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Out of the Ashes: Crime against Women

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ABSTRACT

This research paper aims to talk about the crime against women in present modern-day Indian culture. The paper's focal shine illuminates the offense against women in India, administrative measures for something similar, and to-win over-friendly difficulties starting crime against women. Crime against women is not limited to a particular culture, locality, country, specific gatherings of women inside the general public. The crime against women takes numerous structures physical, sexual, mental, and practical. The foundations of crime against women lie in the ongoing victimization of women. Even after a few authoritative and different middle and state governments' measures, crimes against women like rape, kidnapping and abduction, dowry deaths, torture, attack, improper behaviour, and girl child importation are not declining. These types of crimes are interrelated. Women who experience such crime undergo a scope of physical and emotional well-being issues, and their capacity to take an interest in social life decreases. Crime against women hurts families and networks across ages and supports different indecencies predominant in society. The legitimate revealing of rape and attack cases, successful law requirement offices, commendable discipline, zero biasness against rape cases, effective and productive Indian Police System, making authoritative mindfulness among women, and appropriate preparation of women to manage crime against them could be measures to eliminate or if nothing else to diminish the crime against women in India.

Keywords: *Crime Against Women, Violence, Law, Gender, Inequality.*

I. INTRODUCTION

“Women will work out their destinies – much better, too, than men can ever do for them. All the mischief to women has come because men undertook to shape the destiny of women.”

Swami Vivekanand

Crime against women is not unknown to our society. It is from centuries the practices that are followed are discriminatory, humiliating to women. Right from birth or even before, that is, from the mother's womb, girls are being discriminated. People start giving patriarchal preferences and trying to kill the girl at the very onset so not to create future problems. Crime

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against women is one of the most regular and prevalent human rights violations. It is a significant obstacle to ending gender inequality and discrimination globally.

The United Nations defines Crime against women as "*The Declaration defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life*³."

The words of Sarah Grimke "*All history attests that man has suggested women to his will, used her as a means to promote his gratification, to minister to his sexual pleasures, to be instrumental in promoting his comfort; but never has he desired to elevate her to that rank she was created to fill. He has done all he could to debase and enslave her mind; and now he looks triumphantly on the ruin he has thus deeply injured in his inferior But I ask no favour for my sex. All I ask our brethren is that they will take their feet off from our necks and permit us to stand upright on that ground which God designed us to occupy*"⁴ To take back the injustices that were done to women for centuries, the constitution has empowered the legislatures to enact special protective laws in favour of women."

(B) Research Questions

- What is the reality of Crime against women?
- What is the reason behind Crime against women?
- Measures taken to combat the crimes against women are sufficient, or a new approach or amendment is needed?

(C) Hypothesis

Change in time is not for a change in crime against women. Also, Statutory provisions are insufficient for the protection of women.

(D) Objective of Research Work

1. To know and analyse the present trend of crime rapidly increasing against women in India.
2. To investigate the primary sources in expanding the crimes against women in India.
3. To understand the existing law in India about combating such crimes.
4. To know the impact of such crimes on society.
5. To know where the government machinery is failing to control the crime against women.

³ United Nation Declaration on the Elimination of Violence against Women; unvwaw.

⁴Sarah Grimke; Letter on the equality of sexes and the condition of women, Boston

6. To point out the possible defects and loopholes in the existing laws relating to crime against India's women.

7. To suggest the reforms and remedial measures for the control of crime against women.

(E) Scope of Research Work

The research paper's scope predominantly covers the demeanour of aloofness and carelessness that is fundamentally the aftereffect of general acknowledgment of men's prevalence over women. Savage demonstrations against women have not been seen as brutal by women because of their strict qualities and social mentalities. It is as of late that wrongdoing against women has been changed from an individual point into a public issue. The current examination investigates the primary sources in expanding the pattern of Crime against women, the viability and effect of existing laws to control, and fundamental ideas to forestall further commission of specific wrongdoings in India.

(F) Concept of Research Work

To understand how women and girls were treated, we need to see the historical background and its current times. In the Vedic period, the ancient Hindu scriptures, hymns, religious books, and various literary works that reflect the social customs prevalent in India are necessary to analyse it, in terms of education, society, finance, rights, businesses, etc. To get a deeper insight into the past, the Vedas, Gita, Mahabharat, Ramayana, Arthashastra, Dharmashastra, and several similar ancient literary works. In Vedic times, women had to face a world full of paradoxes. Women lead a miserable wedded life as the old Indian culture followed polygamy. Also, they had considerable freedom in terms of choosing their marital partner. Manu, the father of Indian Political Theory, describes women of Vedic age as a place of reliance and subordination. The classical political literature Arthashastra confirms that extensive limitations were placed on the development of women in society. In terms of education, all unmarried women had to study. Several female saints of the Vedic period, like Maitreya, Ghost, and Gargi, were highly skilled and learned as they composed complex Vedic stanzas for hymns. There are several verses in the Vedas that prove that women had the right to education. They were held in higher respect in India than in any other ancient country. Women enjoyed high status in early Vedic culture, and later it deteriorated in the later Vedic period. It will not be wrong to consider that women enjoyed much greater freedom and higher status in the Vedic period than today's India.

In the post-Vedic age, the status of women had started deteriorating due to various factors. Child marriage began in the Smriti age, and Sati begun in the Medieval period. Till the time

Mughal period, several problems arose for Hindu women. As time passed, the conditions of women became worse. With the Muslim invasion around the eighth century, there was a gradual decline of women's social, political, economic, and cultural lives, particularly Hindu women. In this period, several gender inequalities had surfaced in Indian society. Practices like Sati Pratha, Child marriage, polygamy, female foeticide, etc., were the post-Vedic period's most prominent social evils. Simultaneously, social reformers and revolutionaries like Kabir, Meera, and many others stood for equal rights for women. Due to their support, women achieved religious freedom and, to some extent, social space. On the economic status, women were entirely dependent on the male members of the family.

In British India, practices like Sati, Child marriage, and several other social evils were banned and eliminated from Indian society. They also encouraged widow remarriage, and they legalized it too. There were high cases of female infanticide in states like Gujarat, Rajasthan, Sind, Punjab, Madhya Pradesh, etc. In 1779, the Britishers declared female infanticide to be murder. Several forms of slavery, like domestic and predial, were dealt with. However, the British government only passed laws and bills. The main hero or the main character behind all these social reforms were great Indian revolutionaries like Raja Rammohan Roy, Arya Samaj, Ishwar Vidyasagar, B. R. Ambedkar, and several others. Several legislations contributed to the upliftment of Hindu women's status in terms of marriage, inheritance, and adoption. In this period, women helped their male counterparts to fight Britishers, and they contributed extensively to the Freedom movement. However, it ignited and united the entire nation to stand up against inequality in one voice, whether women or men.

In independent India, a democratic government and constitution mention women as legal citizens who carry equal rights. The current position of women in India can be understood in contemporary times. The law protects women, their fundamental rights, and their existence, in general. New policies and regulations are enacted every year to protect women from crimes, discrimination, gender inequality, etc. Somewhere we are conscious of the fact that women deserve equal rights. However, the ground reality speaks a different truth. In modern society, women are treated as sexual objects, and they are constantly targeted for being the weaker sex. Every day, several rape cases, harassment cases, dowry cases, sextortion cases, and several other gender-based crimes are reported across India. It depicts that society has not accepted women as an equal counterpart in India yet.

On the other hand, women have the right to education, property right, right to practice any religion, marriage without parents' consent, and so on. Still, women lack acceptance from the male-dominated society. We cannot deny that we live in a patriarchal society, and men mistreat

women on several occasions. We must work on 3Es -Educate, Empower, and Enable. The need of the hour is to enact these 3Es properly and work extensively to uplift women in our society.

II. RELEVANT LEGAL PROVISIONS AND CASE LAWS

The Preamble of India's Constitution has gender equality, Fundamental Rights, Fundamental Duties, and Directive Principles. The Constitution of India, 1950, has specific arrangements identifying with women. It makes unique arrangements for the treatment and advancement of women in each circle of life. It does not discriminate between men and women, but it treats them alike. The framers of the Constitution, all aware of unequal treatment, meted out the fair sex from the time immemorial. In India, women's concealment is extremely old and long, which is liable for including general and extraordinary arrangements for upliftment and improvement of women's status. They gave Equality of status and openings expressly at certain spots and verifiably in any remaining areas at par with men as India's citizens.

Given Justice K. Ramaswaray in *Madhu Keshav V. State of Bihar*, Women have always been discriminated against by men and suffered denial; what's more, they are enduring separation peacefully. Selflessness and abstinence are their honourability and grit, but then they have been exposed to all kinds of inequities, indignities, contradictions, and discrimination.

Although the discrimination of women is explicitly prohibited in Articles 15 of the Indian Constitution⁵ and Article 16 of the Indian Constitution⁶, this Prohibition of discrimination of sex is mingled with banning other biases on the ground of religion, race, caste, and place of birth. In all other fundamental rights, the words "citizen" or "person" means both male and female. Hence women are equally entitled to the protection of all fundamental rights along with men. There is no discrimination against women relating to the fundamental rights guaranteed in the Constitution.

Article 44⁷ of the Directive Principles in India implements the Uniform Civil Code. According to this Article, "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India." But women still experience inequalities and injustice. In A landmark judgment in *Sarla Mudgal v. Union of India* 1995⁸, the apex court has passed directly to the central government to take a fresh look at Article 44 of the Indian Constitution⁹, which forbids the state to secure a uniform civil code. According to the Court, "The State will attempt

⁵ INDIA CONST. art. 15.

⁶ INDIA CONST. art. 16.

⁷ INDIA CONST. art. 44.

⁸ *Sarla Mudgal v Union of India*, A.I.R. 1995 S.C. 1531 (India).

⁹ *Ibid.*

to get for the residents a uniform common code all through the domain of India, is an unequivocal command under Article 44 of the Constitution of India¹⁰ which looks to present a uniform individual law - a conclusive advance towards public solidification."

In *Dimple Singh V. Union of India* 2001¹¹, the Delhi High Court expressed its apprehension that eliminating discrimination against women cannot be achieved unless attitudes change. There is as yet a significant hole between established rights and their application in most women's day-to-day lives. At the same time, women are indeed working in jobs that were hitherto exclusively masculine domains. But there are still instances that exhibit a lack of confidence in their capability and efficiency.

Article 14 of the Indian Constitution¹² talks about Equality before law. In the landmark judgment, the apex court in *Air India V. Nargesh Meerza* 1981¹³, upheld the requirement that "the termination of services of female air hostesses upon being married or first pregnancy, whichever occurred earlier," the Court held that "These regulations forced them to retire at an age earlier than their male counterparts. The Court struck the impugned regulations, stating that the thought there was an intelligible differentia on the basis of sex, the classification did not have any nexus with the object of the Act; it was arbitrary and unreasonable, thereby violating Article 14 of the Indian Constitution¹⁴".

Article 15 of the Indian Constitution¹⁵ talks about the Prohibition of discrimination. In *Anjali Roy v. State of West Bengal* 1952¹⁶, the petitioner finished her intermediate studies and wanted to pursue her Honours, an all-boys institute. When she applied, she was redirected to the newly established Women's College nearby; merely three years old, it neither had an honours course nor were the educational facilities satisfactory. The Court stated that "the new women's college amounted to a 'special provision' and that Roy "was not refused admission merely because she was a woman, but because of a scheme of better organization of both male and female education which covered the development of the Women's College as a step towards the advancement of female education and also relieving the pressure on the men's college which was a mixed college."

¹⁰ Ibid.

¹¹ *Dimple Singh v Union of India*, (2001) 94 D.L.T. 917 (India).

¹² INDIA CONST. art. 14.

¹³ *Air India v Nargesh Meerza*, A.I.R. 1981 S.C. 1829 (India).

¹⁴ Ibid.

¹⁵ *Supra* at 1.8.

¹⁶ *Anjali Roy v State of West Bengal*, A.I.R. 1952 Cal 822 (India).

III. ANALYSIS

Male domination is the critical factor impacting the life of a woman all over the world. Such domination has its own merits and demerits. Hindu religion was more focused on male domination and therefore considered sons as essential to the family since sons alone could offer oblations to their departed ancestors and save them from suffering a spell in hell. As per the Hindu religion, the daughter could not perform these rites and was therefore treated as inferior to the son. Crime against women is not only physical but also sociological. There are records of women raped, beaten, abducted, and given humiliating treatment. The burning question before our society is, who is responsible for this lapse? Are our religious beliefs, die-hard traditions, and patriarchal poverty structures of our society responsible? Weaknesses of laws, protection provided by the rules are to be blamed? It has been tracked down that the assurance advertised by the law is so flimsy that any person commits the crimes with impunity and gets away. In reality, many such laws have been passed, and one can think that women in our society are enjoying a privileged position, but this delusion is short-lived and vanishes the moment one starts delving with facts. The bulk of this protective legislation is a very modest attempt to combat the deep-rooted evils of horrendous crimes committed against women every day. These were engaged in the past; they are being committed in the present also. We do not find any change in man's brutality towards women in spite of protective laws to defend women. The incidence of crime against women is increasingly revealing that neither the education nor laws have changed the basic thinking regarding the woman's worth. Women likewise reserve the option to life and freedom; they additionally secure the privilege to be valued and treated as equivalent residents. Their regard and poise should not be contacted or disrespected. They likewise reserve the option to lead a good and serene life.

IV. CONCLUSION

Violence and crime against women are a global phenomenon that requires urgent attention. Every woman is entitled to a fear-free and respectable life. Moreover, it is our responsibility to create such a society where a woman can live with dignity and respect. Not only because it is a human right but because only then will we foster a mother, daughter, and sister who creates loving families and children who respect each other. It is a Nation-building activity at the grass-root level. Just laws to protect women are not enough. What is required is social and economic freedom for women to resist such acts and building a society where men respect women. Social media, cultural events, and festivals can play an essential role in making this culture. Government awareness programs advocating women's safety, protection, and respect will bring

about changes in women's attitudes.

V. SUGGESTIONS

Most important, we need to foster a culture where women are respected and seen as valuable resources of society. This research paper aims to examine the economic and socio-cultural norms of our community. Social media, Films, and TV play an important role in correcting /fostering social evils. Women should be seen in dignity and status rather than cheap objects of lust in all social media. Today, women are projected as sex objects. How will society respect its women if they are constantly seen as sex objects or self-sacrificing all compromising beings?

First and foremost, all norms advocating male supremacy must be challenged. Be it the entry of only males in temples or refraining females from entering the kitchen during menstruation, or making household work exclusively female-focused. Men should be taught to share the household chores like cooking and washing utensils to make a non-gender-biased work ethic even at home. Women's education and financial independence should be a priority in all developmental activities of the Government. Women empowerment schemes should be implemented most effectively. School education for girls should be made compulsory.

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