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**REASONS FOR LESS CONVICTION FOR CRIME AGAINST WOMEN
IN INDIA**

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ABSTRACT

“This Article contains a brief summary with respect to crime committed against women in India and a possible list of Reasons as to why there is less conviction with respect to crime committed against women in India, it contains data published by NCRB with respect to convictions for crimes against women and number of cases pending for the same, it also contains certain suggestions which may be considered for improving the situation”.

INTRODUCTION

Women has always been considered as a vulnerable group of the society and she has always been subjected to violence not only to general category of crimes such as murder, dacoity, threat but there are certain categories of crime which are committed against women specifically and are termed as “**Crime against women**”.

Over last few decades, the occurrence of crime again women have increased with an alarming rate and According to a report of the UN published in 1980, Women constitute half of the world's population, perform nearly two-thirds of work hours, receive one tenth of world's income and fewer than one hundred percent of world's property.' The status of girls in India, both historically and socially has been one of the respect and reverence.³

In 1950, the Indian constitution played an important role to minimize the gender discrimination in India by introducing many provisions with respect to equality as a right such as Article 14, 15, and 16 which provides for right to equality to every citizen

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³<https://www.legalserviceindia.com/legal/article-3393-crimes-against-women.html> last visited on 31st March,2023 at 12:17 p.m.

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irrespective of caste, color, gender, place of birth and religion and provides for protective discrimination for women in order to uplift them.

However, despite of making such endeavor to protect women and ensure equal rights, the crime which are being committed against women in India is high and such crime includes-

- a. Rape- It is the most heinous crime that can be committed against a woman and in order to eradicate such crime the Section 375 of IPC,1860 provides Rape as a crime which is punishable with a minimum of 7 years of imprisonment which may extend to life imprisonment u/s 376 of IPC. However, in 2012 an incident took place which just not shook the country but the whole world which was a rape committed to a girl in a moving bus in the Capital territory of Delhi which put a question mark to humanity itself and after this incident the Rape laws in India were amendment and rape committed to a girl of under 12 years has been made punishable with death penalty.⁴
- b. Kidnapping and abduction of women- Section 363,364,364A and 366 of IPC provides for punishment for kidnapping and abduction of women with intention to commit murder, compel to marriage, traffican and other purposes.
- c. Dowry death- Demand dowry or giving and taking of dowry is an punishable offence in India governed by Dowry prohibition Act, 1961 however, the evil practice of dowry has not stopped and even in 21st century people give and take dowry and if a women dies with in 7 years of marriage and before her death if she was subjected to torture or cruelty which amounts to domestic violence (punishable u/s498A,IPC) in order to get some demands fulfilled then it has been classified as dowry death which is punishable u/s304B of IPC.
- d. Sexual harassment- women has always been subjected to harassment which means doing any act or gesture which is offensive to the modesty of women and section 354 of IPC punishes act of sexual harassment such as outraging modesty of woman, voyeurism, stalking, and insulting the modesty of women is punished u/s 509 of IPC. sexual harassment is done at workplace the action can be taken against it under an Act called prohibition of sexual harassment at workplace(prevention, prohibition, and redressal) Act, 2017 which was enacted after the judgement given under the case of Visakha v. state of Rajasthan.

⁴<https://www.legalserviceindia.com/legal/article-677-capital-punishment-for-rape.html> last visited on 31st March,2023 at 12:33 p.m.

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Apart from IPC, there are certain special legislation which have been enacted in order to protect women such as-

- The Dowry Prohibition Act, 1961
- The Indecent Representation of Women (Prohibition) Act, 1986
- The Commission of Sati Prevention Act, 1987
- The Protection of women from domestic Violence Act, 2005
- The Immoral Traffic (Prevention) Act, 1956

CONVICTION FOR CRIME AGAINST WOMEN IN INDIA

Even though, there are many rules and regulation which has been enacted for protection of women and ensure prevention and regulation of violence against women the crime which are being committed against women are increasing and the conviction for such crimes remains at a lower side.

According to National Crime Records Bureau (NCRB) the conviction rate in cases of crime against women in India stood at a measles 26.5 per cent in 2021, down from 29.8 per cent in 2020. The pendency rate of cases was at a shocking 95 per cent. This means that courts are able to dispose of only 5 per cent of cases.⁵

Crime against women	Conviction rate	Pendency rate
2021	26.5%	95%
2020	29.8%	95.5%
2019	23.7%	91.2%
2018	23.1%	90.7%
2017	24.6%	89.6%

⁵<https://www.deccanherald.com/amp/national/10-years-of-nirbhaya-conviction-rate-in-crimes-against-women-just-265-in-india-1172228.html> last visited on 31st March, 2023 at 3:05pm.

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The report shows that a whopping 21,21,755 cases of crimes against women were filed in 2021, of which 23,243 ended in convictions and 60,290 ended in acquittals.⁶

In 2021, 4,28,806 persons were arrested for committing crimes against women, 5,55,089 were charge-sheeted, 33,725 were convicted and 1,07,324 were acquitted.⁷

Specifically, for the crime of rape, 30,016 cases were registered last year, with most coming from Rajasthan (6,337), followed by Madhya Pradesh (2,947), Uttar Pradesh (2,845) and Maharashtra (2,496).⁸

As per a report of the National Family Health Survey (2015-16), over 99 per cent rape cases in India go unreported. Social stigma and fear of retaliation are the main factors that stand in the way of a victim coming forward.⁹

The low conviction rate has been a concern for many years. It is said that victims do not have much say in the legal processes of these crimes. In a major portion of cases of crime against women, the perpetrators are known to the victims. In 2021, 1,594 cases were registered as rape by relatives, guardians, or someone in a position of trust. Therefore, in court, victims often change their statements, and many cases are settled out of the court, mostly without the will of the victim.¹⁰

Apart from the above-mentioned reasons, some potential reason for less conviction for crimes against women are as follows-

1. **Lack of evidence:** In many cases, the evidence needed to secure a conviction may be difficult to obtain, particularly when it comes to crimes like sexual assault or harassment.
2. **Unwillingness to report:** Many women may be reluctant to report crimes against them, particularly in cases where the perpetrator is someone they know, due to fear of retaliation or stigma.

⁶https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Chapter%205_2014.pdf last visited on 31st March,2023 at 3:17pm.

⁷Ibid

⁸“Crime against women” journal by NCRB published in 2014

⁹Ibid

¹⁰<https://www.deccanherald.com/national/infographic-states-with-highest-and-lowest-conviction-rates-in-cases-of-crime-against-women-1172224.html> last visited on 31st March,2023 at 3:21pm.

3. **Cultural attitudes:** Some people in India still hold regressive attitudes towards women, which can make it difficult for them to receive a fair hearing in court or for perpetrators to be held accountable.

4. **Understaffed and underfunded legal system:** India's legal system is often overburdened and underfunded, which can result in delays and poor outcomes in many criminal cases, including those involving crimes against women.

5. **Lack of political will:** Finally, it's possible that some of the challenges in securing convictions for crimes against women in India are due to larger societal or political factors, like a lack of political will to prioritise these issues or a lack of resources dedicated to addressing them.

6. **Lack of proper legal framework:** The existing legal framework in India does not provide adequate protection to women. The law enforcement agencies often lack training, resources, and manpower to investigate these crimes effectively.

7. **Societal norms:** Gender-based violence is often seen as a “private” matter that should be dealt with within the family, rather than being reported to the authorities. There is still a prevalent patriarchal attitude that tends to blame women for the crimes committed against them.

8. **Victim shaming and blaming:** Many women who report crimes against them are often subjected to humiliation, harassment, and victim-blaming. This discourages women from coming forward to report these crimes.

9. **Weak prosecution:** Even when cases are registered, the prosecution is often weak, and the police investigation is inadequate, leading to the acquittal of the accused.

10. **Lack of witness protection:** Many witnesses hesitate to testify out of fear of retribution, particularly in cases involving powerful and influential people.

CONCLUSION AND SUGGESTIONS

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As women are the founding factors of the society and women play an important part in functioning of any society smoothly and for this very reason various steps have been taken by the people representatives to ensure safety and security of women, however crime against women has been increasing day by day but the conviction rate for such crimes is at a lower level.

In order to make this situation, India requires a multifaceted approach that involves both immediate and long-term solutions. Some suggestions could include:

1. Increase awareness: Education and awareness programs can be designed to inform people about gender sensitivity, gender-based violence, and harassment. These programs can be conducted at schools, colleges, workplaces, and community spaces.
2. Improve law enforcement: Increasing police patrols in areas with high crime rates, providing additional training for police officers on handling cases of violence against women, and setting up fast-track courts can help in providing swift justice to victims of crime.
3. Encourage reporting: Creating an environment where victims feel safe and empowered to report the crimes committed against them is essential. Providing confidential helplines and support networks for victims could be helpful in such cases.
4. Penalize offenders: Stricter punishment must be given to offenders, particularly repeat offenders. There needs to be an awareness regarding the seriousness of these offences and zero tolerance for any form of violence against women.

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