Syllabus subtopic: Important aspects of governance, transparency and accountability, e-governance- applications, models, successes, limitations, and potential; citizens charters, transparency & accountability and institutional and other measures.

Prelims and Mains focus: About the factors causing delays in justice delivery mechanism in crimes against women and their consequences

News: Seven years after the crime, the infamous Delhi gangrape case labours on in the Supreme Court with the filing of a fresh review petition. In the Unnao case, the rape victim was killed before the final verdict.

Justice delayed is justice denied

In India, justice, even in high-profile cases of rape, can take time. The delays hurt victims and affect the society by eroding trust in institutions and increasing the clamour for extrajudicial justice.

Cases of rape in India fell in 2017 to 52 incidents per million women from 63 in 2016, according to the latest available data from the National Crime Records Bureau (NCRB). However, this figure is likely to be an underestimate. An earlier analysis had estimated that 99% of cases of sexual violence in India go unreported.

Even when rapes are reported, their resolution is delayed. Like with any crime, rape-related crimes are first dealt with by police and then by courts. Both processes can be slow. According to NCRB data, 29% of all cases of rape in India at the end of 2017 were unresolved by police. The court backlog was worse.

Nearly 88% of all rape cases in courts were pending resolution in 2017. These figures, however, were an improvement over 2016, but significantly worse than the 2001 figures.

This pendency persists even after concerted efforts to expedite rape cases. For instance, the Delhi gangrape in 2012 triggered several initiatives to prioritize resolving rape cases. They may have had an immediate effect with pendency rate for rape cases falling between 2012 and 2013. However, the pendency rate on rape cases is no better than the pendency for other crimes.

Even the fast-track courts established to expedite cases have a pendency problem. Though the government proposed establishing 1,800 fast-track courts, only 700 are operational with the total number of pending cases in these courts standing at around 700,000.

Delay in other crimes against women

Police and courts take time to process all crimes against women, not just rape cases. As law enforcement is a state subject, the time taken to process the crimes, which include acid attacks and dowry deaths, can vary significantly across India. For instance, police forces in
Rajasthan, Madhya Pradesh and Gujarat seem to be the most efficient at disposing of both crimes against women and general crimes. In contrast, the police in Jharkhand, Delhi and Punjab are among the worst at processing crimes against women, compared to other crimes. The differences, though, could reflect levels of reporting in states. Gujarat, for instance, has a minor pendency issue, but also the lowest levels of gender crimes reported among Indian states.

In courts, pendency is a big issue in every state, but courts in eastern India, such as West Bengal and Odisha, suffer from bigger backlogs for both crimes against women and other crimes. These courts are also among the most under-staffed in the country.

Factors causing delay in justice delivery

- **Understaffing is a major driver of pendency in both courts and police forces.** However, for crimes against women, there could be other factors.

- The **Criminal Law (Amendment) Act in 2013 expanded the definition of sexual violence crimes against women**, which could have increased the caseload for both the police and courts.

- There may also be differences in how gender crimes are treated. A 2019 survey of police personnel across India by the **Centre for the Study of Developing Societies (CSDS)**, shows that around 20% of all personnel believe that gender-based violence complaints are false and motivated. Little wonder then that women trust the police less than men.

Trust deficit

- In a 2018 survey on police perceptions, CSDS found that 66% of women said they trusted the police compared to 71% of men.

- **Delays in the system could also be encouraging support for extrajudicial justice.** A significant proportion of India’s police force believes that extrajudicial killings and violence towards criminals are justified. The 2019 CSDS survey found that 19% of police personnel believe that killing dangerous criminals was better than a legal trial, while 75% feel that violence towards criminals was justified. (See chart 5): as reactions to the Hyderabad encounter demonstrated, this is a view shared by even those outside the police.

- The 2018 CSDS survey suggested that 50% of all Indians believe there is nothing wrong
with violence towards criminals. As police and courts strain under a backlog, and women continue to suffer, the clamour for extrajudicial justice could get stronger.

National Crime Records Bureau

- The NCRB is an Indian government agency responsible for collecting and analysing crime data as defined by the Indian Penal Code (IPC) and Special and Local Laws (SLL).

- NCRB is headquartered in New Delhi and is part of the Ministry of Home Affairs (MHA).

- NCRB was set-up in 1986 to function as a repository of information on crime and criminals so as to assist the investigators in linking crime to the perpetrators.

- It was set up based on the recommendation of the Task force, 1985 and National Police Commission, 1977.