



A critical study of crimes against women in India

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Abstract

There are many violence against women in India because of the male dominated society here. Women generally face various kinds of crime like dowry death, sexual harassment, cheating, murder, girl child abuse, robbery, etc. Violence against women which counted as crimes under the Indian Penal Code are rape, kidnapping and abduction, torture physically and mentally, dowry deaths, wife battering, sexual harassment, molestation, importation of girls, etc. The cases of violence against women is increasing day by day and becoming too broad. The meaning of term violence is striking someone physically and causing injury. It may involve verbal abuse or psychological stress without the actual hitting which cause injury to the mind and harm the reputation. Rape, murder, abduction, kidnapping cases are criminal violence against women however dowry deaths, sexual abuse, wife battering, maltreatment at home or offices are the cases of domestic violence against women. Some of the social violence cases against women are eve-teasing, forcing wife or daughter-in-law for the female infanticide, forcing widow to commit sati, etc. All the violence against women are affecting the large section of the society. Violence against women in the country is getting more frequent and alarmingly with huge sound. It is creating pressure and heavy responsibility over the shoulders of social workers. However, there is urgent need for women to be empowered and responsible to themselves in order to understand all the rights and take benefits. Police, law makers, judiciary and various national human rights institutions has shouldered the responsibility to protect women against crimes but despite of it the situation does not seem improving. In order to combat increasing crimes against them, we need to anticipate and attack the root causes of crimes against women. Eradication of poverty and unemployment and raising status of women in Indian society are some of the measures which are required to be taken to improve the graph of crimes against women in India. The present paper aims to discuss some common causes of crimes against women. The study further aims to throw light on major shortcomings in some of the existing women related laws. The last part of the paper contains suggestions to counter increasing offences against women in India.

Keywords: crime, women, laws, causes, modern crime

Introduction

The Indian Society provides paramount place to each and every woman. In ancient India women were treated as an important instrument of society. Moreover, in Manu Smriti it has specifically been mentioned that God make their abode in the household in which women are treated with respect and where the women are disrespected, all other actions, no matter how noble they are, shall remain unrewarded¹. Swami Vivekananda also said that “That country and that nation which do not respect women have never become great, nor will ever be in future.”² Even practically the Indian history has witnessed that the women in India were considered as divine force. Unfortunately, in the present world the crimes against women have increased rapidly and India is not at all exception to it. In many parts of our country the women are considered as a burden on male members of family. Before marriage they are burden on father, after marriage on husband and during old age on son. The Indian society in many places celebrates the birth of son and become silent on the birth of girl. Therefore, the women have become a weaker section of society not only from physical point of view, but, from sociological aspect as well. The discrimination that begins even before birth of a girl continues till her death. She is being tortured for not bringing enough dowry, she is being raped or harassed at

workplace etc. The increase in crime against women in India gave an alarming signal to our Parliament and resultantly the Parliament enacted plenty of exclusive laws to prevent crime against women. Despite these efforts of the Parliament, the discrimination and violence against women continues unabated. When women try to empower themselves economically, they face the problem of sexual harassment at work place and domestic violence as well. Judiciary is the only ray of hope with them. In this study a sincere attempt has been made by the researcher to highlight the problems faced by women, the causes, the various enactments for safeguard of women and the judgment of the various courts of India.

Objective

In this paper the researcher aims to analyze/study the position of Indian women, the causes of discrimination, harassment, gender oppression, inequality, empowerment and violence etc. against women.

The researcher also aims to study various provisions of Constitutional Law and other special laws enacted for the protection of women. The paper shall also scrutinize the approach or the role of judiciary in such matters.

Methodology

The research work in this paper is doctrinal in nature. It involves collection of material from various sources such as Statutes, books, Articles, judgments of High Courts and Supreme Court and on line material. The analytical, descriptive and evaluative methods have been adopted to scrutinize various provisions of law and the judgments passed by various courts.

Causes of crimes against women

The crime against women is not a new problem. Women have probably been suffering since time immemorial or we can also say that this problem is as old as civilization. Women have been raped, beaten, harassed, abducted, treated unequally or humiliated from the very beginning of civilization. Even in Ramayana we study that Ravan abducted Maa Sita and in Mahabharat we study that Draupdi was insulted, harassed and treated like an object in gambling. The position of women at present has not changed a lot despite the fact that the society has been prepared to acknowledge the extent of the problem and has developed a legal and practical framework to deal with this problem. There exist plenty of social, biological, cultural, economic or legal factors that account for the rise in number of crime against women.

Crimes against women in India and protection therefrom

The position of women in India is degrading day by day, but, still they have a ray of hope from the judiciary that came forward at several times for their protection against crimes. This problem is not a new one but exists since the time immemorial. Women have been subjected to various crimes and she has also been protected under various laws. The crimes against women and their protection can be discussed under the following heads:

Sexual harassment of women at workplace

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed with the objective of providing protection to the women at workplace. Sexual harassment is when one person subjects another person to an unwelcome act of physical intimacy like grabbing, brushing, touching, pinching, eve teasing, makes an unwelcome demand or request directly or by implication for sexual favors from another person, shows a person any sexually explicit visual material, in the form of pictures/cartoons/pin-ups/calendars/ screensaver version computers/any offensive written material / pornographic e-mails or any other form of unwelcome conduct of a sexual nature, eve teasing, jokes likely to cause awkwardness or embarrassment, innuendos, sexist remarks. This statute superseded the Vishakha Guidelines for prevention of sexual harassment introduced by the Supreme Court of India. Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The Act covers students in schools and colleges as well as patients in hospitals, employers and local authorities will have to set up grievance committees to investigate all complaints. Any aggrieved woman may file a complaint in writing to the Internal committee/ Local Committee within 3 months from the date of incident or the date of the last incident in case of a series of incidents.

The victim can also file a complaint with Police under Indian Penal Code 1860 under Sections 294,354, 354A, 509.

Acid attack

Acid throwing, also called an acid attack is a form of violent assault defined as the act of throwing acid or a similarly corrosive substance onto the body of another with the intention to disfigure, maim, torture, or kill. Perpetrators of these attacks throw acid at their victims, usually at their faces, burning them, and damaging skin tissue, often exposing and sometimes dissolving the bones. The long term consequences of these attacks may include blindness, as well as permanent scarring of the face and body, along with far-reaching social, psychological, and economic difficulties. Section 326A and Section 326B of the Indian Penal Code, 1860 provide the punishment for voluntarily causing grievous hurt by use of acid and voluntary throwing or attempting to throw acid respectively. Section 100 of the Indian Penal Code allows the right of private defense to the extent of causing death if there is acid is thrown or there is an attempt of throwing acid.

Rape

Rape is one of the most heinous atrocities committed on a woman in our society. It is known to be the fourth most common crime against women in India. Rape takes place if a man has sexual intercourse i.e., penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person, under the circumstances falling under any of the following seven descriptions^[3]

Against her will.

Without her consent.

With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.

By getting her consent by pretending to be her husband.

When she does not understand the nature and consequences of what she has consented to because of unsoundness of mind or under the influence of alcohol.

With or without her consent, when she is under eighteen years of age.

When she is unable to communicate consent.

A rape victim can file an FIR in the local police station under following Sections of Indian Penal Code.

376-Punishment for Rape

376A-Punishment for causing death or resulting in persistent vegetative stage of victim.

376B- Sexual Intercourse by Husband upon his wife during separation

376C- Sexual Intercourse by Person in Authority

376D-Gang Rape

In latest criminal law amendment act 2018, few new sections have inserted in IPC and inserted section are-Inserted Sections

376AB^[4]

This section was inserted just after Section 376A and provides that whoever commits rape with a woman, who is under 12 years of age shall be punished with rigorous imprisonment for a term

which shall not be less than 20 years, and it may extend to life imprisonment which impliedly intends to introspect what he had been done is thoroughly illegal and off-base, or in legal sense, reminder for that person natural life, and with fine or death penalty. And also liable to pay compensation and such compensation shall be reasonable and just, to meet the medical expenses and for victim rehabilitation.

Additionally, commands that any payment by the denounced under this section will be paid to the person in question (victim).

376DA ^[5]

After Section 370D, 376DA section inserted and states that when a woman under the age of sixteen years raped by one or more person constituting a group or done some action for the pursuance of common intention, each of that person deemed to commit the offence of rape and shall be punished with imprisonment for life which shall impliedly intends to introspect what he had been done is thoroughly illegal and off-base, or in legal sense, reminder for that person natural life, and with fine or death penalty. And also liable to pay compensation and such compensation shall be reasonable and just, to meet the medical expenses and for victim rehabilitation.

Additionally, commands that any payment by the denounced under this section will be paid to the person in question (victim).

376DB ^[6]

This section states that where a woman who, is below the age of 12 years is raped by one or more person constituting a group or action for the pursuance of common intention, each person shall be deemed to commit the offence of rape, and punished with life imprisonment which impliedly intends to introspect what he had been done is thoroughly illegal and off-base, or in legal sense, reminder for that person natural life, and with fine or death penalty. And also liable to pay compensation and such compensation shall be reasonable and just, to meet the medical expenses and for victim rehabilitation.

Additionally, commands that any payment by the denounced under this section will be paid to the person in question (victim).

Pornography is printed or visual material

Pornography is printed or visual material containing the explicit description or display of sexual organs or activity, intended to stimulate sexual excitement or seems lewd from a responsible reader standpoint. Pornography is the portrayal of sexual subject matter for the purpose of sexual arousal. Pornography may be presented in a variety of media, including books, magazines, postcards, photographs, sculpture, drawing, painting, animation, sound recording, film, video, and video games, websites. Increased use of information technology, such as Internet and communication devices has led to proliferation of illegal websites containing obscene and pornographic materials. Obscenity and pornography have not been specifically defined under any Act in India but The Indian Penal Code, 1860, The Information Technology Act, 2000, The Indecent Representation of Women (Prohibition) Act, 1986, deal with obscenity and pornography and make publishing or transmission, sale of obscene and pornographic materials as punishable offences under various provisions.

1. Sections 292, 293, 294, 354, 354A, 354B, 354C, 509 of the Indian Penal Code, 1860.

2. Sections 66E, 67,67A, 67B of the Information Technology Act, 2000
3. Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986

Domestic violence

Domestic Violence can be described as where one adult in a relationship misuses power in order to control another. It is the establishment of fear in a relationship through violence that includes other forms of abuse. The violence may involve physical abuse, sexual assault and threats. At times it can be more subtle, such as making someone feel worthless, not letting them have any money, or not allowing them to leave the home. An Application can be filed to the Magistrate under Section 12 of the Domestic Violence Act, 2005. Orders such as residence, protection, monetary relief, compensation order can be passed by the Magistrate. Complaint can also be filed under Section 498A for cruelty by husband or his relatives along with demand for dowry. The words “shared household” were considered by Supreme court in SR Batra v TarunaBatra⁷, to mean house belonging to or taken on rent by husband or house which belongs to joint family of which husband is a member. If it is exclusive property of mother in law, it cannot be called a joint family property. A wife cannot claim and is not entitled to stay in her father in law’s house using the Domestic Violence Act- It was held by the Delhi Court in Sudha Mishra v. Surya Chandra Mishra ^[8].

Triple talaq

Tripple Talak is a form of divorce under the Muslim law. It permits a muslim man to divorce his wife by uttering the word Talak three times. The man can give divorce orally or in writing as well. In recent times even the electronic media can also be used for triple talak. Tripple Talak is also known as talak-e-biddat and talak-e-mughallahazh. It is the instant divorce and irrevocable divorce. Tripple Talak remained a subject of controversy and has been debated several times on the ground of equality, gender justice, human rights, justice etc. On 22 August, 2017 the Apex Court of India settled the law pertaining to Tripple Talak in India and declared it to be unconstitutional⁹. The Constitutional bench of the Apex Court declared it to be unconstitutional with a majority of 3:2, as it violates the fundamental rights of muslim women and it takes the option of the attempt for reconciliation or revocation because it becomes irrevocable when it is pronounced. To protect the rights of married muslim women and to prohibit divorce by triple talak the Parliament of India on 26 July, 2019 passed an Act ^[10]. This Act made the act of Tripple Talak a cognizable, non-bailable and compoundable offence. This offence is punishable with imprisonment of maximum 3 years and fine as well. It also provides for subsistence allowance to be paid by the husband to the wife, after taking into consideration the dependants if any. The custody of child, if any, remains with mother. The Act also provides that the bail application of accused shall not be entertained without giving an opportunity of being heard to the wife i.e. the victim.

Cruelty/dowry demand

To curtail the growing incidents of dowry torture and dowry death, a new Section was incorporated into Indian Penal Code, that is, Section 498A. According to this Section, whoever being husband or relative of husband of a woman, subjects her to

cruelty shall be punished with imprisonment for a term which may extend to three years and fine. Cruelty herein means any willful conduct that is likely to drive a woman to commit suicide or to cause grave injury or danger to her life, limb or health (whether physical or mental) of the woman or harassment to force her to meet any unlawful demand for any property or security or on failure to meet the demand. Later, Section 198A was added to the Criminal Procedure Code in 1983. In 2005, the Protection of Women from Domestic Violence Act was passed, which added to protect women from dowry harassment. Section 304B was added to the Indian Penal Code, 1860 ("IPC"), which made dowry death a specific offence punishable with a minimum sentence of imprisonment for 7 years and a maximum imprisonment for life. Further, under Section 4 of the Dowry Prohibition Act, 1961 a demand for Dowry is an offence wherein demand is made at the time of or even after marriage even where no cruelty is involved.

Honour killing

Honour killing is one of the ancient system or approach or practice seen throughout the world. As per this practice the family member is killed by the family itself because the family believes that the victim brought dishonor or shame upon the family or violated the principles of the community. The major reasons behind this crime are marriage against the will or culture or religion or caste of the family, relationship of married women with some other man, separation from spouse, non-acceptance of arranged marriage, having relationship outside religion or caste, Gotra etc. Although the victims in such cases are both i.e. men and women but the rules for men and women are different. Women are biggest sufferers of honour killing at large. In India, the cases of honour killing are increasing despite the modernization of Indian society. The cases of honour killing are reported mainly in the northern region of India namely Punjab, Haryana, Rajasthan and Uttar Pradesh. Tamilnadu is the only southern state where this evil of honour killing exists. As per the data of National Crime Records Bureau the number of Honour killing cases in India in the year 2018 was 30. The Khap Panchayats in India are well known for their orders of honour killing or to inflict any other atrocity on women. There is no specific law to deal with this crime but if any offence is committed against any person then he can be penalized under the Indian Penal Code as per the offence committed. In absence of specific law for honour killing this crime cannot be dealt with properly.

Women trafficking and prostitution

The trafficking of women for the purpose of sexual exploitation is a universal problem and India is also facing the same. It basically is an organized crime that completely destroys the life of the victim. Keeping in view the seriousness of this problem the Constitutional Fathers inserted a specific provision in the Constitution which completely prohibits the traffic in human beings. By virtue of the power conferred on Parliament under Article 35 to implement the fundamental rights the Indian Parliament enacted the Immoral Traffic Prevention Act to prevent trafficking in human beings. The Indian Penal Code also provides for punishment for this offence. Human trafficking is a modern-day form of slavery that involves the illegal trade of human beings for the purpose of some form of forced exploitation. The

basic purpose of human traffic is either sexual exploitation or forced labour. This sexual exploitation includes putting a woman in the business of prostitution as well. It is a well organized crime. The victims cannot escape from it as the criminal organization control the whole chain from recruitment, transportation and the sexual exploitation. Therefore, it is necessary to find out such females and to rehabilitate them in the main stream of society.

Female foeticide

The horrible custom of female infanticide which is still in existence has now been replaced at large by the new scientific or medical technique of female foeticide. Female foeticide is an abortion whereby a female fetus is illegally terminated solely based on the reason that the fetus is a female. The basic reason behind the same is the century old belief that the son is the real "old age security" of parents whereas the female child is the "paraya dhan" (asset of others). This belief resulted in rampant misuse of modern technology and failure of medical ethic. Keeping in view the increasing numbers of cases of female foeticide the Parliament enacted an Act^[16] in the year 1994. This Act prohibits the sex selection whether before or after conception and provides for regulation of pre-natal diagnostic techniques for the purpose of detecting genetic abnormalities or metabolic disorders etc. and their misuse for sex determination leading to female foeticide. It also prohibits sale of "any ultrasound machine or any other equipment capable of detecting sex of foetus" to persons, laboratories and clinics not registered under the Act. Besides this there is the Indian Penal Code as well that provides for punishment for abortion of child. Although there are plenty of laws dealing with this problem but still the female foeticide incidents are occurring regularly. As per the data of National Crime Records Bureau the foeticide cases that were already pending in India in the year 2018 were 51 and new cases recorded were 128.

Indecent representation of women

Women who possess the most respectable place in society are also have been victims of indecent, vulgar and obscene depictions. The advancement of technology and the development of electronic media and above all the introduction of internet provided platform for indecent representation of women. The indecent representation of women is on peak in commercial society wherein advertisement is the most powerful and influential method and women play a major role in advertisements. Women are used to promote the product or a concept as a weapon of persuasion. The reason of preferring or targeting women to promote a product is that in many societies' women make majority of consumption decisions. Although it is good from the point of view of employment or empowerment of women but, unfortunately, it is true that in most of the advertisements women are made victim of cheap advertising techniques as it represents women in indecent ways. Indian Parliament has already enacted Indecent Representation of Women Act in the year 1986 "to prohibit the indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto." Indecent Representation of women means "the depiction in any manner of the figure of a woman; her form or body or any part thereof in such way as to have the effect of being indecent, or

derogatory to, or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals.” This representation of women may be through newspaper, magazines, hoardings, hanging, painting, posters or through electronic media. This Act prohibits the “production, sale, hire, distribution, circulation, sending by post any book, pamphlet, slide, film, writing, drawing, painting etc. which contains indecent representation of women in any form.” Any person who commits offence under this Act is punished with imprisonment of 2 years and fine. In a landmark judgment on this Act the Division Bench of the Supreme Court held that nakedness does not always arouse the baser instinct. This case pertains to the publication of an article with a picture of a world renowned tennis player Boris Becker, posing nude with his dark skinned fiancée, a film actress, which was photographed by none other than her father itself. It was contended to defend this act that the article intends eradicate evil of racism and apartheid in society and to promote love and marriage between white skinned man and black skinned women. The court held that the proceedings under Section 292 of Indian Penal Code, 1860 or under Section 4 of the Act cannot be initiated in such circumstance because this article and the picture are not objectionable at all.

Cyber crimes

Internet is one of the most important inventions of the modern world that permits people around the globe to interact or communicate with each other any time irrespective of physical distance between them. It in fact is a blessing. It should be used for the purpose for which it came into existence, but if it is misused then it can commit blunders. It can be used as a weapon to commit crimes including crimes against women. As a matter of fact, internet has been used to target women in this modern world wherein the crime against women was already increasing. In comparison to other crimes the cyber-crime against women is more traumatic in nature. Cyber-crime can be committed with the help of a device such as computer mobile phone etc. and it is a wrong “which is committed against a single individual or a group of them with a criminal mind to intentionally cause harm to the dignity of the sufferer or to cause physical or mental trauma to the victim in any manner, direct or indirect, by way of modern telecommunication networks like the internet. There are plenty of cyber-crimes committed against women such as cyber stalking, cyber harassment, cyber pornography, trolling, email spoofing, phishing, cyber defamation or morphing etc. The primary law that deals with such crimes in India is the Information Technology Act¹¹ Although there is a specific law to deal with cybercrimes in India but the number of cases is increasing day by day and thereby affecting women drastically. The under reporting of such matter is one of the major reason that is encouraging the criminals. The victims do not know their rights and the remedies available to them. They are unaware of the procedure to file a complaint. As per the National Crime Records Bureau, in India the total number of cybercrimes pertaining to women in the year 2018 was 1872.

Judicial Response

Judiciary is known as protector of the Constitution of India. It is main pillar of Indian democratic set up. It played great role for the protection of women from harassment of any kind. There are plenty of judgments of Apex Court and High Courts dealing with

the rights of women. Here the researcher has picked up a few important judgments to show the approach of the judiciary in the matters concerning women.

In *Yosuf Abdul Aziz v. State of Bombay*¹² the Section 495 of the Indian Penal Code, 1860 was challenged on the ground that this violates Article 14 and 15 of the Constitution of India as it provides punishment for males only in case of offence of adultery even if both parties agree. The Apex Court upheld the validity of the provision on the ground that sex is not the only ground of classification. The Court in fact tried to implement the Article 15 (3) in this case. Similarly, in *Government of A.P. v. P. B. Vijayakumar*¹³ the Apex Court held that the reservation of 30% in favour of women in government services is constitutional as it implements Article 15 (3) of the Constitution.

In *Air India v. Nargesh Mirza*¹⁴ the question before the Apex Court was whether the bar against the marriage of airhostess or becoming pregnant is constitutionally valid? As per the Air India Regulations any airhostess cannot get married within four years of joining of services. If she gets married, then she will have to resign and if she gets married after four then she will have to resign on becoming pregnant. If such a woman follows both of the regulations, then she can work till 35 years of her age. These provisions were challenged on the ground that they violate Article 14, 15 and 21 of the Constitution of India. The Apex Court after taking into consideration the entire record of the case held that the bar of 4 years of marriage is constitutional whereas the condition of pregnancy and compulsory retirement at the age of 35 years are unconstitutional.

In another case¹⁵ the Apex Court while confirming the right to live with dignity and the right to privacy of women declared that the termination orders of the petitioner are unconstitutional because she was terminated on arbitrary ground that she did not furnish correct information about her menstrual period and past pregnancy. The Court held it to be invasion of privacy guaranteed under Article 21 of the Constitution.

In a landmark judgment the Apex Court laid down principles pertaining to blood test to find out paternity of a child born during marriage. The Court held that the Courts cannot order blood test as a matter of course. There shall be prima facie case for suspecting fatherhood and the same shall be carefully examined by the court. The Apex Court rejected the application of the father in this case by applying the above principle. In a historic judgment in *Githa Hariharan v. Reserve Bank of India* while establishing gender equality the Supreme Court held that the mother can act as natural guardian even if the father is alive as gender equality is one of the basic principle of the Constitution. The Supreme Court while dealing with rape cases delivered a dynamic judgment and held that “Unchastity to a woman does not make her open to any and every person to violate her person as and when he wishes. Even a prostitute has a right to privacy under Article 21 and no person can rape her just because she is a woman of easy virtue²⁶. In another matter, the accused person entered into a false marriage and the women became pregnant. The accused persuaded her to abort the child and thereafter once again she became pregnant. When the accused refused to own and maintain her she finally lodged FIR and he was prosecuted under Sections 314, 420, 493, 496 and 498 A of the Indian Penal Code, 1860. The Apex Court refused to quash the prosecution of the accused and held that the offence of rape is not simply an offence under the Indian Penal Code but it also violates her right to live

with dignity. It is a crime against entire society, which destroys the entire psychology of a woman¹⁵.

In a significant judgment in *Sarla Mudgal v. Union of India*¹⁶, the Apex Court held that a marriage celebrated under one personal law cannot be dissolved under any other personal law to which the other spouse refused to convert. Thus the rights created by marriage under Hindu law shall not come to an end if one spouse converts himself into Islam. He cannot remarry without getting a valid divorce under Hindu Law.

In a landmark judgment in *Noor Saba Khatoon v. Mohd. Quasim*¹⁷ the Apex Court held that a muslim women is entitled to claim maintenance on divorce from husband for her children till they become major. She can claim it under the Section 125 of the Criminal Procedure Code¹⁸. On the basis of the above mentioned judgments it is clear that the Apex Court played a significant role in protecting women against harassment of any kind. It interpreted the Constitution and the other Statutes in appropriate manner and gave maximum benefit to the deserving weaker section of Indian society.

In *Vishakha v. State of Rajasthan*¹⁹ in this case Supreme Court issued some important guidelines

- a. Employers should take preventive measures like an express preclusion of harassment and provide healthy work conditions in the matters of hygiene, comfort and health.
- b. If there is an event of the infringement of administration rules in the workplace, suitable disciplinary action should be made.
- c. If the offences submitted fall under the domain of the Indian Penal Code, 1860, the employer must report to the authorities.
- d. An organisation should have a redressal committee to address harassments. This should be independent of the way that whether the demonstration establishes an offence under the Indian Penal Code, 1860, or some other law. Such a committee must have women as more than half of its members and its head must also be a woman including a counselling facility. A report must also be sent to the government annually on the development of the committee
- e. The business should take proper measures to spread awareness on the said issue.

Laxmi v. Union of India ^[20]

In This is a landmark case, in this case, the petition filed by petitioner. In this case, Apex Court issued the direction for the regulation of acid to the State and UT. The court also addressed the problem of compensation. The Apex Court held that Section 357A, this section provides for the preparation of a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of crime and who require rehabilitation. The Apex Court direct that the acid attacks victims shall be paid compensation of at least Rs. 3 Lakh by the concerned State Government/UT as the aftercare and rehabilitation cost.

The Chairman, Railway Board and Ors. Vs. Mrs. Chandrima Das²¹

In this case, Apex Court issued some very important direction.

- A petition under the Article 226 of the Constitution in this case was valid as the High Court has the power of Judicial Review under which every executive or administrative

action of the State or other public bodies is open to scrutiny. The High Court has the power to quash the executive action or decision which is contrary to the law or is violative of the Fundamental Rights. Since the Railways is a part of the Public functionaries and there has been utter violation of the fundamental rights of Hanuffa, the petition under Article 226 is maintainable and the relief is to be made available to the victim.

- Even though Smt. Hanuffa Khatoon was a foreigner and a non-citizen, the Fundamental Right of life with dignity guaranteed to a person under Article 21 had been violated. The right under Article 21 was available to both citizens and non-citizens and the offence of rape is violative of such right.
- Not only under the Constitution but also on the provisions and grounds of Human Rights and the Universal Declaration of Human Rights, 1948, the basic fundamental human rights of Smt. Hanuffa Khatoon are protected in the territory of India.
- The Railways can be held vicariously liable for the tort committed by its employees. The employees appointed to Railways for maintaining the Yatri Bhawans or railway platforms are an essential component of the Union of India and the Union Government can be vicariously held liable for the damages to the people who have been wronged by the employees.

Conclusion

It is an unfortunate reality the females are considered as weaker section of society not only from the point of view of physical abilities but also from the sociological aspects as well. In India females have been considered as a burden on males since ancient times. They are dependents of father, husband, or son as the case may be. The position of women was degraded gradually with the development of male dominating society and became worst in the present society. Now the crimes against women and exploitation of women in India is on rise in India despite the fact that many efforts have been made by legislature and the judiciary to stop or prevent the same. The Constitution of India itself provides protection against arbitrary treatment of women and there are number of protective laws enacted by the legislature but, still the crimes against women have continued their upward trend and victimizing more and more women in the crimes of matrimonial cruelties, trafficking, rape, stalking, voyeurism, pornography, prostitution and eve teasing etc. Women have also been subjected to socio-economic crimes and cultural deprivations. Although justice is the part of basic structure in India but, in practice the gender justice cannot be seen practically on ground. Gender justice basically means that there shall be no discrimination on the basis of gender, but, as a matter of fact the women are the major sufferer of injustice in Indian society.

The main causes behind the poor condition of women are lack of education, lack of knowledge, powerless, poor health, malnourished, unskilled, overburdened etc. There are certainly some social causes behind the same such as inferior status of women, orthodox thoughts of society, broken homes, cruelty, permissive atmosphere etc. Unemployment and poverty play a major role in crimes against women. The under reporting of crime is another major problem in India. The Indian society feels it more shameful for women to lodge a complaint of violence committed against her. It is believed if the matter remains within

the four walls then it will be better. This blinkered view pervades the entire Indian system.

Although the judiciary is doing its level best but the number of cases are increasing day by day. It clarifies the position of the executives. The implementation of law seems to be lacking everywhere. So many laws made for protection of women including constitutional provisions are of no use until implemented at ground level. Hence it is true that making law is not sufficient. It must be adhered and applied rigorously.

Suggestions

On the basis of this study the researcher is of the view that the following suggestions shall play a great role to deal with the problem of crimes against women

1. Education of women is the basic necessity of the present society. The rural area in India contains more number of uneducated women therefore the drive to educated women shall be more aggressive in such areas.
2. Women shall also be educated about their rights and duties. It has been seen that plenty of educated women don't like to lodge complaint against crimes against them despite being educated as they are unaware about their rights. They don't have knowledge about the agencies that can be approached in crisis.
3. Empowerment of women is necessary so that the reporting of cases shall increase. They shall be educated, protected and encouraged to fight against injustice.
4. The laws shall be implemented strictly and there shall also be effective monitoring of the same. The enforcement of law in such cases shall be in the hands of trained personals who shall act swiftly and sensitively towards women.
5. The laws dealing with crime punishment shall be amended and they all shall provide exemplary punishment to the criminals.
6. The police system requires reforms. It should be equipped with more powers and training to investigate the matter scientifically as well. And at the same time if there is any delay or irregularity in such matters then he shall be penalized rigorously. The matters of crimes shall be investigated by specialized female police officers.
7. The Human Rights Commission shall take such matters on priority basis.
8. The women Commission of India shall be staffed more adequately for the education, complaints and ministering of the policy for women.
9. There shall be separate courts for dealing matters of crimes against women to provide speedy justice to women.
10. The media should carry a 'know your legal rights' campaign through interesting programmes and quiz type competitions. The coverage of these programmes should be educative, interesting and appealing.

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