Societies, cultures and nation have often been evaluated on the basis of how they have been treating women. It has always been recognized that the role of law and order based on principles of non-discrimination and equal opportunity to women is a critical determinant in building social systems. The need for protection of rights of women gained global recognition during the international decade of women (1975-85) and has steadily gained momentum since then. This recognition became international law in 1979 when the UN General Assembly adopted the Convention on the Elimination of All forms of Discrimination Against women (CEDAW). India in 1993 joined other countries of the world and ratified CEDAW and committed itself to work for elimination of all type of discrimination which place women at disadvantage.

Constitutional Rights

The status of women in India, both historically and traditionally has been one of respect and reverence. The constitution of India 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, educational and political disadvantages faced by them. Article 15(1) forbids discrimination on grounds of caste, religion, sex, race and place of birth, whereas, Article 16 ensures equal opportunities of employments. In addition Article 51(A) (e) promotes harmony and renounces practices derogatory to the dignity of women.
Certain laws and Acts are enacted by Govt. of India under the Constitution of India to check crime against women i.e.

- The Hindu Widow's Remarriage Act, 1856
- The Maternity Benefit Act, 1861
- The Hindu Women's Right to property Act, 1937
- The Dissolution of Muslim Marriages Act, 1939.
- The Dowry Prohibition Act, 1961
- The Muslim women (Protection of Rights on Divorce) Act, 1986.
- The Indecent Representation of Women (Prohibition) Act, 1986.
- The Pre- Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.
- The protection of Women from Domestic Violence Act, 2005

The above said acts are a few examples to prevent the crime against women. There are many more laws and provisions which give protection to women.
Rise in crime

Despite all the provisions/safeguards the women in our country continue to suffer, due to lack of awareness of their rights, illiteracy and oppressive practices and customs. The resultant consequence is a constant rise in crime. The NCRB reported that by 2010, crime against women would have a higher growth rate than our population. It is observed that the incidences of crime against women in 2001 reported an increase of 94.07 percent over 1991 whereas in the total IPC crimes there was an increase of only 5.42 percent in the above said period. This shows that there has been alarming increase in IPC crimes against women. Further about 1.5 lakh crime against women are registered annually and close to 5 crore women suffer from violence in their homes, however only 0.1 percent is courageous enough to report. Moreover the rise in crime has to be viewed with caution as a sizable number of crime against women go unreported due to social stigma attached to them. Therefore an extra effort is needed to check the rise in crime against women, because it is a multi dimensional problem and can not be cured by a simplistic remedy.

Progressive legislation like the law for prevention of domestic violence as also the amended inheritance law for Hindu women, are healthy developments. But this has to be followed by sensitization of the public, the police about the human rights of women and proper representation of women in legislative bodies. Article 243 Demography (3), 243 (4) 243T (3) and 243T (4) of the Constitution makes provision for reserving not less than one-third of the total seats for women in the direct elections to local bodies, viz. panchayats and municipalities. True, reservations for women in panchayats have brought a million women in the rural areas into decision-making in gram panchayats. But now their hands need to be further strengthened by measures that will control the traditional women-baiters on the one hand, and train and equip the elected women with the needed skills and knowledge on the other.
It is ironical that despite making the reservation of 33 percent seats for women in the legislature a part of their election manifestos, most political parties have chosen to stall the actual Bill for making this a reality through devious arguments. On the domestic level, parents must now look beyond worrying endlessly about ‘settling’ their daughters at the earliest with a heavy dowry and instead arm their daughters with proper education and skills for being financially self-supporting.

It is important to realize that critical dimensions of freedom and equality cannot be measured like sugar or ghee. Human dignity, self respect, mental and emotional security are the birthright of every citizen. It is hard to quantify and measure them. Data helps, but understanding the truth behind the data is even more important.

The Role of Administration and Judiciary – Policies and Interventions:-

The public policies and civil society interventions to bring about an improvement in domestic and work environment of women are essential in terms of bringing about attitudinal shifts in individuals, particularly among men, and evolving social norms supportive of gender specific concern. The implementation of Constitutional provisions for women through appropriate legislation and a supportive framework of rules and procedures is a natural starting and a very effective point to protect women from any crime. Only enactment of laws/provision is not enough, it is the duty of administration to make women aware about their rights and to encourage them to raise a protest against the cruelty and to provide them police assistance and legal aid.

It is relevant here to discuss how and in what manner the administration is working for implementing the legislations and providing for better administrative policies. All Women Police Stations (AWPS) were created in an effort to make police stations more approachable and less intimidating to
women who came with complaints. Family counseling cells, special women cells, Police Counseling cells, State Shelter homes have also been established for providing assistance to the helpless, deserted and deprived women victims.

A national policy on the empowerment of women has already been drafted. Certain empowerment programmes are being implemented by the governments. For example, the Indian Mahila Yojna (IMY) has one of its objectives towards empowerment of women. Balika Samardhi Yojna (BSY) is a programme to bring about attitudinal changes towards the girl child. At state levels some state wise schemes are also evolved by states such as Devi Rupak Yojana (DRY) in Haryana. The central Social welfare Board (CSWB) also places special emphasis on women’s empowerment through education and also maintains an Awareness Generation Programme (AGP) and carries out many other publicity measures and campaigns. Further, Rashtriya Mahila Kosh (RMK) and other source provide the financial support to research and academics institutions to conduct legal literacy camps para legal worker’s training to produce publicity materials to support seminars, workshops campaigns and studies on gender based violence.

Administration and legislation alone, cannot achieve the goal of ameliorating the condition of women without the intervention of judiciary because judiciary has the final authority to interpret the legislation. Generally it is the function of judiciary to adjudicate the cases. But in the recent years, the judiciary is also giving directions to the executive and administration to perform its functions in proper manner and spirit, which is found to be lacking in the administrative agencies. Moreover the courts have also tried to create a fear and enhance respect for women as was held in the decision of famous case of Rupan Deyol Bajaj vs. K.P.S. Gill 1995(1) SSc (Cr) 1059 and in similar other cases.
Judiciary is sensitized towards upliftment of women and protecting homes against crime. The judiciary, time and again, is emphasizing on the need of giving special treatment to the crimes against women. In the present context, the observation of Justice M. Katju of Allahabad, it is very appreciable.

In Miryanand Vishwas Vs. State of U.P. (All.), 1993(1) D.M.C., 491, justice M. Katju made following three recommendations to the legislature for the amendment of the law:

1. Crimes of the nature like dowry deaths, rape against women should be made punishable by public hanging, so that it may have a different effect;

2. The normal rule in such cases should be death penalty, and age imprisonment should be the exceptions;

3. Crimes against women should be treated as special crime and be given rigorous punishment, as these outrage the modern conscience.

The alarming increase in cases relating to harassment, torture, abetted suicide, rape and dowry deaths of young innocent brides is clearly evident from the observation of many landmark decisions. In Gopal Reddy Vs. State of A.P., the Hon’ble S.C. observed:

"It seem that crimes against woman have spurted up in recent years, and the time has now come when a clear message must be sent to these feudal minded men who think they can ill-treat or kill the women and get away with it, that they are in serious trouble at the hands of law." However, at the same time, the Supreme Court of India has warned against the misuse of laws and enactments supporting women, and says," But by misuse of the provision (IPC
498a - Dowry and Cruelty Law) a new legal terrorism can be unleashed. The provision is intended to be used a shield and not an assassin’s weapon”. Laws originally meant to protect from the dowry menace are being misused by urban ill-educated, unscrupulous women and their families as “an assassin’s weapon”.

Our judiciary has certainly been very cautious to eradicate this social evil but because of increasing number of cases, too many procedural requirements, limited no. of judges, have certainly slowed the pace of justice and eroded the enshrined and enacted safeguards against violence and physical abuse of women. For instance the criminal law on rape has been amended on more than one occasion and yet it has not acquired the necessary potency to become an effective deterrent for such acts in the country. There is thus significant scope for improving, implementation and enforcement of all such legislation that are directly related to empowerment and well being of women. In this context, the work of National Commission for Women has been quite encouraging. This Commission was set up as statutory body in January, 1992 under the National Commission for Women Act, 1990, to review the constitutional and legal safeguards for women, recommend remedial legislative measures; facilitate redressal of grievances and activate the government on all policy matters affecting women.

Above all, awakening of the collective consciousness is the need of the day. Change of heart, attitude, and spread of education along with greater economic independence is needed. A wider social movement brought about by well directed public spirited persons/groups, voluntary organizations is essentially needed to bury this social evil. This is an uphill task but one on which the future of one half of human race depends. It is appropriate to mention the words of Mr. Kofi Annan, the former UN Secretary General as a
tribute for the celebration of International Women's Day, 1998 "As the World Celebrates this day, let us spread the message that women’s rights are the responsibility of human kind; that combating all forms of violence against women is the duty of all human kind: and that achieving the empowerment of women is the advancement of all human kind". Hope these words of the former UN Secretary General get internalized into the minds and hearts of people and hope to witness a change in the society.

Conclusion

Throughout history, whatever women did they had to do it twice as well as men to be thought half as good. The discrimination against women resulted in recognition of the need for conscious intervention to bring gender equity and empowerment of women. In the light of the same the United nations declared 1975 as the International Year of Women. India also actively participated in the quest for gender equality through implementation of constitutional provision and supportive framework of rules and procedures.

Despite the provision it is observed that the incidences of crime against women in 2001 reported an increase of 94.07 percent over 1991, whereas in the total IPC crimes there was an increase of only 5.42 percent during the same period. Only enactment of provisions is not enough, it is the duty of administration to make women aware of their rights and must work hard for implementing the legislations and providing them better administrative policies.

The courts of law have taken very serious views of increasing crime against women and many-a-times given direction to the administration to perform its functions in proper manner. They have also tried to create fear and enhance respect for women as is evident from very strong action taken against police officers.
Unfortunately, even the legal and judicial institutions in the country, to a certain extent have failed to provide adequate deterrents for crime directed at women. The procedural requirements and slow pace of justice have eroded the enshrined and the enacted safeguards against crime.

Crime against women needs a coordinated and systematic response from the justice system. While Sec. 498 A has been one of the most significant criminal law reforms protecting women but we need to remember that criminal law is indeed a blunt tool, as it is very likely that the police may not comply with law and not implement it effectively. The recently approved domestic violence bill, June 23, 2005 is significant in this context.

There is a need for a great sensitization among masses, change in attitude and spread of education. We have to evolve some institutional mechanisms with legal and constitutional framework, keeping in mind, the socio-cultural trends to combat this evil. Therefore, a coordinated and holistic approach would help victims to get true relief.

Geographic research has focused mainly on the criminal or the crime and much less frequently the judicial system. Little attention has been given to social control or to the operation of the criminal justice system on the development or configuration of crime patterns. There is a need for a systematic consideration of the impact of legal and other social control measures on crime patterns. The social processes underlying crime patterns (including the process of control) are of key explanatory significance. This significance remains largely untested in the Indian geographic literature and need to be plugged through more research and findings.