
A STUDY OF THE OBSTACLES IN PROSECUTION OF SEXUAL OFFENCES

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ABSTRACT

The subject of sexual crimes, and in particular the role of the criminal justice system in controlling, investigating and prosecuting sexual offenders, is currently generating lively and controversial debates in both the public and legal spheres. Government agencies, particularly the police, whose main responsibility is to protect the safety and security of all citizens, including women, who constitute half of the population, must work efficiently to ensure that the goals and objectives of the law are met. Only then can gender violence concerns be addressed through India's legal and constitutional mechanisms. Sexual crimes provide a challenging issue for police officers and the criminal justice system as a whole. Although victims play an important role in the criminal justice system, there are several reasons why rape and sexual assault cases are rarely prosecuted. This paper discusses the obstacles to the prosecution of sexual offences.

Keywords: *sexual offences, women status, challenges in prosecution, FIR Law, Crime etc.*

INTRODUCTION

On the night of February 1988, a gang of cops accompanied by house guards and chowkidars entered the village of Pararia in Bihar and terrorized the residents by committing this type of offense, which many still recall as a nightmare dream. It was to avenge the assault on two of their coworkers the week before. Fourteen police officers embarked on a rampage of looting, destruction, and mass rape. These police officers were acquitted in court on the basis of their defence counsel's claim that those women could not be compared to ladies from reputable and respectable society. These women were of doubtful character since they worked menial jobs. Following the verdict, there was complete stillness. No one was thought fit to speak on behalf of these impoverished ladies who earned their living by the sweat of their brow.[1]

In June 1991, another case of mass rape of 25 tribal women in Ujaimaidan Tripura followed the exact same pattern as Pararia. The brutality committed by the counter-insurgency unit, the 27 Assam Rifles, who raped women aged 12 to 45 years.[2]

These are just two of numerous situations that occur on a regular basis throughout the country. Despite the stringent cultural and governmental responses to this heinous threat, the rising trend of rapes has continued. It is well acknowledged that recorded rape cases are merely the tip of the iceberg, as not only are many cases of rape not reported, but also many of those cases in our country are not registered. Even if they are reported, unethical officers at police stations fail to register the instances. Even if the case is reported and an investigation begins, female victims are often too hesitant and ashamed to answer delicate questions posed by male investigating agents; as a result, the truth remains hidden. Although numerous rape cases are charged in India, the majority of these cases are ultimately acquitted. There are numerous reasons for the widespread acquittal in rape trials. Prolongation of the investigation, laxity on the side of the investigating police, lack of witnesses, and so on have all been recognized as

important contributing causes. Medical evidence is an important piece of information for proving a rape case in court. Lady doctors in government hospitals are often hesitant to provide candid medical opinions in rape cases for fear of being called as a prosecution witness and exposed to unpleasant cross-examination.

The Law Commission of India, in its 84th report in 1980 [3], also stated that the medical examination report is frequently incomplete or not submitted on time. Data on sex-related offenses are mostly available from the police record, hospital settings, non-governmental organizations, and survey research.

However, the existing information on the subject is only the tip of the iceberg. Because of the nature of the offence, events are not adequately reported to the police for a variety of reasons, including ignorance, illiteracy, fear of revenge from perpetrators, or simply a lack of access to the police. There is also a fear of humiliation and disgrace for the victims and their families, as well as a family's unwillingness to report the case, particularly if the attacker is powerful and wealthy. The ordinary people's lack of faith in official law enforcement systems such as the police, courts, and laws contributes to the problem of underreporting of sexual crimes. While assessing rates of sexual violence can be challenging, national data clearly show that the vast majority of sexual assaults are never reported to authorities. It is estimated that only 15.8 to 35% of all sexual assaults get reported to authorities.[4]

LITERATURE REVIEW

Pallavi Kapila et al. (2020) according to the recent report presented by the National Crime Records Bureau (NCRB), the crimes against women in India rose from 3, 793 per million in 2016 to 3, 886 per million in 2017; though, most of the data is believed to be unreliable as there are many cases which ground reported in India under the influence of factors like social stigma, loss of family reputation, etc. Thus, violence against women/crimes against women is on the national agendas of the country.[5]

Suvarna Cherukuri et al. (2021) paper presents a feminist critique of the legal discourse on rape and the death penalty. It looks at an ironical cooptation of the critique of sexual violence by a patriarchal discourse on social injury and collective conscience. The paper examines how fleeting rage against the culprits and the call for death penalty immunizes larger misogynist cultural assumptions. This myopic rage is oblivious to sexual violence in women's daily lives. Finally, the paper looks at why legal reforms triggered by brutal acts of sexual violence, receiving widespread media attention, fail to achieve systemic societal changes.[6]

Bharat H. Desai (2021) study of four main areas of international law does not yield any international legal instrument that deals with SGBV against women during and after the climate change induced disasters. This is more ominous when growing evidence suggests role of climate change in exacerbation of SGBV against women and girls. Even texts of the three specific climate change treaties (1992 UNFCCC, 1997 Kyoto Protocol and 2015 Paris Agreement) do not address this issue. It has been given attention only through the decisions of the Conference of the Parties in recent years. Due to serious psychological and bodily harm SGBV causes to women, it needs to be explicitly factored in respective international legal instruments on climate change and disasters.[7]

Amita Pitre et al. (2022) paper revisits the debates on the age of consent in India in the late nineteenth century. It reviews them in the light of the new legislative changes, adjudication of cases of sexual assault, and examines the implications of the new laws on adolescents and

their sexuality. We contend that the changes in the law have resulted in several challenges: for adolescents exploring their sexuality on the one hand, and for courts to adjudicate on love, romance, and elopement, on the other. Further, in conjunction with raising the age of consent, other changes such as mandatory reporting of sexual activity among adolescents, especially by hospitals, have increased family control on adolescents' sexuality and strengthened regressive social norms linked to marriages. One of the most troubling developments is the resulting barriers to adolescents' access to reproductive and sexual health care. This paper explores how laws devised to address harm and extend protection to children play into dominant social norms and are in the service of protectionist and patriarchal control on young people and their sexuality.[8]

Debanjan Banerjee et al. (2022) however, sexual violence and physical aggression within marriages have traditionally formed a grey legal area. Marital rape refers to “forcible sexual assault or violence by one spouse towards the other.” In other words, it’s the act of sexual intercourse with a spouse without his/her spouse’s consent. Though historically establishing sexual relationship between the married couple was considered as a “right” in many societies, the context of consent becomes equally important as among nonmarried individuals. Twentieth century onward, there has been growing international conventions and voices against sexual and intimate partner violence in marriages (more specifically for sexual violence against women). However, in spite of the known devastating consequences of any form of forcible sexual encounter, marital rape has remained under the shadow of legal ambiguity in many nations, outside the criminal law and widely tolerated.[9]

Shrabanti Maity et al. (2023) conducted based on secondary data compiled from National Crime Records Bureau. Our empirical results reveal that the POCSO Act has reduced the Growth rate of incidents of sexual offences against children in India from 4.681% to -4.611. Moreover, our empirical results also reveal that by enhancing the quality of life it is possible to restrict the POCSO incidences across Indian states. In addition, favourable sex-ratio, the increased gross enrolment ratio at the elementary level, the improvement in the judiciary and Public Safety Score of the state also enables the state to restrict the POCSO incidences. Based on our empirical result we recommend that future policies could include, for instance, aiming to improve the quality of life as well as the law and order conditions of the state, and increasing the enrolment of the girl children in higher education.[10]

Julia Quilter et al. (2023) investigate the experience of complainants in sexual offence trials in the District Court of NSW in relation to the operation of legislative and privacy protections, examination-in-chief and cross-examination approaches, prosecution responses, judicial interventions, rules of evidence and jury directions. Transcripts from 75 sexual offence trials finalised in the District Court of NSW between 2014 and 2020 (involving 302 charges) were subjected to qualitative content analysis. Transcripts were deductively coded using NVivo 12+ and a codebook that contained a pre-defined set of nodes and sub-nodes that sought to capture noteworthy features of trial practice. Many of the procedural statutory reforms introduced since the 1980s in NSW to improve complainant experience in sexual offence trials were operating as intended, including closed court arrangements (with some exceptions), the opportunity for complainants to give evidence via CCTV from a remote location and access to a support person.[11]

Oñati (2023) analyses the standard of consent in rape law in India by engaging in a doctrinal analysis of the current jurisprudence. It also analyses various extraneous circumstances

influencing the determination of consent in Indian rape law. The article will then assess the status of consent jurisprudence and related issues in the English and Canadian jurisdictions for a comparative assessment. Thereafter, it will critically assess the arguments in favour of an affirmative standard of consent before concluding with possible solutions for better interpretation of the law in determining consent by courts during rape trials in India.[12]

Kumar, Shailesh (2023) goals of the law are speedy trial of the POCSO cases and providing child friendly procedures and spaces to child victims during the criminal process. This law is unique for being gender neutral. Any person can be a victim or perpetrator under this legislation irrespective of their gender, unlike in the rape provisions of the Indian Penal Code 1860. There is scant academic literature on the operation of the POCSO reforms from an access to justice approach, a void which this project aspires to fill. The thesis investigates the implications of the POCSO reforms on the access to justice for both child victims and accused.[13]

Anmol Kaur Bawa (2024) supreme Court on Thursday (May 2) heard the suo motu case taken by it over a judgment of the Calcutta High Court in which certain remarks were made regarding the sexual conduct of adolescents, particularly teenage girls. The suo motu case titled "In Re : Right to Privacy of Adolescents" was listed before a bench comprising Justices Abhay S Oka and Ujjal Bhuyan.[14]

Ionel Zamfir (2024) publication provides an overview of the legal provisions on rape in the 27 EU Member States, focusing on the issue of rape victims' lack of consent. It attempts a comparative analysis of these provisions against the background of the ongoing interinstitutional negotiations on the proposed EU directive on combating violence against women and domestic violence. The EPRS 'EU legislation in progress' briefing on the proposal for an EU directive 'Combating violence against women and domestic violence', published in September 2023, provides more information in this respect.[15]

OBJECTIVES OF THE STUDY

The main aim of the study is to study the obstacles in prosecution of sexual offences in India.

NON-REPORTING OF SEXUAL OFFENCES

The first obstacles or inquiry before the prosecuting authority is: Why did sexual offenses against women go unreported or are underreported? According to surveys of interpersonal violence, the police are less likely to be contacted when the offender is a partner or another family member than when the offender is a stranger.[16]

A survivor's relationship with the offender has a significant impact on their chances of reporting. When the perpetrator is an intimate relationship or previous intimate partner, just 25% of sexual assaults are reported to police. When the perpetrator is a friend or acquaintance, only 18-40% of sexual assaults are recorded. When the offender is a stranger, 46-66% of sexual assaults are reported.[17]

Victims who live in small or rural areas may also have limited physical access to the court system. If a victim does not reside close to a police station or courthouse, the distance required to report a crime (as well as get medical treatment) might be a substantial barrier. She may not have access to transportation, and if she has children, she is probably responsible for their care during the day. She might not even know where to go.[18]

Ms. Sharada Raut, DCP in charge of the Crimes against Women Cell in Mumbai, stated that in 94% of cases, the perpetrator is known to the victim, and that the majority of these crimes occur in the victim's house or local surroundings, where police play a little role.[19]

Victims of rape or molestation often unwilling to report the incident. This is mostly due to anxieties of social stigma and rejection. Secondary victimization occurs when a crime victim is subjected to more harassment and humiliation during the investigation and trial process. There is widespread suspicion of the investigation's integrity, particularly when the perpetrators wield influence over the victims. A 14-year-old Malviya Nagar servant quarter inhabitant claimed that her alcoholic father raped her. The girl worked as a caretaker in a local playschool. The girl had reported being beaten if she resisted. She also has two younger sisters, who were routinely beaten up by their father. The girl didn't inform anyone about the abuse because her father had threatened to sell her into prostitution and kill other members of the family. One day, she saw her father's harshness to her younger sister. Then she decided to share the incident with the play school teacher and recount everything. The teacher took the girl to the police station and filed a report.[20]

Elizabeth Sheehy, vice-dean of research and a professor at the University of Ottawa, specializing in sexual assault law. Provided a lengthy list of what to expect when reporting sexual assault to police:[21]

- Several police officers conduct interviews to determine if the report is "founded" or unfounded. They may decide not to believe the woman.
- Some women may be threatened with mischief charges if they persist. Women have few options if police do not find or investigate the attacker. However, police may conduct additional investigations, such as interviews.
- Women may request rape kit results, but police are not required to provide them or use them.
- Even if a case is prosecuted, police typically charge at Tier 1, despite aggravating factors such as weaponry, bodily harm, and multiple men.
- Crowns may also drop or plead charges.

NON-REGISTRATION OF FIR

Section 154 of the Code of Criminal Procedure requires the officer in charge of a police station to register all information, oral or written, relevant to the commission of a cognizable offence. Non-registration of cases is a significant complaint against the police.[22] In its 4th Report, the National Police Commission of India stated that a common complaint against the police is that they fail to register cases for inquiry when specific complaints are lodged at the police station.[23] According to a research performed by the Indian Institute of Public Opinion in New Delhi on the "Image of the Police in India" [24], more than half of respondents identified non-registration of complaints as a common malpractice at police stations. Among the numerous malpractices, it is placed third, with the first two places taken by:

1. Showing preference for wealthy or influential individuals in matters involving or reported by them.
2. Protecting criminals engaged in gambling, distilling, and other illicit activities. This malpractice of non-registration is the result of a number of factors, including outside forces and corruption that operate on the system, as well as the staff's reluctance to take on additional investigative work in the midst of high workloads from other duties. The State Government's goal to maintain low crime rates in order to project a positive image of efficient law enforcement is a major contributor to unregistered crime.

LAXITY IN INVESTIGATION, WHERE FIR IS REGISTERED

The method in which police investigations are conducted is crucial to the operation of the Criminal Justice System. Not only will a major miscarriage of justice occur if evidence collecting is tainted by error or malpractice, but successful prosecution of the guilty is dependent on a comprehensive and diligent search for truth and the collection of admissible evidence. It is the police's responsibility to conduct this search fairly and carefully, collecting all evidence, whether for or against the subject. As previously noted, police officials demonstrate favoritism towards wealthy or important persons in situations involving or reported by them, resulting in the non-registration of the victim's complaint or FIR at the first instance.[25] However, if they take up the complaint or register the FIR, everyone from the police constable at the police station's entry point to the IO, senior officers, and even the constable who accompanies the victim to a hospital, the clerical staff at the hospital's reception desk, to doctors and nurses, and the public prosecutor becomes a judge, interrogating the victim in a derogatory manner and questioning her credibility. Sometimes the offender is brought face to face with the victim, and he is allowed to intimidate or discourage her from filing the complaint.

It is not always the case that the police do not show any interest in investigating sexual offences against women or other cognizable or non-cognizable offences. Aside from all of the above, in a cross-section of the police officers at all levels, the police officers themselves find it difficult to investigate properly for the reasons listed below[26]:

1. Excessive workload due to insufficient staff, extended working hours, and lack of a shift system;
2. Lack of cooperation among the general people.
3. Insufficient logistical and forensic backup support.
4. Insufficiently trained investigators.
5. Lack of modern training facilities, especially for in-service training.
6. Inadequate collaboration with other criminal justice sub-systems for crime prevention, control, and truth-finding.
7. Mistrust of laws and courts.
8. Inadequate laws to address rising crimes like organized crime and money laundering.
9. Misuse of bail and anticipatory bail procedures.
10. Directing police for non-police functions;

INADEQUACY OF POLICE OFFICERS

A crime investigation is a specialist job, and IOs (Investigating Officers) can only conduct their jobs successfully if they are adequately trained and have the appropriate skills and competence. There is a need to enhance and sharpen officers' investigative skills. As the complexity and character of crime change rapidly, training facilities in developing disciplines such as forensic accounting and information technology, among others, must be developed and provided to IOs. Lower-level officials, such as HC and ASI, have been observed to handle the majority of investigations. Senior officials at police stations, notably SHOs, rarely conduct their own investigations. This leads to a decline in the quality of investigations. Though no hard and fast rule can be established about the rank of the IO for a specific sort of case, it is believed that, to the greatest extent practicable, all sessions triable matters lodged in police stations should be investigated by the most senior police officers deployed there, whether SIs or Inspectors.[27]

Because the investigators were largely untrained in eliciting statements from complainants, little effort was taken to locate evidence that may have been used to prove the case.[28]

OBSTACLES DURING THE TRIAL OF THE SEXUAL OFFENCE

It is commonly believed that a woman who has been raped experiences two crises: the rape and the subsequent trial. While the first seriously wounds her dignity, limits her individuality, destroys her sense of security, and may frequently ruin her physically, the second is no less potent of mischief in that it not only forces her to relive the traumatic experience, but also does so in the glare of publicity in a completely alien environment, with the entire apparatus and paraphernalia of the criminal justice system focused on her.[29] Although the police charge over 80% of rape cases in India, a considerable majority of these cases ultimately result in acquittals. Since their inception till the end of 2014, 89 of these courts have resulted in acquittals.[30]

A study conducted by Indian Express on special courts indicated that of the 107 judgments disposed of by the progress of Court trials is impeded by a number of causes outlined as follows:

1. Poor Prosecution System
2. Unnecessary - Adjournments during the Course of Trial
3. Witness Perjury
4. Law Conviction Rate

In terms of the prosecution system, it is frequently observed that the best legal talent is not available to present the case before the Court. The accused is usually represented by a highly qualified lawyer of his choosing. There is a mismatch here; an equally capable lawyer is not present to defend the prosecution. Given the prosecution's hefty burden of proof, it is critical that they be represented by a very capable and skilled counsel. A lack of coordination between the inquiry and the prosecution is another issue. This makes matters worse. The investigation of a criminal case, no matter how thorough and meticulous it is, will be futile if the prosecution apparatus is inattentive or ineffective. Poor prosecution performance is a well-known cause of many prosecutions failing.

In practice, the accused, who has a low burden of proving his innocence, hires a very competent lawyer, whereas the prosecution, who has a high burden of proving the case beyond reasonable doubt, is frequently represented by people of poor competence, and the natural result is that the defence succeeds in creating reasonable doubt in the mind of the court. When the accused appears or is brought before the Court according to a case commitment. The prosecutor begins his case by detailing the charge presented against the accused and outlining the evidence he intends to utilize to show the accused's guilt. Thus, the prosecutor is an important figure in the criminal judicial system. Because he or she decides who will be charged, what charges will be brought, who will be offered a plea deal, and what form of bargain will be proposed. The prosecutor may also make a recommendation on the offender's sentencing. A prosecutor has extensive latitude at this stage. The Supreme Court of the United States states that if a prosecutor has reasonable cause to believe the accused committed a statute-defined offense, the decision to prosecute and submit charges before a grand jury is entirely up to the prosecutor's discretion.[31]

In *Babu v. State of Kerala* [32], the Court noted that Public Prosecutors function as Ministers of Justice, supporting the state in administering justice. They are not a representation

of any party. Their job is to assist the court by presenting all pertinent aspects of the case. They are not present to see the offenders escaping conviction.

In *Balvant Singh v. State of Bihar*[33], the Hon'ble Supreme Court stated that it is the statutory responsibility of the public prosecutor alone to apply his mind and decide on the withdrawal of prosecution, and that his power is non-negotiable and cannot be bartered away in favour of those who may be above him on the administrative side.

In *Subhash Chander v. State* [34], the Supreme Court declared that the public prosecutor, not any other governmental body, chooses whether to discontinue prosecution. In doing so, he operates as a judicial procedural limb rather than an executive extension. In circumstances when the victim's credibility is at stake, such as sexual assault, the prosecutor's control over the courthouse doors can be crucial.

Witnesses play a crucial role in the justice system. By providing evidence about the commission of the act, he fulfills a sacred obligation to aid the court in discovering the truth. In its fourth report, the National Police Commission addressed the inconveniences and harassment that witnesses face when attending court. The Commission published a sharply worded letter from a senior District and Sessions Judge. The learned judge presented a litany of grievances and complaints that a witness could have and then said that [35]

A prisoner suffers because of an act or omission, whereas a witness suffers through no fault of his own. The protagonist's issues stem from his unfortunate location during the crime and his unwise decision to stay until the police arrive. There are three categories of witnesses [36]:-

- i. victim-witnesses who are known to the accused;
- ii. victims-witnesses not known to the accused (e.g. as in a case of indiscriminate firing by the accused); and
- iii. witnesses whose identity is not known to the accused.

Category (i) requires trauma protection, whereas categories (ii) and (iii) require protection from identity revelation. Though special courts have been constituted under the POCSO Act, they exist only on paper and not in spirit. Courtrooms continue to be intimidating, with the judge on a high podium and the young child witness far below, her voice scarcely audible to the judge. Although four of the five POCSO instances resulted in convictions, none of them restored the victim's dignity. This is the major responsibility of both the prosecutor and the trial judge. Although the trial was held "in camera," the victim was asked to enter a full courtroom where everyone could see her. The court was then vacated before the deposition began. This clearly violates the rule for protecting secrecy. Despite the fact that the POCSO Act mandates the victim not to be in full view of the offender when deposing in court, the victim is asked to do so. Furthermore, the accused is identified immediately at the start of the deposition, rather than after the victim has settled. This unnerves the victim, and she is unable to speak clearly because she is terrified.[37]

The primary goal of a criminal trial is to determine whether an accused individual violated the penal law and, if found guilty, to impose the appropriate sentence. Prosecution is an executive activity of the state that is often carried out through the institution of the prosecutor. The prosecution has the burden of proving in accordance with the statutory standard of proof. The prosecutor faces a number of challenges when demonstrating the accused's guilt. Some of these issues exceed the scope of his tasks and obligations. The legal framework, law enforcement infrastructure, and the caliber of professionals working within the legal system, among other things, have a significant impact on the conviction rate.[38] Over the years, Indian courts have

repeatedly concluded that sexual offenses should be dealt with harshly and severely, as leniency might lead to inadequate sentences, further harming the system and undermining public trust in the efficacy of the law.[39]

The conviction rate may be defined as the percentage of cases convicted to the total number of cases determined in a given year. In India, a total of 132939 cases of sexual assault were notified, with 95.2% charged and a conviction rate of only 27.1%.[40]

And is a source of significant anxiety and worry. There is an urgent need to rectify the situation, especially because the country's conviction rate has continually decreased over the years. The following variables account for the country's low conviction rate:

1. Poor investigation and insufficient evidence, as well as the legal standard of proof, significantly impact conviction rates.
2. Inadequate collaboration between investigators and prosecutors leads to poor prosecution outcomes.
3. Offenders' willingness to plead guilty has a major impact on conviction rates. This is completely out of sequence.
4. Currently, approximately 5-6% of registered crime cases in the country are forwarded to the FSLs and Fingerprint Bureau for forensic science inquiry.
5. Witness turns hostile. It could be due to a threat from the other side, and sometimes the victim's family forces them not to testify, especially if the accused is a family member, close relative, or an influential member of the community.
6. Judges may not deliver judgments for years. As a result, the Judge may overlook critical details, resulting to the failure of justice. Furthermore, the judgments are not swiftly signed after they have been drafted and read, generating significant hardship for the parties.

CONCLUSIONS

Sexual crimes against women are causing global outrage. It is well known that the reported rape cases are only the tip of the iceberg, as not only are many cases of rape not reported, but many such cases are not even registered in our country. Even if reported, unethical officers of police stations fail to register cases. Even if a case is registered and investigation begins, female victims often feel too shy to answer delicate questions asked by male investigating agents; as a result, the truth remains hidden. Medical evidence is a crucial information to prove a rape case in court. Female doctors in government hospitals are often hesitant to give a clear medical opinion in rape cases for fear of being called as prosecution witnesses and facing unpleasant cross-examination. According to the National Crime Records Bureau's 2015 crime against women data, 35,000 rapes occurred in the last three years alone. According to NCRB's 2014 data, 93 rapes occur every day across the country. Most of these cases are not published in media outlets, but those that are do not always receive adequate coverage. Today, the Internet has played a significant role in sexual crimes. Cyberstalking, which involves threatening behavior or unwanted approaches via the Internet or other forms of high-tech contact, is a well-documented issue. In many cultures, both men and women believe that marriage obliges women to remain sexually accessible almost indefinitely. Sexual lustful acts against girls and young women nowadays combine some characteristics that are universally prominent, others that are more culturally specific. Of all the forms of sexual abuse, sexual violence within the family has the most damaging effect on the victim, and incest seems to be the

most difficult phenomenon to endure emotionally. Consequently, one must understand straightforwardly that women are men's partners, endowed with the same mental capacities. She has the right to engage in the most subtle parts of men's activity, and she has the same right to freedom and independence as men. She is entitled to her own sphere of activity, just as man is. This should be the natural state of things, not just the outcome of learning to read and write. To truly empower women, law and public policy must address their rights, opportunities, skills, confidence and equality in their relationship with society and the state. Furthermore, it is the fundamental and indispensable responsibility of the state to preserve the right to life, liberty, equality and dignity of all its citizens. It is also the responsibility of the state to ensure that such rights are not violated, whether through overt acts or through provocation or neglect.

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