

Crime against Women: A Historical Perspective

Pawan Kumar¹, Harinder Singh²

¹Research Scholar, University Institute of Law, Sant Baba Bhag Singh University, Padhiana, Jalandhar.

²Assistant Professor, University Institute of Law, Sant Baba Bhag Singh University, Padhiana, Jalandhar

ABSTRACT

In the ancient Indian women held a high place of respect in the society as mentioned in *Rig-Veda* 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 house. 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 are in different parts of India. Humiliation, rape, kidnapping, molestation, dowry death, torture, wife-beating etc. have grown up over the years. Criminal behaviour is the product of a systematic process that involves complex interactions between individual, societal, and ecological factors over the course of our lives. Crime against women includes threats, sexual abuse, and emotional abuse, controlling or domineering, 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 society. In my paper I have been discussed the law, policies related to protection of women against crimes. Protection of women against crime international and national perspective view, Verna committee report is discussed in the detailed. In the end of my paper I have conclude the paper and give the valuable suggestions on the topic crime against women.

Key Words: Crime, Criminology, Women, societal, Ecological, Sexual and Emotional abused etc.

INTRODUCTION

In the ancient Indian women held a high place of respect in the society as mentioned in *Rig-Veda* 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. Many evil customs and traditions stepped in which enslaved the women and tied them to the boundaries of the house. 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 are in different parts of India. Humiliation, rape, kidnapping, molestation, dowry death, torture, wife-beating etc. have grown up over the years.

CLASSIFICATION OF CRIME 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 and various new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes effectively. These are broadly classified under two categories

A. *The Crimes under the Indian Penal Code (IPC)* Seven Crimes included under this head are as follows:

- Rape (Section 376 IPC)
- Kidnapping & Abduction (Sec. 363-373 IPC)
- Dowry Death (Sec.302, 304B IPC) and Dowry Prohibition Act, 1961
- Torture (Cruelty by Husband & Relatives) (Sec.498-A IPC)
- Molestation (Sec.354 IPC)
- Sexual Harassment (Sec.509IPC)

B. *The Crimes under the Special & Local Laws (SLL)*

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. The gender specific laws for which crime statistics are recorded throughout the country are as follows:

- Immoral Traffic (Prevention) Act, 1956
- Dowry Prohibition Act, 1962
- Indecent Representation of Women (Prohibition) Act
- Sati Prevention Act, 1987

REASONS FOR CRIME AGAINST WOMEN:

Criminal behaviour is the product of a systematic process that involves complex interactions between individual, societal, and ecological factors over the course of our lives. In other words, from conception onward the intellectual, emotional, and physical attributes we develop are strongly influenced by our personal behaviours and physical processes, interactions with the physical environment, and interactions with other people, groups and institutions. These systematic processes affect the transmission from generation to generation of traits associated with increased involvement in crime.

- **Ecological Factors:** Ecological factors involve interactions between people and their activities in a physical environment. This category includes things associated with the physical environment such as geography and topography, crowding, pollution, and recreational opportunities. These ecological factors can affect how people develop physically and emotionally over their lives as well as the level of hostility, fear, or well-being they feel from moment to moment as they experience, for example, a crowded subway, dark lonely parking lot, or serene park.

- **Societal or Macro level Factors:** Societal or macro level factors deal with systematic interactions between social groups. Societal factors describe the ways society is structured. They include such things as the relative distribution of the population among groups and the flows of information, resources, and people between groups. Societal factors encompass the variety and heterogeneity of racial/ethnic/cultural/productive groups, their behaviours and beliefs, and economic relations.
- **Motivation and Opportunity:** Individuals actually commit the crimes. Although ecological and societal factors must be included in any full explanation of crime, individual factors always intervene between them and a criminal act. For this reason individual factors need to be the centre of any description of the causes of crime. Motivation alone cannot cause a crime to occur; *opportunity* also is required.
- **Socio-cultural factors:** Socio-cultural factors influence the strategies of behaviour and personal beliefs, values, needs, and desires a person acquires over his or her life. These have been the focus of many well known theories of crime that emphasized such things as social learning, rational choice, self-control, and social strain. They include the knowledge, skills, attitudes, and other cultural information we learn through interactions with other people and groups. Development is the process of physical, intellectual, and emotional growth that begins with conception and ends with death. Development can be adversely influenced by such factors as environmental pollutants, disease, physical injury, and lack of nurturing. Interactions throughout the life course between biological, socio-cultural, and developmental factors determine who we are and how we respond to opportunities at any point in time. Child development—the source of many core personality traits—is particularly vulnerable to poor family management practices arising from such things as poverty, lack of education, or living in a high crime neighbourhood. Family stressors such as unemployment, marital conflict, and divorce also can disrupt family life. According to Patterson and his colleagues at the Oregon Social Learning Centre, growing up in a disrupted family is strongly associated with child antisocial behaviour—of which crime is one type.

The Role of Early Life Experiences As we noted previously, early life experiences appear likely to have an especially strong influence on the development of criminality because individuals acquire their traits sequentially. The traits we possess at any juncture are the result of the cumulative cognitive, affective, physical, and social effects of a sequence of events that began at conception. As a result of these events, individuals acquire a strategic style over the course of their lives. Some individuals develop a strategic style that emphasizes the use of force, fraud, or stealth to obtain resources and is characterized by self-centeredness, indifference to the suffering and needs of others, and low self-control criminality.

CONSTITUTIONAL AND LEGAL SAFEGUARDS FOR WOMEN:

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 equal rights of women.

Constitutional Provisions for women are as under:

- Article 14, confers on men and women equal rights and opportunities in political, economic and social sphere.
- Article 15, prohibits, discrimination against any citizen on grounds of religion, race, caste, sex etc.
- Article 16, provides for equality of opportunities matters relating to employment or appointment to any office under the state.
- Article 39(a)(d), mentions policy security of state equality for both men and women the right to a means of livelihood and equal pay for equal work for both men and women.
- Article 42, Direct the State to make provision for ensuring just and humane conditions of work and maternity relief.

Legal Provisions for women are as under:

- *Factories Act 1948*: Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M.
- *Maternity Benefit Act 1961*: A Woman is entitled 12 weeks maternity leave with full wages.
- *The Dowry Prohibition Act, 1961*: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.
- *The Equal Remuneration Act of 1976*: This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.
- *The Child Marriage Restrain Act of 1976*: This act raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.
- *Indian Penal Code*: Section 354 and 509 safeguards the interests of women.
- *The Medical Termination of Pregnancy Act of 1971*: The Act safeguards women from unnecessary and compulsory abortions.
- Amendments to Criminal Law 1983, which provides for a punishment of 7 years in ordinary cases 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.
- *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* to review the Human Rights for women, men and children.

- *Protection of Women from Domestic Violence Act, 2005*: This Act protects women from any act/conduct/omission/commission that harms, injures or potential to harm is to be considered as domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.
- *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, and research scholars in colleges and universities patients in hospitals.

DEVELOPMENT OF WOMEN PROTECTION LAW AGAINST CRIME: INTERNATIONAL DEVELOPMENT

The advancement of women has been a focus of the work of United Nations since its creation. 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 rights and everyone is entitled to all rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex. However, there continued to exist considerable discrimination against women primarily because women and girls face a multitude of constraints imposed by society, not by law. It violated the principle of equality of rights and respect for human rights. 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. In addition to the above Convention, three Conferences were held during the U.N. sponsored International Women's Decade (1976-1985) in Mexico City (1975), Copenhagen (1980) and Nairobi (1985). The fourth conference was held at Beijing in 1995, have greatly enhanced international awareness of the concerns of women. Beijing Conference stated that Women's rights are human rights and it called for integration of Women's human rights in the work of different human rights bodies of United Nations. It considered the issue of violence against women in public and private life as human rights issues. The Conference called for the eradication of any conflict which may arise between the rights of women and harmful effects. 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. 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

persuasive 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.

NATIONAL POLICIES FOR EMPOWERMENT OF WOMEN

- **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.
- **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.
- **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.
- **National Policy for the 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.
- **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 2011-12.

VERMA COMMITTEE REPORT: A LANDMARK MILESTONE FOR PROTECTION OF WOMEN AGAINST CRIME

A three-member Commission, headed by former Chief Justice of India, Justice J.S. Verma which was assigned to review laws for sexual crimes submitted its report to the Government during January 2013. The Commission has recommended comprehensive changes in criminal laws to deal with crimes and atrocities against women which are as under:

- **Punishment for Rape:**The panel has not recommended the death penalty for rapists. It suggests that the punishment for rape should be rigorous imprisonment or RI for seven years to life. It recommends that punishment for causing death or a "persistent vegetative state" should be RI for a term not be less than 20 years, but may be for life also, which shall mean the rest of the person's life. Gang-rape, it suggests should entail punishment of not less than 20 years, which may also extend to life and gang-rape followed by death, should be punished with life imprisonment.
- **Punishment for other sexual offences:**The panel recognised the need to curb all forms of sexual offences and recommended - Voyeurism be punished with upto seven years in jail; stalking or attempts to contact a person repeatedly through any means by up to three years. Acid attacks would be punished by up to seven years if imprisonment; trafficking will be punished with RI for seven to ten years.

- **Registering complaints and medical examination:** Every complaint of rape must be registered by the police and civil society should perform its duty to report any case of rape coming to its knowledge. "Any officer, who fails to register a case of rape reported to him, or attempts to abort its investigation, commits an offence which shall be punishable as prescribed," the report says. The protocols for medical examination of victims of sexual assault have also been suggested. The panel said, "Such protocol based, professional medical examination is imperative for uniform practice and implementation."
- **Marriages to be registered:** As a primary recommendation, all marriages in India (irrespective of the personal laws under which such marriages are solemnized) should mandatorily be registered in the presence of a magistrate. The magistrate will ensure that the marriage has been solemnized without any demand for dowry having been made and that it has taken place with the full and free consent of both partners. Amendments to the Code of Criminal Procedure: The panel observed, "The manner in which the rights of women can be recognised can only be manifested when they have full access to justice and when the rule of law can be upheld in their favour." The proposed Criminal Law Amendment Act, 2012, should be modified, suggests the panel. "Since the possibility of sexual assault on men, as well as homosexual, transgender and transsexual rape, is a reality the provisions have to be cognizant of the same," it says. A special procedure for protecting persons with disabilities from rape, and requisite procedures for access to justice for such persons, the panel said was an "urgent need."
- **Bill of Rights for women:** A separate Bill of Rights for women that entitles a woman a life of dignity and security and will ensure that a woman shall have the right to have complete sexual autonomy including with respect to her relationships.
- **Review of the Armed Forces Special Powers Act:** The panel has observed that the "impunity of systematic sexual violence is being legitimised by the armed forces special powers act." It has said there is an imminent need to review the continuance of AFSPA (Armed Forces Special Power Act) in areas as soon as possible. It has also recommended posting special commissioners for women's safety in conflict areas.
- **Police reforms:** To inspire public confidence, the panel said, "police officers with reputations of outstanding ability and character must be placed at the higher levels of the police force." All existing appointments need to be reviewed to ensure that the police force has the requisite moral vision. The panel strongly recommended that "law enforcement agencies do not become tools at the hands of political masters." It said, "Every member of the police force must understand their accountability is only to the law and to none else in the discharge of their duty."
- **Role of the judiciary:** The judiciary has the primary responsibility of enforcing fundamental rights, through constitutional remedies. The judiciary can take *suo-motuo* cognizance of such issues being deeply concerned with them both in the Supreme Court and the High Court. An all India strategy to deal with this issue would be advisable. The Chief Justice of India could be approached to commence appropriate proceedings on the judicial side. The Chief Justice may consider making

appropriate orders relating to the issue of missing children to curb the illegal trade of their trafficking etc.

- **Political Reforms:** The Justice Verma committee observed that reforms are needed to deal with criminalisation of politics. The panel has suggest that, in the event cognizance has been taken by a magistrate of an criminal offence, the candidate ought to be disqualified from participating in the electoral process. Any candidate who fails to disclose a charge should be disqualified subsequently. It suggested lawmakers facing criminal charges, who have already been elected to Parliament and state legislatures, should voluntarily vacate their seats.

CONCLUSION:

With the passage of time crime against women is continuously increases day by day. The 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 every 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.

10. SUGGESTIONS:

Amend legal and correctional procedures for dealing with juvenile offenders: There have been innumerable instances where juvenile offenders (those aged less than 18 years) have escaped stringent punishment even after committing heinous crimes. Letting a person off the hook just because of his age is a recipe for disaster. The person is likely to commit even more crimes, particularly against women and children who are a soft target. The following changes and procedures should be made to deal with the menace of juvenile crime: Age should not be a factor while deciding upon the quantum of punishment to be given to any person. Instead, the bench should examine two aspects in the cases of crimes committed by minors:

- Whether the accused is physically capable of committing the crime he has been charged with.
- Whether there is any feeling of remorse and repentance in him.
- Make elementary & secondary schools the bedrock of the mission of women safety, women teach human psychology in schools.
- Immediate cancellation of weapon license and confiscation of all firearms in the possession of violators for a period of 3 years from the date of issue of protection order.
- Making psychological counselling mandatory in case the offenders are of young age groups.
- Cancellation of driving license and seizure of passport if deemed necessary by the law enforcement officials.

- Radio-tagging of the offenders if they were found to be deliberately violating the protection order.

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