

Hate Crimes against Women in India

Shaista Neelu¹, Dr. Eakramuddin²

¹ Ph.D. Research Scholar at Faculty of Law, Jamia Millia Islamia University, New Delhi, India

² Associate Professor at Faculty of Law, Jamia Millia Islamia University, New Delhi, India

Abstract: Gender-based violence leads to devastating and long-term mental and physical consequences, sometimes leading to death and disability among women and girls. It is a violation of the basic human right to safety, security and life without discrimination. In India, government have gradually begun to recognize violence, especially hate crimes committed against them, in the nature of feticide, rape, murder, rape with murder, acid attacks, stalking, online stalking, etc.

[Neelu Shaista, Eakramuddin. **Hate Crimes against Women in India**. *J Am Sci* 2024;20(1):28-40]. ISSN 1545-1003 (print); ISSN 2375-7264 (online). <http://www.jofamericanscience.org>. 03. doi:[10.7537/marsjas200124.03](https://doi.org/10.7537/marsjas200124.03).

Keywords: feticide; rape; murder; rape with murder; acid attacks; stalking; online stalking

1. INTRODUCTION

The Gender-based violence leads to devastating and long-term mental and physical consequences, sometimes leading to death and disability among women and girls. It is a violation of the basic human right to safety, security and life without discrimination. In India, government have gradually begun to recognize violence, especially hate crimes committed against them, in the nature of feticide, rape, murder, rape with murder, acid attacks, stalking, online stalking, etc.

Violence against women is globally pervasive. It exists in every country, cutting across boundaries of culture, class, caste, education, income, ethnicity and age. In India, the literacy rate among females in 54.16%, at the most the census data depicts that the sex ratio currently in India is as low as 933. As per the census data of 2001, the juvenile sex ratio in the country has reached 927. The official statistics given by the National Crimes Record Bureau, there has been an increase in the rates of crimes committed against women in India.

India's rape-related crime rate rose 70.7% over the last two decades from 11.6 per 100,000 women and girls in 2001 to 19.8 in 2018, according to a report by Public Health Foundation of India. The study, based on annual reports of the National Crime Records Bureau said a majority of such crimes was reported between 2012 and 2018. In the report, rape-related crimes were classified under five categories, such as

assault with an intent to outrage modesty of a woman, rape, insult to modesty of a woman, attempt to commit rape, murder with rape, and gang-rape. In most cases, the offender was known to the victim. However, only 10% of cases completed trials by 2018, with acquittals in 73% of the cases. According to the report, 1,597,466 such crimes were reported in India from 2001 to 2018. The NCRB reported 59,945 cases in 2001, and reached 133,836 in 2018¹.

Crime against women in the Capital increased by 63.3% in the first six months of 2021 as compared to 2020, data shared by Delhi Police showed. The data states that rape cases saw an increase of 43% from 580 till June 15 last year to 833 this year, molestation jumped by 39% from 733 to 1,022, kidnapping of women from 1,026 to 1,580, abduction of women from 46 to 159, and dowry deaths from 47 to 56. Heinous crime figure, till June 15, has come down marginally from 2,436 to 2,315. In the first six months this year, the city recorded seven cases of dacoity, 196 murder, 295 attempts to murder, 942 robbery, 35 riot cases, and seven kidnapping for ransom².

In the corresponding period last year, Delhi witnessed four cases of dacoity, 226 murder, 236 attempts to murder, 701 robbery, 681 riot cases and eight kidnapping for ransom, the data stated. It's pertinent to note that the number of riot cases came down significantly this year as communal riots broke

¹ <https://www.livemint.com/news/india/sexual-crimes-against-women-up-70-in-2-decades-11650646735378.html> (last visited on June 27th, 2022)

² <https://www.thehindu.com/news/cities/Delhi/crimes-against-women-saw-over-63-rise-in-2021-so-far/article35181148.ece> (last visited on June 27th, 2022)

out in north-east Delhi in February last year following anti-Citizenship Amendment Act protests³.

According to the data, the number of non-heinous crimes has increased by 8.5%. Till June 15 this year, a total of 1,20,980 cases of non-heinous crime have been reported while the number stood at 1,11,419 last year. The data showed there were 1,217 more cases of snatching reported in 2021 as compared to 2021 with 3,829 cases of snatching this time and 2,612 in last year. The total number of cases of hurt, burglary, motor vehicle theft and house theft stood at 493, 1,173, 15,667 and 938 respectively as compared to 421, 839, 13130, and 875 last year. The data showed that fatal and non-fatal accidents rose from 392 and 1,260 cases in 2020 to 449 and 1,497 cases this year, respectively⁴.

The Table below can depict the situation (factual) of a woman in India. The kinds of crimes committed against her since her birth to her death.

Stage 1	Foeticide and infanticide	Where there is an economic or cultural preference for sons, the pregnancy diagnostic tools can lead to female foeticide
Stage 2	School going age	Many Girls are not given the access to and completion of proper primary and secondary education as compared to boys and otherwise may also suffer from discrimination at the hands of parents and teachers in their upbringing.
Stage 3	Adolescence	Many adolescent girls become victims of sexual abuse both on internet and otherwise, exploitation and violence, acid attacks, rape, early marriage, or even HIV/AIDS.
Stage 4	Marriage	Many women are tortured physically, economically and emotionally after their marriage by their husband and in-laws.

³ *Ibid*

⁴ *Ibid*

⁵ Violence and Protective Measures for Women Development and Empowerment by Aruna Goel, New Delhi, Deep & Deep Publications, 2004, pp. 3-4

⁶ Violence against Women and Children-Issues and Concerns, By Awadhesh Kumar Singh and Jayanta

Stage 5	Motherhood	Women are sometimes not provided proper medical care and healthy food during and after her pregnancy. She is often compelled to abort a female foetus.
Stage 6	Workplace	often women suffer from exploitation, unequal pay for equal work, lack of promotions despite merit and physical, economic and emotional abuse

All these stages woman quietly suffers or even if raises her voice it is silenced or suppressed... she neither knows she has rights to fight these crimes and what remedies are available in law to protect herself. It is time women rise to protect themselves. Report any incident of cruelty.

2. HISTORICAL BACKGROUND

In the ancient Indian women held a high place of respect in the society as mentioned in Rigveda and other scriptures. Volumes can be written about the status of our women and their heroic deeds from the Vedic period to the modern times. But later on, because of social, political and economic changes, women lost their status and were relegated to the background. Many evil customs and traditions stepped in which enslaved the women and tied them to the boundaries of the house⁵.

The official statistics showed a declining sex-ratio, health status, literacy rate, work participation rate and political participation among women. While on the other hand the spread of social evils like dowry deaths, child marriage, domestic violence, rape, sexual harassment, exploitation of women workers is rampant in different parts of India. Humiliation, rape, kidnapping, molestation, dowry death, torture, wife-beating etc. have grown up over the years⁶.

In India's case, the roots of crimes against women can be traced to in numerous sociocultural elements, including but not limited to the Manu smriti in the second century BC (allocating to women "the habit of lying, sitting around and an indiscriminate love of ornaments, anger, meanness, treachery, and bad conduct")⁷, literary works like the Ramayana (which

Choudhury, New Delhi, Serials Publications, 2012, p.1

⁷ Uma Chakravarti, "Conceptualising Brahmanical patriarchy in early India: Gender, caste, class and state," *Economic and Political Weekly* (1993), 579–585.

repeatedly denounces the “fickleness” of women, not to mention Draupadi’s public vastraharana [disrobing] and Sita’s fire test to prove her “purity”), numerous historical texts (the Dharmashastra, Atharvaveda, and Tolkappiyam)⁸ that advocate the marriage of girls just as they attain puberty (or even earlier), in the historical practice of dowry (where the bride’s family bestows costly gifts to the groom’s as a prerequisite to marriage; dowry cuts across religion, class, and caste in India), and sati, where a widow sacrifices herself atop her deceased husband’s funeral pyre. Historian Uma Chakravarti concludes in her article on the origins of patriarchy in India that “the design of the patriarchal caste-class structure was mapped out by the Brahmanas; pativrata, the specific dharma of the Hindu wife, then became the ideology by which women accepted and even aspired to chastity and wifely fidelity as the highest expression of their selfhood.”⁹

These sociocultural notions and customs paved the way for India’s profoundly patriarchal society, as well as for the patrilineal system that ensures property rights and inheritance remain with men. In addition to the sexual violence and domestic abuse women face globally, women in India face two additional challenges:

1. Marriage-related violence, including dowry deaths, honour killings, forced marriages, and child marriages.
2. Violence related to caste or religion, especially with regards to Dalits, lower castes, and religious minorities.

In addition to these sociocultural causes, the advent of colonialism added a new layer of complexity that set back the cause of women’s rights. Neelam Deo, a former Indian ambassador and former board member of Breakthrough India, which works to prevent violence against girls and women, declared that “British colonialism froze our social structures and delayed any change we could expect with regards to women’s rights. It took the Bengal Renaissance for the practice of Sati to be banned and even widow remarriage was allowed only after repeated campaigning in Maharashtra and Bengal.”

3. CRIMES/HATE CRIMES AGAINST WOMEN

⁸ R. Radha, “Historical perspective of violence against women in India through various ages,” *International Journal of Basic and Applied Research* 9, no. 6 (2019), 149–153.

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https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/Addressing_the_Historical_Roots

“The Semantic meaning of “crime against women” is direct or indirect physical or mental cruelty to women. Crimes which are directed specifically against women and in which „only women are victims are characterized as “Crime Against Women.”¹⁰”

It is equally important to clarify the concept of Violence against women. Violence is also known as abuse and include any sort of physical aggression or misbehave. When violence is committed at home it becomes domestic violence and involves family members such as children, spouse, parents or servants. Domestic violence may involve different means such as hitting, kicking, biting, shoving, restraining, throwing objects. In broad terms, it includes threats, sexual abuse, emotional abuse, controlling or domineering, intimidation, stalking, passive/covert abuse and economic deprivation, rape, abduction, kidnapping, murder (all cases of criminal violence, dowry death, wife battering, sexual abuse, maltreatment of a widow and for an elderly women (all cases of domestic violence) and eve-teasing, forcing wife/daughter-in-law to go for foeticide, forcing a young widow to commit sati, etc (all cases of social violence), are issues which affect a large section of society¹¹.

The United Nations defined “Violence against Women” in 1993 in Declaration on the Elimination of Violence against Women. It defines it 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 life¹².

4. PROVISIONS FOR WOMEN IN THE CONSTITUTION OF INDIA

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. 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. India has also ratified various international conventions and human rights instruments committing to secure

[of Gender-Based Violence in%20Twenty-First-Century India.pdf](#) (visited on June 7th, 2022)

¹⁰ *Supra* Note No. 2, p. 2

¹¹ *Supra* Note No. 2, p. 3

¹² Violence Against Women in India By Guruappa Naidu, New Delhi, Serials Publications, 2011, p. 23

equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993¹³.

Following are the Constitutional provisions for women in India:

- 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 relief¹⁴.

5. LEGAL PROVISIONS FOR WOMEN IN OTHER LAWS

There are different laws which contained provisions relating to protection of women. Some of them are as follows:

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

¹³ <https://www.roundtableindia.co.in/constitutional-provisions-and-legal-rights-for-well-being-of-women/> (last visited on June 8th 2022)

¹⁴ *Ibid*

¹⁵ <http://ncw.nic.in/important-links/List-of-Laws-Related-to-Women> (last visited on June 9th, 2022)

also prohibits discrimination against women in the matter of recruitment¹⁵.

The Child Marriage Restraint 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, 1860: 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: Amendments provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases.

73rd and 74th Constitutional Amendment Act reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.

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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: It provides for the establishment of National and State Human Rights Commission. The Act gives immense powers to the Commissions to act in furtherance of protection of human rights of everyone including women.

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 abuse¹⁶.

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

¹⁶ The Protection of Women from Domestic Violence Act 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government and Ministry of Women and Child Development on 26 October 2006.

patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012¹⁷.

6. CLASSIFICATION OF CRIMES AGAINST WOMEN

Although 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 characterised as “Crimes Against Women”. Various new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes effectively¹⁸. The research paper here depicts the situation of women when the crimes as provided under the Indian Penal Code, 1860 are committed against them.

Crimes under the Indian Penal Code

There are seven such crimes which are against women, under the Code of 1860. They are as follows:

1. Rape (Section 376, IPC):



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 2010¹⁹. 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 2.0.

In 2020, the total number of rape cases reported in India amounted to over 28 thousand. This was a decrease in rape cases compared to the previous year. Even though

many rapes are not reported in the country, it is an issue that continuously makes news headlines, some leading to public protests. Although reports of rape have increased in recent years, it was still associated with shame for the victim, rather than the perpetrator.²⁰

¹⁷ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was passed in 2013.

¹⁸ <http://www.womenlawsindia.com/legal-awareness/crimes-against-women/> (last visited on June 20th, 2022)

S. No	State/UT	Cases Reported	Child Victims of Rape (Below 18 years)	Women Victims of Rape (Above 18 years)	Total Victims
1.	Andhra Pradesh	1086	561	543	1104
2.	Bihar	730	1	739	740
3.	Chhattisgarh	1036	3	1035	1038
4.	Haryana	1480	8	1472	1480
5.	Jharkhand	1416	188	1238	1426
6.	Punjab	1002	460	578	1008
7.	Rajasthan	5997	1314	4737	6051
8.	Uttar Pradesh	3065	272	2859	3131
9.	West Bengal	1069	4	1065	1069
10.	Delhi UT	1253	0	1253	1253

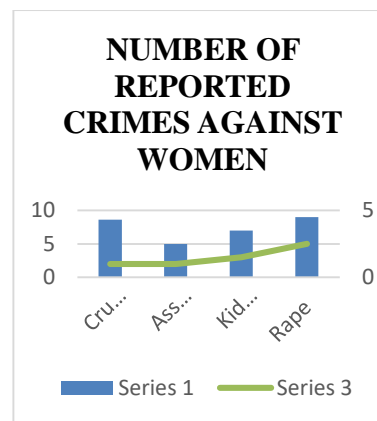


Chart depicts how there has been increase in the number of cases of the commission of various offences against women in India.

There were 24,270 victims of Rape out of 24,206 reported Rape cases in the country. 10.6% (2,582) of

¹⁹ <https://libertatem.in/blog/the-alarming-rise-of-rape-culture-in-india/> (last visited on June 21st, 2022)

²⁰ <https://www.statista.com/statistics/632493/reported-rape-cases-india/> (last visited on June 21st, 2022)

the total victims of Rape were girls under 14 years of

S. No.	State/UT	Child Victims of Kidnapping/Abduction (Below 18 years)	Women Victims of Kidnapping/Abduction (Above 18 years)	Total Victims
1.	Andhra Pradesh	702	1099	1801
2.	Bihar	3836	8496	12332
3.	Chhattisgarh	2072	2251	4323
4.	Haryana	1744	4447	6191
5.	Jharkhand	535	1597	2132
6.	Punjab	1046	1451	2497
7.	Rajasthan	2013	5547	7560
8.	Uttar Pradesh	7196	20887	28083
9.	West Bengal	3790	5904	9694
10.	Delhi UT	5869	6422	12291

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 age²¹.

The Table²² as drawn above depicts the situation of the commission of the atrocious and dreadful offense of rape against female society in various States/UT in India of the year 2017. Special Attention has been drawn towards Delhi Union Territory, which specifically shows that, at least in case of commission of this offense against child below 18 years of age is concerned there have been **ZERO VICTIMS**.

2. Kidnapping/Abduction:

²¹ *Supra* Note No. 19

²²

https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%203A.3_2.pdf (last visited on June 21st, 2022)



Sections 359 to 374 of the Indian Penal Code, 1860 provides the provisions of defining and penalizing the offenses of kidnapping and abduction. 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 level²³. Delhi UT has reported the highest crime rate at 12.4 as compared to the National average of 2.9.

The Table²⁴ given below provides the statistics regarding commission of the crimes of kidnapping and abduction against females (child below the age of 18 years and women above the age of 18 years) in India in the year 2017.

3. Dowry Death:



Dowry death is defined in Section 304B of the Indian Penal Code, 1860. Also, Section 113B of the Indian Evidence Act, 1872 states the presumption as to dowry death. Section 304B of the Indian Penal Code states that if a woman dies within seven years of marriage by any burns or bodily injury or it was revealed that before her marriage she was exposed to cruelty or harassment by her husband or any other relative of the husband in connection to demand dowry then the death of the

²³ <https://www.legalpedia.co.in/legalnotes/kidnapping-abduction.html> (last visited on June 21st, 2022)

²⁴

https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%20C.2_1.pdf (last visited on June 21st, 2022)

woman will be considered as a dowry death. Punishment for dowry death is a minimum sentence of imprisonment for seven years or a maximum sentence of imprisonment for life²⁵.

As per Section 2 of the Dowry Prohibition Act, 1961 which says that dowry is any property or valuable security directly or indirectly agreed to be given by-

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parent of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before or any time after the marriage in connection with the marriage of the said parties.²⁶

In the case of **State of Himachal Pradesh v. Nikku Ram and Others**²⁷, the couple was married and after 5-6 months of their marriage husband, sister-in-law and mother-in-law started taunting the wife of the husband for bringing less dowry. They started demanding several things from her which was not fulfilled by her.

The prosecution filed a case for torturing the deceased and subjected her to cruelty in order to make her bring more dowry. Gradually the torture on her increased so much that the mother-in-law hit her with a sharp blade on her forehead causing a deep cut over there. She was unable to tolerate the ill-treatment by her husband and by her in-laws on her, as a result, she committed suicide by consuming naphthalene balls and died.

During the investigation, the sharp-edged blade was recovered and after the completion of the investigation husband, sister-in-law and mother-in-law were charged under the Section of 304-B, 306 and 498-A of the Indian Penal Code. And the case against them was registered²⁸.

The Court after examining all the evidences, it was held that persons who are charged under Section 304-B, 306 and 498-A will be free from these criminal charges as the prosecution failed to produce the evidence against them and only mother-in-law will be held guilty under Section 324 of the Indian Penal Code as voluntarily causing hurt to her daughter-in-law. And imposed a fine of Rs. 3,000, failing to pay the fine will attract simple imprisonment for 1 month²⁹.

In **Pawan Kumar & Ors. V. State of Haryana**³⁰, Urmil, the deceased, returned back to her parent's house within a few days of her marriage and complained about the demands of dowry for refrigerator, scooter etc. She did not fulfil the demands

and was subjected to face torture and harassment by the appellants like commenting on her that she looks ugly etc. As a result of such comments and taunts by the appellants (her Husband and In-Laws), she committed suicide and died due to the burn injuries.

The case was registered against the accused namely her husband, father-in-law and mother-in-law. In court, it was argued by the learned counsel of the appellant that there is no offence committed here as it does not fulfil the essential ingredients of Section 304B of Indian Penal Code and also no evidence was found out that soon before her death the deceased in any way was subjected to cruelty or harassment in connection with the demand for dowry³¹.

There were two Issues before the Court:

(a) Whether she was subjected to any cruelty or harassment soon before her death and the same was in connection with the demand for dowry.

(b) Whether the demand asked for a refrigerator, scooter etc is a desire to acquire or a dowry demand.

The learned counsel of the appellant argued that the mere desire to acquire a refrigerator, scooter etc. should not come within the ambit of demanding dowry and cannot be held as an offence as this would not come under the definition of dowry under Section 2 of Dowry Prohibition Act, 1961 with Section 304B and Section 498A of Indian Penal Code³².

It was held by the Court that Demand for dowry itself is an offence under Section 304B and to be an offence under this it does not requires that an agreement for it should be necessarily present. The court also held him guilty under Section 498A subjecting her to cruelty or harassment by passing comments on her looks and also taunting her to bring more dowry. Pawan Kumar appellant No.1 under Section 304B was sentenced to 7 years of rigorous imprisonment and liable to pay fine of Rs 500 and in default of paying fine 6 months will be added to his imprisonment³³.

And under 306 IPC was sentenced to 4 years of rigorous imprisonment and a fine of Rs 200 and in default of the payment 3 months will be added to his imprisonment and also held him guilty under Section 498A sentenced him for 2 years rigorous imprisonment and Rs 200 fine in default more 3 months to his imprisonment will be added.

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

²⁵ <https://blog.ipleaders.in/dowry-death/> (last visited on June 21st, 2022)

²⁶ *Ibid*

²⁷ 1995

²⁸ *Supra* Note No. 25

²⁹ *Supra* Note No. 25

³⁰ 1998

³¹ *Supra* Note No. 25

³² *Supra* Note No. 25

³³ *Supra* Note No. 25

cases reported in the country were reported from Uttar Pradesh (2,322) cases alone followed by Bihar (1,413 cases) (16.4%)³⁴. The highest rate of crime (1.4) was reported from Bihar as compared to the National average of 0.7. The commission of the offence of dowry death as defined under Section 304 B of the IPC is shown in the Table below:

TABLE B (Continued)

Sl. No.	State	Population in Lakhs	Rate (Per 100,000)					Number of Cases					Crimes Per 100,000										
			I	II	III	IV	V	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)		
1	ANDHRA	1746	61	53	54	88	119	44	36	32	88	282	162	18									
2	ANDHRA PRADESH	4622	46	54	53	139	238	23	19	22	271	150	17										
3	ASSAM	1917	15	9	8	38	18	11	10	18	13	36	18	0.6									
4	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
5	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
6	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
7	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
8	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
9	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
10	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
11	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
12	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
13	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
14	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
15	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
16	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
17	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
18	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
19	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
20	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
21	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
22	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
23	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
24	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
25	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
26	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
27	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
28	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
29	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
30	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
31	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
32	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
33	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
34	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
35	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
36	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
37	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
38	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
39	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
40	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
41	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
42	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
43	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
44	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
45	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
46	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
47	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
48	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										
49	BHARAT	1240	21	17	18	26	15	8	7	14	263	151	0.7										
50	BHARAT	1184	20	17	18	26	15	8	7	14	263	151	0.7										

4. Cruelty (Section 498A of the Indian Penal Code): Section 498A of the Indian Penal Code defines cruelty.



If a husband or any relative of him causes mental or physical harm to a woman then they will be held punishable under this section³⁵.

Punishment will be imprisonment for three years and also will be liable to pay fine.

There are two essential ingredients of the offense of cruelty:

(a) Any wilful conduct on a woman to cause her injury or to instigate her to commit suicide.

³⁴ *Supra* Note No. 25

³⁵ <https://blog.ipleaders.in/dowry-death/> (last visited on June 24th, 2022)

³⁶ 2014

(b) Harassing a woman or any of her relative in order to make them fulfil their unlawful demands.

In the case of **State of Punjab v. Gurmit Singh**³⁶, the term, “Relative” was analysed by the Court. The facts of the case are as follows:

The respondent Gurmit Singh was charged under Section 304B of IPC that he is the reason for the death caused to Gurujit Kaur wife of Paramjit Singh. The respondent argued that he could not be charged with the offence of Section 304B as he is not the relative of the deceased.

The respondent was the brother of Paramjit’s aunt and cannot be said that he is the relative of the deceased’s husband.

It was held by the court that he cannot be charged under Section 304B as he is not the relative either by blood, adoption or by marriage of the deceased’s husband. But the court said that he can be tried under other Section for the offence.

Section 498A in its definition talks about relative and by this case, it has analysed the word ‘relative’ and it means a person who is a relative by blood, adoption or by marriage others will not fall under the category of relatives and cannot be held guilty under Section 304B but can be held guilty under other section if they have committed any other offence³⁷.

In another case of **Sushil Kumar Sharma v. Union of India**³⁸, the petitioner under Article 32 of the Constitution challenged the validity of Section 498A of the Indian Penal Code to be Unconstitutional. The petitioner says that the offence is made to protect women against dowry and not for misusing it against the innocent family members as a weapon.

The issue, in this case, was that what preventive measures should be taken if a woman misuses this provision. The petitioner says the investigating agencies and courts should analyse the case properly and should not start with a presumption that the accused persons are guilty. They should not use a restrictive approach in the matter relating to dowry. He also says that the investigating agencies and courts should guard the laws made and should not allow an innocent person to suffer on baseless and evil allegations made by anyone. The court did not find any material in his appeal and dismissed the writ petition and said if he wants to prove his innocence for which he is accused of he may do it in a trial³⁹.

“Cruelty” 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

³⁷ *Supra* Note No. 35

³⁸ 2005

³⁹ *Supra* Note No. 35

highest crime rate of 21.6 was also reported from West Bengal as compared to the National rate at 8.2.

1-3
TABLE-III(Continued)

Sl. No.	City	Population (Lacs)	Rate (Per 100,000)					Cases (Per 100,000)					Cruelty to Woman (Per 100,000)	
			I	P	I	P	I	P	I	P				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	
INDIA														
36	AUDA	1746	51	55	144	306	138	448	96	312	88	202	102	18
37	ANDHRA	6252	48	59	231	386	239	523	59	213	223	100	219	62
38	ANDHRA	1217	19	58	154	248	49	11	22	128	124	20	16	66
39	ANDHRA	1134	20	17	138	34	23	54	6	13	63	91	43	97
40	ANDHRA	1242	21	29	132	10	49	99	30	138	132	480	971	338
41	ANDHRA	1189	18	13	188	28	23	52	7	138	99	222	223	58
42	ANDHRA	9489	17	11	132	206	244	234	30	142	142	448	144	102
43	ANDHRA	1830	10	23	138	38	14	52	34	137	17	233	444	18
44	ANDHRA	1232	12	23	154	46	131	68	3	102	62	27	41	62
45	ANDHRA	6846	74	69	139	41	13	138	30	132	24	229	134	13
46	ANDHRA	3211	8	59	139	26	53	62	13	11	53	50	139	53
47	ANDHRA	10212	62	23	278	180	122	118	13	137	160	188	82	82
48	ANDHRA	1138	10	68	144	38	23	58	8	17	18	9	17	51
49	ANDHRA	1684	41	67	154	38	23	11	7	102	99	28	38	88
50	ANDHRA	1439	14	71	21	82	24	18	10	17	12	218	233	14
51	ANDHRA	2239	7	22	122	108	44	138	20	102	27	132	17	68
52	ANDHRA	1132	44	44	138	48	24	13	30	132	17	131	61	39
53	ANDHRA	1746	18	13	138	38	43	138	10	138	13	48	138	138
54	ANDHRA	2187	91	42	131	47	112	108	20	18	24	190	341	23
55	ANDHRA	1218	64	39	231	108	13	13	20	21	132	139	132	18
56	ANDHRA	2371	10	132	108	74	42	30	132	48	188	82	82	11
57	ANDHRA	1237	18	12	137	48	33	108	10	138	13	31	44	66
58	ANDHRA	1138	31	38	131	42	48	64	10	11	14	188	87	22
59	ANDHRA	1648	13	87	131	2	81	109	6	109	109	107	63	57
60	ANDHRA	2020	71	24	132	104	177	60	14	14	14	284	17	18
61	ANDHRA	2118	20	14	18	10	13	13	6	10	10	146	44	48
62	ANDHRA	10118	46	138	138	138	138	138	138	138	138	138	138	138
63	ANDHRA	1118	38	43	138	28	18	18	1	11	11	313	287	21
64	ANDHRA	10118	34	24	138	74	14	14	1	13	13	413	413	27
65	ANDHRA	10118	14	67	138	10	13	13	13	13	13	13	13	13
66	ANDHRA	10118	18	13	138	71	42	30	11	13	13	484	134	29
67	ANDHRA	10118	42	18	138	46	42	12	10	10	14	138	138	138
68	ANDHRA	1442	7	53	138	18	12	12	3	13	13	71	43	53
69	ANDHRA	10118	18	138	138	4	13	13	13	13	13	138	138	138
70	ANDHRA	1412	13	14	138	108	138	138	13	13	13	138	138	138
71	ANDHRA	10118	42	138	138	138	138	138	138	138	138	138	138	138
72	ANDHRA	2018	48	13	138	38	13	13	4	13	13	138	138	138
73	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
74	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
75	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
76	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
77	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
78	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
79	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
80	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
81	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
82	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
83	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
84	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
85	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
86	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
87	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
88	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
89	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
90	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
91	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
92	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
93	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
94	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
95	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
96	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
97	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
98	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
99	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138
100	ANDHRA	10118	28	138	138	138	138	138	138	138	138	138	138	138

The Special reference from the Table above is to be drawn only with respect to the offence of Cruelty.

5. Molestation (Section 354 of IPC):

INDIAN PENAL CODE SECTION 354



Molestation is defined under sec 354 of IPC as: “Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine⁴⁰.”

There are three essential ingredients of the offense under Section 354, IPC:

- (a) That the assault must be on a woman
- (b) That the accused must have used criminal force on her

(c) That the criminal force has been used on the woman intending thereby to outrage her modesty⁴¹.

In the case **State of Punjab v. Major Singh**⁴², the bench stated that “Under the section the accused would be guilty of an offence if he assaults or uses criminal force intending to outrage or knowing it to be likely that he will thereby outrage the modesty of a woman. This intention or knowledge is the ingredient of the offence and not woman’s feelings or reaction. The test therefore would be whether a reasonable man will think the act of the offender was intended to or was known to be likely to outrage the modesty of the woman.”

The Supreme Court of India has, on various occasions, elaborated on what modesty of a woman means. According to a bench comprising of Arijit Pasayat and S.H. Kapadia, “Modesty is a virtue which is inherent to a female owing to her sex; an attribute associated with female human beings as a class”.

The Courts have time and again observed that a woman, young or old, intelligent or imbecile, awake or sleeping, possesses modesty, which is capable of being outraged. Modesty of a woman is outraged when the act of the offender is such that it is shocking and can be perceived as an affront to feminine decency and dignity⁴³.

The decision by the Bombay High Court in 2014 in the case against Mahendra Chate where it goes on to say “Even if you keep your hand on the shoulder of a woman, it is for the lady to comment on the nature of the touch, whether it was friendly, brotherly or fatherly,”

This type of interpretation nullifies the very purpose of Section 354, wherein the intention or knowledge is required to be determined from the perspective of the man who allegedly assaults or uses criminal forces and then arrive at a conclusion as to whether the said act would have amounted to outraging of modesty. This judgment leads to increase in false cases of molestation against innocent men. Because of this judgment woman finds it easy to file a case under Section 354 of IPC, i.e., molestation⁴⁴.

In this case the accused just pushed the woman in heat of the argument and was held guilty under sec 354 which was completely unfair, since he has no intention to outrage the modesty of the woman and no reasonable man will think this action as outraging the modesty of woman. Under sec 354 such a man shall be punished with imprisonment of either description for a term

⁴⁰ The Indian Penal Code, Universal Lexis Nexis Publications, Haryana, p. 135

⁴¹ <https://sahodar.in/why-false-molestation-cases-is-becoming-a-big-problem-in-india/#:~:text=Molestation%20is%20defined%20unde>

[r%20sec.year%20but%20which%20may%20extend](#) (last visited on June 24th, 2022)

⁴² AIR 1967 SC 63

⁴³ *Ibid*

⁴⁴ *Ibid*

which shall not be less than one year but which may extend to five years, and shall also be liable to fine⁴⁵.

Several women take advantage of such laws and judgment and file false cases against men, due to which such men have to suffer their entire life. According to the Data given by National Crime Records Bureau Delhi 30,000 molestation cases were filed during the year 2013-2014 and 75% of cases amongst them were false⁴⁶.

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 (11.2.) as compared to the National average of 3.6

S N o.	STATE/ UT	MOLESTATION (SEC. 354 IPC)		
		INCIDE NCE	RATE OF CRIME	PERCE NTAGE SHARE
1	Andhra Pradesh	4849	5.7	11.3
2	Bihar	790	0.8	1.8
3	Chhattisgarh	1654	6.5	3.8
4	Haryana	474	1.9	1.1
5	Jharkhand	317	1.0	0.7
6	Punjab	282	1.0	0.7
7	Rajasthan	2447	3.6	5.7
8	Uttar Pradesh	3445	1.7	8.0
9	West Bengal	2363	2.6	5.5
10	Delhi NCR	657	3.9	1.5

6. Importation of Girls (Section 366B of IPC):

⁴⁵ *Ibid*

⁴⁶ *Ibid*

⁴⁷ *Supra* Note No. 40, p. 142



Importation of girls from abroad or from Jammu & Kashmir under the age of 21 years with the intent that she may be, or knowing it to be that she will be, seduced or forced to illicit intercourse, with another person shall be, punishable under the IPC Section 366B with imprisonment which may extend to 10 years and is also liable to be fined. A decrease in the number of cases has been recently found in the census reported in 2012 of which only 59 cases have been reported in 2012⁴⁷.

For constituting a crime under Section 366 B of IPC there must be importing a girl into India from a foreign country or from the State of Jammu & Kashmir. The girl should be under the age of 21 years. There must be the intention of the offender to force or seduce her to illicit intercourse, or there must be the knowledge that a girl would likely be seduced or forced to have illicit intercourse with the other person⁴⁸.

Along with Section 366A, this section (366 B) was added to give effect to some articles of the International Convention for the Suppression of the Trafficking of Woman and Children, which was signed in Paris in 1910 by the Indian Penal Code (Amendment) Act, 1923 (Act No. XX of 1923).

The offence under this section is cognizable, non-bailable and non-compoundable. The cases under this Section are triable by the Court of Session⁴⁹.

In the case of **State v. Sartaj Khan**⁵⁰, in the year 2016, one morning, at 11:00 AM, Sub-Inspector, Manju Panday (in-charge) Human Trafficking Unit Sharda Bairaj, reached Sharda Bairaj near the Indo-Nepal border in order to check the illicit human trafficking. One volunteer Meera Sauda was also with them. At about 13:30 hours, a piece of secret information was received that an Indian boy was importing a minor girl from Nepal. The girl was noticed near a cart selling and discloses her name Kumari Jainisha Sharma aged 15 years. She disclosed that on 10.04.2015, she came to see her uncle Arjun Sharma, a teacher in Lamki (Nepal). On 11.04.2015 she was having ice-cream from a cart at Atariya Bus Stand. A boy came, also having an ice-cream and stood at her

⁴⁸ <https://www.thelawgurukul.com/post/importation-of-girls-up-to-21-years-of-age> (last visited on June 26th, 2022)

⁴⁹ *Ibid*

⁵⁰ 2016

side. He told her that he would take her to Banbasa (In India) where she can do the shopping and they would stay in a hotel at Bombesin the morning. She trusted him. The boy brought her and started pressing her breast on the bus. She told him not to do so and thereafter he made her sit on a horse cart. There were police checking, he tutored her to tell the police that she is going shopping. They reached near the canal gate and was standing near a tree facing a bridge. Kumari Jainisha recognized the boy and told him that he was the same boy, who has enticed her to come from Nepal. The boy was arrested. His name was Sartaj Khan age 30yrs. He admitted his guilt and accepted that he brought the girl to India for exploitation. On personal search one pocket diary, one packet of condom, two-man force tablet, Indian and Nepal currency, and two mobile phones were found.

The prosecution examined six witnesses in its support. Vinod Kumar Joshi proved the medical report. The Medical Board constituted comprised of Chief Medical Officer, Radiologist, Female Medical Officer, Dental Surgeon and they unanimously found the age of Prosecutrix to be 17yrs. The statement recorded under Section 164 of Cr. P.C though is not a substantive piece of evidence. The case was charged under Section 366-B, 363, 370(4), 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act⁵¹.

The court declared him guilty under Section 366B of IPC and awarded him 10yrs of jail and a fine of Rupees 10,000/- he was also given 7yrs of jail and a fine of Rupees 5,000/- under Section 363 of IPC. the bench of Justice Rajiv Sharma And Alok Singh also held him guilty under Section 370 of IPC and awarded him a 6 months sentence and fine of Rupees 1,000/-. And also found guilty under Section 8 (sexual contact without penetration) of the Protection of Children from Sexual Offences Act (POCSO Act) and awarded 3yrs of imprisonment.

In another case, namely, **Sakina Bibi v. State of West Bengal**⁵², victim was a citizen of Bangladesh. She developed intimacy with one Sohag (Md. Wahidul Islam Molla) who proposed her for a short trip. He took her to Jessore and handed over her to an unknown person (Sakina Bibi and Sumitra Devi) to a brothel situated at Khairpur. Sakina Bibi delivered her to the Sugbey so that she can become a Sex worker. The appellant used to look after her and in lieu of that victim delivered her income which she received by way of satisfying about 15 lusty men per day. The place is

totally unknown to her. She had to stay there for about 1/3 years.

It was held by the Apex Court, that, “There is no dispute that she is a citizen of Bangladesh. In course of her evidence in chief, she has stated that she had love affairs with one Sohag, who assured to marry her and ultimately, she was handed over to the appellant. and here the case of importation is not valid. She (Sakina Bibi) was found not guilty under Section 366B of IPC”.

It was finally observed that “She has not committed any offence under Section 366B of IPC but committed an offence under Section 366A of the Indian Penal Code, 1860”.⁵³

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). Madhya Pradesh (45 cases), Bihar (10 cases) and Karnataka (12 cases have together contributed more than two-third of total such cases at the National level).

The increasing rate of the crime of importation of girls have been discussed in the table below.

S. No.	STATE/UT	IMPORTATION OF GIRLS SECTION 366 B OF IPC		
		INCI DEN CE	RATE OF CRIME	PERCENT AGE SHARE
1.	Andhra Pradesh	1	1	0.0
2.	Bihar	0	0	0.0
3.	Chhattisgarh	0	0	0.0
4.	Haryana	0	0	0.0
5.	Jharkhand	0	0	0.0
6.	Punjab	0	0	0.0
7.	Rajasthan	0	0	0.0
8.	Uttar Pradesh	0	0	0.0
9.	West Bengal	0	0	0.0
10.	Delhi NCR	0	0	0.0

These Statistics are of the year 2019.

⁵¹ Section 8 of the POCSO Act provides that “Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine”.

⁵² AIR 1964 SC 1254

⁵³ *Supra* Note No. 23

CRIMES COMMITTED AGAINST WOMEN IN CITIES (NCT OF DELHI)



Among 53 cities, Delhi (4,489 cases) has accounted for 13.3% of total such crimes followed by Bengaluru (1,890 cases) (5.6%) Hyderabad (1860 cases) (5.5%) and Vijayawada (1,797 cases) (5.3%). The crime rate was significantly higher in Vijayawada, Kota, Kollam, Jaipur and Asansol at 120.5, 57.5, 54.2, 48.6, and 48.2 respectively as compared to average of mega cities at 21.0 Delhi city has accounted for 17.6% of Rape cases, 31.8% of Kidnapping & Abduction cases, 14.0% of Dowry Deaths and 10.1% of Molestation cases among 53 cities. Hyderabad has reported 12.2% (1,390) of incidences of Cruelty by Husband and Relatives. Vijayawada has reported 18.0% incidence of Eve-teasing. Indore and Jabalpur having 3 cases and 2 cases respectively, have altogether contributed 83.3% of total cases of “Importation of Girls” at all India level.

7. INTERNATIONAL INGENUITIES TO RESTRICT VIOLENCE AGAINST WOMEN

The Preamble of UN Charter sets as a basic goal to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. In 1946 the Commission on the Status of Women was established to deal with women’s issues.

The Universal Declaration of Human Rights had affirmed the principle of inadmissibility of discrimination and proclaimed that all human beings are born free and equal in dignity and rights and everyone is entitled to all rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex.

The General Assembly on November 7, 1967 adopted a Declaration on the Elimination of Discrimination Against Women, and in order to implement the principles set forth in the Declaration, a Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted. This Convention is often described as an International Bill of Rights for Women. It has laid down a comprehensive set of rights to which all persons, including women are entitled, additional means for protecting the human rights of women.

The UN General Assembly in 2000 convened a Special session on “Women: Gender Equality,

Development and Peace for 21st Century” to assess the progress on women’s issues. In February 2005, the Commission on the Status of Women at its 49th Session viewed the progress made on Women’s Human Rights Agreement, known as Beijing Platform for Action. The Conference focused on many areas including poverty, environment, economy, education, human rights, power and decision making and girl child. In 2005, twenty third Special Session of the General Assembly was reiterated as World Summit Outcome. The Summit resolved to promote gender equality and eliminate pervasive gender discrimination. U.N. Commission on the Status of Women met on March 14, 2011 in the Economic and Social Council Chamber to discuss the present scenario of gender violence in the world.

8. INITIATIVES TAKEN BY INDIA TO CURB CRIMES AGAINST WOMEN

(i) National Commission for Women: In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

(ii) Reservation for Women in Local Self – Government: The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

(iii) The National Plan of Action for the Girl Child (1991-2000): The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

(iv) National Policy for Empowerment of Women, 2001: The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “National Policy for the Empowerment of Women” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

(v) National Mission for Empowerment of Women, 2010: The launch of the National Mission for Empowerment of Women in March 2010 is an important development that will provide the much-required fillip to a coordinated assessment of current government interventions and aligning future programmes so as to translate the MPEW prescription into reality. The Mission was operationalized during 2011-2012.

8. CONCLUSION

Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of social awakening and change in the attitude 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. 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 an active role here as in the present days it has reached every corner of the nation. Various NGOs can hold a responsible position here by assigning them with the task of highlighting socio-economic causes leading to such crimes and by disseminating information about their catastrophic effect on the womanhood and the society at large.

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