

## Crime against women inspite of statutory provisions for protection of women

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### Abstract

Women can get their rights through introduction of three "E" i.e., Education, Employment, Empowerment. The State shall strive for compulsory legal education for Girls Senior Secondary Level and optional at Graduation level because "Ignorance is death, knowledge is life. various provisions of the Constitution, the State has enacted many women – related legislations to protect women against social discrimination, violence and atrocities and also to prevent social evils like child marriages, dowry, rape, practice of Sati, etc. The relating laws are :-(1) Commission of Sati (Prevention) Act, 1987, (2) Dowry (Prevention) Act, 1961, (3) Immoral Traffic (Prevention) Act, 1956, (4) Indecent Representation of Women (Prohibition) Act, 1986, (5) the Medical Termination of Pregnancy Act, 1971 and so on.

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### Introduction

The Constitution of India provides many welfare and safeguard schemes to women. In tune with various provisions of the Constitution, the State has enacted many women – related legislations to protect women against social discrimination, violence and atrocities and also to prevent social evils like child marriages, dowry, rape, practice of Sati, etc. The relating laws are:-<sup>[1]</sup> Commission of Sati (Prevention) Act, 1987 <sup>[2]</sup>, Dowry (Prevention) Act, 1961 <sup>[3]</sup>, Immoral Traffic (Prevention) Act, 1956 <sup>[4]</sup>, Indecent Representation of Women (Prohibition) Act, 1986 <sup>[5]</sup>. The Medical Termination of Pregnancy Act, 1971 and so on.

Despite of these enactments over 32000 murders, 19,000 rapes, 7500 dowry deaths and 36500 molestation cases are the violent crimes reported in India in 2006 against women. There are many instances of crime especially against women go unreported in India. These are figures released by the National Crime Records Bureau recently. While Madhya Pradesh is worst off among the states, the national capital New Delhi continues to hold on to its reputation of being the most unsafe city in India. Delhi takes the top slot for crimes ranging from murders and rapes to dowry deaths and abductions.

It reflects country's law and order situation when its capital is a cauldron of crime. Instead of leading the way in tackling crime, Delhi only seems to do worse year after year. For instance while the national crime rate declined negligibly by .02 % in 2006; Delh357.2more than double

### Crime against women

#### Sexual harassment

Sexual harassment is intimidation, bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. Sexual harassment in India is termed "Eve teasing" and is described as: unwelcome sexual gesture or behavior whether directly or indirectly as sexually colored remarks; physical contact and advances; showing pornography; a demand or request for sexual favours; any other unwelcome physical, verbal/non-verbal conduct being sexual in nature. The critical factor is the

unwelcomeness of the behavior, thereby making the impact of such actions on the recipient more relevant rather than intent of the perpetrator. According to India's constitution, sexual harassment infringes the fundamental right of a woman to gender equality under Article 14 of the Constitution of India and her right to life and live with dignity under Article 21 of the Constitution. Although there is no specific law against sexual harassment at workplace in India but many provisions in other legislations protect against sexual harassment at workplace, such as Section 354, IPC deals with "assault or criminal force to a woman with the intent to outrage her modesty, and Section 509, IPC deals with "word, gesture or act intended to insult the modesty of a woman.

#### Rape

In criminal law, rape is an assault by a person involving sexual intercourse with another person without that person's consent. Outside of law, the term is often used interchangeably with sexual assault, a closely related (but in most jurisdictions technically distinct) form of assault typically including rape and other forms of non-consensual sexual activity.

Rape is the fastest growing crime in the country today and as many as 18 women are assaulted in some form or the other every hour across India. Over the last few months cases of rapes and assault have made it to the headlines with alarming frequency. Mumbai watched with shame as an ugly mob attacked women on New Year's Eve. In Latur a 14 year old was raped and killed by four young men. In Konark four men were charged with dragging a woman out of a bus and gang raping her. It is an ordeal simply to file a police report and the investigations thereafter have been stories of apathy and downright humiliation meted out to the victims. Where convicted, punishments have ranged from capital punishments to a day in jail.

#### Domestic violence against women

This form of domestic violence is most common of all. One of the reasons for it being so prevalent is the orthodox and idiotic mindset of the society that women are physically and

emotionally weaker than the males. Though women today have proved themselves in almost every field of life affirming that they are no less than men, the reports of violence against them are much larger in number than against men. The possible reasons are many and are diversified over the length and breadth of the country. According to United Nation Population Fund Report, around two-third of married Indian women are victims of domestic violence and as many as 70 per cent of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex. In India, more than 55 percent of the women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. and other northern states.

The most common causes for women stalking and battering include dissatisfaction with the dowry and exploiting women for more of it, arguing with the partner, refusing to have sex with him, neglecting children, going out of home without telling the partner, not cooking properly or on time, indulging in extra marital affairs, not looking after in-laws etc. In some cases infertility in females also leads to their assault by the family members. The greed for dowry, desire for a male child and alcoholism of the spouse are major factors of domestic violence against women in rural areas. There have been gruesome reports of young bride being burnt alive or subjected to continuous harassment for not bringing home the amount of demanded dowry. Women in India also admit to hitting or beating because of their suspicion about the husband's sexual involvement with other women. The Tandoor Murder Case of Naina Sahni in New Delhi in the year 1995 is one such dreadful incident of a woman being killed and then burnt in a Tandoor by his husband. This incidence was an outcome of suspicion of extra marital affairs of Naina Sahni which led to marital discord and domestic violence against her.

In urban areas there are many more factors which lead to differences in the beginning and later take the shape of domestic violence. These include - more income of a working woman than her partner, her absence in the house till late night, abusing and neglecting in-laws, being more forward socially etc. Working women are quite often subjected to assaults and coercion sex by employees of the organization. At times, it could be voluntary for a better pay and designation in the office.

Violence against young widows has also been on a rise in India. Most often they are cursed for their husband's death and are deprived of proper food and clothing. They are not allowed or encouraged for remarriage in most of the homes, especially in rural areas. There have been cases of molestation and rape attempts of women by other family members in nuclear families or someone in the neighborhood. At times, women are even sexually coerced by their partner themselves against their will. They are brutally beaten and tortured for not conceiving a male child. Incidents like, ripping off a woman's womb for killing the female fetus when she disagrees for abortion have also come to light especially in rural areas. Female foeticide and female infanticide continue to be a rising concern.

Also as expressed by Rebecca J. Burns in the following lines, "When I am asked why a woman doesn't leave abuser I say: Women stay because the fear of leaving is greater than the fear of staying. They will leave when the fear of staying is greater than the fear of leaving." A common Indian house wife has a

tendency to bear the harassment she is subjected to by her husband and the family. One reason could be to prevent the children from undergoing the hardships if she separates from the spouse. Also the traditional and orthodox mindset makes them bear the sufferings without any protest.

Other forms of physical abuse against women include slapping, punching, grabbing, burdening them with drudgery, public humiliation and the neglect of their health problems. Some of the other forms of psychological torment against them could be curtailment of their rights to self-expression and curbing the freedom to associate with the natal family and friends.

### **Laws against domestic violence**

In 1983, domestic violence was recognised as a specific criminal offence by the introduction of section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman. Four types of cruelty are dealt with by this law conduct that is likely to drive a woman to suicide, conduct which is likely to cause grave injury to the life, limb or health of the woman, harassment with the purpose of forcing the woman or her relatives to give some property, or harassment because the woman or her relatives is unable to yield to demands for more money or does not give some property.

The punishment is imprisonment for upto three years and a fine. The complaint against cruelty need not be lodged by the person herself. Any relative may also make the complaint on her behalf. Section 498-A of the Indian Penal Code covers dowry-related harassment. As with other provisions of criminal law, a woman can use the threat of going to court to deter this kind of harassment. The Indian Penal Code also addresses dowry deaths in section 304-B. If a woman dies of "unnatural causes" within seven years of marriage and has been harassed for dowry before her death, the Courts will assume that it is a case of dowry death. The husband or in-laws will then have to prove that their harassment was not the cause of her death. A dowry death is punishable by imprisonment of at least seven years. When filing an FIR (First Hand Report), in a case where a woman is suspected to have been murdered after a history of torture due to dowry demands, the complaint should be filed under section 304-B rather than under section 306, which deals with abetment to suicide. Section 306 should be invoked when a woman commits suicide because of dowry-related harassment. Under gone some form of female genital mutilation and suffer from its adverse health effects.

### **Son preference**

Son preference affects women in many countries, particularly in Asia. Its consequences can be anything from foetal or female infanticide to neglect of the girl child over her brother in terms of such essential needs as nutrition, basic health care and education. In China and India, some women choose to terminate their pregnancies when expecting daughters but carry their pregnancies to term when expecting sons.

According to reports from India, genetic testing for sex selection has become a booming business, especially in the country's northern regions. Indian gender-detection clinics drew protests from women's groups after the appearance of advertisements suggesting that it was better to spend \$38 now

to terminate a female foetus than \$3,800 later on her dowry. The problem of son preference is present in many other countries as well. Asked how many children he had fathered, the former United States boxing champion Muhammad Ali told an interviewer: "One boy and seven mistakes."

### **Dowry-related violence and early marriage**

In some countries, weddings are preceded by the payment of an agreed-upon dowry by the bride's family. Failure to pay the dowry can lead to violence. In Bangladesh, a bride whose dowry was deemed too small was disfigured after her husband threw acid on her face. In India, an average of five women a day is burned in dowry-related disputes -- and many more cases are never reported.

Early marriage, especially without the consent of the girl, is another form of human rights violation. Early marriage followed by multiple pregnancies can affect the health of women for life.

### **Impact of crime against women**

There are two realities which always stand behind the curtain, but it keeps the capability to affect the work of many people, working against these crimes. These people may include a judge, NGO person, doctor, psychiatrist etc.

Firstly, 50% women report sexual abuse in their childhood. And secondly, nobody does anything about it and just pushes the matter under the carpet. And it is obvious that we have to challenge these realities but first we have to recognise that the impact is not just physical (i.e. a broken hymen or a few scratches here and there), but the impact is on the very being of the person, on the mind. And this is much more important case to be taken care of, as it can ruin a life, if not taken care of or supported.

### **Mental health impact on women**

In this case we have to take two aspects into consideration. Firstly, the assumptions that they carry within themselves about life. They feel that the world is not in their favour. They even generate a feeling within themselves that if they trust, they will be hurt and things are no more under their control. They carry these assumptions with them for the rest of their life with determines the way they think about themselves, their relationships and the way they think about their life.

This affects the court proceedings in a fatal manner. A person who feels that if she trusts she will be hurt, the world is unfair and she is no more able to trust anyone, not even the court proceedings, she will not be able to behave as a normal witness. And this will impede the judicial process.

Secondly, the affect in terms of psychiatric disorders. A recent research has revealed that about 75% of the people who go through sexual trauma are suffering from post-traumatic stress disorder. A person suffering from this disorder is very anxious, always sweating, got palpitation, is breathless etc. In short, these person can never be their normal self in any of the situation.

These people go numb to their surroundings, get depressed. These people relive their experience whenever there is a trigger point. The trigger points may be smell or colour of a particular object, And day after day these points somehow gets linked with other objects and gets enlarged. These leads to their skills getting limited. And there are thousands of trigger points present in the court room itself (men would be one of

them), which effects the witness and hence, the evidence. And many a times when they give evidence in such a situation, it may go against them.

### **Conclusion**

Women can get their rights through introduction of three"E" i.e., Education, Employment, Empowerment. The State shall strive for compulsory legal education for Girls Senior Secondary Level and optional at Graduation level because "Ignorance is death, knowledge is life."

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