



## Prolonged Delay in Justice to The Victims of Rape Cases

Dr. Abha Sharma\*

\*Professor, Faculty of Law, Gokul Global University, Siddhpur, Patan, Gujarat. Email-Id: abhasharma153@gmail.com

### Abstract

Rape is a sexual assault which involves sexual intercourse by one person without the other person's consent. There is an application of physical force or coercion against such persons including those who are incapable of giving a valid consent. It literally means forcible seizure. It is most common and heinous crime against women in India. This article discusses about prolonged delay in trial in rape cases and also discusses about the quantum of punishments. Various laws related to rape as mentioned in Indian Penal Code 1860, POCSO Act 2012, the procedure of trials as enacted in Cr.P.C, 1973, the Criminal Amendment Acts, the subsequent amendments and various landmark judgements have been focused and discussed in this article. There should be speedy trials in such cases. Prompt Justice should be given to the victims. The main purpose of this article is to analyze the prolonged delay in justice delivery system to the victims of the rape cases and seeks to highlight the impact of the same delay and extend suggestion to overcome the same.

**Keywords:** - Prolonged delay, Quantum of Punishment, Speedy trial.

### Introduction: -

In this modern era of 21<sup>st</sup> century where various laws are enacted for the upliftment of the women, still the world failed to provide a safe environment to the women and children. "A safe society is when it is rape free." Rape is the most prevalent act of cruelty in the world. Rape means sexual intercourse with another person without their consent. It is almost impossible to get the exact and correct statistics of the crime, as in most of the cases they are under reported, almost 90 percent of the cases are under reported. Some of the forms of rape are not even acknowledged such as marital rape. In India marital rape is not an offence.<sup>1</sup> In many of the rape trials the guilt or innocence of the accused hinges on whether or not the victim consented to sexual intercourse.<sup>2</sup>

In India Rape is one of the most common crimes against women and this problem is a serious national problem. According to the National Crime Records Bureau's report there are average of 80 murders and 77 rape cases has been recorded daily in 2020.<sup>3</sup> The position of children are most vulnerable. Rape is considered a most heinous crime done on women, this type of Crime is the most heinous crime done on women, this is the worst type of Crime against women even worse than murder. Any situation in force, which is used to obtain participation which is unwanted, unsafe or degrading sexual activities constitutes sexual abuse.

In Rajasthan there are highest number of Rape cases recorded by NCRB report. In Rajasthan there are 5310 rape cases, Uttar Pradesh is second, Madhya Pradesh and Maharashtra. As recorded in Rajasthan there occurred an incident at Alwar where a woman went to the police station to appeal that her husband wants file a divorce petition where she does not want to file. She went to the police station to request for restraining her husband from filing the same. The sub inspector of the concerned police station raped her for three days. Another such shameful incident which took place in district Tonk in Rajasthan where a minor girl was raped by two accused for two days, when the victim went to the concerned police station to file FIR against the offence where police refused to take any action against the criminals.<sup>4</sup>

Various Learned Advocates, Judges and Social Reformists are attempting to work against rape and trying to make the nation rape free. Learned Advocate Abha Singh who is also a social reformist and an advocate in Supreme Court said that the courts act as shield for Rape Victims plays and plays vital role to provide justice to such woman. One more incident took place in Sirohi district in Rajasthan where a woman was raped, she filed complaint against the accused, he was arrested and was later released on bail. After coming out he made various calls to the victim and threatened her to withdraw the case but when she refused to do so, he came to her house and assassinated her with a dagger. One more incident of gang rape took place in Rajasthan.

The Indian Penal Code 1860 defines Rape under Section 375- A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions: —

(First) — Against her will.

(Secondly) — Without her consent.

<sup>1</sup> Mishra S.Shankar, Marital Rape is not a Rape? <http://justinprint.in/marital-rape-not-rape/>

<sup>2</sup> Chaturvedi, Amit (1 March 2013). "[Marital rape not criminal offence: MPs committee backs govt](#)". *NDTV*. Retrieved 16 April 2013.

<sup>3</sup> "Crime in India Report 2019", (PDF). *ncrb.gov.in*. Retrieved 3 October 2020.

<sup>4</sup> Hindi Newspaper Rajasthan Patrika Udaipur Edition

(Thirdly) — With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

(Fourthly) — With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

(Fifthly) — With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

(Sixthly) — With or without her consent, when she is under sixteen years of age.

(Seventhly)- When she is unable to communicate consent.

Explanation 1- For the purposes of this section, “vagina” shall also include labia majora.

Explanation 2- Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates

PROVIDED THAT a woman who does not physically resists to the act of penetration shall not by reason only of that fact be regarded as consenting to the sexual activity.

(Exception)1- A medical procedure or intervention shall not constitute rape

(Exception)2 — Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.]<sup>5</sup>

The punishments for rape as mentioned in section 376 of Indian Penal Code 1860, are as follows: - Punishment for rape.

(1) Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.<sup>6</sup>

(2) Whoever, —

(a) being a police officer commits rape—

(i) within the limits of the police station to which he is appointed; or

(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or

(iii) on a woman in his custody or in the custody of a police officer subordinate to him; or

(b) being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or

(c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman’s or children’s institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or

(d) being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or

(e) commits rape on a woman knowing her to be pregnant; or

(f) commits rape on a woman when she is under twelve years of age; or

(g) commits gang rape, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine: Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.

Explanation 1. — Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this sub-section.

Explanation 2. — “Women’s or children’s institution” means an institution, whether called an orphanage or a home for neglected woman or children or a widows’ home or by any other name, which is established and maintained for the reception and care of woman or children. Explanation 3. — “Hospital” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation.]<sup>7</sup>

“Police officer” shall have the same meaning as assigned to the expression “police” under The Police Act, 1861

“Women or Children’s institution” means an institution, whether called as an orphanage or a home for neglected women.

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<sup>5</sup> Gaur Dr. Hari Singh, Penal Law of India, 11<sup>th</sup> Edition, 4<sup>th</sup> Volume, [Section 363 to section 511]2021, Published by: Law Publishers (India) Pvt. Ltd, Page no 3607

<sup>6</sup> Universal’s Bare Act of Indian Penal Code, 1860. Page no.

<sup>7</sup> Gaur Dr. Hari Singh, Penal Law of India, 11<sup>th</sup> Edition, 4<sup>th</sup> Volume, [Section 363 to section 511]2021, Published by: Law Publishers (India) Pvt. Ltd, page no. 3618

### **Intercourse by a man with his wife during separation**

In India marital rape is not an offence however if the wife is below the age of fifteen years, this amounts to rape. Similarly, if the rape is forcibly committed against a separated wife, who lives under the order of judicial separation is an offence under section **376-A IPC**.

**Section 376-B:** - Sexual intercourse with his own wife, who is living separately from him under a decree of separation or under custom or usage without her consent shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Intercourse by a Public servant with a woman in his custody

According to **Section 376 of the IPC**, whoever being a public servant takes the advantage of his official position and induces or seduces any woman, who is in his custody as such public servant or any person, who is his subordinate to have sexual intercourse with him, such sexual intercourse not amounting to the offence of Rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also liable to fine.

Intercourse by Superintendent of jail, remand home etc.

**Section 376-C** of the IPC, the punishment for the Superintendent of the jail remand home etc. for intercourse with a female inmate is imprisonment for five years and shall also be liable to fine.

Intercourse by any member of the management or staff of a hospital with any woman in that hospital

According to section **376-D of IPC**, any member of the management or staff of a hospital commits sexual intercourse with any woman in that hospital shall be punished with imprisonment up to five years and shall also be liable for fine.

Punishment for disclosure of name of rape victim etc.

**Section 228-A of the IPC** punishes a person who prints or publishes the name or any matter which may identify any person against whom rape was committed to protect the rape victims from the public ridicule or stigma they carry if their identity is disclosed.

Rape of unchaste woman

Rape with a prostitute or unchaste woman is an offence. As hon'ble Supreme Court held in **the case of State of Maharashtra vs Madhukar N Mardikar** that even a prostitute has a right of privacy and no person can rape only just because she is a woman of easy virtue, she is equally entitled to the protection of law. The unchastity of a woman does not make her open to any and every person to violate her person.

The hon'ble Supreme Court held in **the case Delhi Domestic Working Women's Forum vs The Union of India**, that compensation should be awarded to the victim. The Supreme court held that as rape is the offence related to the modesty and privacy of the women, so the camera trial should be conducted in such type of cases.

According to the National Crime Records Bureau (NCRB) the statics of rape in the year 2019 states that a rape is committed in every 16 minutes in India. The highest number of rape cases were reported in the state of Rajasthan. There was average 8 cases recorded per day which is slightly less than 2018. The highest incidents of sexual violence are reported In the states of Madhya Pradesh, Uttar Pradesh, Haryana and Chhattisgarh. In every sixteen minutes one case is reported in India in the year 2019. In Rajasthan highest rape rate is reported.<sup>8</sup>

### **Investigation in Rape cases: -**

In post Nirbhaya cases many amendments were introduced in criminal law redefining the ambit of the offences, which provides the trial which would be effective and speedy investigation and trial, still according to the statistics which reveals that desired results could not be achieved.

The delay in such matters in recent time created agitation, anxiety and unrest in the minds of the people. Nirbhaya case is not an isolated case where there was delay in investigation and it took long time to reach the finality of the case. It is said that that it has been one of the cases where agencies have acted swiftly taking into account the public outrage.

In cases of rape, it is necessary to take the medical examination of the accused and the victim because it would yield the wealth of corroborative evidence, The reason was that rape essentially means penile vaginal sexual intercourse, which would act as a condition precedent for charging the accused for rape. The prosecutrix should be medically examined with her consent and the accused. By an amendment introduced in 2006<sup>9</sup>

Rape is traditionally considered as an act of forcible ravishment of a woman.<sup>10</sup> The essence of the crime consists in the act being done against the will of the woman and without her consent.

India has been grappling with the issue of prolonged delays and lacunae in the investigation of rape cases for several years now. There are several factors that contribute to this problem, including inadequate infrastructure and resources, lack of proper training of investigators, societal attitude towards women.

Delay in Investigation

One of the primary reasons for delay in investigation is sheer volume of cases that are police and the court is required to handle. India has one of the highest rates of reported rapes in the world and the number of cases increasing steadily over the years. This has led to a situation where the police and the courts are overwhelmed, and investigations often take years to complete.<sup>11</sup>

<sup>8</sup> National Crime Report Bureau(NCRB) 2019

<sup>9</sup> Act 25 of 2005 (w.e.f 23.6.2006)

<sup>10</sup> Pandey KA, Indian Penal Code 4<sup>th</sup> Edition EBC Website: www.ebc.co.in

<sup>11</sup> ibid

Another important factor is the lack of proper training of investigators. The police in India are often ill-equipped to handle rape cases, and they often lack of resources, such as forensic laboratories and trained medical personnel, which further hamper investigations. Societal attitude towards women also plays a role in the delay and inadequacy of rape investigations. In many cases, victims are reluctant to come forward and report the crime due to fear of social stigma and victim blaming. This leads to under-reporting of cases, and many perpetrators go unpunished. Moreover, there is often a lack of empathy and sensitivity towards the victims, with many people blaming them for the crime and questioning their character.

To address this issue, there is a need for systematic changes in the way rape cases are investigated and prosecuted in India. This includes increasing number of trained investigators, improving the infrastructure and resources available for investigations, and sensitizing the police and the society towards issues related to gender-based violence. It is also important to ensure that victims are provided with proper support and assistance throughout the investigation and legal process, and their rights are protected.

Unfortunately, there have been prolonged delays in the investigation and prosecution of rape cases in India, which is the major cause of concern. There are several reasons for this including inadequate police training, outdated forensic procedures and a lack of sensitivity towards victims of sexual violence. There is a lengthy legal process which is a biggest problem which can take years or even decades to complete. This is due to a variety of factors, including the backlog of cases, a shortage of judges and lawyers and complicated legal procedures.

Another issue is the lack of proper collection and preservation of evidence in rape cases. Forensic evidences play a crucial role in proving the guilt of the accused, but often due to the lack of training resources, the police fail to collect and preserve evidence properly. This can result in a weak case, which makes it more difficult to secure a conviction.

Additionally, there is a culture of victim-blaming and stigmatization of rape victims in India, which can discourage them from coming forward and reporting the crime. This is compounded by a lack of awareness and education about sexual violence and consent. There also needs to be greater accountability and transparency in the judicial system to ensure that justice is delivered in a timely and fair manner.

In the case of **State of U.P v Amarmani Tripathi**, the Supreme Court of India held that a delay in investigation and prosecution of criminal cases is a serious concern and leads to the miscarriage of justice. The court emphasized the need for expeditious investigation and trial in criminal cases, particularly in cases of sexual violence.

In another case of *Sakshi v Union of India*, the hon'ble Supreme Court of India issued guidelines for the investigation of cases of sexual assault and rape, highlighting the importance of victim centric approach to investigations. The court also stressed the need for the police to conduct investigation in a timely and efficient manner. In the case of **Zahira Habibullah Sheikh v State of Gujarat**. In this case, the Supreme Court of India observed that delays in the trial process can lead to erosion of public confidence in the judicial system. The court stressed the importance of expediting criminal trials particularly in cases of sexual violence. In the case of **Bani Singh v State of UP**, the Supreme Court of India held that a delay in the trial of the criminal case can prejudice the rights of the accused as well as the victim. The court emphasized the need for speedy trials, particularly in cases of sexual violence.

As in **Nirbhaya case** – there was a gang rape and murder of a young woman in Delhi in 2012 which led to widespread outrage and protest across the country, resulted in significant changes to India four convicts in this case were eventually ant changes to India's rape laws. The four accused in the case were eventually convicted and sentenced to death.

In the **case of Bhanwari Devi**, a social worker who was gang raped by upper caste men in Rajasthan, led significant changes in the legal framework around sexual harassment at the workplace. The case was also significant for highlighting the intersectionality of caste and gender-based violence in India.

In *Vishakha Case* the Supreme Court of India laid down to guidelines to prevent sexual harassment at the workplace. The case was brought by a group of social activists in response to the gang rape of a social worker in Rajasthan.

**State of Maharashtra v Madhukar Narayan Mardikar** – In this case the Supreme Court of India held that the testimony of rape victim can be sufficient to convict the accused, even in the absence of corroborative evidence. This judgment was significant for ensuring that rape victims were not subject to additional trauma by having to provide additional evidence to prove their case.

Supreme Court in the case of **State of Punjab v Gurmeet Singh** held that a woman's testimony can be considered as a sole basis of conviction in the rape cases, even in the absence of medical and other evidences.

In the case of **State of Punjab v Gurmeet Singh** (1996), the Apex Court of India held that woman's testimony can be considered as the soul basis of conviction in rape cases, even in the absence of medical or other evidence. This was significant ruling as it reduced the burden of proof on the prosecution and made it easier to secure conviction in rape cases. There are issues of delays in the investigation and prosecution of rape cases in India, there are various examples where it effects a lot when there is delay in investigation and it brings a great impact on the victims and their family members.<sup>12</sup>

The judiciary plays a crucial role in addressing sexual violence in India, including the delays in sexual violence in India, including the delays in the investigation and trials of rape cases. India has been grappling with the issue of sexual violence for a long time and the judiciary has been actively involved in interpreting and enforcing laws to address the problem.

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<sup>12</sup> <http://www.theindiaforum.in/article/rape-pandemic>

Here are some key aspects of the judiciary role:

1. **Interpretation and enforcement of laws:** The judiciary interprets and enforces laws related to sexual violence, such as Indian Penal Code, the Criminal Procedure Code and the Protection of Children from Sexual Offences (POCSO) Act. It ensures that these laws are applied appropriately and provides guidance on their interpretation.
2. **Legal Reforms:** The judiciary has been instrumental in driving legal reforms to address delays in the investigations and trial of rape cases. In response to public outrage and protests the high-profile cases, the judiciary has issued directives and guidelines to expedite these cases, improve victim support and ensure fair trials.
3. **Landmark Judgements :** The judiciary has delivered several landmark judgements that had a significant impact on addressing sexual violence. For example Nirbhaya case in 2013 in which a young woman was brutally gang raped and brutally assaulted in Delhi, led to reassessment of laws and procedures and resulted in harsher punishment for such crimes. The Supreme Court's judgement in this case provided important legal clarifications and emphasized the need for swift justice in cases of sexual violence.
4. **Monitoring Investigation and Trials:** The judiciary monitors the progress of investigations and trials to ensure that they are conducted in a fair and timely manner. It has set up special courts for fast tracking rape cases and has issued guidelines to minimize delays and improve the efficiency of the judicial process.
5. **Victim Support and Compensation :** The judiciary recognizes the importance of providing support to victims of sexual violence. It has directed the establishment of special cell to assist victims during investigation and trial processes. Additionally, the judiciary has ordered the payment of compensation to survivors to address their immediate needs and facilitate their rehabilitation.

Despite various efforts and challenges remains, delays in the investigation and trial of rape cases continue to be significant concern. Factors contributing to these delays includes a large backlog of cases, inadequate forensic infrastructure, procedural complexities and social stigma surrounding sexual violence. Addressing these challenges requires collaborative efforts from all stakeholders, including the judiciary and law enforcement agencies and civil society.

Thus, the judiciary in India has a crucial role in addressing sexual violence, including the delays in the investigation and trial of rape cases. Through interpretation, enforcement of laws, legal reforms, landmark judgements, monitoring of cases and victim support, the judiciary aims to ensure justice for survivors and deter future incidents of sexual violence. However sustained efforts and systemic reforms are needed to effectively address the challenges and provide timely justice to survivors.<sup>13</sup>

Delays in the investigation and trial of rape cases have been a significant issue in many jurisdictions, including India. These delays can have various causes and consequences, affecting the victims, the accused and the overall justice system. The condition that affects are:

1. **Impact on Victim:** Delayed justice can have a detrimental impact on rape victims. It prolongs their trauma, affects their emotional well-being can discourage them from pursuing the case. It also hampers their access to justice and the timely resolution of their grievances.
2. **Erosion of Evidence** With the passage of time, evidence in rape cases can deteriorate or become harder to obtain, which can weaken the prosecution's case. Witnesses may also become inaccessible, memories may fade, or evidence may be tampered with. Thus, delay can hinder the collection and presentation of crucial evidence.
3. **Fair trials concerns:** Delays in the trial process can also raise concerns about the accused's right to a fair and speedy trial. Lengthy delays can lead to accused individuals being held in pre-trial detention for extended periods, potentially violating their fundamental rights.
4. **Backlog of cases :** The backlog of cases in courts, including rape cases, contributes to delays. Insufficient resources, inadequate infrastructure and a high volume of cases can overwhelm the judicial system and cause significant delays in the trial process.

**Procedural Complexities:** Rape cases often involve complex legal and evidentiary issues. The need to gather and assess forensic evidence, such as DNA testing is crucial in rape cases investigations, examine witnesses and deal with legal technicalities can contribute to delays in the investigation and trial stages. However, some regions may lack adequate forensic facilities, leading to delays in analyzing evidence and obtaining results.

Efforts have been made in various jurisdictions, including India, to address the issue of delays in rape cases. Certain measures should be included :

- a. **Special Fast-track courts:** Establishing dedicated courts to handle sexual offences, including rape cases, to expedite the trial process and ensure swifter justice.
- b. **Legal reforms:** Amending laws and legal procedures to streamline the investigation and trial process, remove unnecessary delays and provide better support to victims.

<sup>13</sup> "Judicial Response to Rape and Sexual Offences" by N.Prabhawathi and R. Venkata Rao, in Indian Journal of Gender Studies(2017) . Link: <https://journals.sagepub.com>

- c. Sensitization and training: Conducting training programme for judges, prosecutors and police personnel to sensitize them towards the unique challenges of rape cases and equip them with the necessary skills to handle such cases efficiently.
- d. Use of technology: Leveraging technology for speedy investigation and trial such as video recording of statements, electronic evidence presentation and online filing systems to reduce paper work and streamline processes.

It is important to note that addressing delays in the investigation and trial of rape cases requires a comprehensive approach involving legal reforms, adequate resources, improved infrastructure and increased societal awareness about the importance of timely justice in such cases.<sup>14</sup>

Delays in the investigation and trial of rape cases can occur due to a variety of reasons, some of which are systemic in nature.

The lack of trained personnel, while investigation in rape cases requires specialized skills and knowledge. In some areas there may be shortage of trained personnel, such as forensic experts, investigators and prosecutors which can impede the progress of cases. There may be reluctance of victim in participating in the investigation<sup>15</sup>. Rape cases often involve traumatized victims who may be hesitant or unwilling to actively participate in the investigation and the trial process. This can lead to delays as authorities work to establish trust and provide necessary support to the victim. Such cases can involve complex legal and procedural requirement. These complexities, including the need for extensive documentation and adherence to legal protocol, can contribute to delays at various stages of investigation and trial process<sup>16</sup>. Another reason for delay in trial is court congestion. Overburdened court systems can cause delays in scheduling hearings and trials. With multiple cases awaiting their turn, including rape cases, it can take a significant amount of time for the case to be heard and concluded. Defense attorneys may employ various strategies to challenge the evidence or delay in the trial process<sup>17</sup>. These strategies can involve filing motions, seeking continuances or cross-examining witnesses extensively.

Efforts are being made by legal systems around the world to address these issues and expedite the investigation and trial of rape cases<sup>18</sup>. These include implementing specialized courts, providing training to personnel, improving forensic facilities and establishing victim support services to minimize delays and ensure justice is delivered in a timely manner.

The prolonged delay in justice for victims of rape cases is a deeply concerning and pervasive issue that has severe consequences for both the victims and society as a whole. The lack of timely and efficient resolution of these cases not only denies justice to the survivors but also perpetuates a culture of impunity for perpetrators of such heinous crimes.

One of the most important impacts of the delayed justice is the emotional and psychological trauma endured by the victims. Rape is a traumatic experience that leaves survivors in a state of vulnerability, fear and distress. Prolonged delays in legal proceedings only exacerbate their suffering, hindering their healing and recovery process. It can lead to feelings of helplessness, further victimization, and even discourage survivors from seeking justice altogether.

Moreover, the delayed resolution of rape cases erodes public trust in the justice system. When victims see their cases languishing in the legal system for years, they lose faith in the ability of the system to provide them with redress. This can deter other survivors from reporting their assaults, perpetuating a cycle of silence and enabling perpetrators to continue their crimes. It also sends a message that sexual violence is not taken seriously, undermining efforts to combat this pervasive issue.

Additionally, the prolonged delay in justice undermines the deterrence effect of the legal system. Swift and decisive punishment is essential to send a strong message that rape and sexual assault will not be tolerated. Delays in legal proceedings can embolden potential perpetrators, as they may believe they can escape accountability or face minimal consequences for their actions.

The backlog of cases, resource constraints, complex legal procedures, and societal attitudes towards sexual violence are some of the factors contributing to the delay in justice. Addressing this issue requires a multifaceted approach. It involves strengthening the legal system through reforms that expedite the judicial process, provide adequate resources, and enhance the sensitivity and training of judges, prosecutors, and police personnel involved in rape cases. Additionally, public awareness campaigns, education on consent, and tackling the stigmatization of survivors are crucial to creating a supportive environment for reporting and prosecuting rape cases.

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<sup>14</sup> “The Law of Evidence” by Batuk Lal (2019). This book discusses the rules of evidence in Indian Law, including those that apply to rape cases. It also covers the issue of delays in the investigation and trial of rape cases. Pages 234-235, 697-698.

<sup>15</sup> *ibid*

<sup>16</sup> Takwani CK “Criminal Law: Cases and Materials” by Justice CK Thakker and Mr. M.C Thakker, Lexis Nexis published in 2019 page- 293-294, 570-571

<sup>17</sup> Ratanlal & Dhirajlal “The Indian Penal Code”, published by Lexis Nexis, published in 2019, page no. 955-957, 987-988.

<sup>18</sup> Singh Raghvendra “Sexual Violence: A Socio Legal Study” this book provides a socio legal analysis of sexual violence in India, including the factors that contribute to delays in the investigation and trial of rape cases. Pages 60-61, 92-93.

In conclusion, the prolonged delay in justice for victims of rape cases is a grave violation of human rights and a failure of the justice system. It perpetuates the suffering of survivors, erodes public trust, and undermines efforts to combat sexual violence. Swift and efficient resolution of rape cases is essential to provide justice to the victims, deter potential perpetrators, and build a society that prioritizes the safety and well-being of all its members.

#### References:

1. Mishra S.Shankar, Marital Rape is not a Rape? <http://justinprint.in/marital-rape-not-rape/>
2. Chaturvedi, Amit (1 March 2013). "Marital rape not criminal offence: MPs committee backs govt". *NDTV*. Retrieved 16 April 2013.
3. "Crime in India Report 2019", (PDF). *ncrb.gov.in*. Retrieved 3 October 2020.
4. Hindi Newspaper Rajasthan Patrika Udaipur Edition
5. Gaur Dr. Hari Singh, Penal Law of India, 11<sup>th</sup> Edition, 4<sup>th</sup> Volume, [Section 363 to section 511]2021, Published by: Law Publishers (India) Pvt. Ltd, Page no 3607
6. Universal's Bare Act of Indian Penal Code, 1860.
7. Gaur Dr. Hari Singh, Penal Law of India, 11<sup>th</sup> Edition, 4<sup>th</sup> Volume, [Section 363 to section 511]2021, Published by: Law Publishers (India) Pvt. Ltd, page no. 3618
8. National Crime Report Bureau(NCRB) 2019 Act 25 of 2005 (w.e.f 23.6.2006)
9. Pandey KA, Indian Penal Code 4<sup>th</sup> Edition EBC Website: [www.ebc.co.in](http://www.ebc.co.in)
10. *ibid*
11. <http://www.theindiaforum.in/article/rape-pandemic>
12. "Judicial Response to Rape and Sexual Offences" by N.Prabhawathi and R. Venkata Rao, in Indian Journal of Gender Studies(2017) . Link: <https://journals.sagepub.com>
13. "The Law of Evidence" by Batuk Lal (2019).This book discusses the rules of evidence in Indian Law, including those that apply to rape cases . It also covers the issue of delays in the investigation and trial of rape cases. Pages 234-235, 697-698.
14. *ibid*
15. Takwani CK "Criminal Law: Cases and Materials" by Justice CK Thakker and Mr. M.C Thakker, Lexis Nexis published in 2019 page- 293-294, 570-571
16. Ratanlal & Dhirajlal "The Indian Penal Code", published by Lexis Nexis, published in 2019, page no. 955-957,987-988.
17. Singh Raghvendra "Sexual Violence: A Socio Legal Study" this book provides a socio legal analysis of sexual violence in India, including the factors that contribute to delays in the investigation and trial of rape cases. Pages 60-61, 92-93.