

AN
ARTICLE
ON
CRIME AGAINST WOMEN IN
INDIA:
A SOCIAL MENACE



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Abstract-

Decades have come and gone but the plight of women is not likely to change. Time has helplessly watched women suffering in form of discrimination, suppression and exploitation. Infact, since the dawn of civilization, they are victim of vast discrimination and male chauvinism and that's why they are prone to crimes like rape, eve-teasing, female infanticide, dowry, domestic violence, child marriage, acid throwing etc. No doubt, a crime against women is a social menace. It can explode anywhere, anytime, and within any economic class.

In India, where women are seen as divine and worshipped as Devi, still, they are humiliated and victimized. They have not given their due and legitimate place. Like

many other countries, a good number of women in India do enjoy high status but countless women continue to occupy a lonely, disadvantaged and very humiliating position at the base of the pyramid.

Crime against women is rising at an alarming rate. Various legislations have been enacted to safeguard them but the authorities failed to curb high level of crimes against them. In modern world where we talk of civilized society, women's liberty and empowerment, every day the pace of crime against women is rapidly increasing.

Through this study, the author wants to reveal that despite several enactments and protective measures for women, why they are still suffering? Author also suggests different types of approach towards the prevention of this social infectious disease.

Key words: status of women, various forms of crime, psychological impact, legal and judicial control.



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Introduction-

“Of all the evils for which man has made himself responsible, none is so degrading, so shocking or so brutal as his abuse of the better half of humanity; the female sex.”

Mahatma Gandhi, the Father of Nation.

Gender based violence is a global phenomenon and it has now become a matter of great concern. No doubt, we stand at the debut of 21st Century demanding permanent membership in The United Nations but unfortunately we are still unable to boast of a society where there is complete gender equality. Gender inequality in one and another form is still paving away in any civilized and uncivilized cultures. No doubt, the value of any civilization can be judged by the place given to a woman in that society. Therefore, the old orthodox Indian society places women in a very highly respectable position. The Vedas identifies women as the magnificent creation of God, a multi-faceted personality with the power of kindness, adjustability, integrity and tolerance. As **Swami**

Vivekananda had said *“That country and that nation that does not respect women have never become great, nor ever be in future”*.

In India where women are addressed as Goddess Saraswati, Parvati, Kali etc. are not an exception of gender biasness. With the advent of society, the condition of women gets deteriorated and in modern Indian society, it has become a matter of grave concern. The blatant injustice is being perpetrated on them. Deprived, destitute, discriminated, despaired, deserted etc. have become their other names. On one front she is loved, respected, even worshiped and placed at the highest social status but on the other, she is humiliated, ill-treated, brutalized and put to contempt. The lure of making easy money has led to monstrous demands for dowry. If Brides do not bring a satisfactory dowry, they are harassed and burnt down. Many even commit suicide to save their parents from mortification. Modern medical technology makes it possible to determine sex of an unborn child that led to carry out the practice of female feticide. Eve-teasing, Stalking, Kidnapping, Abduction, Rape and Murder are daily happening. Working women are demoralized everywhere and find unhealthy atmosphere nearby. Women are unlawfully battered in police lock-ups and even so-called protective homes are not safe for them. It shows that Crime against Women is growing rapidly at local, regional, national and worldwide levels. Regardless of current crime shadowing machinery, access to information and networking, assuring the safety and security of women has become a stern challenge for all. According to National Crime Record Bureau, 3,78,277 **cases of crime against women** were reported in the country, up from 3,59,849 in 2017. **Uttar Pradesh** topped the list with 59,445 cases, followed by Maharashtra (35,497) and West Bengal (30,394)[1]. Besides, there are many cases of victimization which are unseen and unobserved due to numerous reasons. Unfortunately, crime against women has become a part and parcel of our culture.

Crime against Women: Meaning-

On a semantic or psychological level, the term ‘crime against women’ pertains to any injury inflicted directly or indirectly causing physical or mental infliction upon women. Crimes in which only women are targeted or victimized are characterized as *Crimes against Women*[2]. According to the United Nations, violence against women and girls is: “...any act of gender-based violence that results in, or is likely to result in, physical,

sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life[3].”

Various Forms of Crime against Women-

Women may be a victim of various general crimes like cheating, murder, robbery, theft, extortion etc., but there are some crimes which are specifically committed against them only. Broadly, crimes against women are classified under two categories[4].

1. Crimes under the Indian Penal Code (IPC):

The Indian Penal Code, 1860 lays down the provisions to penalize the culprit for the heinous offences against women. Various sections under IPC specifically deal with such crimes[5].

- Acid Attack[6],
- Rape[7],
- Kidnapping and abduction for different purposes[8],
- Murder, Dowry death, Abetment of Suicide[9],
- Cruelty by husband or his relatives[10],
- Outraging the modesty of women[11],
- Sexual harassment[12],
- Assault on women with intent to disrobe a woman (S. 354 A)[13],
- Voyeurism (S. 354 C)[14],
- Stalking (S. 354 D)[15],
- Importation of girls up to 21 years of age[16],
- Word, gesture or act intended to insult the modesty of a woman (S. 509),

Majority of cases under crimes against women out of total IPC crimes against women were registered under Cruelty by Husband or His Relatives (31.9%) followed by Assault on Women with Intent to Outrage her Modesty (27.6%), Kidnapping & Abduction of

Women (22.5%) and Rape (10.3%). The crime rate per lakh women population is 58.8 in 2018 in comparison with 57.9 in 2017[17].

1. **Crimes under some Special Laws:** Besides offences under Indian Penal Code, 1860, there are other kind of offences which are usually committed against females. Some of them are listed below-
 - Offence of solemnizing child marriage,[18]
 - Offence of violence against women within family by person under domestic relation[19],
 - Offence of sexual harassment by employer at workplace[20],
 - Offences like Sexual assault, sexual harassment and pornography against child below 18 years of age,[21]Cyber crimes such as **Harassment through e-mails, cyber stalking, cyber defamation, cyber bullying, cyber grooming**, circulating images / video clips of women engaged in private acts[22], morphing, sending obscene / defamatory / annoying messages,
 - Offences of giving, taking or demanding dowry[23].etc.

Constitutional Safeguard for Women-

Gender equality is enshrined in every sphere of Indian constitution, be it Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution of India not only grants equality to women[24] but also empowers the States to adopt measures of positive discrimination in their favour[25]. Fundamental Rights ensure equality before law, equal protection of laws and prohibits discrimination on grounds of religion, race, caste, sex or place of birth. It also guarantees equality of opportunity to all citizens in matters relating to employment[26]. India has also ratified various International conventions and Human Rights instruments securing equal rights of women. Key among them is the ratification of *The Convention on Elimination of All Forms of Discrimination against Women (CEDAW)* in 1993. The Constitutional safeguards for women are as under:

- Ø Equality before law for women (Article 14).
- Ø The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (1) (i)).
- Ø The State to make any special provision in favour of women and children (Article 15 (3)).

- Ø Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16).
- Ø The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d)).
- Ø The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42).
- Ø The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46).
- Ø To renounce practices derogatory to the dignity of women (Article 51(A) (e)).
- Ø Not less than one-third of the total number of seats to be filled by direct election in every Panchayat and Municipality to be reserved for women.

Legal Safeguards for Women-

In pursuance of constitutional mandate of equality, various laws in public and private sector are passed to improve the socio-economic status of women and to protect them from the dawn of the patriarchal society.

- *Maternity Benefit (Amendment) Act, 2017*; The Maternity Benefit Act, 1961 protects the employment of women during the time of her maternity and entitles her for maternity benefit. This Amendment Act has increased the duration of paid maternity leave from the existing 12 weeks to 26 weeks.
- *The Dowry Prohibition Act, 1961*; makes demand of dowry either before, during or after marriage is an offence.
- *The Equal Remuneration Act of 1976*; provides equal wages for equal work and prohibits discrimination against women in the matter of recruitment.
- *The Indian Penal Code, 1860*; imposes strict punishment for offences committed against women. By making Criminal Law (Amendment) Act, 2013 & 2018, the legislature safeguards their interests by enacting new kind of offences^[27].
- *The Medical Termination of Pregnancy Act of 1971*; safeguards women from unnecessary and compulsory abortions.

- *Protection of Women from Domestic Violence Act, 2005*; protects women from any act/omission that harms, injures or potential to harm is to be considered as domestic violence. It protects them from physical, sexual, emotional, verbal, psychological, economic abuse and also marital rape.
- *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* seeks to protect women from sexual harassment at their place of work. It was passed by the Lok Sabha on 3 September 2012.
- To deal with child sexual abuse cases, the Government has brought in a special law, namely, *The Protection of Children from Sexual Offences (POCSO) Act, 2012* with effect from 14th November, 2012. The POCSO Act, 2012 is a comprehensive law to provide protection to children from offences of sexual assault, sexual harassment and pornography.
- *The Immoral traffic (Prevention) Act, 1956* gives protection to women from being kidnapped and or compelled to become prostitutes.

Despite all above laws, gender based violence and discrimination against women continue to be a pervasive feature of Indian society. There are, clearly, lacunae in these laws and gaps in their implementation.

Some Shameful Instances of Crime against Women-

It is irony that in 21st century where we talk about various Human Rights, Legal and Constitutional Rights for women but in fact they are hardly enjoys these rights. Though, good number of women in India does enjoy high status and touch the feet of sky but countless women still continue to occupy a lonely, disadvantaged and very humiliating position at the base of the pyramid. They have been conferred various rights to raise their voice. Nevertheless, they are in pathetic condition and no one is concerned about it. All this happen due to lack of women's awareness and education and if any women try to raise their voice, they are dragged by the family members. Women's rights, hence, in documents seem as a great weapon in their hands but in reality these are like toothless lion. Here, some shameful instances of last few years of crime against women are given which really shake inner conscience-

- **Aruna Sanbaug Case (1973)** - She was sexually assaulted and choked with a dog chain and sodomized. This cut off oxygen to her brain, resulting in a brain stem contusion,

cervical cord injury, and [cortical blindness](#). She struggled for long time and finally died in 2015. This case raised the issue of euthanasia and the Supreme Court finally legalized passive euthanasia in India[28].

- **Acid Attack Case (2005)** - Luxmi Agarwal (an acid attack survivor) is very famous case which highlighted acid attack issue in the society. She campaigned to ban on sale of acid[29] and for rights of acid victim survivors. *Chhapaak* movie is based on it.
- **Delhi Gang Rape Case/ Nirbhya Rape Case (2012)** - this case shakes whole community and brought it at one platform. This case brought several changes in Criminal Laws and consequently 2013 amendment[30] was done making offence of rape more comprehensive with strict punishment in addition to introduce some new offences. After a long battle, justice was done to her by imposing death sentence to all culprits[31].
- **Shakti Mills Case (2013)**- A photojournalist in Mumbai was gang-raped by five men at Shakti Mills Compound. Two of the accused were juveniles who were convicted and have been sent to reformation house. The other three were convicted.
- **Badaun Sisters Rape and Death Case (2014)**-Two Dalit girls, who were cousins aged 14 and 15, went missing and were found hanging from a mango tree the next day in Badaun village in Uttar Pradesh. The victims were allegedly raped. *Article 15* movie is based on this case.
- **Bulandshahr Gangrape (2016)** - 12 men raped woman and her daughter for 3 hrs. The entire nation was jolted by the news of brutal gangrape of the Noida woman and her daughter.
- **Unnao Rape Case (2017)**- 17 years old girl was gang raped by former BJP member Kuldeep Singh Sengar in Unnao, Uttar Pradesh.
- **Kathua Rape Case (2018)** - this case refers to the abduction, rape, and murder of an 8-year-old girl, Asifa Bano, in Rasana village near [Kathua in Jammu and Kashmir](#), India.
- **Hyderabad Gang-rape Case (2019)**- A 26-year-old veterinary doctor in [Shamshabad](#), near [Hyderabad](#) was gang-raped and brutally murdered. This case again sparked outrage across Nation. All four accused were killed in an encounter.

Above are few shameful illustrations that not only shake society' conscience but also the whole Nation. They show that women irrespective of any class or age are not safe. They are still exploited and harassed despite of several strict women welfare legislations.

Judicial Safeguards

The Supreme Court of India has always been the guarantor and protector of the human and fundamental rights of the citizens especially of the women because of their subordinate position in the society. The Supreme Court always have a proactive approach in promoting and securing women's rights particularly when the Legislature has failed to perform its duty to bring them in changing socio-economic scenario. There are several judgments pronounced by the Supreme Court which is proved a stepping stones towards the promotion of women's right in socio-economic and political environment. A few of them are worth mentioning here.

Dhananjay Chatterjee v. The State Of West Bengal^[32], A school girl was raped and murdered by security guard of building. The Court followed very strict approach here and confirmed death sentence and observed that the court must respond to society's cry for justice. The court also held that while imposing a sentence, it must keep in mind the rights of victims, their families and even of society.

Shimbu & Anr v. State of Haryana^[33], It was held that compromise in Rape cases cannot be a ground for reducing the sentences since the crime is against society and an accused may try to influence a victim for compromising if a compromise was allowed. The court rejected appeal and confirmed sentences given to the two accused.

The State of Punjab v. Gurmit Singh^[34], it was held that even if the evidence showed that the prosecutrix was habituated to sex , no inference can be drawn regarding her loose character. She had a right to refuse sexual intercourse to anyone she wanted.

Mukesh & another v. State for NCT of Delhi^[35], This case is also known as Nirbhaya case which had invoked Nationwide protests and demonstrations regarding poor nature of protective measures for the Indian Women. The Supreme Court held that the devilish manner in which the deceased was assaulted, insertion of a rod in her private parts and the acts of accused persons in destroying evidences, shock the conscious of society. It was held that the acts of accused persons portray the mental perversion and the brutality caused by them and as such the Courts down below had rightly awarded death penalty to them.

Vishaka v. State of Rajasthan^[36], In this case a Writ Petition was filed was filed under Arts. 14, 19 and 21 of the Indian Constitution and contended that the recent incidents of Rape and Sexual Harassment had curtailed freedoms of women and there was general

apprehension in the minds of women with regard to their safety. The Court held that there was a need to provide them safe and healthy environment free from Sexual Harassment. It was directed that Employer had a duty to detect such crimes and were duty bound to take appropriate steps in order to curb the incidences of sexual harassment[37].

D.Velusamy v. D.Patchaiammal[38], The Supreme Court recognized the concept of live-in relationships. It was held that in order to prove a live-in-relationship, it would have to be shown that in spite of no marriage the couple was living together as if they were husband and wife.

Laxmi v. Union of India[39], a Public Interest Litigation had been filed by an NGO for seeking appropriate directions from the Court with regard to compensation and other assistance to aid Acid Attack victims and to ban on selling acid in the market.

Independent Thought v. Union of India[40], the H'ble Supreme Court struck down exception 2 to sec. 375, Indian penal code as violating Arts. 14, 15(3), 21 and also made distinction between married girl and unmarried girl. Thus, this case has taken a major step to protect the girl child by criminalizing the sexual intercourse with a wife below 18 years.

Air India International v. Nargesh Mirza[41], Mr. Fazal Ali Justice observed that termination of services of an air hostess in case of marriage and pregnancy was not only a callous and cruel but also an open insult to Indian Womanhood. No civilized society could ever allow it because it was unfair to women.

In state of ***Maharastra v. Madhukar Narain***[42], the Supreme Court without referring Article 21 has held that even a woman of easy virtue is entitled to privacy and that no one can invade her privacy as and when he likes.

Physical and Psychological Impact of Crime against Women-

Whenever a crime is committed against women, it leaves an unfavorable, distressing, stressful, disgraceful and an upsetting effect upon them. Society does not get ready to accept a woman who is either raped or acid attacked. There are differences in the extent of pain and suffering that women experience, depending upon the type of criminal and violent act. For instance, a woman who has been verbally abused by her husband may be upset for a short period of time while on the other, a woman who has become a victim of acid attack may undergo excruciating pain and suffering for a long term period[43].

Criminal and violent acts impose negative effects upon women and these have been stated as follows:

- Dropping Out of Schools.
- Leaving Jobs.
- Mental Disorders & other Health Problems.
- Leading Introversion and Isolation.
- Rate of Commission of Suicide gets high.
- Future of Children gets deteriorated.

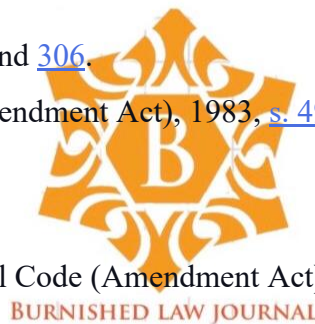
Conclusion & Suggestions-

From above study, it can be said that in spite of several laws to protect the rights and interest of women, the rate of crime and victimization against women is mushrooming day by day. It shows that only laws are not responsible to regulate the magnification of crimes rather suppression of evil eyes on them and inculcation of social ethics, morals and values, respect and honor in every human being is the need of time. Besides, there is a need of more strict and stringent laws along with its speedy and effective implementation so that any person intending to commit such crimes couldn't raise his courage to act.

Violence against women is a violation of human rights, the very nature of which deprives women of their ability to enjoy fundamental freedoms. In India, where the culprits are largely known to the victim, the social and economic "costs" of reporting such crimes are high. General economic dependency and fear of social boycott prevent them to report violence. Therefore, the actual incidence of violence against women in India is probably much higher than the data suggests.

Thus, there is need to break the silence and ensure that violence against women is not just a woman's issue but primarily a political, social, economic and cultural issue that concerns men as well. While men represent the majority of perpetrators of violence against women, they may play an effective role in preventing and combating it. It is only not women or men working alone to end gender-based violence that yields best results but it is the partnership between them that has the greatest impact and reach.

- [1] National Crime Record Bureau, Report: *Crime in India Vol. 1* (Ministry Of Home Affairs, 2018).
- [2] Shakthe Sharavana Kumar, *Crime Against Women - An Indian Scenario* (2015) (unpublished Ph.D., École Polytechnique De L'universite François Rabelais De Tours).
- [3] The UN Declaration on the Elimination of Violence against Women, 1993, art.1.
- [4] R.N. Mangoli, Ganapati M. Tarase, "Crime against Women in India: A Statistical Review" 2, *International Journal of Criminology and Sociological Theory* 293(2009).
- [5] The Indian Penal Code, 1860 (Act 45 of 1860).
- [6] The Indian Penal Code (Amendment Act), 2013, ss. [326A](#) and [326B](#).
- [7] The Indian Penal Code (Amendment Act), 2013 & 2018, ss. 375, [376](#), [376A](#), [376AB](#), [376B](#), [376C](#), [376D](#), [376DA](#), [376DB](#) and [376E](#).
- [8] *Supra* note 5, ss. [363](#)–[373](#).
- [9] *Supra* note 5, ss. [302](#), [304B](#) and [306](#).
- [10] The Indian Penal Code (Amendment Act), 1983, s. [498A](#).
- [11] *Supra* note 5, s. [354](#).
- [12] *Supra* note 6, s. [354A](#).
- [13] Inserted by The Indian Penal Code (Amendment Act), 2013.
- [14] *Ibid*.
- [15] *Supra* note 13.
- [16] *Supra* note 5, s. [366B](#)
- [17] *Supra* note 1.
- [18] The Prohibition of Child Marriage Act, 2006 (Act 6 of 2007), s. 10.
- [19] The Protection of Women from Domestic Violence Act, 2005(Act 43 of 2005), s. 3.
- [20] The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Act 14 of 2014), ss. 2(n), 3 & 26,
- [21] The Protection of Children from Sexual Offences (POCSO) Act, 2012 (Act 32 of 2012).
- [22] The Information Technology Act, 2000 (Act 21 of 2000), s. 66-E.
- [23] The Dowry Prohibition Act, 1961 (Act 28 of 1961), ss. 2, 3, 4, 4A, 5 & 6.
- [24] The Constitution of India, art. 14.



[25] *Id*, art. 15(3).

[26] *Id*, art. 16(1).

[27] The Indian Penal Code, 1860(Act 45 of 1860), ss.354-A, 354-B, 354-C, 354-D, 376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB, 376-E.

[28] *Aruna Ramchandra Shanbaug v. Union Of India* (2011) 4 SCC 454 and see also *Common Cause v. Union of India* (2018) 5 SCC 1.

[29] *Luxmi v. Union of India* (2014) 4 SCC 427.

[30] Justice Verma Committee was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The Committee submitted its report on January 23, 2013.

[31] *Vinay Sharma v. Union of India* (2020) SCC 196.

[32] (1994) 2 SCC 220.

[33] MANU/SC/0871/2013.

[34] AIR 1996 SC 1393.

[35] (2017) 6 SCC 1. See also *Vinay Sharma v. Union of India* (2020) SCC 196.

[36] AIR 1997 SC 301.

[37] Now these guidelines have taken a shape of an Enactment named, “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”.

[38] (2010) 10 SCC 469.

[39] AIR 2015 SC 3662. See also *Parivartan Kendra v. Union of India*, 2015 (13) SCALE 325.

[40] (2017) 10 SCC 800.

[41] (1981) 4 SCC 335.

[42] AIR 1991 SC 207.

[43] Radhika Kapur, “Prevalence of Criminal and Violent Acts Against Women”, 1 Acta Scientific Women's Health 35-36 (2019).

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