

INDIAN PLATFORM FOR CRIME AGAINST WOMEN

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ABSTRACT: *Crime against women has been curse for Indian society and it increases with the development efforts in India. With esoteric customs, sex being like taboo in India and other crimes lower status of women further worsen the crimes.*

Women have been come under vulnerable group of society, and they are being exploited in each and every corner.¹ There are many laws, Acts, ordinances and organization national as well as international, but they all failed to reach the goal i.e. to clear crime against women in every sector, even they did not succeed in reducing the crime rate against women in India, it increases day by day. It has been called as there is an existence of women empowerment but that only shows in theory, practically the situation is worse than form theory.

This paper carries the status or position of women and their fight against crimes and also some suggestions to protect the vulnerable group of society.

Key Words: *Crime, Women, Sexual Assault, Rapes, Domestic Violence.*

I. INTRODUCTION

*"O Lord why you have not given woman the right to conquer
Her destiny Why does she have to wait head bowed, By the
Roadside, waiting with tired patience, hoping for a miracle in
the morrow?"*

- **Rabindranath Tagore**

Our society continues to experience crime against women in India despite the efforts of the government to toughen bills that prosecute men who attempt to rape women and also criminalize offences like stalking and voyeurism. This article explores the idea of crimes which are against the women in India.² From very beginning, women exploited in each and every sector of society. In India, women are way ahead of women elsewhere in the matter of social legislation but the implementation of laws granting rights to women has been so slow, lopsided and haphazard that socially, economically and politically women lag farbehind men.³

Crime against women is of various natures. It includes crimes involving sexual exploitation for economic gains like prostitution and trafficking, adultery, abduction, rape wrongful confinement, and murder etc.⁴ Every day in newspaper as well in news channel we heard about different crimes against women and mostly crimes are rape or sexual assault or others, even these reports and information there were no reluctance in crimes against women.

II. BACKGROUND OF CRIME AGAINST WOMEN

Back in the 18th century B.C., the Babylonian King Hammurabi established a governmental collection of 282 laws that established a set of conduct for his people in ancient Mesopotamia. In that sets there were very clear distinctions laid out for both men and women. According to Hammurabi's Code, "if he were to kill a 'free-born' pregnant woman, his own daughter had to be scarified as retribution". Clearly these pre-Biblical laws helped to shape people's views of women from our earliest to shape people's views of woman from our earliest times in recorded history.⁵

¹Available at: https://www.academia.edu/5840110/crime_against_women_in-India.html. (Accessed on: February 13, 2019).

²*Ibid*

³R.N. Mangoli and Ganpat M. Tarase, "Crime Against Women In India: A Statistical Review", *2International Journal of Criminology and Sociology Theory* 293(2009).

⁴*Supra note 2.*

⁵Kim Swanson, "Crime Against Women- History of Laws Around the World", *Get Inclusive* (2014).

In 1997, according to the United Nations Human Development Report, after nearly 50 years of research and study, they came to a significant conclusion. "No society treats its women as well as men". While the differences in the gender gap vary from country to country, they determined that women were more often than not relegated to second-class citizenship all around the world.⁶

In Vedical from Ramchatrimanasitaji was also considered as the avatar of Goddess Laxmi but still suffered from ordeal i.e. Agnipariksha. Violence is the word belongs to a savage that why crime against women evolved by the evolution of men.⁷

It is not the problem of modern time but retained since middle age which is called 'dark age', the sole property of her father, brother or husband and she does not have any will or right of her own. There were many crimes in ancient India which was the roots for crime against women. These are Sati, Jauhar, Child Marriage, Restriction on Widow Remarriage and many more.⁸

As above mentioned the wording of the Rabindranath Tagore, the plight of women in medieval India and at the starting of modern India can be summed up. We can count on certain names from the British India where women put the example of extraordinary bravery which even men might not able to show. There were certain men who took the cause of women in India; they have been social reformers who have helped women gain their previous status in society.⁹

III. INSPECTING CRIME AGAINST WOMEN AT NATIONAL LEVEL

Crime against women in India has increased rapidly over the years. Incidences have increased at the rate of 5.9%/ year from 27,250 in 1991 to 102,501 in 2014. In between this duration, incidences for rapes, kidnapping and abduction, and dowry deaths increased at the rate of 5.9%, 6.9% and 2.2%, respectively.¹⁰

The rate of crime against women – crimes per 100,000 female populations- was 55.2 in 2016, up from 41.7 in 2012. As many as 2.5 million crimes against women have been reported in India over the last decade. Reported cases of crime against women increased 83% from 185, 312 in 2007 to 338,954 in 2016. The year 2016 saw the lowest conviction rate (18.9%)-percentage of caps convicted by the courts- for crimes against women in a decade.¹¹ This means that victims have great faith on justice and files the case accordingly after so many humiliations and mental torture, if accused convicted than victim has secured with justice and if verdict goes against her, she loses her faith as well as confidence and is stigmatized.

The most reported crime was cruelty against women by her husband or his relatives, it covers crimes like 'assault on women with intent to outrage her modesty', kidnapping and abduction' and 'rape'.

IV. CATEGORIES OF CRIME AGAINST WOMEN

There are many types of crimes which was committed against women regularly, some of the most committed crimes are categorized below and discussed. These are:-

A. Sexual offences

As like human beings, animals also feel attracted towards opposite sex, but to differ both from each other marriage concept was introduced in society. The objective behind this is too legalize sexual relation and other sexual relations are called as illegal in India, namely as rape, adultery etc. Now, we discuss these illegal sexual relations:-

Rape is the most and fast growing crime in India. According to the report of National Crime Records Bureau (NCRB) every 60 minutes, two women were raped in this country. Despite the increasing rate of crime against women, they would not be in priority list of the different agencies. The NCRB report shows that the investigation starts from the same year in only one out of 10 sexual harassment cases and only two out of 10 cases of molestation or cruelty by husband to his wife. Similarly only three out of 10

⁶Ibid

⁷Available at: <https://www.slideshare.net/mobile/bantisagar71/violence-against-women-in-India-a-project-report-submitted-in-university-for-ilm.htm>. (Accessed on: February 15, 2019).

⁸Ibid

⁹Ibid

¹⁰Sanjay K. Singh, "Heinous Crime against Women in India", 41 *The Journal of Social, Political, and Economic Studies*, (2016).

¹¹Available at: <https://www.indiaspenf.com/crime-against-women-up-83-conviction-rate-hits-decadal-low-18239.html>. (Accessed on: February 17, 2019).

rape and dowry death are investigated within the same year.¹²

There are several kinds of Rape:

- i. Custodial Rape.
- ii. Rape on pregnant women.
- iii. Rape of girl of age 12.
- iv. Gang Rape.
- v. Rape by Husband.¹³

B. Matrimonial Offences

The provision for the offence relating to the marriage is described under section 493 to 498 of IPC, which may be explained as follows:

- i. Mock Marriage (every man who by deceit, causes any woman who is not lawfully married to him, to believe that she is lawfully married to him and to cohabit with him in that belief, it is punishable with imprisonment up to 10 years and fine).
- ii. Bigamy (whoever, having a wife living, marries in any case in which such marriage is void by reason to its taking place during the such wife, shall be punished with imprisonment 7 years and fine).
- iii. Dishonest or Fraudulent Marriage (whoever, dishonestly or with a fraudulent intention, goes through, the ceremony of being marriage, knowing that he is not there by lawfully married, shall be punished with imprisonment up to 7 years and fine).
- iv. Adultery.
- v. Hiding of HIV+ve status by either at the time of marriage.¹⁴

C. Offences Relating To Dowry

i. Dowry

It means the major reason for discrimination and injustice towards women in India. When dowry demands are not met, it creates serious consequences for young bride.

ii. Cruelty to Women by her Husband and his relatives

According to Sec 498A of IPC, whoever, being under IPC as well as under special laws, e.g. the Mental Termination of Pregnancy Act 1971; and the Pre-Conception and Pre-Natal Diagnostic Techniques Act 1994, the combined study of all the provisions relating to the offences of miscarriage are as follows:

- Voluntarily Causing Miscarriage
- Causing Miscarriage with the consent of Women
- Death Caused by act done with intent to miscarriage.¹⁵

V. OBJECTIVES OF NATIONAL POLICIES

Ministry of Human Resource Development, Department of women and Child development, Govt. of India has circulated the National Policy for Empowerment of Women 2001 for implementation.¹⁶

The goal of different Policies is to bring about the advancement, development and empower women. The policies will widely disseminate so as to encourage active participation of all stakeholders for achieving its goals. The objectives include:

- Creating an environment through positive economic and social policies for full development of woman to enable them to realize their full potential.
- The de jure and de facto enjoyment of human rights and fundamental freedom by women on equal basis with men in all spheres.
- Equal access to participation and decision making of women in social, political and economic life of the nation.
- Equal access to women to health care, quality education to all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and

¹²Available at: <https://www.britannica.com/EBchecked/topic/142953/crime.html>. (Accessed on: February 17, 2019).

¹³Supra note 1

¹⁴Supra note 1 at 9

¹⁵Ibid

¹⁶Available at: <https://www.wcdhrv.govt.in/nationalpolicyW.html>. (Accessed on: February 17, 2019).

- public office etc.
- Strengthening legal systems aimed at elimination of all forms of discrimination against women.
- Mainstreaming a gender perspective in the development process.
- Elimination of discrimination and all forms of violence against women and the girl child.
- Building and strengthening partnerships with civil society, particularly women's organization.

VI. LAWS THAT PROTECT WOMEN AGAINST CRIME

Crime against women occurs in every minute in India. Women are not safe whether in house or in public or at workplace. Your safety is in your hand sounds like a clichéd adage to repeat. Given the number of women, it is pertinent that women are aware about the laws in place to protect them.¹⁷

There laws are as follows:

- ✚ Prohibition of Child Marriage Act, 2006
According to the International Research Centre for Women, almost 47% of girl child marry before age of 18 years. The Act made effective in 2007. This Act defines different terms for interpretation. Parents trying to marry underage girls subject to action under this law.
- ✚ Special Marriage Act, 1954
The Act provide special form of marriage in certain cases, registration of certain marriages and divorce too. It is not applicable to Jammu and Kashmir State and also extended to intending spouses who are Indian nationals and living aboard.
- ✚ Dowry Prohibition Act, 1961
According to this Act, taking or giving of dowry at the time of the marriage to the bride or bridegroom and their family is to be penalized. Dowry system, giving and taking of dowry, is a norm in India but now it becomes business options for some families.
- ✚ Indian Divorce Act, 1969
This allows the dissolution of marriage, mutual consent, and nullity of marriage, judicial separation and RCR.
- ✚ sexual Harassment of women at Workplace (Prevention, Prohibition and Redressed) Act, 2013
To ensure women safety at workplace, this Act seeks to protect them from sexual harassment at their place of work. 36% of Indian companies and 25% among MNC's are not complaint with it according to FICCI-EY November 2015 report.¹⁸

And there are many other special laws to protect women from any crime.

VII. CONCLUSION

Any law or organization or Act can stop the crime against women. There must be change occur among the individuals of the society with due respect to give equal rights and Laws to women. And this change came with the Education to the youth of the society, who are the upcoming generation of it and they must educated with the equals rights provided to women and also awaken them from this lack knot of inequality between men and women. This can also be done by mass media, which plays a vital role in today's scenario. Whatever the social impact, but for contributing in women empowerment includes awareness for women rights in society, women education, girls education, women interference in economic activities, provisions for skill development, laws which implement the rights of women. It is to be recommended that for future actions and for rising future of the nation, society should emphasize on these aspects more.

By making law, like it is present theoretically but not implementing effectively as it does not results in women empowerment. The changes in socio-culture activities of the nation is not limited with the specified time and with specified place but can be change with the help of youths of the nation. The presence of society which rationales the difference between the cultural and old crimes which were committed against women from decade and the laws which are totally against these criminalizing cultural.

Crime against women can only be stopped when the youths, society even women herself came under same umbrella of laws and rights.

¹⁷Available at: <https://www.google.com/amp/s/yourstory.com/2016/06/laws-that-protect-women-rights/amp.html>. (Access on: February 18, 2019).

¹⁸*Ibid*