PREFACE

In many parts of our country, women are still considered to be a burdensome appendage. Women can be tortured at her matrimonial home for non-payment of enough dowry, they can be raped to satisfy the lust of males; they can be kidnapped for the purpose of prostitution etc., etc. These offences were committed in the past, they are being committed in the present also, in spite of the constitutional guarantee, that the state shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them or subject them to any disability, liability or restriction on that ground.

Our constitution has also authorized the legislators to pass special protective laws in favour of women to undo the injustices done to them for ages. A large number of laws protecting women have been passed which sometimes creates impression in the male-dominated society that women enjoy a privileged position in our society and have special rights at the cost of men, but such impression vanishes the moment one starts looking with facts. It is then, the true state of affair reflects and society must realize that the whole bulk of protective legislation is a little attempt to combat the deep-rooted crimes that are committed against women everyday. Statistics shows that neither education, nor the laws have changed the basic notions regarding a woman's worth.

Naturally the inevitable question that comes in one's mind is who is responsible for increasing number of crimes against women. It may be that various social factors like poverty, superstitions, ignorance, etc. have played role but how far factors like weakness in laws, inefficiency of law implementing agencies, Judiciary i.e. criminal justice system as a whole is responsible so that a large number of culprits can manage to remain
untouched and victims of crime against women got frustrated. Since ancient
times the administration of justice has been an important function of the
state and Courts of law are the pivot on which criminal justice rotates.
Present work is an attempt to focus among other objects (1) to look into the
Court structure and procedures which facilitate justice to victim, (2) to
analyze the role of Court personal, (3) to suggest the possibilities through
which working of the legal process may be reformed towards more
expeditious and efficient functioning.

The study is confined to the different Courts in West Bengal and the
focus is on the Sessions and Magistrate Courts. Present work has been
divided into four chapters. The first chapter introduces the subject, its scope
and objective, statistical reality and the methodology adopted for the study.
Chapter two deals with various legislative provisions which includes position
of women under Indian constitution, procedural safeguards to women under
substantive as well as procedural laws, some important judge-made laws and
the role of state agencies to protect women victim Next chapter deals with the
cases that have come before different Magistrate Courts and Sessions Courts
in West Bengal relating to different types of crimes against women. In this
chapter, this researcher has also tried to identify the barriers responsible for
creating impediments in rendering justice to such victims and in the last
chapter “Conclusion and suggestions” takes into consideration the constraints
that come in the way of effective implementation of Protective legislation and
suggests measures to overcome problems faced by various enforcement
agencies and judiciary in their respective fields.

The researcher expects that this work will provoke new thoughts
among judges and Magistrates, policy makers and planners, academicians
administrators, members of the Bar, prosecutors, police officers,
criminologists and future researchers.
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