

JOURNAL GLOBAL VALUES

A Peer Reviewed International Journal

Crime against Women in India : Laws and Provisions

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Abstracts

In male dominated society women may be victims of any of the general crimes such as 'murder', 'robbery', 'cheating', etc. Violence against women can be domestic as well as public, Physical, emotional or mental. This increase in violence against women is hindering the social, economical, political, and cultural progress in the country. According to a report by National Crime Records Bureau (NCRB), a crime against women is recorded every 1.7 minutes in India. The principle of gender equality is enshrined in the Indian Constitution. The Constitution not only grants equality to women, but also empowers the State to adopt measures in favour of women. There are many laws and provisions in favour of women . In this changing society women should become aware of their constitutional rights and provisions so that they can defend and protect themselves against crime.

Keywords: *Women Crime, Violence, Crime Records Bureau (NCRB), Constitution , Laws and Provisions.*

1. Introduction

India is a traditional male-dominated country where women have to face various violence in the society from the ancient time. Violence against women can be domestic as well as public, Physical, emotional or mental. This increase in violence against women is hindering the social, economical, political, and cultural progress in the country. Women in India were enjoying a quite comfortable position all through the Vedic period however, the condition got declined gradually because of the practice of violence against women all through the country. On the other hand, with the increasing level of violence against women they started losing their educational, social, political, economic, and cultural opportunities in the society. Women started being used as commodities for the men to perform different functions of daily routine. In the changing society women do not seem to enjoy all the rights to freedom provided under the Constitution of India. She is facing and at the same time fighting against violence and crime. According to a report by National Crime Records Bureau (NCRB), a crime against women is recorded every 1.7 minutes in India. Every 16 minutes a rape case is recorded in this country and every 4.4 minutes a girl is subjected to domestic violence. Acid attacks also known as vitriolage is a violent attack

especially on women. Every year around 1500 people are attacked in this way across the world. For their security and survival women should be aware of their rights and about laws. There are many constitutional provisions in favour of woman to which she must have awareness.

2. Objective

- To analyse the crime in case of women .
- To analyse the different legislative provision for women.
- To become aware of crime against women .
- To be knowledgeable about constitutional rights and legislative provisions for security of women.

3. METHODOLOGY

This paper is basically descriptive and analytical in nature. The data used in it is purely from secondary sources according to the need of this study.

4. DISCUSSION

Women may be victims of any of the general crimes such as ‘murder’, ‘robbery’, ‘cheating’, etc. only the crimes which are directed specifically against women are characterized as crimes against women. These are broadly classified under two categories.

(1) The crimes under the Indian Penal Code (IPC)

Attempt to commit rape (Sec 376/511 IPC)*

3. Kidnapping & abduction(K&A) of women (Section 363,364,364A, 366 IPC)

3.1 K&A under section 363 IPC*

3.2 K&A in order to murder*

3.3 K&A for ransom*

3.4 K&A of women to compel her for marriage*

3.5 K&A for other purposes*

4. Dowry deaths (Section 304B IPC)

5. Assault on woman with intent to outrage her modesty (Sec. 354 IPC)

5.1 Sexual harassment (Sec.354A IPC)*

5.2 Assault on woman with intent to outrage her modesty (Sec. 354C IPC)*

5.3 Voyeurism (Sec. 354D IPC)*

5.4 Others *

6. Insult to the modesty of women (Sec. 509 IPC)

6.1 at office premises*

6.2 at places related to work*

6.3 in public transport*

6.4 in other places*

7. Cruelty by husband or his relatives, (Sec. 498A IPC)

8. Importation of girl from foreign country (up to 21 years of age) (Sec. 366 B IPC)

9. Abetment of suicide of women (Sec. 306 IPC)*

(2) The crimes under the Special & Local Laws (SLL)

The gender specific laws for which crime statistics are recorded throughout the country are

(i) The Dowry Prohibition Act, 1961

(ii) The Indecent Representation of Women (Prohibition) Act, 1986

- (iii) The Commission of Sati Prevention Act, 1987
- (iv) The Protection of women from domestic Violence Act, 2005*
- (v) The Immoral Traffic (Prevention) Act, 1956

Present status of crime against women in India

Crimes against women have more than doubled over the past ten years, according to latest data released by the National Crime Records Bureau. As many as 2.24 million crimes against women were reported over the past decade: 26 crimes against women are reported every hour, or one complaint every two minutes, reveals an India Spend analysis based on last decade's data. Assault on women with intent to outrage her modesty (470,556), earlier classified as molestation under section 354 of IPC, is the second-most-reported crime against women over the last decade.

Kidnapping and abduction of women (315,074) is the third-most-reported crime followed by rape (243,051), insult to modesty of women (104,151) and dowry death (80,833). More than 66,000 cases have been reported under the Dowry Prohibition Act, 1961, over the last decade.

NCRB added three more heads under which cases of crime against women have been reported in 2014. These include attempt to commit rape (4,234), abetment of suicide of women (3,734) under section 306 IPC and protection of women from domestic violence (426).dowry-related deaths (5,364).

The National Crime Records Bureau figures show that Andhra Pradesh, accounting for 7.26 per cent of the country's population, recorded 10.60 per cent of total crime against women with 32,809 cases. The rate of crime per lakh of female population was also high at 76.25.

Uttar Pradesh accounting for 16.68 percent of the country's population recorded 10.51 percent of total crime against women with 32,546 cases. The crime rate was however much lower at 32.93 per lakh of female population.

With 7.5 per cent share of the country's women population, West Bengal accounted for nearly 9.64 per cent of total crime against women by reporting 29,826 cases. The crime rate was 67.14 per lakh of female population. West Bengal (239,760) is second, leading in crimes related to cruelty by husband and relatives (152,852), second in kidnapping and abduction (27,371) and fifth in dowry-related deaths (4,891).

Madhya Pradesh reported the highest number of rape cases (4,335) accounting for 12.1 per cent of total such cases reported in the country followed by Rajasthan (3,285 cases, 9.78%) and Maharashtra (3,063 cases, 5.52%).

Rape cases have been further categorised as incest rape and other. Incest rape cases have jumped by 35.3 per cent from 396 cases in 2012 to 536 cases in 2013 (267 cases in 2011) as compared to 35.2 per cent increase in overall rape cases.

Maharashtra (108 cases) continued to account for the highest (20.1 per cent) number of incest rape cases. Among the cities however, Delhi reported the largest no of rape cases at 1,441 which included 39 cases of incest rape - also highest among cities.

The cases of Kidnapping and Abduction have jumped by 35.6 per cent during 2013 over the previous year against 7.6 per cent increase during 2012. 18.7 per cent of total such cases reported in the country were from Uttar Pradesh (9,737 cases) alone followed by Bihar and Assam (8.52 per cent, 4,419 cases and 8.14 per cent, 4,222 cases respectively).

Andhra Pradesh has reported 37.35 per cent (4,702 cases) of sexual harassment followed by Maharashtra with 29.91 per cent (2,632 cases) of total incidences during 2013.

Cases of torture of women by husbands and relatives (commonly known as domestic violence) also went up by 11.6 per cent from the previous year (7.5 per cent during 2012). 15.24 per cent of these were reported from West Bengal (18,116 cases). The highest crime rate of 56.39 per lakh of women population (as compared to the national rate of 20.1 per cent) was reported from Assam.

Crime against women in India under the Indian Penal Code (IPC)

Seven Crimes included under this head are as follows:

(i) Rape (Section 376 IPC) (incidence 24,206 , Rate:2.0)

An increasing trend in cases of rape has been observed during 2007-08. A mixed trend in the incidence of rape has been observed during the periods 2008-11. These cases have reported an increase of 3.5% in the year 2008 over the year 2007, a decline of 0.3% in the year 2009 over 2008 and an increase of 3.6% in the year 2010 over 2009 and further an increase of 9.2% in the year 2011 over the year 2010. Madhya Pradesh has reported the highest number of Rape cases (3,406) accounting for 14.1% of total such cases reported in the country. Mizoram has reported the highest crime rate 7.1 as compared to National average of 2.09.

Rape cases have been further categorised as Incest Rape and other Rape cases.

Rape Victims

There were 24,270 victims of Rape out of 24,206 reported Rape cases in the country. 10.6% (2,582) of the total victims of Rape were girls under 14 years of age, while 19.0% (4,646) victims were teenaged girls (14-18 years). 54.7% (13,264) victims were women in the age-group 18-30 years. However, 15.0% (3637) victims were in the age-group of 30-50 years while 0.6% (141 victims) was over 50 years of age.

(ii) Kidnapping & Abduction (Sec. 363-373 IPC) (Incidence...35, 565, Rate...2.9)

These cases have reported an increase of 19.4% during the year as compared to previous year (29,795 cases). Uttar Pradesh with 7,525 cases has accounted for 21.2% of the total cases at the National level.

(iii) Dowry Death (Sec.302, 304B IPC) and Dowry Prohibition Act, 1961

A unique form of violence experienced by women is Dowry Death . These cases have increased by 2.7% during the year 2011 over the previous year (8,391 cases). 26.9% of the total such cases

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reported in the country were reported from Uttar Pradesh (2,322) cases alone followed by Bihar (1,413 cases) (16.4%).

(iv) Torture (Cruelty by Husband & Relatives) (Sec.498-A IPC) (Incidence ...99,135, Rate...8.2)

Torture cases in the country have increased by 5.4% over the previous year (94,041 cases). 19.9% of these were reported from West Bengal (19,772 cases). The highest crime rate of 21.6 was also reported from West Bengal.

(v) Molestation (Sec.354 IPC) (Incidence42,968 Rate...3.6)

Incidents of Molestation in the country have increased by 5.8% over the previous year (40,613 cases). Madhya Pradesh has reported the highest incidence (6,665) amounting to 15.5% of total such incidences. Kerala has reported the highest crime rate.

(vi) Sexual Harassment (Sec.509 IPC) (Incidence...8,570 Rate...0.7)

The number of such cases has decreased by 14.0% during the year over the previous year (9,961 cases). Andhra Pradesh has reported 42.7%(3,658 cases) followed by Maharashtra 12.5%(1,071 cases) of total incidences during the year 2011.

(vii) Importation of Girls (Sec.366-B IPC) (Incidence...80)

An increase of 122.2% has been observed in Crime Head as 80 cases were reported during the year 2011 as compared to 36 cases in the previous year (2010).

Constitutional and Legal Provisions for Women

The Indian constitution which is the fundamental law of the land contains numbers of provisions for the benefit and protection of the women. The concept of equality and nondiscrimination finds its due place in Indian constitution. It also enables the state to adopt measures of affirmative discrimination in favour of women. Specific provisions to ensure the rights of women have also been incorporated in Directive Principles of State Policy. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres.

Constitutional Provisions for women are as under:

- Article 14, confers on men and women equal rights and opportunities in political, economic and social sphere.
- Article 15, prohibits, discrimination against any citizen on grounds of religion, race, caste, sex etc.
- Article 16, provides for equality of opportunities matters relating to employment or appointment to any office under the state.
- Article 39(a) (d), mentions policy security of state equality for both men and women the right to a means of livelihood and equal pay for equal work for both men and women.

Article 42, Direct the State to make provision for ensuring just and humane conditions of work and maternity relief.

Relevant Provisions under Criminal Law

The Criminal law of India contains special provisions to check crimes committed against women in the Indian society. Some of these crimes are dowry death, cruelty and harassment of a married woman by her husband or relatives of the husband, outraging the modesty of a woman and rape etc.

i)The Indian Penal Code, 1860

Followings are some of the important provisions provided under the Indian Penal Code, 1860 to protect women from crimes against them:

1. Dowry Death (Section 304-B and Section 306).
2. Intention to outrage the modesty of women (Section 354).
3. Kidnapping, abducting or inducing women to compel her marriage (Section 366).
4. Procurement of minor girl (Section 366-A).
5. Importation of girl from foreign country (Section 366-B).
6. Rape (Sections 375 to 376).
7. Cruelty and harassment (Section 498-A).
8. To insult the modesty of a woman. (Section 509)
9. Disclosure of identity of the victim of certain offences, etc (Section 228-A)

Other Legislative Measures

There are certain other enactments pertaining to the crimes committed against women. These laws have been passed by Indian Parliament from time to time to prevent such crime in the Indian society. Followings are some of the important enactments in this regard:

1. The Immoral Traffic Act, 1956
2. The Dowry Prohibition Act, 1961
3. The Medical Termination of Pregnancy Act, 1971
4. The Indecent Representation of Women (Prohibition) Act, 1986
5. The Commission of Sati (Prevention) Act, 1987
6. The National Commission for Women Act, 1990
7. The Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
8. The Protection of Women from Domestic Violence Act, 2005

Legal Provisions for women are as under:

- ***Factories Act 1948:*** Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M.
- ***Maternity Benefit Act 1961:*** A Woman is entitled 12 weeks maternity leave with full wages.
- ***The Dowry Prohibition Act, 1961:*** Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.
- ***The Equal Remuneration Act of 1976:*** This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.
- ***The Child Marriage Restrain Act of 1976:*** This act raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.
- ***Indian Penal Code:*** Section 354 and 509 safeguards the interests of women.
- ***The Medical Termination of Pregnancy Act of 1971:*** The Act safeguards women from unnecessary and compulsory abortions.
- Amendments to Criminal Law 1983, which provides for a punishment of 7 years in ordinary cases
- ***73rd and 74th Constitutional Amendment Act*** reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.
- ***The National Commission for Women Act, 1990:*** The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.
- ***The Protection of Human Rights Act, 1993:***
- ***Protection of Women from Domestic Violence Act, 2005:*** This Act protects women from any act/conduct/omission/commission that harms, injures or potential to harm is to be considered as domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.⁷
- ***Protection of Women against Sexual Harassment at Workplace Bill, 2010:***
- On November 4, 2010, the Government introduced protection of Women Against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at workplace not only to women employee but also to female clients, customer, students, research scholars in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

5. Conclusion

Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of change of attitude of society towards women, mental awakening of masses, so that due respect and equal status is given to women. It's a time when the women need to be given her due status in the society. This awakening can be brought by education campaign among youth making them aware of existing social evils and the means to eradicate same. Mass media can play a major role in the present context. Various NGOs can also play a responsible position by performing the task of highlighting socio-economic causes leading to such crimes . Moreover women themselves have to be aware of their rights and laws and provisions so that they can protect themselves and can lead fearless life and can contribute in social, economical, political, and cultural progress in the country.

6. References:

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- welfare of the people. In clause (1), there is mention of social justice which obviously includes gender justice and in clause (2), there is a opportunities.