

CENSORIUS STUDY ON THE CRIMINAL JUSTICE SYSTEM WITH RESPECT TO CASES MENTIONED IN THE BOOK NO NATION FOR WOMEN BY PRIYANKA DUBEY.

Karanam LBP Kruthika

*Best Citation - Karanam LBP Kruthika, CENSORIUS STUDY ON THE CRIMINAL JUSTICE SYSTEM WITH RESPECT TO CASES MENTIONED IN THE BOOK NO NATION FOR WOMEN BY PRIYANKA DUBEY, 1 IJLR 1, (2022)*

**Abstract:**

*Due to escalating incidents related to gender crimes against women, "Priyanka Dubey", a professional reporter, contributed to the literary world. She wrote a ground reportage to aid people to recognize the issue of sexual assault in India and the victims having their justice delayed or not being served. This paper is a study on why and how the criminal justice system fails to do justice to the victims mentioned in the book "NO NATION FOR WOMEN" and, in general—a fundamental analysis of what the criminal justice system is and its difference in investigating the cases of sexual assaults, rapes and violence resulted due to gendered crimes. Assaults against women and the ignorance feigned by the public officials are ridiculed all along with every discussion in India. Many landmark cases that occurred in the past, like the Mathura case in 1972 or the infamous Nirbhaya case in 2012, were influential in modifying the Criminal laws associated with sexual violence, making forensic investigation mandatory and enervating the police force, constituency, and academic sectors. Regrettably, these amendments did not make any difference to how the system works. The public officials and ministry were said to have even wasted and underused the budget assigned to administrate the rules and laws. So, this paper is showing the result of delayed justice provided and relativity with criminal justice system. The sources and legal databases regarding the book were indulged in the investigation method and the landmark cases as further explanations. This paper is the*

*unraveling of our search behind the Justice system and its failures.*

**KEYWORDS:** Sexual Assault, Criminal Justice System

**Introduction:**

This paper is written with reference to the book "NO NATION FOR WOMEN" by "Priyanka Dubey," a professional reporter, who wrote this book when she was a student. She decided upon writing this book after she found that there were no books that were honest and ruthless in bringing out the truth of the vulnerable situations women face because of the sexual violence and all sorts of gender crimes they face in society, which is often deemed to be an unsafe place for women. The only books she found were the edited anthologies and books about the violence against women during the India-Pakistan partition. However, she could not find a reportage and a non-fiction book that would aid her in understanding the issue of sexual violence in India. As she originates from a very conservative family based in the North of India, her understanding of women's position in this society was not a clear picture. With the belief that India is a uniquely diverse country, one statement of fact can never summarize the situation of the entire country. Sexual crimes also have several aspects and surfaces in the present world. The misogynistic and patriarchal thoughts are the center of the circle, and other proportions exhibit the unsafe society. The chapters in this book each put forth the documentation of a piece of every woman's life who once suffered humiliation, personal space evasion, and sexual exploitation. The author makes a very honest and restricted venture to view rape and violence against women in India. With the original draft containing 15 chapters, two of them were edited out. They being, 1991 Kunan Poshpora rape case and the other one being the self-proclaimed godman Asaram's case. In Indian history, the percentage of crime against women has soared to new heights after every census since the past fifty years. When writing the book, the relative rate was 873%. It took the author six years to research, report, and write this 13chapter collection. While taking the initiative to write this book, the author had personally gone to all the 13 mentioned victim families and had a talk with

everyone in their families and the people of the villages. Digging through the misogynistic mindset of people, the author even tried to become the emotional support for the victims and their families. This book shows the state of our rural and urban areas that are always adjudged to be developed and safe. The names and titles of the victims, their counterparts, families have all been altered along with the locations and residential areas to comply and provide a confidential environment to protect their privacy and oblige to the mentioned important Indian laws. This work by the author, which is originally a ground reportage and non-fiction, is wholly based on the author's first-hand experience and report of more than six years of trying to seek information across India, excluding the southern part of the country. The chapters in this book were written after a deep and developed back-end research, field travels, and visiting the far-off remote villages. From "corrective rapes" to "human trafficking" and "custodial rapes," everything covered in this book, and the criminal justice system delaying the process to serve them the punishments and sentences the accused deserved along with the back story regarding the judicial system work and slacking off to only delay the procedure is what this book talks about. A sincere effort put forward to give a proper ground reportage about the society is like the author "PRIYANKA DUBEY" showing people the mirror.

### **Research Methodology:**

In its most basic form, the approach used in this study will be doctrinal, analytical, and descriptive. Reference material used in study, such as journal articles and newspaper stories, will be primarily secondary in nature.

### **Literature Review:**

- (Karp.A, 2015)

Violence against women and the negative part of India's public policy since the groundbreaking 1972 rape of teenagers known only as Matura mass rape and murder in New Delhi in 2012 (centralization problem) Also known as). About Violence Against Women (Shen, 2013) Rape and

murder suspect violence against women. These widespread cases are not well understood. Violence Issues Indians have violence against Indian women and women between domestic and public violence.

- (Khera.R., 2000)

This study presents an analysis of inter-district fluctuations in homicide rates in India in 1981. First, India's homicide rate is not significantly associated with urbanization or poverty. This study also suggests that gender balance generally has a decisive impact on criminal violence.

- (Iyer. L, 2012)

Given the different timings of state political reforms, we can see that an increase in the proportion of women in local governments leads to a significant and significant increase in documented crimes against women in India. Many women in local councils have a greater influence on crime against them than in senior positions.

- (Mandal.A, 2017)

We take a different approach to understanding trends by examining possible links between recent socio-economic changes and increased violence against women, with a particular focus on rape. Finally, we are trying to combine theoretical and statistical considerations to reflect the reasons for the recent surge in crime against women in India.

- (SHARMA.P, 2015)

This study uses health, empowerment, and labor market indicators to investigate gender inequality and gender-based crime in India at the local level. The results show that while general crime rates are declining, gender crime rates have increased over the years. The distribution of states by inequality exponent does not follow any pattern. Low GII and high GII states have similar average rates of gender-specific crime, but countries with moderate GII have the highest average rates of gender-specific crime. However, the rate of increase in gender crime remains the lowest in low GII states and the highest in moderate GII states.

- (ARYA.D, 2015)

The 2012 mass rape in Delhi marks a milestone in Indian media coverage of rape crime. This paper examines how the mainstream Hindi and English print and broadcast media have dealt with such reports since then. She investigates how the media deals with family rape and sexual violence in areas that have caused community anxiety and rebellion. The economy plays an important role in media coverage and states that it prioritizes rape coverage.

- (Bajpai.G.S., 2018)

Despite legislative reforms, gender stereotypes and myths are fixed at the stage of prosecution, trial, and conviction of rape trials. This paper targets to research about the impact of judges' prejudices regarding gender on the fate of rape cases determined by the Supreme Court of India. To show the correlation between gender recognition and research results, this article uniquely combines quantitative data analysis and doctrinal research methods with the data analysis software Atlas.ti. Factors such as the victim's age, sexual history, and marriage status were compared with gender-neutral comments to determine the outcome of the proceedings and their impact on the duration of the decision. The results of this paper show the inefficiency of the current legal framework in eliminating prejudiced sexist prejudices in dealing with crimes against women.

- (Walters.M.A., 2014)

This article questions regarding the current framework of hate crime law in England and Wales might include crimes that motivate or indicate gender "hostility." This article uses the example of rape to explore the similarities (both conceptual and decisive) between gender-based violence and other "typical" forms of hate crimes. It is alleged that the defendant should also be prosecuted as a hate crime

criminal if there are clear signs of gender-specific hostility when committing a crime. In particular, by focusing on the motives of the hatred of many perpetrators of sexual violence, the criminal justice system began to move away from the current focus on perpetrators' "sexual" motives, and more effectively, as such. Causes a lot of crime.

- (Chapman.J, 2014)

Violence against women includes gender equality, human rights, health and welfare, intimate partner violence, wife abuse, rape, and severe rape. Rape, date rape, etc. is often violence against women, and in some ranks. There are research centers, monthly journals, 4,444 websites, and blogs specializing in violence against women. However, violence against women is a societal problem.

- (Singh.M.P, 1997)

Feminist legal concepts have spawned several redemption strategies in many countries. To acknowledge the change of feminist solutions, opinions and movements on Indian law reforms, attempts are being made here to look at changes in the rape law and compare them to those implemented in Canada.

#### Analysis:

- Of the Book:

This book "NO NATION FOR WOMEN" (Dubey, 2018) authored by Priyanka Dubey, a journalist and reporter by profession, is a ground reportage on 12 such gendered crimes all across India. Researched by herself personally going and travelling to interview the Families of the survivors. Not just to interview them she also showed her humane side all through the book as she just didn't robotically interview them and left but she showed emotions and consoled them while keeping touch with them throughout their seeking of Justice

they righteously deserved for being assaulted and tormented like that. The incidents mentioned in the book were about:

1. Corrective Rapes
2. Political nature of Sexual crimes
3. Rape crimes against De-notified tribes of India
4. Rapes in Rural Towns in India
5. Custody rapes
6. Anatomy of gangrapes in Haryana
7. Human trafficking of girls and selling them
8. Rapes and sexual crimes causing suicides
9. Sexual crimes and violence against minors
10. Rape used as tool to portray Caste supremacy
11. Rapes and sexual crimes inside Indian Police Force
12. Regimental politics and rapes

Rape and females are common in all of these casual chapters. Why? This is a big question. The fact that crime against women is very widespread in our society. When a woman commits a crime, people discuss how a woman can do it other than focus on the crime she committed and the despair of her personality, people are a woman and a crime I hate having committed. This is how society trained our brains to function. We judge everyone without our knowledge, just by knowing our gender. Studies show that India is often cited as one of the world's rape capitals, with women being sexually assaulted every 15 minutes and the graph line soaring to 873% in about 50 years. In the case of rape or sexual violence against women and girls. Of all these polls and censuses, there are often horrifying stories about women who are frequently raped in places like Damoh and Madhya Pradesh. Within six years, the author unleashes the story of an infamous female who is the victim of patriarchal and male ego-dominated social opinions. The author also understands and respects whether India's gender discrimination has changed after the world-famous mass rape incident "NIRBHAYA" in New Delhi, and if so, the importance of equality. Ask about what you need to do to get ready. woman?

- **Legal Issue: Criminal Justice System-**

Criminal Justice mentions to the bureaus of the government imposed with implementing law, examining crime, and rectifying criminal conduct. The Criminal Justice System is fundamentally an apparatus of societal control: society contemplates some conducts so menacing, treacherous and catastrophic that it either rigorously administers their happenings or prohibits them categorically. It is the task of the bureaus of justice to averts these conducts by comprehending and punishing offenders or dissuades their further matters. Although society maintains other structures of societal control, such as the family, school, and church, temples, they are sketched out to deal with righteous, not legal, delinquency. Only the Criminal Justice System has the competency to administer crime and punish criminals. The Criminal Justice System consists of three vital establishments which proceed a case from initiation, through trial, to punishment. A case starts with law imposition authorities, who inspect a crime and cluster evidence to determine and use against the presupposed perpetrator. The case advances with the court system, which measures the evidence to analyze if the defendant is liable beyond legitimate qualm. If so, the rectifying system will use the methods at their disposition, incarceration and probation being them respectively, to penalize and rectify the demeanor of the convict. Throughout each step of the procedure, constitutional safety exists to assure that the rights of the accused and convicted are valued. These protections equitably balanced the need of the Criminal Justice System to interrogate and litigate criminals with the required consideration regarding the fundamental rights of the accused who is assumed to be innocent being respected.

The purpose of the Indian Criminal Justice incorporates penalizing, reforming, and rehabilitating the culprit. Reformation is its conclusive aim, as the system proclaims to be more rehabilitative than retributive. However, the system still fails culprits on three counts:

- (1) Ground realities make it more penal than intended.

- (2) Discourse on reformation is missing from policymaking as it is unfeasible to execute what is not gestated.
- (3) The system requires innovation and framework for rehabilitation.

The Indian criminal justice system was born out of a British structural organization. Criminal justice systems around the world are organized at the central level of the state. India's criminal justice system is not curious to follow this practice. Law and order are the basic obligations of the nation. All citizens of a nation in a welfare state expect their basic human rights. Whenever these rights are violated, human rights abuses go to the core of social work and raise legal and order issues. When a citizen is injured, injured, injured, or died as a result of a crime, the citizen is usually referred to as the victim.

However, there is an intrinsic implementation of mechanism to initiate criminal trials against such a criminal justice system motion by themselves, either by their statements or by apprising the police.

Women around the world have always been victims of abuse. Due to the generous composition of our society, women often made sexism, chauvinism, oppression, and savagery ridiculous by people. The impact of exploitation on crime-free individuals for decades today is the belief that victims must be treated with empathy and loneliness, and their aristocrats and fundamental rights are protected and respected, all over the world. Is attracting the attention of the criminal court. This article focuses only on sexual assault and gender-based violence on the subject of victimology.

Major studies to date on the criminal justice system include criminals, their human rights, arrests, transfers, recovery, and convictions. Criminal scholars and penologists are also primarily interested in them. Victims of crime give them little importance. The rate of increase in crime and violence in society cannot be explained solely by consideration for

criminals. The world cannot exist in peace with itself unless the victims at the heart of the criminal justice system are given the recognition that they deserve, be rewarded and redevelop. It calls for rehabilitation and change in government, sensibility and letters, existing services and legal solutions for compensation for crimes committed by victims, as is happening in some countries of the world. It requires some rewriting of the existing conveniences of law and social engineering. India's "criminal justice system," which originated in the Anglo-Saxon system, has important implications for the perpetrator, his actions, his rights and his correction requirements. The need for a criminal justice system is currently limited to the basic purpose of determining the guilty or innocent of a performer. Unfortunately, the basic rights of those who have experienced attacks or violence are not emphasized. India's criminal justice system has been constructive and effective so far, and it is obligatory to ponder whether it has provided justice to all staff. The main components of the criminal justice communication system are crime, investigation, execution, defense, trial, conviction, correction, probation, release, etc., and inspection. Principally, the Criminal Justice System consists of the following course of action:

- (1) Investigation
- (2) Prosecution
- (3) Trial

“a person who has suffered any loss or injury caused by reason of the act or omission for which he accused person has been charged and the expression victim includes his or her guardians or legal heir.”

victimology as:

“relations between victims and perpetrators, relations between victims and the criminal justice system, police and courts, and corrections to officers, and relations between victims and other social groups and institutions, such as the scientific study of media, business, and social movements.”

From this explanation, we can see that Victimology limits

1. Research, Analyse
2. Relationship between victim and performer
3. Relationship with the victim's criminal justice system
4. Victims and media
5. Victims and crime costs
6. Sacrifice and social movements

### Gendered crimes:

Gender crime, or violence against women and girls, is a global problem faced by one in three women in their lives.

The numbers are confusing:

- 35% of women worldwide experience physical and / or sexual violence with or without a partner.
- Globally, 7% of women are sexually abused by someone other than their partner.
- Worldwide, 38% of pesticides are committed by intimate partners.
- 200 million women have gone through female sexual organs desecrated.

This problem is not only traumatic for the victims of the assault and their families, but also socially and economically costly. In some countries, attacks on women are estimated to cost up to 3.7% of GDP. This is twice the cost many governments spend on literacy rates. The negligence of dealing with this issue also comes at a considerable price to pay in the coming time. According to countless investigations, older children in the assault are more likely to be victims or perpetrators of the assault in the

future. One factor resulting from sexual violence is the lack of social or economic boundaries, affecting women and girls of all demographic backgrounds. This issue needs to be addressed in both developing and developed countries. The assault on women and girls required public relations. The most effective initiatives address the underlying risk factors of violence, such as gender roles and social norms regarding acceptance of violence.

### CONCLUSION:

As mentioned by author in the book, those were only a set of 12 stories about the reality faced by women, with almost no safety doesn't matter they are in their homes or out in public. This reality applies to men as well without any bias but relatively the cases with women survivors are numbered too high. At this moment all they need is for the Criminal Justice System to support them without any glitches. The vast, time taking process is inevitable as the court before evidence submission treats both the parties with equal rights. Justice is the only factor the survivors get as consolidation after the trauma they face. Putting their honor and societal views, opinions aside, the victim's big step should be encouraged and supported by us as people with sense of Justice and righteousness. This book represents the plight of several women in India. Whereas few people are too scared to even step up and stand for themselves, the rest few stand up for the right thing. Indian Justice System has a historic review of prolonged and late Justice judgements. As a citizen of this country all one can hope is them to try and fasten up their belts to give people what they deserve. But, before anything above the issue of gendered crime is hoped to stop someday. Rural areas should be educated over and over again regarding how men and women weigh the same importance in the society standards. Victims and those brave people who faced this brutal situation sit awaiting their Justice to be provided. As a law student and researcher, the above is what one can understand about the Criminal Justice System. This analysis on Criminal Justice System is helpful for those survivors and common people who can stand for themselves and fight for what's right ethically. To conclude, Survivors need the help from the Justice system, they strive hard for

themselves, looking at how the System works their hope for Justice can be supported if the System is not corrupted and unbiased to the rich and powerful.

#### REFERENCES:

1. Dubey, P. (2018). *No Nation for Women*. Simon & Schuster
2. Sharma, P., Unnikrishnan, M. K., & Sharma, A. (2015). *Sexual violence in India: addressing gaps between policy and implementation*. *Health Policy and Planning*, 30(5), 656–659.
3. Karp, A., Marwah, S., & Manchanda, R. (2015). *Unheard and Uncounted: Violence against Women in India*. Small Arms Survey.
4. Drèze, J., & Khera, R. (2000). Crime, Gender, and Society in India: Insights from Homicide Data. *Population and Development Review*, 26(2), 335–352.
5. Iyer, L., Mani, A., Mishra, P., & Topalova, P. (2012). The Power of Political Voice: Women's Political Representation and Crime in India. *American Economic Journal: Applied Economics*, 4(4), 165–193.
6. Chaudhuri, T., & Mandal, A. (2017). RAPE OF THE SUBALTERN: INDIA'S RECENT SEXUAL VIOLENCE IN PERSPECTIVE. *International Review of Modern Sociology*, 43(1), 137–155.
7. SHARMA, P. (2015). Gender-based Crime and Gender Inequality in India: A Subnational Analysis. *Economic and Political Weekly*, 50(45), 48–55.
8. ARYA, D. (2015). Reporting Sexual Violence in India: What Has Changed since the Delhi Gang Rape? *Economic and Political Weekly*, 50(44), 57–66.
9. Bajpai, G. S., & Mendiratta, R. (2018). GENDER NOTIONS IN JUDGMENTS OF RAPE CASES: FACING THE DISTURBING REALITY. *Journal of the Indian Law Institute*, 60(3), 298–311.
10. Walters, M. A., & Tumath, J. (2014). Gender “Hostility”, Rape, and the Hate Crime Paradigm. *The Modern Law Review*, 77(4), 563–596.
11. Chapman, J. (2014). Violence against Women in Democratic India: Let's Talk Misogyny. *Social Scientist*, 42(9/10), 49–61.
12. Singh, M. P. (1997). Gender, Law and Sexual Assault. *Economic and Political Weekly*, 32(11), 543–550.