

## RISE IN RATE OF ACQUITTAL IN CRIMES AGAINST WOMEN IN STATE OF MAHARASHTRA- THE PLIGHT OF PROTECTION OF WOMEN'S RIGHT

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**Abstract:** The main objective of this paper is to draw attention to growing acquittals under the criminal justice system in offences against women. There are number of causes of rising crimes against women at an alarming rate. Such, as due to lack of unawareness of their rights, illiteracy and oppressive practice of customs, male dominated patriarchal structure of the society, lack of proper implementation of laws, the laws enacted for women protection are suffers from various shortcomings, police inefficiency, corruption, and police politician nexus have the major causes of crime against women. The failure of criminal justice system to punish the criminal is one of the major causes of increasing crime against women. The author has tried to analyze that whether the enacting more laws is enough to the protection of the rights of women? Where, every year more than eighty five percent cases of crimes against women ending with the acquittals of the accused.

**Key Words:** Acquittal, Administration of Justice, Crime, Punishment

**Introduction:** Offences against women are committed because they are women. Such offences can be committed against women only because of their sex, their limited capacity to resist due to weakness and their economic dependence on men and due to prevalence of unfair customs and practices of the society for the exploitation of women. The crimes against women identified under Indian Penal Code are: Rape, Kidnapping & Abduction, Dowry death, Molestation, Sexual Harassment and Infanticide etc. All the India legislation including IPC provides for severe penalty for such offences. To uphold the constitutional mandate the central and state governments have enacted various legislations intended to ensure equal rights, to prohibit social discrimination and various forms of violence against women. The special social enactments to safeguard and protect their interest specially are: the Family Courts Act, 1951, the Hindu Marriage Act 1955, The Hindu Succession Act 1956, the Special Marriage Act, 1954, Dowry Prohibition Act, 1961, the Medical Termination of Pregnancy Act, 1971, the Equal Remuneration Act, 1976, Immoral Traffic (Prevention) Act, 1978, the Child Marriage Restraint Act, 1979, Indecent Representation of Women (prevention) Act, 1986, Commission of Sati (Prevention) Act, 1987, The criminal Law Amendment Act-1983, the Family Court Act-1984, The 73rd and 74<sup>th</sup> Constitution Amendment Acts-1993. Criminal Law Amendment Act, 2013, etc. is included in the

plethora of laws that have been enacted to protect the rights of women. Despite all these safeguards, the women in our country continue to suffer.

**Acquittals in crimes against women during the year 2011-2013:** An efficient criminal justice is a sign of good governance. The efficiency of the criminal justice system is judged by its ability to investigate and detect the crime, identify and punish the offender so that the rule of law prevails. It has to control the crime rate and at the same time keep itself abreast of new trends and behavior of criminals. Due to lack of coordination between subsystems of criminal justice, corruption and political power, administration of criminal justice is deteriorating resulting in large scale acquittal of criminals on one and the same ground, that, insufficient evidence to prove the guilt beyond reasonable doubt of the accused, that in turn is destroying people's confidence in the working of the judiciary. The object of any criminal justice system is to inspire confidence and create an attitude of respect for the rule of law. But, unfortunately, today, it has been seen that there is no coordination among these agencies of criminal administration of justice in state of Maharashtra. As a result criminal justice system has failed to achieve the object for which it is organized. This has resulted in rise in rate of acquittals in almost all the criminal offences vis -a-vis offences against women.

(Table.1: showing the rate of acquittal in crime against women during the year 2010-2013.)

Commission of Offences		Rape	Kidnapping & Abduction	Dowry Death	Cruelty By Husband & his Relatives	Molestation	Sexual Harassment
Acquittal during the year	2010	86.00	93.80	93.90	98.10	91.40	94.90
	2011	79.74	93.26	84.70	97.85	92.35	94.64

	2012	86.20	96.40	85.90	98.20	93.40	95.10
	2013	86.60	94.80	92.20	97.60	88.80	89.50

Statistic information published by Maharashtra CID and Department of Home Ministry, Maharashtra state shows that the continuous increasing acquittals in crimes like rape, kidnapping and abduction, dowry death, cruelty by husband and his relatives, molestation and eve-teasing.

The rate of acquittal in rape cases during the year 2010, 2011 & 2012 have been reported 86.00, 79.74 & 86.20 percent respectively. During the year 2013, total no of rape cases committed for trail were 23816 including cases of previous year. Out of which total 1429 trial were completed, cases ending with conviction & acquittal is 249 & 1180 respectively, reported the rate of conviction 17.40 % and rate of acquittal 82.60%.

The rate of acquittal in cases of kidnapping & abduction of girls and women during the year 2010, 2011 & 2012 have been reported 93.90, 93.26, & 96.40 percent respectively. In the year 2013, total no of cases of kidnapping & abduction committed for trail were 16079 including cases of previous year. Out of which total 954 trials were completed, cases ending with conviction & acquittal is 50 & 904 respectively, reported the rate of conviction 5.20 % and rate of acquittal 94.80%.

The rate of acquittal in cases of dowry death during the year 2010, 2011 & 2012 have been reported 93.90, 84.70 & 85.90 percent respectively. In the year 2013, total no of cases of dowry death committed for trail were 12488 including cases of previous year. Out of which total 606 trials were completed, cases ending with conviction & acquittal is 47 & 559 respectively, reported the rate of conviction 7.8 % and rate of acquittal 92.20%.

The rate of acquittal in cases of cruelty by husband and his relatives during the year 2010, 2011 & 2012 have been reported 98.10, 97.85 & 98.20 percent respectively. During the year 2013, total no of cases of cruelty by husband and his relatives for trail were 220629 including cases of previous year. Out of which total 21128 trials were completed, cases ending with conviction & acquittal is 498 & 20630 respectively, reported the rate of conviction 2.4 % and rate of acquittal 97.60%.

The rate of acquittal in cases of molestation during the year 2010, 2011 & 2012 have been reported 91.4, 92.35 & 93.40 percent respectively. During the year 2013, total no of cases of Molestation committed for trail were 43348 including cases of previous year. Out of which total 3198 trials were completed, cases ending with conviction & acquittal is 359 & 2839 respectively, reported the rate of conviction 11.20 %

and rate of acquittal 88.80%. The rate of acquittal in cases of molestation during the year 2011, 2012 & 2013 have been reported 92.35, 93.4 & 88.80 percent respectively.

The rate of acquittal in cases of sexual harassment during the year 2010, 2011 and 2012 have been reported 94.90, 94.64 & 95.10 percent respectively. During the year 2013, total no of cases of sexual harassment have been committed for trail were 14260 including cases of previous year. Out of which total 898 trials were completed, cases ending with conviction & acquittal is 94 & 804 respectively, reported the rate of 10.50 % and rate of acquittal 89.50%.

As per the above statistical information published by Maharashtra CID, reveals that, in the state of Maharashtra more than 85 to 90 percent criminal cases of crime against women are ending with acquittal of the accused. It has been continued from last one and half decade. The criminal justice system at present is functions miserably and the time has arrived to implement some policies which will ensure the efficient functioning of the system. If, necessary steps have not taken, it will erode the faith of common man on the criminal justice system.

The Supreme Court recently expressed grave concern over the low conviction rate. The basic principle of criminal law is '*nullum crimen sine poena & nulla poena sine lege*'. Criminal must not go unpunished by committing crime. Object of punishment to prevent and deterring the future commission of crime. Justice V.R. Krishanalyzer, in a landmark judgment pronounced in Shivaji vs. State of Maharashtra (1973), had observed, "If unmerited acquittals become general, they tend to lead to a cynical disregard of the law. In short, our jurisprudential enthusiasm for presumed innocence must be moderated by the pragmatic need to make criminal justice potent and realistic."

The main problem is that, due to frequent acquittals in criminal cases, there is no fear of law among the criminals. That might be spurring on offenders to be more confident, and carry out more attacks. Due to inefficiency of law enforcement agency number of cases goes unreported, undetected and criminal's scot free by committing crimes. Such situation of criminal justice encourages the commission of crime in society. Below given statistical information will disclose that, how the rate of crime against women increased at alarming rate during the year 2010 to 2013.

Table 1.2: Showing the incidence of crime during the year 2010-2013.

Commission of Offences	Rape	Kidnapping & Abduction	Dowry Death	Cruelty By Husband & his Relatives	Molestation	Sexual Harassment	
Rate of crime during the year	2010	1599	1124	393	7434	3661	1180
	2011	1701	1252	339	7136	3794	1071
	2012	1839	1140	329	7415	3935	1294
	2013	3063	1874	320	8542	8132	2632

There were 3063 cases of rape reported during 2013, which is an increase of 66.56% as compared to the year 2012. There was increase in incidences of kidnapping and abduction of girls and women by 64.39 % in 2013 as compared to 2012. Only the offence of kidnapping has shown the continuous decrease by 13.74 %, 2.95 % & 2.74% during the year 2011, 2012 & 2013. The incidences of cruelty by husband and his relatives have increased by 15.2% during 2013 as compared to the previous year 2012. During 2013 the incidences of Molestation cases in the State have increase by 106.66% as compared to 2012. Overall 2632 eve-teasing cases have been reported in the State during 2013 which shows an increase of 103.4% as compared to 2012.

**Factors responsible to increasing rate of acquittals:** Firstly, the process of investigation in India lacks the necessary education, requires expertise and skill. The police having burden of heavy workload engaged in maintaining law and order, they have not time for investigation. The Police are not having the knowledge of handling the evidence and the law. Secondly, the prosecution is not interested in the success or failure of the case. The appointments of Public prosecutors are not on the merit basis, their jobs are periodic and temporary, and hence, they are inefficient and indulged in corruption and malpractices. There is no coordination and

cooperation between investigation and prosecution wing. Thirdly, the witnesses are having key role in establishment of criminal justice. It is rightly said that witnesses are the eyes and ears of the justice. But, the witnesses are changing their statements; refuse to state the truth of the incidence in the court rooms. In almost all cases the witnesses are turns hostile, the fate of case is depend on the statement of witnesses. Lastly, judges deliver judgment upon the fact and material presented before them. The judges are helpless spectators of the trial, without sufficient evidence to prove the guilt of the accused beyond reasonable doubt can't punish the criminal.

**Conclusion:** Hence, bringing about more and more legislations to ensure rights of women are of no benefit, unless, there is proper enforcement and implementation of the laws by the agencies of administration of justice. "A law is only as good as the systems and individuals that implement them. Mindsets and attitudes need to change so women can truly be respected equally and value in society," said justice Verma in meeting at UN on Women. The main cause of high rate of acquittals in crimes against women is sloppy investigation machinery, inefficient prosecution, lack of witness programme etc. Hence, the police system needs immediate reform, legal protection of witnesses is crucial, trained and well-coordinated prosecution set up is to be established.

#### References:

1. P. Sateesh Kumar, Promoting Gender Equality Through Education and Laws; Human Rights International Research Journal : ISSN 2320-6942 Volume 2 Issue 1 (2014), Pg 508-510
2. S.K. Ghosh, Crime against women, Encyclopadia of police in India voll. III, page no.1651, APH, Publishing Corporation, New Delhi.
3. The Indian Penal Code, 1960.
4. Anitha.A, Asha Latha.P, Sandeep Reddy.S, Sushma.G, Women in Dairying: Empowerment Through Dairy; Human Rights International Research Journal : ISSN 2320-6942 Volume 2 Issue 1 (2014), Pg 511-513
5. V.B. Malleshwari, criminal justice philosophy and perceptions, The Icfai University Press, Hyderabad.
6. Source : <http://www.mahacid.gov.in>, Crime in Maharashtra -2010 to 2013
7. Prof. S.K. Jha, Revamping Criminal Justice System, The Indian Police Journal, Vol.LXI 03, July Sept-2014.
8. Source : <http://www.mahacid.gov.in>, Crime in Maharashtra -2010 to 2013,
9. Wadhwa J Swaran Singh vs. State of Punjab (2000)5 SCC 68 at 678
10. Sarvesh Khatnani, Criminal Law ( Amendment) Act, 2013: An analysis in context of Indian Penal Code, 1860, Manupatra, ([www.manupara.com](http://www.manupara.com))

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