



# Jus Corpus Law Journal

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## How far Disha Act protected women against Rapes: An Analytical Study

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*Disha Act 2019, On December 13, 2019, the Andhra Pradesh State Legislative Assembly passed the Disha Act, 2019 (Andhra Pradesh Penal Amendment Act, 2019) in honour of a veterinarian who was raped and murdered in Hyderabad. The death sentence is allowed under the Act for crimes such as kidnapping and gang rape, as well as a 21-day deadline for prosecuting such crimes. The act also stipulates that the investigation must be completed in seven days and the trial must be completed in fourteen days, giving the accused 21 days from the date of the charge sheet to find appropriate proof and give judgment.*

**Keywords:** *Disha act, prosecution, rape, article 21, protection of women.*

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### INTRODUCTION

The Disha Act is a State Government Initiative aimed at preventing crimes against women and children. The time limit is the key distinction between the previous Nirbhaya Act and the new Disha Act. Disha Act provides The act also stipulates that the investigation must be completed in seven days and the trial must be completed in fourteen days, giving the charge sheet's filing date a total of 21 days to find adequate proof and pass judgment. However, the Nirbhaya Act

of 2013 and the Criminal Amendment Act of 2018 stipulate that the judgment term is four months: two months for investigation and two months for trial.

## BRIEF HISTORY

The birth of this act came from the heart-breaking incident that happened to a veteran doctor in Hyderabad, when her bike was punctured while she was driving on the highway, four people dressed as helpers approached and gang-raped her. The woman's body was burned near the Shadnagar underground tunnel. People were terrified by the occurrence, and many came out in support of Disha. The police detained four individuals based on evidence obtained from CCTV cameras and the victim's phone. The defendants were kept in judicial custody at Cherlapally Central Jail for seven days. The Chief Minister of Telangana has ordered the creation of a special court to try the guilty for their alleged crimes. Rape and murder generated indignation in different parts of the country. Following the incident, there were widespread rallies and public demonstrations against rape, with the public seeking stricter legislation against rape and rapists. The Telangana Police were scolded by the Minister of Home Affairs, who said that the government planned to amend the Indian Penal Code and the Code of Criminal Procedure to enact provisions that would allow for faster punishment by fast-track tribunals. The four suspects were killed on December 6, 2019, while in police custody, underneath a bridge on the Bangalore-Hyderabad national highway. According to the police, the accused were carried to the area for a crime scene reconstruction, where two of them allegedly seized pistols and attacked the policemen. In the ensuing shootout, all four suspects were slain. Hundreds of thousands of people applauded the men's deaths. While some accused the police of extrajudicial execution.<sup>1</sup>

## PRESENT STATUS OF DISHA ACT

When we look at the working of the **Disha App**. The Disha app, a State government effort aimed at ensuring women's safety, is growing in popularity and has surpassed the 'Dial 100'

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<sup>1</sup> Roja Mayabrahma, 'Dr. Priyanka Reddy case: The brutal rape and murder that left entire nation in shock' (*The Hans India*, 30 November 2019) <<https://www.thehansindia.com/tehrangana/dr-priyanka-reddy-case-the-brutal-rape-and-murder-that-left-entire-nation-in-shock-585940>> accessed 03 May 2022

helpline in terms of daily calls. “The calls on the app are usually about eve-teasing, women missing, abduction, domestic violence, accidents, and prankster mischief,” says Siddharth Kaushal, Krishna district superintendent of police. “A Disha SOS call led to the arrest of a person who attracted over 300 women through social media groups in Kadapa district.” Following Disha app notifications, many eve-teasers have been arrested.”<sup>2</sup> Recent Case of a BTech Student who was stabbed and died on the spot she was stabbed for not accepting the proposal of the boy and then in this Case-based the victim’s complaint charge sheet was filed within 7 days only and the accused was booked under Disha Act.<sup>3</sup> Data shows that in 2021, 92 percent of Pocso cases under the Disha initiative were completed within 61 days as compared to 169 days in 2017. “Cases against women Before Disha Act are 13,929 and in which 1,077 are Rape cases in 2018.”<sup>4</sup> And in the year 2022, the cases against women are 17,736 and most are Rape cases that are being filed using Disha and Spandana.<sup>5</sup> AP police have filed charge sheets in 90.2 percent of the cases and the conviction rate stands at 75.0 percent which is the best in the country said the DGP.

## CRITICISM

Earlier before The Disha Act has been introduced there are fewer crimes and this Act In Order To reduce The Sexual Violence Against but after the introduction of the act the crime rate has been increased, and no cases have been filed that were unnoticed before this act, and most of the cases were filed through Disha app itself, of course, according to the given data cases were filed and conviction is done, but the Criticism is that although stricter laws have been brought the violence against women is not being reduced, the crimes are being done and the cases are increasing and burden on the courts is increasing day by day and one of the criticism is that

<sup>2</sup> Rajulapudi Srinivas, ‘How Andhra Police's Disha app is helping women’ (*The Hindu*, 8 August 2021) <<https://www.thehindu.com/news/national/andhra-pradesh/help-hand/article62129406.ece>> accessed 07 May 2022

<sup>3</sup> Ashish Pandey, ‘Andhra student murder case: Court awards death sentence to convict, CM YS Jagan, hails decision’ (*India Today*, 29 April 2022) <<https://www.indiatoday.in/india/story/ramya-murder-case-accused-convicted-sentenced-death-1943603-2022-04-29>> accessed 07 May 2022

<sup>4</sup> Ujwal Bommakanti, ‘Andhra Pradesh witnesses 3% increase in rape cases’ (*The Times of India*, 18 December 2018) <<https://timesofindia.indiatimes.com/city/amaravati/andhra-pradesh-witnesses-3-increase-in-rape-cases/articleshow/67291587.cms>> accessed 07 May 2022

<sup>5</sup> Srikanth Aluri, ‘Andhra Pradesh: Crimes against women shoot up by 21% to 17,736 this year’ (*The Times of India*, 29 December 2021) <<https://timesofindia.indiatimes.com/city/vijayawada/crimes-against-women-shoot-up-by-21-to-17736-this-year/articleshow/88552776.cms>> accessed 07 May 2022

the reduction of the time, there is a saying that “Justice Hurried is Justice Buried”. All these achievements which are said by the State Government did not come as any deterrent to perpetrators of crimes against women. The root of this problem awaits a solution. Bringing Just Stricter Laws doesn’t reduce the crime rate.

## COMPARATIVE ANALYSIS

When compared to most countries throughout the world, the UAE has a lower crime rate. This contains crimes involving sexuality. In the United Arab Emirates, the rape and sexual assault rates are as low as 1.5 per 100,000 women<sup>6</sup>. Especially when compared to India. According to the Public Health Foundation of India, the rape rate in India was 19.8% in 2018.<sup>7</sup> There are various types of punishment for crimes in the United Arab Emirates, including the capital penalty for the most egregious crimes such as rape. Rape cases are severely punished in Dubai, and can sometimes result in the death penalty, especially when minors are involved. The UAE's strict law enforcement accounts for the country's lower statistics of sexual crimes, which India lacks, and also ensures that initiatives are taken to further reduce the crime rate, with the goal of achieving the lowest crime rate in the world in the coming years. Because of family pressure, the majority of incidents go undetected. To promote better enforcement and sensitive treatment of such cases, the police department, public prosecutors, and courts are collaborating on best practices. Women in the police force receive specialized training in dealing with rape offences, as well as help for victims of such crimes. As previously stated, the UAE has capital punishment for serious crimes such as rape, particularly in cases involving minors, and the death penalty is imposed under *Article 357 of the UAE penal code* if the offence results in the victim's death. 'Should the death of the victim arise from one of the offences allowed for in the preceding paragraphs, the penalty shall be the death sentence,' according to

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<sup>6</sup> Hassan Elhais, 'Rape Laws in the United Arab Emirates' (*Lexology*, 11 May 2021) <<https://www.lexology.com/library/detail.aspx?g=3a1e46f0-e4d6-449c-8271-b6f2cff17a01#:~:text=The%20crime%20rate%20in%20the%20UAE%20for%20rape%20and%20sexual,1.5%20per%20every%20100%2C000%20women>> accessed 08 May 2022

<sup>7</sup> Priyanka Sharma, 'Sexual crimes against women 70% in 2 decades' (*Livemint*, 22 April 2022) <<https://www.livemint.com/news/india/sexual-crimes-against-women-up-70-in-2-decades-11650646735378.html>> accessed 08 May 2022

Article 357 of the UAE penal code. In UAE there are severe punishments for Even False Allegations of Rape.

The reason behind UAE's low Sexual violence rate is that the implementation, laws, Executive Body, Mindset of the People, and Capital Punishment, mostly are not properly done in India. The change has to come every Individually then society can change as a whole, the mindset of the people living in society has to be changed no matter how stricter the law is if one wants to escape from the law then he uses the loopholes of the law, influence, power or Money, or introducing false witnesses or replacing him by some other person factor may vary but the result is to come out of the prison without any punishment like, One of my professors said that Law is neither Good Nor bad it all depends upon the person who uses it. India Stands 3rd When it comes to Rape Cases By country, National Crime Record Bureau data says that 1 Rape is reported every 15 minutes conviction rate is 27 percent and the rest are not in India only 11 percent of cases are only reported. Can you ever imagine that in India rape is being done from a 5-year-old girl to an 84-year-old woman? Although the Disha act has reduced the time limit and also included many special courts for rape victims in every district still the Rape rate is not low.

## CAUSES AND SAFEGUARDS

### *Reasons for the increase in sexual violence cases in India*

- Women who come to their homes at the night are mostly the victims of rape,
- And Women who go alone at night are also victims of this sexual violence
- Pornography
- The Way of dressing is also one of the reason
- Walking in Unpopulated Areas
- Lack of Public Safety

- Lack of police protection in Specific Areas
- Domestic Violence
- Mindset (Way of Thinking) of Individuals who commit Sexual Violence Against Women

## **PREVENTIVE MEASURES TO CONTROL SEXUAL VIOLENCE AGAINST WOMEN**

- Educating people regarding Good Touch and Bad Touch
- Creating Awareness and making people know the gravity of the issue
- When you or someone come across these issues try to complain or dial the toll-free number
- Train yourself to act at times when these types of Situations arise
- If you come across Sexual harassment then dial the toll-free number or try to help them (If Possible)
- Teach your Kid how to respect Women, Girls, and how to talk respectfully to them, Respect their opinion, their Wish, their Career, and their Genuine Interest.
- Change of Mindset has to come in the person which nevertheless depends upon the environment a child grows and company and etc... although if you teach your child good he may change so build him in such way the malicious Intention to rape has to come to an end. If this is done there is no need for stricter laws as well and the root of this problem is solved mostly.

## **CONCLUSION**

A person only needs that wrongful thought to conduct a rape, and now in today's society, we can find rape instances irrespective of the relation to the victim, which usually does not come to light but needs to be addressed. There will be no safety for women no matter how severe

the laws are until and unless the purpose to commit rape is removed from a person's head this will not end, which Disha is a clear example of. The Disha Act is a tougher law than the previous one, however, the crime rate has increased since its implementation. The crimes were there before, but they went undiscovered, and now that they are being noticed, the crime rate is increasing. Obviously, the number of cases filed against them has increased, but the basis of the problem is a person's malicious intent to rape, which must be stopped because if a person has an intention then he will find ways to do it and methods to control it so have already been discussed above. Solving this challenge provides numerous answers to previously unanswered questions.