



SOCIO-LEGAL IMPLICATIONS OF CRIMINAL JUSTICE SYSTEM ON WOMEN AND CHILDREN IN MIZORAM

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ABSTRACT

Criminal justice system plays an important role in moulding the experiences of vulnerable sections of society such as women and children who comes into contact with it, whether they are victim of crime or defendant. Although there has been progress in recent decades, the barriers and challenges they face still continues within the criminal justice system. This research deals with the socio legal implication of criminal justice system specifically on women and children. It discussed the criminal justice system with respect to women and children in Mizoram by specifically dealing with offences against children through the law dealing with Protection of Children from Sexual Offences Act 2012 (POCSO Act) and Crimes against women. Crimes are usually committed under the category laid down by the Indian Penal Code and the special and local laws. The datas of the court disposal of crime against women and children in Mizoram was collected and analysed where the total number of cases was collected. In this research, the victim compensation in Aizawl judicial district is analysed in order to see the socio legal aspect of criminal justice system in Mizoram.

I. Introduction

Crimes against women and children is worldwide problem. Although there has been advancements and steps taken, women continues to be victim of different atrocities across the world. The United Nations declaration on exclusion of crime against Women¹ (1993) states that "crime against women is an expression of traditionally imbalanced power relations between men and women, which have led to command over and discrimination against women by men and to the anticipation of the full development of women." Article 1 of United Nation declaration on elimination of violence against women defined, "Any act of gender based violence that results in or is likely to result in physical, sexual or psychological harm of suffering to women, including threats of such acts, coercion, arbitrary deprivations of liberty whether occurring in public or private life." Article 2 of United Nation declaration clarifies

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¹ Declaration on the Elimination of violence against women proclaimed by the General Assembly Resolution 48/104 of 20th December 1993.

and make list on some forms of violence as, “Violence against women should encompass, but not limited to acts of physical, sexual, psychological violence in the family and the community. These acts include battering, sexual abuse of female children, dowry related violence, marital rape and traditional practices harmful to women, female genital mutilation. They also include non spousal violence, sexual harassment and intimidation at work and in educational institutions, trafficking of women, forced prostitution and violence perpetrated or condoned by the state such as rapes in war.”

Likewise millions of children are exploited, abused and discriminated against worldwide. These include children who should be cared for and by adults were among the most vulnerable and defenseless victims. Emotional and physical abuse, exploitation which amounts to child pornography or human trafficking all amounts to crime against children. Parents, relatives, guardians and others entrusted with care and guidance of children are often perpetrators of child related crimes.

Women and children who are victims of crimes faced unique challenges, which includes difficulty in reporting crimes due to stigma or fear of retaliation, and lack of sensitivity and understanding from law enforcement and others of criminal justice. Additionally, there is constant fear among these victims that the system might fail to recognize and address specific types of crimes, experienced by them viz. domestic violence and sexual assault, and they may be subjected to victim blaming, as a result, often crimes against them go unreported. Any form of violence against women and children amounts to serious violation of Articles 14², 15³, and 21⁴ of Indian Constitution, which safeguard their human rights and fundamental rights.

This research focuses on criminal justice system with respect to women and children in Mizoram by taking into consideration the offences against children through the law of Protection of Children from Sexual Offences Act 2012 (POCSO Act) and crimes against women. Also it deals with the victim compensation disbursed on these victims as it is imperative to protect the victim by providing sufficient compensation and service where it can heal and develop through it.

² According to Article 14 of the Indian Constitution, “*The state shall not deny to any person equality before the law or equal protection of the laws within the territory of India.*”

³ Article 15 of the Indian Constitution prohibits discrimination on grounds of religion, race, caste, sex, place of birth or any of them.

⁴ Article 21 of the Indian Constitution held that, “*No person shall be deprived of his life or personal liberty except according to procedure established by law.*”

II. Crime against women and children

Crime against Women

In order to uphold and implement the Constitutional mandate, the state has enacted various laws and taken measures intended to ensure equal rights, check social discrimination and various forms of violence and atrocities. Although women may be victims of any of the general crimes such as murder, robbery, cheating, only the crimes which are directed specifically against women i.e. gender specific crimes are characterised as Crimes against women. According to the National Crime Record Bureau Report (NCRB)⁵, crimes against women can be broadly classified under two categories:

Crime heads under the Indian Penal Code

These comprise of the following crimes such as

- i. Rape⁶
- ii. Attempt to commit Rape⁷
- iii. Kidnapping & Abduction of Women⁸
- iv. Dowry Deaths⁹
- v. Assault on Woman with Intent to Outrage Her Modesty¹⁰
- vi. Insult to the Modesty of women¹¹
- vii. Cruelty by husband or his relatives¹²
- viii. Importation of Girl from Foreign Country¹³ (up to 21 years of age)
- ix. Abetment of Suicide of Women¹⁴

Crime heads under Special and Local Laws (SLL)

⁵ National Crime Record Bureau.(2021).*Crime in India 2021* (Ministry of Home Affairs, Govt. of India) <https://ncrb.gov.in/crime-in-india>.

⁶ Sec 376 of the Indian Penal Code

⁷ Sec 376 of the Indian Penal Code r.w Sec 511 of the Indian Penal Code.

⁸ Sec 363, 364, 364A, 365, 366 to 369 of the Indian Penal Code.

⁹ Sec 304B of the Indian Penal Code.

¹⁰ Sec 354 of the Indian Penal Code.

¹¹ Sec 509 of the Indian Penal Code.

¹² Sec 498A of the Indian Penal Code.

¹³ Sec 366B of the Indian Penal Code.

¹⁴ Sec 306 of the Indian Penal Code.

Special Acts enacted for protection and safety of women have been clubbed under the SLL. These gender specific laws in which criminal cases recorded by police throughout the country are –

- i. The Dowry Prohibition Act ,1961.
- ii. The Indecent Representation of Women (Prohibition) Act ,1986.
- iii. The Commission of Sati Prevention Act ,1987.
- iv. The Protection of Women from Domestic Violence Act, 2005
- v. The Immoral Traffic (Prevention) Act, 1956

Crime against Children

Crimes against children include physical and emotional abuse, neglect and exploitation, such as through child pornography or sex trafficking of minors. Indian penal code and various protective and preventive special and local laws specifically mentioned offences wherein children are victims. The age of child varies as per the definition given in the concerned Acts but age of child has been defined to be below 18 years as per the Juvenile Justice (Care and Protection of Children) Act, 2015. Therefore, an offence committed on a victim under the age of 18 years is considered as crime against children for the purpose of analysis in this research. For crime against children, the list of offences is mainly categorised under the Indian Penal Code and the Special and Local Laws.

The crime against children under the Indian Penal Code comprise of

- i. Murder¹⁵
- ii. Attempt to commit murder¹⁶
- iii. Infanticide¹⁷
- iv. Rape¹⁸
- v. Unnatural Offence¹⁹
- vi. Assault on Girl Child with Intent to Outrage her Modesty²⁰
- vii. Insult to the Modesty of Women²¹ (Girl Child)

¹⁵ Sec 302 of the Indian Penal Code.

¹⁶ Sec 307 of the Indian Penal Code.

¹⁷ Sec 315 of the Indian Penal Code.

¹⁸ Sec 376 of the Indian Penal Code.

¹⁹ Sec 377 of the Indian Penal Code.

²⁰ Sec 354 of the Indian Penal Code.

²¹ Sec 509 of the Indian Penal Code.

- viii. Kidnapping & Abduction (Section 363, 364, 364A, 365, 366, 367, 368 & 369 IPC).
- ix. Foeticide²²
- x. Abetment of Suicide of Child²³
- xi. Exposure and Abandonment²⁴
- xii. Procuration of Minor Girls²⁵
- xiii. Importation of Girls from Foreign Country who are under 18 years of age²⁶
- xiv. Buying of Minors for Prostitution²⁷
- xv. Selling of Minors for Prostitution²⁸
- xvi. *Crime against Children under Special and Local Laws(SLL)*
- xvii. There are many laws that deals with crime against children under Special and Local Laws.
- xviii. The Prohibition of Child Marriage Act, 2006
- xix. The Transplantation of Human Organs Act, 1994(for persons below 18 years of age)
- xx. Child labour (Prohibition & Regulation) Act, 1986
- xxi. The Immoral Traffic (Prevention) Act, 1956
- xxii. The Juvenile Justice (Care & Protection of Children) Act, 2015²⁹
- xxiii. The Protection of Children from Sexual Offences Act, 2012.³⁰

III. Crime Position of Women and Children in Mizoram

Women and children are considered to be vulnerable sections of society. According to the census 2011, population of women and children in Mizoram is 5,41,867 and 1,68,531³¹ respectively. This comprises of more than half of the population out of 1,097,206 of the total population. In this research, the researcher analyses the status of woman and children taking into consideration under two heads such as- Crime against woman and Protection of Children

²² Sec 315 & 316 of the Indian Penal Code.

²³ Sec 305 of the Indian Penal Code.

²⁴ Sec 317 of the Indian Penal Code.

²⁵ Sec 366A of the Indian Penal Code.

²⁶ Sec 366B of the Indian Penal Code.

²⁷ Sec 373 of the Indian Penal Code.

²⁸ Sec 372 of the Indian Penal Code.

²⁹ The main object of this Act is to consolidate and amend the law relating to children who are in conflict with law and who are in need of care and protection.

³⁰ An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

³¹ Directorate of census operation, Mizoram.(2011).

from sexual Offences Act 2012 (POCSO). Total number of cases, the number of convictions, the number of cases disposed and the number of cases pending have been analysed and are useful for analysing the socio-legal aspect of the work done by the judiciary. In order to do the analyses, the researcher collects data from the courts of different districts of Mizoram and analyse the disposal of cases made by the courts during the last seven years. Data are collected and analysed from the latest report of the National Crime Record Bureau as the National Crime Record Bureau has recorded the detailed status of crime against women and crime against children in Mizoram as below:

Table 1 COURT DISPOSAL OF CRIME AGAINST WOMAN IN MIZORAM

Year	No of cases	No of Conviction	No. of cases disposed	Cases pending trial at end of the year	Conviction Rate	Pendency rate
2022	953	87	128	825	68	86.6
2021	863	45	55	808	81.8	93.6
2020	791	72	97	694	75.8	87.7
2019	742	98	111	631	88.3	85.0
2018	642	55	62	580	90.2	90.3
2017	512	100	140	372	71.4	72.7
2016	382	71	80	302	88.8	83.2

Source: The National Crime Record Bureau, 2022.

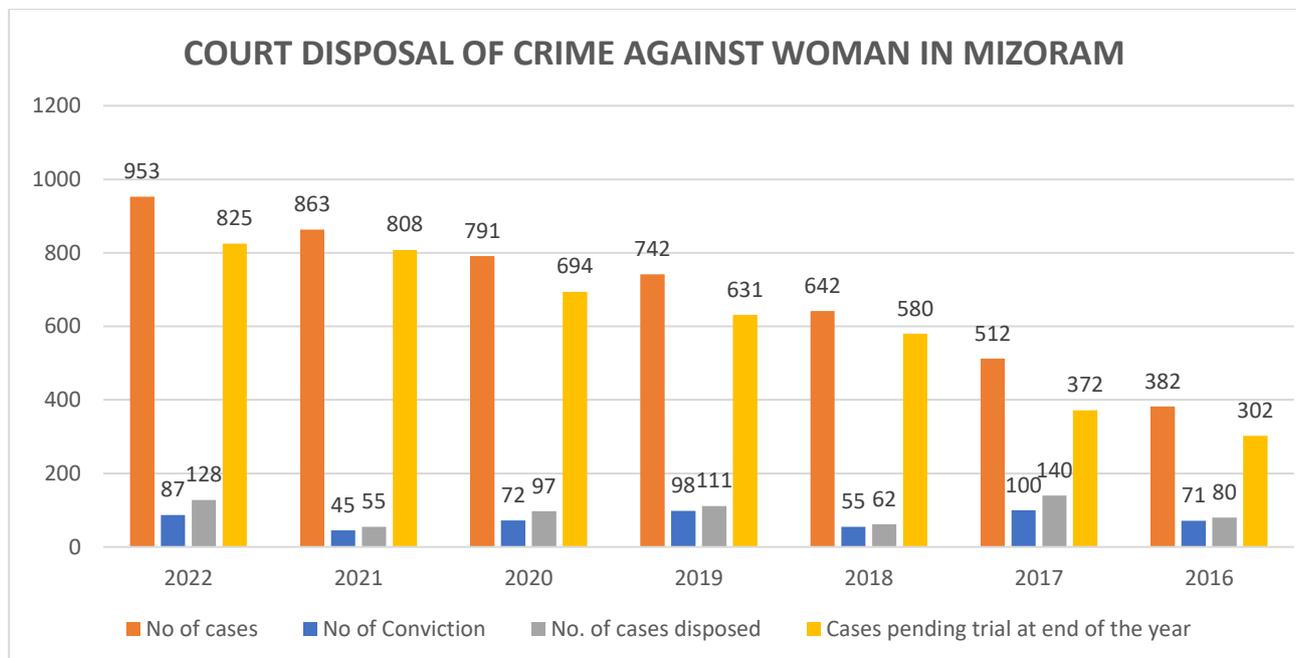


Figure 1: Court disposal of crime against women in Mizoram

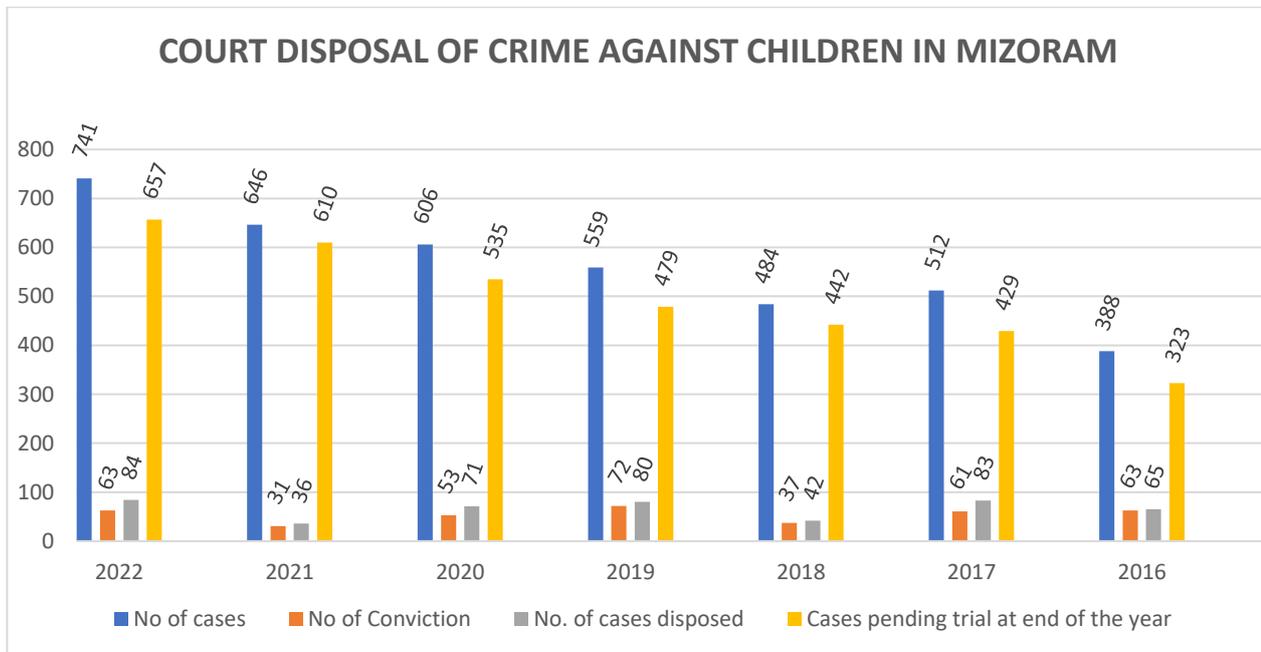
In the table number 1, the status of court disposal of cases in the different districts of Mizoram since 2016 till 2022 is shown. It is a report of the court disposal status on Crime against women in Mizoram during the last seven years. In the crime against women, the latest report available is the year 2022. In 2022 the number of cases taken up by the court is 953. Out of these 128 cases have been disposed and 825 cases are pending. The conviction rate is 68% and the rate of case pendency in the same year is 86.6% which is very high. In the previous year i.e. 2021, the total number of cases taken up by the court is 863. Out of these only 55 cases have been disposed and 808 cases are pending. The rate of case pendency is calculated as 93.6%. This shows that the number of cases pending is very high. High rate of case pendency is one factor which determines the inefficiency of the criminal justice system. In 2020, the number of cases is 791 out of which 97 cases are disposed and 694 cases are pending. This pendency rate of cases is 87.7%. In the year 2019, out of the total 742 cases, 111 cases have been disposed while 631 cases are pending. Though the pendency rate decreases and falls at 85% but the rate is still very high. In 2018, the number of cases is 642. Out of these, 62 cases have been disposed whereas 580 cases are pending. This rate of case pendency has again increases at 90.3%. In 2017, out of the total cases of 512, the number of cases disposed is 140. During this year 372 cases are pending and the rate of case pendency is 72.7%. In the year 2016, out of the total cases of 382, the number of cases disposed is 80 and 302 cases are pending in a court of law. The rate of case pending is 83.2.

The above data depicts that in all the years given above, out of the total number of cases in a year, the number of cases disposed is very less whereas the cases pending at the end of each year is enormous. The rate of case disposal is not in proportion with the case pendency rate. This shows that the criminal justice system is slow and lacking which needs to be improved and brings justice to the victim i.e. women in this case.

Table 2: Court Disposal of Crime Against Children in Mizoram

Year	No of cases	No of Conviction	No. of cases disposed	Cases pending trial at end of the year	Conviction Rate	Pendency rate
2022	741	63	84	657	75.9	88.7
2021	646	31	36	610	86.1	94.4
2020	606	53	71	535	75.7	88.3
2019	559	72	80	479	90.0	85.7
2018	484	37	42	442	90.2	91.3
2017	512	61	83	429	73.5	76
2016	388	63	65	323	96.9	83.2

Source : The National Crime Record Bureau,2022.

**Figure 2: Court disposal of crime against children in Mizoram**

The table number 2 deals with the disposal of crime against children by the judiciary from the year 2016 to the year 2022 in Mizoram. In the year 2022, the total number of cases on crimes against children is 741. Out of the total number of cases, 84 cases are disposed and 657 cases remains pending. The pendency rate during the year is 88.7 %. In the year 2021, the total number of cases on crime against children amounts to 646. Out of the total 646 cases, 36 cases have been disposed and 610 cases remains pending. The pendency rate during the said year is 94.4%. In 2020, out of the total 606 cases, 71 cases have been disposed and the rate of cases pending is 88.3% which is 535 nos. In 2019, the total number of cases is 559. The number

of cases disposed is 80 and the number of pending cases is 479. The pendency amounts to 85.7% of the total cases. In the year 2018, out of the total number of 484 cases, 42 cases have been disposed and the number of pending cases is 442. The rate of case pendency is very high amounting to 91.3%. In 2017, out of the total of 512 cases, 83 cases have been disposed and 429 cases are pending. The pendency rate of cases in the year is 76%. In 2016, out of the total 388 cases, 65 cases are disposed. The number of pending cases during the year is 323. The rate of pendency of cases during the year is 83.2%

From the above data, it is clear that the rate of pendency of cases was very high for each year as compared to the number of cases and cases disposed. This shows that the rate of case disposal was low for crime against children. This may be due to various factors. However, it is clear that the criminal justice system was not upto the expected level in disposal of cases and bringing out justice. As the rate of case pendency was very high, it is clear that justice was delayed through the justice delivery system which eventually leads to injustice among the innocent victims. According to the Justice Malimath Committee Report³² on criminal justice system, it held that huge pendency of cases and poor rate of convictions are the twin problems of judiciary which needs to be improved.

IV. Analysis of Criminal Justice System in Aizawl Judicial District

In the field of judiciary, Mizoram is broadly divided under three judicial districts. Earlier, in exercise of powers conferred by sections 3 to 6 read with all other enabling provisions of the Mizoram Civil Courts Act, 2005 as amended, and in prior consultation with the Gauhati High Court, the Governor of Mizoram had constituted two Judicial Districts³³ in the State of Mizoram, namely,

- i. Aizawl Judicial District which comprised of the areas covered by existing administrative and revenue districts of Aizawl, Champhai, Kolasib, Mamit and Serchhip.
- ii. Lunglei Judicial District which comprised of the areas covered by the existing administrative and revenue district of Lunglei for the time being.

³² Govt. Of India, Ministry of Home Affairs(2003). *Committee on Reforms of Criminal Justice System*.p.133.

³³ Vide Notification No. A 12011/32/06-LJE, the 7th January, 2008 published in the Mizoram Gazette, Extra Ordinary Vol. XXXVII, 8.1.2008 Pausa 17, SE 1929, Issue No.2

However, in the year 2021 a new judicial district was set up at Champhai which becomes Champhai Judicial District³⁴ covering the administrative and revenue districts of Champhai and Khawzawl.

In exercise of the powers conferred by law³⁵ the Governor of Mizoram, after consultation with the Gauhati High Court, had constituted the following Sessions Division in the state of Mizoram, namely³⁶:-

- i. Aizawl Sessions division comprised of the areas covered by the existing administrative and revenue districts of Aizawl, Champhai, Kolasib, Mamit and Serchhip.
- ii. Lunglei Sessions division comprised of the areas covered by the existing administrative and revenue district of Lunglei, Lawngtlai and Saiha.
- iii. Champhai Session division comprised of the areas covered by the existing administrative and revenue district of Champhai and Khawzawl.

Strength of Judges under the Aizawl Judicial District

The strength of judges greatly determines the speedy disposal of cases. In the Aizawl judicial district which comprises of four districts namely Aizawl, Mamit, Kolasib and Serchhip the number of judges are allotted as under-

Table 3: Criminal Court Under Aizawl Judicial District

NAME OF COURT	NUMBER OF COURT SANCTIONED	ACTUAL NUMBER OF COURT/JUDGES
AIZAWL		
1. District & Session Judge	1	1
2. Addl District & Session Judge	3	3
3. Chief Judicial Magistrate	1	1
4. Judicial Magistrate	7	3
KOLASIB		
1. Addl District & Session Judge	1	1
2. Chief Judicial Magistrate	1	1
3. Judicial Magistrate	3	2

³⁴ Vide Notification No. A 12011/32/2016-LJE, the 11th Nov 2021

³⁵ Sections 6,7,9,11 and 12 of the Code of Criminal Procedure 1973 (Act No.2 of 1974).

³⁶ Vide Notification No. A.12011/32/06- LJE, the 2nd June 2008 published in the Mizoram Gazette, Extra Ordinary Vol XXXVII, 12.6.2008, Jyaistha 22, S.E 1930, Issue No. 197 and amended under even No. Dated Aizawl 7th Oct 2008 vide , the Mizoram Gazette, extra Ordinary Vol XXXVII, 24.10.2008 Kartika 2, S.E 1930, Issue No. 430 with the approval of the Hon'ble High Court vide No. HC VII-14 (PT)/2007/8467/A dated 25th August 2008.

MAMIT		
1. Chief Judicial Magistrate	1	1
2. Judicial Magistrate	1	1
3. Sub-Divisional-Judicial Magistrate	1	0
SERCHHIP		
1. Chief Judicial Magistrate	1	1
2. Judicial Magistrate	1	1
3. Sub-Divisional-Judicial Magistrate	1	0

Source: Appointment Section, Gauhati High Court Aizawl Bench

In the Aizawl Session division, one Court of Sessions Judge, three courts of Additional Sessions Judges, one Court of Chief Judicial Magistrate, and seven courts of Judicial Magistrate of the First Class at Aizawl is sanctioned. However, from the table number 4.3, it is clear that there is shortage of four judicial magistrate in the Aizawl judicial district as only three posts are created. In Kolasib, one court of Additional District & Session judge, one court of Chief Judicial Magistrate and two courts of Judicial Magistrate of the First Class is present. Here also, the number of court for judicial magistrate existing is lesser than the number of court sanctioned. In Mamit district, one Court of Judicial Magistrate of First Class and one court of judicial magistrate first class is present. In Serchhip, one court of Chief judicial magistrate and one Court of Judicial Magistrate of the First Class is present.

It is observed and seen that in the Aizawl Judicial District the actual number of court or judges is lesser as against the number of court sanctioned. This can be one factor for high rate of case pendency.

Criminal Justice System with respect to the Protection of Children from Sexual Offences Act³⁷ 2012 in Aizawl Judicial District

POCSO

The Protection of Children from Sexual Offences (POCSO) Act, 2012 enacted by Govt of India provides safeguards for children against sexual abuse. The POCSO Act 2012 provides for establishment of Special Courts for the purpose of ensuring speedy trial. Further, as per the Act, evidence of the child shall be recorded within a period of 30 days of the Special Court taking cognizance of offence and the Special Court shall complete the trial, as far as possible,

³⁷ Hereinafter the POCSO Act.

within a period of one year from the date of taking cognizance of offence³⁸. The Act was amended in 2019 to introduce more stringent punishment including death penalty for committing sexual crimes on children, with a view to deter the perpetrators and prevent such crimes against children.

In Mizoram, the Government of Mizoram appointed Special Public Prosecutor to deal with POCSO on 21st May 2013³⁹. But the actual functioning of the POCSO Act takes place after a year when Special Court was set up in the two judicial districts of Aizawl and Lunglei in the year 2014 where the court of District & Sessions Judge was appointed as Special Courts.⁴⁰

In the year 2019, three Fast Track Special Courts were constituted in the interest of public service and as per the directions given by the Supreme Court of India and with approval of the Gauhati High Court to be effective from 30.12.2019⁴¹. The following courts have been constituted as under:

- i. One Court exclusively for cases under POCSO Act in the Aizawl.
- ii. One Fast Track Special Court for cases of rape and/or under POCSO Act in the Aizawl.
- iii. One Fast Track Special Court for cases of rape and/ or under POCSO Act in Champhai.

Table No 4: The list of Special Judges⁴² under Aizawl Judicial District since its inception

Sl No	Name of Special Judge	Period
1.	Lucy Lalrinthari, MJS	24.6.2014 to 11.01.2018
2.	Joel Joseph Denga, MJS	12.01.2018 to 07.04.2019
3.	R.Thanga, MJS	08.04.2019 to 30.06.2020
4.	Joel Joseph Denga, MJS	01.07.2020 to 07.04.2021
5.	Marli Vankung, MJS	08.04.2021 to 12.10.2021
6.	Lalbiakzama, MJS	13.10.2021 to 15.11.2021
7.	Lucy Lalrinthari, MJS	16.11.2021 to 31.12.2021
8.	Lalbiakzama, MJS	01.01.2022 to 31.10.2022
9.	Vanlalenmawia, MJS	01.11.2022 to 27.09.2023
10.	Joel Joseph Denga, MJS	28.09.2023 to June 2024
11.	Helen Dawngliani, MJS	July 2024 to till date

Source: Court of District & Session Judge, Aizawl

Table No 5: List of Judges under Fast Track Special Court under POCSO are

³⁸ Section 35 of the POCSO Act 2012.

³⁹ Vide Memo No. A.45012/3/2011-LJE dated Aizawl, the 21st May 2013.

⁴⁰ Vide Memo No. A.45011/1/2008-LJE, the 27th June 2014.

⁴¹ Vide Memo No. A.40011/2/2020-LJE dated Aizawl, the 17th June 2020.

⁴² Section 28 of POCSO Act 2012.

Sl No	Name of Special Judge	Period
1.	P.Singthanga, Judge, Court for Cases only under POCSO Act, Aizawl	Since June 2020
2.	R.Lalthazuala, Judge, Fast Track Special Court in Aizawl (Rape & POCSO Act)	Since June 2020
3.	R.Vanlalena, Judge Fast Track Special Court, Kolasib	Since 2016

Source: Court of District & Session Judge, Aizawl

The status of cases under the POCSO Act in the Aizawl Judicial District since its inception is laid down as below.

Table 6: POCSO CASES IN AIZAWL JUDICIAL DISTRICT⁴³

Year	Opening	Instituted during the year	Cases Disposed	Transferred to other court	Cases Pending at year end
2014	11	26	-	-	37
2015	37	131	6	-	162
2016	162	164	61	-	265
2017	265	186	145	-	306
2018	306	100	95	-	311
2019	311	-	9	-	302
2020	302	72	82	-	292
2021	292	78	79	62	229
2022	229	86	72	50	193
2023 ⁴⁴	193	44	32	41	164

Source: Judicial Branch, Aizawl District Court

⁴³ Data obtained from Judicial Branch, Aizawl District Court.

⁴⁴ Till August 2023.

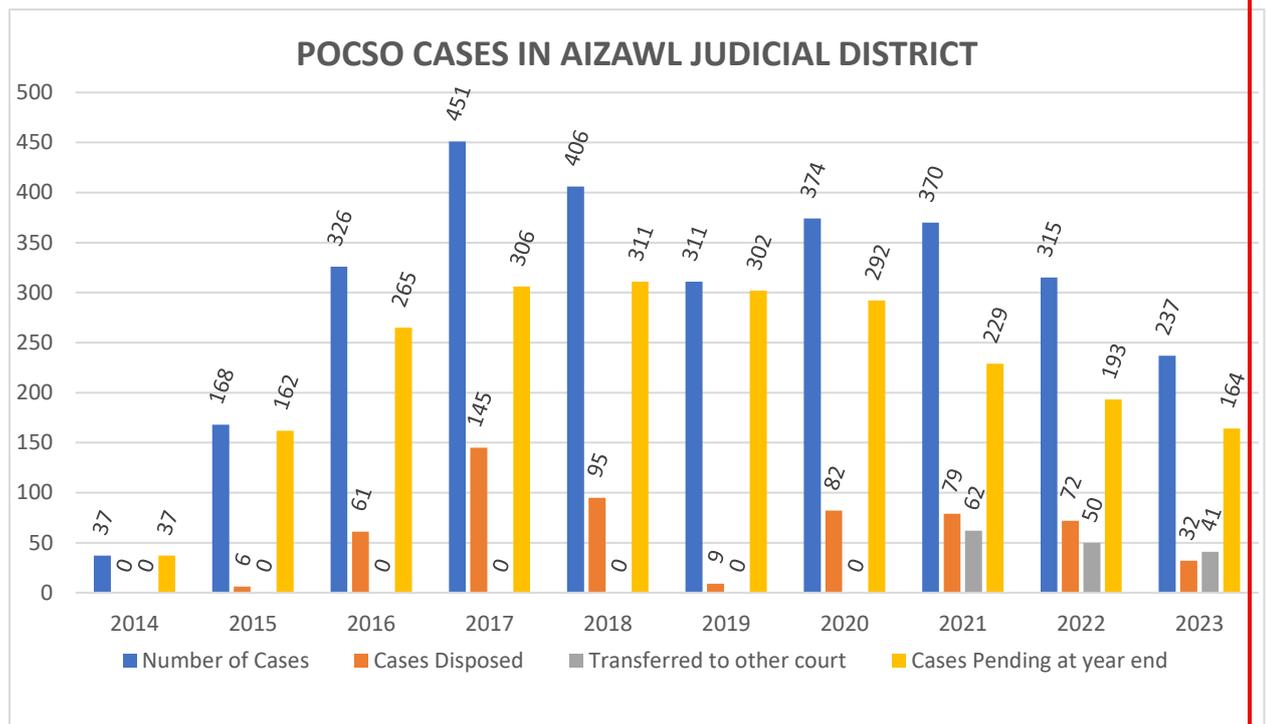


Figure 3: *POCSO cases in Aizawl Judicial District*

In the table number 6⁴⁵, the statistics of crime against children with respect to POCSO Act 2012 is laid down. In Mizoram, the POCSO Act 2012 was effective from the year 2014. Initially only 26 cases have been instituted. In 2014, the number of cases pending is 37. In 2015, the number of cases pending has risen up to 162. In the year 2016, out of the total 326 cases, 61 cases have been disposed and 265 cases are pending. In 2017, out of the total 186 cases, 145 cases have been disposed and 306 cases are pending. In 2018, total number of cases is 406. Out of these 95 cases have been disposed and 311 cases are pending at the year end. In 2019 out of the 311 cases 302 cases are pending at the year end. In the year 2020, out of the total cases of 374, the number of case disposed is 82 and 292 cases are pending at the year end. In 2021, total number of case is 370. The number of cases disposed is 79 and the number of pending cases is 229. In the same year as the Champhai judicial district have been created, therefore 62 cases have been transferred to the Champhai judicial district. In the year 2022, out of 315 number of cases 72 cases have been disposed, 50 cases have been transferred to Champhai Judicial district and 193 cases have been pending at the year end. In the year 2023 the data have been collected till August. The number of cases till August is 237. The number

⁴⁵ As shown in Table 6.

of cases disposed is 32 and 41 cases have been transferred to Champhai judicial district. The number of cases pending is 164.

With respect to the analysis of POCSO cases in Aizawl judicial district, since the inception of POCSO court in Mizoram in 2014, it was found that the case pendency rate was very high as against the number of cases filed and the number of cases disposed. During the last ten years it was found that pendency of cases were high. This is in contradiction with the recommendations laid down by the Justice Malimath Committee Report⁴⁶ on criminal justice which held that huge pendency of cases and poor convictions should be reformed in order to make an efficient criminal justice system. One of the reason could be the presence of less court and judges to deal with POCSO crime as Aizawl Judicial district comprises of four administrative district with special court present only in Aizawl and Kolasib district.

Criminal Justice System with respect to crime against women in Aizawl judicial district

For the purpose of this research, crime against women data have been collected from district court Aizawl covering for the Aizawl judicial district. Under crime against women, the offence of rape i.e Section 375 of the IPC and the Offence of Assault or criminal force to woman with intent to outrage her modesty under Sec 354 of the IPC is taken up for research. Section 354 IPC punishes an assault or use of criminal force on any woman with the intention or knowledge that the woman's modesty will be outraged. The amendment of the Criminal Law in 2013 introduced four additional subsections to Section 354 of the IPC which broaden its scope. They are:

- i. Section 354A: Sexual harassment and punishment for sexual harassment
- ii. Section 354B: Assault or use of criminal force to woman with intent to disrobe
- iii. Section 354C: Voyeurism

⁴⁶ Committee on Reforms of Criminal Justice System was constituted by Government of India, Ministry of Home Affairs by its order dated 24 November 2000, in order to consider measures for revamping the Criminal Justice System. The terms of reference for the Committee includes:

- i. To make specific recommendations on simplifying judicial procedure and practice and making the delivery of justice to common man closer, faster, uncomplicated and inexpensive;
- ii. To suggest sound system of managing, on professional lines, pendency of cases at investigation and trial stages and making Police, Prosecution and Judiciary accountable for delays in their respective domains;

iv. Section 354D: Stalking

Data of crime against women⁴⁷ under the Aizawl Judicial District have been laid down as below:

Table 7: CRIME AGAINST WOMEN CASES IN AIZAWL JUDICIAL DISTRICT

Year	Opening	Instituted during the year	Cases Disposed	Transferred to other court	Cases Pending at year end
2016	55	43	47	-	51
2017	51	28	34	-	45
2018	45	47	20	-	72
2019	72	13	11	-	77
2020	77	28	26	-	79
2021	79	48	19	2	106
2022	106	39	39	12	94
2023	94	21	39	0	76

Source: Data obtained from Judicial Branch, Aizawl District Court and Appointment Section Gauhati High Court, Aizawl Bench.

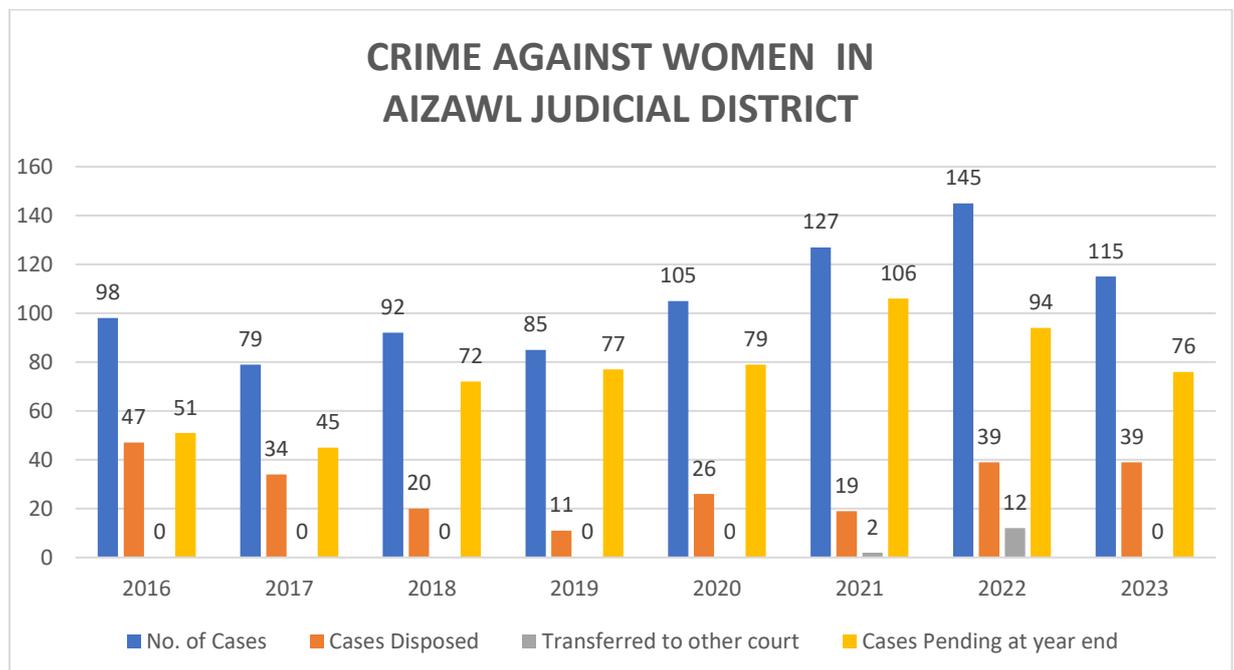


Figure 4: Crime against women cases in Aizawl Judicial District

⁴⁷ Collected from the Judicial Branch, Aizawl Judicial district and the Appointment Section, High Court Gauhati, Aizawl Bench.

The above data in table number 7⁴⁸ shows the status of crime against women in the Aizawl judicial district which comprises of four districts of Mizoram namely-Aizawl, Kolasib, Mamit and Serchhip. Till the year 2021, district of Champhai was included under Aizawl judicial district. In 2016, the total number of cases for crime against women is 98. From these, 47 cases have been disposed. At the year-end 51 cases are pending. In 2017, the total number of cases is 79. Out of these, 34 cases have been disposed. The number of cases pending at the year end is 45. In 2018, the number of cases is 92. The number of cases disposed is 20. The number of cases pending at the year end is 72. In 2019, the number of cases is 85. Out of these, 11 cases have been disposed. The number of pending cases is 77. In 2020, total number of cases is 105. Out of these, 26 cases have been disposed. The number of pending cases is 79. In 2021, the number of cases is 127. From these, 19 cases have been disposed. Two cases have been transferred to Champhai Judicial District. At the end of the year, 106 cases have been pending. In 2022, the total number of cases is 145. Out of these, 39 cases have been disposed and 12 cases have been transferred to Champhai Judicial district. 94 cases are pending at the year end. In 2023, the number of cases till August 2023 is 115. The number of cases disposed is 39 and the number of pending cases at year end is 76.

With respect to the analysis of crime against women in the Aizawl judicial district the research takes into consideration the offence of rape under Section 375 IPC and the offence of Assault or criminal force to woman with intent to outrage her modesty under Section 354 of the IPC. From analysis of court disposal of crime against women, it was found that since the last eight years i.e till 2023 the disposal rate of crime against women is less whereas the cases pending in courts is high. Whereas in a criminal justice system, quick disposal of cases or speedy trial is very essential in order to meet justice for the victim. Therefore the laws which deals with crime against women in the criminal justice system of Mizoram needs to be improved.

V. Criminal Justice with Respect to Victim Compensation in India

Victim compensation refers to the payment made to the victim by the government. Although the term is not defined under any law, victim is defined as ‘a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and it includes his guardian or legal heir’.⁴⁹ According to the UN declaration of

⁴⁸ As shown in Table 7.

⁴⁹ Sec 2(wa) of Code of Criminal Procedure, 1973.

basic principles of justice for victims of crime and abuse of power, 1985 victim means person who individually or collectively have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights through acts or omissions that are in violation of criminal laws operative within member State including those laws prescribing criminal abuse of power.⁵⁰ Compensation refers to a form of reparation⁵¹ which connotes restoring justice, atoning and making good for a wrong committed.⁵² Therefore, victim compensation could be defined as an award given to an individual victim or his/her family monetarily in order to compensate the injury or loss suffered through a competent institution.

In the criminal justice system, victim had occupied a very important position. There are various victim compensation laws and victim compensation schemes in order to deal with and assist victim of crimes. In India, there are legislations dealing with victim compensation such as the Code of Criminal Procedure 1973 under Sections 357, 357A⁵³, 358, 359 and 372. There are other provisions which also deal with victim compensation such as Sections 237, 250, 265A to 265L, 406 and 407 under the Code of Criminal Procedure 1973. Other legislations such as Probation of Offenders Act, 1958, Protection of Children from Sexual Offences Act 2012 and Protection of Women from Domestic Violence Act 2005 deals with compensation of victims.

Therefore victims occupied the central core of criminal justice system and it is the essential requirement of the criminal justice system to rehabilitate and provide compensation to victims of crime in order to bring out justice in the criminal justice system.

VI. Victim Compensation Scheme in Mizoram

In Mizoram, in the exercise of power conferred by Sec 357A of Code of Criminal Procedure, 1973, a scheme is framed in coordination with the Central government for giving funds for purpose of compensation to victims of crime in particular acid attack victims or their dependents who have suffered loss or injury as a result of crime and who require rehabilitation known as Mizoram Victims of Crime Compensation Scheme 2011. This scheme is used for all

⁵⁰ Article 1 of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985.

⁵¹ According to The Basic principles & Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005) reparation include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

⁵² Antonio Buti.(2009).The Notion of Reparations as a Restorative Justice Measures. https://www.researchgate.net/publication/226758263_The_Notion_of_Reparations_as_a_Restorative_Justice_Measure.

⁵³ Sec 357A of the Code of Criminal Procedure 1973 was inserted in 2008 when the 154th Law Commission recommended for empowering Court to direct the State to pay compensation to the victim.

kinds of compensation to make fund provision for the purpose of compensation to the victims of crime or their dependants who have suffered loss or injury due to crime and requires rehabilitation. With this, there shall be a constituted fund from which the amount of compensation under this scheme shall be paid to victims or their dependants who have suffered loss or injury as a result of crime and who require rehabilitation.⁵⁴

Whenever recommendation is made by court or an application is made by victim or his dependant under Sec 357A (2) of the Act⁵⁵ to District Legal Services Authority, the latter shall examine the case and verify contents of the claim with regard to loss or injury caused to victim and after verifying the said authority shall award compensation within two months in accordance with the scheme.

In this research, in order to analyse the status of criminal justice with respect to women and children, status of victim compensation awarded to victims of crime in different districts of Mizoram was collected. The victims compensated are mainly children and women victim. By looking at the status of crime and amount received for compensation, the extent of justice dispensation through monetary compensation and relief could be seen and proper observation could be made. The amount of justice dispensation through compensation in different districts of Mizoram could be seen as below:

Table 8 Victim Compensation in Mizoram⁵⁶

Year	No. of Victims Compensated	Amount Disbursed
2012-2013	1	Rs 40,000/-
2013-2014	2	Rs 2,00,000/-
2014-2015	9	Rs 7,00,000/-
2015-2016	20	Rs 11,09,500/-
2016-2017	50	Rs 49,67,500/-
2017-2018	52	Rs 1,69,20,000/-
2018-2019	90	Rs 3,13,95,000/-
2019-2020	58	Rs 2,54,90,000/-
2020-2021	Nil	Nil
2021-2022	Nil	Nil
2022-2023	30	Rs 1,00,00,000/-
2023-2024	33	Rs 97,75,000/-

Source: Mizoram State Legal Services Authority, Aizawl Mizoram.

⁵⁴ Section 4(a) of the Mizoram Victim Compensation Scheme, 2011.

⁵⁵ The Criminal Procedure Code, 1973.

⁵⁶ Obtained from Mizoram State Legal Services Authority on October 2023.

The table 8 contains the list of victims compensated since the inception of Mizoram Victim compensation scheme 2011 in the entire state of Mizoram and the amount of compensation given out. During the last 12 years i.e since 2012 the total number of victims compensated is 312 numbers. The amount of compensation during these years from 2012 to 2023 is Rs 9,08,22,000/-. During the year 2020 to 2022, victim compensation could not take place due to the Covid pandemic.

During 2012 to 2024 in the Aizawl Judicial District women and children victims are compensated. As the Champhai judicial district was under Aizawl till the year 2021, therefore it was included till the year 2021. In the year 2012-2013, one woman was compensated who was a victim of rape under Section 376 of the IPC. In 2013-2014, one minor was compensated who was a victim under Sec 304A of the IPC. In 2014-2015, out of the five victims compensated, two victims were from Aizawl and three victims from Mamit. Victims compensated from Mamit were women who are victims of rape under the IPC. In the year 2015-2016, two victims were given compensation from Serchhip who are women, five victims from Kolasib and five victims from Mamit due to POCSO case. In 2016-2017, total cases is 48 out of which 11 cases falls under POCSO from Aizawl, seven cases of rape from Champhai, six cases of POCSO from Serchhip, two cases of rape from Serchhip, one case of cruelty by husband from Kolasib, 11 cases of POCSO from Mamit, one case of rape from Mamit. In 2017-2018 out of 65 victims compensated, two cases of rape and 43 cases of POCSO from Aizawl, 10 cases of POCSO from Kolasib. In 2018-2019 total victims compensated is 53. Out of it one case of unnatural offences from Aizawl, 28 cases of POCSO from Champhai, one case of rape from Champhai, 17 cases of POCSO from Mamit and two cases of rape from Mamit were found and compensated. In 2019-2020, out of 34 cases of victim compensation, one case of rape from Serchhip, two cases of POCSO from Serchhip, 13 cases of POCSO from Kolasib, one case of rape from Kolasib, 14 cases of POCSO from Mamit were compensated. In the year 2020-2021 and 2021-2022 due to the breakout of Covid pandemic worldwide, the compensation is nil as activities could not takes place. In 2022-2023 only two cases of POCSO victims were compensated.

The number of victim compensation received with respect to women and children under Aizawl Judicial district can be summarised as:

Table 9: HEADWISE COMPENSATION OF WOMEN AND CHILDREN

Year	Offences against Children (POCSO)	Amount of compensation (in Rs)	Crime against Women (Sec 376 & 498 IPC)	Amount of compensation (in Rs)
2012-2013	-	-	1	40,000
2013-2014	-	-	-	-
2014-2015	-	-	3	1,50,000
2015-2016	10	5,20,000/-	1	1,50,000
2016-2017	28	20,00,000/-	11	13,00,000
2017-2018	55	2,00,50,000/	2	6,00,000
2018-2019	50	2,31,75,000/	4	12,75,000
2019-2020	43	1,11,40,000/	5	7,00,000/
2020-2021	-	-	-	-
2021-2022	-	-	-	-
2022-2023	2	2,75,000/-	-	-
Total	188	5,71,60,000/-	26	42,15,000/

Source: The Mizoram State Legal Services Authority, Aizawl Mizoram

VII. Observation and Conclusion

It is observed that the victim compensation in Mizoram was taking place and Criminal justice System with respect to women and children was not very high in terms of victim compensation. On analysis of crime against children, it is found that offences against children with respect to POCSO was very high. One factor could be the introduction of Fast track court & Special Court specially meant for the POCSO case. Aizawl judicial district has four Special courts meant for trial of POCSO cases. This automatically encourage victims to come forward and file a case. During the last twelve years, it is seen that out of the total 312 victims compensated, 188 victims were children who were victims of sexual offences under the POCSO Act 2012. The amount spent on victim compensation during these twelve years amounts to Rs 5,71,60,000/- which is a large amount. For compensating crime against women, during the last twelve years 26 victims could be given monetary compensation which amounts to Rs 42,15,000/-. These crimes are mostly rape and cruelty against women. It could be seen that comparing to crime against children the number of women compensated is lesser. Thus one can see that status of women and children in criminal justice system of Mizoram is not bad looking into their compensation status. However, looking into the crime rate and pendency of cases, a lot of improvement needs to be made. A large number of pending cases and low rate of convictions are the two problems of judiciary. One solution for addressing the problem for this is by increasing the number of judges working who are efficient in dealing with these cases. In the case of *All India Judges Association v. Union of India*⁵⁷, the Supreme Court has examined this issue and given directions to increase the judge strength from the existing judge population ratio of 10.5 or 13 Judges per million of people to 50 Judges per million people in a phased manner within five years in its decision. As delay is a denial of justice which results in injustice therefore courts must realize that it is their responsibility to take the initiative to eliminate delay. It is the responsibility of the authorities to look into this matter and takes action promptly in order to bring out justice to the people in general and to women and children in particular.

⁵⁷ (2002) 4 SC 247.