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CRIME AGAINST WOMEN ON RAMPAGE IN INDIA: AN ANALYTICAL STUDY

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Abstract:

Crime against women is an age old phenomenon deep rooted in the male dominated socio-economic – political -legal order. Since her birth women is in bondage of the patriarchal society. There is an attempt to control and intimidate women by controlling the decision making process this leads to crime against women. Since her birth till her death women struggles for an equal place along with men and to live her life with dignity in the society.

Key word: Crime against women, Women rights, Cruelty, domestic violence, Human Rights, Fundamental Rights etc.

Introduction:

There is one question arises that what is the crime against the women? According to UNO violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."¹ In ancient Indian times women held the highest social status as stated in Veda's and in other social and religious texts. Values can be written about the status of our women and their heroic deeds from the Vedic period to modern times. But in the present scenario women are losing their status due to social, political, and economic changes in the societies. We have seen many times that many evil customs and traditions came in when they enslaved women and bound them to the home boundaries. Physical, sexual and psychological abuse affects women in terms of the world's largest disease. It transcends all social and economic levels, all religion, race and nationality. From domestic violence to rape as a weapon of war, violence against women is a lot of violation of their constitutional rights, fundamental rights, human rights etc. Not only do they threaten women's health and social and economic well-being but violence also undermines global efforts to reduce poverty. Official statistics showed declining gender balance, health status, literacy rate, level of participation in the workforce and political participation of women. While on the other hand the spread of social evils such as lobular, child marriage, domestic violence, rape, sexual abuse, exploitation of women is rampant in various parts of India.²

¹ Violence against women, <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> (Date: 25th March 2021)

² Human Rights, <https://www.ohchr.org/documents/publications/handbookparliamentarians.pdf> (Date: 25th March 2021)

Crime against women seen in the family, intra family and violence at work can be of physical, psychological and social, economic abuse. Intra family violence is a form many women are submitted to, which originates among family members, independently of whether the aggressor is sharing the same home or not. Many at times Crime against women leads to her death. In gender violence, the aggressors are persons close to the victims, and aggressions occur in private or public spaces. One of the most common forms of violence against women is committed by their husbands or close kin.

Police records show that reported crimes have been rising against women in India. According to data on Crime in India published by National Crime Records Bureau (NCRB) A total of 4,05,861 cases of crime against women were registered during 2019, showing an increase of 7.3% over 2018 (3,78,236 cases). Majority of cases under crime against women under IPC were registered under ‘cruelty by husband or his relatives’ (30.9%), followed by ‘assault on women with intent to outrage her modesty’ (21.8%), ‘kidnapping & abduction of women’ (17.9%) and ‘rape’ (7.9%). Crime rate registered showed an increase from 21.2 (per lakh population) in 2018 to 22.8 in 2019. Since her birth even prior to it a girl could become victim of a crime or target of a crime.³

1. Feticide and infanticide It is seen there is an economic or cultural preference for sons, the pregnancy diagnostic tools can lead to female feticide. In India still the birth of a girl child is looked down.
2. School going age it is seen young girls are not given the access to and completion of proper primary and secondary education as compared to boys otherwise may also suffer from discrimination at the hands of parents and teachers in their upbringing. After the school at home too less focus on their education and growth given in many homes in India, rather they are asked to contribute in the domestic chores.
3. Adolescence it is seen adolescent girls become victims of sexual abuse both on internet and otherwise, exploitation and violence, acid attacks, rape, early marriage, or even HIV/AIDS. Often seen the aggressor is known to the victim.
4. Marriage it is seen women are tortured at their matrimonial home physically, economically and emotionally after their marriage by their husband and in-laws. Women suffer cruelty physical, emotional at the hands of her husband and in-laws at times lead to her death.
5. Motherhood it is seen women are sometimes not provided proper medical care and healthy food during and after her pregnancy .She is not given the resting time to recover her health after the birth of child. She is often cursed and looked down to have given birth to a girl child.
6. Workplace It is seen often women suffer from exploitation, unequal pay for equal work, lack of promotions despite merit and physical, economic and emotional abuse. It is very common to ask her to indulge in physical relationship in lieu of promotion.

Women quietly suffers she is not aware of her rights to fight these crimes and what are the remedies available in law to protect her from the predators. India has slipped to the 112th spot from its 108th position in 2018 in the World Economic Forum’s Global Gender Gap Index 2020, which covered 153 economies. The wide Gender Gap in India is due to religious and historical societal linkages. The process is much slower as compared to other countries because of attitudes prevailing in Indian societal culture.

³ NCRB data: 7% rise in crimes against women, written by Depankar Ghosh, New Delhi, Posted on 30th Sep. 2020
<https://indianexpress.com/article/india/ncrb-data-7-rise-in-crimes-against-women-6636529/> (Date: 25th March 2021)

Crime related to women

In the present scenario many crime is going on in the society. But I will explain some crimes details given below.....

1. Sexual Abuse- Rape
2. Domestic violence
3. Dowry death
4. Honor killing
5. Pornography
6. Child marriage
7. Women trafficking

Sexual Abuse- Rape

Rape is the most heinous atrocities committed on a woman in our society. Definition of rape and other related conditions defined in the Indian Penal Code, 1860 under section 375. Woman is made to do an act with him or any other person, under the circumstances falling under any of the following seven descriptions-

1. Against her will.
2. Without her consent.
3. With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.
4. By getting her consent by pretending to be her husband.
5. When she does not understand the nature and consequences of what she has consented to because of unsoundness of mind or under the influence of alcohol.
6. With or without her consent, when she is under eighteen years of age.
7. When she is unable to communicate consent.

Punishments for Rape-

A rape victim can file an FIR in the local police station under section of IPC 376 define Punishments for Rape, 376A define Punishment for causing death or resulting in persistent vegetative state of victim, 376B define Sexual intercourse by husband upon his wife during separation, 376C define Sexual intercourse by a person in authority, 376D define Gang rape, 376E define Punishment for repeat offenders. In Case police not file the complaint as FIR than victims can file private complaint with the competent court.

2. Domestic violence

The Parliament passed the act of Women in Domestic Violence Act 2005 for the prevent crime related to domestic violence in India. It was implemented by the Indian government and the Department of Women and Child Development from 26 October 2006. Mainly aimed at protecting a spouse or partner living in domestic violence by a roommate or a relative, the law also protects women living in families such as sisters, widows or mothers. Domestic violence under the hood includes physical or sexual abuse, whether physical, sexual, verbal, emotional or economic. This definition also includes harassment in the form of illegal lobola demanding from a woman or her relatives.

Bhartiben Bipinbhai Tamboli v. State of Gujarat and Ors⁴

⁴ MANU/GJ/0025/2018.

In this case court playing a key role related to prevent domestic violence and include some important facts related to domestic violence like that- Control behaviour, Physical abuse, Emotional abuse, Sexual abuse, Financial abuse, Psychological abuse. If the any man involve in the above said activities than treaded as an offender of domestic violence.

3. Dowry death

The Parliament passed the act the Dowry Prohibition Act, 1961 for the prevent dowry evils. Women's deaths are the deaths of married women who are killed or forced to commit suicide by continuing to be abused and abused by their husbands and in-laws as a result of a dispute over their dock, making women's homes a very dangerous place to be. Dowry mortality is found mainly in India, In order to prevent further incidents of dose abuse and lobola deaths, a new Section has been added to the Indian Penal Code, namely, Section 498A. According to this Article, it reads that anyone who is a husband or a relative of a woman's husband, is to be punished with imprisonment for a period of up to three years and a fine. Cruelty here means any deliberate behavior that may lead a woman to commit suicide or serious injury or be dangerous to her health, bone or health (whether physical or mental). Section 4 of the Dowry Prohibition Act, 1961 a claim for Dowry is a crime where an application is made during or after the marriage and even where there is no violence.⁵

In the case of **Sanjay Kumar Jain v. State of Delhi** stated⁶: “The lobola program is a great insult and a curse to our society, democracy and the country. It is unknown at this time what he will do after leaving the post. Every effort should be made to prevent and prevent the growing risk of lobola death. The legislature was deeply concerned about this negative reality in our society and to prevent the spread of township deaths by the firm dictatorship of the Dowry Prohibition Act, 1961.

4. Honor killing

Many cases we hear about the honor killing than question arise that what is the honor killing. According to oxford dictionary “The killing of a relative, especially a girl or woman, who is perceived to have brought dishonour on the family.”⁷ And in the simple words we can say to honor killing that Respect for murder, usually, murder of a woman or a girl by members of the male family. Murderers excuse themselves by saying that the victim has brought shame on the family name or reputation.

In patriarchal societies, the activities of girls and women have been severely tested. The preservation of female virginity and “sexual purity” is considered the responsibility of male relatives, first her father and brothers and then her husband.⁸ Victims of honorable murders are often accused of engaging in “sexual misconduct”, from openly talking to unrelated men to having sex outside of marriage. There is lot of reasons for honor killing like that choosing a partner in an unacceptable female family, refusing to enter into an arranged marriage or seeking a divorce or separation even from an abusive husband. Just suspecting that a woman did something that would damage her family’s reputation could be devastating; this thinking is usually based on the feelings, perceptions and social dignity pressure of men rather than on solid facts. Ironically, female relatives often prevent homicide and occasionally help organize them.

The councils of Village caste or khap panchayats in some parts of India (Haryana and the western UP) regularly impose the death penalty and expulsion from villages to women and their relatives who do not

⁵ Section 4, the Dowry Prohibition Act, 1961.

⁶ (2011) 11 SCC 733.

⁷ Honor Killing, https://www.lexico.com/definition/honour_killing (Date: 25th March 2021)

⁸ Honor Killing, <https://www.britannica.com/topic/honor-killing> (Date: 25th March 2021)

follow their rituals regions. Genocide killings are especially evident in Haryana, Bihar, Uttar Pradesh, Rajasthan, Jharkhand, Himachal Pradesh and Madhya Pradesh. Genocide has increased dramatically in some cases and this led to the Supreme Court of India, in June 2010, issuing notices to the central government of India and six provinces to take steps to prevent genocide. This is a case against women and humanity.

5. Child marriage

Child marriage usually refers to a social phenomena practised in some societies in India, where a young child (usually a girl below the age of fifteen) is married to an adult man. A second form of practice of child marriage is that in which the parents of the two children (the girl and boy) arrange a future marriage. In this practice, the individuals (the boy and girl) do not meet one another until they reach the marriageable age, when the wedding ceremony is performed. As per family law, the marriageable age is 21 for males and 18 for females. Gender inequality, social norms, perceived low status of girls, poverty, lack of education, safety concerns about girl children and control over sexuality are considered to be reasons for prevalence of child marriages. Girl children in rural areas are more affected than their urban counterparts.⁹

The Parliament passed the law relating to marriage of human for the prevent child marriage like that Hindu marriage act 1955, Special Marriage act 1954, Three other important developments were also made as part of the Hindu Bill of Rights at this time: the Hindu law of succession (1956), the Hindu Minor Law and Gada (1956), the Adoption and Child Care Act (1956).¹⁰ All Muslims in India are governed by the Muslim Personal Law (Shariat) Application Act, 1937. This law applies to marriage, succession, inheritance and civil society organizations among Muslims. The dissolution of the Muslim Marriages Act, 1939 deals with situations in which Muslim women can get a divorce. These laws do not apply to the state of Goa, where the Goa Civil Code applies to all people regardless of religion. These rules do not apply to Muslims who marry under the Special Marriage Act, 1954.¹¹

However, if any partner(s) engages in marriage at a younger age, He or She can ask for the marriage to be declared void / annulled.

6. Women trafficking

It is well known that most prostitutes in India work as prostitutes because of poverty. Most Indian women do not choose this profession but indulge in prostitution out of necessity. Often young girls are sold by their parents instead of money to agents, and then sold to brothels. It is clear that children of sex workers are more likely to engage in this type of work, often because of the stigma attached to society and the limited resources available to them economically.

The Parliament passed the law relating to the prevent women trafficking like that Immoral Traffic (Prevention) Act, or ITPA, also called the Prevention of Immoral Trafficking Act (PITA) is a 1986 amendment of legislation passed in 1956.

Conclusion

⁹ Child Marriage, <https://vikaspedia.in/social-welfare/social-awareness/child-marriage> (Date: 25th March 2021).

¹⁰ Hindu Marriage Act, 1955, https://en.wikipedia.org/wiki/Hindu_Marriage_Act,_1955 (Date: 25th March 2021).

¹¹ Muslim personal law, https://en.wikipedia.org/wiki/Muslim_personal_law (Date: 25th March 2021).

Crime against women is on the rise. It is based on the social system of gender, middle age, social, educational and spatial boundaries. It is a major obstacle to ending gender inequality. There is no shortage of laws in India that provide equality in India. But it is a social situation that needs to be changed in order to treat her as an equal partner. The need to provide a safe environment in which to live in dignity. Today more than ever the cause of women is the cause of all people.
