Abstract

Women constitute nearly half of the total population but they enjoy poor status in the society and lots of crimes are committed against them. Crimes that are directed categorically against women are known as ‘crimes against women’ (National Crime Records Bureau). The major forms of the crime against women include incest, rape, honour killing, kidnapping and abduction, trafficking, dowry deaths, domestic crime and sexual harassment at workplace. The most depressing fact is that despite having so many legal safeguards for women, women are not safe in the country. The reason behind this seems poor implementation of laws and lack of political will to fight for crime against women. Apart from this, mindset of the society needs to be changed and for that lot of awareness needs to be generated. In the present paper, various forms of crime against women and their legal remedies have been elaborated.

Index Terms: Crime, Harassment, Poor Law Implementation, Domestic Crime, Legal Remedies

1 Introduction

Women enjoyed a respectable place in the society during Vedic period. But this respectable status deteriorated over a period of time with socio economic and political changes that took place in the country. Many evil customs and traditions stepped in which enslaved the women and tied them to the boundaries of the house. The spread of social evils like dowry, female foeticide, child marriage, domestic violence, incest, molestation, rape, sexual harassment, trafficking of women and exploitation of women workers has worsened the situation. Ranging from the so-called eve teasing and outright sexual harassment on the street or workplace, to harassment for dowry, molestation in public transport vehicles, and the often-reported rape, these crimes against women reflect the vulnerability and deep-rooted problems related to the position of women in Indian society. As a result crime against women...
has risen to the alarming heights. The crimes which are directed specifically against women are characterized as ‘crimes against women’ (National Crime Records Bureau). There has been continuous increase in the incidence of crime against women. From 2012 to 2013, there has been increase of 26.7 percent in reported cases of crime against women. In 2013 itself, the rate of crime committed against women was 52.2 percent. As against the national rate of crime i.e. 52.2 percent, the national capital of the country had the highest rate of crime against women i.e. 146.8 percent during the year 2013. Various forms of crime against women can be elaborated as follows:

I. Incest: Incest is a sexual intercourse between the close relatives that is illegal in the jurisdiction where it takes place and is conventionally considered a taboo. Incest is sexual intercourse by a man with a woman who is closely related to him by blood or by marriage, i.e. within the forbidden degrees of relationship, for example, a daughter, granddaughter, sister, step sister, niece, aunt or mother. Incest is widely prevalent all across the country because of its socio cultural acceptance. A report from RAHI, (Recovering and Healing from Incest), a Delhi-based NGO working with child sexual abuse titled Voices from the Silent Zone suggests that nearly three-quarters of upper and middle class Indian girls are abused by a family member - often by an uncle, a cousin or an elder brother. Its incidence is increasing day by day because of culture of silence and no legal punishment for it. The cases of incest have increased by 36.7 percent from 392 cases in 2012 to 536 cases in 2013. Incest is an offence and is prohibited by law in Western countries, however, in India; law does not include Incest to be a crime/offence, unless the act comes under sections 376 and 487 of the IPC.

II. Rape: The word rape is defined from Latino word implying ‘to seige’. Rape is a crime that involves sexual assault usually involving sexual intercourse which is initiated by one or more persons against another person without person’s consent. Rape in India is defined under Section 375 of Indian Penal Code as “intentional, unlawful sexual intercourse with a woman without her consent. In Indian context, rape has not only the physical dimension but it has socio-cultural aspect also and it has devastating effects on the victim. Incidence of rape is increasing day by day and it is the fourth most common crime against women in India. According to the National Crime Records Bureau 2013 annual report, 24,923 rape cases were reported across India in 2012. Out of these, 24,470 were committed by someone known to the victim (98% of the cases). And it was amounting to one rape every 22 minutes. A continuous increase in the reported cases of rape has been observed in the period from 2009 to 2012 with more than 3% increase in the number of cases reported in 2012 over 2011. Nearly, 12.5% (3,125) of the total victims of rape were girls younger than 14 years, 23.9% (5,957) were in the 14–18 age group, 50.2% (12,511) were in the 18–30 age group and 12.8% (3,187 victims) were in the 30–50 age group. These statistics possibly do not capture the actual numbers. It is a criminal offence under Section 375 IPC. After NIRBHAYA Rape Case, certain amendments have been made in it. But issue is of delay in justice and implementation of these laws.

III. Honour Killing: Honour killing is the practice of killing girls and women who are perceived to have defiled a family’s honour by allegedly engaging in sexual activity or other improprieties before marriage or outside of marriage. “Improper” behavior justifies grounds for killing, however, has expanded to include transgressions that are not initiated by the girl, including rape, incest, sexual abuse, or sexual rumour. A girl is killed most often by male kin – father, husband, brother, uncle, or cousin – to restore honour to her family. Criminal
penalties for honour killing are lenient in countries where this practice is most prevalent. Because many cases go unreported, it is difficult to determine the number of women who are the victims of honour killing. The United Nations Population Fund (UNPF) estimates as many as 5,000 females are being killed each year as a result of honor killings. Violations of honor include engaging in an illicit sexual relationship, eloping, being raped, being sexually abused by a family member and then running away, seeking divorce, and being seen alone with a man or boy even if the interaction is innocent. Some children are killed for being born to a mother who is accused of violating a family’s honor. Allegations of these activities or other improprieties are enough to instigate honor killings, often little or no proof is necessary. Depending on the country, community, and specific situation, girls can be strangled, shot, beaten to death, stabbed, hacked to death, or in some cases, burned. Keeping in view the gravity of the situation, significant steps have been taken in the last decade to stop the practice of honor killing and to hold men who murder female family members more accountable for their actions. Public awareness of the issue has increased, as mass media, non-governmental organizations, and international organizations like the United Nations are examining the problem and taking action to eliminate the practice.

IV. Kidnapping and Abduction: Kidnapping of women and girls is the fastest growing crime in India. According to National Crime Records Bureau, there has been steep rise of 163.8 percent from 14506 cases in 2002 to 38262 cases in 2012 in kidnapping and abduction of women and girls in India. These cases have reported an increase of 12.2% as compared to previous year (22,939). Uttar Pradesh (5,078) has accounted for 19.7% of the total cases at the National level. Delhi UT has reported the highest rate at 9.3 as compared to the National average of 2.2. Kidnapping and Abduction are dealt under section 359-373 of Indian Penal Code. According to Section 359 of Indian Penal Code, offence of kidnapping is of two types i.e. kidnapping from India and Kidnapping from lawful guardianship. Kidnapping from India is defined under section 360 of the Indian Penal Code that states whoever, conveys any person beyond the limits of India, without the consent of that person or of some person legally authorized to consent on behalf of that person, is said to commit the offence of kidnapping from India. The second type of kidnapping i.e. Kidnapping from lawful guardianship is defined under section 361 of the Indian Penal Code and it states whoever takes or entices a minor male under 16 years of age of a male, or under 18 years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardianship of such minor or person of unsound mind, without the consent of such guardian, is said to commit the offence of kidnapping from lawful guardianship. However the offence of abduction is defined under section 362 of the Indian Penal Code. According to this section, whoever, by force compels, or by any deceitful means induces, any person to go from any place, is said to commit the offence of abduction. In abduction, the offender lures a person by deceitful means or by forcible compulsion to go away from any place however the purposes of abduction are explained in section 366 of IPC.

V. Trafficking: Human trafficking which is for the purposes of sexual exploitation is becoming an increasingly prevalent issue around the world. Human trafficking can include several different components which can include sex trafficking, labor trafficking, and organ trafficking. UN defines human trafficking as “the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of
coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs.’

Although trafficking is illegal under Indian Law yet it is estimated that it affects 20-65 million people in the country. Women and girls are trafficked within the country for the purposes of commercial sexual exploitation and forced marriage especially in those areas where the sex ratio is highly skewed in favour of men. India is also a destination for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation (Trafficking in Persons Report, 2011). Human trafficking in India results in women suffering from both mental and physical issues. Mental issues include disorders such as PTSD, depression and anxiety. The lack of control women have in trafficking increases the risk of a victim's likeness to suffer from mental disorders. Women who are forced into trafficking are at a higher risk for HIV, TB, and other STD's.

VI. Dowry Deaths: Dowry Prohibition Act 1961 defines dowry as any property or valuable security given or agreed to be given, either directly or indirectly, by one party to a marriage to the other party at or before or after the marriage as a consideration for the marriage of the said parties but it does not include mahr. The dowry system puts lots of financial burden on the family of the girl. Dowry once started as a custom has turned into a social evil. The word 'dowry' is almost synonymous with Indian women's oppression under patriarchal systems. It has been a short cut for indicating low status for women, the argument being that the callous and mundane efficiency of "dowry deaths" indicates the low value of women's labor and the high cost of their marriages, making women a liability for their natal families and a source of lucre for their marital families. Inability of bride’s family to give dowry may lead to crime against women ranging from emotional abuse, injury to even deaths. Data states that one woman dies every hour due to dowry related reasons on an average in the country. National Crime Records Bureau (NCRB) figures state that 8,233 dowry deaths were reported in 2012 from various states. The statistics work out to one death per hour (Times of India, 2013). Dowry is prohibited under the Dowry Prohibition Act 1961, Domestic Violence Act 2005, and Section 406, 304B and 498 A of the Indian Penal Code.

VII. Domestic Violence: Domestic violence, which is also known as intimate partner violence, is a form of violence that can occur within any relationship. There are many different types of domestic violence, including social, physical and emotional. Domestic violence includes harassment, maltreatment, brutality or cruelty and even the threat of assault - intimidation. It includes physical injury, as well as “willfully or knowingly placing or attempting to place a spouse in fear of injury and compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse has a right to abstain”. Confining or detaining the spouse against one’s will or damaging property are also considered as acts of violence (Saravanan, Sheela 2000). Domestic violence includes not only inter-spousal violence, but also violence perpetrated by other family members. Generally, an important part of the power relationship between spouses and their families relates to dowry and its
ramifications (Karlekar M. 1998). In India, 70 percent of women are victims of domestic violence (Chaudhary, Renuka 2006). In 2012 there were 106257 reported cases of cruelty by husband or relative.

2. Legal Provisions
To stop crime against women, there are lots of safeguards covered under two heads. One is Indian Penal Code and Crimes identified under Special Laws which are as follows:

(i) Rape (Sec. 376 IPC)
(ii) Kidnapping & Abduction for different purposes (Sec. 363-373)
(iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
(iv) Torture, both mental and physical (Sec. 498-A IPC)
(v) Molestation (Sec. 354 IPC)
(vi) Sexual Harassment (Sec. 509 IPC)
(vii) Importation of girls (up to 21 years of age) Immoral Traffic (Prevention) Act, 1956
(ix) Dowry Prohibition Act, 1961
(x) The Medical Termination of Pregnancy Act, 1971
(xi) The Contract Labour (Regulation and Abolition) Act, 1976
(xii) The Equal Remuneration Act, 1976
(xiii) The Prohibition of Child Marriage Act, 2006
(xiv) The Criminal Law (Amendment) Act, 1983
(xv) The Factories (Amendment) Act, 1986
(xvi) Indecent Representation of Women (Prevention) Act, 1986
(xvii) Commission of Sati (Prevention) Act, 1987
(xviii) The Protection of Women from Domestic Violence Act, 2005

Despite having so many legal safeguards for women, women are not safe in the country. Crime against women is increasing day by day. The reason behind this seems that laws are there but they are not implemented in its true spirit. Rigorous punishment that too at a fast pace are required if crime against women is to be stopped. Apart from this, mind-set of the society needs to be changed and for that lot of awareness needs to be generated.

3. Conclusion
In modern society changes have been taking place in everywhere in almost every field but to protect honour of women. International Women Day is celebrated, a number of women organizations have been working for women freedom and empowerment. But all of those are external in nature. In the same family, a boy gets more liberty than a girl. Moreover, there is lack of security for girls in Indian society. Though the status of women in India, both historically and socially very poor. It is essential to all women get educated to solve all women issues. Every woman has a fundamental right to be safe. Protesting injustice, if a woman is able to protest herself with the right and education, then that protest her life becomes miserable. It should be remembered that the socio economic empowerment must be ensured by the nation to minimize the exploitation which can help to improve the status of women. Moreover, apart from education, culture, law, and Govt. policy can’t bring any changes in the women’s safety without change of people’s mind set. There are enough regulations here and only thing is to implement it properly so as to get protection. In India one of the main problem that persist
is the slow judicial action, years will be taken to finish trial of cases and by this time important witness may demise or eye-witnesses may forget important points of the case which cause the acquittal of accused person by the court and people may lose faith in the judicial system. In order to avoid such situation enough courts must be established with facilities to speedy disposal of cases and it is possible to adduce evidence before they lost or tampered. Administrative steps must be taken to change the attitude of the police so as to make effective control of the crime against women.

References