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# Rape and Rape/Gangrape with Murder in India

## Disposal of Cases by the Police and Trial Courts

### Preliminary Analysis of National Crime Records Bureau Data – Part 2<sup>1</sup>

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#### ***Introduction***

In July 2014 we published a preliminary analysis of the publicly available government data about the incidence of the heinous crime of rape since the dawn of the 21<sup>st</sup> century and covering a 13-year period (2001 – 2013). This study was conducted in the aftermath of the 2012 gruesome gang-rape of Nirbhaya in New Delhi which eventually resulted in her death and the major amendments made to the existing criminal laws- both substantive and procedural based on the recommendations of the Justice J S Verma Committee. The report of this preliminary study can be [accessed here](#). The spontaneous protests led by students and other segments launched across the country had forced the hands of the government at the Union and State-level to take concrete steps to ensure the safety of women and prevent sexual violence against them.

Today we are at another historical juncture. Country-wide protests have been launched by the medical fraternity to protest the rape and murder of a young doctor in a government-run hospital in Kolkata earlier in August 2024. The Supreme Court of India has directed the setting up of a task force to protect doctors and other healthcare workers from violence they face in the line of duty. Meanwhile reports of rape, sexual assault, molestation of women and girls occurring in different parts of the country are published by the media every day. The criminal justice system has begun implementing what the Union Government calls- “decolonized criminal” laws since July this year. While it is too early to gauge their impact this is a good moment to ask whether the seminal amendments to the erstwhile criminal laws introduced through the [Criminal Law \(Amendment\) Act, 2013](#) have had any impact on the incidence of sexual crimes against women, particularly that of rape and rape-cum-murder.

Such a study can be of two kinds or a combination of both. The first kind of study will involve an in-depth assessment of the manner in which the police registered and investigated such cases to collect prosecutable evidence, the manner in which the prosecutors led the case seeking punishment for the culprits and the manner in which trial courts decided those cases and the kind of support which survivors and/or their families received from the State. Going beyond the trial stage, such a study will also have to look into the manner in which the constitutional courts dealt with these cases in appeal. All of this will require pouring over thousands of pages of case-records. Thanks to the adverse impact of governmental action against us which began more than three years ago, depleting our staff strength and restricting our ability to raise resources even domestically, we are unable to conduct such an in-depth study.

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<sup>1</sup> This preliminary study report is released by **Commonwealth Human Rights Initiative (CHRI)**, New Delhi in October, 2024.

*We are grateful to the Jatashankar T. Pathak Charitable Trust (JTPCT), for their support, especially to its former Chair, the late Hansaben Pandya, who conceived of and encouraged the collaboration between the Trust’s Chhelbhai Dave Police Reforms Project and CHRI. We are also grateful to the Lal Family Foundation for supporting CHRI.*

So have tried to do what is second best- once again analyse government data about the incidence of rape and the manner of disposal of such cases by the police and courts. These statistics are published by the Union Home Ministry's [National Crime Records Bureau](#) (NCRB) in its annual [Crime in India \(CII\) reports](#).

Our preliminary study is divided into **three parts**. **Part-1** of our study report contains our findings about the incidence of cases of rape and murder with rape/gang rape across the country and in each State and Union Territory (UT). This document which forms **Part-2** of the study report, contains our findings about the manner of disposal of rape and rape/gangrape with murder across the country.

**While Part-1 of our preliminary study covered the period 2014-2022, Part-2 covers the period 2017-2022 only.** This is because data about the manner in which the police and the trial courts have handled and disposed of cases of rape and murder with rape/gang rape is uniformly available only for and comparable across this six-year period.<sup>2</sup> **Further, in this part we are presenting only macro-level findings because State and Union Territory-wise data about the manner of disposal of these two categories of crimes is not yet available either in NCRB's CII annual reports or on its website.**

**Part-3 of our study report contains our findings about the district-wise incidence of cases of rape during the period 2015-2022 for which data is available in a uniform manner.**

**Part-2** of our study report below covers the following segments:

**I. Disposal of cases by the Police**

- *Macro-level findings regarding police investigation*
- *Macro-level findings regarding the completion of investigation by the police*
- *Macro-level findings with regard to chargesheeting in rape/gangrape with murder cases*
- *Macro-level findings with regard to chargesheeting in rape cases*
- *Macro-level findings about cases where the police filed a final report instead of a chargesheet*

**II. Disposal of cases by the Trial Courts**

- *Macro-level findings regarding rape/gangrape with murder cases sent up for trial*
- *Macro-level findings regarding rape cases sent up for trial*
- *Macro-level findings regarding the status of trial in rape/gangrape with murder cases*
- *Macro-level findings regarding the completion of trial in rape cases*
- *Macro-level findings regarding the outcome of trial in rape/gangrape with murder cases*
- *Macro-level findings regarding the outcome of trial in rape cases*
- *Macro-level findings regarding the outcome for persons under trial in rape/gangrape with murder and rape cases*

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<sup>2</sup> Similar data for the year 2023 is yet to be published by the NCRB.

## I. Disposal of Cases by the Police

1) **Macro-level findings regarding police investigation:** According to NCRB data, there were a total of **1.89 lakh cases of rape and 1,551 cases of rape/gangrape with murder<sup>3</sup>** that were required to be investigated during the **6-year period between 2017-2022**. This figure is equal to the number of cases reported during this period which we presented in **Part-1** of our study report. NCRB data about police disposal of rape cases contains information regarding the number of survivors categorized as ‘women’ and ‘girls’. However, NCRB does not publish such breakups in the category of rape/gangrape with murder. See **Table 1** below:

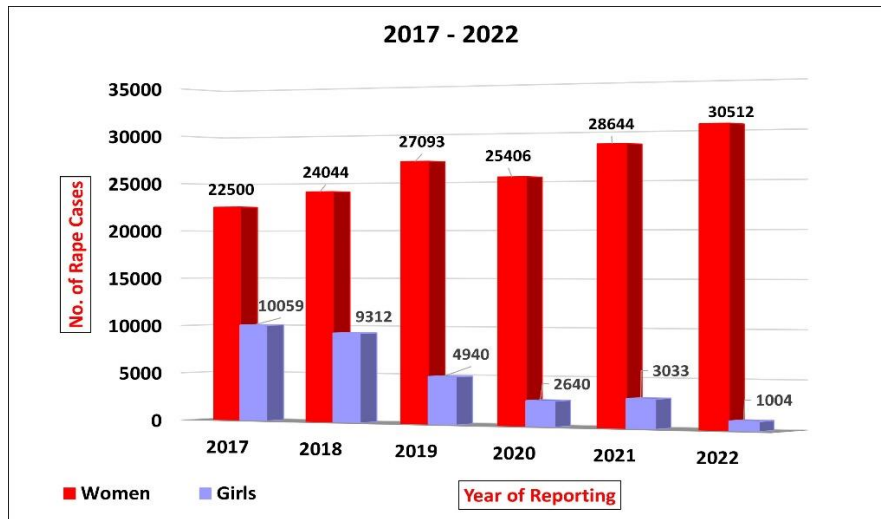
**Table 1**

<b>No. of new cases requiring investigation and no. of survivors involved</b>						
<b>2017 - 2022</b>						
<b>Year</b>	<b>Rape/Gang rape with Murder cases</b>	<b>Rape cases</b>	<b>Total no. of cases</b>	<b>No. of women survivors involved in rape cases</b>	<b>No. of girl survivors involved in rape cases</b>	<b>Total no. of survivors</b>
<b>2017</b>	223	32559	32782	22500	10059	32559
<b>2018</b>	294	33356	33650	24044	9312	33356
<b>2019</b>	283	32033	32316	27093	4940	32033
<b>2020</b>	219	28046	28265	25406	2640	28046
<b>2021</b>	284	31677	31961	28644	3033	31677
<b>2022</b>	248	31516	31764	30512	1004	31516
<b>Total</b>	<b>1551</b>	<b>189187</b>	<b>190738</b>	<b>158199</b>	<b>30988</b>	<b>189187</b>

- The data relating to survivors published by NCRB indicates that **eight out of every ten (83.62%) survivors in rape cases were women and the remaining were girls;**
- **Graph-1** below which portrays the data contained in **Table-1** shows, over the years, the **number of women survivors is rising in all years except 2020-** the first year of the COVID-19 pandemic. Thankfully, the **number of girl survivors has fallen year after year except in 2021-** the second year of the pandemic. The statistical tables do not provide any insight into the contributing factors underlying **these phenomena. These contrasting phenomena require in-depth probing;**

<sup>3</sup> NCRB terms this category of crimes as ‘murder with rape/gang rape’ which is based on the rule of ‘principal offence’ (offence which attracts the highest punishment). We have reversed the order of these words because in almost all cases it is the offence of rape which is committed first by the perpetrator(s) followed by murder in a bid to silence the victim.

**Graph 1**

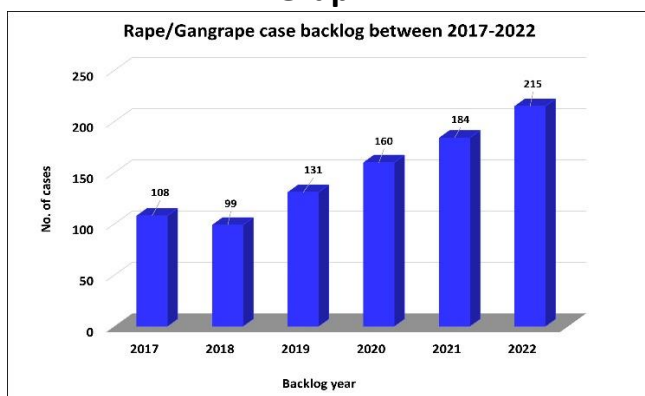


- Further, according to NCRB data, **at the beginning of the year 2017**, there was a **backlog of 14,406 rape cases involving 12,531 women and 1,875 girl survivors**. The year 2017 also **started with a backlog of 108 cases of rape/gangrape with murder** that required to be investigated by the police. So, the **total number** of cases in both categories which required to be investigated during the year **2017 was 47,296 cases**. See **Table 1 above** and **Table 2** below;
- During the entire **6-year period**, the police across the country have not been able to complete investigation of every case of rape and rape/gangrape with murder during the same year in which it was reported. **So, a backlog of cases has accumulated year after year**. The backlog data is given in **Table 2** along with **Graphs 2 and 3** below;
- NCRB data indicates, the **backlog of rape/gangrape with murder cases has been on the rise throughout this 6-year period except in 2018**. On the other hand, the **backlog of rape cases pending investigation have fallen in all years except in 2020**- the first year of the COVID-19 pandemic. See **Graphs 2 & 3** below.

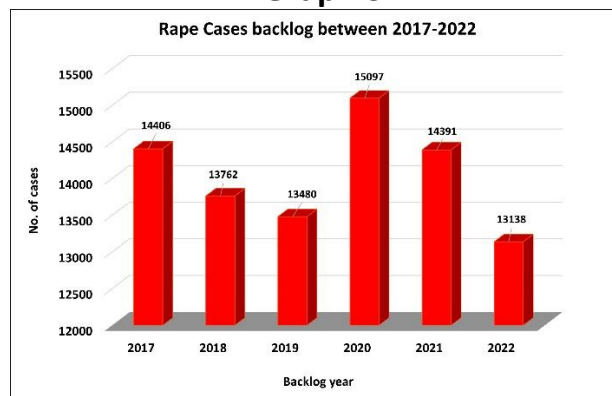
**Table 2**

<b>Backlog of cases at the beginning of the year and no. of survivors involved: 2017 - 2022</b>				
<b>Year</b>	<b>Rape/Gang rape with Murder cases backlog</b>	<b>Rape cases backlog</b>	<b>No. of women survivors involved in backlog rape cases</b>	<b>No. of women survivors involved in backlog rape cases</b>
<b>2017</b>	108	14406	12531	1875
<b>2018</b>	99	13762	11210	2552
<b>2019</b>	131	13480	10900	2580
<b>2020</b>	160	15097	12296	2801
<b>2021</b>	184	14391	12600	1791
<b>2022</b>	215	13138	12107	1031

**Graph 2**



**Graph 3**



**2) Macro-level findings regarding the completion of investigation by the police:**

Analysis of NCRB’s data with regard to the police investigation of rape/gangrape with murder cases reveals both positive and negative trends. The success rate in filing chargesheets against the accused in cases where the police were able to complete investigation is very high, inspiring confidence. In four of the six years under study, the rate of chargesheeting was above 90% even during the COVID-19 pandemic years. The success rate dipped below 90% in 2018 and more recently in 2022. However, the police have not been able to complete investigation in a large number of cases of rape/gangrape with murder during this period i.e., between 32-49%. While the poor rate of completion of investigation during the pandemic years may have a legitimate reason, the rate of failure is almost 39% in 2022. In 2017 when NCRB began publishing this data the rate of failure was below 33%. See Table 3 below;

**Table 3**

Police disposal of rape/gangrape with murder cases						
2017-2022						
Year	Total cases for investigation during the year	No. of cases where final report was submitted	No. of cases in which chargesheet was submitted	Total no. of cases where investigation was completed (Cols. 3 + 4)	% of cases where investigation was not completed	% of cases resulting in chargesheet (Col. 4*100/Col. 2)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
2017	331	11	211	222	32.93%	95.05%
2018	393	33	224	257	34.61%	87.16%
2019	414	13	233	246	40.58%	94.72%
2020	379	18	175	193	49.08%	90.67%
2021	468	22	231	253	45.94%	91.30%
2022	463	43	240	283	38.88%	84.81%

- Similarly, our analysis of NCRB’s data with regard to police investigation of rape cases reveals positive and negative trends. Unlike in the category of rape/gangrape with murder the rate of failure of the police to complete investigation in rape cases is much lower- ranging between 29-33% during the first five years of the period under study. This is a positive trend.

In 2022 this failure rate dipped substantially to about 24%. However, the rate of chargesheeting of the accused has been falling in all years except in 2020- the first year of the pandemic. The success rate was at its highest in 2017 at more than 86%. It has plummeted to its lowest in 2022 (78.10%) during the 6-year period under study. See Table 4 below. This is cause for concern and requires in-depth study for the causal factors behind this decline.

**Table 4**

<b>Police disposal of rape cases</b>						
<b>2017-2022</b>						
<b>Year</b>	<b>Total cases for investigation during the year</b>	<b>No. of cases where final report was submitted</b>	<b>No. of cases in which chargesheet was submitted</b>	<b>Total no. of cases where investigation was completed (Cols. 3 + 4)</b>	<b>% of cases where investigation was not completed</b>	<b>% of cases resulting in chargesheet</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)</b>
<b>2017</b>	46965	4364	28750	33114	<b>29.49%</b>	<b>86.82%</b>
<b>2018</b>	47118	4841	28469	33310	<b>29.31%</b>	<b>85.47%</b>
<b>2019</b>	45513	5504	24848	30352	<b>33.31%</b>	<b>81.87%</b>
<b>2020</b>	43143	5015	23693	28708	<b>33.46%</b>	<b>82.53%</b>
<b>2021</b>	46068	6256	26164	32420	<b>29.63%</b>	<b>80.70%</b>
<b>2022</b>	44654	7433	26508	33941	<b>23.99%</b>	<b>78.10%</b>

**3) Macro-level findings with regard to chargesheeting in rape/gangrape with murder cases:** NCRB data indicates a worrisome trend where the rate of chargesheeting in rape/gangrape with murder cases pending from previous years i.e., backlog cases, has fallen considerably when we compare the first and last years of the period under study. The rate of chargesheeting was at its highest at 53.70% in 2017 but it has plummeted to 29.30% in 2022. The rate of chargesheeting was at its lowest (19.08%) in 2019. Though there has been some improvement since then, the level of 2017 has not been reached. See Table 5 below;

- In contrast to the above, when one looks at the rate of chargesheeting in rape/gangrape with murder cases during the same year in which they were reported, police performance appears to be much better. The rate of chargesheeting was 68.61% in 2017 and reached the highest (73.50%) in 2019. Though the rate of chargesheeting fell considerably during the two years of the COVID-19 pandemic, it had crossed the 70% mark again in 2022 (71.37%). See Table 5 below;

Table 5

Rate of chargesheeting in cases of rape/gangrape with murder						
2017-2022						
Year	Backlog of cases	Backlog cases chargesheeted during the year	% of backlog cases chargesheeted	Cases reported in the current year	Cases from the current year chargesheeted	% of cases from the current year chargesheeted
2017	108	58	53.70%	223	153	68.61%
2018	99	31	31.31%	294	193	65.65%
2019	131	25	19.08%	283	208	73.50%
2020	160	39	24.38%	219	136	62.10%
2021	184	48	26.09%	284	183	64.44%
2022	215	63	29.30%	248	177	71.37%

4) **Macro-level findings with regard to chargesheeting in rape cases:** With regard to chargesheeting in rape cases pending from previous years i.e., backlog cases also, NCRB data indicates a worrisome trend. The rate of chargesheeting was 51.69% in 2017. It fell in every year up to 2021. However, there was improvement in 2022 with the rate of chargesheeting rising to almost 50%. See Table 6 below;

- Police performance with regard to the rate of chargesheeting of rape cases in the same year in which they were reported is even worse. It has never reached 70% in any of the years under study. It was highest at 65.43% in 2017 and kept falling until 2019. It has been rising since 2020 and had reached 63.31% in 2022. See Table 6 below.

Table 6

Rate of chargesheeting in rape cases						
2017-2022						
Year	Backlog of cases	Backlog cases chargesheeted during the year	% of backlog cases chargesheeted	Cases reported in the current year	Cases from the current year chargesheeted	% of cases from the current year chargesheeted
2017	14406	7447	51.69%	32559	21303	65.43%
2018	13762	7054	51.26%	33356	21415	64.20%
2019	13480	6605	49%	32033	18243	56.95%
2020	15097	7161	47.43%	28046	16532	58.95%
2021	14391	6807	47.30%	31677	19357	61.11%
2022	13138	6554	49.89%	31516	19954	63.31%

5) **Macro-level findings about cases where the police filed a final report instead of a chargesheet:** It is extremely worrisome that in a large number of cases of rape and

pare/gangrape with murder, the **police filed a final report instead of a chargesheet after the completion of investigation**. NCRB captures this data with regard to cases where the police investigation was not able to unearth sufficient evidence to try the accused or where the accused remained untraced, or the complaint was found to be false or where the case ended as a mistake of fact or law or the issue was in the nature of civil dispute. **140 cases of rape/gangrape with murder were closed** with a final report during the **6-year period**. Similarly, **33,143 cases of rape were closed with a final report** during the same period. In other words, the number of cases belonging to both categories that were closed with a final report is equal to the average number of new cases filed annually during the period under study. See **Table 7** below.

- As many as **97 cases** in which **final report** was filed by the police were **closed due to insufficient evidence to try the accused for rape/gangrape with murder they committed**. The **lowest count of such cases was in 2019 (7 cases)** whereas the **highest count was reported in 2022 (36 cases)**. See **Table 7** below;
- In the **category of rape, 7,495 cases were closed** during the **6-year period** because the **police were unable to find sufficient evidence** to try the accused. This count was lowest at **19.68% in 2020-** the first year of the COVID-19 pandemic but it reached the highest during the period under study in **2022 (25.84%)**. In other words, in 2022, a **quarter of the rape cases** in which the police filed the final report were **closed due to insufficient evidence** to try the accused. See **Table 7** below;
- The sum and substance of the trend identified above is that as many as **140 victims of rape/gangrape who were murdered** and **6,933 women and 562 girl survivors** of rape could not get justice at all during this 6-year period because the police were simply not able to collect sufficient prosecutable evidence. See **Table 7** below.

**Table 7**

<b>Cases closed after the filing of Final Report by the Police</b>							
<b>2017-2022</b>							
<b>Year</b>	<b>Rape/ Gangrape with Murder cases closed after Final Report</b>	<b>↩ Cases closed due to insufficient evidence</b>	<b>↩ % of cases closed due to insufficient of evidence</b>	<b>Rape cases closed after Final Report</b>	<b>↩ Cases closed due to insufficient evidence</b>	<b>↩ % of cases closed due to insufficient of evidence</b>	<b>No. of women (W) &amp; girl (G) survivors involved in rape cases which were closed</b>
<b>2017</b>	11	9	<b>81.82%</b>	4364	1012	<b>23.19%</b>	883-W, 129-G
<b>2018</b>	33	24	<b>72.73%</b>	4841	1093	<b>22.58%</b>	940-W, 153-G
<b>2019</b>	13	7	<b>53.85%</b>	5504	1127	<b>20.48%</b>	1037-W, 90-G
<b>2020</b>	18	12	<b>66.67%</b>	5015	987	<b>19.68%</b>	935-W, 52-G
<b>2021</b>	22	9	<b>40.91%</b>	6256	1355	<b>21.66%</b>	1296-W, 59-G
<b>2022</b>	43	36	<b>83.72%</b>	7433	1921	<b>25.84%</b>	1842-W, 79-G
<b>Total</b>	<b>140</b>	<b>97</b>	<b>69.29%</b>	<b>33143</b>	<b>7495</b>	<b>22.61%</b>	<b>6933-W, 562-G</b>



## II. Disposal of cases by the Trial Courts

### 1) **Macro-level findings regarding rape/gangrape with murder cases sent up for trial:**

Analysis of NCRB's data indicates that the number of **rape/gangrape with murder cases before trial courts is increasing year after year** during the period under study. The total number of cases- backlog plus new cases sent for trial was at its **lowest (574 cases) in 2017** and steadily increased to **1,333 by 2022** i.e., an **increase of 132.23%**. Although the number of **new cases sent for trial** after completion of investigation **dipped in 2020** during the pandemic year, the total volume of cases has only increased in other years during the period under study. This is primarily **because of the ever-increasing backlog of cases. 2017 began with a backlog of 363 cases** but it had **more than doubled to 1,093 by 2022**. See **Table 8** below;

**Table 8**

<b>Rape/Gangrape with Murder Cases under Trial</b>			
<b>2017-2022</b>			
<b>Year</b>	<b>Rape/gangrape with murder: Backlog of trial cases from previous years</b>	<b>Rape/gangrape with murder: Cases sent for trial during the year</b>	<b>Total rape/gangrape with murder cases for trial during the year</b>
<b>2017</b>	363	211	574
<b>2018</b>	500	224	724
<b>2019</b>	605	233	838
<b>2020</b>	761	175	936
<b>2021</b>	906	231	1137
<b>2022</b>	1093	240	1333

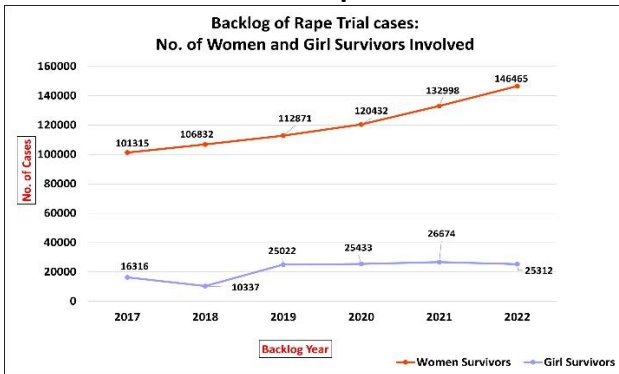
2) **Macro-level findings regarding rape cases sent up for trial:** NCRB's data shows that the **number of rape cases before the trial courts is also increasing every year** during the period under study. The total number of cases- backlog and fresh cases sent for trial was at its **lowest (1,46,201 cases) in 2017** and steadily increased to **1,98,285 by 2022** i.e., it had gone up by **35.63%**. Although the number of **new cases sent for trial** after completion of investigation **dipped in 2020** during the pandemic year, the total volume of cases has only increased in other years during the period under study. This is primarily **because of the ever-increasing backlog of cases. 2017 began with a backlog of 1,17,451 cases** but it had ballooned to **1,71,777 cases by 2022**, i.e., an **increase of 46.25%**. See **Table 8** below;

- At the **start of 2017, in the pending 1.17 lakh cases** carried over from previous years, **1.01 lakh women and 16,316 girl survivors** were awaiting the completion of trial. Six years later, i.e., at the **beginning of 2022, 1.46 lakh women and 25,312 girl survivors** were awaiting the **outcome of the trial** in their cases. The numbers for both categories of survivors have gone up but as compared with women survivors, it has **increased by a much higher magnitude for girl survivors- from 16,316 in 2017 to 25,312 in 2022**. Contrastingly, while the number of women survivors involved in fresh cases sent for trial increased from the figure of **19,767** in 2017 to **25,215** in 2022, the number of girl survivors involved in fresh cases sent for trial showed a **declining trend**. Their numbers declined from **8,983 in 2017 to 1,293 in 2022**- the lowest during the period under study. See **Graphs 3 and 4** below.

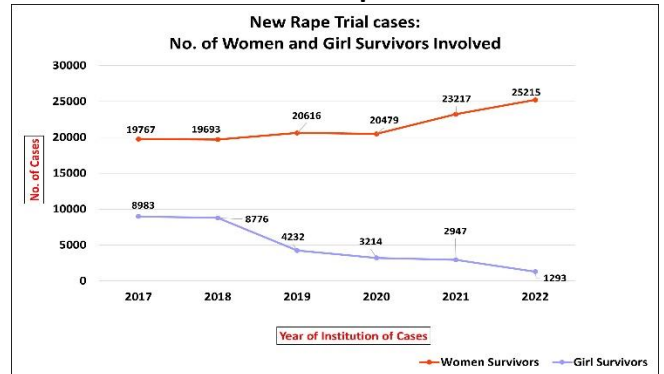
Table 9

Rape Cases under Trial 2017-2022					
Year	Rape: Backlog of trial cases from previous years	No. of women (W) & girl (G) survivors involved in the backlog cases	Rape: New cases sent for trial during the year	No. of women (W) & girl (G) survivors involved in the new cases	Total rape cases for trial during the year
2017	117451	101315-W, 16316-G	28750	19767-W, 8983-G	146201
2018	127858	106832-W, 10337-G	28469	19693-W, 8776-G	156327
2019	137893	112871-W, 25022-G	24848	20616-W, 4232-G	162741
2020	145865	120432-W, 25433-G	23693	20479-W, 3214-G	169558
2021	159672	132998-W, 26674-G	26164	23217-W, 2947-G	185386
2022	171777	146465-W, 25312-G	26508	25215-W, 1293-G	198285

Graph 3



Graph 4



3) **Macro-level findings regarding the status of trial in rape/gangrape with murder cases:** Our analysis of NCRB’s data with regard to the status of trial in rape/gangrape with murder cases reveals a very sorry state of affairs. At the beginning of 2017 there was a backlog of 363 cases pending in trial courts. A total of 1,314 new cases were sent for trial during this 6-year period. See Table 8 above. In all 1,474 cases (including the 2017 backlog) were required to be tried between 2017-2022. However, the trial could be completed in only 20.90% of these cases (308). The rate of completion did not reach even 10% during any year for the period under study. The trial completion rate was highest at 9.93% in 2017 and fell to its lowest i.e., 2.88% in 2020- the first year of the COVID-19 pandemic. In 2022, the rate of completion of trial in this category of cases had just doubled since 2020 but remained more than 50% short of the rate clocked in 2017. Trial could not be completed in more than 90% of the cases during the period under study. See Table 10 below.

**Table 10**

<b>Status of Trial in Rape/Gangrape with Murder Cases</b>				
<b>2017-2022</b>				
<b>Year</b>	<b>Total cases for trial during the year (includes backlog and new cases)</b>	<b>Cases where trial was completed</b>	<b>% of cases where trial was completed</b>	<b>% cases where trial was not completed</b>
2017	574	57	9.93%	90.07%
2018	724	49	6.77%	93.23%
2019	838	68	8.11%	91.89%
2020	936	27	2.88%	97.12%
2021	1137	45	3.96%	96.04%
2022	1333	62	4.65%	95.35%
	<b>Total</b>	<b>308</b>		

4) **Macro-level findings regarding the completion of trial in rape cases:** Our analysis of NCRB’s data with regard to the status of trial in rape cases also reveals a sorry state of affairs. At the beginning of 2017 there was a backlog of 1,17,451 cases pending in trial courts. A total of 1,58,432 new cases were sent for trial during this 6-year period. See Table 9 above. In all 2,75,883 cases (including the 2017 backlog) were required to be tried between 2017-2022. However, the trial could be completed in only one third (33.40%) of these cases (92,126). The rate of completion did not reach even 13% during any year for the period under study. The trial completion rate was highest at 12.38% in 2017 and fell to its lowest i.e., 5.73% in 2020- the first year of the COVID-19 pandemic. In 2022, the rate of completion of trial in this category of cases had inched up to above 9%. During the first three years of the period under study the rate of non-completion of trial was less than 90%. But in the subsequent years it has not come down below 90%. See Table 11 below.

**Table 11**

<b>Status of Trial in Rape Cases</b>				
<b>2017-2022</b>				
<b>Year</b>	<b>Total cases for trial during the year (includes backlog and new cases)</b>	<b>Cases where trial was completed</b>	<b>% of cases where trial was completed</b>	<b>% cases where trial was not completed</b>
2017	146201	18099	12.38%	87.62%
2018	156327	17313	11.07%	88.93%
2019	162741	16701	10.26%	89.74%
2020	169558	9713	5.73%	94.27%
2021	185386	11783	6.36%	93.64%
2022	198285	18517	9.34%	90.66%
	<b>Total</b>	<b>92126</b>		

5) **Macro-level findings regarding the outcome of trial in rape/gangrape with murder cases:** Out of the 308 cases in which the trial of cases of rape/gangrape with murder was completed during the 6-year period, a little less than 2/3rds (64.94%) of the cases (200) resulted in conviction. More than a third of the cases in which trial was completed, the outcome was one of discharge<sup>4</sup> (6.49%) or acquittal of the accused (28.57%). The rate of conviction was lowest in 2017 (57.89%) and highest in 2021 (75.56%). However, in 2022 it fell below 70%. See Table 12 below;

- The percentage of acquittal in this category of cases was highest in 2017 (42.11%) and lowest the following year (2.04%). In 2022 the percentage of acquittal was 28.57%. Cases in which the accused was discharged were highest in 2018 when more than a third of the cases ended with this result. The percentage of cases in the accused was discharged fell drastically to 1.47% in in 2019. In 2017, 2020 and 2022 no case resulted in the discharge of the accused. See Table 12 below.

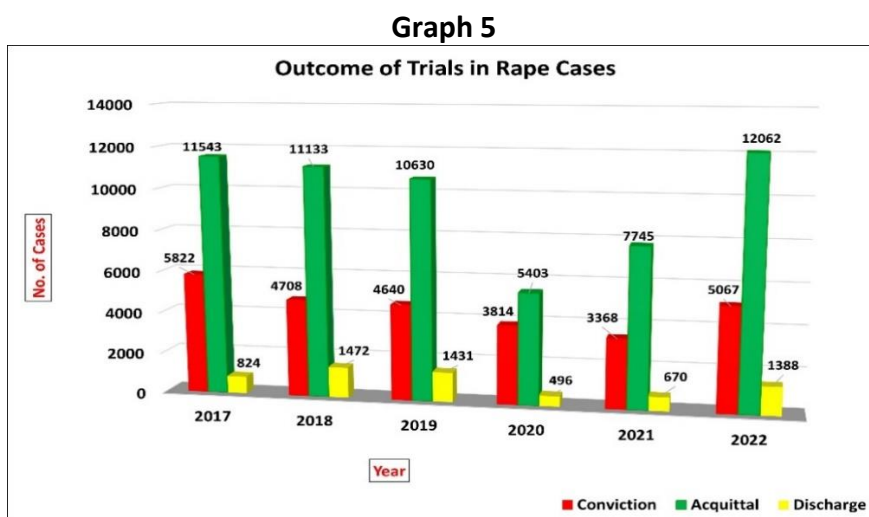
**Table 12**

Outcome of Trial in Rape/Gangrape with Murder Cases								
2017-2022								
Year	No. of cases for trial (Backlog and new cases)	No. of cases where trial was completed	No. of cases ending in conviction	% of cases ending in conviction	No. of cases ending in acquittal	% of cases ending in acquittal	No. of cases where accused were discharged	% of cases where accused was discharged
2017	574	57	33	57.89%	24	42.11%	0	0
2018	724	49	30	61.22%	1	2.04%	18	36.73%
2019	838	68	43	63.24%	24	35.29%	1	1.47%
2020	936	27	17	62.96%	10	37.04%	0	0
2021	1137	45	34	75.56%	10	22.22%	1	2.22%
2022	1333	62	43	69.35%	19	30.65%	0	0
<b>Total</b>		<b>308</b>	<b>200</b>	<b>64.94%</b>	<b>88</b>	<b>28.57%</b>	<b>20</b>	<b>6.49%</b>

6) **Macro-level findings regarding the outcome of trial in rape cases:** The outcome of the trial in rape cases appears to be quite pathetic, to say the least, when compared with the outcome of trials in the category of rape/gangrape with murder cases during the same period. Out of the 92,126 cases in which the trial of cases of rape was completed between 2017-2022, less than 30% resulted in conviction. Interestingly, the percentage of conviction was highest in 2020 (more than 39%)- the first year of the COVID-19 pandemic. 2017 was the only other year in which conviction had crossed 30%. See Table 13 below;

<sup>4</sup> Under the criminal justice system, despite the police collecting evidence against the accused and filing a chargesheet, the trial court may set the accused free for want of sufficient evidence during the process of framing the charges for trial.

- The **percentage of acquittal was highest in 2021 (65.73%)**- the second year of the pandemic and **lowest in 2020 (55.63%)**- the first year of the pandemic. Of the 92,126 cases in which trial was completed between 2017-2022, **6.82% ended in discharge of the accused**. The percentage of cases in which the accused was discharged was the highest in 2017 (8.57%) and lowest in 2017 (4.55%). See **Graph 5** and **Table 13** below.



**Table 13**

<b>Outcome of Trial in Rape Cases</b>								
<b>2017-2022</b>								
Year	No. of cases for trial (Backlog and new cases)	No. of cases where trial was completed	No. of cases ending in conviction	% of cases ending in conviction	No. of cases ending in acquittal	% of cases ending in acquittal	No. of cases where accused were discharged	% of cases where accused was discharged
2017	146201	18099	5822	32.17%	11543	63.78%	824	4.55%
2018	156327	17313	4708	27.19%	11133	64.30%	1472	8.50%
2019	162741	16701	4640	27.78%	10630	63.65%	1431	8.57%
2020	169558	9713	3814	39.27%	5403	55.63%	496	5.11%
2021	185386	11783	3368	28.58%	7745	65.73%	670	5.69%
2022	198285	18517	5067	27.36%	12062	65.14%	1388	7.50%
<b>Total</b>		<b>92126</b>	<b>27419</b>	<b>29.76%</b>	<b>58516</b>	<b>63.52%</b>	<b>6281</b>	<b>6.82%</b>

**7) Macro-level findings regarding the outcome for persons under trial in rape/gangrape with murder and rape cases:** Up to this point, NCRB's data regarding the two categories of crime, analysed in this preliminary study can be taken at face value unless and until disaggregate data from the States and UTs is obtained and analysed to demonstrate the errors in counting. **However, NCRB's data becomes difficult to make sense of when one examines statistics about the number of persons under trial in both categories of crimes.** For example, according to NCRB, in 2017 there were a total of 314 persons (312 men and 2 women)

**under trial for the offence of rape/gangrape with murder.** See **Table 14** below. However, according to NCRB, the **total number of cases that were chargesheeted and taken up for trial in 2017** in this category of offences was **574 (363 backlog cases and 211 new cases)**. See **Table 8** above. **In other words, the average number of persons on trial for committing this category of offence falls to less than one per case (0.55)!** How does one account for this? Are the accuse serial rapist-murderers who are accused in multiple cases? If true, there is no discussion about this phenomenon anywhere in NCRB’s CII reports. Perhaps a more realistic explanation for this apparent discrepancy could be that the number of ‘persons under trial’ is published only for the new cases that are instituted in the reporting year. If this is the case, then in the 211 new cases sent for trial, it would be possible to accept that 314 persons were tried that year in those cases because this category includes gang-rape as well where more than one culprit is involved. NCRB must clarify this matter under the relevant data tables in its CII reports in future.

- So, for the purpose of this preliminary study, **it is assumed that the number of persons under trial published in NCRB’s report refers to new cases instituted in each reporting year and might exclude statistics from the backlog cases.** With this assumption guiding our preliminary analysis, the conviction rate may be analysed. Sadly, it has remained **below 16% in every year** during the 6-year period. **Conviction percentage was at its lowest (9.12%) in 2020-** the first year of the pandemic. However, the percentage of conviction was the **highest at 15.38% in 2022.** Thankfully acquittals have come down from the **highest percentage of 10.37% in 2019 to 5.96% in 2022.** The **lowest rate was in 2021 at 3.52%.** See **Table 13** below.

**Table 13**

<b>Outcome of Trial for the Accused in Rape/Gangrape with Murder Cases</b>					
<b>2017-2022</b>					
<b>Year</b>	<b>Persons under trial (M= Men, W= Women)</b>	<b>Persons convicted (M= Men, W= Women)</b>	<b>% of convictions</b>	<b>Persons acquitted (M= Men, W= Women)</b>	<b>% of acquittals</b>
<b>2017</b>	<b>314 (312-M, 2-W)</b>	<b>48 (all-M)</b>	<b>15.29%</b>	<b>32 (all-M)</b>	<b>10.19%</b>
<b>2018</b>	<b>344 (332-M, 12-W)</b>	<b>36 (all-M)</b>	<b>10.47%</b>	<b>33 (31-M, 2-W)</b>	<b>9.59%</b>
<b>2019</b>	<b>347 (337-M, 10-W)</b>	<b>48 (all-M)</b>	<b>13.83%</b>	<b>36 (all-M)</b>	<b>10.37%</b>
<b>2020</b>	<b>285 (276-M, 9-W)</b>	<b>26 (24-M, 2-W)</b>	<b>9.12%</b>	<b>12 (11-M, 1-W)</b>	<b>4.21%</b>
<b>2021</b>	<b>398 (389-M, 9-W)</b>	<b>46 (45-M, 1-W)</b>	<b>11.56%</b>	<b>14 (all-M)</b>	<b>3.52%</b>
<b>2022</b>	<b>403 (387-M, 16-W)</b>	<b>62 (60-M, 2W)</b>	<b>15.38%</b>	<b>24 (all-M)</b>	<b>5.96%</b>

- Similarly, in the **category of rape,** according to NCRB a total of **1,46,201 cases (1,17,451 backlog cases and 28,750 new cases)** were sent for trial in 2017. See **Table 9** above. However, only **38,534 persons (37,785 men and 749 women)** were on trial in those cases. See **Table 14** below. This is an **average of 0.2 persons per case** which amounts to a statistical absurdity. **So in this category also it is assumed for the purpose of the preliminary analysis that NCRB data about persons under trial relates to only new cases instituted in each year of reporting.** The **percentage of conviction** of the accused in this category is **only slightly better** than that of the category of rape/gangrape with murder. The **conviction percentage has remained closer to 20% throughout the 6-year period.** The **highest was in 2017 at more than 18%** and the **lowest was in 2021 at 12.54%.** However,

in 2022 this rate was back at the 2017 threshold when it was clocked at 17.89%. See Table 14 below;

- The percentage of acquittal was highest in 2022 (43.49%) and lowest (22.24%) in 2020- the first year of the pandemic. See Table 14 below;
- What is also worrisome is the number of women who are convicted for the offence of rape- obviously as accomplices. The highest figure was reported in 2019 (67 women). The number of women who were acquitted in rape cases was the highest in 2022 (302 women) and the lowest (163 women) in 2021- the second year of the COVID-19 pandemic.

**Table 14**

Outcome of Trial for the Accused in Rape Cases					
2017-2022					
Year	Persons under trial (M= Men, W= Women)	Persons convicted (M= Men, W= Women)	% of convictions	Persons acquitted (M= Men, W= Women)	% of acquittals
2017	38534 (37785-M, 749-W)	6957 (6902-M, 55-W)	18.05%	15068 (14799-M, 269-W)	39.10%
2018	37513 (36737-M, 776-W)	5969 (5921-M, 48-W)	15.91%	14391 (14177-M, 214-W)	38.36%
2019	32413 (31632-M, 781-W)	5800 (5733-M, 67-W)	17.89%	13373 (13084-M, 289-W)	41.26%
2020	30770 (29887-M, 783-W)	4473 (4454-M, 19-W)	14.54%	6842 (6675-M, 167-W)	22.24%
2021	33706 (32851-M, 855-W)	4227 (4181-M, 46-W)	12.54%	9558 (9395-M, 163-W)	28.36%
2022	33750 (32975-M, 773-W)	6037 (6009-M, 28W)	17.89%	14679 (14377-M, 302-W)	43.49%

**Conclusion:**

Part-2 of our preliminary study indicates that there is much to be desired about the manner in which the police and courts have handled rape and rape/gangrape with murder cases. While some trends especially with regard to the disposal of rape/gangrape with murder cases show improvement, cases belonging only to the category of rape show a worrisome trend. Convictions are getting rarer and acquittals more numerous. This situation does not inspire any confidence in the capacity and efficacy of the criminal justice system to deliver justice to the survivors. Here again, mere statistical analysis will not reveal the malaise that plagues the criminal justice system. Media reports in recent weeks also indicate that the police blame the large number of acquittals on at least two factors- that the standards of the trial courts very high in terms of appreciating the evidence they collect and therefore the prosecution does not succeed. Another reason that police officers who invariably choose to remain unnamed tell the media is that a large number of rape cases are actually false cases that the alleged victim foists on the accused due to enmity for some reason or the other. This kind of excuse about false cases have been levelled against dowry harassment cases, cases involving atrocities against members of the SC/ST communities and domestic violence cases to name a few. A mere statistical analysis is unable to discover the veracity of these claims. Only an in-depth study of the case records and interactions with the survivors and their families can reveal the truth. We hope this preliminary study will encourage well-resourced civil society organisations and academia to undertake such studies based on case records and interviews with the police and trial court judges to reveal the systemic problems that prevent survivors of rape and rape/gangrape with murder from getting justice.

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