Polity & Governance · GS - II

Balancing the rights of survivors of sexual violence with the constitutional safeguards available to accused persons is essential for a credible criminal justice system. Examine the challenges in ensuring speedy, fair and sensitive trials in cases of sexual offences.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 23/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Survivor dignity, presumption of innocence, Article 21, speedy trial, fair investigation, forensic evidence, witness protection, judicial delays, legal aid, due process

Model Answer

Introduction

Sexual offences require a criminal justice response that ensures justice and dignity for survivors while protecting the constitutional rights of accused persons. A fair system must combine effective prosecution, reliable evidence, procedural safeguards and timely adjudication.

Major Challenges

1. **Delayed justice:** Court backlogs, inadequate judicial capacity and repeated adjournments can prolong trials, causing distress to survivors and uncertainty for accused persons.

2. **Quality of investigation:** Delayed medical examination, inadequate forensic collection, poor documentation and investigative lapses can weaken prosecution and affect the reliability of evidence.

3. **Survivor vulnerability:** Social stigma, intimidation, repeated questioning and lack of privacy may discourage reporting and participation in proceedings.

4. **Protection of accused persons:** Presumption of innocence, access to legal representation and the right to a fair trial must be protected. Arrest or accusation cannot be treated as proof of guilt.

5. **Misuse and public perception:** Allegations of false complaints require fair investigation, but isolated cases must not be used to discredit survivors or discourage genuine reporting.

Measures for Reform

1. Strengthen forensic infrastructure, specialised investigation and evidence-based prosecution.
2. Improve the functioning of designated courts and ensure timely hearings.
3. Provide witness protection, legal aid, counselling and privacy safeguards to survivors.
4. Ensure reasoned judicial decisions, effective defence representation and adherence to due process.
5. Promote accountability for deliberate investigative misconduct and legally established malicious complaints.

Conclusion

Justice in sexual-offence cases cannot be measured merely by the severity of punishment. It requires credible investigations, protection of survivors, safeguards against wrongful prosecution and timely trials. A balanced approach strengthens both individual rights and public confidence in the rule of law.

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