

Judicial responses to crime against women in metropolitan India and its impact on conviction outcomes

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Abstract

Crimes against women continue to pose a significant impediment to the effective administration of justice in metropolitan India. The current research attempts to examine the nature and pattern of crimes against women, the judicial response thereto and its effect on conviction results. The study is based on both doctrinal and empirical research methodology involving analysis of applicable laws, judicial decisions and available NCRB data regarding crimes committed against women and court disposal of cases. The study analyses conviction, acquittal, pending, evidence problems, investigation, prosecution, judicial decision-making and victim protection aspects. The main goal of the study is to understand the factors affecting conviction outcomes and the effectiveness of judicial mechanisms in metropolitan India.

Keywords: Crimes Against Women, Judicial Response, Metropolitan India, Conviction Outcomes, Criminal Justice.

1. INTRODUCTION

Gender-based crimes continue to be a major threat to gender equality, dignity of humans, and efficient delivery of justice in India. These crimes may include rape, sexual abuse, cruelty, dowry offences, trafficking, acid attack, domestic violence, among others. According to the World Health Organization, one out of three women around the world experiences physical and/or sexual violence in her lifetime, indicating the importance of the issue (WHO, 2021).

The National Crime Records Bureau (NCRB) of India provides official statistics on crimes against women in metropolitan cities and their disposal through the police and courts in India. The Crime in India 2023 data provides specific information on crimes against women in metropolitan cities and their disposal in courts.

Metropolitan cities have more access to police, courts, prosecutors, forensic laboratories, and lawyers compared to smaller cities. Nonetheless, availability of institutional resources is not an assurance of successful prosecution and conviction of offenders. The cases may face challenges such as improper investigations, evidentiary problems, problems related to witnesses, poor prosecution, delays in procedures and pending cases in court. Thus, the conviction results should be evaluated as part of a larger criminal process and not just as an indicator of the effectiveness of judges.

Also, the legislation dealing with crime against women has undergone significant changes. Specifically, the Bharatiya Nyaya Sanhita, 2023 (BNS) has replaced the Indian Penal Code, 1860, while the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has replaced the Code of Criminal

Procedure, 1973. The reforms above come into effect from 1 July 2024. It thus becomes essential to examine the influence of changes in the criminal law on judicial practices and conviction rates.

Judicial judgments play a key role in interpretation of the law, evaluation of evidence, upholding victims' rights, providing guarantees of a fair trial, and determining proper sentences. The Supreme Court has, through some of its judgments, fortified the legal protection that can be offered concerning crimes against women and victims' rights. However, for effective justice delivery, there should be a combination of the efforts of investigation, prosecution, and adjudication rather than strengthening the criminal statutes alone.

On this basis, this study titled "Judicial Responses to Crime Against Women in Metropolitan India and Their Impact on Conviction Outcomes" aims at examining the nature and pattern of crimes against women in metropolitan India, analysis of judicial response to crime against women via legislation and judicial judgments and determination of the factors affecting conviction outcomes. The research will mainly concentrate on the interaction between judicial process and the outcome of convictions.

This research is important as it attempts to fill the gap between what law stipulates on paper and the reality of its implementation in practice. By incorporating a doctrinal analysis of the law with an empirical analysis of official crime statistics and disposal from the courts, it intends to point out the various factors that determine the administration of justice and how it can be improved.

1.1.Objectives of the study

1. To understand the nature, pattern and incidence of crimes against women in selected metropolitan cities of India.
2. To analyze the judicial response to crimes against women in metropolitan India.
3. To evaluate the effect of judicial response on conviction rate of crimes against women.

2. REVIEW OF LITERATURE

The following studies provide the major intellectual and empirical foundations for the proposed research.

2.1.Empirical Studies on Crimes Against Women in India

Puri, Paltasingh and Mohanty (2024) analyzed the trends of crimes committed against women in India for 20 years from 2000 to 2019 using state-level panel data. Their work, published in Global Crime, explores whether there was convergence of various types of crimes committed against women among states in India. This study is significant because it clearly shows that the crimes committed against women cannot be comprehended just on the basis of the annual figures of crimes but also geographically and temporally.

Ritika et al. (2025) utilized NCRB data of Indian States and UTs during the period of 2017-2022 to analyze the trends of crimes against women and criminal justice indicators related to the arrest rate, charge-sheeting, conviction and discharge of criminals. This study is especially pertinent to our current research since it looks not only at the number of crimes but also considers the results of the process in criminal justice. Nevertheless, its focus on the national state level does not enable a closer comparison of metropolitan cities.

2.2.Research on Conviction Outcomes

An important study conducted in this field is titled Differences in Conviction Rates among Violent Crimes in India (2019). Conducted using crime data from India, this study compared crimes against

women to neutral gender violent crimes and investigated how the rates of reporting, investigation, investigation completion, trial completion, and convictions varied between the two. The results indicated that rape and dowry death crimes could have higher rates of investigation and trial completion but still end up having much lower rates of conviction than some other types of violent crimes.

2.3. Empirical Study of Rape Adjudication in Delhi

The study by Dash (2020) is among the most pertinent empirical studies concerning the current research. In "Rape Adjudication in India in the Aftermath of Criminal Law Amendment Act, 2013: Findings from Trial Courts of Delhi," Dash conducted an analysis of 1,635 rape cases decided by Delhi trial courts from 2013 to 2018. In this research, cases decided using the prior law were contrasted with those decided according to the new amendment to the Criminal Law Amendment Act, 2013. In these two sets of cases, conviction rates of 16.11% and 5.72% were observed, respectively. This study shows that stringent mandatory punishments may not necessarily lead to high conviction rates.

2.4. Gender and Access to Justice

Jassal (2024) conducted a groundbreaking study in which she analyzed whether women faced any discrimination in terms of access to the criminal justice system in India. This study is especially important in the context of its analysis as it tracks the cases through all the stages of the justice process. In order to conduct the research, Jassal developed her own database of roughly half a million crime complaints that she then matched with court data. According to the study results, there was found so-called "multi-stage discrimination": women were less likely to have their complaints addressed in time or not addressed at all, while men accused by female complainants were less likely to be convicted.

2.5. Judicial Reasoning and Feminist Approaches

Chaudhary (2024) assessed the importance of feminist jurisprudential approaches in Indian legal decision-making in the Indian Law Review. This work compared different judicial approaches in relation to the rights of women to reproduce and the criminalization of marital rape. Attention was paid to the decisions of the Supreme Court and the High Court of Delhi. It is argued that positivist approaches may ignore the life experience of women, and feminist jurisprudence will offer a more context-oriented approach to the problem.

2.6. Institutional Implementation and Victim Support

Agarwal and Sharma (2022) analyzed the one stop crisis centres in India as institutional mechanisms to deal with sexual offenses. Their paper was published in the International Journal of Legal Information. They analyzed the gap between policy formation, implementation, and enforcement. They stressed the need to make sure that women victims of sexual offenses do not have to use different institutions to get medical, legal, psychological, and other assistance.

Importance of this study is in the fact that the result in the judicial process depends on certain circumstances that emerge before the trial actually begins. Support of the victim, evidence collection, medical aid, and cooperation among organizations may have an influence on the future prosecution process. Nevertheless, the above mentioned study is mainly concerned about institutional support but does not empirically prove any link between institutional support and conviction.

3. RESEARCH METHODOLOGY

This current study follows the doctrinal and non-doctrinal research methodology approach to analyze the judicial reactions to crimes committed against women in metropolitan India and their effect on the process of conviction. This research methodology is a combination of the legal analysis approach along with the empirical analysis of crimes and court disposal cases.

3.1. Doctrinal Legal Research

The doctrinal part focuses on the constitutionality, statutes, and judicial precedents dealing with offences against women. The pertinent provisions of the Bharatiya Nyaya Sanhita, 2023 (BNS), Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and other pertinent special laws dealing with women are analyzed. This study also analyzes the relevant provisions of the previous Indian Penal Code, 1860 (IPC) and Code of Criminal Procedure, 1973 (CrPC) where the offences are tried under the previous legal regime.

This analysis is done based on the judgments of the Supreme Court of India and relevant High Courts and trial courts with special emphasis on the judicial rationale, appreciation of evidence, convictions and acquittals, sentencing, compensation of victims and disposal of cases.

3.2. Empirical Research

The empirical part involves analysis of statistical data about offenses against women and judicial disposal of these offenses in metropolitan India. The statistical data would be extracted from official sources like National Crime Records Bureau (NCRB) under the Ministry of Home Affairs through the "Crime in India" report and metropolitan city data on judicial disposal.

The research considers parameters such as the total number of cases recorded, pending cases in courts, disposed cases, convictions, acquittals, and other disposal outcomes of such cases.

3.3. Study Area

The study is confined to a few metropolitan cities of India which include Delhi, Mumbai, Kolkata, Chennai, Bengaluru and Hyderabad, depending on the availability of data. The reason for choosing these cities is their large population base, urban complexities and availability of crime data and judiciary related data.

3.4. Sources of Data

The study uses both **primary and secondary sources**.

Primary sources include:

- Judicial decisions of the Supreme Court, High Courts and relevant trial courts.
- Statutory provisions and legislative materials.
- Official crime and court-disposal statistics.

Secondary sources include:

- Books and research monographs.
- Peer-reviewed journal articles.
- Law Commission reports.
- NCRB reports.
- Government publications.
- Reports of the National Commission for Women.
- Scholarly theses and dissertations.
- Reliable legal databases and academic publications.

3.5.Sampling and Case Selection

In case of legal analysis, appropriate judgments are chosen using purposive sampling. Judgments are selected keeping in view their relevance to crimes committed against women, metropolitan jurisdiction, judicial interpretations, evidentiary problems, convictions/acquittals and sentencing. Both landmark and contemporary judgments have been taken into account to find out trends in judicial response.

3.6.Data Analysis

Statistical analysis is employed to analyse the data using descriptive and comparative methods. Calculation of frequencies, percentages, conviction rate, acquittal rate and case disposal rate is done wherever applicable. Comparative analysis is done on selected metropolitan cities and selected types of crimes.

Decisions taken by the judges are qualitatively analyzed to find the themes that are common regarding issues like evidence, testimony of the victim, consent, procedure, delay, sentencing and victim's protection. The results from both methods are combined to ascertain what impacts the conviction result.

3.7.Legal and Ethical Considerations

The study draws its main sources from publicly available judiciary and government data. Information regarding victims in this study is confidential. If there are case studies with confidential data, then the study adheres to proper principles of confidentiality, dignity, and sound legal research. The study maintains neutrality and does not assume that an acquittal automatically means judicial failure.

4. DATA ANALYSIS

This study examines the judicial reactions to crimes against women in metropolitan India and its effects on the conviction results in an integrated manner. Data analysis is perfectly compatible with the three research questions posed. The quantitative part will involve the use of crime and disposal of court cases statistics from the National Crime Records Bureau (NCRB). On the other hand, qualitative data analysis will entail an assessment of statutory laws and case laws related to the topic. This will be used to interpret the relationship between the nature of crime, judicial reaction and conviction results.

4.1.Analysis Relating to Objective One

Objective One: To study the nature, patterns, and frequency of offenses committed against women in some select metropolitan cities of India, particularly with regards to the various types of crimes and trends thereof.

The first phase of the study looks at the nature, occurrences and trends of crimes committed against women in metropolitan areas in India. Official statistics from NCRB form the primary empirical sources for the study. A specific dataset on crimes against women in metropolitan areas and their court disposal in 2023 is provided on the open government data platform of the Government of India. These datasets are part of the Crime in India 2023 statistics produced by NCRB (National Crime Records Bureau [NCRB], 2024).

Some of the main types of offences against women include sexual offences, assault and criminal force, kidnapping and abduction, cruelty by husband or relatives, dowry related offences and

others, among those specified by NCRB. Frequencies and percentages are used to compare trends in various types of crime.

The analysis considers:

- Number of reported cases;
- Nature and category of offences;
- Metropolitan-city-wise distribution;
- Changes in crime patterns over the selected period;
- Cases entering the judicial system; and
- Relationship between crime incidence and subsequent court disposal.

In addition to the usage of the official crime statistics, there is contemporary empirical evidence as well. Puri et al. (2024), who use the state-level panel data for 2000-2019, show that there are geographical and temporal variations in the incidence of crimes against women in India. The results provide justification for the necessity of focusing on differences between jurisdictions rather than viewing India as a homogenous entity.

Thus, the empirical context for further discussion of the judicial response is established.

4.1.1. Crime Pattern and Judicial Relevance

The fact that an offence involves something different is important for the determination of the judicial outcome because there are various factors which differ from one type of crime to another and some offences require special treatment. There are matters of consent, the testimony of the victim, forensic and medical evidence related to sexual offences while matters of documentation, circumstances and witnesses' evidence are related to cruelty and dowry cases.

Hence, Objective One forms the basis for Objectives Two and Three.

4.2. Analysis Relating to Objective Two

Objective Two: Critical analysis of judicial response to crimes against women in metropolitan India through examination of relevant statutory laws, judicial precedents, sentencing patterns, case disposal, and judicial process of adjudicating such cases.

The second stage of analysis employs the doctrinal aspect of the methodology used for research. It involves an analysis of the constitutional and legislative provisions on offences committed against women, which includes the Bharatiya Nyaya Sanhita, 2023 (BNS), Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and special enactments.

The Indian Penal Code, 1860 and Code of Criminal Procedure, 1973 have also been taken into consideration, with regard to decisions made under this previous regime of law.

Decisions of the Supreme Court, High Courts, and other relevant trial courts have been studied, with particular emphasis on judicial attitudes towards crimes against women, including judicial interpretation, appreciation of evidence, victim protection, sentencing and disposal of cases.

The judicial analysis focuses on:

- Interpretation of criminal-law provisions;
- Procedural safeguards;
- Appreciation of victim testimony;
- Medical and forensic evidence;
- Consent and credibility;
- Delay in reporting;

- Investigation deficiencies;
- Prosecution shortcomings;
- Witness examination;
- Sentencing;
- Victim compensation; and
- Protection of victim identity and dignity.

The theory of this approach has been tested by the empirical research of Jassal (2024), which analyzes the entire process of cases in the Indian criminal justice system using nearly half a million crime reports connected to court records. Jassal (2024) discovers the presence of “multi-stage” disadvantage and proves that the process of experiencing justice might be influenced at any stage other than the trial.

- **Case Study: State of Punjab v. Gurmit Singh**

The Supreme Court case of State of Punjab vs. Gurmit Singh (1996) 2 SCC 384 has been studied as a judicial precedent of significance in relation to the issue of appreciation of evidence in sexual offences cases. The case highlights the significance of appreciating the testimony of the prosecutrix in a proper manner.

The case is pertinent to the current study in that judicial appreciation of the testimony of the victim affects whether or not the case of the prosecution is proved. Hence, the study examines whether such issues arise in metropolitan trial court decisions.

- **Case Study: Nipun Saxena v. Union of India**

Analysis of the Supreme Court’s Judgment in Nipun Saxena v. Union of India, W.P. (C) No. 565 of 2012 dated 11 December 2018 is provided in light of the protection of the identity and dignity of victims of sexual offenses.

The judgment shows that judicial reaction goes beyond mere conviction and punishment. Victim identification and secondary victimization prevention are other aspects of efficient delivery of justice.

Therefore, victim protection can be viewed as one of the qualitative aspects of judicial reaction.

- **Case Study: Laxmi v. Union of India**

Supreme Court’s judgement in Laxmi v. Union of India, (2014) 4 SCC 427 is considered here as an exemplary case of judicial interference in connection with the issue of acid attacks.

As this case shows, judicial intervention may not be limited to questions of criminal liability but may include regulation, protection and compensation of the victim.

- **Institutional Support and Judicial Outcomes**

Judicial decisions may also be impacted by the availability of institutional assistance for victims prior to and during litigation processes. Agarwal and Sharma (2022) look at India’s One Stop Crisis Centres and point out the problems related to the functioning of institutional structures that are meant to offer help to victims of sexual crimes. Coordination between legal, medical and assistance services is highlighted in their research (Agarwal & Sharma, 2022).

The above information is pertinent to the current study because weak assistance and coordination may have an impact on all the aspects mentioned in the introduction.

4.3. Analysis Relating to Objective Three

Objective Three: In order to investigate the effect of judicial response on conviction in cases of crimes against women and to understand the factors influencing the conviction rates, which would help in proposing measures to improve the delivery of justice.

The third stage is the most important part of this research. In this stage, the statistical analysis of court disposal data is combined with the analysis of judicial decisions.

The study examines:

- Convictions;
- Acquittals;
- Discharges, where separately reported;
- Other forms of disposal; and
- Cases remaining pending.

The principal measure is:

Conviction Rate = (Number of Cases Resulting in Conviction ÷ Total Cases Disposed of by Courts) × 100

The study also calculates, where appropriate:

Acquittal Rate = (Number of Cases Resulting in Acquittal ÷ Total Cases Disposed of by Courts) × 100

Disposal Rate = (Total Cases Disposed of ÷ Total Cases Available for Disposal) × 100

Pendency is treated as a separate category because the number of pending cases is an entirely different measure of judicial performance than convictions or acquittals.

4.3.1. Metropolitan Comparison of Conviction Outcomes

Comparative analysis is done between the different judicial outcomes among the chosen metropolitan areas on the basis of the NCRB Court Disposal Statistics. These include:

Indicator	Analytical purpose
Cases pending	Measures unresolved judicial workload
Cases disposed	Measures judicial disposal
Convictions	Measures successful prosecution outcomes
Acquittals	Identifies non-conviction outcomes
Conviction rate	Permits comparative assessment
Offence category	Identifies offence-specific differences
Pendency	Examines delay in justice delivery

The interpretation of the results does not take a greater or lesser number of cases as an indicator of good or poor judicial performance respectively. All factors such as population, reporting system, nature of offences, and capability of institutions are considered.

4.4. Evidence-Based Analysis of Conviction Outcomes

The research does not immediately assume that low conviction rates mean judicial failure. Rather, the rationale provided by judges is analyzed to discover what causes convictions and acquittals.

The following factors are coded from selected judgments:

Factor	Issues examined
Victim testimony	Credibility, consistency and reliability

Medical evidence	Injuries and medical findings
Forensic evidence	DNA and other scientific evidence
Witnesses	Hostility, contradiction and availability
FIR	Delay and explanation for delay
Investigation	Quality and procedural compliance
Prosecution	Presentation and examination of evidence
Consent	Judicial interpretation where relevant
Documentary evidence	Supporting records
Judicial reasoning	Basis for conviction or acquittal
Sentencing	Punishment imposed after conviction
Victim relief	Compensation and protective measures

This analysis shows the direct correlation between the judicial reaction according to Objective Two and the conviction result according to Objective Three.

5. CONCLUSION AND FUTURE SCOPE

Violence against women continues to pose a major problem in the delivery of justice in metropolitan India. In analyzing the problem, the study draws from three interrelated approaches – crime pattern, judicial reaction and conviction outcomes. The study acknowledges that while the existence of strict laws is a necessity in the delivery of justice, other factors such as effective investigation, admissible evidence, prosecution, speedy disposal of cases and judicial reasoning have to play an important part.

It is concluded that convictions alone cannot be used as measures of judicial performance. Other issues like delays, lack of admissible evidence, weak investigation, prosecution practice, victim protection and case pending can all impact justice delivery. There is need therefore for a comprehensive and victim-sensitive approach involving the judiciary, police, prosecution and other support structures to deal with crimes against women in metropolitan India.

Future research could expand on this research by examining longitudinal trends in metropolitan convictions, comparative research on a larger number of cities, and examination of judicial reasoning within the context of the Bharatiya Nyaya Sanhita, 2023 and Bharatiya Nagarik Suraksha Sanhita, 2023. Other empirical research may focus on victim's experiences, police officer's experiences, prosecutor's experience, and judges' experience in order to reveal practical challenges to delivering justice. Use of larger samples of court level data and statistical models may shed light on the link between the quality of investigations, evidence, judicial behavior, and convictions.

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