Polity & Governance · GS - II

The protection of survivors of sexual offences requires a legal framework that ensures access to justice without compromising due process and individual privacy. Discuss the constitutional and institutional dimensions of balancing these objectives in India.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 20/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 14, Article 21, dignity, privacy, access to justice, presumption of innocence, false complaints, witness protection, victim confidentiality, gender-sensitive policing, procedural safeguards, judicial oversight.

Model Answer

Introduction

The criminal justice system must protect survivors of sexual offences while ensuring fairness to the accused. The Supreme Court's rejection of a proposal for a nationwide database of persons filing repeated complaints highlights the need to balance access to justice, privacy and due process.

Constitutional Dimensions

- **Article 14:** Guarantees equality before law and requires fair, non-arbitrary legal procedures.
- **Article 21:** Protects life and personal liberty, including dignity, privacy and fair trial.

- **Access to justice:** Survivors must be able to report offences without intimidation, stigma or institutional barriers.
- **Presumption of innocence:** Accused persons are entitled to a fair investigation and trial.

Key Institutional Concerns

1. **Risk of victim intimidation:** Labelling individuals as habitual complainants may discourage genuine survivors from reporting sexual violence.
2. **Privacy violations:** A centralised database could expose sensitive personal information and cause social stigma.
3. **Misuse of criminal proceedings:** Deliberately false complaints can be addressed through existing legal provisions, subject to proof of the required intent.
4. **Investigative sensitivity:** Police and judicial authorities must distinguish between unsubstantiated allegations and intentionally malicious complaints.

Way Forward

- Strengthen gender-sensitive policing and survivor-support mechanisms.
- Ensure confidentiality of victims' identities under applicable laws.
- Improve witness protection and access to legal aid.
- Use existing legal remedies against proven malicious complaints rather than creating broad presumptive databases.
- Promote time-bound, impartial investigations and judicial oversight.

Conclusion

A just criminal justice system must neither presume every allegation to be true nor treat repeated complaints as evidence of falsehood. Constitutional safeguards, institutional sensitivity and fair procedures are essential to protect both survivors and individual rights.

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