CHAPTER - 4
CRIMES AGAINST WOMEN: SOME PATRIARCHAL DISTURBING TRENDS

“Men are taught to apologize for their weaknesses, women for their strengths.”

- Lois Wyse

4.1 Honour Killing: Meaning and Recent Incidents

The words ‘honour killings’ and ‘honour crimes’ are being used loosely as a convenient expressions to describe the incidents of violence and harassment caused to the young couple intending to marry or having married against the wishes of the community or family members. They are used more as catch phrases and not as apt and accurate expressions. It is unjustified to call cold blooded murders of young people as honor killing. Human rights watch define ‘honor killing’ as follows – Honor killings are acts of vengeance, usually death, committed by male family members against female family members, in response to a belief that the women have offended a family’s honor and have brought shame to family unit. A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce—even from an abusive husband—or (allegedly) committing adultery. This uncovers the core of subjugation of women by a specifically male violence on which the social order is dependent, an order that is shot through with hypocrisy and cowardice. The mere perception that a woman has behaved in a way that "dishonors" her family is sufficient to trigger an attack on her life. Men can also be targeted by honor killings, but more rarely (for example in the case of homosexuality).

The spate of honor killings in the country in the past decade has led the government to think of new laws that should be put in place to stop this heinous crime.

---

2 Bhagwan Dass v. State (NCT of Delhi), (2011) 6 SCC 396
3 Stacy L. Mallicot & Connie Estrada Ireland, Women and crime 139 (SAGE, New Delhi, 1st edn.,2014)
5 "Violence Against Women and "Honor" Crimes”. Human Rights Watch. April 6, 2001
Thousands of young people in India have been done to death every year owing to 'Honor Killings' linked to forced marriages and the country needs to introduce stringent legislation to deal firmly with the heinous crime. In Haryana, Rajasthan and Delhi region, an estimated hundred young men and women are killed on the orders of so called 'khap panchayats.'

In other words ‘honor killing’ is somewhat misleading term for a ritualistic form of murder precipitated by the aggressor’s perceived loss of honor the perpetrators are generally male and their victims females. Honor Killing have been defined as patterns of conduct cutting across Communities, cultures, religions and nations and manifested in a range of forms of violence directed in the majority of cases, against women including murder (Honor Killing) and forced marriages, Honor Killing is considered to be a crime that threatens the unity and harmony of the community and it acts as a brief preventing women from progressing in their lives. Honor Killing and punishment have been documented over centuries among a wide varsity of ethnic and religious groups throughout the world.

The loose term "honor killing" applies to killing of both males and females in cultures that practice it. Women of family also help in honor killings. Matriarchs may be motivated not by personal belief in the misogynistic ideology of women as property, but by pragmatic calculations. Sometimes a mother may support an honor killing of an "offending" female family member in order to preserve the honor of other female family members, since many men in these societies will refuse to marry the sister of a "shamed" female whom the family has not chosen to punish, thereby failing to "purify" the family name. Men can also be the victims of honor killings by members of the family of a woman with whom they are perceived to have an inappropriate relationship.

Though cases of honor killings have been reported from all over India, but it is mainly prevalent in the Indian states of Punjab, Rajasthan, Haryana, Uttar Pradesh and Bihar, as a result of people marrying without their family's acceptance, and sometimes for marrying outside their caste or religion. In contrast, honor killings are

---

7 http://www.honorkilling.in/#/?p=125 (Visited on May 23,2011)
8 S.Vishwanathan , “ ‘Honor Killings’ : What needs to be done” , The Hindu (Delhi),April 26,2010
9 Teen Lovers killed in India Honor Killing. available at:. LiveLeak.com (Visited on May 11, 2013)
rare to non-existent in South India and the western Indian states of Maharashtra and Gujarat. In some other parts of India, notably West Bengal, honor killings ceased about a century ago, largely due to the activism and influence of reformists such as Vivekananda, Ramakrishna, Vidyasagar and Raja Ram Mohan Roy.\textsuperscript{11}

Among Rajputs, marriages with members of other castes can provoke the killing of the married couple and immediate family members. This form of honor killing is attributed to Rajput culture and traditional views on the perceived "purity" of a lineage.\textsuperscript{12}

The Indian state of Punjab is notorious for honor killings. According to data compiled by the Punjab Police, 34 honor killings were reported in the state between 2008 and 2010: 10 in 2008, 20 in 2009, and four in 2010.\textsuperscript{13} Haryana also is known for incidents of honor killing.\textsuperscript{14} In June 2010 some incidents were reported even from Delhi. In Haryana recently there has been many incidents of honor killings mainly due to blind verdicts of so called ‘\textit{Khap Panchayats}’. The Supreme court has declared such ‘\textit{Khap Panchayats}’ which often decree or encourage “honor killings” Illegal and a Supreme court bench of Justice Markandey Katju and Justice Gyan Sudha Mishra has further said that there is nothing honorable about honor killings or other atrocities and, in fact, it is nothing but barbaric and shameful murder.\textsuperscript{15}

4.1.1 Main Causes

- The practice is mostly associated with Muslim cultures (sometimes in minority Muslim groups in the West), although there is no support for the act in Islam. And it does occur in other cultures as well. In India, more than 5,000 brides are killed annually because their marriage dowries are considered insufficient. (However, one can argue that honor is not the main motivation in such cases). It also occurred in some Latin cultures ("crime of passion" is often still a "mitigating circumstance"). In Muslim countries, the practice is seen by some as a justified enforcement of religious rules, and therefore not strictly a matter of honor. This is corroborated by the fact that sometimes the killings are

\textsuperscript{11} "Honor Killings in India". Daily Life in India. \textit{The Tribune}, May 2, 2011

\textsuperscript{12} Ibid

\textsuperscript{13} Honor killing in India. \textit{The Tribune}, April 11, 2012

\textsuperscript{14} Indian village proud after double "honor killing”. \textit{Reuters}, May 16, 2008

\textsuperscript{15} J. Venkatesan ,”“Khap panchayats, illegal: Supreme Court”,\textit{The Hindu (Delhi)},April 20, 2011
perpetrated against women by individuals who are not close relatives, but who claim enforcement of religious rules as their motive. In Iraq, for example, honor killings are conducted by armed insurgent groups on politically active women and those who did not follow a strict dress code, and women who are perceived as human rights defenders.

- There is a strong correlation between honor killings and illiteracy rates.
- Men often use honor killings to assert their dominant patriarchal status. Women in the family may support the practice in order to preserve the honor of other female family members and to preserve their chances of getting married in the community. It’s a kind of purge or purification.
- Some claim that the practice goes back to ancient motivations based on anxieties about reproductive power. Women, who were considered by the tribe to be a factory for making men, were forced through “honor” killings to obey the man’s family planning and not to reproduce outside of the tribe or the extended family.
- In a society where marriages are arranged by fathers and money is exchanged, a woman’s desire to choose her own husband is a financial problem, one which can be “translated” in terms of honor.\textsuperscript{16}

In a landmark judgment in March 2010, Karnal district court ordered the execution of the five perpetrators of an honor killing, and imprisoning for life the khap (local caste-based council) head who ordered the killings of Manoj Banwala (23) and Babli (19), a man and woman of the same clan who eloped and married in June 2007. Despite having been given police protection on court orders, they were kidnapped; their mutilated bodies were found a week later in an irrigation canal.\textsuperscript{17} Even after this, the incidents of honor killings continue unabated and a very recent example is evident in the form of barbaric murder of a young couple in a village near distt. Rohtak of Haryana.

\textbf{4.1.2 Need for Prevention of Heinous Crime of Honour Killing}

To prevent such crimes from being committed firstly the mentality and social outlook

\textsuperscript{17} “Five to be executed for honor killings”. \textit{ABC News}. March 31, 2010.
of the people has to be changed. There is no honor involved in killing of innocent young people and actually whose honor is being talked about. When we say that mentality has to be changed, we mean to say that parents should accept their children’s wishes regarding marriage as it is they who have to lead a life with their life partners and if they don’t have a good understanding then their life will be horrible that might even end up in suicide. Moreover no human being has any right to write death sentence for a fellow human being on such frivolous issues.

In 1990 the National Commission for Women set up a statutory body in order to address the issues of honor killings among some ethnic groups in North India. This body reviewed constitutional, legal and other provisions as well as challenges women face. The NCW’s activism has contributed significantly towards the reduction of honor killings in rural areas of North India.¹⁸

In June 2010, scrutinizing the increasing number of honor killings, the Supreme Court of India issued notices to the Central Government and six states including Uttar Pradesh, Punjab, Haryana and Rajasthan to take preventive measures against honor killings.¹⁹

4.2 Sexism and Female Stereotypes

Sexism and female stereotypes in media support negative and incorrect thinking about women in the workplace.²⁰ In the Globe and Mail, Canada’s National Newspaper, ran an article by the paper’s Indian correspondent Stephanie Nolen entitled, Female face of power reflects change in India. The story is about how Nolen sees it is a paradox that five of India’s leading political power brokers are women. Nolen says, “...it is startling in the context of the intense discrimination against women and girls that permeates every aspect of life across class, communities and geography here.”²¹ Such kind of remarks against women in politics or at any other position of power be it in business, sports, finance sector or any other field are common.

Another such example about all sort of speculative stories revolving around the relationship between the then Union Minister Shashi Tharoor and Sunanda Pushkar

---

¹⁸ Women: Government Intervention, National Commission for Women
¹⁹ "Honor killing: SC notice to Centre, Haryana and 6 other states. ”, Times of India” June 11, 2010
²⁰ http://womeninbusiness.about.com/od/sexism/Sexism-Against-Women-And-Female-Stereotypes.htm (Visited on June 12, 2011)
did the rounds in the air and print media during whole IPL season before their marriage. The accent was denigrating the character and competence of business women\textsuperscript{22}. This kind of ‘investigative journalism’ has nothing to do with the truth telling function of news media.

Sunanda Pushkar is not the first professional woman who has to face innuendo and sexist remarks. The episode leaves us with some hard questions about the attitude of media towards women and other hurdles that women faces every day at workplace\textsuperscript{23}. Their achievements are undermined as always\textsuperscript{24}, the media does not attribute a women’s success to her talent or hard work but rather consider it as privilege they get by belonging to fair sex\textsuperscript{25}. Today media is not a fair messenger but a TRP hunter. Every now and then the women have to undergo ‘trial by media, which delves into the most private niche of their lives exposing their inside, unmindful of the permanent hurt to their psyche\textsuperscript{26}.

Sports women are more prone to sexist remarks and are often given less respect in comparison to their male counterparts. As in women sports comments like ‘nobody really likes women sport’s or ‘women cannot play goals’ are common and light versions of comments done generally\textsuperscript{27}. Women sportspersons have to work on double fronts to prove their metal against their male counterparts. They don’t get the same facilities and coaching and even in national events very few audience are found in stands, as there is a common presumption that women are not good sports persons. Small scale events of women often don’t found space even in local newspaper columns, because nobody is ready and interested in knowing their updates, it’s the mentality that we need to change. Women sport persons are not acknowledged in country but when they bring medals in some international event, they become stars and everybody is ready to take credit of their success, but the ground reality is that even basic facilities are lacking for women sportpersons. Serious steps are required to improve the situation of women sports.\textsuperscript{28}

\textsuperscript{22} S. Viswanathan, “Freedom of press and fair trial”, \textit{The Hindu (Delhi)}, May 17, 2010
\textsuperscript{23} Kalpana Sharma , “Twist, turns, decades-ends”, \textit{The Hindu (Delhi)}, May 17, 2010
\textsuperscript{24} mail bag- S . Umar Farooq Tabrez (Bidar), “Media Madness”,\textit{The Hindu (Delhi)} May 16, 2010
\textsuperscript{25} mail bag-Sandhya Suresh V.(Thrissur), “Media Madness”,\textit{The Hindu (Delhi)} May 16, 2010
\textsuperscript{26} mail bag- “Dr. Shaila S. Sheony (Manglore),After sensation”,\textit{The Hindu (Delhi)} May 16, 2010
\textsuperscript{28} \textit{Ibid}
Women are prone to sexist remarks not only in India but worldwide. The most denigrating and inexcusable example is remark of a radio commentator named G. Gordon Liddy about Judge Sonia Sotomayor insinuating a women's menstrual cycle affects her judgements\textsuperscript{29}. During a phone interview on the January 21, 2011 edition of Fox and Friends, Bill O'Reilly claimed that increased criticism of certain conservative women was due to something he described as the "good-looking factor" and stated that "the better looking these women are like Michele Bachmann and Sarah Palin, the more the left attacks them." While Fox Network program hosts often make racist, ageist, and sexist remarks, Fox is not the only culprit. Here are public personalities who have made sexist remarks about women.

Such slurs directed against women in power are all too common. We heard them when Janet Reno was head of deptt. of justice, we heard sexist brickbats of all kinds directed at Senator Hillary Clinton during her presidential election campaign. Rush Limbaug called Senator Mary Landrieu a high class prostitute.\textsuperscript{30} Recently sexist remark in the annual publication of the elite National Security Guard (NSG) magazine, has hit the headlines. A four-page article titled "Female: Deadliest of the Species" in Bombshell, released by director- general R. K. Medheker, has raised a stink with its sexist comments against women.\textsuperscript{31}

The article's author is a distinguished officer - Commandant Hanumant Singh Rawat - an NSG group commander who won the Police Medal this Republic Day. The comments were made while explaining the phenomenon of woman suicide bombers. “When we celebrate Women's Day on March 6, we must not forget there is another breed of female, which though is a daughter, sister, mother, wife or any other relation craving for gender equality, is also the deadliest of the species involved in acts of terrorism, which was earlier supposed to be a male bastion," the article says. Not only does the officer get the date wrong (Women's Day is on March 8), such comments are in poor taste.\textsuperscript{32}

The lethality of attack by female suicide bombers can be more than her male counterpart as she enjoys the gender bias of being female," the article adds.

\textsuperscript{29} Ibid
\textsuperscript{32} Ibid
trying to justify the vulgar humor.

Such references seem sacrilege when copies of this publication were given to home minister P. Chidambaram and home secretary G. K. Pillai, besides over 100 delegates from India and abroad and the paramilitary forces, later an NSG spokesperson said Medheker had gone through the article and "when seen in totality, the article seems fine".

So, we can say that in every walk of life women have to face such sexist remarks and innuendo. No one doubts the accomplished women at high positions can ignore such comments and move on; they wouldn’t be where they are if they hadn’t endured a career of rising above demeaning remarks. Comments like these happen every day in our workplace, neighborhood and families, and they do real damage\(^\text{33}\). So, women have to fight back and those at power position help in setting a conducive good environment at workplace for women.

### 4.3 Cyber Crime against Women in India

Criminal activities that are traditional in nature, such as theft, fraud, forgery, defamation and mischief, all of which are subject to the Indian Penal Code. The abuse of computers has also given birth to a gamut of new age crimes that are addressed by the Information Technology Act, 2000. Which has been amended several times and latest in 2008 to bring fast growing cyber crimes under its ambit

We can generally categorize Cyber crimes in two ways:

1. The Computer as a Target :-using a computer to attack other computers.
   
   e.g. Hacking, Virus/Worm attacks, DOS attack etc.

2. The computer as a weapon :-using a computer to commit real world crimes.
   
   e.g. Cyber Terrorism, IPR violations, Credit card frauds, EFT frauds, Pornography etc.\(^\text{34}\)

Cyber crimes against women can be characterised under following heads:

Amongst the various cyber crimes committed against individuals and society at large the crimes which can be mentioned as specially targeting women are as follows: –

---

\(^{33}\) Supra n.225 ,p.133

\(^{34}\) http://www.cyberlawtimes.com/articles/103.html (Visited on June 21,2011)
i) Harassment via e-mails:

This kind of harassment is not a new phenomenon. Women are victim of e-mail harassment from the very beginning.

4.3.1 E-mail and IRC related crimes

- Email Spamming

  Email "spamming" refers to sending email to thousands and thousands of users - similar to a chain letter. Sending malicious codes through email. E-mails are used to send viruses, Trojans etc through emails as an attachment or by sending a link of website which on visiting downloads malicious code.

- Email bombing

  E-mail "bombing" is characterized by abusers repeatedly sending an identical email message to a particular address.

- Sending threatening emails

- Defamatory emails

- Email frauds

4.3.2 Defamation

Defamation can be understood as the intentional infringement of another person's right to his good name. Cyber Defamation occurs when defamation takes place with the help of computers and / or the Internet. e.g. someone publishes defamatory matter about someone on a website or sends e-mails containing defamatory information to all of that person's friends. Information posted to a bulletin board can be accessed by anyone. This means that anyone can place defamatory matter against you. Cyber defamation is also called as Cyber smearing.

4.3.3 Cyber Stalking

Cyber stalking involves following a persons movements across the Internet by posting messages (sometimes threatening) on the bulletin boards frequented by the victim, entering the chat-rooms frequented by the victim, constantly bombarding the victim with emails etc.

---

Ibid
In general, the harasser intends to cause emotional distress and has no legitimate purpose to his communications.

Pedophiles:

There are persons who intentionally prey upon children. Specially with a teen they will let the teen know that fully understand the feelings towards adult and in particular teen parents. They earns teens trust and gradually seduce them into sexual or indecent acts. Pedophiles lure the children by distributing pornographic material, then they try to meet them for sex or to take their nude photographs including their engagement in sexual positions.

4.3.4 Identity Theft

Identity theft is the fastest growing crime in countries like America. Identity theft occurs when someone appropriates another's personal information without their knowledge to commit theft or fraud. Identity theft is a vehicle for perpetrating other types of fraud schemes.

4.3.5 Pornography

The literal meaning of the term 'Pornography' is “describing or showing sexual acts in order to cause sexual excitement through books, films, etc.”

This would include pornographic websites; pornographic material produced using computers and use of internet to download and transmit pornographic videos, pictures, photos, writings etc.

Adult entertainment is largest industry on internet. There are more than 420 million individual pornographic web pages today.

Research shows that 50% of the web-sites containing potentially illegal contents relating to child abuse were ‘Pay-Per-View’. This indicates that abusive images of children over Internet have been highly commercialized.

Pornography delivered over mobile phones is now a burgeoning business, “driven by the increase in sophisticated services that deliver video clips and streaming video, in addition to text and images.”

4.3.5.1 Effects of Pornography

Research has shown that pornography and its messages are involved in shaping
attitudes and encouraging behavior that can harm individual users and their families. Pornography is often viewed in secret, which creates deception within marriages that can lead to divorce in some cases.

In addition, pornography promotes the allure of adultery, prostitution and unreal expectations that can result in dangerous promiscuous behavior.

4.3.6 Breach of Privacy and Confidentiality

4.3.6.1 Privacy

Privacy refers to the right of an individual/s to determine when, how and to what extent his or her personal data will be shared with others. Breach of privacy means unauthorized use or distribution or disclosure of personal information like medical records, sexual preferences, financial status etc.

4.3.6.2 Confidentiality

It means non disclosure of information to unauthorized or unwanted persons. In addition to Personal information some other type of information which useful for business and leakage of such information to other persons may cause damage to business or person, such information should be protected.

Generally for protecting secrecy of such information, parties while sharing information forms an agreement about the procedure of handling of information and to not to disclose such information to third parties or use it in such a way that it will be disclosed to third parties.

Many times party or their employees leak such valuable information for monitory gains and causes breach of contract of confidentiality. Special techniques such as Social Engineering are commonly used to obtain confidential information

4.3.7 Morphing

Morphing is editing the original picture by unauthorised user or fake identity. It was identified that female’s pictures are downloaded by fake users and again re-posted/uploaded on different websites by creating fake profiles after editing it. This amounts to violation of I.T. Act, 2000 and attracts sec. 43 and 66 of the said Act. The violator can also be booked under IPC also. The Times of India reported that in October, a Delhi-based beautician told the police that her photograph was flashed on a
4.3.8 Email spoofing

A spoofed e-mail may be said to be one, which misrepresents its origin. It shows its origin to be different from which actually it originates. A review in the CyberlawTimes.com shows that India has crossed the danger mark in cyber crime targeting women and children. Statistics show, and law enforcers confirm, that the maximum number of cyber crimes related to obscenity occurred in Mumbai last year. There were at least 40 cases in 2006 (of which only ten were registered), a steep rise from only five cases in 2005. Delhi was close behind, with 30 obscenity-related cases (nine registered), but topped in cases of hacking. Bangalore, Chennai, Hyderabad and Pune reported only a handful of obscene crimes but saw a greater incidence of hacking.

The more common method used by men is to email vulgar photographs of themselves to women, praising their beauty, and asking them for a date or inquiring how much they charge for ‘services’. Besides sending explicit messages via e-mail, SMS and chat, many also morph photographs - placing the victim’s face on another, usually nude, body. In another instance, a couple entered an internet chat room agreeing to strip for each other using a web camera.” The guy stripped, but the person at the other end was actually another man and his friends, who obviously didn’t. They recorded it and uploaded the clip on a porno website,” said Duggal. “These things happen in every city but only one in every 500 cases is reported,” added Duggal. According to Borwankar, most cases go unreported because people are “petrified of adverse publicity”. While Mumbai is battling obscenity, other cities are concerned about hacking. While Delhi reported 67 cases last year, there were 30 in Bangalore.

4.3.9 Black Mailing

Explains Debarati Halder, advocate, Madras High Court, and an independent counselor for cyber crime victims, "The most common felony is using the victim's picture or name to defame her. Almost every woman victim would have similar tales of harassment. The harasser creates fake, malicious profiles with the victim's picture and invites others to view it, or ask for some favor from the victim and threaten to make such pictures public otherwise. In most cases this turns out to be a revenge-taking act." Often there is this wrong notion that cyber crime is alien to e-world in
India. Even with security agencies, such as McAfee keeping a tab on cyber predators, the number of cases in Asia has only spiraled. According to a McAfee report, there has been 150% growth of trojans (programs that contain malicious code which when triggered cause loss or theft of data) using social engineering since 2006.

"Just as every aspect of communication has been changed by the internet, crime has evolved to profit from the millions of potential victims connected to one global network. Online trading sites for identities create a market for thieves to sell to more sophisticated criminals," says Kartik Shahani, regional director-India, McAfee.

4.4 Provisions of the IT Act 2000 relating to cyber crime and offences against women in India and the loopholes of the said Act:

Unfortunately even though Chapter XI of the IT Act deals with the offences such as Tampering with computer source documents (sec. 65), Hacking with computer system (sec. 66), publishing of information which is obscene in electronic form (sec. 67) Access to protected system(sec. 70), Breach of confidentiality and privacy(sec. 72), Publication for fraudulent purpose(sec. 74) IT Act 2000 still needs to be modified. It does not mention any crime specifically as against women and children.

The elementary problems, which are associated with Cyber-Crimes, are Jurisdiction, Loss of evidence, Lack of cyber army and Cyber savvy judges who are the need of the day. Judiciary plays a vital role in shaping the enactment according to the order of the day. One such stage, which needs appreciation, is the P.I.L., which the Kerela high Court has accepted through an email. Today with the growing arms of cyberspace the growing arms of cyberspace the territorial boundaries seems to vanish thus the concept of territorial jurisdiction as envisaged under Sec. 16 of C.P.C. and Sec. 2.of the I.P.C. will have to give way to alternative method of dispute resolution.

Again, under no section in IT ACT 2000, Obscenity – personal viewing – Is an offence, infact like in IPC 292 again if it is proved that you have published or transmitted or caused to be published in the electronic form only then under Section 67 it can be an offence. Last but not the least, the IT Act 2000 does not mention the typical cyber crimes like cyber stalking, morphing and email spoofing as offences.

---

37 Ibid
38 I.T. ACT, 2000 (Act No 21 of 2000)
The rapid increase in the use of computer and Internet has given rise to new forms of crimes like, sending offensive emails and multimedia messages, child pornography, cyber terrorism, publishing sexually explicit materials in electronic form, video voyeurism, breach of confidentiality and leakage of data by intermediary, e-commerce frauds like cheating by personation - commonly known as phishing, identity theft, frauds on online auction sites, etc. So, penal provisions were required to be included in the Information Technology Act, 2000. Also, the Act needed to be technology-neutral to provide for alternative technology of electronic signature for bringing harmonization with Model Law on Electronic Signatures adopted by United Nations Commission on International Trade Law (UNCITRAL). To overcome all these problems new additions have been done by I.T. amendment act 2008\textsuperscript{40}.

4.5 Causes

Indian women citizens are still not open to immediately report the cyber abuse or cyber crime. The biggest problem of cyber crime lies in the modus operandi and the motive of the cyber criminal. Cyber space is a transit space for many people, including offenders. While people do not live in cyber space, they come and go like any other place. This nature provides the offenders the chance to escape after the commission of cyber crime. Many websites and blogs provide security tips for the safety of women and children in the net. But still then cyber crime against women are on rise.

In reality it is seen many chat friends enjoy teasing their women friends by words such as “sexy”, “attractive” which are the virtual beginning of cyber obscenity. They slowly take their female friends into confidence and start discussing about their own problems like a true friend. Hence in many occasions they are successful in turning the net friendship into a strong bond and gradually proceed to send obscene or derogatory remarks. If the recipient shies away, the sender of such messages would become more encouraged to continue. The problem would be solved only when the victimized woman then and there report back or even warn the abuser about taking strong actions.

4.5.1 Women as Soft Targets

With increasing traffic in the virtual world, the chances of falling prey to cyber crime

\textsuperscript{40} Information Technology (Amendment) Act, 2008 enforceable from 5th February 2009.
loom large all the while, more so in the case of women who are often seen as soft targets.

In professional parlance, cyber crime covers a vast gamut of illegal online activities such as fraud, money laundering, spam, identity theft, cyber stalking, drug trafficking, sexual predators, etc.

Mr. Pawan Duggal, an advocate specialising in cyber law in the Supreme Court once said, "I have observed that cyber crime and women in India have a deep relationship. My experience has been that women here by and large shy away from reporting their matters, fearing potential negative media publicity, which may irreparably impact their reputations."

More troubling is the rate at which these threats take place. Cyber criminals currently produce 20,000 to 30,000 new and unique pieces of malicious code every day in order to make it difficult for signature scanners to keep up." So, is it true that women's increasing presence in the professional sphere puts her in the spot?

James Hart, VP marketing with AVG Technologies, a company specialising in computer security software, says, "On any given day, AVG estimates that 8 million to 14 million unique users worldwide are exposed to these kinds of cyber scams.

Explains Hart, "The more time they spend online, without being completely aware of the pitfalls of the internet, the more vulnerable they become. Women need to be especially alert to protect themselves from targeted online attacks." A study conducted on 72 women by Megha Desai and K. Jaishankar titled 'Cyber Stalking - Victimization of Girl Students: An Empirical Study', states that 12.5% of the respondents had intimate relationship with their cyber stalker before the stalking started. According to the research, 62.5% of harassment started through emails and online chats.42

4.6 Casting Couch: Meaning and Reasons

The casting couch is a euphemism for a sociological phenomenon that involves the trading of sexual favors by an aspirant, apprentice employee, or subordinate to a superior, in return for entry into an occupation, or for other career advancement within an organization.43 Careers which are highly desirable and traditionally difficult

41 http://www.cyberlawsindia.net/index1.htm (Visited on June 12, 2011)
42 Id at n. 234, p. 138
43 http://in.answers.yahoo.com/question/index?qid=20080309220229AAOgXJs (Visited on June 18, 2011)
to break into, such as the movie, television and music industries, have been the subject of casting couch stories in popular culture. Such trading of favors is an abuse of power, and can become a wider sex scandal if deemed newsworthy.

The "casting couch" concept in many respects is connotative of the entertainment industry, but may apply to any industry for which entry is highly desirable and competitive.\textsuperscript{44} If you thought that the ‘casting couch’ syndrome was only limited to Bollywood in India, you are in for a real shock. It has come into the notice of The India Street that high profile corporate men and government officials of India are also looking out for opportunities to satiate their carnal desires within the office premises.

In my opinion, official power is the tool that they often use with impunity to subvert the modesty of their female colleagues. Take the case of Parul (name changed) a bright intellectual girl- entered the big bad corporate world at an age of 21 with a promise to prove her talent as a true blue professional. But she was not aware that the professional space dominated by men would demand her dignity and not the intellect to achieve her dreams.\textsuperscript{45}

In the case of Parul, his sexually frustrated boss expected her to perform for him more in the bedroom than in the boardroom. You may not believe at first but it’s true that majority of cases of sexual harassment in India go unreported.

Recently, an ex KPMG director filed a complaint against Vikram Uttam Singh, head of Financial Advisory Services and Senior Partner of KPMG India, for sexual abuse at workplace. Uttam Singh allegedly often made obscene gestures towards the woman director.

This particular case clearly signifies that male mindset of control and power over men’s body is still there. As a matter of fact, men still consider women as an object of entertainment. If experts are to be believed, the Indian government needs to implement laws with vigor.\textsuperscript{46}

Five years ago, another high profile case that ironically increased public awareness was the one involving the former Executive Assistant Rekha Maximovitch and the Infosys’ Director and Head of sales and marketing Phaneesh Murthy.

\textsuperscript{44} *Ibid*


\textsuperscript{46} *Ibid*
Business houses should have a grievance cell dealing with the issue of sexual harassment. What’s more, working women have to be made aware of their rights. Last but not the least, it is of paramount importance that companies in India incorporate well-defined policies against sexual indiscretion within the office space.\textsuperscript{47}

If you thought that the "casting couch" theory was created by Page 3 (read media), then check this out. In a report titled, 'The Changing Status of Women in West Bengal (1970-2000): The Challenge Ahead', the West Bengal Commission for Women acknowledges "sexual and non-sexual exploitation of women" in Tollywood. The report, not only sheds light on issues like dowry deaths and domestic violence against women, but also delves into the intrigues of Tollywood.

A telling observation from the chapter on films compiled by former CPI-M MP Malini Bhattacharjee:\textsuperscript{48} "Exploitation at the Tollygunge film industry is both at the sexual and non-sexual levels." The report adds, "At a time when this new wave of films is depicting professional women positively on screen, a survey of 25 film personalities of Tollygunge indicates that working conditions in the Bengali film industry have deteriorated substantially for women in the last two decades of the 20th century...Cinema is increasingly emerging as a lucrative business for easy and quick money.

The issue of the casting couch in Bollywood seems to have reared its ugly head, if allegations by actress Payal Rohatgi are to be believed. The actress, who was seen in films like Plan, 36 China Town and Yeh Kya Ho Raha Hai, claims that she was propositioned by Director Dibakar Banerjee, to get a role in his much anticipated project, 'Shanghai'.

In a case of reel to real life, Payal Rohatgi said that the Love, Sex and Dhokha director had reportedly dropped by her home and asked her for sexual favors. She said, when she refused to do so, he nixed her from the film.\textsuperscript{49}

The casting couch has always existed in Indian sports, though it takes an occasional whistle blower like woman hockey player Ranjitha Devi to take the lid off this demeaning practice. She accused chief coach of the Indian women’s hockey team

\textsuperscript{47}\textit{Ibid}


\textsuperscript{49} “Payal Rohatgi accuses director Dibakar Of demanding sexual favors ”, \textit{Indian Express (Delhi)}, March 16, 2011
Maharaj Kishan Kaushik (since resigned/sacked) of harassing her with explicit sexual requests and verbal sex talks. (When salacious details of the Bill Clinton-Monika Lewinsky affair were raging like Bush (!) fire across the United States, a wag had suggested that the Oval Office should be renamed as the Oral Office!). Ranjitha Devi’s allegations against Kaushik have stuck, as Hockey India has taken cognizance of her four-page handwritten complaint and acted upon the report of its five-member panel constituted to probe the incident to seek further investigation by the Delhi Police and the Union Ministry of Youth Affairs and Sports to get at the bottom of the case.\(^50\) Interestingly, a few months ago, goal-keeping coach of the women’s hockey team Edward Aloycious had been booted out when he misbehaved with a Punjab goalkeeper.\(^51\)

Casting couch exists in each and every industry but in our industry it is done under a guise. Everyone is aware about the misdemeanors taking place but no one will admit to it. They all want to reach the top, and all this helps in making their chances better. As far as laws go, it has always been lenient towards the celebrities. They may not always be at fault, but when they are, then it is extremely unfair that they walk scot-free while others have to pay a heavy price and jail time for their crimes. I think this sentence against Anand Jon will act as a deterrent for others in future and they will think twice before committing such heinous crimes in future.\(^52\)

**4.6.1 Factors Responsible or Reasons**

**4.6.1.1 Cut-throat Competition**

The industry has seen many cases of sexual harassment for years. This only shows that how much of it is being affected and ruined by the problem. The main reason for it to happen is the ever increasing competition and the glamour that surrounds it. Today, everyone wants everything fast and in the process forget about morals and norms of the society. It can be kept in check by having stringent laws but self governance is the best possible solution, as such incidents happen under cover. I think law is equal to all and celebs are always under scanner for small things, we need to


find though a solution which will keep things in control.\textsuperscript{53}

4.6.1.2 People are willing to stoop low

Exploitation in return of a favor is a part of the glamour industry. The very fact that there are people who are willing to stoop to any level to get a role in a movie or become a model implies that someone on the other side is taking advantage of this. Also, one keeps hearing about such incidents now and then which proves it. I think people should come out and report it rather than stay mum in the fear of being shunned by the society. Our society can be very judgmental at times but culprits need to be punished. And as far as justice is concerned it needs to be faster, not only in such cases but in general we need a change.\textsuperscript{54}

4.6.1.3 Family honor stops women from coming out of the closet

Indian-American fashion designer Anand Jon Alexander has been sentenced to a minimum of 59 years in prison by a court for preying upon aspiring models and even sexually assaulting them. Such kinds of cases are common in India as well. And the laws here are not stringent at all. Those found guilty get away very easily, thanks to the many loopholes in our judiciary system. But then at the same time, I would not only blame the judiciary but also our social norms. Victims still don't come out in the open and admit that they have been sexually molested or have been mistreated. They are scared that their family honor will be tarnished and they are worried about the social stigma. Worse, they end up withdrawing the cases. Family name and honor continues to remain a prime concern for girls in our country. The fault lies with the society and legal norms. We need to revamp the system and through the right education we can help change the society's attitude.

4.6.1.4 Insensitiveness towards Such Cases

Sexual harassment or assault is not new; we have similar cases from across the sectors all over the country. It is not just limited to the glamour world but can be found even in villages. In India, women are too scared to come out and complain about sexual harassment


\textsuperscript{54} mailbag - Mustafa Syed, media manager. \textit{Id at p.142}
unlike the West. Most of these women–aspiring models, actors–come from small towns and prefer to stay quiet because they don't want to be stigmatised by the society.

Another reason why women avoid coming out is the way our courts function. The cases here go on for years. No doubt, that today we have fast track courts but even they take a long time to give a judgment.

Also, we are not sensitive towards such issues. Few bold women who come out are questioned on the grounds of morality and then these cases are sensationalised by the media. Therefore, we need to change our outlook towards such issues and also change the way our courts function. Until and unless, this is done, women will prefer to stay quiet and get victimised by powerful people.55

Agrees filmmaker Aparna Sen, who was interviewed by the Commission, "I have heard about the casting couch syndrome from so many people. It is extremely possible that there are women in the industry who willingly get exploited." Nilanjana Gupta, reader, Jadavpur University's English department, who conducted the survey for the Commission, says, "We interviewed women actors, directors, technicians, scriptwriters and their male counterparts who recounted their varied experiences."

According to the report, "Two eminent actresses of the past complained that many times they were not paid their full contractual amount on flimsy grounds." Confirming this, Sen says, "It happened to Sumitra Mukherjee. I was so outraged at that time that I refused to act in the film. Sumitra reminded me of the incident on the sets of Paromitar Ek Din." 56

### 4.7 Eve teasing: Meaning, Causes and Legal Provisions to combat

Eve teasing is a euphemism used in India for public sexual harassment, street harassment or molestation of women by men, with Eve being a reference to the biblical Eve57. Considered a problem related to delinquency in youth, it is a form of sexual aggression that ranges in severity from sexually suggestive remarks, brushing in public places, catcalls, to outright groping.58 Sometimes it is referred to with a coy suggestion of innocent fun, making it appear innocuous with no resulting liability on

55 Flavia Agnes, lawyer and social activist. Id at p.143
56 Available at: ajanta@chakraborty.timesgroup.com (Visited on May 17,2011)
58 Harassment in public places a routine for many The Times of India, Delhi , February 15, 2009
the part of the perpetrator. Many feminists and voluntary organizations have suggested that the expression be replaced by a more appropriate term. According to them, considering the semantic roots of the term in Indian English, eve-teasing refers to the temptress nature of Eve, placing responsibility on the woman as a tease, as though the aggressive response of the males was normal rather than criminal.

Eve-teasing has been a notoriously difficult crime to prove, as perpetrators often devise ingenious ways to attack women, even though many feminist writers term it as "little rapes", and usually occur in public places, streets, and public transport.

4.7.1 Alarming instances of Eve Teasing

In a recent incident of eve teasing a women sportswomen was thrown out of train in U.P., due to which she lost her leg. In another shocking incident, an inebriated CRPF jawan shot dead a national-level kabaddi player, who allegedly refused to divulge her cellphone number despite his importunities. Immediately thereafter, he shot himself.

A Dalit youth was allegedly shot dead when he opposed the eve-teasing of his sister by some persons at Gadla village in the Muzaffarnagar district, police said. The victim, Mohit, was allegedly shot dead when an altercation broke out between him and the youths after they passed lewd comments at the former's sister, said officials. Police has arrested one of the accused, Kallu Singh, and a case has been registered against two others who are absconding, officials said.

4.7.2 Very term Eve-Teasing is female Biased

Eve teasing is a euphemism used for sexual harassment, street harassment and obscene behavior. Eve teasing is a major problem in India, especially in metropolitan cities. The capital of India, New Delhi leads other cities when it comes to crime against women. A large percentage of Indian women have faced or are facing this
menace. Whether it is a public transport system or public places or shopping malls or multiplexes, women find themselves vulnerable to the threat of eve teasing everywhere. Eve teasing is a complex problem and it requires more attention than what it has actually got.

As we know, the term ‘eve teasing’ is an Indian origin. The term itself has some demerits. Eve represents temptress and the term actually signifies that eves (women) tempt or provoke males for vulgar comments and behaviors. Ironically, that also means women cause the problem and are also a victim to it. But that is almost like blaming the victims for their sufferings. It also depicts an element of male chauvinism. Probing further, the problem of eve teasing took its roots during the 60s when women had started to venture out for schools, colleges and jobs. A social change was taking place in conservative India. The giant movement of women emancipation came with its own side effects and one of them was eve teasing.  

Eve teasing is a less severe expression for molestation or sexual harassment, especially in India and Pakistan. The instances of this street sexual abuse may range from sexually colored remarks to outright attempts of molestation or rape. The issue of eve teasing is a growing concern in most south Asian countries and includes a number of issues such as the safety of women and young girls, the security of foreigners touring in this part of the world, etc. Needless to mention, eve teasing is a social curse the cause of which is deeply rooted in the sexually repressive social structure of many third world countries.  

Though government and administration has taken steps like deploying plain clothed cops and special units like anti Romeo squads to curb the menace. Some of the state governments have made eve teasing a non-bailable offence.

Eve teasing is a complex social problem that will not vanish until the mindset is changed. Apart from law, it is also about education and respecting women. Just because women are considered weaker sex doesn’t mean that they should take things lying down. Awareness is the need of hour and government should take step towards it. Eve teasing keeps surfacing in different forms. Right from a flirtatious comment to street harassment and molestation, it can turn disastrous for women. No amounts of

68 Ibid
efforts and policies have proved to be particularly effective against this serious sexual abuse may range from sexually colored remarks to outright attempts of molestation or rape. The issue of eve teasing is a growing concern in most south Asian countries and includes a number of issues such as the safety of women and young girls, the security of foreigners touring in this part of the world, etc. Needless to mention, eve teasing is a social curse the cause of which is deeply rooted in the sexually repressive social structure of many third world countries.

4.7.3 Legislative Provisions against Eve Teasing in India

Eve teasing is a violation of a woman’s basic right to live in dignity. Women have always been subject to eve teasing and the trend unfortunately, continues even today. In fact, number of crimes against the women is constantly increasing. The cases to eve teasing, sexual harassment, rape, molestation etc are on all time high. Ironically, the concept of women empowerment has brought with it countless numbers of sexual crimes against them. When it comes to eve teasing, no matter what are the educational background, caste, complexion and race of women, many of them have gone through these unpleasant experiences. Study shows, almost 90 percent of college going girls have experienced some sort of sexual harassment at different points of time. Truth can’t be more painful than that.

Indian law recognizes eve teasing as sexual harassment which is considered as a criminal activity. Indian law does not mention the term ‘eve teasing’. In recent times, the laws have been made stringent so that victim could take recourse under the law. Obscene gestures, recitation or remarks can land the victim into prison for a maximum tenure of three months. That’s not all. Even showing pornographic materials, pictures, books etc to a girl can invite two years of rigorous imprisonment along with fine of Rs. 2000.

Unfortunately, not many women register complaints of eve teasing or harassment because of the fear of humiliation and public exposure. Many women who were victim of sexual harassment commit suicide because of constant social barbs. The society is not kind to the victims. The problem here is of mindset. Even if the laws are there, one needs to pursue them with full might. It is not possible for every victim to stand in the court of law and answer uncomfortable questions. Many a times, parents themselves ask their daughters to forget the incident as it can cause them public

shame and embarrassment.

However, we must appreciate the efforts taken by different NGOs and social welfare organizations who are trying to educate people about the grave consequences of eve teasing. They are also conducting programs to sensitise the males who are prone to such behavior. The focus here is on changing the mindset and respecting the women. The attitude towards women needs to be altered only then we can expect gender equality in the real sense of the word.

Related posts:

4.7.4 Causes of Eve Teasing

- Psychological problems and lack of lack of Counseling Centers to cure eve teasers
- Bad intentions such as revenge, ego, high altitude of sexual desire etc.
- Passiveness of society people to initiate strict actions and punishment towards eve teasers.
- Effect of Cinema: Traditionally, Indian cinema has depicted eve teasing as a part of flirtatious beginnings of a courtship, along with the usual accompaniment of song and dance routines, which invariably results in the heroine submitting to the hero's advances towards the end of the song, and young men tend to emulate the example, depicted so flawlessly on screen and which gave rise to the Roadside Romeo which even made it a film version in Roadside Romeo (2007)(Staring Saif Ali Khan). It also has been popularly depicted that when a girl is teased by eve teasers, the hero will come and beat them up, such as in the Telugu films "Madhumasam" and "Magadheera" and also the Hindi Movie "Wanted". Nowadays, this issue is also featured in Indian Television Soaps.70

4.7.5 Legal Redress

Though Indian law doesn't use the term 'eve teasing', victims usually seek recourse through Section 298 (A) and (B) of the Indian Penal Code (IPC), which sentences a man found guilty of making a girl or woman the target of obscene gestures, remarks,

70 http://wiki.answers.com/Q/Why_eve-teasing_has_evolved#ixzz1OsJyzu00 (Visited on April 12, 2013)
songs or recitation for a maximum goal tenure of three months. Section 292 of the IPC clearly spells out that showing pornographic or obscene pictures, books or slips to a woman or girl draws a fine of Rs.2000 with two years of rigorous imprisonment for first offenders. In case of repeated offence, the offender may have a fine of Rs.5000 with five years imprisonment imposed. Under Section 509 of the IPC, obscene gestures, indecent body language and acidic comments directed at any woman or girl carries a penalty of rigorous imprisonment for one year or a fine or both. The 'National Commission for Women' (NCW) has also proposed No 9. Eve Teasing (New Legislation) 1988.

4.8 Stalking

Stalking is a phenomenon which could turn out to be a frightening experience for any women. It is common to hear mothers tutoring their young daughters to be wary of strangers who might trail them. Young working women who stay alone in metro cities prove to be soft targets and are prone to be stalked. Even older women encounter such behavior while walking/jogging or even shopping. Girls pursuing their University education may even be stalked by a fellow student. A women belonging to any age group is susceptible to it. It has been seen in many cases that before committing a sexual offense or launching a physical attack the criminal stalks the victim. Also, the stalker might fling acid on the face of the victim to take revenge of some sort. Stalking can be defined as the willful and repeated following, watching, and / or harassing of another person. Most of the time, the purpose of stalking is to attempt to force a relationship with someone who is unwilling or otherwise unavailable. Unlike other crimes, which usually involve one act, stalking is a series of actions that occur over a period of time. Although stalking is illegal, the actions those contribute to stalking are usually legal, such as gathering information, calling someone on the phone, sending gifts, emailing or instant messaging. Such actions by themselves are not usually abusive, but can become abusive when frequently repeated over time. The murder of 20-year-old Delhi University student Radhika Tanwar by her stalker highlights the plight of a large

---

71 Indian penal code, 1860 (45 of 1860)
72 Laws and Legislative Measures Affecting Women by National Commission for Women (NCW) National Commission for Women (NCW)
number of women in India. Radhika was shot dead in broad daylight by a man who had allegedly been stalking her for the past three years. In the absence of a specific anti-stalking law in the country, women have little choice other than ignoring the unsolicited advances of stalkers. The most that the police can do in routine stalking cases is lock up the stalker for 24 hours; charging the offender under laws for sexual harassment not amounting to assault being inadequate. In 2008, the Bombay high court had echoed the need for a stringent anti-stalking law, noting that the act of stalking amounts to severe mental and emotional trauma for the victims. As in Radhika’s case, stalkers may graduate to murder (or rape). Thus, it is vital to nip the problem in the bud. With changing socio-economic trends and women increasingly becoming an integral part of the workforce, it is imperative to ensure women’s safety in the public sphere. Presently, the law doesn’t even recognise stalking as a crime. Hence, measures such as setting up anti-stalking cells are largely ineffective. It is important to have a sophisticated law that acts as a deterrent and takes cognizance of realities such as cyber stalking, which too is on the rise. In countries such as the US and Canada, anti-stalking laws provide for fines and restraining orders that prohibit stalkers from coming within a specified distance of the victim. There is no reason why this cannot be replicated. Our lawmakers would do well to take the first step.

4.8.1 Types of Stalkers and factors responsible

- A nuance understanding of the phenomenon will help us to deal with it effectively, So we must know what might motivate a stalker. In the Book-‘Stalkers and their victims’, Paul E. Mullen has categorized stalkers into five categories on the basis of their psychology-
  - Rejected stalkers- They pursue their victims to avenge a rejection in relationship (It could be a break-up, divorce etc). They might even stalk in hopes of mending the relation.
  - Resentful stalker- They stalk because they carry a sense of grievance against the victim. They might wish only to terrify or frighten. It gives them a pleasure to see victim in distress.
  - Intimacy seekers- They seek to initiate an intimate relationship with the

---

75 The Hindu (Delhi) , Mar 15, 2011
76 http://m.timesofindia.com/PDATOI/articleshow/7702497.cms (Visited on June 27, 2011)
victim. They perceive the victim to be the soul mate and assume that they both are meant to be together forever.

- Incompetent suitors- They have poor social or courting skills but feel entitled to have an intimate relation with a particular person. It can also be understood as a case of “fixation” with a person who holds their amorous interest.
- Predatory stalkers- They spy on the victim to ascertain their routine activities so that an attack could be planned accordingly. The attack is usually sexual in nature.

4.8.2 Position of Law Relating to Stalking in India

Surprisingly there was no separate penal provision for the nuisance of stalking in India till 2013. Even if the police have to record an FIR, they file it under sections covering obscenity, outraging modesty of a woman or criminal intimidation, depending on the acts of the stalker. It was only by Criminal Law (amendment) Act, 2013 that stalking has been added as a separate offence. In countries like U.S.A the laws relating to stalking are pretty stringent. Severe punishments are prescribed for those who indulge in such despicable behavior.

4.9 Acid Attacks

When acid is thrown on a person, the results can be horrifying. Nitric, hydrochloric, or sulfuric acids all have a catastrophic effect on human flesh. It causes the skin tissue to melt, often exposing the bones below the flesh, sometimes even dissolving the bone. When acid attacks the eyes, it damages these vital organs permanently. Many acid attack survivors have lost the use of one or both eyes. The victim is traumatized physically, psychologically and socially.77

Collecting data from newspapers and NGOs, the authors found that at least 153 acid attacks occurred in India between 2002 and 2010; 3,000 occurred in Bangladesh between 1999 and 2010; and 271 occurred in Cambodia between 1985 and 2010. Many attacks are never reported, however, and countries themselves do not keep records; so the authors note that actual numbers are likely much higher.

An acid attack on your body would dramatically change your life. Most survivors of an acid attack are forced to give up their education, their occupation and other

77 Lauren Gold, The media event was hosted by the Cornell Law School, available at: http://www.corrosion-doctors.org/Acids/acid-attack-1.htm (Visited on May 12, 2013)
important activities in their lives. This is because recovering from the trauma takes up most of their time and because the disfigurement they have to bear debilitates and handicaps them in every conceivable way.\(^78\)

The scars left by acid are not just skin deep, victims are most often faced with social isolation and ostracism that further damages their self esteem, self-confidence and seriously undermines their professional and personal future. Women who have survived acid attacks have great difficulty in finding work and if unmarried, as many victims tend to be, they have very little chance of ever getting married, which in a country like ours is socially isolating.

The photographs are horrific; the experience is unthinkable. But disfiguring and deadly acid attacks on women are on the rise, according to a new comprehensive report released on Jan. 27, 2011. And while international human rights law requires countries to take action against them, much more needs to be done.\(^79\)

4.9.1 Main Causes

The victims are attacked for many reasons. In some cases, the attack takes place because a young girl or woman has spurned the sexual advances of a male or has rejected a proposal of marriage. Recently, however, there have been acid attacks on children, older women and sometimes also men. These attacks are often the result of family or land disputes, dowry demands or a desire for revenge.

Reasons for acid attacks during the years, the highest rate of occurrence took place over Land Disputes and Family dispute, the next highest rate of these brutal incidents are due to refusal of relationship/sex throughout the country.

4.9.2 Recent Incidents

In a gruesome incident, a 22-year old woman suffered serious burn injuries when a middle-aged person poured acid on her for allegedly rejecting his proposal for marriage at Aranmula, Kerala. The victim, Anjali Krishna, a staff of a private school, was admitted to Medical College at Kottayam along with her mother who tried to save her from the attack. According to family sources, the man, a divorcee, used to harass her with marriage proposal. However, the woman and her family had not shown

\(^78\) Id at p.151

interest in the alliance.\textsuperscript{80}

In another such incident police have launched a manhunt for unidentified motorcyclists who reportedly threw acid on a 25-year-old woman while she was travelling in an autorickshaw. The incident took place in Dharavi Mumbai, when Jamuna Dera was returning to her Chembur home from Kherwadi. An investigator said they suspect the crime was committed by someone known to the victim who works at a bar in Kherwadi. "It could be the victim's boyfriend or some customer who wanted to take revenge for an unknown reason."\textsuperscript{81}

A routine trip back home after taking tuitions turned ghastly for two young women in Jaipur when two motorcycle-borne youth threw acid on their faces. The attackers were arrested within an hour, after passersby rushed the victims to the Sawai Man Singh Hospital and informed the police. The two women aged 20 and 21 were walking past a busy marketplace, when they were intercepted by the accused. Cops hinted at a spurned marriage proposal as the reason behind the attack.\textsuperscript{82}

\subsection*{4.9.3 India Acid Attack Trends (2002–2010)}

The report showing trends in India was developed using newspaper reports of acid attacks between 2002 and 2010. The number of reported acid attacks is likely much lower than the actual number of attacks, but it appears that the incidents of acid attacks are increasing in India as well. As described in Chapter 4, India’s penal code does not allow for adequate criminal punishments for perpetrators of acid attacks and there are no laws that are specifically aimed at reducing the availability of acid to deter acid attackers.

\subsection*{4.9.4 What need be done}

A collaborative effort by the Avon Center, the New York City Bar Association, the Cornell International Human Rights Clinic and the Virtue Foundation, is the first to demonstrate that acid violence is a form of gender-based violence prohibited by the Convention on Elimination of Discrimination Against Women (CEDAW). Parties to

\textsuperscript{80} http://www.ndtv.com/article/cities/acid-attack-on-girl-for-rejecting-marriage-proposal-78009?cp (Visited on Nov. 23, 2013)


CEDAW, including Bangladesh, India and Cambodia, are obligated under international law to make efforts to prevent attacks, bring perpetrators to justice and compensate victims.

The study examines the causes and effects of acid violence, compares legislation and statistics in the three countries, and makes recommendations for governments, NGOs and businesses toward curbing the attacks. Among its key findings, the report documents a strong connection between acid availability and violence, and calls on governments to adopt effective regulations on acid production, distribution, use and sale.

It also highlights the role of businesses, many of which use acid in manufacturing. "Evidence suggests that acid attacks occur at higher rates near areas where industries that use acid are located, such as cotton industries in Pakistan and rubber industries in Cambodia," Kalantry said. Companies that produce and distribute acid should ensure appropriate licensing, safe handling, storage, labeling, transfer and disposal procedures, the report states.83

The report recommends that governments require licensing and safe handling procedures by producers, distributors and other businesses that use acid; require labels cautioning users about the dangers of acid and about penalties for misuse; and ban household use of concentrated forms of acid.