

# **Analysing The Effectiveness Of The Criminal Law Amendment Act, 2018 In Addressing Crimes Against Women In India**

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## **Abstract**

Crime against Women in India is a much talked about topic, with the incidences of crimes such as rape, Acid Attacks, Domestic violence, etc. against women, it becomes important to evaluate the impact or effectiveness of the Criminal Law Amendment Act, 2018 which is directed towards addressing these crimes and thus know if this Act was successfully implemented or it still has its way to go. This research paper presents the current scenario of Crime against women in India, using data from the National Crime Records Bureau (NCRB) and evaluates the Criminal Law Amendment Act of 2018's performance in addressing and preventing crimes against women in India. This act is a further modification to the Indian Evidence Act of 1872, the Indian Penal Code, the Code of Criminal Procedure of 1973, and the Protection of Children from Sexual Offences Act of 2012.

This paper concludes with elaborative recommendations to implement policies more effectively on ground level and further suggests the modifications which can be brought in the law.

## **Introduction**

Women have a special place in Indian society as India's culture and traditions propagate treating every woman as a goddess. The Hindu scriptures that are followed by many Indians also teach the same but in the past few decades, crimes against women in India increased exponentially. Due to social, political, and economic developments, the number and type of crimes against women increased leading to portrayal of a wrong image of Indian society. Social problems such as dowry deaths, child marriage, domestic violence, rape, sexual harassment, and exploitation of women workers are on the rise in various parts of India. Humiliation, rape, kidnapping, molestation, dowry death, torture, wife-beating, and other atrocities have become more common over time.

Although women can be victims of any generic crime, such as "murder," "robbery," or "cheating," only crimes intended exclusively at women are classified as "crimes against women."

Various new laws have been introduced, as well as revisions to existing laws, in order to properly deal with these offences. All offences are divided into two categories under the Criminal Procedure Code (Cr.P.C.):

1. Cognizable - Section 2(c) of the Cr.P.C.
2. Non-Cognizable - Section 2(l) of the Cr.P.C.

Cognizable offences are essentially classed as those falling under either the "Indian Penal Code (IPC)" or the "Special and Local Laws (SLL)."

## A. Crimes in the Indian Penal Code (IPC) <sup>1</sup>

Various Sections of IPC cover a wide range of criminal offences, such as crimes against persons (like murder and assault), property crimes (like theft and robbery), etc. Crimes against women under IPC are broadly classified as:

### 1. Rape (Section 376 IPC)

Rape cases have been subdivided into

- Incest rape (Incest rape is the term for uninvited sexual contact between members of a family that are closely connected, such as siblings or parents and children.)
- Other Rape instances

Rape is one of the most common crime against women in India. Between 2017 and 2019, there has been a noticeable shift in the crime statistics related to murder with rape or gang rape and overall rape incidents in India. In 2017, there were 223 reported cases of murder with rape or gang rape, involving 227 female victims, contrastingly, in 2019, these figures increased to 283 incidents and 286 victims.

The total reported rape incidents in 2017 were 32,559, with 33,658 female victims and a crime rate of 5.2 per lakh population. By 2019, the overall numbers decreased slightly to 32,033 incidents, 32,260 victims, and a reduced crime rate of 4.9 per lakh population.

Breaking down the data further, crimes against women (18 years and above) witnessed an increase from 22,500 incidents and 23,437 victims in 2017 to 27,093 incidents and 27,283 victims in 2019, with crime rates of 3.6 and 4.2 per lakh population, respectively. On the other hand, crimes against girls (below 18 years) showed a decline from 10,059 incidents and 10,221 victims in 2017 to 4,940 incidents and 4,977 victims in 2019, with crime rates dropping from 1.6 to 0.8 per lakh population.

Regarding attempted rape cases (Sec. 376/511 IPC), there was a decrease from 4,154 incidents and 4,372 victims in 2017 to 3,944 incidents and 4,038 victims in 2019, resulting in crime rates of 0.7 and 0.6 per lakh population, respectively

### 2. Kidnapping and abduction (Sections 363-373 IPC)

This includes Sections related to Importing girls (Section 366-B of the IPC), Kidnapping & Abduction of Women to compel her for marriage (Sec. 366 IPC), Kidnapping for Ransom (Sec. 364A IPC), Kidnapping & Abduction in order to Murder (Sec. 364 IPC), etc.

Sections 363 to Section 373 of the Indian Penal Code (IPC) outline numerous types of kidnapping and abduction, as well as their penalties. 8767 incidences /cases were

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<sup>1</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications, <https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.

recorded in 2019 with around 8970 female victims, the crime rate per lakh population being 16.2, and a total of 95,893 cases of kidnapping & abduction were registered during 2017.

### 3. Protection of Children from Sexual Offences Act (POCSO)

This is an Act to prevent sexual assault, sexual harassment, and pornographic offences against children and establish special courts to try such offences and matters connected or incidental thereto. 31668 incidents /cases were recorded in 2017 , with approximately 32254 female victims, the crime rate per lakh population being 5.1 whereas the year 2019 saw the registration of 46005 cases with approximately 46682 female victims, the crime rate per lakh population being 7.1. Sections related to crimes against girl child included under POCSO are

- Sexual assault (Section 354 IPC)  
A violation of Section 354 can result in harsh imprisonment for a time that can last up to three years or a fine. The particulars of the case determine the severity of the penalty.
- Sexual Harassment (IPC Section 509)
- Use of Child for Pornography/Storing Child Pornography Material (Sec. 14 & 15 of POCSO Act)
- Child Rape (Sec. 4 & 6 of POCSO Act) / Sec. 376 IPC)

## **B. Crimes Under Special and Local Laws (SLL)<sup>2</sup>**

The following are legal provisions aimed at addressing and safeguarding the rights and interests of women specific laws under SLL:

### 1. Immoral Traffic (Prevention) Act of 1956

According to the 1956 Immoral Traffic (Prevention) Act, sexual exploitation of either a male or female is a punishable violation. The NCRB report indicated 525 incidents /cases were recorded in 2019 with around 921 victims, the crime rate per lakh population being 1 whereas 525 cases were recorded in 2017 with 921 victims and the crime rate per lakh population being 1.5.

### 2. Dowry Prohibition Act

The Dowry Prohibition Act defines dowry as any goods, cash, or property given to a marriage by any parent of either side or by anybody other associated with the union. 804 incidents /cases were recorded in 2019 with around 806 female victims, the crime rate per lakh population

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<sup>2</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications, <https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.

being 1.5, whereas 938 cases were recorded in 2017 with 951 victims and the crime rate per lakh population being 0.8 .

### 3. Indecent Representation of Women Act

This Act prohibits the degrading depiction of women in publications, writings, paintings, figures, and other media. According to the NCRB report, 2 cases were reported in the year 2019 which earlier were 2 in 2017.

## **Background and context of Criminal Law Amendment Act, 2018**

1. According to data from the NCRB, the incidence of these gender-based crimes has continued to rise. In 2011, there were 83 acid assaults; The "Nirbhaya" case or "2012 Delhi Rape Case", caused significant uproar and was widely publicised and denounced both in and outside of India. Following this, a violent assault took place in Munirka, South Delhi, on December 16, 2012. Following the demonstrations in December 2012, a judicial committee was formed to examine the best methods to change the legislation so that offenders may be investigated and prosecuted more quickly. In 2013, the President Shri Pranab Mukherjee promulgated the Criminal Law (Amendment) Ordinance, 2013, numerous new laws were passed, and six new fast-track courts were established to hear rape cases. In its annual report for 2013, the NCRB reports that there were around 24,923 rape cases recorded in India in 2012. Additionally, the perpetrator was found to be a family member of the victim in 98% of cases. Despite the Amendments of 2013, Rape case increased in the next few years.<sup>3</sup>
2. The total reported rape incidents in 2017 were 32,559, with 33,658 female victims and a crime rate of 5.2 per lakh population.<sup>4</sup> The incident which sparked the intense public outcry was the Unnao rape case in 2017, which occurred in Uttar Pradesh. As a result of this feeling of condemnation, there was media attention and widespread public protest for the sake of justice. Soon after, the Criminal Law (Amendment) Ordinance was announced on July 23, 2018 and passed on 30 July and 6 August by Lok Sabha and Rajya Sabha mainly to protect young girls. One such notable example of successful implementation of The Criminal Law Amendment Act, 2018 is of Madhya Pradesh, which is clearly depicted by the fact that the state managed to timely complete the investigation of rape cases, i.e. dealing with 72% of cases within a time frame of 60 days. An incident to support MP's achievement was making an arrest in a case filed within 12 hours and completion of the investigation within 72 hours with statements of 25 witnesses, awarding the accused with a death penalty. Another incident was completion of

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<sup>3</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications,<https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.

<sup>4</sup> National Crime Records Bureau (NCRB), Crime in India 2017 - Volume 1,[https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1653885627\\_Crime%20in%20India%202017%20-%20Volume%201\\_0\\_0.pdf](https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1653885627_Crime%20in%20India%202017%20-%20Volume%201_0_0.pdf).

trial of a rape of a 4-year old in a day. Madhya Pradesh's government was lauded by Centre for their commendable work.<sup>5</sup>

3. Even after the Amendment of 2018, regretful incidents like Hathras rape case (2020) take place. In Hathras incident, a 19-year-old woman from Uttar Pradesh in northern India passed away after reporting that upper-caste neighbours had brutally assaulted her and committed gang rape in 2020. The authorities forcibly burnt her body in the silence of night without her family's permission, her story sparked widespread outrage. Although the laws were made stricter, the execution of laws on ground still lacks somewhere.<sup>6</sup>

## Methodology

Secondary data will be used for this study in order to acquire in-depth and complex information about the effectiveness of the Criminal Law Amendment Act, of 2018. This approach will use qualitative data gathering to investigate perceptions and experiences. Secondary published reports, policy documents, journals, and magazines were used to create the secondary data.

## Overview of Criminal Law Amendment Act, 2018

On July 23, 2018, the Ministry of Law and Justice introduced the Criminal Law Amendment Bill 2018, which was later approved by the Lok Sabha and Rajya Sabha on July 30 and August 6 respectively. This measure intended to enforce the death penalty for those found guilty of raping a girl under the age of 16 or 12 and to offer compensation to the victim of sexual assault. It repealed the ordinance that the President of India had issued in April and made pertinent changes to:

1. Evidence Act 1872
2. Indian Penal Code 1860
3. Criminal Procedure Code 1973
4. Protection of Children from Sexual Offences 2012, (POCSO)

## Major Changes Introduced

1. The accused will not be given an anticipatory bail if the rape occurred when the victim was under the age of 16.
2. Convicted individuals are required to pay the victim compensation, which will be used to cover the victim's medical costs and rehabilitation costs. Additionally, the payment will be fair and reasonable.

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<sup>5</sup> Sinha, Saumya. "Criminal Law Amendment Act, 2018 - Provision, Analysis, Leading Cases." *iPleaders* (blog), October 24, 2018. <https://blog.ipleaders.in/criminal-law-amendment-act-2018/>.

<sup>6</sup> Hathras Rape Case: Prisoners in Their Own Home, Lives on Hold, a Village Divided - BBC News." Accessed August 19, 2023. <https://www.bbc.com/news/world-asia-india-58706861>.

3. In rape cases, the police are required to wrap up their investigation within two months of the FIR being filed.
4. After six months, the appeal period for the rape offence begins.
5. Acid attack was recognised as a separate offence under IPC, with minimum a punishment of 10 years and a maximum of life imprisonment

## Key Misses

- The bill raises the penalty for raping young girls under IPC, 1860 however the penalty for raping young boys hasn't been altered.
- IPC Section 375 defines offence of rape, and what constitutes rape. It includes the key exception of "marital rape".
- Although sales of acid were monitored offline, no law was made to monitor the sales of acid online.

## Amendments in Act

### Changes in different Sections of IPC<sup>7</sup>

Age of Women	Offence	Punishment Under IPC	Criminal Law Amendment Act, 2018
Below 12 years	Rape	Min:10 years Max:Life Imprisonment	Min:20 years Max:Life Imprisonment or death
	Gang Rape	Min:20 years Max:Life Imprisonment	Min:Life Imprisonment Max:Life Imprisonment or death
Below 16 years	Rape	Min:10 years Max:Life Imprisonment	Min:20 years Max:No Change
	Gang Rape	Min:20 years Max:Life Imprisonment	Min:Life Imprisonment Max:No provision
16 years and above	Rape	Min:7 years Max:Life Imprisonment	Min:10 years Max:No Change

<sup>7</sup> Ministry of Home Affairs, Government of India, The Criminal Law (Amendment) Act, 2018  
[https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct\\_27022023.pdf](https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct_27022023.pdf).

## 1. New Added Sections/ Subsections/ Clauses under IPC after the Criminal Law Amendment Act of 2018<sup>8</sup>

### Section 376 of IPC<sup>9</sup>

Under Section 376 whoever commits an offence of rape shall be punished for the length of not less than ten years or which may extend to life imprisonment and with fine, which deals with the punishment for rape.

Additionally, subsection 2 clause (a) sub-section 1 has been repealed as a result of this change to section 376. A new sub-section "3" was added, which states that anyone found guilty of raping a woman when under the age of sixteen will be sentenced to a minimum of 20 years in prison and a maximum of life in prison.

### Section 376 AB of IPC<sup>10</sup>

Inserted after Section 376A, Section 376AB states that anyone found guilty of raping a **woman under the age of 12** will be sentenced to a minimum of 20 years in prison and up to life in prison. They may also be fined **or face the death penalty**. Additionally, they are responsible for paying compensation, which must be fair and reasonable to cover medical costs and aid in victim rehabilitation. This section also mandates that the victim be given credit for any payments made by anyone who has been reported by this clause.

### Section 376 DA of IPC<sup>11</sup>

Section 376DA was inserted after Section 370D and states that when a **woman under the age of sixteen** is raped by one or more individuals acting as a group or performing an act in furtherance of a shared purpose, each of those individuals is deemed to have committed the crime of rape and shall be **punished with life imprisonment**. Additionally, they are accountable for providing fair compensation, covering medical costs, and funding victim rehabilitation.

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<sup>8</sup> Ministry of Home Affairs, Government of India, The Criminal Law (Amendment) Act, 2018  
[https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct\\_27022023.pdf](https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct_27022023.pdf).

<sup>9</sup> India Code: Section Details." Accessed 2023.

[https://www.indiacode.nic.in/show-data?actid=AC\\_CEN\\_5\\_23\\_00037\\_186045\\_1523266765688&orderno=425](https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=425).

<sup>10</sup> "India Code: Section Details." Accessed 2023.

[https://www.indiacode.nic.in/show-data?actid=AC\\_CEN\\_5\\_23\\_00037\\_186045\\_1523266765688&orderno=427](https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=427).

<sup>11</sup> "India Code: Section Details." Accessed 2023.

[https://www.indiacode.nic.in/show-data?actid=AC\\_CEN\\_5\\_23\\_00037\\_186045\\_1523266765688&orderno=431](https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=431).



## **Section 376 DB of IPC<sup>12</sup>**

Section 376DB states if a **woman under the age of 12** is raped by one or more people acting in concert to further a common goal, that person or people will be considered to have committed the crime of rape and will be **sentenced to life in prison**. Additionally, they are responsible for paying compensation, which must be fair and reasonable to cover medical costs and aid in victim rehabilitation.

Additionally, mandates that the victim be given credit for any payments made by anyone who has been reported by this clause.

## **2. New added Sections/ Subsections/ Clauses under Criminal Procedure Code(CrPC) after the Criminal Law Amendment Act of 2018<sup>13</sup>**

### **Section 438 of CrPC**

Section 438 of the Code of Criminal Procedure (CrPC) in India allows individuals to seek anticipatory bail when they have a reasonable belief of being arrested for a non-bailable offence. The High Court or Court of Sessions can grant this bail, subject to certain conditions, including making the person available for police interrogation, refraining from influencing witnesses, and not leaving the country without court permission. Upon acceptance, the person is released on bail immediately upon arrest, and any subsequent warrant is also bailable if a magistrate takes cognizance of the case. Preliminary bail is granted at the court's discretion.<sup>14</sup>

By adding clause 4, the Criminal Amendment Bill 2018 created some exceptions to the terms of anticipatory bail under Section 438 CrPC. The exceptions are-

- An accused of sexual assault against a woman under the age of sixteen.
- An accused of gang rape against a woman under the age of 16.
- All acts committed under Section 3 of the Scheduled Caste and Scheduled tribes (Prevention of Atrocities Act) 1989 are not eligible for anticipatory bail under Section 18 of the Act.

### **Section 439 of CrPC**

Section 439 of the Code of Criminal Procedure (CrPC) in India allows the High Court and Court of Sessions to grant or modify bail for individuals charged with offences. They can impose conditions, set aside or change conditions set by a magistrate, but must notify the

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<sup>12</sup> "India Code: Section Details." Accessed 2023.

[https://www.indiacode.nic.in/show-data?actid=AC\\_CEN\\_5\\_23\\_00037\\_186045\\_1523266765688&orderno=432](https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=432).

<sup>13</sup> Ministry of Home Affairs, Government of India, The Criminal Law (Amendment) Act, 2018

[https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct\\_27022023.pdf](https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct_27022023.pdf).

<sup>14</sup> "India Code: Section Details." Accessed 2023

[https://www.indiacode.nic.in/show-data?actid=AC\\_CEN\\_5\\_23\\_000010\\_197402\\_1517807320555&orderno=486](https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_000010_197402_1517807320555&orderno=486).

public prosecutor before granting bail in certain serious cases. They also have the authority to order the arrest and custody of a person previously released on bail if necessary.<sup>15</sup>

- The provision added under Section 439 stated that the Sessions Court and the High Court were required to notify the public prosecutor of the bail applicant within 15 days of the notice being received, before granting bail to an individual accused of a crime triable under Section 376, to Section 376E of the Indian penal code (Sections stating punishment for the rape of a girl under the age of 16).
- After subsection (1) of the Criminal Procedure Code, subsection (1A) was added, which states that the informant's presence, or that of any person authorised by him, is required at the time the application for bail to the person under Section 376, to Section 376E of the Indian penal code.<sup>16</sup>

## **Sections Amended by Criminal Law Amendment Act of 2018<sup>17</sup>**

### **1. Sections under Indian Penal Code of 1860 amended by the Criminal Law Amendment Act of 2018**

The Indian Penal Code (IPC) is a criminal code that serves as the primary legal framework for defining and punishing criminal offences in India. It categorises various crimes and prescribes punishments for them. The IPC covers a wide range of criminal activities, including offences against persons, property, morality, and the state. It provides definitions of crimes, sets out the elements required for their commission, and outlines the penalties associated with each offence.

Section 376AB, section 376DA, section 376DB were added to scope of all the Sections in Indian Penal Code(IPC), relevant to Rape offence and Gang Rape offence (described in Section 376 of Indian Penal Code) .

### **2. Section under Indian Evidence Act of 1872 amended by the Criminal Law Amendment Act of 2018<sup>18</sup>**

The Indian Evidence Act is a legal statute in India that sets out the rules and procedures for the admission and exclusion of evidence in court proceedings. It also addresses the examination and cross-examination of witnesses, privileges, and the burden of proof.

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<sup>15</sup> "India Code: Section Details." Accessed 2023

[https://www.indiacode.nic.in/show-data?actid=AC\\_CEN\\_5\\_23\\_000010\\_197402\\_1517807320555&orderno=487](https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_000010_197402_1517807320555&orderno=487).

<sup>16</sup> "Criminal Law Amendment Act, 2018 : Overview and Analysis."

<https://blog.ipleaders.in/criminal-law-amendment-act-2018-2/>.

<sup>17</sup> Ministry of Home Affairs, Government of India, The Criminal Law (Amendment) Act, 2018

[https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct\\_27022023.pdf](https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct_27022023.pdf).

<sup>18</sup> Ministry of Home Affairs, Government of India, The Criminal Law (Amendment) Act, 2018

[https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct\\_27022023.pdf](https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct_27022023.pdf).

Section 376AB, section 376DA, section 376DB were added to scope of all the Sections in Indian Evidence Act of 1872 relevant to Rape offence and Gang Rape offence (described in Section 376 of Indian Penal Code) .

- Some specific Amendments were made to the following Sections under **the Indian Evidence Act of 1872**

- **Section 173 of CrPC**

Subsection (1A) of Section 173 was changed to "Investigation of an offence under Section 376AB, to Section 376E of the Indian penal code shall be completed within 2 months" instead of "Investigation of Section 376, to Section 376E of the Indian penal code may be completed within 3 months."

- **Section 374 of CrPC**

Subsection (1A) of Section 374 has been changed to read "Investigation of an offence under Section 376, to Section 376E of the Indian penal code shall be completed within 2 months, instead of the prior statement that said that the " investigation of an offence under Section 376, to Section 376E of the Indian penal code shall be finished within 3 months."

- **Section 377 of CrPC**

Section 377's sub-section (1A) of CrPC, which previously stated that the "Investigation of rape of a child could be finished in three months", has been changed to read: "Investigation of an offence under section 376AB to section 376E of the Indian penal code shall be finished in two months."

### **3. Sections Under Criminal Procedure Code(CrPC) amended by the Criminal Law Amendment Act of 2018<sup>19</sup>**

The Criminal Procedure Code (CrPC) is a legal framework that governs the procedures to be followed during the investigation and trial of criminal offences in India. It outlines the powers and responsibilities of law enforcement agencies, courts, and individuals involved in the criminal justice system. The CrPC provides guidelines for the conduct of investigations, arrest of individuals, bail procedures, trial processes, and appeals. Its primary aim is to ensure fair and just criminal proceedings while safeguarding the rights of the accused and victims.

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<sup>19</sup> Ministry of Home Affairs, Government of India, The Criminal Law (Amendment) Act, 2018 [https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct\\_27022023.pdf](https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct_27022023.pdf).

Section 376AB, section 376DA, section 376DB were added to scope of all the Sections in Criminal Procedure Code(CrPC) relevant to Rape offence and Gang Rape offence (described in Section 376 of Indian Penal Code) .

#### 4. Amendment in Prevention of Protection of Children from Sexual Offences Act (POCSOAct), 2012<sup>20</sup>

The POCSO Act ensures equal punishment for both male and female child victims, whereas the IPC provisions are specific to female victims, having more severe penalties.

Section 376AB, section 376DA, section 376DB were added to scope of all the Sections in POCSOAct,2013 relevant to Rape offence and Gang Rape offence (described in Section 376 of Indian Penal Code) under the Indian Penal Code, the Indian Evidence Act,1872, the Code of Criminal Procedure Code,1973.

Age (in years)	Boys	Girls (Before 2018 Ordinance)	Girls (After 2018 Ordinance)
Below 12	10 years to life imprisonment	10 years to life imprisonment	20 years to life imprisonment/death
12-16	7 years to life imprisonment	10 years to life imprisonment	20 years to life imprisonment
16-18	7 years to life imprisonment	7 years to life imprisonment	10 years to life imprisonment

Sources: POCSO, 2012; Indian Penal Code, 1860; The Criminal Law (Amendment) Ordinance, 2018; PRS.

### Criticism of the Amendments

#### Death row will serve as a deterrence

The argument made by proponents of the death penalty for raping a girl under the age of twelve is that it is appropriate for such a horrible crime and will serve as a deterrence. One of these advocates is retired Justice P.D. Kode of the Bombay High Court, who asserted that the death penalty is not excessive punishment because the crime was committed by a "dastardly act" against children who were unable to defend themselves. Another viewpoint holds that the death sentence is the ideal option for punishment because it is evil and cunning to rape a girl whose body hasn't even fully developed. Many activists and attorneys have, however, advocated against this sentence for a variety of reasons. These debates have primarily focused on two issues.

<sup>20</sup> Ministry of Home Affairs, Government of India, The Criminal Law (Amendment) Act, 2018 [https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct\\_27022023.pdf](https://www.mha.gov.in/sites/default/files/2023-02/CSdivTheCriminalLawAct_27022023.pdf).

- The 2013 Criminal Law Amendment aimed to accomplish the same goal, namely, to make the laws more rigorous to deter offenders. Records, however, indicate that there has not been much of a decrease in crime as a result of the strict legislation. Following the Nirbhaya tragedy, there was also a powerful push for the death penalty for rape. However, the Justice Verma Committee strongly recommended against it, adding that "there is a strong argument that the demand of the death sentence would be a negative step in the field of punishment and reform." In its 262nd report, the Law Commission of India upheld a similar position.
- Another argument is that murder offences carry the death penalty as a punishment. However, this has not put a stop to crime, and in fact, it is getting worse. The death sentence is ineffective as a deterrent since the criminal is not in a position to consider the punishment before committing the crime.

### **Under-reporting of cases will occur as a result of the death sentence**

According to data from the NCRB, the majority of rapes in India are carried out by someone who the victims' relatives or other close friends know. Since the death penalty is an option for punishment, the enormous underreporting of rape crimes will only get worse. This would include "inviting the victim's family to send a family member or someone known to them for execution."

### **Different penalties for raping young boys and young girls**

Because sexual offences were dealt with for all victims, the Protection of Children from Sexual Offences Act, 2012, was passed because it was felt that children who are victims of sexual violence need special protection and care, and as a result, a separate piece of legislation. 'Child' here refers to a person who is under the age of 18. The maximum penalty under this Act is life in prison, while the maximum penalty for a sexual offence against a juvenile girl under the IPC is the death sentence. The 2018 modification, therefore, made a distinction between minor boys and minor girls in terms of the severity of the sentence for rape.

### **Effect of the Amendments on Reporting of Crimes**

#### **Modifications in Reporting Practises After the Act's Implementation**

Encouragement of victims to come forward and report crimes, especially rape and sexual offence cases, is one of the main goals of law reforms like the Criminal Law Amendment Act of 2018. Understanding how the Act affects the empowerment of victims and the deterrence of offenders depends on an analysis of changes in reporting patterns following its adoption.

Cases Reported & Rate of Crime Committed Against Women in India<sup>21</sup>

Year	2015	2016	2017	2018	2019	2020
<b>No. of cases reported</b>	329243	338954	359849	378236	405861	371503
<b>Rate of Total Cognizable Crimes</b>	53.6	55.2	55.3	58.1	62.4	56.04

Note: Rate of Total Cog. Crime = (Incidences of Crimes against Women/Female Population) x 100000 i.e., Incidence of Crime per one lakh of Female Population

Cases Reported for Different Crimes Against Women in India<sup>22</sup>

Year	2015	2016	2017	2018	2019	2020
<b>Rape cases</b>	34651	38947	32559	33356	32033	28046
<b>Acid attack cases</b>	222	283	244	228	249	176
<b>Protection of Children from Sexual Offences Act</b>	14913	36022	32608	39827	47335	47221

1. The reporting trends, and the attitudes of those involved in the judicial system at all levels are all influenced by diverse sociocultural influences. The rate of unreported sexual violence in India is "far higher" than the figures suggest. Prior to the new legislation and its provisions, police responses to violence against women in several States were characterised by poor service delivery and underreporting by both the police and the victims. The rise in reported cases in the years after the introduction of the Act suggests that survivors may have been more likely to disclose crimes as a result of increased knowledge of their legal rights, potential legal repercussions for offenders, and enhanced support networks. Criminal cases reported show a

<sup>21</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications, <https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.

<sup>22</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications, <https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.

decline from 2019 to 2020. Rape cases increased during the year 2020 by 7.30%. According to the NCRB's 2021 annual report, 31,677 rape cases—or an average of 86 incidents per day—were reported nationwide, up from 28,046 cases in 2020 and 32,033 cases in 2019.

2. Also, the data shows increased Acid attack cases in 2019, 176 acid attacks and 73 "attempts to acid attack" were documented in 2021, most acid attacks were reported in West Bengal (34), followed by Uttar Pradesh (22), and Rajasthan (15). Independent organisations believe that annually, roughly 60% of acid attack instances go undetected. According to research, women and girls make up the majority of the victims, and unlike in Bangladesh, where most assaults take place in private residences, attacks frequently take place in public settings like streets, campuses, and schools. The UK-registered not-for-profit charity Acid Survivor International Trust, or ASTI, estimated that the actual number of attacks likely exceeds 1000 per year.
3. The information on POCSO Act cases paints a clear picture of important changes over time. The number of cases filed under the legislation increased steadily between 2015 and 2017, growing by 141%, from 14,913 to 36,022 cases, during this time. The most notable change, though, came in 2018, when there was a shocking 22% increase, bringing the total cases to 39,827. With only a 1.5% rise in 2019 and a 0.24% decline in 2020, the percentage increase in the years that followed was less noticeable, but the overall trend still points to a persistent and alarming level of child sexual offences. The information shows that in order to effectively address this urgent problem, constant awareness, vigilance, and interventions are required.

## Criminal Procedure and Conviction Rates

Conviction Rate for rape cases in India<sup>23</sup>

Year	2015	2016	2017	2018	2019
<b>Conviction Rate for rape cases</b>	29.4	23.9	32.2	27.2	27.8

- The most recent event demonstrates that criminals were unaffected by the execution of the defendants in the Nirbhaya gang-rape and murder case (which occurred this year). When the execution took place, it was believed that it would send a clear message to those who commit crimes of this nature, but recent events have shown that this is not the case. Poor conviction rates and the protracted justice system are two factors in this. The percentage of rape convictions in 2018 and 2019 was under 30%. Therefore, only 30 out of 100 instances resulted in convictions.

<sup>23</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications, <https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.

Conviction rate for Acid attacks in India<sup>24</sup>

Year	2017	2018	2019	2020	2021
<b>Conviction rate for Acid attacks in India</b>	36	51	40	40	8

- Although the number of reported cases of Acid attacks have decreased, relatively few cases end in a verdict within a year. The percentage of acid attacks and attempted assaults that are successfully prosecuted in court is extremely low. Only 8 percent of cases in 2021 were resolved in court. From 2017 to 2021, India's conviction rates for acid assaults showed a variable pattern. Conviction rates saw a noticeable rise in 2018, rising to 51%, signifying important legal victories in prosecuting offenders.
- **POCSO Act Fast Track Special Courts:**  
In accordance with the Criminal Law (Amendment) Act 2018, the Department of Justice launched a Centrally Sponsored Scheme in October 2019 to establish 1023 Fast Track Special Courts (FTSCs) for the swift trial and resolution of cases involving rape and the Protection of Children from Sexual Offences (POCSO) Act. The scheme originally had a one-year duration, but it was extended to March 31, 2023, at a cost of Rs. 1,572.86 crore, of which Rs. 971.70 crore is the central share. In 28 States and UTs, 733 FTSCs, including 413 exclusive POCSO Courts, were operational. By October 2022, FTSCs had resolved more than 1,24,000 cases. But around 1,93,000 cases were still pending in these courts. Under the POCSO Act, there may be fewer convictions due to improper investigation, insufficient evidence and witnesses, hostile victim family members, and other factors.<sup>25</sup>
- Even though fast-track courts have been established specifically for POCSO proceedings that need to be completed quickly, there is still a significant pendency. Over 2.26 lakh POCSO Act cases were still outstanding as of the end of January 2022, according to a response given in the Lok Sabha in March 2022. The Ministry of Law and Justice responded in the same manner, adding that the government had launched a plan to establish 1,023 Fast Track Special Courts, including 389 exclusive POCSO (ePOCSO) Courts in 31 states and UTs to expedite the trial and resolution of rape cases and cases registered under POCSO.<sup>26</sup>

<sup>24</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications, <https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.

<sup>25</sup> "Fast Track Courts Scheme." Accessed, 2023. <https://pib.gov.in/pib.gov.in/Pressreleaseshare.aspx?PRID=1986756>.

<sup>26</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications, <https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.



## Rehabilitation of Survivors

The signs and symptoms of Rape include psychological signs, HIV infection, hepatitis, syphilis, gonorrhoea, chlamydial infection, and trichomoniasis are some examples of sexually transmitted diseases (STDs), Pregnancy, Genital injury, etc.

The majority of patients eventually make a full recovery; however, posttraumatic stress disorder (PTSD), particularly in women, maybe one of the long-term repercussions of rape. Trauma-related disorders like PTSD cause a variety of symptoms, including

- A. Reliving the trauma (such as through flashbacks or disturbing thoughts or pictures)
- B. Avoidance of things like trauma-related situations, ideas, and emotions
- C. Negative influences on cognition and mood (such as chronic, erroneous self-blame or blame of others, incapacity to feel happy).
- D. Altered arousal and reactivity (such as sleep issues, impatience, and focus issues)

The main statistics showed that before 2013, no one could receive any rehabilitation or relief as rape victims, even in certain circumstances when they had been left by their family. Some of the prerequisites for all rape victims include the provision of health care on an urgent basis, necessary rehabilitation, free long-term counselling, enough reimbursement, free mental and physical therapy, social security, free education, and possibilities for meaningful employment.<sup>27</sup>

The **Victim Compensation Scheme**<sup>28</sup> is outlined in Section 357A, which mandates that each State Government establish a plan for allocating money for the purpose of compensating the victims in conjunction with the Central Government. Additionally, the District Legal Service Authority or State Legal Service Authority will decide the amount of compensation upon the court's recommendation.

Most often, **acid attacks** permanently disfigure, disable, and ultimately ruin the victim's physical and mental health. While many attacks resulted in slow, painful deaths, young women have also suffered disfigurement, maiming, and life-long confinement to their homes in cases like that of Haseena (in April 1999) and others. As acid creeps into the body and damages internal organs over time, they must still contend with medical issues. The victim requires specialised plastic surgery as well as short- and long-term medical care, victims are entitled to receive compensation of up to 3 lakhs.<sup>29</sup>

## Comparative analysis<sup>30</sup>

### Before the Act (2015–2017)

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<sup>27</sup> Skylab Sahu, 2017. "Rape, deterrence and rehabilitation: a need to relook the policy discourse," Journal of Social and Economic Development, Springer;Institute for Social and Economic Change, vol. 19(2), pages 283-298

<sup>28</sup> "India Code: Section Details." Accessed 2023.

[https://www.indiacode.nic.in/show-data?actid=AC\\_CEN\\_5\\_23\\_000010\\_197402\\_1517807320555&sectionId=22767&sectionno=357A&orderno=400](https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_000010_197402_1517807320555&sectionId=22767&sectionno=357A&orderno=400).

<sup>29</sup> Skylab Sahu, 2017. "Rape, deterrence and rehabilitation: a need to relook the policy discourse," Journal of Social and Economic Development, Springer;Institute for Social and Economic Change, vol. 19(2), pages 283-298.

<sup>30</sup> National Crime Records Bureau (NCRB), Crime in India - All Previous Publications, <https://ncrb.gov.in/crime-in-india-all-previous-publications.html>.

1. The number of reported criminal cases against women showed a distinct pattern in the years before the Act's introduction. According to the data, there were 329,243 recorded cases in 2015, and 338,954 cases were reported in 2016. By 2017, there had been 359,849 documented cases, a significant increase. The information from 2015 to 2017 tells the story of reporting trends. There were 34,651 reported rape cases in 2015, with a conviction rate of 29.4%. The reported instances significantly increased to 38,947 in the following year, 2016, while the conviction rate dropped to 23.9%. With reported cases falling to 32,559 and the conviction rate rising to 32.2% in 2017, there was a noticeable change.
2. The convictions for acid attacks witnessed significant changes in the years before 2018. A conviction rate of 36% was recorded in 2017, which means that around one-third of the cases resulted in successful convictions. With a conviction rate of 51% in the following year, 2018, there was a striking improvement, indicating a large increase in the number of cases where offenders were brought to justice.
3. The data for crimes under POCSO Act, reveals that cases increased from 14,913 to 36,022 from 2015 to 2016, marking a significant increase of approximately 141% in reported cases. There was a slight decrease in reported cases, dropping from 36,022 to 32,608, from 2016 to 2017 representing a decrease of around 9.47%. From 2017 to 2018, cases increased from 32,608 to 39,827, showing a notable increase of approximately 21.98%.

### **After the Act (2018–2020)**

1. It is critical to measure the effect of the Criminal Law Amendment Act, 2018's implementation on reported cases of crime against women in India. There were 378,236 recorded cases in 2018, which represents a about 5.11% increase from the year before. This initial rise may be attributable to improved reporting systems and increased public awareness of legal provisions. The number of reported cases increased further in 2019 to 405,861, representing a rise of about 7.30% from the year before. This increase could be attributed to survivors' increased confidence in reporting crimes as a result of the Act's provisions gaining support. But this tendency changed in 2020 when there were only 371,503 reported cases, a decline of about 8.45% from the previous year. Despite the lockdown, there were 12% more rape cases in 2021. Dibya Shankar Mishra, the minister of state for the home, made a written response to the legislature. In comparison to 2,984 in 2020, a total of 3,327 criminal cases against women were reported in 2021. Between 2018 and 2021, there was an almost 33% increase in rape cases. It also demonstrates that rape crimes did not decrease in spite of lockdowns brought on by Covid in the previous two years. It can be challenging to stop sexual violence against women in most cases. Among the defendants are neighbours, family members, and friends. Despite the lockdown's limitations on people and vehicle movement, such offences take place inside homes, according to the police. The hidden rape tendencies are still there in the post-2018 age. The number of reported cases increased slightly to 33,356 in 2018,

but the conviction rate stabilised at 27.2%. As 2018 gave way to 2019, the number of reported cases further dropped to 32,033, while the conviction rate slightly increased to 27.8%.

2. After 2018, trends in acid attack conviction rates have continued to reveal subtleties. Two out of every five cases ended in convictions in 2019 and 2020, showing a continuous pattern with a conviction rate of 40%. This stability suggested ongoing attempts to uphold the benefits brought forth by legal changes and increased awareness.
3. According to the NCRB Report on Crimes against Children, there was a general trend of a significant increase in the number of crimes against children up until 2019. This was true despite the existence of a solid legal framework. However, the trend reversed in 2020, when there was a sharp drop in the overall volume of reported crimes against minors. In contrast to 2018 and 2019, where there had been increases of 10% and 5% every year, respectively, the number of overall crimes against minors has decreased by about 13% in 2020. From 1,41,764 in 2018 to 1,48,090 in 2019, it then decreased to 1,28,531 in 2020. It is important to note that over the previous two years, the amount of increase in instances reported under the POCSO Act has been significantly faster than the rate of increase in overall crimes against children. The number of POCSO instances increased by 22% in 2018 (from 32,608 in 2017 to 39,827) and by 19% in 2019 (from 39,827 in 2018 to 47,335 in 2019). However, this figure has remained essentially steady with 47,221 POCSO instances reported in 2020 compared to 47,335 cases in 2019. The fact that there hasn't been any change in the reported POCSO cases since 2020, is in contrast to the fact that the total number of cases has significantly decreased, shows that even with a slight decrease in absolute numbers, the proportion of POCSO cases to the total number of crimes against children is increasing. Compared to 32 percent in 2019 and 28 percent in 2018, cases reported to POCSO accounted for 37% of all crimes against children in 2020. With 6,898 and 5,687 cases, respectively, Uttar Pradesh and Maharashtra had the most POCSO cases in 2020.

## **Recommendations**

The provisions that state punishment for crime against women in India were made stern and the three major codes that govern the crime in India i.e IPC, CrPC, Indian Evidence Act were amended by The Criminal law Amendment Act, 2018 majorly to address rampant rape cases. The laws were made to keep a check on rape cases, but implementation is still farfetched reality at the grassroot level as people continue to be unaware of the laws. Below are the recommendations which can be implemented to tackle the problem.

## **CONSTITUTIONAL CHANGES**

1. **Stricter Punishment for other crimes against women:**
  - a. National Family Health Survey (NFHS-5) reports that around 1 in 3 Indian women

between the ages of 18 and 49 had experienced some kind of spousal abuse, and approximately 6% have experienced sexual violence. In order to collect disaggregated estimates down to the district level, the NFHS-5 survey (2019–21) covered 7,24,115 women and 1,01,839 males in approximately 6.37 lakh sample households spread throughout 707 districts across 28 states and eight Union Territories. In the 12 months before the study, 32% of married women and 27% of women who had never been married reported having been physically, sexually, or emotionally abused by their partner. 29% of married women report having experienced physical violence from their partner, and 14% have experienced emotional abuse. According to the NFHS study (2015–16), around 33% of women reported having experienced domestic violence.<sup>31</sup>

- b. IPC Section 375 defines offence of rape, and what constitutes rape. It includes the key exception of “*marital rape*”, stating “*Sexual intercourse or sexual acts by a man with his own wife, the wife not being under the age of 18, is not rape*”. This means there is no law governing marital rape right now, giving validity to marital rape.
- c. The Justice Verma Committee recommended that the exception for marital rape should be removed and stated, “*the relationship between the accused and the complainant is not relevant to the inquiry into whether the complainant consented to the sexual activity*”.<sup>32</sup> Laws were amended with a focus on rape, other Acts in Criminal Law against women such as The Protection of Women from Domestic Violence Act, 2005, and the Dowry Death, etc were not focused upon, which also required immediate attention.

## 2. **Banning unauthorised acid sales online:**

In response to an increase in acid attack instances, the Supreme Court of India banned the over-the-counter sale of acid in the country in 2013. The Supreme Court further ordered the state governments to authorise certain stores to sell acid and to keep a record of customers after verifying their identity. Even after years, there is still no verification required to purchase a bottle of acid from a Kirana store or online. Law should be amended to look into this matter seriously, regulating unauthorised acid sales online, and stating the punishments such as “*fine or imprisonment*” if found guilty.

## 3. **Gender Neutral Laws:**

One of the other key issues which remained unsolved was laws not being gender neutral. The POCSO Act promotes gender neutrality by providing equal penalties for rape offenses against both male and female child victims but the IPC contains provisions that deal specifically with

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<sup>31</sup> Ministry of Health and Family Welfare, Government of India, National Family Health Survey-5 (NFHS-5) Phase II, [https://main.mohfw.gov.in/sites/default/files/NFHS-5\\_Phase-II\\_0.pdf](https://main.mohfw.gov.in/sites/default/files/NFHS-5_Phase-II_0.pdf).

<sup>32</sup> Justice Verma Committee. “Report on Amendments to Criminal Law.” January 2013. Accessed 2023. [https://adrindia.org/sites/default/files/Justice\\_Verma\\_Amendmenttocriminallaw\\_Jan2013.pdf](https://adrindia.org/sites/default/files/Justice_Verma_Amendmenttocriminallaw_Jan2013.pdf)

“*female victims*” and carry more severe punishments for offenses against them. Laws should be amended and punishments should be equalised for all genders irrespective of their gender, i.e. Gender-Neutral Language should be used which can be done by:

Replacing gender-specific pronouns (he/she, his/her) with gender-neutral terms (the accused, the victim).

Ensuring that the language used in defining offences and penalties is inclusive of all genders.

#### 4. **Legal Framework for Education:**

The legal framework governing education can emphasise the importance of age-appropriate curriculum, emphasising values such as “*consent, respect, and personal boundaries*”.

Governments may establish standards for educational content and methods, ensuring that schools adhere to principles that promote a safe and respectful learning environment.

### **POLICIES:**

#### **Promoting awareness of relevant laws:**

Objective:

Increasing awareness at grassroot level still about the working of laws.

Action Plan:

#### 1. Appointing Counsellors or Educators

A proactive approach towards tackling these crucial concerns, especially in villages is having **counsellors or educators** preferably women

- a. These counsellors should have the knowledge of laws and their working so that they can provide advice on legal options, and referrals to the right agencies, these counsellors can be crucial resources for survivors..
- b. They can **work with panchayats** in villages to educate and support victims of rape and domestic abuse while promoting awareness of relevant laws.
- c. In addition to this a psychologist could be appointed providing emotional and psychological assistance. Their educational initiatives can also help debunk stereotypes, lessen stigma, and equip communities to recognise and successfully handle such situations, thereby promoting a safer and more educated community.

#### 2. Age-Appropriate Curriculum:

Children at a young age don't know about the idea of permission, which continues even when they grow into adults.

- a. Governments can include guidelines in education policies that recommend the incorporation of age-appropriate curriculum focusing on consent, body awareness,

privacy, and personal boundaries.

- b. The policies can encourage the integration of self-defence classes as part of physical education or extracurricular activities.

## **SPECIFIC SOLUTIONS:**

Objective:

Providing assistance to Rape victims

Action Plan:

### **1. Establishing rape crisis centres:**

- Rape crisis centres must be established in India to offer rape victims medical assistance and counseling, same goes for acid attack victims, etc. taking inspiration from rape crisis centres established, in nations like Australia, Canada, the United States, the United Kingdom, etc. These centres in India will not only offer assistance over the phone through their support lines but also offer rape victims facilities like medical care, counseling, legal assistance, and financial support in the form of work chances, etc.
- Government undertook one of such initiative in 2012 known as “One-stop centres for rape survivors in India” as an aftermath of the 2012 Delhi gangrape, funds were allocated to these centres establishing guidelines on how to work but according to an article by Scroll , the funds remain underused and the centres lack resources.<sup>33</sup>
  - Aparajita, a one-stop clinic in Jaipur, is intended to provide integrated services to women who have experienced violence, including police support, legal aid, and medical and counselling support. These centres were given priority under the Nirbhaya Fund, which was established by the central government in 2013 in response to long-standing requests by women's rights groups and public demonstrations following the 2012 gang rape and murder of a young lady in New Delhi.
  - The efficacy of these clinics is diminished and ultimately, victims are not served by a lack of skilled counsellors, limited access to legal assistance, and a failure to connect these centres with helplines. Additionally, the centres are not well known to the general public. There aren't many walk-in patients at our one-stop centres. Not very conscious. Puneeta Mahajan, medical superintendent of Baba Saheb Ambedkar Hospital in Delhi, which also runs a one-stop clinic under the Delhi government programme, stated that survivors are typically brought in by police.

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<sup>33</sup> “Why One Stop Centres for Survivors of Sexual Violence in India Have Failed to Make a Difference.” Accessed 2023. <https://scroll.in/article/857370/one-stop-centres-for-rape-survivors-in-india-are-now-resolving-marital-disputes>.

- A 2017 study by the non-governmental organisation Jagori and the think tank Centre for Budget and Governance Accountability, both located in Delhi, also discovered that despite funding being set aside, a significant programme called Financial Assistance and Support Services to Victims of Rape: A Scheme for Restorative Justice was not carried out. In the end, the programme was abandoned in 2015–16.
- These centres had to deal with issues like ineffective legal assistance, a lack of regulatory and monitoring mechanism, an ineffective system, and delays in compensation payments. These problems should be looked into while establishing rape crisis centres.

## **GENERAL SOLUTIONS:**

Objective:

This solution aims to instil trust in women and make India safer for them.

Action Plan:

### **1. Establishing Pink Booths or Pink Police:**

Although the laws state punishment for almost every offence, the implementation is vague in India. One of the key reasons for this is lack of trust and the paucity of police workforce.

- a. Pink Booths or Pink Police Patrols can be established across India, taking guidance from various state government's initiatives such as Delhi and Kerala. The numbers would depend on population and incidents per state. For instance, on November 25, 2016, Kochi City's Pink Police Control Room was established.
- b. Guidance could be drawn from the Pink Control Room operated at the police control room with an automated DIAL-1515 system, and 4 units of Pink Patrol teams (2 Etios Car and 2 Maruthi Omni) were deployed in the major areas of Kochi City where the presence of women is high, particularly near colleges, bus stops, railroad stations, and other locations, from 7.30 am to 2 pm for the first shift and 2 pm to 8.30 pm for the second shift. Additionally, Vanitha Help Line (Number 1091) operates in Kerala, 24 hours a day at the Control Room to provide services to Women and Children at night.

### **2. Increasing Surveillance:**

Analysing the countries with the lowest crime rates, it can be concluded that these countries provide a safe environment to its citizens. India, thus needs changes and investment in infrastructure, personal safety, etc. to increase surveillance and make the roads safer, especially at night. Although the installation of more cameras isn't sufficient for dampening the number of cases, it does help in increasing the number of reported cases that otherwise could have been overlooked.

Different methods to increase surveillance could be:

- CCTVs
- GPS trackers
- Creating a single comprehensive app:
  - Spreading awareness about apps like Satark India, My SafetiPin, Raksha, and Safetipin, which are dedicated to women's safety, is crucial in promoting a safer environment for women, especially when travelling alone.
  - Creating a single comprehensive app that incorporates the features of these apps could be a game-changer. Such an app could provide a one-stop solution for women's safety concerns, offering features like emergency alerts, location sharing, safety scores for different areas, and quick access to emergency numbers.
  - To promote this consolidated app and raise awareness, it is essential to collaborate with local authorities, women's organisations, and educational institutions to host workshops, seminars, and awareness campaigns. These initiatives can empower women with the knowledge and tools to enhance their safety while increasing surveillance in public spaces, ultimately contributing to safer travel experiences for women across the country.

## Conclusion

Before and after trends the passage of the Criminal Law Amendment Act, 2018 show mixed trends, mainly in rape cases and acid attacks. Treating the issue of injustice against women mainly sexual offences in a diverse and developing culture like India is highlighted by this journey throughout the data. Although the amendments in the act focus on Rape incidences along with acid attacks, and POCSO, it fails to cater to other injustices still prevalent against women in India.

The Act was intended to be a catalyst for change, but rape cases along with other crimes are still prevalent in India. The variations in reported instances and conviction rates highlight the difficulties in prosecuting sexual crimes. These trends serve as a reminder that combating such offences necessitates not only strong legal frameworks but also cultural change, behavioural adjustments, effective law enforcement, and victim care networks.

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