

CRIMES AGAINST WOMEN IN INDIA: AN ANALYTICAL STUDY

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Abstract

Crimes committed against women illuminate both the frailty of society and the inability of the legal system to effectively protect its most vulnerable members. As we have shown in the last section, the criminal behaviour directed towards women has its roots in the mentality of society rather than a complete failure to apply laws. We believe that the standing of women in society should be raised rather than enacting more stringent regulations because there are already a great number of laws in place, and it is time to put them into effect effectively. The law already provides advantages to women, such as placing the burden of proof on the accused rather than the victim in rape cases. If a woman dies within seven years of her marriage, the dowry practise will be believed to be the cause of death, and the onus of proof will be placed on the husband's family. People are demanding more stringent legislation, such as the death penalty; nevertheless, the question that emerges is whether or not there has been any change in the rape crime index since the culprits in the Nirbhaya Case were sentenced to death. No, the situation has not changed and is rather becoming worse day by day. Even after the Bhanvari Devi judgement, the amount of sexual harassment that occurred in the workplace fell. Yet a great number of other prominent cases' rulings have

been unsuccessful in preventing these crimes. Because there is no other society for criminals, they also live with us or within us, this demonstrates that we need a change in society rather than laws because there is no other society for criminals.

Paper Identification



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Introduction

Crime against Women as clear from the title generally means crimes against specific gender of society. Women are considered as second gender in the male dominant society. Patriarchal family system is followed from ancient time period. Females were considered as object not as human being in India, that's why we are so late to recognize rights of women. Although the position and status of women is improving but this change is not for all, as most of the rural area women are facing so many problems like Child Marriage, Illiteracy, Domestic Violence, Rape, Sexual Harassment, Economic Inequality etc. It does not mean that urban area women are safe but one thing

is common between all of them i.e. "Crime Against Women". Crime against Women here we interpret the word Women, for all including married, unmarried, urban resident, rural resident as well as tribal women, all women without age restriction, educated and uneducated, working as well as non working. It means we are going to include everyone who is born as a female. Now come to the title or we can say the research problem, Crime against the women, is not a new concept, if we look back in history then we will find its existence from the very beginning. In Satyug the wife of King Harischander was sold as a slave, in Ramayana the Queen Sita was abducted by Shri Ram, in Mahabharata outrage the modesty of women, then how can we say that crime against women are new concept. We can imagine when the crimes may be committed against the queen then how ordinary person will be safe. The Government always took steps to control the crime but it's not easy to change the mentality of society for women. Our Society does not agree to consider her as gender equal to men. The revolution for equal gender continued from the very beginning and has yet not come to end. In this Paper we will study and research over the crime against women like the reasons, classification, framework and also causes of failure. Let's start the object of Study.

Object of Study

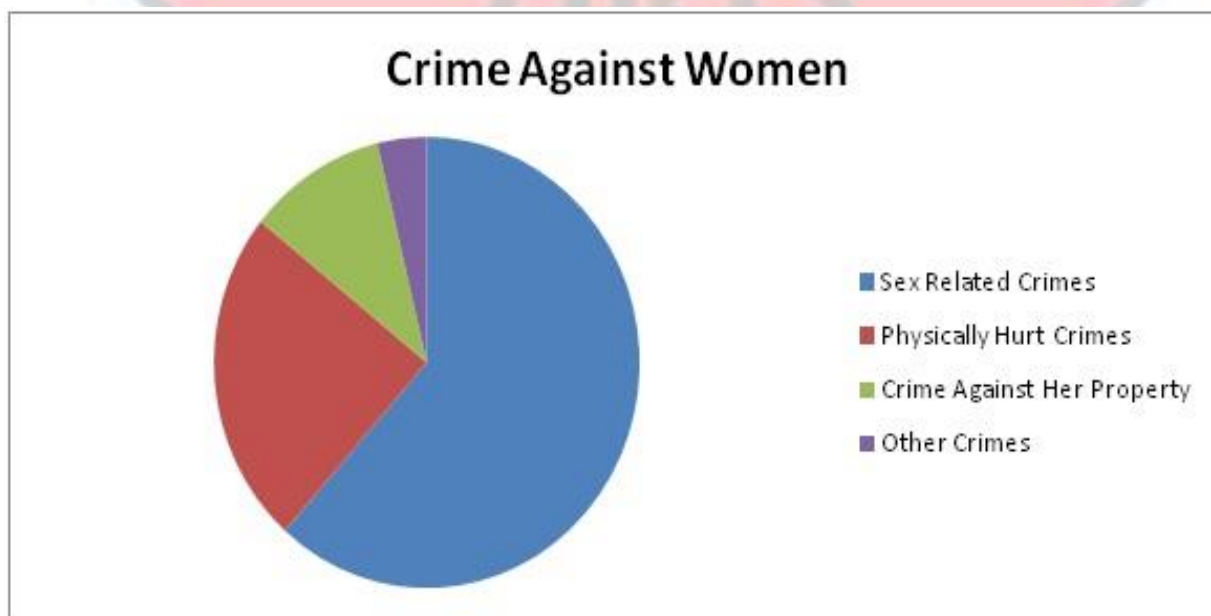
Our object of study is to find out the reasons behind the crimes against women. We will try to find out that why our strong legal framework is not able to stop these crimes and steps taken at international level. To know the laws in India dealing with crimes against women. In the head of crime against women can we include transgender or not? In this paper we will try to find out the answers of all of these. Let's discuss which types of research methodology we will apply for our research.

Research Methodology

We are doing a fundamental research by using secondary methods. We are referring books, journals, newspapers, judgements and data in record, as secondary source. For the primary source we will adopt the observational method. This is also ex-post research also, because the crimes are happening from long time.

Classification of Crimes

As we know crime against women is also a species from the genus Crimes against Human. But if we classify the crime against Human in parts then we will find out that there are specific types of crimes which may be committed against a special class, gender, age group. Crime against women is one of them. Crime against women includes sexual abuse, rape, domestic



violence and many other crimes classify under sub heads. But before this classification let's differentiate that Crimes against Women are different from Violation of Women's Right. Crime is a heinous act against the society and violation of right is an act against individual not against the society. So, let's start with the Head. Generally people divide these into physical, political, social, and economic. But according to us the crime against women are physical harm as well as mental abuse and against her reputation. And political, economic, social harm to her are violation of her right. Let's start with it.

Crimes Against Women Recognized by IPC:

As Indian Constitution is grundnorm for all the laws in India, like this IPC is the grundnorm for all criminal laws in India. Although so many specific acts are framed but some related provisions are also mentioned in IPC. Rapes, Unnatural Sex, Sexual Abuse, Sexual Harassment at Work Place, Cruelty, Dowry Death, etc are some of crimes which are committed against her body. Crime against body also can be divided in two categories i.e. sexual crime and physical hurt crimes.

Reasons behind the Crime

When the reasons behind the crime against women are discussed then most of the people reply, women are responsible for this, their clothes, dressing sense, makeup, their act and many more reasons comes in our knowledge. Is it true?

According to us, yes, women are responsible for crime against them but not because of their clothes, outing time, dressing sense, behavior but their attitude toward themselves is a big reason. When Mother supports father for child marriage of daughter, then a women is reason behind crime against women, when mother says not to wear this then she is, when mother in law tolerate the violence against her daughter in law then also she is, when mother in law demands for dowry then she is responsible. Women are hurdle in the way of women empowerment, sometimes due to care, security reasons, jealousy and many other reasons she

is the hurdle in her own way. Here in these sentences "she-her" denotes women community whole.

Male dominant society is also a hurdle in the way of women empowerment. Like caste system it was originally discriminating for other purpose but later on this became trend. As we know women are physically less strong then man, so in ancient time the work was divided according to their physical capacity. But it's time for skilled labour and women can compete with men equally but the society presumes it as a taboo and does not want any change.

Women are seen as object not as a gender. In Rural areas as well as in middle class families girls are educated for the marriage not for self dependent. This shows that our goal is marriage, then how can we suppose that she has a choice, independency, freedom, equality.

The crime against women itself gives birth to new crimes against women like dowry death, dowry demand, rape, acid attack, female foeticide.

According to us, these are the main reasons behind crime against women.

Let's share the view of **Priyanka Chopra UNICEF Goodwill Ambassador**. According to **Priyanka Chopra** "One out of three girls have been Sexually Violated". Violence comes out of from so many forms, the one thing that, I have seen that usually works within the communities, If girls wears certain outfit, she is judged for it, and asked for the rape or if a girl hits puberty she will not be allowed to go school anymore because she might be raped that brings dishonour to the family. Society tells a boy that its ok to be violent and women just became to tolerate¹".

Let's discuss the next point in which we discuss that whether the crimes against women include the crime against Transgender

Does Crime Against Women includes Transgender or Not

¹https://youtu.be/7QpKgR_oWIU visited on 6 Aug 2020

Let's share our own view upon the topic that Transgender has their own identity and they do not need a shade under other's right. They are entitled for all human rights. And till date in IPC (Indian Penal Code) there is no specific crime classified against transgender. The crimes against the transgenders are included under the Crime against Human Body. Generally there are two type of crimes committed against the Transgenders one is sexual abuse and second is Hate Crime. Condition of women is much better then transgenders because being a transgender is treated as an abuse, stigma to society. Indians are not accepting transgenders in their society; trans0genders are not allowed to live with their parents. But recently Supreme Court recognize the status of Transgender same as enjoy by other gender.

In 2014, the Supreme Court of India passed a path breaking judgement in the case of NALSA v. Union of India and granted recognition to transgender as persons falling under article 14².

For the protections of rights of transgenders "Transgender Persons (Protection of Rights) Act 2019" has been passed. Now let's discuss the legal framework on crime against women.

Legal Framework in India

In India there are so many legislations which deals with the crime against women like Dowry Prohibition Act 1961, The Immoral Traffic (Prevention) Act 1956³, The Commission of Sati (Prevention) Act, 1986, The Sexual Harrasment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, Protection of Women from Domestic Violence Act 2005, etc⁴.

²<https://theleaflet.in/transgenders-and-rape-laws-is-equal-protection-of-law-still-a-pipe-dream/> visited on Aug 6 2020

³<http://ncw.nic.in/important-links/lists-of-Laws-Related-to-Women> visited on Aug 5 2020

⁴<http://ncw.nic.in/important-links/lists-of-Laws-Related-to-Women> visited on Aug 5 2020

These are some of specific acts and provisions also made in IPC related to this. Here we can not discuss all these but we will discuss some of more heinous crimes with the punishment provisions. Chapter Sixteen of IPC deals with crimes against Human Body, there is no such classification for crime against women but the crimes against women's body having specific provisions also. Let's discuss these.

Sex Related Crimes

Rape, Sexual Harassment at Work Place, Immoral Trafficking, Assault on women with intent to disrobe a women, Voyeurism, Outraging the Modesty of Women, Stalking, Selling and purchasing Girls for Purpose of Prostitution etc. are the crimes related to sex which are committed against the women. These are classified in IPC as well as defined in specific acts, punished with rigorous imprisonment⁵.

Crimes Related to Physical and Emotional Hurt

All those crime which are committed against the body and mental state excluding sex related crimes are included under this category. Domestic Violence, Acid Attack, Assault, Kidnapping, Abduction, Hurt, Causing Miscarriage, Dowry Death, Cruelty, Female Foeticide, Honour Killing, Child Marriage, etc. These Crimes are also classified under IPC Chapter Crime against Human Body as well as also defined in specific Acts⁶.

Crime Against Her Property

Women have property in theory but they do not practically exercise the right of ownership over it. Laws are enacted for her coparcenary right in family property, but practically she handover it to her husband. She is not paid equally to men specially in physical labour work. But these are not classified under crimes till. The most important property related to women is her reputation as considered in India. And most of the online crimes are committed against her reputation. Uploading the pictures of girls with dirty

⁵https://devgan.in/ipc/chapter_16.php visited on Aug 5 2020

⁶ ibid

captions, uploading the personal chat screen shots, and many other such acts which affect her reputation in the society. Or we can say most of the online crimes related to women fall under this category. These are also punishable but with the help of technology it's very easy to erase all the evidences and difficult to prove.

Other Crimes

Under this head we classify all violations of right which are not classified as a crime till the date. Violation of her right to education even by parents, violation of right to dress up according to her will, violation of her right to choose a partner and so many others.

Priyanka Chopra's View on India's Legal Framework, "In India, we have incredible laws that have been passed for the protection of women which local and international communities have pushed the government to do and now implementation is what is the important"⁷.

International Framework for Protection of Women

International Documents are created by common consent of states. And position of women was not strong from beginning at International level also. That's why they need to frame laws to empower the women as well as to improve her status. Some of the treaties relating to women are Convention on Political Rights of Women 1953, Convention on Elimination of All Forms of Discrimination against Women 1979 etc.

Suggestions and Conclusion

Let's conclude the discussion, crimes against women shows the weakness of society as well as failure of implementation machinery of laws. As we discussed above that the crime against women has its origin in the mentality of society not a complete default of Laws implementation. According to us, society needs upliftment of status of women instead of more rigid laws because we have already so many laws, it's

time to implement them properly. Law already favors women, like in Rape case the burden of proof lies on the accused instead of victim. In case of death of women within 7 years of marriage it shall be presumed dowry death and the burden of proof lies on the in-laws. People demands for more rigid laws like death penalty but the question arises after the death penalty of Nirbhaya Case's accused there is any difference in rape crime index? No, it's same but even increasing day by day. Does even after Bhanvari Devi Judgment, Sexual Harassment at workplace decreased. And many more such leading cases judgments are failed to stop these crimes. It is proves that we need a change in society instead of laws because there is no other society for criminals they also live with us or within us.

Bibliography

As cited.

⁷https://youtu.be/7OpKgR_oWIU visited on Aug 6 2020