



Women's Safety In India Challenges Before Criminal Justice System

Dr. Rajesh N. Makasare

Associate Professor in Law

Dr. B.A.M. College of Law, Dhule (Maharashtra)

Abstract

India is a country where women are given the status of a goddess. However, they are facing number of problems opposite to the concept, they are abused endlessly and consider inferior to men. Women's safety in India has been a longstanding concern. In the early days, there were severe issues like the Sati system, ban on remarriage of widow, devadasi system etc. While most of them are not prevalent now, but presently women in India are facing new issues i.e. Gang Rape, extortion, Honour killings, dowry death, Acid Attack, violence against women etc. Some cases give very unpleasant feelings on hearing the heinous behaviour and cruelty to women. Now a day India to be the most dangerous nation for sexual violence against women, as well as human trafficking for domestic work, forced labour, forced marriage and sexual slavery, among other reasons

Key Words- Women's safety, violence against women, heinous behaviour and cruelty to women, women as instrument, criminal justice system

Introduction-

"Using women as instrument in an area of communal strife to inflict gender violence is deeply disturbing; it is gross constitutional violations and infractions of human rights".

Dr. D.Y. Chandrachud, Chief justice of India

Deep-rooted social prejudice against women finds articulation in India's adverse sex ratio, particularly in the age group 0-6. Families prefer boys: female foetuses are selectively aborted, infant girls allowed to die. The government official campaign has been addressing this most violent form of discrimination against the female sex. However, other egregious forms of discrimination that pushes women to a subordinate role in society and train men to see themselves as entitled to favourable treatment fail to get addressed. Facing up to such forms of discrimination entail challenging values embedded in religion, social hierarchy, family structure and property rights. Reducing women to objects of desire is part and parcel of mainstream culture, whether movies, music, literature or folk songs. The canon of Hindu orthodoxy upheld

by the dictums of Manu, the ancient lawgiver, holds that women are to be protected by the father, the husband and the son at different stages of their lives, and do not deserve autonomy. (ET, December 3, 2019)

India is a country where women are given the status of a goddess. However, they are facing number of problems opposite to the concept, they are abused endlessly and consider inferior to men. Every day there are cases of gang rape, brutal murder & outrage the modesty, therefore they do not feel safe inside or outside the house. According to the National Crimes Records Bureau (NCRB), India recorded 88 rape cases every day in 2019. NCRB report highlights that rape vulnerability of a girl or woman has increased up to 44% in the last 10 years.

Women's safety in India has been a longstanding concern; the purpose of this article is to discuss how crimes against women are alarmingly widespread throughout the world, violence in physical, sexual and psychological forms and numerous challenges before the criminal justice system.

Unsafe Women disgrace to humanity

In the early days, there were severe issues like the Sati system, ban on remarriage of widow, devadasi system etc. While most of them are not prevalent now, but presently women in India are facing new issues i.e. Gang Rape, extortion, Honour killings, dowry death, Acid Attack, violence against women etc. It is happening almost every day in various ways, instead helping to victim peoples are salient spectator including police machinery also (Manipur incident). Some cases give very unpleasant feelings on hearing the heinous behaviour and cruelty to women. In our country no girl of any age is properly safe, a child, teen, or adult.

Bhanwari Devi Case (1992) in the 1990s child marriages was common in the village, and the caste system was dominant. Devi was instructed to spread awareness about hygiene and family planning, education for girls, and campaign against female foeticide, infanticide, dowry and child marriages in the villages. So, when Devi got news that a nine-month-old girl was being married off to an infant, Devi succeeded in preventing the child marriage. This resulted in social and economic boycott on family and on 22 September 1992, Devi was allegedly gang-raped by her high-caste people.

Bilkis Bano case (2002) - The Bilkis Bano case is a landmark case of gang rape and mass murder that occurred during the 2002 Gujarat riots in India. Bilkis Bano, then a 21-year-old pregnant woman, was raped and her family members were murdered during the riots that followed the Godhra train burning incident¹.

Gurmeet Ram Rahim Singh case (2002) - Rape convict and Dera Sacha Sauda chief Gurmeet Ram Rahim Singh sect is convicted of raping two female followers and sent to prison for 20 years.

The Nirbhaya Case (2012) - The incident occurred when Jyoti Singh, a 22-year-old physiotherapy intern, was beaten, gang-raped, and tortured in a private bus, raped the woman and beat her friend. The Nirbhaya Rape Case known to be the most horrific case of a crime against women in the history of India has a lasting impact on the Nation.

Asifa Bano rape case (2018) - The minor girl was kidnapped on January 10, 2018, raped in captivity and later beaten to death. The brutality of the case shook the nation. The deceased is a Muslim girl and the accused are Hindus, which has made it an issue of communal politics.

¹ The 11 men were sentenced to life imprisonment in 2008 by a Special Central Bureau of Investigation (CBI) Court on the charges of gang rape and murder of seven members of Bano's family. All of them were released on 15 August, 2022 after completion of stipulated punishment. On the other hand, Bilkis Bano compensation, but what about her mental and psychological trauma, her loss of family members, was she able to attain justice on moral grounds?

Hyderabad Rape Case (2019)

In a horrific incident, a 26-year-old veterinary doctor from Hyderabad was brutally gang-raped, murdered, and later dumped on the side of a road. According to the Telangana Police, the victim had stopped at a toll plaza at Shamshabad, near Hyderabad with her scooter. Two lorry drivers, along with their assistants, deliberately punctured her vehicle and pretending to help her, took her to the side of a road and pushed her into the bushes. She was later brutally gang-raped by the rapists and later murdered.

Unnao Rape Case

In a soul-shaking case, a 17-year-old young girl was raped in Unnao, Uttar Pradesh, on 4 June 2017. The rapist was none other than a former member of the ruling party BJP, Kuldeep Singh Sengar. He was convicted in the rape case on 16 December 2019. On 20 December 2019, he was sentenced to life in prison. During the trial, he was also found guilty of the murder of the rape victim's father.

Second rape case from Unnao

Shivam and his friend, Shubham Trivedi, had raped a victim, recorded a video of the incident and then sexually abused her multiple times, under the threat of making the video public; she filed a complaint at the Lalganj police station in Rae Bareilly. On 25 November 2019, two months after accused was arrested, the Lucknow bench of the Allahabad High Court released accused on bail. On 5 December 2019, when victim was on her way to a court hearing, Shivam, his father Ram Kishore, Shubham, his father Harishankar, and a mutual friend, Umesh Bajpai, attacked her at the railway station in her native village, Hindu Nagar, and set her on fire with kerosene.

Manipur Case 4 may, 2023

Manipur has maligned the image of the country in the world. Two tribal community women from the Kuki-Zomi community being paraded naked by a mob of men and being sexually assaulted by men in the state, women weeping, wincing in pain and begging their attackers to show some mercy, which is shameful for the 140 Crore people of the country, it does not predict well for democracy, the act has no place in our society. These few crimes against women especially the rape cases were very dreadful and fearful due to crimes; women's safety in India has become a doubtful topic.

The Thomson Reuters Foundation released its results of a survey of 550 experts on women's issues, finding India to be the most dangerous nation for sexual violence against women, as well as human trafficking for domestic work, forced labour, forced marriage and sexual slavery, among other reasons². About 29% of Indian women have faced molestation or sexual advances in public places, among those over 75% did not even file a police complaint³ After Nirbhya case in every year a brutal gang rape happened and people come on the road, shows their aggression, outrage and demand capital punishment for rapist but nothing has changed.

Apart from above cases it is our duty to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women⁴ but the crime against women's are increasing day today. Instead of respect, some notorious people are busy in making objectionable statement against women social reformers.

² <https://www.reuters.com/article/us-women-dangerous-poll-exclusive-idUSKBN1JM01X> visited on 11 Aug. 2023 12:55 pm (The Thomson Reuters Foundation report, released on June 26, 2018)

³ <https://www.livemint.com/news/india/women-in-india-not-safe-in-public-places-localcircles-survey-11615174115099.html> visited on 11 Aug. 2023 01:22 pm

⁴ Art. 51 A (e) Constitution of India

Challenges before criminal justice system-

India value human life and adhere to the principle of providing an equal opportunity to every person to present his side of the story. Thus, the Indian criminal justice system follows an adversarial system and depends on the maxim "let 100 culprits be acquitted and freed, but one innocent person should never be convicted".

Pendency of Cases: India now has more than 5 crore pending cases across all courts in the country, the consequences are majorly economic and constitutional. "Justice delayed is justice denied" is true for the pendency of all kinds. The Indian criminal justice system is also criticized for being slow, inefficient and prone to corruption. The absence of fast-track court, inadequate investigation, lack of effective vigilance, police inability, or, even the patriarchal mind-set of most Indian families, are among the reasons that Indian women have remained unsafe.

Overcrowded Prisons: Many countries struggle with overcrowded prison systems, which can lead to issues with sanitation, healthcare, violence, and the overall effectiveness of rehabilitation efforts

Access to Legal Representation: People without access to quality legal representation might face unfair trials, contributing to wrongful convictions and undermining the principle of a fair trial.

Police Misconduct and Accountability: Instances of police misconduct, excessive use of force, and lack of accountability erode public trust in law enforcement and the justice system as a whole. Women's who are facing molestation or sexual advances in public places, some filed a police complaint or First Information Report (FIR), while some victim women's tried hard to file an FIR, the police did not register it and did not take any action."

Technological Challenges: The integration of technology in criminal justice, while beneficial in many aspects, can also pose challenges related to data privacy, biases in algorithms, and digital evidence management.

Every year after 2012 a brutal gang rape happened and people come on the road, shows their aggression, outrage and demand capital punishment for rapist but nothing has changed. At some point, our judicial system is responsible for this because they do not implement strict laws and punishment for rape cases.

Addressing these challenges requires a comprehensive approach that involves legal reforms, improved training for law enforcement personnel, enhanced community engagement, increased access to mental health and rehabilitation services, and a commitment to upholding the principles of fairness, justice, and human rights.

Conclusion- Oppressing women is the practiced in all community since the beginning of human civilization, she is treated as the property of their family, when caste-tribe, religion and country feels the supremacy of their family is jeopardize, to shake or intimidate the power of a rival family, caste or religion the extortion of women & rape are committed. But our constitution of independent India does not accept this offensive tradition. Our Constitution gives us gender equality, the right to live with dignity. And if it goes astray, it states that it is the constitutional duty of the government to stop and prosecute the offender, states not only to treat women with respect but also to change the customs and thoughts which are derogatory to the status of women.

Suggestions-

1. Our society, families, schools and institutions fail to bring awareness among children, youths regarding sex, sex related crimes. No proper counselling is provided to grownup boys and girls.
2. We must all come together as one to fight these issues faced by women in India. Every citizen and government must try to make it a safe place for women.
3. We must join hands to protect and safeguard our women in India. It will help us thrive as a country and make the world a better place.
4. Delivery of justice should be impartial and non-discriminatory, state to take all necessary steps to provide fair, transparent, effective, and accountable service that promotes access to justice for all.
5. To maintain law and order in the state and ensure safety of women
6. The culprits should get harsh punishment that no one ever thinks of doing a horrifying thing like this again.

References-

1. Criminal Procedure code, 1973
2. Law and Social Transformation- Malik & Raval Allahabad Law Agency, Faridabad, 3 editions 2012
3. Indian Constitution-M.P. Jan, Wadhava & Company Nagpur, 7th edition 2016.

