

A CRITICAL ANALYSIS ON FAILING ATTEMPT TO CONTROL RAPE CASES IN INDIA

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ABSTRACT

Rape is considered as the most heinous offense against women in Indian Criminal Law. Sexual Assault in various forms has been recognized as a crime by almost all religions and cultures throughout recorded history. It is a crime against the basic Human Rights of a human being and the most common crime against women in India. In India, “rape laws” began with the ratification of the Indian Penal Code, 1860. There have been successive amendments, and the main issue of focus remained the definition of rape which has been recently broadened to include a wide range of sexual activities which include minor rape, marital rape, sexual harassment at workplaces, custodial rape, etc. However, the problem lies in the implementation of these laws as justice to the victim is always delayed. This research paper aims to deal with the causes of rape cases in India and why rape cases in India are still increasing. And why India is constantly failing to control rape cases. This paper also gives some suggestions that if followed India can be able to control sexual assault cases.

INTRODUCTION

In India, several crimes occurred, which is a social evil for a Civilized Society. In our Country Rape is the most common crime in India. It is the fourth largest crime in India which was against the Women. It can be said that it is one of the major problems in India. Rape was considered as the most heinous crime Activity against the women under the Indian Criminal Law. It was estimated that crime mainly committed to the weaker section of the society like poor or needy people, Dalit, Women, and Children.

In India, it can see several crimes based on gender, especially for women. They can be committed against the rape, Dowry, Domestic Violence, sex abortion, acid attack, etc. The National Crime Records Bureauⁱ (NCRB) released data after two years annually. According to the NCRB report, the crime rate per 100,000 women increased to 58.8% in the year 2018 in comparison with 57.9% in 2017.

According to the Government data, a one women report of Rape is recorded every 15 minutes. Around 33, 356 incidents of rape were recorded in 2018, where every Fourth victim was a minor. It was found that 50 percent of them are between the ages of 18 to 30 years. Data released that 15, 972 offenders are family friends or a neighbor or employer or an acquaintance, or the other hand; 12, 568 offenders are their friends or online friends or live-in partners or a separated husband.

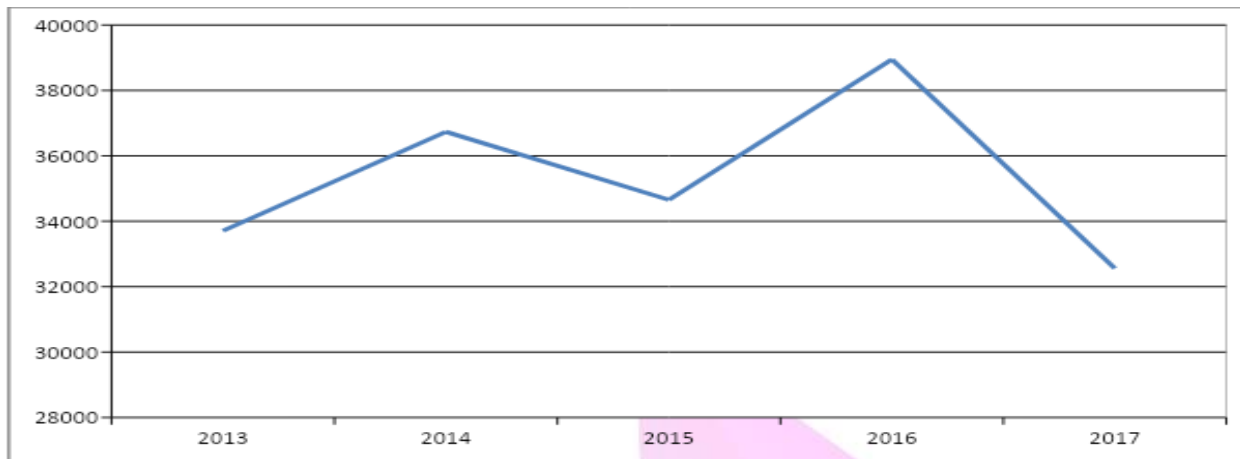
According to the State Of India, Madhya Pradesh was reported the highest number of cases with 5,433; where it was followed by the Rajasthan 4,335, Uttar Pradesh 3,946, Maharashtra 2,142, Chhattisgarh 2,091, Kerala 1,945, Assam 1,648, Delhi 1,215, Haryana 1,296, Jharkhand 1090 and West Bengal 1,069.

It can also be estimated that 99 percent of rape cases go unreported because the rape victims fear reprisal and mortification, or both throughout the world. The Indian Parliament affirms that the Rape problem in India is being underrated because many cases are not appearing. Around 54 % of rape crimes are unreported in Indiaⁱⁱ.

Around 85 percentages of cases were filed in a court but their decision rate remained low at 27 percent. The court was not able to handle the high volumes of cases. The study took an average of 8.5 Months per case, which is more than four times higher than the recommended rates.

So, it can be shown that several cases are pending in the Courts. It was estimated that only 14.6 % cases were completed in a trial; where they have been remiss of basic Human rights of women and girls.

According to the **National Crime Records Bureau (NCRB)**, a total number of rape cases reported:



WHY THE NUMBER OF CASES INCREASES IN INDIA?

In my point of view, a rape can be defined as, it is an unlawful activity that can carry sexual intercourse with a forcibly, threat, or without valid consent because of mental illness, mental defect, sub normality, inebriation, insentient or deceptionⁱⁱⁱ.

Through our research, I found that 70 percent of the population thinks that rape is committed more than other crimes. Around 95% of the total population of India thinks that punishment which was given to offenders is not sufficient. Most of the people also agreed that the number of cases also increases because the law should not take any strict action. The number of rape cases also increases because of a lack of education, the backwardness of society, or a communication gap between the parents or children.

As Kiran Bedi, Retd Joint Commissioner, Special Branch has observed -

The law related to rape is not just a few sentences or words, it is a whole book, which has demarcated chapters and it cannot be read just a selective part. We cannot read the preamble whole and suddenly reach the last chapter and claim to have understood and applied it.

Various reasons are there where the number of cases still increases-

1. Small Number of Police Women- In our country a very low percentage of police are women. They refused to file a complaint to men policemen because obnoxious questions were asked to them, where they did not feel comfortable with men police.

2. Hold Responsible for Clothing- 68 percent of respondents said that their clothes provoked them to do such an act.

3. Undertaking of Domestic Violence- All over the world, India is one of the worst countries for women because of Domestic Violence. According to a health survey, it was estimated that women blame themselves for beatings by their husbands.

4. Absent of Protection- It can be said that a woman is not safe outside their homes. Even Indian authorities say that the country public place is unsafe for women.

5. Uplift Rape Victims to settlement- In a recent case, a 17 years old girl who was allegedly gang-raped killed herself after police pressured her to drop the case or a marry with an attacker.

6. Slow-moving Court System- In our country court system is slow due to the shortage of judges. It was estimated that 15 judges are for 1 million people.

7. Low Position of Women- In our Indian Society, the position of women is lower. India has a lower population of women as compared to men population because of sex-selective.

MINOR RAPE

Rape of a kid/a toddler/a baby could be a style of a child sex offence. Once committed by another kid (usually older or stronger) or adolescent, it's known as child-on-child sex offense.^{iv}

If committed by a parent or alternative shut relatives like grandparents, aunts, and uncles, it's conjointly known as criminal congress and might lead to serious psychological trauma. Once a toddler is raped by associate degree adult who isn't a loved one however could be a caregiver or in a very position of authority over the kid, like teachers, sports trainers (coaches) or therapists, on whom the kid relies, the consequences are often like ancestral rape.

Tukaram v. State of Maharashtra (Mathura Rape Case)^v

In this case, Mathura a sixteen-year-old social group lady was raped by 2 law officers in the compound of Desai Ganj station house in Chandrapur District of a geographic region. Her relatives WHO had come back to register a grievance, were with patience waiting outside even as the monstrous act was being committed in the Police Station. When her relatives and

assembled crowd vulnerable to burn down the police chowky, the 2 guilt policemen, Ganpat and Tukaram, reluctantly in agreement to file a Panchnama.

The case came for hearing on the first of June, 1974 within the session court. The judgment but clad to be in favor of the suspect. Mathura was suspected of being a cheat. It was declared that since she was habituated to gender her consent for voluntary; underneath the circumstances solely gender may well be tried and not rape.

On appeal, the Nagpur bench of the urban center judicature put aside the judgment of the session Court and sentenced the suspect particularly Tukaram and Ganpat to 1 and 5 years of rigorous imprisonment severally. The Court commanded that passive submission because of concerns iatrogenic by serious threats couldn't be created as consent or willing gender.

However, the Supreme Court once more clean-handed the suspect policemen. The Supreme Court command that Mathura had raised no alarm; and conjointly that there have been no visible marks of injury on her person thereby negating the struggle by her.

The Court during this case did not comprehend that a helpless resignation within the face of inevitable compulsion or the passive giving in isn't any consent. However, the Criminal Law Amendment Act, 1983 has created a statutory provision within the face of Section of the proof Act^{vi}, which states that if the victim lady says that she did no consent to the gender, the Court shall presume that she failed to consent.

MARITAL RAPE

Marital rape can be defined as, Rape committed by the person whom she married. When a husband does sexual intercourse without the consent of his wife or against her will by force fear, or fraud. In Indian women, she is raped by her husband every 3 seconds. In 2006 Most of the country recognized that rape is a crime but India remains one of the 36 countries where it is not a crime. According to section 375 of Indian Penal Code, mention as an exception clause sexual intercourse done by husband with his wife under age 15 years then it is not considered as Rape which is against Human rights. According to the protection of the domestic violence act 2005; if a woman undertake marital rape then she has the right to go a court and obtained a judicial separation from her husband. The 42nd law commission report suggested that marital should be criminalized.

Marital rape violated the right to live with privacy under article 21 of the constitution-

Right to privacy^{vii} means the right to be left alone no one should interfere. If any person forces sexual intercourse then it can violate the right to privacy. Marital rape also violated the right to the good health of the victim as it causes physical violence and physiological harm in the process.

Various legislation or enactment passed in India regarding violence against women but they were not enacted in case of marital rape.

Marital rape also violated article 14 of the Indian Constitution-

Article 14 of the Indian constitution guarantees equality to all, but Indian criminal law discriminates against a female who is raped by her husband. Article 14 discriminates against married women by turn down them from equal protection from rape and sexual harassment

Case law-

Queen-Empress v. hare mythee^{viii}

In this case, it was held that, even if the wife is above the age of 15 years old, the husband has no right to disregard her physical safety.

Emperor v. Shahu Mahrab^{ix}

Husband convicted under 304A of IPC for causing the death of a child due to the negligence act of sexual intercourse.

So, it was clearly stated that the section of IPC^x is an infringement of articles 14 and 21. Now Indian jurisprudence must understand the inhuman nature of this provision of law and strike it down.

Marital Rape is one of the reasons to failing attempt to control rape cases in India.

CUSTODIAL RAPE

When a person is under the safekeeping, administration or control of another person is called as a Custodian. So, under this it mainly focuses on Custody violence / Custody rape; it can specify that an unconscious exhibition of supremacy and physical power over the one who is

overpowered. According to the Indian Constitution, the police have to protect the rights of the citizen, it is apparent that they violate their powers and use torture as part of their investigation process. Mostly, poor, deprived classes, or women are usually affected by this kind of viciousness. It is one of the great challenges when it comes to custodial rape cases. The incidents of rape cases are taking place in police stations, jail, or any other premises of government officers.

The law changed in 1983, introduce the concept of custodial rape^{xi}. The following concepts are;

1. Rape by police officer comprehensible of the police station to which he is appointed in the place of police headquarters or on a woman in such of police officer custody.
2. In a public servant office, women were raped by public officers.
3. Raped by the management or staff or an inmate in a jail.
4. Raped by the members of armed forces where the members of armed forces have been deployed.

In the case of custodial rape, it is very difficult to file a complaint against the police. They failed to complain against them because they are under the superior authority and they did not accept their complaints. Even if the register were filed against the police, the section^{xii} of Crpc specifies that the officeholder cannot be prosecuted for any unlawful act while carrying out the official duty, without the punitive action of state and central government. After the amendment of the law, 1983 they prescribed a punishment of custodial rape up to a minimum of 10 years of life imprisonment or life imprisonment or a fine prescribed by law. They also get punished 6 months to 2 years imprisonment due to the failure of a public duty or a disobeying of law^{xiii}.

Rameeza Bee's Case-

After watching the late-night movie show in Hyderabad, Rameeza Bee, a 26 years old working-class woman and her husband were arrested by the police officer for loitering. Later, when her husband returned to pay fine, Rameeza Bee was raped by the three police officers. On his return, he protested the assault upon his wife, but was unrelenting, beaten to death by the policemen.

The police image had been badly discolored by the incident of custodial rape. Four police officials were suspended^{xiv}.

Even after the various law, the custodial rape increases because their complaints is been not registered due to the superior authority. It is also one of the reasons for failing to attempt to control the rape cases in India. It is necessary to make strict laws and take a strict against them as a result of which the number of rape cases decreases.

UNDER REPORTED RAPE CASES

Unreported rape cases are one of the reasons for failing to control the rape cases in India. In India, most cases are not reported just because, fear of reprisal and dignity throughout India and the world. The Indian parliament system also stated that the problem of rape is underrated because rape cases were not disclosed.^{xv}

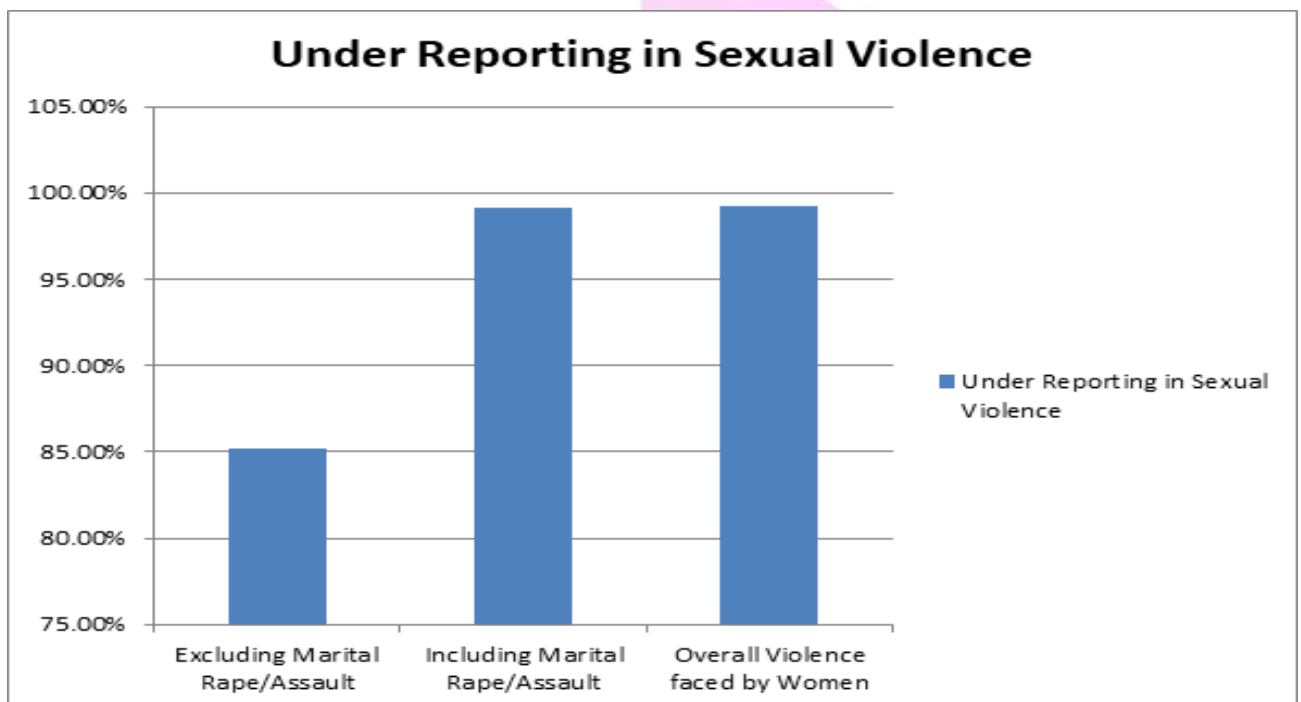
According to the survey it was estimated that around 99 percent of sexual violence cases are not reported in India and most such instances Husband is a victim. The analysis shows that Indian women face 17 times sexual violence from their husbands than from others. Even if it is excluded marital rape from an analysis, the reporting of sexual violence is still small. Around 15 percent of sexual violence is committed by others and the rest from a husband.

It was analyzing that just because of the absence of strong law against marital rape and assault the number of unreported rape cases increases. Its reporting rate is also decreasing because of low trust in the police and low conviction rate in such a crime that prevents women from reporting sexual violence. Only a little portion of the incident of sexual offense was recorded in the police.

If we analyze according to the state-wise, the under-reporting tend is higher where the female literacy rate is low such as Bihar, Uttar Pradesh, and Jharkhand less than 0.5 percent of incidents of violence against women were reported. In Tamil Nadu and Karnataka state reporting rate is low the higher despite the female literacy rate.

While it was estimated, the reporting rate is high in Delhi, Assam, Rajasthan, Kerala, Maharashtra, and Himachal Pradesh. After the gang-rape of a 23-year-old girl in the bus, Nirbhaya's case; the reporting of sexual violence was increased in India.

Therefore, it can be drawn to a close that unreported cases of rape also contribute as the main cause as the person who is committing rape is not given any punishment which only boost up his confidence to commit another rape any destroy another women life as his mindset will be that this time also he which criminals can be entitled to punishment and to build a society which is safe for women.



This graph shows unreported cases in sexual violence.

RAPE IN WORKPLACES

Before 1997, someone facing harassment at work had to lodge a complaint under Section 354 of the Indian Penal Code 1860 that deals with the 'criminal assault of women to outrage women's modesty', associated Section 509 that punishes an individual/individuals for employing a 'word, gesture or act meant to insult the modesty of a lady'.

During the Nineteen, Rajasthan government worker Bhanwari Devi tried to stop child marriage as a part of her duties as an employee of the Women Development Programme was raped by

the landlords of the Gujjar community social organization patriarchs who were angry with her (in their words: "a lowly girl from a poor and potter community") 'guts' determined to show her a lesson and raped her repeatedly. The rape survivor failed to get justice from Rajasthan High Court and therefore the rapists were allowed to go free. This enraged a women's rights cluster known as Vishaka that filed a public interest litigation in the Supreme Court of India.

This case dropped at the eye of the Supreme Court of India, "the absence of domestic law occupying the sector, to formulate effective measures to examine the evil of harassment of working women in all the workplaces."^{xvi}

Vishaka v. State of Rajasthan^{xvii}

It was in 1997 in *Vishaka vs State of Rajasthan and others*, that for the first time sexual harassment had been explicitly – legally defined as an unwelcome sexual gesture or behavior whether directly or indirectly as :

- a) physical contact and advances;
- b) a demand or request for sexual favors;
- c) sexually colored remarks;
- d) showing pornography;
- e) any other unwelcome physical verbal or non-verbal conduct of sexual nature.

In 1997, the Supreme Court passed a landmark judgment within the same *Vishaka* case giving guidelines to be followed by institutions handling complaints regarding molestation. "Vishaka Guidelines" were stipulated by the Supreme Court of India, in the *Vishaka v State of Rajasthan* case in 1997, concerning molestation at the workplace. The court expressed that these guidelines were to be enforced until legislation is passed to affect the difficulty.

The court set that the thought of "International Conventions and norms measure important for the aim of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1)(g) 21 of the Constitution and also the safeguards against molestation implicit in this."

The Supreme Court laid down guidelines to provide effective enforcement of basic human rights of gender equality and guarantee against sexual harassment are as follows :

- 1) All the workers responsible for workplace whether of public or private sector, ought to take applicable steps to prevent sexual harassment while not discrimination to the generality of his obligation, he ought to take the subsequent steps :
 - a. Express prohibition of molestation which incorporates physical contact and advances, a requirement or request for sexual favors, sexual colored remarks, showing sexy or the other unwelcome physical, verbal/nonverbal conduct of sexual nature ought to be detected, printed, and circulated in applicable ways.
 - b. The foundations and rules of state and public sector bodies concerning conduct and discipline ought to embrace rules prohibiting molestation and supply for applicable penalties in such rules against the wrongdoer.
 - c. As regards personal employers, steps ought to be taken to incorporate the aforementioned prohibitions within the Standing Orders below the Industrial Employment (Standing Orders) Act, 1946.
- 2) Wherever such conduct amounts to specific offenses beneath the Indian Penal code or the other law the leader shall initiate applicable action by the following per under the law, by creating a criticism with the acceptable authority.
- 3) Victims of harassment ought to have the choice to hunt for the transfer of the culprit or their transfer.

As expressed by the Supreme Court, these pointers square measure applicable to :

The leader or different accountable persons or different establishments to forestall harassment and to produce procedures for the resolutions of complaints.

Women who draw either regular pay, receive a harmonium, or work in the voluntary capacity in the public, private, or organized sector come under the purview of these guidelines.

Preventive Steps:

Sexual harassment ought to be affirmatively mentioned at workers' conferences, employer-employee conferences, etc. Guidelines ought to be conspicuously exhibited to produce awareness concerning the rights of feminine staff.

The leader ought to assist persons affected in cases of molestation by outsiders.

Central and state governments should adopt measures, together with legislation, to confirm that non-public employers conjointly observe the rules.

Names and make contact with the numbers of members of the complaints committee should be conspicuously displayed.

Rape in the Workplace is also one of the reasons for failing to Control the Rape case in India. After the case of *Vishaka v. State of Rajasthan*^{xviii} Various Guidelines and measures to be followed^{xix} but still the Number of Sexual Violence or Harassment cases at workplace Continue to increase in India as no necessary actions were taken strictly.

NIRBHAYA CASE

After gaining immense amounts of national and world attention, Delhi's "Nirbhaya" gang rape^{xx} the case became a polar turning purpose for India's effort. Within the time since this case, India's government has taken vital steps to advance laws and policies concerning violence against women. Yet, there's still a niche between policy and application. While not bridging this gap and making a shift inside the operation of the criminal justice system, women can still be vulnerable.

On the evening of December 16, 2012, Jyoti, a twenty-three-year medical student, was viciously gang-raped by six men on a bus and died of complications later. Indian journalists dubbed Jyoti as "Nirbhaya," which means "fearless" in Hindi. Press used Nirbhaya to spot Jyoti because of the rape protect laws, that prescribe news outlets from publically identifying victims of sexual assault. Her case sparked a monumental movement, referred to as the "Nirbhaya Movement," that drew attention to the prevalence of sexual violence against women in India.^{xxi}

In this case, Nirbhaya and her friend were returning from a movie house, they were looking ahead to a bus. One in all the would-be culprits convinced them to get on a vacant bus with tinted windows. They were ill-treated by six males, one in all who was a minor, aged 17. The friend, once he tried to guard Nirbhaya, was crushed up by the perpetrators. Nirbhaya wasn't simply sexually desecrated, her body was mutilated on the far side of human imagination. Her intestines were forced out, and personal elements mutilated.

She later died of multiple organ failure, internal trauma and cardiopulmonary arrest on 29 December. There was plenty of social outrage because of the horrible incident. There have been plenty of candlelight marches, solidarity movements, and protests. India has forever been infamous for being unsafe for women, and this was the spark that enkindled the hearth of public outrage. The outrage wasn't restricted to India, the whole world had formed an opinion concerning India. A British documentary known as "India's Daughter" was prohibited by the central government as a result of it representing India as very uncomplimentary and poor light. A majority of the outrage poured out on social media. Feminist and women's movements gained momentum and incentive. The culprits were produced as an example of and condemned. Not simply social, there have been legal repercussions of the incident too.

The UPA government was being pressurized to make stricter laws regarding rape and dealing with juveniles committing heinous crimes. In the case of *Prahlad and Ors v State of Haryana*^{xxii}, the court called an offense of rape as basically an assault on the human rights of the victim. It was seen as an attack on the individuality and physical sovereignty of a woman. It is important to note that according to Section 375 of the Indian Penal Code^{xxiii}, only a man can commit rape, and only on a woman. Until 2012, the definition of rape was restricted just to sexual intercourse. The Criminal Law (Amendment) Act, 2013 gave a broader meaning to the term rape. It amended the definition under Section 375 of the IPC. Section 375 of the IPC, after the amendment, defines rape as any involuntary and forceful penetration without the woman's consent into the woman's body parts like the vagina, urethra, mouth, or anus. Two developments had a major impact on the amendment. These were the Nirbhaya incident and the Justice Verma Committee report.

Justice Verma Committee Report

The committee was made after the Nirbhaya case to provide for quicker trial and enhance punishment and criminal provisions in the law for people who are accused of committing sexual offenses against women. Some of the progressive changes which the committee suggested are:

According to the committee, rape and sexual assault don't seem to be simply crimes of passion however it is an expression of power. Rape should be treated as a separate offense and it should not be limited only to the penetration of the vagina, mouth, or anus and its scope should be

widened. Any other non-consensual penetration whose nature is sexual should be included in the definition of rape given under various laws.

- a. It recommended that marriage should not be considered as a license to perform sexual offenses.
- b. It counselled that non-penetrative forms of sexual contact should be regarded as sexual assault.
- c. The offense of sexual assault to be outlined to include all forms of non-consensual or non-penetrative touching of sexual nature.
- d. The use of words or any act or any form of gesture that creates a threat of sexual nature should be termed as sexual assault and be punishable for the same.
- e. There are some key recommendations made by the Committee on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 which were:
- f. Domestic workers must be included within the purview of the Bill.
- g. The complainant and the respondent should first attempt a conciliation that makes it easy for both of them to settle the issue.
- h. The employer should pay compensation to the woman who has suffered from sexual harassment at the workplace in any form.
- i. The employer should institute an internal complaints committee to which complaints should be filed and heard.
- j. It opined that Acid attack mustn't be clubbed with the provisions of grievous hurt and recommended that the central and government should take some steps to compensate victims of sexual assault.
- k. It recommended that the need for sanction for prosecution of militia personnel should be specifically excluded when a sexual offense is alleged. Special commissioners should be appointed within the conflict areas to observe and prosecute for sexual offenses against women.
- l. The provisions of the IPC on slavery should be amended to criminalize trafficking.
- m. The terms 'harm' and 'health' should be defined under the Juvenile Justice Act, 2000 to incorporate mental and physical harm and health of juveniles.
- n. It was of the view that the executing mustn't be awarded for the offense of rape. It recommended life- imprisonment for rape instead.

- o. The Committee has recommended the discontinuation of the two-finger test because it doesn't make any sense. After all, the offense of rape will be committed against her whether or not she is habitual to sex.
- p. The Committee has recommended certain steps for the reformation of the police. This includes the establishment of Security Commissions in states to confirm that the government. doesn't exercise any reasonable influence on the police.

Some suggestions for reforms within the management of cases:

- a. A system of online F.I.R. filing should be there.
- b. It should be the duty of the cops to help victims of sexual offenses regardless of the crime's jurisdiction and the rest.
- c. The police must be trained on how to cope with sexual offenses appropriately and effectively.
- d. The number of police personnel should be increased for better assistance of the victims.
- e. A Rape Crisis Cell should be founded for providing immediate notification of the case when an FIR in relevancy sexual offenses is formed. The Cell should also provide legal assistance to the victims.
- f. All police stations should have CCTVs at the doorway and within the questioning room. Their activities are monitored.^{xxiv}

Although India has made great strides in creating laws and government programs to handle violence against women, there's an oversized gap between these laws and practical change. In 2018, the NCRB disclosed that 34,000 rapes were reported, 85% of which led to charges, but only 27% of which led to actual convictions. Additionally, rapes that lead to murder are only reported as murders by the NCRB, meaning that statistics on rape aren't completely representative.

In order for any tangible action to result from the assorted policy changes and government programs that passed after the Nirbhaya case, India's criminal justice system has to take acts of violence against women more seriously. If not, this gap between practice and policy will still be a large obstacle in ensuring the protection of women in India.

After the Nirbhaya Cases, the Government of India provided a Fast track Court for decreasing the Rape Cases in India but still, there are no Changes in Rape cases. Although, the Number of Rape cases were increases even after the various law or polices provided in the Nirbhaya Cases. Hyderabad rape cases are also one of the worst gang rape in the recent case of India, the Indian public was shocked after these cases many of the people were affected by this. The women of India were afraid to go outside. It is necessary, the government of India provided various effective laws to control the rape cases in India where the Indian women are free to live as she was wanted.

WHY THE NUMBER OF CASES ARE STILL PENDING IN INDIA?

The government of India does very well in every case but when it came to rape cases it took so long and the conviction rate was also so slow.

According to the government, around 2.4 lakh cases are pending in a court-related to rape or protection of children from sexual offenses. Uttar Pradesh is the state where the number of rape cases is pending with 66,994 followed by Maharashtra with 21,691 and 20,511 in Bengal.

The government of India made hundreds of laws related to sexual assault but it will fail because there is no enforcement.

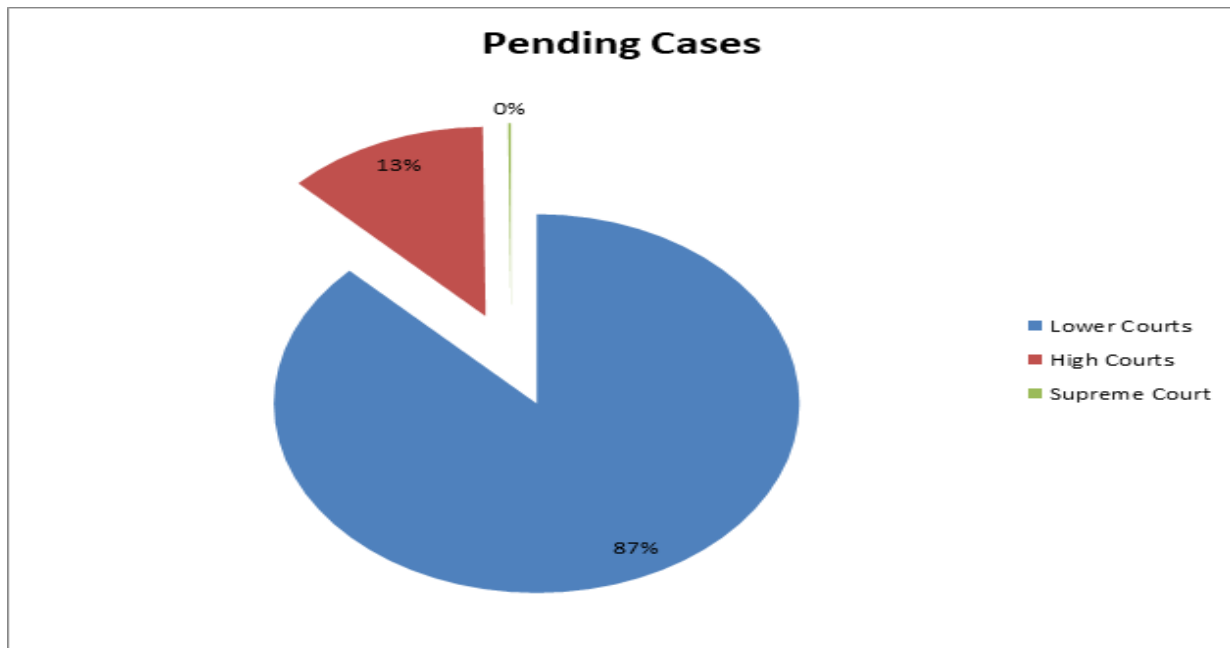
Kohl Dev Sharma, a lawyer of Punjab and Haryana High court said that when the justice came to rape cases then they were failed to do. The procedure of these cases took a lengthy, where the number of cases is pending in India.

It can observe that a single case of rape took seven years to get justice and there are hundreds of cases that do not get any response from the court.

After a so long case of Delhi gang rape, the rape victim still killed before the final verdict of the court. In India, even a high-profile case of rape can take a long time. It can always be seen that police or court take a long time to crimes against women.

Due to the large number of cases in India, the Government of India established a fast track special court to dispose of the cases of rape of children and women pending in various courts across the country. It can be established after the gang rape of a 23-year-old girl in 2012. Through the establishment of fast track court, the number of cases disposed of but still, several

cases were pending due to the shortfall of judges. Just because of the inadequate number of judges in the system it also impacts fast track courts.^{xxv}



The pie chart shows many pending cases in court. In a lower court 3.14 crores cases are pending and their judges' vacancies required 5,450. Whereas, in the High Court 44.75 Lakh cases are pending and judges require only 420. On the other hand, in the Supreme Court, 59,867 cases are pending and judge's vacancies are none.

SUGGESTIONS

According to my opinion based on this research paper, the purpose of the Criminal Justice Administration is not only to secure the rights of victims of rape but also to provide the easiest and fastest justice. This can only be achieved if the trial process of rape cases can be concluded in an effective and reasonable period. There are various laws and guidelines in this concern, however, there is a necessity to place much more effort to reduce the cases of prolonged trials. However, there are some suggestions, which if effectuated can shrink the pendency of rape cases in courts.

- 1) Offenses such as rape and sexual assault or molestation should be investigated and tried in utmost.

- 2) Fast Track Courts should be consolidated by all the State Governments, particularly to deal with rape cases.
- 3) Moreover, High Courts should call for records of all the elongated rape trial of Lower Courts, when it is found that there is an unwarranted delay.
- 4) Even according to the guidelines of The Supreme Court, the High Court may quash the proceedings of cases in which unwarranted delay occurs.
- 5) Moreover, the ordinance of Section- 309 of Cr.P.C should be followed by all the Trial Courts, which fundamentally annul the excessive adjournments in trial proceedings.
- 6) Moreover, our Police mechanism should be made more efficient to complete the investigation process in a reasonable period of time.
- 7) Government should fill all the vacant posts of judges in Lower Courts, High Courts and Supreme Court.
- 8) Most of the cases are not reported due to the fear of reputation.
- 9) The survivors of sexual assault must be believed and supported.
- 10) It should be made compulsory for every school to provide knowledge of good touch and bad touch to children.
- 11) There is a need to make many changes in the law of rapes by the courts and the legislatures.
- 12) An emergency number should also be provided by the State Government to protect women from any kind of sexual violence.
- 13) Courts should give more importance to the appeal bargaining mechanism for easy and quick disposal of cases.
- 14) More infrastructures should be provided to the courts and the number of staff should be increased.
- 15) Basic self-defense techniques should be taught in all educational institutions.
- 16) Victims should not be blamed and it should be reinforced that rape is never the victim's fault our society needs to change their mentality.
- 17) To prevent children from child sexual abuse it is important to keep checking the content they watch on the internet and television that instigates them for such activities.
- 18) The main reason of unreported rape cases is the communication gap between parents and children.

All these are some necessary suggestions which if followed will curb the problem of rape or sexual violence in India.

CONCLUSION

At last, it has been concluded based on this research paper, Rape is regarded as one of the heinous crimes in nature all over the world. In India, women are not safe because of the number of crimes increases against the women's day by day. Due to the unreported abuse of women or there wish to remain silent is one of the reasons the criminal hands are increasing. Even after the various laws against the criminal, the number of cases is still increasing because of a lack of knowledge, delayed justice punishment, and there wish to remain silent.

To stop crimes against women, this study has suggested for some police makers of government, NGOs, and social communities. Our constitution of India also has provided various protective laws for women. It should be necessary that the women should report their abuse by which the number of crimes decreases and the government should take strict action against the criminals. It is also necessary that the government should provide a court, especially which deals with violence against women only which helps to provide speedy justice and which ultimately will result in a decrease in rape cases.

As nowadays criminal's mentality is if they will commit rape on women they won't be entitled to any kind of punishment as our judicial system is very slow which only boosts their confidence as they don't have fear of punishment. And nothing will change until they have fear of punishment which is only possible if speedy justice will be provided to victims of sexual violence.

As recently, we have seen the Hyderabad case in which the woman was gang-raped while she was returning from her work and after the rape, she burnt alive. In which case the criminals were been encountered by police and public were very happy as justice has been provided as they know that if the judicial system will opt the victim won't get justice for next 10-15 years as that slow is our judicial system which is why people are losing faith on law and take matters in their own hands.

So speedy justice must be provided to the victims of sexual violence so they could get justice as soon as possible. These can only be a sole means to control rape cases in India.

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