

CRIME AGAINST WOMEN IN INDIA: LEGAL PERSPECTIVE

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Abstract

In this topic we are going to see what are crimes against women and how is being affected in society and what are the relief and protection for women in law granted by Indian government in law in detail. The aim of this paper is focus on throw light on the crimes against women in India. In India, Women are trapped in such a lot of ways. Crimes aren't confined to a selected group, class, culture or country. This evil practices also not only in modern period, but also women are suffering from long period in India. Even after the several legislative provisions, and other measures by the govt. the prevalence of crime against women isn't declining. Some of crime against women are Crimes like rape, dowry death, domestic violence, kidnapping, molestation, torture, sexual harassment are experienced by women in India. Crimes have been affected physical, psychological as well as emotional impact on women which preventing the female from leading a standard life. Patriarchal dominated Indian society is one in all the most causes of crimes against women. Crimes against women harming families as well as entire communities across generations and reinforce other evils prevalent in society. The major roof hole in our country laws not executed even properly enacted. Therefore, all the responsible citizens which include concern stakeholders pay sincere attention towards precautionary action through create the awareness among the women to prevent the crime against them.

Keywords: Crime, Harassment, Domestic Violence.

Introduction

Every woman are affect Right from the time of her birth or even before a girl could become victim of a crime or target of a crime. Let's look at the stages in a woman's life and discuss the threats briefly. Just as the stages vary, nature of crimes varies too. Some of reports are done by government and other institutions on crime against women are "The 2012 National Crime Records Bureau report of India states a reported crime rate of 46 per 100,000, rape rate of 2 per 100,000, dowry homicide rate of 0.7 per 100,000 and the rate of domestic cruelty by husband or his relatives as 5.9 per 100,000. A 2014 study in the

Lancet states, “Whereas an 8.5% prevalence of sexual violence in the country is among the lowest in the world, it is estimated to affect 27.5 million women in India [given India’s large population]. Further, the 2006 survey found that 85% of women who suffered sexual violence, in or outside of marriage, never sought help, and only 1% reports it to the police.” Violence against Women is a Social and Public Health Problem, defined as The Physical and/or Psychological abuse of Women. Because of their Biological condition and their Social Role.

Negative impacts of globalization

We can say many positive impacts of globalization such as employment opportunities created for both men as well as women in governmental and private sectors. Moreover, all the basic amenities like education, health and sanitary conditions have been improved in urban sectors. Besides, the negative impact of globalization has expanded the number of low paid work, part-time and exploitative occupations exclusively for women. Expanded costs because of open economy request more adapt up to changes from women. With expanding family units, the more established women' life has turned out to be hopeless, now and again spending their later days in maturity homes and confinement. The feminization of populace has additionally disturbed this issue. Therefore, male relocation from country’s territories to the urban area has put the ladies under the triple weight of homemaking, cultivating and work in the rustic segment. In the meantime, relocation of women for financial reasons has prompted expanded abuse including lewd behavior, maltreatment and trafficking.

Types of Violence against Women

Violence against Women can fit into several broad categories. These include violence carried out by individuals as well as groups. Some of the forms of violence perpetrated by individuals are: Rape, Domestic Violence, Sexual Harassment, Acid Throwing, Reproductive Coercion, Female Infanticide, Prenatal Sex Selection, Obstetric Violence and etc. As well as harmful Customary or Traditional Practices: 1, Honor Killing 2, Dowry Death 3, Female Genital Mutilation 4, Marriage by Abduction 5. Child Marriages and etc.

Cyber based Crimes

Women are also being victimized by several types of cyber related crimes such as Stalking, Bullying, Cyber Extortion, Data Breach, Identity, Theft, Harassment and etc

Women rights in India

The United Nations adopted the Universal Declaration of Human rights on 10 December 1948 which proclaims that all human beings are born free and have equal right to dignity. Similarly, Indian Constitution guarantees several rights such as the right to equality in Article 14, right to life and personal liberty under Article 21 of Constitution to all its citizens irrespective of gender.

National and International Initiatives for Women

The National Commission for Women (NCW) was established in the year of 1992 after the globalization. It has been represent the rights of women in India and also raise voice for their issues and concerns. The subjects of their campaigns have included dowry, role of women in politics, religion, and equal opportunity for women in employment and the exploitation of women for labour. It's also discussed that abuse against women by police. All UN basic human rights documents apply without regard to sex or age, meaning their provisions apply equally to women and men. Finally women are disproportionately victims of certain specific human rights violations such as trafficking and sexual assault during armed conflict. The constitution of India guarantees to all women equality (Article 14), Equality of Opportunity (Article, 16), equal pay for equal work (Article 39 (d) and article 42. Moreover permits special sanctions to be made by the state in favour of Women and Children (Article 15(3), renounces practices derogatory to dignity of women (Article 51 (A) (e), etc. Tamil Nadu State commission for Women is a statutory body was constituted to deal with the cases related to crime against women. It's also investigates the problems of women and takes up studies related to women. This commission is also vested with sufficient powers to safeguard women's rights and ensure quality and protection for women against all forms of harassment and problems faced within the families and the community. It's also creating the awareness among the public regarding the legislations related to women (Sasirekha & Revathi Thomas, 2018, p-1601)

Crime against Women [Legal side]

The Cases in which the Women are being victimized and abused can be categorized under two broad sections: Crime has been committed against Women are punishable under the Indian Penal Code (IPC). Crime has been reported against Women are punishable under Special and Local Laws (SLL).

Crimes against Women under the Indian Penal Code, (IPC):

- Acid Attack (Sections 326a and 326b)
- Rape (Sections 375, 376, 376a, 376b, 376c, 376d and 376e)
- Attempt to Commit Rape (Section 376/511)
- Kidnapping and Abduction for different purposes (Sections 363,373)
- Murder, Dowry death, Abetment of Suicide, etc. (Sections 302, 304b and 306)

- Cruelty by husband or his relatives (Section 498A)
- Outraging the modesty of Women (Section 354)
- Sexual Harassment (Section 354A)
- Assault on women with intent to disrobe a woman (Section 354B)
- Voyeurism (Section 354C)
- Stalking (Section 354D)
- Importation of girls from foreign countries under the age of 21 (Section 366B)
- Word, gesture or act intended to insult the modesty of a woman (Section 509).

Crimes against Women under the Special and Local Law:

- ✓ The Immoral traffic (prevention) act, 1956
- ✓ The Dowry (prohibition) act, 1961
- ✓ The Child Marriage restraint act, 1929
- ✓ The indecent representation of women (prohibition) act, 1986
- ✓ The commission of Sati (prevention) act, 1987
- ✓ The Protection of women from Domestic Violence act, 2005
- ✓ The sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- ✓ The Sexual Harassment of Women at work place Act (2013)
- ✓ Disha act (2019)

Case Analysis- Vishaka and Others V/S State Of Rajasthan

Vishaka case is a case which deals with the evil of Sexual Harassment of women at her workplace. Bhanwari Devi, who was a social activist/worker in one of the Rajasthan's village. As a part of her duty, Bhanwari Devi tried to terminate the marriage of her infant daughter. September 1992, she was been gang raped by Ramkaran Gujjar and his five friends in front of her husband. The High Court in his judgment propounded that –“ it was a case of gang rape which was conducted out of revengeful situation. All these statement and judgment, aroused women and NGO'S to file petition (PIL) in Supreme Court of India. The enactment of guidelines mandatory for the repayment of sexual harassment of women at workplace.

Recommendation and Conclusions

Women are play an multiple roles in their lives that of a daughter, Sister, Wife, Daughter-in-Law, Mother, Friend, Colleague and the list are never ending. The change in the Laws relating to Women and their legal status of Women in India has evolved. In our modern society, Women are ready to part-take in Politics, Military sector, Sports, Economic service, Technology sector, etc. With the change in Women's attitude and also the Crime they are face, there has been changes in Indian Legal system. Even though, the Women are continue to face new challenges they are forging a new Paths towards equality and achieving

Socio- political and economic empowerment and Indian Law with its evolution is being more supportive towards Women and treating them with equality. The government has put together many schemes especially for the empowerment of Women. Many seats are reserved in parliament to encourage women participation. Education of girls is made free and compulsory in government schools to encourage women to join different institutions and render their valuable services. Our Armed Forces have seen a rise in Women enrollment. Our state existing legislations and policies guaranteed to protect the women from all types of violence, as well as appropriate treatment to women victimized by Crimes committed by the perpetrators. The major roof hole in our country laws not implemented even properly enacted. Therefore, all the responsible citizens especially concern stakeholders pay sincere attention towards precautionary action through create the awareness among the women to prevent the crime against them.

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