a woman in our country, belongs to a class or group of society who are in a disadvantaged position on account of several social barriers and impediments and have therefore, been victims of tyranny at the hands of men with whom they, unfortunately, under the Constitution enjoy, equal status. Women also have the right to life and liberty; they also have the right to be respected and treated as equal citizens. Their honor and dignity cannot be touched or violated. They also have the right to lead an honourable and peaceful life”.*<sup>4</sup>

<sup>3</sup> Art. 21, THE CONSTITUTION OF INDIA, 1950

<sup>4</sup> Bodhisattwa Gautam v. Shubra Chakraborty, (1996) 1 SCC 490

It must be understood that prolonged and delayed trials makes the victim refrain from court proceeding and it is also the root cause behind many unreported rape cases. Therefore quick and speedy disposal of rape cases is mandate in a current scenario.

Honourable Supreme Court in the case of *Katar Singh v. State of Punjab*,<sup>5</sup> held that Right to Speedy Trial is an important part of right to life and liberty under Article 21 of the Constitution.

Also in the case of *Sheela Barse v. Union of India*<sup>6</sup>, the Honourable Supreme Court held that Right to Speedy Trial is a fundamental right.

In the case of *A.R. Antulay v. R.S. Nayak*,<sup>7</sup> it was held that Right to Speedy Trial is an essential right of the victim and it does not only covers inquiry, investigation, trial but also covers appeals and revision process.

However in a trial of rape cases extra care and sensitivity must be taken to ensure speedy justice to the victims. It must be kept in mind that victim has already suffered serious physical and mental stress and if she is made to undergo long trial process, the purpose of law will be futile.

The Honourable Supreme Court in the case observed that speedy trial is an essential requisite of law, in rape cases the essence of justice cannot be frustrated by delayed investigation. It is important to carry out investigation and trial processes expeditiously, otherwise the guarantee of life and personal liberty under Article 21 of the Constitution is meaningless.<sup>8</sup>

Considering the gravity of the crime justice must be provided quickly. Rape shakes the lives of the victims by leaving many long term effects which hampers their behaviour and emotions. In addition to the strain of rape, victims have to suffer financial and mental agony during the pendency as complaints are not handled properly. Very often victims are humiliated by the society and the opposite party and the experience of giving evidence in the court is horrifying which makes the victim feel as if she is re-victimized after filing the case.

Therefore the court and administration has the foremost duty to dispose the rape cases as soon as possible. Also the prosecution is under the duty to assist the court in quick disposal of rape cases. This is the only manner through which justice can be provided to the rape victims and their families.

<sup>5</sup> *Katar Singh v. State of Punjab*, (1994) 3 SCC 569

<sup>6</sup> *Sheela Barse v. Union of India*, (1986) 3 SCC 596

<sup>7</sup> *A. Rahman Antulay v. R.S. Nayak*, (1988) 2 SCC 602

<sup>8</sup> *Delhi Domestic Working Women's Forum v. Union of India and others*, (1995) 1 SCC 14

## REASONS OF DELAYED INVESTIGATION AND TRIAL

The unnecessary and undue delay in disposal of Rape cases in our Country has become a barrier in delivery of justice to the victim. Such delays increases the pain and suffering of the victim whereas enables the accused to roam freely without any fear. There are numerous rape cases pending in our courts which make people doubt our criminal justice system. It is very necessary to trace out the reasons behind the delayed trials and overcome them so that the trust of the people on our Judiciary is preserved.

Some major reasons for prolonged investigation and trial are mentioned below:-

1. **Inadequate Personnel:** Sometimes due to shortage of police officers, investigation in the rape cases takes considerably very long period to get finished. Often the police officers are found to be inactive to register FIR and start the investigation process.
2. **Lack of Training:** The police officers are not properly trained for conducting investigation process particularly in Rape cases. Further they are not well equipped with necessary instruments such as forensic lab, cyber cell and assisting officers which makes the investigation slow and ineffective.
3. **Political Influence and Corruption:** Sometimes it is observed that due to political influence or pressure by the powerful persons, police officers resist to investigate properly. Also corruption among the police officers is often the reason behind the delay in investigation and trial.
4. **Lack of Supervision and Inspection:** There is lack of supervision in the functioning of the police mechanism by the senior officers on their subordinates. Proper inspections are not done on the registration or filing of FIR's and on the investigation process.
5. **Lack of Separate Investigation wing/body:** It is observed that various duties are assigned to the police officers which makes it impracticable for them to pay proper and exclusive attention to the investigation of Rape cases. Separate investigation branch must be established which will be solely involved in the investigation of rape cases.
6. **Lack of Co-operation by the public:** Often it is complained by the police officers that there is lack of co-operation by the public. Many times the eye witnesses evade from giving evidence in the court and also from giving vital information to the police which in turn leads to delayed trial.
7. **Overburdened Trial Courts:** The Trial Courts are overburdened with many new and pending cases which makes it difficult to dispose the cases quickly.
8. **Delay Service of warrants/Summons:** Sometimes the accused or the witnesses are not summoned properly on proper time due to which their production and examination in the Court is delayed. It is found that effective service and execution of warrants by the police is not done properly which delays the whole trial process.
9. **Delay in Submission of experts report:** Sadly, there is a significant lack of Cyber Cells and Forensic labs in many police departments of the state due to which essential tests cannot be conducted by the experts which also leads to non submission of the report on time.
10. **Adjournment of Cases:** Excessive adjournment of cases in trial court is one of the major cause of delay in disposing the Rape cases. Sometimes the opposite party deliberately seeks for adjournment which adds on difficulties to the quick disposal of Rape cases.



- 11. Lack of Courts and Judicial staff:** There are insufficient no. of courts in India and also the Judge - Population ratio is very low because of this inadequacy the quick disposal of cases becomes difficult.
- 12. Poor Infrastructure:** Poor infrastructure in the court and lack of usage of new and advanced technologies like internet, computer programme, video conferencing etc are also the causes of delayed trial.

## LEGISLATIONS AND RECOMMENDATIONS OF COMMITTEES ON SPEEDY TRIAL

### (A) Legislations

Right to Speedy Trial is the need of the hour because if a case remains pending for a long time and Justice is not served to the rightful party then the essence of law will get frustrated. Speedy trial is a right which is backed by strong legislations. This right is covered under **Article 21**<sup>9</sup> of the Constitution of India which provides for Right to Life and Personal Liberty. In the landmark case of *Hussainara Khatoon v. Home Secretary State of Bihar*<sup>10</sup>, it was held that speedy trial is a part of Article 21 of the Constitution which guarantees right to life and liberty.

In *Kadra Pahadiya (II) v. State of Bihar*<sup>11</sup> the court reemphasised that right to speedy trial was a fundamental right and the aggrieved person may approach the court for necessary directions to the state government and other authorities for enforcement of the person's right. **Krishna Iyer J.**, in *Nimeon Sangama v. Home Secretary, Govt. of Meghalaya*<sup>12</sup> emphasised expeditious trials and investigation as components of personal liberty.

In *Vakil Prasad Singh v. State of Bihar*<sup>13</sup>, it was settled by Supreme Court that "the right to speedy trial in criminal persecutions is an inalienable right provided under Article 21 of the Indian Constitution.

**Article 38 (1)**<sup>14</sup> of the Constitution provides that the State shall strive to promote the welfare of the people by protecting effectively the social order in which economic, political and social justice shall inform the institutions of national life.

In the case of *L. Babu Ram v. Raghunathji Maharaj*<sup>15</sup> the Hon'ble Supreme Court interpreted this provision and held that word "social justice" includes "legal justice" which means that there must be cheap, effective and expeditious system of providing justice to all sections of society irrespective of their economic or social position.

Further **Section 309**<sup>16</sup> of the Code of Criminal Procedure provides that all inquiries, trials and proceedings should be held expeditiously and once the examination of witness has begun it should be continued to the day until all the witnesses have been examined. Also adjournment of the trial must be granted only when it is necessary and the court needs to record reasons for the same.

This Section also provides that the trial of the rape cases must be concluded within two month from the date of submission of charge sheet.

<sup>9</sup> Supra note 3, at 5

<sup>10</sup> *Hussainara Khatoon v. Home Secretary State of Bihar*, (1980) 1 SCC 81

<sup>11</sup> *Kadra Pahadiya (II) v. State of Bihar*, AIR 1982 SC 1167

<sup>12</sup> *Nimeon Sangama v. Home Secretary, Govt. of Meghalaya*, (1980) 1 SCC 700

<sup>13</sup> *Vakil Prasad Singh v. State of Bihar*, (2009) 3 SCC 355

<sup>14</sup> Art. 38 (1), THE CONSTITUTION OF INDIA, 1950

<sup>15</sup> *L. Babu Ram v. Raghunathji Maharaj*, AIR 1976 SC 1734

<sup>16</sup> Sec 309, The Code of Criminal Procedure, 1973

In *Chandra Sain Jain v. State*<sup>17</sup>, while interpreting this section it was held that merely because the prosecution is done by C.B.I. or any other prosecuting agency, adjournment cannot be granted on their mere asking and it is necessary on the part of the Court to record reasons if adjournment is granted.

Further in the case of *Lt. Col. S.J. Chaudhary v. State (Delhi Administration)*<sup>18</sup> it was held that it is expeditious that the trial in the court should proceed from its inception to its end, it will protect the interest of both the parties and will also eliminate any kind of mischief.

Also **Section 173 (1)**<sup>19</sup> of the Code of Criminal Procedure provides that every investigation shall be completed without unnecessary delay.

All the above stated provisions put emphasis on speedy investigation and trial thereby creating duty on the administration to dispose the matter as soon as possible.

## **(B) Recommendations of Committees**

### **Malimath Committee Report**

V.S. Malimath J. was the chairman of the Malimath Committee, this committee was setup by the Government of India to suggest measures to refurbish the Criminal Justice System.

Following recommendations were given by this committee<sup>20</sup>:-

- (a) Examination of fundamental principles of criminal jurisprudence to revamp the Criminal Justice System; if this warrants Constitutional Amendments, to propose them;
- (b) Need to re-write the Indian Penal Code (IPC) Code of Criminal Procedure (Cr.P.C), Evidence Act to bring them in tune with the demand of the times;
- (c) Synergy among the judiciary, prosecution and police to determine confidence of common man in the system by protecting the innocent and by punishing the guilty and the criminal;
- (d) Simplification of judicial procedures to make delivery of justice faster and inexpensive;
- (e) Sound system and making police, prosecution and judiciary accountable for delays in their respective domains;
- (f) Examine feasibility of introducing concept of 'Federal crime' under list of seventh schedule to the Constitution.

### **Madhava Menon Committee**

The Professor Madhava Menon Committee on Criminal Justice System emphasised on the need of Speedy Justice to the victim. The Committee contended that it is an obligation on the criminal courts to render expeditious Justice.

The following are the suggestions of this committee<sup>21</sup>:-

- (a) Day to day trial of the matters are to be restored.
- (b) Government should provide better infrastructure and all the necessary resources to the courts in order to speed up the disposal of cases.
- (c) Advanced technologies must be used which helps to dispose the cases expeditiously.

<sup>17</sup>*Chandra Sain Jain v. State*, 1982 Cri. L.J. NOC 86 (ALL)

<sup>18</sup>*Lt. Col. S.J. Chaudhary v. State (Delhi Administration)*, (1984) 1 SCC 722

<sup>19</sup>Sec 173 (1), The Code of Criminal Procedure, 1973

<sup>20</sup>Ministry of Home Affairs Government of India, *Committee on Reforms of Criminal Justice System*, (2003), available at [https://www.mha.gov.in/sites/default/files/criminal\\_justice\\_system.pdf](https://www.mha.gov.in/sites/default/files/criminal_justice_system.pdf) (Last Visited on May, 24, 2020).

<sup>21</sup>Ministry of Home Affairs Government of India, *Report of the Committee on Draft National Policy on Criminal Justice* (2007), available at <https://www.mha.gov.in/sites/default/files/DraftPolicyPaperAug.pdf> (Last Visited on May, 24, 2020).

### **77<sup>th</sup> Law Commission Report on Delay and Arrears in Trial Courts**

The Law Commission of India reviewed the system of Judicial administration in order to eliminate delays and for speedy clearance of arrears.

The following are the recommendations<sup>22</sup>:-

- (a) To draw talented young persons to the judicial service, scales of pay and other facilities in respect of judicial officers should be such as to provide a decent standard of living.
- (b) To enable judicial officers to meet the various kinds of situations that they have to face in court, there should be a course of training for all judicial officers before they start functioning.
- (c) Adequate courtrooms, equipped with proper facilities and sufficient accommodation, should be provided. These should be suitably furnished and provide with a sufficient number of books. There must be a provision for bar rooms and waiting rooms for the litigants.
- (d) Long delays take place in the grant of copies of judgments and depositions. These can be prevented if, instead of typing, mechanical or electronic process is adopted.
- (e) Evidence in courts of District and Sessions Judges should normally be typed, so that carbon copies of deposition can be supplied immediately to the parties.

### **239<sup>th</sup> Law Commission Report on Expeditious Investigation and Trial of Criminal Cases against Influential Public Personalities**

The Commission focused on public interest that demands the criminal cases especially those related to serious crime are concluded within a reasonable time so that those guilty are punished. Further it was opined, with the long passage of time whatever evidence is there will vanish or eclipse. Lack of constant effort and expertise in investigation process and non usage of scientific method leads to low rate of conviction and implication of innocent person.

1. Some measures that may be directed to be taken by the police after FIR is received/recorded:-
  - a) A copy of FIR concerning the involvement of influential public men in cognizable crimes, apart from being sent to the Magistrate, should also be forwarded to SP/SSP concerned.
  - b) The investigation shall be completed as far as possible within three months and at any rate not later than six months. The charge-sheet must be filed in a month along with requisite documents indexed properly. A copy of the draft charge-sheet must be sent to SP/SSP for assessment.
  - c) The FIR, the statement of accused and witnesses examined and the record prepared by investigating officer from time to time should be computerised so that they could be made easily available to all concerned persons in an e-form (non-re-recordable compact disc).
  - d) The SP/SSP should maintain a record of FIRs in respect of influential public persons so as to enable him to keep track of such cases from time to time.
  - e) The photograph of the accused and full address/phone numbers, e-mail ID if any, shall be obtained and the photos be affixed to the arrest memo and charge-sheet.

<sup>22</sup> 77<sup>th</sup> Report of the Law Commission of India (1978)

## 2. Other important measures to improve criminal justice:-

It was submitted by the committee that two important steps are ideally required for speeding up the criminal justice in the hope that this will also augment the conviction rate. These are as under:

- (a) Usage of advancement technology at the level of police stations.
- (b) Strengthening criminal courts' infrastructure and upgrading facilities and amenities therein- by providing separate witness room centralised record room, by appointing competent stenographers and by introducing video conferencing facilities.<sup>23</sup>

### **GUIDELINES GIVEN BY NATIONAL HUMAN RIGHTS COMMISSION ON QUICK DISPOSAL OF CHILD RAPE CASES<sup>24</sup>**

National Human Rights Commission is an apex authority that works for the protection of Human Rights of all the individuals and provides certain guidelines from time to time. Observing the delay in disposal of serious offence like Rape which made the situation of the rape victim pathetic, commission examined the prevalent conditions and framed the guidelines necessary for providing speedy justice to the rape victim, the guidelines are to be followed by the police and the courts whilst dealing with child rape cases.

(i) The complaint related to cases of child rape must be recorded without any delay as well as with accuracy. The complaint can be filed by the rape victim, any eyewitness or anyone other person including a representative of non-governmental organization that received information related to commission of an offence. The case should be dealt as follows:

- a) An officer of rank of SI or above and preferably a lady police officer.
  - b) Recording should be exact and precise
  - c) The person who is recording must be in civil dress
  - d) Recording shouldn't be insisted or compelled in police station, it can also be taken at the victim's residence.
- (ii) If the complaint is filed by the child victim, then it is ensured that the child victim is comfortable to record the complaint. This will lead to an accurate and correct narration of the incident by covering all important aspects of the Rape Case. If possible, assistance of psychiatrist must be taken;
- (iii) It must be ensured by the Investigating Officer that the medical examination of the Rape victim and the accused is conducted within 24 hours in according to Section 164 A of Code of Criminal Procedure.
- (iv) As soon as the case is registered the investigating team must visit the crime spot to secure all incriminating evidences available there. If any signs of resistance by the victim are found, it must be photographed.
- (v) It is the duty of the Investigating Officer to secure the clothes of Rape victim and if the accused is arrested, his clothes too. The clothes are to be sent within 10 days for forensic analysis to find the traces of semen, match the blood group and if required DNA profiling;
- (vi) The forensic labs must examine the evidence on priority basis and reports must be sent within couple of months;
- (vii) The investigation of the case, must be taken by an officer of the rank of S.I. and above on priority basis and the investigation must be completed within 90 days of registration of the case.

<sup>23</sup> 239<sup>th</sup> Report of the Law Commission of India (2012)

<sup>24</sup> National Human Rights Commission, India, *NHRC Guidelines For Speedy Disposal of Child Rape Cases*, (2007) available at <https://nhrc.nic.in/press-release/nhrc-guidelines-speedy-disposal-child-rape-cases> (Last Visited May, 25, 2020)



Senior Officers must conduct periodical supervision to check prompt and proper investigation.

(viii) Wherever desirable, the victim's statement under section 164 Code of Criminal Procedure must be recorded expeditiously;

(ix) Identity of the victim and her family must not be disclosed and they must be provided protection. For this purpose Investigating Officers and Non Governmental Organizations must exercise more care and caution.

### **Guidelines for Trial Court:**

i) The Fast Track courts must preferably be presided by a lady judge and trials must be held in camera;

ii) The court should have child friendly atmosphere;

iii) Whenever possible, the recordings must be done in video conferencing so that victim is not subjected to close proximity of accused;

iv) Within 15 days from the filing of the charge sheet Magistrate should commit the case to Session.

### **CONCLUSION**

Rape is the most pathetic crime committed against women. It does not only cause physical mutilation but also the mental distress that stays with her till the end of her life. The court cannot bring back what she has lost but necessary efforts could be made to secure convenient, fastest and fair justice. There are many provisions that emphasize on the concept of speedy trial and recognize it as a matter of right of the innocent victim. Moreover speedy trial acts as an ointment and saves them from being re-victimized from the delayed and prolonged trials. Over the decades many suggestions and recommendations are given by various committees regarding the speedy administration of justice.

It is pertinent to understand that justice cannot be served to the victim by making legislations and recommendations rather it can only be served by strict implementation. For proper and effective implementation of laws, the roles of every block of society such as non- governmental organizations, media, police officers, medical officers, lawyers and the judicial fraternity are of utmost importance.

Strong efforts must be made to spread awareness and education among the Rape Victims about their rights so that they can avail them and get justice which they truly deserve.

At the end the author would like to conclude by saying that delay in delivering justice is denying justice to the innocent victim because the longer they are made to fight for their rights and suffer the hardship, the longer will be the ill effects on their minds and emotions. Therefore it is necessary to provide easier and faster justice to the Rape Victims so that they can live a peaceful life and the monsters that are hiding themselves under the cover of human beings can learn a lesson and never even think of raping a girl. By ensuring the speedy justice to the Rape Victim the objective of "*Rape Free India*" can be achieved.

## **SUGGESTIONS**

Delayed and Prolonged trial of heinous offences such as Rape is a stigma to the criminal justice system. Delay in providing justice degrades the efficiency of the courts and often people resist filing cases and seeking justice before the court. In order to make people believe that justice prevails and the judiciary ensures that justice is served to all, speedy mechanism for disposal of cases must be adopted.

There are few suggestions, if implemented can overcome the problem of pendency of Rape cases in India.

1. Fast track courts must be established by the state government to deal with the crimes like Rape.
2. A separate investigation wing must be made to exclusively investigate the matters related to sexual offences and rapes.
3. Periodical supervision by the senior officials must be done to check the process and progress of registration of complaints and investigation of Rape case.
4. Plea bargaining must be given due importance by the courts for quick disposal of cases.
5. Number of courts, judges and judicial staff must be increased so that courts are not overburdened.
6. The High Courts must quash the proceeding of the cases in which unreasonable delay occurs.
7. Section 309 of the code of criminal Procedure must be followed by the trial courts through which the court can prohibit excessive adjournment of the proceeding.
8. It is observed that when a Judge is transferred, the newly appointed Judge again hear the matter and repeats the procedure to give appropriate Judgement, which delays the whole trial so if possible the Judge who is hearing the Rape case from beginning must dispose it before he gets transferred.
9. A comprehensive code should be enacted which specifically deals with Speedy mechanism for disposing heinous offences like sexual assault, rape and acid attack.
10. Advanced technologies must be adopted in the trial process such as sending warrants and summons through emails, recording evidences via video conferencing and using forensic laboratories for testing evidences.