

# Sexual abuse and exploitation of women in India – Dimensions, recent incidences & legal framework

**Dr. Himanshu Rastogi**

Amity Business School, Amity University – Uttar Pradesh, Lucknow Campus.

Received: July 24, 2018

Accepted: October 01, 2018

## ABSTRACT

*The world over women are not secured and experience sexual harassment at one time or the other in their life be it at home, market place, in the company of relatives and friends, schools and educational institutions or be it the work place. In nutshell they become the easy target of sexual abuse and could not often raise voice due to societal pressure or being worried about defamation. India is no exception to it and everyday news regarding sexual abuse is published in the newspapers and other media channels. The International Men and Gender Equality Survey 2011 Questionnaire reported that 24% of Indian men had committed sexual violence at some point during their lives. 65% of Indian men believe women should tolerate violence in order to keep the family together, and women sometimes deserve to be beaten. A survey by the Thomson Reuters Foundation and The Rockefeller Foundation found women saw harassment as the third most challenging issue in the workplace after work-life balance and the gender pay gap. The poll, conducted by Ipsos MORI - 2015, found 29 percent of women working in the Group of 20 leading economies have faced physical or online harassment at work - but of these 61 percent said they never or rarely reported harassment. Turkey, Mexico and Argentina topped the list of G20 nations where women were most concerned about harassment in the workplace while women in South Korea, Russia, Germany and Britain were the least worried. Women in India, however after a fatal gang-rape in 2012 which sparked widespread protests about sex abuse, have now started to protest and speak out, with 53 percent saying they always or most often reported harassment. This change in approach and more so, after introduction of some harsh punishment and women helpline numbers, can be seen as a welcome measure as regard protection and maintenance of female integrity is concerned. The paper tries to bring out the various forms of sexual harassment and assault in the form of verbal, physical and indecent gestures which are becoming the part and parcel of females at work place and also suggest legal and remedial measures if introduced can help in bringing down the crime rate, especially against women, drastically.*

**Keywords:** Sexual Abuse, Gender Equality, Violence.

## INTRODUCTION

In India women have always been given special status been admired as Goddesses. In spite of such high regards for women in Indian culture, presently the condition of women is in poor state and has been subject to exploitation of various categories such as home violence, eve teasing, and rape and so on. Violence against women in India is an issue rooted in societal norms and economic dependence. Female feticide, domestic violence, sexual harassment and other forms of gender-based violence constitute the reality of most girls' and women's lives in India. Wife battering affects the physical and psychological wellbeing of the abused women and even that of their children. Although female participation in public life is increasing and laws have been amended, India still has a long way to go to make Indian women equal citizens in their own country. In our society, many women are violently treated by their intimate partners while they suffer in silence. In some cases, domestic violence leads to the death of these women. Apart from domestic violence females are also targeted at all places be at work, on road, shopping malls, amusement parks, public gathering or attending functions and so on. The magnitude of assault is not always physical, but also in the form of improper gestures, livid remarks and comments, bad touch while passing and so on and the women is supposed to bear all this without any reaction. In nutshell it can be said that Women experience violence in many ways, from physical abuse to sexual assault and from financial abuse to sexual harassment or trafficking. Whatever form it takes, violence against women can have serious long-term physical and emotional effects. The growth and prosperity of economy is restricted because of the ever increasing crime against women there by limiting their contribution in the economic development of India.

## OBJECTIVE OF PAPER

1. To understand the different forms of women exploitation in present society.
2. To know the Indian penal and special local laws of crimes against women.
3. To provide suggestion to restrict crime against women in India.

## **WOMEN EXPLOITATION DURING LIFE CYCLE**

Women continue to be subjected to harass over the entire life cycle irrespective of their class, caste and educational status. They have been the victims of exploitations like physically, socially, morally, mentally and economically since long time in their life. Moreover women are suppressed and exploited from the womb stage. Following are different stages of women exploitation

### **1) Pre –birth Stage**

In today's modern era, people still thought that baby girl would be a burden of a family in future, they are not economically and socially productive as like as boy. This conventional thinking comes up with a terrifying thing i.e. Female Feticide (Sex-selective abortion).

### **2) Infancy Stage**

In India, Female Infanticide and gender discriminations are very common at many places mostly in villages and tribe areas. The girl- child gets deprived from the better facilities like, health care and nutrition. Consequently from the initial stages of development, they remain weak and isolated. This is because of the same reason as stated earlier.

### **3) Girlhood Stage**

At this stage a she experienced massive gender discrimination in part of Health, Nutrition & Food, other social benefits and Education too. Due to constant ignorance, women are victimized in the form of physical, sexual and psychological abuse, female genital mutilation and trafficking for lucrative business spread all over the world both for labor and sex.

### **4) Adolescent Stage**

This is a stage when they become matured, can understand the social and economic bondage. At this stage she undergoes from a pitiable form of violence or exploitation in the form of early marriage, eve-teasing, Dating and courtship violence (e.g. acid throwing and date rape); economically coerced sex, rape, forced prostitution, trafficking, , crime committed against women etc. She faces many kinds of boundations like on dress code, use of mobiles phones, restricted movements etc.

### **5) Reproductive Stage**

At reproductive age she bears the pain of forced marriage by her own family just because of the sake of their honour. After getting married they have to face domestic violence, marital rape; dowry abuse and murders; partner homicide; forced pregnancy, sexual , psychological , emotional and physical tortured by intimate partner and non-partners. Consequently, sexual abuse in the workplace and rape is very common as read out in common newspapers in all parts of the country.

### **6) Elderly Stage**

At the time of elderly, she becomes helpless due to absence of workability or sexual beauty. Consequently, they are again ignored and exploited. Forced "suicide" or homicide of widows for economic reasons; sexual, physical and psychological abuse are commonly faced by women in this age

## **FORM OF WOMEN EXPLOITATION**

### **1) Domestic Violence**

Domestic violence can include forced sex, physical abuse, and emotional abuse, such as cruel words or threats. It can happen between married people, to a couple who lives together or apart, or to a same-sex couple.

### **2) Sexual Assault**

Sexual assault is any type of sexual activity or contact, including rape that happens without female's consent. Consent is a clear "yes" to sexual activity. Not saying "no" does not mean consent. Sexual contact without consent is sexual assault or rape. Sexual assault can include non-contact activities, such as someone "flashing" or forcing female to look at sexual images. Sexual assault is also called sexual violence or abuse.

### **3) Sexual Assault in College**

Sexual assault on college campuses is a common problem that often goes unreported. It includes any unwanted sexual activity, from unwanted touching to rape. Alcohol and drugs often play a role in sexual assault on campuses. One study found that 15% of young women experienced incapacitated rape during their first year of college. Being incapacitated means these young women were raped when they could not give consent because they did not know what was happening. Many young adults use alcohol or drugs for the first time during college. Using drugs or drinking too much alcohol can make one unaware of what is happening around.

### **4) Rape**

The U.S. Department of Justice defines rape as "the penetration, no matter how slight, of the vagina or anus with body part or object, or oral penetration by a sex organ of another person, without the consent of the

victim.” Although other types of sexual assault may be done by men or women, rape is almost always done by men. Most women who are raped are raped by someone they know, such as a former or current intimate partner, an acquaintance, or a family member. Giving consent means giving a clear “yes” to any type of sexual activity. It is also rape when penetration takes place when female is drunk high, drugged, or asleep and cannot give consent.

### 5) Dating Violence

Dating violence is physical, sexual, emotional, or verbal abuse from a romantic or sexual partner. It happens to women of all races and ethnicities, incomes, and education levels. It also happens across all age groups and in heterosexual and same-sex relationships. Some people call dating violence domestic abuse, especially when one lives with its partner. Dating violence includes:

- **Emotional and verbal abuse** — yelling, name-calling, bullying, isolating the victim from her family and friends, saying she deserve the abuse or are to blame for it, and then giving gifts to “make up” for the abuse or making promises to change
- **Physical abuse** — hitting, shoving, kicking, biting, throwing objects, choking, or any other aggressive contact

It can also include forcing female to get pregnant against her will, trying to influence what happens during her pregnancy, or interfering with her birth control.

### 6) Emotional and Verbal Abuse

Emotional and verbal abuse may begin suddenly. Some abusers may start out behaving normally and then begin abuse after a relationship is established. Some abusers may purposefully give a lot of love and attention, including compliments and requests to see their life partner, in the beginning of a relationship. Often, the abuser tries to make the other person feel strongly bonded to them, as though it is the two of them “against the world.” Over time, abusers begin to insult or threaten their victims and begin controlling different parts of their lives. When this change in behavior happens, it can leave victims feeling shocked and confused.

### 7) Financial Abuse

Financial abuse happens when an abuser has control over finances in a relationship and withholds money from the victim. Often, a woman does not leave an abusive relationship because she fears she will not be able to provide for herself or her children. Financial abuse can make the victim feel as if she can’t leave. This fear is often the main reason women don’t leave an abusive relationship.

### 8) Sexual Harassment

Sexual harassment happens when someone at workplace, home, or school makes unwelcome sexual advances to females mostly or requests sexual favors. It also includes verbal or physical behaviors that may affect her job, home, or education. These acts are sexual harassment when they are without victim’s consent, or are unwanted, and interfere with the work or create a hostile or offensive environment. Sometimes sexual harassment is also sexual coercion. Coercion is when one is forced in a nonphysical way into sexual activity. Sexual harassers can be anyone — men or women, and can be managers, co-workers, landlords, teachers, or other students. Sexual harassment does not mean one is in a sexual relationship with the person doing it.

### 9) Human Trafficking

Human trafficking is a form of slavery. It happens when a person is forced or tricked into working in dangerous and illegal conditions or having sexual contact with others against their will. A person who is trafficked may be drugged, locked up, beaten, starved, or made to work for many hours a day. Girls and women are the most common victims of sex trafficking, a type of human trafficking.

### 10) Physical Abuse

Physical abuse is any physical force that injures or puts someone’s health in danger. Physical abuse can include shaking, burning, choking, hair-pulling, hitting, slapping, kicking, and any type of harm with a weapon like a knife or a gun. It can also include threats to hurt, harm children, or family members. Physical abuse can also include restraining someone against the will, by tying up or locking the victim in a space.

### 11) Sexual Coercion

Sexual coercion is unwanted sexual activity that happens when one is pressured, tricked, threatened, or forced in a nonphysical way. Coercion can make one think she owe sex to someone. Having someone threaten to spread rumors about victim if she don’t have sex with them or someone having an authority figure, like a boss, property manager, loan officer, or professor, use their influence or authority to pressure the victim into having sex are examples of sexual coercion.

**12) Stalking**

Stalking is repeated contact that makes someone feel afraid or harassed. Someone may stalk by following or calling the victim often. Stalkers may also use technology to stalk by sending unwanted emails or social media messages. About one in six women has experienced stalking in her lifetime. Women are twice as likely to be stalked as men are. Mostly stalkers are known people.

**13) Domestic Violence**

In Indian family the man is the master and women is the inferior and subordinate partner and societal pressure force women to maintain this status quo. Wife beating is the most prevalent form of violence against women in the Indian society and it is viewed as a general problem of domestic discord.

**14) Female Infanticide and Feticide**

This is playing a significant role in lop sided sex ratio in India. Poor families in certain regions of the country sometimes resort to killing baby girls at birth, to avoid an unwanted burden on family resources. Sex selective abortion has also been common in the country. It's dangerous to abort the foetus after 18 weeks of pregnancy and quite harmful for mother too at such a late stage.

**RECENT CASES OF VIOLENCE AGAINST WOMEN – RAPE**

**Kathua Rape Case**

An eight-year-old innocent girl was brutally raped for days. She was sedated, tortured before finally killing her inside a temple. The nomadic girl had gone missing on January 10 and her body was recovered from the Rasana forest on January 17, 2018. Trust betrayed.

**Sitapur Gang-rape**

A father allegedly 'gifted' his daughter to his friends and later joined them to gang-rape her in Sitapur district, about 70 km away from Lucknow. What a disgusting situation? Can father be relied upon.

**Nine Year Girl Raped in Manipur**

This is even more shocking; a 13-year-old boy allegedly raped a nine-year-old girl at his home in Mainpuri, Uttar Pradesh. The boy had reportedly lured the girl with a silver ring. According to police the alleged rape was committed when the girl was alone at home. The suspect had lured her to his house and committed the crime.

**Ten Year-old raped and Killed in Chhattisgarh**

A 25-year-old man raped and then killed a 10-year-old in Chhattisgarh during a wedding. Police said the 25-year-old accused, who had been arrested, admitted to have raped and killed the child by smashing her head with a stone. Finding everyone involved in the wedding, he lured the girl away and committed the crime. The body of the child was found dumped in a dry riverbed in the village.

**Eleven Year-Old Raped in Assam**

In Nagaon district in Assam, an 11-year-old girl was raped and then burnt alive, an entire village came together to help the police catch the accused. At Lalung Gaon, 150 kilometres from state capital Guwahati, the girl who was all alone at home was raped on March 23, 2018.

**A Four Month Infant Raped in Indore**

A four-month-old baby was raped and murdered in the Rajwada area. The infant's body was found in the basement area of the heritage Shiv Vilas Palace, blood smears on the stairs telling a horror story. A suspect, a member of the family, is in custody. How brutal?

**RAPE VICTIM AND ACCUSED RELATIONSHIP**

The 2015 National Crime Record Bureau (NCRB) data on the proximity of offenders to victims as per Table 1 below shows that in 95 per-cent of all rape cases, the offender knew the victim. For example, 27 per-cent of rapes are committed by neighbours, 22 per-cent involves the promise of marriage and per-cent are committed by immediate family members and relatives. The data further stated that at least 2 per-cent of all rape cases involves live-in partners or husbands (former partners or separated husbands — rape within marriage is not recorded), 1.6 per-cent are committed by employers or co-workers and 33 per-cent are committed by other known associates.

**Table-1: Rape Victim and Accused Relationship -2015**

Sl.No	Accused Relationship	No. of rape Victims	Percentage of Rape Victims
1	Neighbours	9356	27.00%
2	Promise to Marriage	7623	22.00%
3	Immediate Family Members/ Relatives and Friends	3119	9.00%
4	Live-in Partners or Husbands	693	2.00%

5	Employers/Co-workers	554	1.60%
6	Other Known Persons	11435	33.00%
7	Unknown/stranger	1871	05.40%
<b>Total</b>		<b>34651</b>	<b>100.00%</b>

Source: National Crime Record Bureau Report 2015

### INDIAN PENAL CODE AND SPECIAL LOCAL LAWS OF CRIMES AGAINST WOMEN

The principle of gender equality is enshrined in the Constitution of India. In order uphold and implement the Constitutional Mandate, the State has enacted various laws and taken measures intended to ensure equal rights, check social discrimination & various forms of violence and atrocities. Although women may be victims of any of the general crimes such as 'murder', 'robbery', 'cheating', etc. only the crimes which are directed specifically against women i.e. gender specific crimes are characterised as 'Crimes against Women'. Various new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes effectively. These are broadly classified under two categories.

#### (1) Crime Heads under the Indian Penal Code (IPC)

- Rape (Sec. 376 IPC)
- Attempt to commit Rape (Sec 376/511 IPC)
- Kidnapping & Abduction of Women (Section 363, 364, 364A, 365, 366 to 369 IPC)
- Dowry Deaths (Section 304B IPC)
- Assault on Woman with Intent to Outrage Her Modesty (Sec. 354 IPC)
- Insult to the Modesty of women (Sec. 509 IPC)
- Cruelty by husband or his relatives (Sec. 498A IPC)
- Importation of Girl from Foreign Country (up to 21 years of age) (Sec. 366 B IPC)
- Abetment of Suicide of Women (Sec. 306 IPC)

#### (2) Crime Heads under the Special & Local Laws (SLL)

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

- The Dowry Prohibition Act, 1961
- The Indecent Representation of Women (Prohibition) Act, 1986
- The Commission of Sati Prevention Act, 1987
- The Protection of women from domestic Violence Act, 2005
- The Immoral Traffic (Prevention) Act, 1956

**Table-2: Crime Head-wise Cases Registered under Crime against Women during 2011 - 2015**

No	Crime head	Year					Percentage variation in 2015 over 2014
		2011	2012	2013	2014	2015	
1	Rape#	24,206	24,923	33,707	36,735	34,651	-5.7
2	Attempt to Commit Rape*				4,232	4,434	4.8
3	Kidnapping & Abduction of Women	35,565	38,262	51,881	57,311	59,277	3.4
4	Dowry Deaths	8,618	8,233	8,083	8,455	7,634	-9.7
5	Assault on Women with Intent to Outrage her/their Modesty	42,968	45,351	70,739	82,235	82,422	0.2
6	Insult to the Modesty of Women	8,570	9,173	12,589	9,735	8,685	-10.8
7	Cruelty by Husband or His Relatives	99,135	1,06,527	1,18,866	1,22,877	1,13,403	-7.7
8	Importation of Girl from Foreign Country	80	59	31	13	6	-53.8
9	Abetment of Suicide of Women				3,734	4,060	8.7
A	Total IPC Crime against	2,19,142	2,32,528	2,95,896	3,25,327	3,14,575	-3.3



	Women						
10	Commission of Sati Prevention Act	0	0	0	0	0	0
11	Indecent Representation of Women (P) Act	453	141	362	47	40	-14.9
12	The Dowry Prohibition Act	6,619	9,038	10,709	10,050	9,894	-1.5
13	Protection of Women from Domestic Violence Act				426	461	
14	Immoral Traffic (Prevention) Act#	2,436	2,563	2,579	2,070	2,424	17.1
B	Total SLL Crime against Women	9,508	11,742	13,650	12,593	12,819	1.8
	Total(A+B)	2,28,650	2,44,270	3,09,546	3,37,922	3,27,394	-3.1

Source: <http://ncrb.gov.in/StatPublications/CII/CII2015/chapters/Chapter%205-15.11.16.pdf>

\*Newly included crime head; '#' Exclude child rapes registered under the section 4 & 6 of Protection of Children from Sexual Offence Act 2012.

### Incidence of Crimes

A total of 3,27,394 cases of crime against women (both under various sections of IPC and SLL) were reported in the country during the year 2015 as compared to 3,37,922 in the year 2014, thus showing a decline of 3.1% during the year 2015. These crimes have continuously increased during 2011- 2014 with 2,28,650 cases in 2011, which further increased to 2,44,270 cases 2012 and 3,09,546 cases in 2013, to 3,37,922 cases in 2014. It declined to 3,27,394 in 2015.

Uttar Pradesh with 16.8% share of country's female population has reported nearly 10.9% of total crimes committed against women at all India level, by registering 35,527 cases and West Bengal accounting for nearly 7.4% of the country's female population, has accounted for 10.1% of total cases of crimes against women in the country by registering 33,218 cases during the year 2015.

### Crime Rate

(Crime rate- 53.9)

The crime rate under crimes against women was reported as 53.9 in 2015. Delhi UT has reported the highest crime rate (184.3) compared to 56.3 at all India level during the year 2015, followed by Assam (148.2), Telangana (83.1), Odisha (81.9), Rajasthan (81.5), Haryana (75.7) and West Bengal (73.4).

### Trend Analysis

The crime head-wise details of cases reported under crimes against women during the year 2011 to year 2015 along with percentage variation are presented in 2 The cases of crimes against women during the year 2015 have decreased by 3.1% over the year 2014 and increased by 43.2% over the year 2011. The IPC component of crimes against women has accounted for 96.1% of total crimes and the remaining 3.9% were SLL crimes against women.

### SUGGESTIONS TO CONTROL EXPLOITATION AGAINST WOMEN

1. In order to restrict and control exploitation and violence against women it is the need of the hour to create awareness among male dominated society that it their moral duty to respect women and raise voice if the find anywhere the women are being exploited.
2. Females are to be strengthened emotionally through expansion of education and physically by way of providing self-defence training to them. Primary self-defence training should be made compulsory for all females up to class XII.
3. Strong social, moral and cultural values in the society should be inculcated among people for this grass root changes are needed impacting positively the mindsets, attitudes and beliefs backed by strong laws with provision of instant action and punishment against wrong doers to the women.
4. It is also suggested that we the people and the government should try to create healthy environment for women and girls everywhere by providing legal, political and social security system which is really effective and workable and not only paper policy.
5. Efforts to enhance economic empowerment to women can also help them to raise their voice against exploitative and violence oriented acts of male, which were normally borne by females because of being economically dependent on males.

6. Poor investigations, harsh cross examination of victims, senseless adjournment of cases and faulty assessment of evidence and furnishing of evidence by victims in presence of culprits are areas that need reforms.

7. All Crucial cases related to crime against women should be tried in fast-track courts and the trial to be completed within 2 months, without the necessary judicial reforms and infrastructure in place it will be extremely difficult to achieve the desired conviction rate.

8. Establishment of RCCs and SATUs in all major cities and towns is essential, which can act as a one-stop centre for medical, social, psychological and legal support of rape victims. Government, in collaboration with NGOs and other public health organizations, should set up more help-lines through which the victims have access to a network of professionals who are trained to support them in seeking care as well as legal recourse's personnel on standardized protocols in post-rape care is imperative.

## CONCLUSION

Males are because of the female fraternity. After all female is the one who gives birth to new infants and feeds and takes care of them throughout life in the form of mother, sister, wife and daughter. In Indian culture our shastras and history is witness of the fact the respect women used to govern. With the passage of time and also due to invasions time and again subsequently leading our country be slave under Mughals and British rules for centuries the Indian basic culture got dented and acute crime against women started from there. Even after independence still things have not changed for women and they are subject to all types of exploitation ranging from domestic violence to physical and emotional attacks to rape and so on. Though of late voices against women violence have started getting louder and the demand for women empowerment and women rights have been gaining momentum from all corners of the society, still the need is sweeping legal reforms to be introduced which could put the guilty of women crime against bars with harsh punishment within no time. Hope India will again see the light of day where women are given the status of Goddess and treated accordingly.

## REFERENCES

1. Kumar, Alok. Pathak, Asha. Kumar, Sandeep. Rastogi, Pooja. And Rastogi, Prateek. (2012), "The Problem of Child Sexual Abuse in India laws, Legal Lacuna and the Bill – PSCOB-2011" J Indian Acad Forensic Med. , Vol. 34, Issue 2, PP. 147-149.
2. Kumari, Jyoti. (2016), "Women Exploitation in EveryPhase of Her Life and Ineffectiveness of Laws in India," International Journal of Research in Economics and Social Sciences, Vol. 6, Issue 9, PP. 195-205.
3. Manikamma, Nagindrappa and Radhika, M.K. (2013), "Women Exploitation in Indian Modern Society," International Journal of Scientific and Research Publications, Vol. 3, Issue 2, PP. 1-11.
4. Saryal, Sutapa. (2014), "Women's Rights in India: problems and Prospects," International Research Journal of Social Sciences, Vol. 3, No. 7, PP. 49-53.
5. Sharlon, Prescila.S. (2014), "Domestic Violence against Women in India: AFamily Menace," Indian Journal of Applied Research, Vol. 4, Issue 12, PP. 170-175.
6. Vidushi, Vimal. andSethi, Gagandeep. (2016), "Domestic Violence in India- An Analysis," International Journal of Applied Research, Vol. 2, Issue 8, PP. 461-465.
7. [http://indpaedia.com/ind/index.php/Crimes against women: India#2007-2016](http://indpaedia.com/ind/index.php/Crimes%20against%20women%20in%20India#2007-2016)
8. <http://ncrb.gov.in/StatPublications/CII/CII2015/chapters/Chapter%205-15.11.16.pdf>
9. <https://www.firstpost.com/india/ncrb-data-shows-95-rape-victims-in-india-known-to-offenders-3433136.html>
10. <https://www.indiatimes.com/news/india/6-horrendous-rape-cases-in-2018-so-far-show-that-minors-are-biggest-victims-of-sexual-assaults-343892.htm>
11. <https://www.womenshealth.gov>