

## Crime Against Women: Problem and Suggestion: A Case Study of India

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### ABSTRACT

The paper delves into the contemporary issue of crimes against women in modern Indian society, specifically referencing the Delhi rape case. It aims to shed light on this pervasive problem, focusing on legislative actions and overcoming societal challenges that fuel these crimes. Crime against women isn't confined to any particular culture, region, or group within a society; it manifests in various forms such as physical, sexual, psychological, and economic.

Persistent gender discrimination underpins these crimes despite legislative efforts by central and state governments. Instances like rape, kidnapping, dowry-related violence, torture, molestation, sexual harassment, and trafficking persist without decline. Notably, dowry violence, rape, and attempted rape by intimate partners are prevalent in India, and these crimes often intersect. Women who endure such offenses suffer severe physical and mental health issues, hindering their participation in public life. Additionally, these crimes have a lasting impact on families and communities, perpetuating other societal ills.

Addressing this requires several measures: ensuring accurate reporting of assault cases, enhancing law enforcement agencies, instituting strict punishments, fostering zero tolerance toward rape cases, strengthening the Indian Police System, spreading legal awareness among women, and providing them with adequate training to confront these crimes. These steps aim to either eradicate or significantly reduce crimes against women in India.

**Keywords:** *Crime against women, Legislative measures, Women in society, Contemporary society*

### INTRODUCTION

The historical and social status of women in India has traditionally been marked by respect and reverence. The Indian Constitution not only ensures equality for women but also authorizes the State to implement affirmative action measures to counteract the cumulative socio-economic, educational, and political disadvantages they face. Article 15 prohibits discrimination based on caste, religion, sex, race, or place of birth, while Article 16 guarantees equal employment opportunities.

Crimes against women encompass a range of offenses involving exploitation for economic gain, such as prostitution, running brothels, seduction, wrongful confinement, trafficking, dowry-related extortion, and murder. There are also crimes related to women's property, including misappropriation, breach of trust, extortion, robbery, and murder. Offenses related to sex involve outraging modesty, use of criminal force, assault, kidnapping, abduction, wrongful confinement, rape, trafficking, adultery, murder, and other acts that are harmful to society and injurious to women.

Certain morally injurious acts that compel women to offer themselves or their bodies for commercial use, although not explicitly categorized as crimes, are detrimental and immoral to society at large. While these might not have specific designations, they contribute to societal harm. In criminal cases involving women, there are three primary parties: the offender, the police, and the criminal courts. Numerous recommendations have been put forth to prevent crimes against women.

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**REVIEW OF LITREATURE**

Census Even in India, the child sex ratio is not uniform across states. In the states of Haryana, Punjab, Delhi, Himachal Pradesh and Gujarat and union territory of Chandigarh, this ratio has declined to less than 900 girls per 1000 boys. In India's capital Delhi, the sex ratio has declined from 915 in 1991 to 865 in 2001. The lowest ratio of 845 has been recorded in the southwest district of Delhi. In contrast, the northeastern states report a higher sex ratio of above 950.

George SM Facilities of sex determination through "clinic next door" are now conveniently available with the families willing to dish out any amount that is demanded of them. The easy availability of mobile scanning machines has translated into brisk business for doctors. Sex selection techniques became popular in the western and northwestern states in the late 70s and early 80s whilst they are becoming popular in the South now.

Mertus Although the terminology of 'honour' has been expunged, women's experiences of sexual violence continue to be interpreted through national, communal and predominantly patriarchal lenses. The effects this has are multiple and profound. Rather than radically delinking women and honour, modern ICL has potentially reinforced women becoming visible in the high status public sphere of international law through her ethnic or national identity rather than her gender identity, even though it may be her gender that is primarily determinative in terms of her life experiences in both war and peace. ICL has also arguably created a new role for women to play in service of the nation – that of testifying at international tribunals about the victimization of her national or ethnic group and the criminality and barbarity of the 'other side'

B.K. Pal in his book "Problems and concerns of Indian Woman" has highlighted the issues and challenges faced by the Indian Woman while achieving equality for themselves. This book is compilation of research papers submitted by various authors and research scholars in a Seminar on "Problems and concern of woman" organized by United Lawyers association and Legal Service Clinic for Woman and Children organized by Indian Law Institute, New Delhi in 1986. The seminar has witnessed presence of eminent persons like Hon"ble Justice E.S. Venkataramiah, Supreme Court of India and Sh. Soli J. Sorabjee etc. to highlight the problem related to gender inequality and discrimination against woman.

Dr. S. C. Tirpathi in his book "Woman and Criminal Law" has extensively highlighted the crime committed against the woman in India. The author has thoroughly discussed the Nirbhaya gang rape case and why the Criminal Amendment Act, 2013 has been passed by the government of India in a hurry. The author has elaborately discussed the issue of honour killing with latest case laws. He further explained the issue related to improper implementation of these laws and direction issued by the Hon"ble Supreme Court in various latest cases related to protection of right"s of woman

Shobha Saxena, in his Book "Crimes against Women and Protective laws", has discussed the explicit and frightening account of trials and tribulations of women who cry desperately for caring and sensitive attention. The author through this book wants to create awareness about the heinous crimes that committed against woman and wants to highlight the ineffectiveness of the existing laws to deal with crime against woman.

**OBJECTIVE OF THE STUDY**

The primary goal is to scrutinize the status of women and the prevalence of crimes against women in present-day society, alongside outlining the various legislative measures implemented by the Government of India aimed at enhancing the situation of women in the country.

**METHODOLOGY**

In order to assess the national landscape concerning women's circumstances, secondary data has

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been utilized. Given the focus on analyzing crimes against women in India, information has been gathered from the National Crime Records Bureau, Government of India, to gauge the situation of women in the country. Additionally, this study incorporates an examination of newspaper reports and credible online data as part of the information sources. Furthermore, it documents the increase in crimes against women that have occurred over the past decade based on available data.

### **NEED FOR GENDER EQUALITY REFORMS**

From birth to death, women face systematic discrimination, experiencing unequal access to nutrition, healthcare, and education, often due to ingrained preferences for sons. This bias translates into violent crimes against women, perpetuating a cycle of discrimination and its consequences. Offenders often feel their actions are justified by societal norms they've observed since childhood.

The declining sex ratio in India, especially in northern states like Haryana, poses a grave concern. This imbalance is anticipated to result in increased street crimes, heightened public harassment of women, rising cases of rape, and escalated domestic violence. Over the past decade, India has witnessed a significant decline in the male-female ratio, notably in certain regions where the ratio is notably lower than the national average.

Dowry demands compound these social inequalities. Families of grooms often view substantial dowries as essential for improving their living standards. Conversely, families with daughters tend to perceive them as a financial burden, prioritizing saving for their weddings from early childhood, neglecting their education and well-being. This practice, particularly prevalent in North India, reinforces son preference and contributes to harmful customs like female infanticide and, more recently, female foeticide.

A woman's acceptance and status in her marital home are often contingent on her family's ability to meet these societal and financial expectations imposed by dowry. Failure to meet these demands leads to frequent taunts and threats of divorce for the woman.

In essence, reform is imperative to challenge ingrained biases, rectify gender imbalances, eradicate detrimental practices like dowry, and establish a society where women are valued, supported, and granted equal opportunities throughout their lives.

### **PROBLEM OF CRIMES AGAINST WOMEN IN INDIA**

Crimes against women in India, as outlined in the Indian Penal Code, encompass various offenses such as rape, kidnapping, dowry-related homicides, torture, molestation, sexual harassment, and trafficking of girls. In 2014, a staggering 3,37,922 incidents of these crimes were reported, including 36,735 cases of rape, 8,455 dowry-related deaths, and 4,234 attempted rapes, resulting in an IPC crime rate of 56.3%.

However, these reported figures might not fully encapsulate the actual prevalence of gender-based violence. Incidents like "eve-teasing," which involves harassment, heckling, and sexual innuendos in public spaces like streets, public transport, and cinema halls, often go unreported. Additionally, cases of rape involving minors and women in tribal or rural areas frequently remain undocumented.

Madhya Pradesh recorded 3,406 rape cases in 2011, the highest in the country, highlighting the severity of the issue in certain regions. These incidents have tarnished India's image as a progressive nation, shedding light on widespread gender-based violence.

Disturbingly, national statistics from the National Crime Record Bureau show a 7.1% increase in crimes against women since 2010. The number of reported rape incidents also rose by 9% in 2011, with more than half of the victims aged between 18 and 30. Shockingly, around 10.6% of rape victims

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were girls under 14 years old, while 19% were teenagers aged 14 to 18. What's even more concerning is that in nearly 94.2% of cases, the offenders were known to the victims, often being family members, relatives, or neighbors.

Delhi, labeled as the "rape capital of India," prompted the government to implement measures such as increased night patrols, stricter supervision of public and private bus drivers, and the prohibition of vehicles with tinted windows or curtains. Furthermore, the government proposed publishing the photos, names, and addresses of convicted rapists on official websites to highlight the severity of their crimes.

In response to these challenges, the Indian government established a three-member panel of legal experts to review rape laws. Recommendations included the creation of special courts dedicated to handling crimes against women, imposing time limits for case resolutions to expedite justice and minimize trauma for victims, and emphasizing the need to prevent delays in investigations for crimes like rape, dowry deaths, and sexual harassment.

The panel also suggested capital punishment for those found guilty of rape. These proposed measures aim to address the alarming rise in gender-based violence and ensure swifter justice for victims.

#### **PROTECTION OF WOMEN RELATED LEGISLATION IN INDIA**

There are various legislation has been incorporated regarding the safeguarding of the women. Various Legislation for safeguarding crime against women, classified under two categories:

##### **THE CRIME UNDER INDIAN PENAL CODE (IPC):**

- i. Rape (Section 376 IPC)
- ii. Kidnapping and abduction for specified purpose (Section 363-373 IPC)
- iii. Homicide for dowry, Dowry death or their attempts. (Sec. 302/304-B IPC)
- iv. Torture both mental and physical (Sec.498-A
- v. IPC)v. Sexual Harassment (Sec. 509 IPC)
- vi. Importation of girls (Up to 21 years of age ) (Sec. 366-B IPC)

##### **SUGGESTION TO IMPROVE THE IMPLEMENTATION AND SUGGESTION WOMEN RELATED LAWS**

Here are some suggestions to enhance the implementation and advancement of laws related to women:

- **Encouraging Reporting of Rape and Assault Cases:**

Empowering women and children through education about their rights is crucial to encouraging them to report cases of violence. Overcoming societal stigma associated with these incidents is vital for increased reporting.

- **Training for Law Enforcement Agencies:**

Law enforcement personnel should undergo comprehensive training to respond promptly and sensitively to cases involving women and children.

- **Ensuring Exemplary Punishment:**

Each offender's punishment should serve as an example, promoting a "zero-tolerance" stance against sex offenders. The establishment of more fast-track courts can expedite justice.

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- **City Planning:**

Cities need meticulous planning to ensure safety. A significant portion of cities lacks proper infrastructure, lighting, and development, contributing to pockets of crime. Improving city planning is crucial for enhancing safety.

- **Reforming the Indian Police System:**

Both the central and state authorities need to take proactive steps to enhance policing quality. Currently, only a few states have adopted the recommended reforms in their police laws. There's a need for wider implementation of progressive suggestions from committees like the Justice Verma Committee, especially in terms of police training, altering the registration and investigation processes for sexual violence cases, and improving the response to such incidents.

The Indian government has recently passed new laws criminalizing various forms of violence against women, such as acid attacks, stalking, and voyeurism. However, there's ongoing opposition to the death penalty in all cases from organizations like Amnesty International. Despite some legislative advancements, there remains a need for comprehensive implementation of reforms and sustained efforts to combat gender-based violence effectively.

### CONCLUSION

Crimes against women, unlike general crimes such as murder or robbery, specifically target women and are categorized as such. To address these crimes effectively, new legislations and amendments to existing laws have been introduced. These laws fall into two broad categories.

Regarding the Delhi court's decision to impose the death penalty on the four convicts in the December 16 gang rape-cum-murder case, Tara Rao, Director of Amnesty International India, expressed that while the crime was horrific and deserving of punishment, the death penalty isn't the solution.

The court convicted the perpetrators on September 10 for the brutal gang rape of a 23-year-old paramedic student in 2012, which tragically led to her death. It's stressed that existing laws, if rigorously and effectively implemented by credible law enforcement agencies, are sufficient to maintain law and order, safeguard the safety and dignity of all individuals, especially women, and punish offenders.

Erasing the fear of male attacks both inside and outside homes is crucial. Ensuring the protection of women of all ages and tightening laws is essential for creating a safer environment for women across India in the future.

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