

A Legal Study on Crime against women in India

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Abstract

The global issue of violence against women transcends age, culture, and socioeconomic status, impacting women universally. This paper delves into the prevalence of crimes against women, investigates their root causes and consequences, and evaluates the interventions implemented to combat this pressing issue.

This paper surveys multiple studies examining crimes committed against women in defiance of legal and societal norms, ultimately asserting that gender discrimination, stereotypes, and patriarchal attitudes serve as primary drivers behind such violence. It also identifies several forms of crime against women, such as domestic violence, sexual assault, harassment, and trafficking. The impact of crime against women is both physical and psychological, affecting their health, well-being, and social status. Furthermore, it perpetuates gender inequality, which affects women's access to education, employment, and political participation. The paper concludes that a range of initiatives have been implemented to tackle the problem of violence against women, encompassing legal actions, social interventions, and awareness-raising campaigns. There is still much left to be done to address and resolve this widespread problem.. Therefore, there is a need for continued efforts to implement laws and policies that protect the rights of women, challenge gender norms and stereotypes, and promote gender equality. Overall, the research paper underscores the importance of addressing violence against women as a human rights issue, requiring a coordinated, multi-sectoral approach to ensure the safety and security of women, and to empower them to participate fully in all spheres of life.

Keywords: Crime against women, domestic violence, sexual assault, gender discrimination, patriarchal attitudes, human rights

Introduction

India has a long-standing problem with crimes against women. Despite the country's efforts to address gender-based violence, crimes such as rape, domestic violence and sexual harassment

continue to occur frequently.¹ Research shows that Indian women are face the risk of violence at every stage of their lives, from childhood to old age. In 2019, as per the National Crime Records Bureau, there were a total of 32,033 reported cases of rape and an even higher number of cases of sexual harassment of women, amounting to 88,722 incidents. However, it is widely believed that the true number of cases is much higher, most of the women are not able to report these crimes happening against them as fear of reprisals, shame or stigma etc. There are multifaceted reasons at the root of this problem Gender-based violence is linked to patriarchal attitudes and beliefs that view women as inferior and subordinate to men. The lacking of legal protection also contributes to the problem, as women often face difficulty in accessing justice due to corruption and impunity among law enforcement officials.²

Another issue that is quite burning is that women want to be deprived of education due to lack of awareness and education³ Many women in India are not aware of their rights, and they may not know how to report a crime or seek help. In rural areas, where traditional gender gap are still widely practiced, and women have not unlimited opportunities for education and employment. The Indian government has taken steps to address this issue, including the introduction of stricter anti-rape laws, the creation of special fast-track courts to speed up the handling of cases, and the implementation of public knowing campaigns. However, these measures have not been enough to address the scale of the problem, and more necessarily to be done to ensure the safety of women in the country. Provision for aggression against Indian women,⁴ it is essential to prioritize the protection of women's rights, including their right to safety, education and employment. This can be achieved through targeted public awareness campaigns, legal reforms, and social and cultural transformation that challenge patriarchal attitudes and promote gender

¹ .Dr. Paras Diwan, Law Relating to Dowry Death, Bride Burning, Rape and Related Offences(New Delhi, Vikas Publication, 1995

² FAQs: “Ending violence against women” available at(<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence>) last visited on 12-11-2023

³ International Day for the Elimination of Violence Against available at <https://www.un.org/en/observances/ending-violence-against-women-day> last visited on 12-11-2023

⁴ .Available at <https://www.worldbank.org/en/topic/socialsustainability/brief/violence-against-women-and-girls> last visited on 14-11-2023

equality. Only by tackling these root causes can we hope to make a safer and more inclusive society in India⁵.

The purpose of this research paper is to provide an in-depth analysis of the various forms of violence and discrimination faced by women in society. The paper aims to examine the root causes of these crimes and propose effective solutions to prevent future occurrences. The final goal is raise awareness about the encourage gender equality by addressing the underlying factors that impart to crime against women. The research paper also seeks to explore the challenges faced by women in seeking justice for the crimes committed against them and suggests measures for enabling access to justice for women. Ultimately, this research seeks to contribute to the development of policies and programs that ensure the protection and empowerment of women, which is essential for building a more equitable and peaceful society.

Research Methodology-

The study is strictly doctrinal; the data is obtained from secondary sources such as case laws enactment judgment law journal. The data for this study is also collected from the books, newspapers, publications, journals, periodicals and Bulletins, Internet, etc.

Laws for the protection of women -The law for the protection of women in India includes various acts and provisions aimed at preventing and addressing violence,⁶discrimination, and other forms of abuse against women. Some of the key legislation and measures include-

‘The Protection of Women from Domestic Violence Act, 2005’⁷ This act provides protection for women who are subjected to domestic aggression, including sexual, emotional, physical and economical maltreatment by their husbands or other male relatives. The Sexual Harassment of

⁵.”Gender-Based Violence” (Violence Against Women and available at Girls)https://www.worldbank.org/en/topic/social_sustainability/brief/violence-against-women-and-girls last visited on 18-4-23

⁶ .“Strategy for gender equality and the empowerment of women”(2022–2026 available at (https://www.unodc.org/documents/evaluation/HumanRightsGenderEquality/Strategy_for_Gender_Equality_and_the_Empowerment_of_Women_2022-2026.pdf) last visited on 27 april 2023

⁷ .“The protection of women from domestic violence act,2005act no.43 OF 2005 available at on (<https://www.Indiacode.nic.in/handle/123456789/2021?locale=en#:~:text=An%20Act%20to%20provide%20for,connected%20therewith%20or%20incidental%20thereto.&text=Notification%3A,%2C%202006%2C%20vide%20notification%20No>) last visted on 28 april 2023.

Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013⁸. This act requires employers to make a harmless and secured working environment for women and establishes mechanisms for addressing complaints of sexual harassment at the workplace.”The Dowry Prohibition Act,⁹ 1961” This act criminalizes the practice of giving or accepting dowries, which is a common cause of violence against women. “The Criminal Law (Amendment) Act, 2013.”¹⁰The Act provides for stringent punishment for a number of such crimes including rape, acid attacks, stalking and voyeurism. Prohibition of Child Marriage Act, 2000 "This Act prohibits the marriage of girls below the age of 18 years and aims to prevent early marriage." Maternity Benefit Act, 1961” This Act provides paid maternity leave and other benefits to women who are pregnant or have recently given birth to a child.

Additionally, various initiatives and campaigns were launched by the government to raise awareness about women's rights and empower women, including the "Beti Bachao Beti Padhao" campaign, which aims to promote women's rights and anti-feticide. have to give. Society has to be sensitized so that girls have access to education.

Crimes targeting women in India are regrettably frequent and pervasive. Below are some of the most prevalent instances:

Sexual assault and Rape .:

In the “National Crime Records Bureau” says there were 33,356 cases of rape in 2018¹¹. However, experts believe that this number is likely much higher due to under reporting. Domestic violence, “The Protection of Women from Domestic Violence Act” was come in 2005, In India domestic crime is the major problem in current synario. As per the National Family Health Survey (NFHS) (Diwan, 1995), approximately 30 percent of married women in India have reported experiencing physical, sexual, or emotional violence from their spouses. Despite being prohibited since 1961, instances of dowry-related deaths persist in the country, where women are either killed or driven to suicide due to dowry demands from their husbands and in-laws. Acid attacks, frequently perpetrated by rejected suitors or relatives, continue to pose a significant threat, with over 1,500 cases documented between 2014 and 2018. Moreover, honor

⁸ .The sexual harassment at work place (prevention, prohibition and redressal) act, 2013 available at <http://ncw.nic.in/basic-page/sexual-harassment-work-place-prevention-prohibition-and-redressal-act-2013#:~:text=The%20Sexual%20Harassment%20at%20Workplace,upon%20the%20above%20said%20Act.>

⁹ . Available at <https://timesofindia.indiatimes.com/readersblog/lawpedia/dowry-prohibition-act-52647/>

¹⁰ Surya Narayan Misra, The Indian Penal Code 719-720 (9d ed. 2013)

¹¹ .Anjanikant, Women and the Law, (New Delhi: APH Publishing Corporation, 1997)

killings (Gaur, 1987) remain prevalent, particularly targeting women who marry outside their caste or religion, often carried out by their own families. The National Crime Records Bureau reported 251 honour killings in 2019. Children and women are the primary victims of human trafficking, with India having one of the highest rates of human trafficking in the world. They are often forced into prostitution, domestic servitude, or forced labour.¹² Child marriage despite being illegal since 2006, child marriage¹³ still occurs in many parts of India, with more than a quarter of women marrying before the age of 18. Overall, Most of the violence against women are a serious issue and require effective government policies and cultural change to address. Violence against women a serious issue that is prevalent across the world. One of the most common forms of crime against women is domestic violence. Several studies have explored the factors that contribute to domestic violence. For instance, women who had less education, experienced economic hardship, and had a violent partner were more likely to experience domestic violence.¹⁴ Another form of crime against women is sexual violence. Sexual crime as rape, harassment and sexual attack. A study conducted in India. Women who were less educated, belonged to a lower socioeconomic group, and were from a marginalized community were more vulnerable to sexual violence.

Human trafficking¹⁵ is also a kind of violence against women. Women and girls are trafficked for the sexual exploitation, forced labor, and domestic servitude. As per study conducted by the “International Organization for Migration” girls and womans make up around 71% of all trafficking victims worldwide. One common thread that runs through all of these forms of violence against women is patriarchy. India is a patriarchal society in which men consider women inferior to them and keep them under their control, and they consider it their right to do all this. This unequal power dynamic creates an environment where women are more vulnerable to violence and exploitation. Crime against women is a complex issue that requires a multifaceted approach to address. The intervention program purpose to eliminate the root causes

¹².Available at https://www.indiacode.nic.in/handle/123456789/2055?sam_handle=123456789/1362 last visited on 01-12-2023

¹³.Available at <https://wcd.nic.in/sites/default/files/cma2006.pdf> last visited on 02-12-2023

¹⁴.Government of India. Ministry of External Affairs. *National Crime Records Bureau: Crime in India – 2012*. 2012. Available from: <http://ncrb.nic.in/CD-CII2012/cii-2012/Snapshots-5312.pdf#page=1&zoom=auto,0,605,3> December 2023.

¹⁵ .<https://www.lawof.in/12th-international-conference-on-human-rights-and-gender-justice-at-ili-new-delhi-on-8th-october-2023/> last visited on 1-December 2023

of patriarchal dominance and violence against women. Only then can we create a society where women are free from violence and exploitation. In India, especially the number of violent crimes against women, including rape, recorded in official statistics, has been increasing every passing year. This aggression flourishes in an environment of growing economic disparity and inequality between lower and upper class people in Indian society, as evidenced by the rise in India's GINI coefficient from 0.32 to 0.38 over the past two decades.¹⁶ Despite India's new prosperity and development progress, with its total domestic product increasing from 450.41 billion \$ in 2000 to 1841.6 billion \$, it appears that there are no tangible benefits for its women. In 2012, According to official data, there was a 24.7% surge in crimes against women compared to 2008 (Government of India, Ministry of External Affairs, National Crime Records Bureau, Crime in India, 2012). These offenses encompass various forms of harassment and sexual assault, including rape, as well as dowry-related abuse, harassment in public transportation, and reported instances of rape. These incidents underscore the pervasive insecurity and deep-seated challenges faced by women in Indian society. Among the 28 states, 10 recorded over 10,000 cases of crimes against women in 2011, encompassing regions with varying levels of Human Development Index (HDI) and literacy rates, indicating that educational and economic advancements alone do not alleviate these crimes, underscoring socio-political and cultural influences. According to National Crime Records Bureau (NCRB) data from 2012, there were 24,923 reported cases of rape, translating to one rape every 22 minutes. The period from 2009 to 2012 witnessed a consistent increase in reported rape cases, with a 3% rise from 2011 to 2012. Approximately 12.5% of the victims were under 14 years old, 23.9% were aged 14-18, 50.2% were aged 18-30, and 12.8% were aged 30-50. It's important to note that these figures may not fully capture the actual occurrences due to underreporting, and the amendment to the law on crimes against women in 2013 excludes certain offenses like group rape, stalking, and acid attacks from official statistics¹⁷.

The problem of underreporting is exacerbated by the justice system's failure to deliver prompt and effective punishment for gender-based crimes. According to NCRB data (National Crime

¹⁶. "The World Bank. Washington, DC" The Organization; 2013. (Working for a world free of poverty)available at(http://data.worldbank.org/indicator/SI.POV.GINI/countries?order=wbapi_data_value_2011wbapi_data_value&sort=asc&display=default Chinese,English, French, Spanish,Arabic,last visit on 3 December 2023.

¹⁷. *Ibid*

Records Bureau, cases registered and their disposal under "Crime against Women during" 2010-11), 54.6% of reported rape cases in 2011 remain pending investigation, with only 16% resulting in convictions. While recent calls for stricter laws in protests may be made, they might not adequately address the underlying causes of sexual violence. Additionally, legal reforms thus far have been incomplete, as marital rape is still not recognized as a criminal offense. The presence of the Armed Forces (Special Powers) Act (AFSPA) in several states, granting extensive rights to armed forces, further complicates the legal framework. Cases such as the alleged mass rape of 53 women in 1991 and the rape and murder of Manorama Devi in 2000, involving armed forces personnel, remain unresolved in courts¹⁸.

While there have been efforts to establish Rape Crisis Centers (RCCs) and Specialized Sexual Assault Treatment Units (SATUs) since 2009, these units are yet to be established in most states, except of the New Delhi . The law authorization female police officers to record a victim's statement, but the lack of standardized protocols for addressing these issues remains a challenge.

In addressing the issue of gender-based crimes in India requires immediate action at various levels, including legal reforms, effective law enforcement, and socio-cultural initiatives to change attitudes towards women.

Some action taken by the authorities for the security of women-

1. **Criminal Law (Amendment) Act, 2013:**¹⁹ This act introduced stricter punishment for violence against girls and women, as rape, acid attacks, and stalking etc.
2. **One Stop Centre Scheme:** This scheme provides support and assistance to women have been victims of crime in the kind of medical aid, police assistance, and legal aid.
3. **“Beti Bachao Beti Padhao” Scheme:**²⁰ This scheme aims to decrease inequality and end discrimination against girls and children. It focuses on improving the education and health of girls, and preventing harmful practices like female foeticide.

¹⁸. (Global Press Institute. “Thomson Reuters Foundation; 2012. Mar 7, Mass rape survivors still wait for justice in Kashmir”. available at: (<http://www.trust.org/item/20120307023000-i7m26/?source=>) last visited on 31 December 2023.

¹⁹. Available at (<https://www.legalserviceindia.com/legal/article-8639-code-of-criminal-procedure-amendment-act-2022.htm>) last visited on 31-12-2023

4. **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,²¹ 2013:** This act mandates employers to provide a safe and healthy work environment for women and sets up committees to address cases of sexual harassment at the workplace.
5. **Women Safety App:²²** The government launched a mobile application called 'Himmat' which allows women to send distress signals to the police in case of an emergency.
6. **Safe City Project:** This project is aimed at making cities safer for women by installing CCTV cameras, increasing police patrols, and creating public awareness about women's safety.
7. **Mahila Police Volunteer Scheme:²³** This scheme aims to increase the presence of women police officers in the community and create a link between the police and the women they serve.
8. **National Mission for Empowerment of Women:** This mission aims to provide women with equal access to resources, opportunities, and services, and to eliminate violence and discrimination against women.
9. **Nirbhaya Fund:** This fund was set up in 2013²⁴ to support initiatives aimed at ensuring the security of women. It is used to fund schemes like the One Stop Centre and the Safe City Project.
10. **Women Entrepreneurship Platform:** This platform is aimed at supporting and promoting women entrepreneurs by providing them with accessibility to funding, mentorship,²⁵ and networking opportunities

Conclusion and Suggestion

Violence against women is a crucial problem in our country and requires urgent attention. It is essential to educate women about their legal rights and provide them with the necessary support to report crimes. Equally important is the sensitization of men and the community towards women, to create a safe environment for women to live in. The government must also take the necessary steps to assure effectual execution of laws and reforms to tackle this issue. Through collective efforts by the society and authorities as a whole, we can create a safer and more secure environment for women in India.

²⁰. Available at <https://wcd.nic.in/schemes/beti-bachao-beti-padhao-scheme> last visited on 31-12-2023

²¹. Available at <https://www.iitk.ac.in/wc/data/Sexual-Harassment-at-Workplace-Act.pdf> last visited on 31-12-2023

²². Available at <https://timesofindia.indiatimes.com/7-best-women-safety-apps/photostory/51285556.cms> last visited on 31-12-2023

²³. Available at <https://wcd.nic.in/schemes/mahila-police-volunteers> last visited on 31-12-2023

²⁴. Available at <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1743231> last visited on 30/12/2023

²⁵. Available at <https://wep.gov.in/> last visited on 31/12/2023

1. Education: Education is the key to empowering women and educating them about their legal rights and how they can protect themselves from violence.
2. Sensitization: There should be increased emphasis on sensitization programme for men, which will help them to become more understanding, tolerant, and respectful towards women.
3. Women's Helpline: The government should establish a 24×7-helpline number dedicated specifically to women, which they can call an emergency.
4. Stricter Laws: There should be stricter penalties for rape and other crimes against women, making them a non-bailable offence.
5. Police Reforms: The police force needs to be reformed and made more sensitive towards women.
6. Community Policing: The community should also play an active role in crime against women by raising awareness about such issues and encouraging women to speak out against violence.
7. Safe Public Transport: The government should ensure that public transport systems are safe for women, with CCTV cameras and panic buttons in place.

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