



Research Paper

The Issue Of Lack Of Legal Reporting Of Women Crimes: A Case Study Of The Rape Victims

G.Lakshmpriya, Research Scholar, Dept. of LAW,
SPMVV, Tirupati

ABSTRACT

Legal reporting of women crimes in India is a cause of concern for the entire legal system. Besides, it has been noted that the number of rape victims in the country is constantly increasing, as the number of cases being reported is showing an upward trend. Besides, recent incidents have triggered fresh concerns about the aspect of women's safety within the country. Therefore, the study has considered understanding of the major factors that cause these issues. Further, the factors that are resulting in the lower reporting of women crimes, and especially, of rapes, has been identified here.

Overall, the study has identified a large number of factors, including, societal and political aspects, which influence the overall low reporting rate of women crimes. Further, all the factors that have resulted in the rise of the number of cases have also been identified. Among these, the societal mindset and the lack of appropriate women in the core legislative system can be considered as crucial factors overall.

KEY WORDS: Crimes, rapes, women safety, reporting issues in India

Received 06 August, 2023; Revised 18 August, 2023; Accepted 20 August, 2023 © The author(s) 2023. Published with open access at www.questjournals.org

I. INTRODUCTION

BACKGROUND

The legal system of India has a robust framework for ensuring women safety, especially, against an act like rape. There are multiple legal frameworks and legislations and laws that are placed in the Indian Penal Code and the overall judicial system of India to prevent and punish offenders of sexual abuse and rape. Nevertheless, there has been a noted rise in the overall number of rape victims across the country in the past few decades. However, it is estimated that a large number of such victims do not file a case against their perpetrators. This is one of the major issues that is consistent in the case of the Indian legal system and appropriate measures to stop such an issue is essential. The study has focussed and understanding the issues of lack of legal reporting of women crimes, especially of cases of rape in India.

PROBLEM STATEMENT

As mentioned above, it is clear that rape victims in India are increasing with time. This can be attributed to a large number of factors which will be discussed later, however, one areas of issue that must be considered is the lack of adequate reporting of such cases. In the opinion of Pitre & Lingam (2022), there is a clear lack of reporting in the case of a women crimes, especially rapes. Therefore, understanding the crucial factors that impact the quality and the number of reports that are being lodged in the scenario of such incidents is an essential requirement. In 2021, India reported more than 31,000 rape cases in the country, which is an increase from the previous year of 2020(blog.ipleaders.in2020). Therefore, it is clear that the number of cases are constantly rising and this can be largely caused due to inadequate reporting such incidents. Besides, a lack of support can also trigger such changes, which must be considered and appropriately mitigated.

Women safety has become a major concern when it comes to India, especially in the last few decades also. Besides, recent events have also triggered fresh concerns about the rule that the judicial system of the country is playing in such scenario. However, it must be noted that, without appropriate reporting of such incidents, the judicial system of the country is helpless. Therefore, one of the root causes of a rise in the incidents of such kind is the lack of appropriate and adequate reporting of such events (Dhanchak,2019). This must be considered as a major issue in the overall judicial system of the country and must be reviewed with utmost care and sincerity.

AIM AND OBJECTIVES

AIM

The main aim of the study is to analyse the factors that impacting the lower rate of reporting of women crimes, and especially, rapes.

OBJECTIVES

- To understand the major causes of women crimes and rapes in India
- To analyse the factors that lead to lower reporting of women crimes and rapes in India
- To suggest effective amendments to the existing laws to ensure lowering of such crimes and better reporting.

II. LITERATURE REVIEW

CRIMES AGAINST WOMEN IN INDIA

India, in the last few decades has been fighting against a sick mentality, wherein, the crimes against women is constantly rising. It has been noted that in the last year, out of the 6 million cases filed by the Indian police 4,28,278 cases involved crimes against women (Pandey,2022). This is a 26.35% rise in the last six years since 2016, which shows that the rise is actually extremely high (Pandey,2022). These statistics show the fact that the Indian judicial system is facing issues pertaining to women's safety, which must be answered and appropriate measures must be taken to ensure better outcomes. Among these cases, a majority of the cases were kidnapping and abduction, rapes, domestic violence, dowry deaths and assaults.

Apart from these cases, other major incidents of women crimes in India included acid attacks, women trafficking, and cyber crimes against women. A total of 107 acid attacks have been reported, whereas, 1580 women were trafficked (Pandey,2022). Besides, another 15 girls were sold as 2668, women fell prey to cybercrimes. These statistics that have been presented here have adequately highlighted and underpinned the fact that women safety has become a major concern in India. The number of women crimes is increasing and this must be appropriately stopped to ensure that the country is on the correct path. For this, the appropriate legislation and adequate reporting are the two major areas that must be considered.

Among all the states Uttar Pradesh, Rajasthan and Maharashtra at the top three states where women crimes are mostly reported. When it comes to rapes in India, more than 31,000 cases of rapes have been reported in 2021. Even though this is a decline of 18% in 2016 than it is rise from the year 2020. Therefore, the situation is far from good in India, when it comes to women and women welfare. Robust steps are required which can help in attaining better levels of women safety in the country. These issues must be appropriately solved to ensure better women welfare in the long run.

LEGAL FRAMEWORKS TO TACKLE CRIMES AGAINST WOMEN IN INDIA

The Indian judicial system has come up with multiple sections of the Indian penal code to address the issue of rape. Among these, Section 375,376A,376B,376C, and 376D of Indian penal code,1860. Section 114-A [3] of Indian Evidence Act are the most prominent one(blog.ipleaders.in.2020). Section 375 has clearly defined rape, whereas, the section 376 of the IPC has clarified the punishment for such an offence. Apart from this,376A has clarified the punishment that is to be given to the individuals involved when a victim dies due to such activities. Further, sections 376B has said punishment for marital rape and, 376C has mentioned the punishments for individuals in authority who have committed such an act.(blog.ipleaders.in.2020). A part from this, the section 376D contains punishments for gang rapes and 376E contain punishment for repeat offenders.

Therefore, there are a large number of legal steps that have been taken in India to ensure that appropriate punishment to such victims are provided. Nevertheless, it is not an unknown fact that all these steps and provisions have failed to have the desired impact. In the words of Garg(2019) reasons that can be held responsible for the failure of the Indian law to ensure appropriate women's safety. Among these, the major ones include corruption, lack of appropriate reporting and other societal factors. All these issues culminated into worse scenarios that are being faced. Apart from the above mentioned sections, the section 228A(2) of the IPC has clearly stated that under any circumstances, the names of the rape victim should not be disclosed. This has been done to maintain the dignity and confidentiality of the victims, who might otherwise be subjected to immense societal problems.

There are also other sections in the IPC and the Indian legal system that also have rules and regulation that are prescribed for the overall conduct of appropriate examinations and medical tests. Other major areas that are covered in the legal frameworks include rules and regulations pertaining to the camera trials of rape victims(Bhate-Deosthali&Rege,2019). All these laws and legislation have been framed to fight against these practices or crime which is very common in India. This shows the inability of the system to deal with the concern and the need for more stringent steps and policies that can ensure the best possible outcomes.

ISSUES FACED IN THE LEGAL SYSTEM OF INDIA

The existing legal system of India has a number of robust laws and legal frameworks, which can be beneficial in maintain law and order of the land. In fact, the legal system of India has been largely considered as one of the most well documented legal system of India has been largely considered as one of the not well documented legal system across the world. However, as per the ideas of Dash(2020), there are certain major issues that can be associated with the overall legal system of the country. Among these, the lack of awareness about the various legal acts and provisions that are available for the citizens of the country is one of the main issues of the system. This has led to a lack of appropriate reporting and negligence, which can be seen as essential issues that can impact the overall performance of the entire legal system of the country.

Apart from this, another major issue that is faced in the legal system of the country is the high amount of discouragement that is faced by the victims. Especially, in the case of women, crimes and rapes, the amount of discouragement that is faced by these individuals is high, which adds to their agonies. All these areas together lead to a decline in the number of reported incidents, which can rise significantly if appropriate reporting is done (Deer &Kronk Warner,2019). Therefore, this can be seen as a major concern that must be appropriately mitigated. Apart from, this, appropriate awareness must also be generated that can help in ensuring better outcomes as well. Besides, there are issues of corruption and a rigid power system and caste system that also prevail and tend to impact the legal system of the country.

CRIME REPORTING ISSUES IN WOMEN CRIMES IN INDIA

As mentioned earlier, the number of incidents that are being reported in the domain of women crimes is rising sharply. The prevailing judiciary of the country is largely competent in checking such rises, even though there are robust rules and regulations and laws that are placed to curb the same(Dash,2021). One of the predominant factors that have led to such a major decline in the crime Reporting aspect of women crimes is the lack of appropriate reporting. Reporting of women crimes has increased in the past few years but, there are still certain remote parts of the country wherein, women crimes or not appropriately reported.

Among these, most of the time are from the rural parts of the country, where the mind set of the people still lags behind. Besides, Banerjee & Rao (2022) suggests that Indian society is one of the foremost causes for such dire scenarios of women in the country. There is a noted issue of discouragement of victims from reporting to the police, which is largely due to the social influence that is generally seen in the case of such crimes. Further, there is a lack of women representation in the judicial services, which can also be seen as an essential reason for the lack of reporting. Women feel uncomfortable about sharing their problems with male policemen, which discourage them from reporting such incidents.

Besides, there are issues pertaining to the overall domain of the thinking of the people of the society. It is noted that in Indian society, people think lowly of women who drink, smoke and stay out of their house late at night. Besides, in the name of morality, women are judged by their sense of fashion and clothing (Deosthali, Rege & Arora,20220). These issues still persist in Indian society, which altogether impact the number of reporting overall.

III. CONCLUSION

Women crimes in India are rapidly increasing and this can be attributed to a large number of factors that can be associated with the legal system of the country. Even though, robust laws have been placed, that concerns all aspects of women crimes and especially rapes, the number of rape cases are increasing each year. This is a major issue that must be considered by the Indian judiciary, and must be taken care of adequately. Further, there has been a sharp rise in all the women crimes, especially in the case of rapes, as there has been an increase in issues faced.

The study has effectively highlighted the need to reach greater awareness about reporting of women crimes. The need to report women crimes to change the mindset of the society, is one of the key areas that must be considered. Further, there is a need to understand that with effective reporting, better punishment can be given to the criminals, which can help in striking fear among the minds of the individuals. Besides, it can help in facilitating better results by ensuring that the discouragement of female members of the society and appropriately mitigated and better reporting systems are generated.

IV. RECOMMENDATION

Ensuring better awareness and knowledge about the Indian legal system

The first major area that must be considered in this regard is the understanding of the various laws that have been set forth to ensure better safety of women. Women who often face discouragement pertaining to the reporting of their problems are largely due to the lack of knowledge about the laws and legislations that are available (Jassal,2020). The Indian legal system has a broad set of laws that are framed to ensure betterment of the society. However, the problem that exists is pertaining to the awareness of the various aspects associated with

the legal system, which is the main cause of concern. Raising awareness about the same and ensuring that women are given better knowledge about their rights and the laws that assure them, these rights can be beneficial in generating better reporting overall.

Conducting session of safety tips for women and showing the need for reporting

Conducting sessions for safety tips for women can be beneficial in raising awareness about the measures that a women must take in case of threatening scenarios. This can help in ensuring better empowerment of women and therefore, this can also help in mitigating any kind of issues in the mindset of these women. Therefore, data reporting can be generated, as better outcomes can be fostered. Further, in such situations, the need for appropriate reporting of any kind of incident can be generated and this can be helpful in ensuring that better reporting of any kind of incidents is taking place. The overall idea here is to promote the overall outcomes that are required by ensuring that better awareness is generated and women are empowered to ensure that appropriate steps are taken in case of any issue.

REFERENCES

- [1]. Banerjee, D.,&T.S.(2022). The dark shadow of marital rape: Need to change the narrative. *Journal of psychosexual health*,4(1),11-13. Retrieved on 14 August 2023,from:<https://journals.sagepub.com/doi/full/10.1177/2631831221083709>
- [2]. Blog.ipleaders.in,(2020). Rapes in India: reasons and prevention. Retrieved on :14 August 2023, from: <https://blog.ipleaders.in/rapes-india-reasons-prevention/>
- [3]. Dash,P.P.(2020). Rape adjudication in India in the aftermath of Criminal Law Amendment ACT,2013:findings from trial courts of Delhi. *Indian Law Review*,4(2),244-266. Retrieved on :14 August 2023, from:<https://www.nls.ac.in/wp-content/uploads/2021/4/Indian-Law-Review-published.pdf>
- [4]. Jassal,N.(2020). Gender, law enforcement, and access to justice: Evidence from all-women police stations in India. *American Political Science Review*,114(4),1035-1054. Retrieved on:14 August 2023, from:<https://www.cambridge.org/core/services/aop-cambridge-core/content/view/A93960403DE5B1AF497740888BE2B1B2/S000305542000068a.pdf/div-class-title-gender-law-enforcement-and-access-to-jusstice-evidence-from-all-women-police-stations-in-india-div.pdf>