CHAPTER-1
INTRODUCTION

“To call woman the weaker sex is a libel; it is man’s injustice to woman. If by strength is meant brute strength then indeed is woman less brute than man. If by strength is meant moral power then woman is immeasurably man’s superior. Has she not greater intuition is she not more self-sacrificing, has she not greater powers of endurance has she not greater courage? Without her man could not be. If nonviolence is the law of our being the future is with woman. Who can make a more effective appeal to the heart than woman?”

Mahatma Gandhi¹

1. Introduction

Crime against women is a worldwide epidemic. It may take different forms depending on history, culture, background, and experiences, but it causes great suffering for women, their families, and the communities in which they live. It is often imbedded in concepts of gender and the roles of men and women that are considered the “norm” in a given culture at a given time, and it is manifested in efforts to exert power and control over women’s bodies and lives.

Crime against woman is one of the most regular and prevalent human rights violations. It is rooted in gendered social structures rather than individual and random acts; it cuts across age, socio-economic, educational and geographic boundaries; affects all societies; and is a major obstacle to ending gender inequality and discrimination globally. The United Nations defines Crime against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering

¹ To the Women of India (Young India, Oct. 4, 1930)
to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.2

In the words of Sarah Grimke3 — “All history attests that man has suggested women to his will, used her as a means to promote his her gratification, to minister to his sexual pleasures, to be instrumental in promoting his comfort; but never has he desired to elevate her to that rank she was created to fill. He has done all he could to debase and enslave her mind; and now he looks triumphantly on the ruin he has thus deeply injured in his inferior. But I ask no favour for my sex. All I ask our brethren is that they will take their feet off from our necks and permit us to stand upright on that ground which God designed us to occupy”.

The Hindu sage, Manu condemned woman to eternal bondage. The German philosopher Nietzsche said, “When you go to meet a woman, take your whip along. The Greek, in their period of highest culture imprisoned their women within their houses and denied them all rights”4.

The Spartans often destroyed women who could not give birth to healthy children. Even the most magnificent and civilized empire of Rome granted its women no legal rights. In Rome husbands had absolute control over their wives and treated them as slaves5.

Aristotle and Rousseau branded qualities like modesty, femininity and meekness as womanly and natural for the female sex. Plato did concede them an equal status in his Republic but that is stray example6.

The socialist thinkers led by Karl Marx, Engels and others believed that women had been transformed from free and equal productive members of the society to subordinate wives and wards.

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4 Jain Devika, Indian Women P. 47
5 Cobbold, Evelyn. Pilgrimage to Mecca P. 193
6 Rama Mehta, Socio-Legal Status of Women, Mittal Publication, New Delhi 1985
Even *Hobbes and Locks*, the advocates of equality, did not assign this equality to women.

“Equality and freedom, however evaded women as in the chequered history of mankind one finds that different and disparate cultures, however distant they may be in time and space have one thing in common and that is contempt for women. This unequal status of women being offensive to human dignity and human rights emerged as a fundamental crisis in human development the world over. The full development of personality of fundamental freedom and equal participation by women in political, social, economic and cultural scenario are concomitants of national development, social and family stability. All forms of discrimination on grounds of gender breed unrest.”

“In common law the legal personality of a wife submerged into her husband’s and a married woman was in general incapable of acquiring, holding or alienating any property. The nature and proper timidity and delicacy which belong to the female sex evidently make her unfit for many of the occupations of civil life.”

In our Indian society, Inter caste marriages were banned child marriages were norms, the girl was to be the part of the husband’s family. Some landmarks judgments were delivered by the judiciary in 19th century to protest against some customs and traditions, abolishing detestable practices like sati. During British regime some revolutionary laws, like the *Hindu widows remarriage Act 1865* and *Brahmo Samaj Marriage Act, 1872* were passed. After independence Hindu Marriage Act 1955 was passed by which polygamy was abolished, minimum age for marriage was fixed and remarriage in cases of death of spouse or divorce were allowed. *The child marriage (Restraint) Act of 1929* was not very effective as such marriages were...

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8 Bradwell v. Illinious(1883) 16 Wall 141
continued to be performed. Recently new enactment were introduced entitled “Prohibition of Child Marriage Act, 2006”, which repealed the older Act, and “The Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013” which was enacted to curb the sexual offences committed against the working woman at the workplace. The Criminal Amendment Act 2013 or Nirbhaya Act or anti rape law was passed by the parliament in wake of barbaric rape of an intern in night, the incident shook the country and in the wake of widespread protest the Government has passed this legislation to stringent the rape law and law related to other sexual offences with harsher punishment. There are numbers of act which were enacted to deal with the cruelty and crime committed against woman at home and outside but in reality in spite of these acts we are not able to curb these crimes which were increasing rapidly in last decade.

To undo injustices done to women for ages, the constitution has empowered the legislatures to enact special protective laws in favour of women. In reality a large number of such laws have been passed and one can think that women in our society are enjoying a privileged position but this elusion is short-lived and vanishes the moment one starts delving with facts. Whole bulk of this protective legislation is a very modest attempt to combat the deep-rooted evils of horrendous crimes that are committed against women every day. These were committed in the past; they are being committed in the present also. We do not found any change in man’s brutality towards woman inspite of protective laws to defend women. The way, incidence of crime against women are increasing, reveals that neither the education nor laws have changed the basic thinking regarding the woman’s worth.

The burning question before our society is, who is responsible for this lapse? Are our religious beliefs, die-hard traditions, poverty patriarchal structures of our society are responsible? or the low social status of woman. Weaknesses of laws, protection provided by the laws are to be blamed? It has
been found that the protection provided by the law is so filmsy that any person commits the crimes with impunity and get away.

*International women’s Decade (1975-85)* was globally dedicated to the cause of women so that they could enjoy equal rights with men and would no longer remain the hapless and helpless victims of the atrocious, autocracies of men. A large number of seminars, workshops, conferences have been held to find out and suggest effective measures to prevent violence against woman by fully enforcing their legal and constitutional rights and thereby rehabilitating them in the society as its respectable members.

While women may be victim of many general crimes such as murder, robbery, dacoity, impersonation etc., but only the crimes which are specifically against women are characterized as “crime against women”. The Government has made several new women oriented laws and amendment existing laws to handle crime against women in particular. As the present study is confined only to the crimes against women, due to this the crimes against women are broadly classified under two categories.

1. **The Offences Identified in Indian Penal Code, 1860**
   
   A. Rape
   B. Kidnapping & Abduction, trafficking and prostitution
   C. Killing for Dowry, Dowry Deaths or their attempts
   D. Mental and Physical Torture
   E. Molestation
   F. Offences related to Marriage
   G. Acid Attacks
   H. Honour Killing

2. **The offences identified in the Special Laws**

   While all laws are not gender specific, the provision of law affecting women considerably have been reviewed from time to time and amendments

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9 Objectives of Decade. Times of India May 7, 1985 P.3
were made to keep pace with the evolving society. The following laws are having special provisions to protect women and their safety:

A. Indecent Representation of Women (Prohibition) Act, 1986
B. The Immoral Traffic (Prevention) Act 1986
C. Dowry Prohibition Act, 1961
D. Commission of Sati (Prevention) Act, 1987
E. The Protection of Women from Domestic Violence Act, 2005
F. Information Technology Act 2000
G. The Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013
H. The Prevention and Protection from Witch Hunting
I. Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994
J. The Medical Termination of Pregnancy Act, 1971
K. The Prohibition of Child Marriage Act, 2006

In an incident that shakes the country on 16 December 2012 where a female student intern was beaten and gang raped in Delhi and after few days later in spite of receiving medical treatment, the victim was no longer alive. The incident led to condemnation by the United Nations and other International women organizations, and called upon government of India “to do everything in their power to take up radical reforms, ensure justice and reach out with robust public services to make women’s lives more safe and secure”. 10

“Against the backdrop of the nation-wide outrage over the tragic Delhi gang-rape, Nirbhaya (Fearless) incident of December 16, 2012, propelled the Government of India (GOI) to drive the issue of violence against women to the centre-stage of political discourse. Consequently, on December 22, 2012, GOI appointed a three-member judicial committee headed by the former Chief Justice of India, Justice J.S. Verma. The key objective of the Commission was

to review for possible amendments to the criminal law and suggest measures for faster trials and strict penalties for brutal offences related to crime against women. Taking further cognizance of the strident storm of public protests in general and a tribute to Nirbhaya (Fearless) in particular, on January 23, 2013, the commission submitted its recommendations by identifying ‘lack of good governance’ as the central cause of violence against women. The commission goes on to criticise the government, the abysmal and old-fashioned police system alongside public apathy in tackling violence against women, and thereby, recommends dramatic transformation in legislations. The recommendations are based on more than 80,000 suggestions received from stakeholders, social activists and public comprising eminent jurists, legal professionals, NGOs, women’s groups and civil society through varied methods: emails, posts and fax. A 631-page report consisting of 14 chapters include recommendations on laws related to rape, sexual harassment, trafficking, child sexual abuse, medical examination of victims, police, electoral and educational reforms. Based on some of the recommendations of the Justice Verma Committee (JVC) report, an anti-rape Ordinance was enacted and signed by the Honourable President of India, Mr. Pranab Mukherjee on February 03, 2013. The Criminal Law (Amendment) Bill, 2013, passed in the parliament”.  

Changes brought in Criminal Law by the Criminal Law (Amendment) Act, 2013.

The changes that have been brought about by the criminal law amendments are the incorporation of new offenses in the Indian Penal Code, which are enumerated below:
Section 326A, “a gender neutral provision, provides for the penalties for acid attacks as imprisonment of not less than ten years but which may extend to

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12 The Criminal Law (Amendment) Act, 2013 Sec. 05.
imprisonment for life and with fine which shall be just and reasonable to meet the medical expenses and it shall be paid to the victim.”

Section 326B\textsuperscript{13}, “a gender neutral provision, provides for penalties for engaging in an attempt to attack with acid and gives for imprisonment of not less than five years but which may extend to seven years, and shall also be liable to fine. The explanation to the section also provides for inclusion of all substances that have a corrosive, burning or acidic nature. Also it further provides that such an attack need not have any irreversible section for the section to apply.”

Section 354A\textsuperscript{14} “provides for penalties for the offense of sexual harassment. It provides for rigorous imprisonment up to three years, or with fine, or with both for events described in clauses (i) & (ii), imprisonment up to one year, or with fine, or with both in other cases (i) Physical contact and advances involving unwelcome and explicit sexual overtures; (ii) A demand or request for sexual favors; or (iii) Forcibly showing pornography; or (iv) Making sexually colored remarks”

Section 354B\textsuperscript{15} “provides for imprisonment of not less than three years but which may extend to seven years and with fine for assaults or use of criminal force on any woman or for abetment of such an act with the intention of disrobing or compelling her to be naked.”

Section 354C\textsuperscript{16} “includes a new offense of Voyeurism. In case of first conviction for this offense, imprisonment not less than one year, but which may extend to three years, fine. In the event of second or subsequent conviction, a punishment of imprisonment for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine. In defining the offense of voyeurism, the act provides that watching or capturing a woman in a “private act”, includes an act of watching carried out

\textsuperscript{13} Ibid
\textsuperscript{14} Ibid Sec. 07.
\textsuperscript{15} Ibid
\textsuperscript{16} Ibid
in a place which, in the circumstances, would reasonably be expected to provide privacy, and where the victim’s genitals, buttocks or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the person is doing a sexual act that is not of a kind ordinarily done in public.”

Section 354D\textsuperscript{17} “introduces another new offense of Stalking. This section provides for an Imprisonment of not less than one year but which may extend to three years, and fine. This section can only be evoked for women. The section defines stalking as to follow a woman and contact, or attempt to contact the woman to foster personal interaction repeatedly despite a clear indication of disinterest by the aggrieved woman; or monitor the use by a woman of the internet, email or any other form of electronic communication. There are exceptions to this section which include such act being in course of preventing or detecting a crime authorized by state or in compliance of certain law or was reasonable and justified.”

Section 370 has been substituted with new sections, 370\textsuperscript{18} and 370A\textsuperscript{19} which deal with trafficking of person for exploitation. “If a person (a) recruits, (b) transports, (c) harbors, (d) transfers, or (e) receives, a person, by using threats, or force, or coercion, or abduction, or fraud, or deception, or by abuse of power, or inducement for exploitation including prostitution, slavery, forced organ removal, etc. will be punished with imprisonment ranging from at least 7 years to imprisonment for the remainder of that person’s natural life depending on the number or category of persons trafficked. Employment of a trafficked person will attract penal provision as well.”

One of the major changes that have been included is pertaining to the offense of rape. While the Ordinance wanted to change the word ‘rape’ to ‘sexual assault’, but the word ‘rape’ has been kept in Section 375\textsuperscript{20}, and was extended to include acts in addition to vaginal penetration. The definition is

\textsuperscript{17} Ibid
\textsuperscript{18} Ibid Sec. 08.
\textsuperscript{19} Ibid
\textsuperscript{20} Ibid, Sec. 09.
broadly worded with acts like “penetration of penis, or any object or any part of body to any extent, into the vagina, mouth, urethra or anus of another person or making another person do so, applies of mouth or touching private parts constitutes the offence of sexual assault.” The section has also clarified that penetration means “penetration to any extent”, and lack of physical resistance is immaterial for constituting an offence. Except in certain aggravated situation “the punishment will be imprisonment not less than seven years but which may extend to imprisonment for life, and shall also be liable to fine. In aggravated situations, punishment will be rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.”

Section 376A21 has been added which states that “if a person committing the offence of sexual assault, inflicts an injury which causes the death of the person or causes the person to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean the remainder of that person’s natural life, or with death.”

In case of “gang rape” under Section 376D,22 “persons involved regardless of their gender would be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life and shall pay compensation to the victim which shall be reasonable to meet the medical expenses and rehabilitation of the victim. The age of consent in India has been increased to 18 years, which means any sexual activity irrespective of presence of consent with a woman below the age of 18 will constitute statutory rape.”

The amendment act also bought changes in the Indian Evidence Act and Code of Criminal Procedure. The process of recording the victim’s statement is made easy and victim friendly. The most important changes

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21 Ibid
22 Ibid
bought by the Criminal Amendment act are that the court cannot cast doubt on
the character of victim as it is made irrelevant in the offence of rape23, and
secondly the court from the first day presume no consent if it said by the
victim in her statement to the court that she did not consent to act, where
sexual intercourse is proved.24.

*The Dowry Prohibition Act, 1961* was also amended for this purpose.
The changes have made the definition of dowry wider and cruelty by husband
or relatives of the husband has become a crime, if the wife dies within seven
years of marriage under suspicious circumstances, the husband and his
relatives will have to prove that they had no hand in killing the bride of there is
a history of torture and harassment of wife. But nothing much has improved by
these legal amendments. All the crimes committed against women have
maintained their upward trend. It has been found by various studies that most
of the prosecution drops out at initial stage, either because of lethargy by
police, faults of investigating agency and slow pace of judicial proceeding.

*Suppression of Immoral Traffic in women and Girls Act 1956* was
passed to prevent the evil of Immoral Trafficking. Section 366-A and 366-B
were added to Indian Penal Code by the amendment in 2013 to make the
procreation of minor girl a crime.

*The Immoral Traffic (Prevention) Act 1986* was enacted with more
stringent provisions to combat new forms of criminal trafficking and to protect
innocent girls. Despite all these steps the flesh trade has assumed wide
extraterritorial dimension. Girls are lured on promises of jobs but sold to
brothels. What is more shocking is that they are often sold by their wars. The
law is weak and in most of the cases, fleshes trade and sale of minor girls goes
on with the connivance of police. There are crimes that are committed within
the four walls of the house, some are committed outside the house in lonely

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23 Section 53A, Indian Evidence Act, 1872.
24 Section 114A, Indian Evidence Act, 1872.
places and some at public places. Inspite of protective laws the index of these crimes is touching heights.

Though the protective laws were amended with the suggestion and cooperation of various sections of the society, women’s organization, law Commission and Select Committee of the Parliament but even than the amended laws are full of loopholes and shortcomings and are not able to check and combat the rising trend of these crimes e.g. Dowry Prohibition Act declares giving and taking dowry a crime but no marriage in India is performed without taking dowry. There is no alternative with the parents to refuse for giving dowry to get their daughters married. Can the daughters lead a respectable life if they are not married beyond a particular age? Will the society accept a raped woman and reassure her of sympathy, care and concern? Can a battered woman get penalized her husband and leave him without danger to her own life?

Controlling crime against women will take a long time at least a generation, many believe, and perhaps longer. Nevertheless raising awareness of the issues of violence against women and educating men to view women as valuable partners in life. It is important that in order to prevent violence, non violence means be used to resolve conflict between all members of the society. A mere legal approach by way of special laws and enhanced punishment cannot check increasing atrocities on women.

2. Review of literature

1. Prof. (Dr.) K.D. Gaur’s, “Textbook on the Indian Penal Code” has made an in depth study on various sections related to crime against woman with latest case laws and the need of amendment in Indian Penal Code, 1860 with The criminal Amendment Act, 2013. The author with selected commentary and latest case laws has explained the sections related to crime
against woman. The author’s book is termed as classic book in the field of Criminal Law.  

2. **B.K. Pal** in his book “Problems and concerns of Indian Woman” has highlighted the issues and challenges faced by the Indian Woman while achieving equality for themselves. This book is compilation of research papers submitted by various authors and research scholars in a Seminar on “Problems and concern of woman” organized by United Lawyers association and Legal Service Clinic for Woman and Children organized by Indian Law Institute, New Delhi in 1986. The seminar has witnessed presence of eminent persons like Hon’ble Justice E.S. Venkataramiah, Supreme Court of India and Sh. Soli J. Sorabjee etc. to highlight the problem related to gender inequality and discrimination against woman.  

3. **Dr. S. C. Tirpathi** in his book “Woman and Criminal Law” has extensively highlighted the crime committed against the woman in India. The author has thoroughly discussed the Nirbhaya gang rape case and why the Criminal Amendment Act, 2013 has been passed by the government of India in a hurry. The author has elaborately discussed the issue of honour killing with latest case laws. He further explained the issue related to improper implementation of these laws and direction issued by the Hon’ble Supreme Court in various latest cases related to protection of right’s of woman.  

4. **Shobha Saxena**, in his Book “Crimes against Women and Protective laws”, has discussed the explicit and frightening account of trials and tribulations of women who cry desperately for caring and sensitive attention. The author through this book wants to create awareness about the heinous crimes that committed against woman and wants to highlight the ineffectiveness of the existing laws to deal with crime against woman.  

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5. **Justice Verma committee Report on The Criminal Amendment Act** has also highlighted the issue which needs to be addressed, to provide safety and security to woman at home or outside home. The extensive research done by Justice Verma and other committee members after the widespread agitation by the woman organization and citizen’s of this country after horrifying rape of student in moving bus. The law commission report is also discussed while amending the criminal laws.\(^{29}\)

6. **B.N. Kirpal, H. Desai and Gopal Subramaniam** in his book “*Supreme but not Infallible: Essays in Honour of the Supreme Court of India*”, has highlighted the stand taken by the apex court in upholding the right to equality and gender sensitization in India. This book is collection of essays by leading Indian and foreign scholars and legal practitioners to celebrate the 50 years of The Supreme Court of India. This book reflected the role played by the Supreme Court in upholding the constitution and provide equality to man and woman.\(^{30}\)

7. **Mamta Rao** in his book “*Law relating to Women and Children*” has discussed the law relating to woman and children. The author has highlighted the treatment given to the woman during the ages and how the government can provide woman equal status to man. The author also stressed that till the time half of the population of the country deprived of their rights, the country cannot progress.\(^{31}\)

3. **Scope of research work**

The scope of the thesis mainly covers the attitude of indifference and negligence that is primarily the result of general acceptance of men’s superiority over women because of which violent acts against women have not been viewed as violent by women themselves due to their religious values and social attitudes. It is only recently that the issue of crime against women has


\(^{30}\) B.N. Kirpal, H. Desai and Gopal Subramaniam, “*Supreme but not Infallible: Essays in Honour of the Supreme Court of India*”, Oxford India Paperbacks, 2004

been transformed from a private issue into a public problem. The present study tries to explore the main causes in increasing the trend of crime against women, the effectiveness and impact of existing laws to control followed by important suggestions to prevent further commission of particular crimes in India.

4. **Formulation of the problem**
   
The main objectives of the present study are as under:
1. To know and analyze the present crime trend rapidly increasing against women in India.
2. To explore the main causes in increasing the crimes against women in India.
3. To understand the existing law in India pertaining to combat such crimes.
4. To know the impact of such crimes on the society.
5. To know where the government machinery is failed to control the crime against women.
6. To point out the possible defects and loopholes in the existing laws relating to crime against women in India.
7. To suggest the reforms and remedial measures for the control of crime against women.

5. **Research Methodology**
   
Conception & Pre-Natal Diagnostic Techniques Act, 1994, The Medical Termination of Pregnancy Act, 1971, The Prohibition of Child Marriage Act, 2006, Domestic Violence Act, 2005 and The Criminal Law (Amendment) Act, 2013. The secondary sources include crime reports, journals, books, case laws and internet surveys etc., the finding of study will be based upon statutory provision, and the case law delivered in the courts of India. Recent incident came in light will also be incorporated to know the recent trend of crime against women in India.

6. **Basis of the Study: Validity and Relevance**

With spread of education and awareness, women step out of the four walls of house and entered and proved her potential in almost every precinct of life, which were earlier exclusive male domains in our patriarchal society. Seeing the spate of cases regarding women issues in India, a need to devise an effective mechanism to deal with the cases on an urgent basis was felt. Since we live in a progressive society which keeps on changing day by day rapidly, the conditions of women also undergoes a change in new society with new emerging crimes. In other words, changes in society have their impact on various matters of daily routine life of society. In India the crimes against women keeps on increasing with alarming rate. Hence the present study is an attempt to throw some light on the various emerging crimes against women with their causes and suggest some crucial suggestions, which may be of utmost importance for the stakeholders.

7. **Plan of the study**

To keep the present study in a feasible manner the researcher has divided research into six chapters.

**Chapter-I** is about the research design which highlights the objectives of research and research methodology. The chapter also includes the plan of study, review the relevant literature comprising of few important books, articles, websites etc.
**Chapter-II** this chapter also includes the status of women in India in historical perspective, her status and position in that society. Further this chapter envisages how the condition of women deteriorated through ages and was at its lowest ebb during medieval times and where women stand today. It further incorporates that despite being provided equal status by constitution and remarkable work by women in various fields she is yet to get her dues.

**Chapter-III** highlights the Statutory Classification of crime against women: The semantic meaning of ‘crime against women’ is direct or indirect physical or mental cruelty to women. Various kinds of violence against women are eve-teasing, molestation, bigamy, fraudulent marriage, abduction and kidnapping, rape, harassment of women at working place, wife beating, dowry death, female child abuse and abuse of elderly female etc.

The present chapter focuses on Statutory Classification of crimes against women. For easy understanding I have classified crimes under two categories, Firstly the offences Identified in Indian Penal Code and secondly the offences identified under the Special Laws.

**Chapter-IV** deals with factors that are responsible for these crimes and duress which make women suffer in silence. A crime against women is not considered from only physical point of view but also sociological aspect also. There are records of women raped, beaten, abducted and given humiliating treatment. Women have been subjected to socioeconomic and cultural deprivations for such a long time that there is a general indifference and lack of awareness of crimes against them. A lack of awareness of the seriousness of the problem, the general acceptance of men’s superiority over women and denial of violence by the women themselves due to social and cultural attitudes.

**Chapter-V** deals with Legislative and Judicial approach before and after Criminal Amendment Act - 2013. This chapter has dealt with approach of legislature to enact new law and also amend existing law to deal with present scenario. The chapter also deals with judicial approach regarding
crime against woman and how the judiciary has given the guidelines and
direction to protect the right of victims. This chapter talks about the incident of
Nirbhaya gang rape and how the widespread protest result in criminal
amendment act 2013. Judiciary in India has always played a laudable role in
eradicating social evils, and to bring social justice to masses. Supreme Court
of India has devised various ways like epistolary jurisdiction, relaxing *locus
standi* criteria, allowing public interest litigation (PIL) and has played pro-
active role to bring justice to every doorstep. This chapter specifically
provides various steps taken, guidelines given by judiciary to bring crime
against women under control.

**Chapter-VI** of the work covered the Conclusion and Suggestions.
Crime and violence against women are on a rise unabated in one form or
another, inspite of various laws and legislations to curb it. The main cause for
it lies in the very roots of our upbringing of our children. From the very
beginning male child is taught that he is superior than his female counterpart,
and this superiority feeling grows with him and when in future he has to
compete with female counterparts he look down upon them but when they
prove superior to him, the feeling of revenge is vent out in various forms, or
often anger is released on female as they are considered as physically weak
and under their right and control by male. So, before anything else this
mentality is required to be changed. First of all we will have to acknowledge
that women also humans as male are, only after we can bring change to the
existing situation. The researcher in this chapter tries to bring various
suggestions which can be of utmost important for the stakeholders.

The present study is accomplished on the basis of several books of
prominent authors as well as many articles on the theme published in various
journals, data from National Crime Record Bureau and an exhaustive analysis
of various specific laws decided by the Indian Courts. To look into the
magnitude of the problem the researcher has also made an attempt to analyze
8. Magnitude of the Problem

The Researcher is through the National Crimes Records Bureau data wants to draw attention of the nation towards growing incidence of sexual violence against women and after amending and enacting various laws by the Criminal Law Amendment Act 2013. The data of NCRB shows that the problem of violence is still increasing rapidly even after enacting and amending laws and having harsher punishment for sexual violence. The Data Shows following trend-

“A total of 3,37,922 cases of crime against women (both under various sections of IPC and SLL) were reported in the country during the year 2014 as compared to 3,09,546 in the year 2013, thus showing an increase of 9.2% during the year 2014. These crimes have continuously increased during 2010 - 2014 with 2,13,585 cases reported in 2010, which increased to 2,28,649 cases in 2011, which further increased to 2,44,270 cases 2012 and 3,09,546 cases in 2013. In 2014, a total of 3,37,922 such cases were reported.

Uttar Pradesh with 16.8% share of country’s women population has reported nearly 11.4% of total crimes committed against women at all India level, by reporting 38,467 cases and West Bengal accounting for nearly 7.5% of the country’s women population, has accounted for 11.3% of total cases of crimes against women in the country by reporting 38,299 cases during the year 2014.

The crime rate under crimes against women was reported as 56.3 in 2014. Delhi UT has reported the highest crime rate (169.1) compared to 56.3 at all India level during the year 2014, followed by Assam (123.4), Rajasthan (91.4), Tripura (88.0), West Bengal (85.4), Madhya Pradesh (79.0) and Telangana (78.3).

The crime against women during the year 2014 has increased by 9.2% over the year 2013 and by 58.2% over the year 2010. The IPC component of
crimes against women has accounted for 96.3% of total crimes and the remaining 3.7% were SLL crimes against women.

The proportion of IPC crimes committed against women towards total IPC crimes has increased during last 5 years from 9.6% in the year 2010 to 11.4% during the year 2014.

Incidents of incest rape (rape by blood relation like father, brother etc.) in the country have increased by 25.7% during 2014 over the previous year (from 536 cases in 2013 to 674 cases in 2014). Delhi UT (140 cases with 144 victims) has reported the highest such incidence followed by Maharashtra (94 cases with 102 victims) and Kerala (62 cases with 63 victims). There were 713 victims for 674 reported incest rape cases in the country during the year 2014.

We have to go through the national crime record bureau to see crime committed under IPC and Special Laws head wise.

**Rape (Sec. 376 IPC)**

A total of 36,735 cases of rape under section 376 IPC were reported during 2014 (excluding the Protection of Children from Sexual Offences Act, 2012). An increasing trend in the incidence of rape has been observed during the periods 2010 - 2014. These cases have shown an increase of 9.2% in the year 2011 (24,206 cases) over the year 2010 (22,172 cases), an increase of 3.0% in the year 2012 (24,923 cases) over 2011, with further increase of 35.2% in the year 2013 (33,707 cases) over 2012 and 9.0% in 2014 (36,735 cases) over 2013. 14.0% of rape cases were reported in Madhya Pradesh (5,076 out of 36,735 cases) followed by Rajasthan (3,759 cases), Uttar Pradesh (3,467 cases), Maharashtra (3,438 cases). Mizoram reported the highest crime rate of 23.7 followed by UT of Delhi at 23.2 as compared to national average of 6.1.

**Incest rape**

29.6% of the total victims of incest were from the age group of 12 – below 16 years (211 victims) followed by 28.5% in age group 18-30 years
(203 victims), 16.1% in age group 16-below 18 years (115 victims), 11.8% in age group 6-below 12 years (84 victims), 9.0% in age group 30-below 45 years (64 victims), 3.2% in age group below 6 years (23 victims), 1.0% in age group 45-below 60 years (7 victims) and 0.8% in age group of above 60 years (6 victims). Thus 89.2% of total incest rape victims were children (below 18 years) (636 out of 713 victims).

A total of 36,739 cases were registered for 36,968 victims under 'other than incest rapes' during 2014. Madhya Pradesh has accounted for maximum such cases by reporting 5,017 cases followed by 3,700 cases in Rajasthan and 3,416 cases in Uttar Pradesh during 2014. Maximum such victims were from the age group of 18-30 years (16,317 victims).

Out of 37,413 rape cases, in 32,187 cases the offenders were known to the victims accounting for 86.0% of total rape cases during 2014. 16 out of 36 States/UTs have reported more than 90% of such cases. Apart from 674 incest rape cases, in 966 cases victims were raped by close family members and in 2,217 cases victims were raped by her relatives. A total of 8,344 cases were reported in which victims were raped by her neighbours, maximum such cases were reported in Madhya Pradesh (1,351 cases), Uttar Pradesh (1,111 cases), Rajasthan (860 cases) and Maharashtra (714 cases) and these four States accounted for 48.4% of total such cases. In 618 cases employers/co-workers has rape their female employees or colleagues.

Barring North-Eastern States, in Bihar (52.8%) and West Bengal (58.9%) majority of rapes were committed by unknown persons therefore require more safety measures.

**Custodial Rape**

Custodial rape viz. rape under custody of police, of hospital, judicial custody etc. has been added for the first time in this report, earlier data on rape under police custody only was collected. It has been further sub categorized as custodial gang rape and other custodial rape.
Out of 36,735 total rape cases in the country, 197 cases were reported as custodial rapes during the year 2014. Highest number of custodial rape cases were reported in Uttar Pradesh (189 cases consisting of 5 cases of Gang rape and 184 cases of other custodial rapes) followed by Arunachal Pradesh (4 cases of custodial rape other than gang rape), Rajasthan (3 cases consisting of 2 cases of custodial gang rape and 1 case of other custodial rape) and Pondicherry (1 case of custodial rape other than gang rape) during 2014.

There were 36,975 victims of custodial rapes for 36,735 reported rape cases in the country during the year 2014.

**Rape other than custodial rape**

Out of 36,735 total rape cases in the country, 36,538 cases were reported as other than custodial rapes during the year 2014. Rape other than custodial rape has been further sub-categorized as gang rape and other rape. Out of 36,538 rape cases (other than custodial rape cases) in the country, 2,346 cases were reported as gang rape cases and 34,192 cases were reported under other rape cases.

Maximum rape cases (other than custodial rape cases) were reported in Madhya Pradesh (5,076 cases, consisting of 284 gang rape cases and 4,792 other rape cases), followed by Rajasthan with 3,756 such cases (consisting of 414 gang rape cases and 3,342 other rape cases) and Maharashtra 3,438 (consisting of 126 gang rape cases and 3,312 other rape cases).

Maximum incidents of gang rape cases were reported in Uttar Pradesh by registering 762 cases (consisting of 189 custodial gang rape cases and 573 other than custodial gang rape cases) followed by Rajasthan with 417 cases (consisting of 3 custodial gang rape cases and 414 other than custodial gang rape cases).

**Attempt to commit rape**

Attempt to commit rape has been added for the first time in this report. A total of 4,234 cases were reported under attempt to commit rape during
Maximum number of such cases were reported from West Bengal (1,656 cases) followed by Bihar (484 cases), Rajasthan (373 cases) and Uttar Pradesh (324 cases).

**Kidnapping & abduction**

A total of 57,311 cases were reported under kidnapping & abduction of women during 2014. These cases have shown an increase of 10.5% during 2014 over the previous year 2013 (from 51,881 cases in 2013 to 57,311 cases in 2014). Uttar Pradesh with 10,628 cases of kidnapping & abduction has accounted for 18.5% of the total such cases during 2014. Delhi UT has reported the highest crime rate at 44.7 compared to the national average of 9.6.

Out of 57,311 cases of kidnapping & abduction, maximum number of cases of kidnapping & abduction of women were reported for marriage purposes (30,874 cases). This accounted for 53.9% of total such cases during 2014. A total of 58,492 victims for 57,311 registered cases of kidnapping & abduction were reported in the country during the year 2014. Maximum number of cases of kidnapping & abduction of women for marriage purposes were reported in Uttar Pradesh (7,338 cases) followed by Bihar (4,641 cases) and Assam (3,883 cases) during 2014.

**Dowry Deaths**

The cases of dowry deaths have increased by 4.6% during the year 2014 over the previous year (8,033 cases). A total of 8,501 victims were reported under 8,455 dowry deaths cases in the country during the year 2014.

29.2% of the total cases of dowry deaths were reported in Uttar Pradesh (2,469 cases) alone followed by Bihar (1,373 cases). The highest crime rate in respect of dowry deaths was reported in Bihar (2.8) followed by Uttar Pradesh (2.5) as compared to the national average of 1.4.

**Assault on women with intent to outrage her modesty**

Incidents of assault on women with intent to outrage her modesty in the country have increased by 16.3% during 2014 over the previous year (from
70,739 cases in 2013 to 82,235 cases in 2014). Maharashtra (10,001 cases) has reported the highest incidence of such crimes followed by Madhya Pradesh (9,609 cases) and Uttar Pradesh (8,605 cases). Delhi UT has reported the highest crime rate of assault on women with intent to outrage her modesty cases (47.9) as compared to the national average of 13.7. A total of 82,620 victims were reported under 82,235 cases of assault on woman with intent to outrage her modesty cases in the country during the year 2014.

Data on sexual harassment under section 354A IPC is collected separately for the first time in 2014. A total of 21,938 cases were registered under sexual harassment during 2014. Maximum cases under sexual harassment were registered in Uttar Pradesh (4,435 cases) followed by Maharashtra (4,052 cases) and Madhya Pradesh (3,163 cases).

Data on assault or use of criminal force to women with intent to disrobe (section 354B IPC) is collected separately for the first time in 2014. A total of 6,412 cases were registered under this crime head. Maximum cases under assault or use of criminal force to women with intent to disrobe were registered in Odisha (1,142 cases) followed by Uttar Pradesh (1,066 cases).

Data on Voyeurism and Stalking have also been collected separately for the first time in 2014. A total of 674 cases of voyeurism and 4,699 cases of stalking were reported in the country during the year 2014.

**Insult to the modesty of women**

The incidents of insult to the modesty of women have decreased by 29.3% during 2014 over the previous year (12,589 cases). Andhra Pradesh has highest cases of insult to the modesty of women (2,649 cases) followed by Maharashtra (1,575 cases) of total such cases reported during the year 2014. Delhi UT has reported the highest crime rate at 15.1 followed by Andhra Pradesh (10.5) as compared to the national average of 1.6.

Out of 9,735 cases of insult to the modesty of women, 57 such cases occurred at office premises, 469 such cases at other places related to work, 121 such cases in public transports and 9,088 such cases at other places.
during 2014. Most of the cases of insult to the modesty of women at office premises were reported in Delhi (11 cases) and Maharashtra (10 cases). Andhra Pradesh (65 cases) followed by Kerala (11 cases) and Maharashtra, West Bengal & Delhi (8 cases each) have reported maximum incidents of insult to the modesty of women in public transport.

**Cruelty by husband or his relatives**

The cases of Cruelty by husband or his relatives in the country have increased by 3.4% during 2014 over the previous year (1, 18,866 cases). Most of these cases were reported in West Bengal (23,278 cases) followed by Rajasthan (15,905 cases), Uttar Pradesh (10,471 cases) and Assam (9,626 cases), these four States together accounted for 48.2% of total such cases (59,280 out of 1, 22,877 cases). The highest crime rate (62.1) was reported from Assam as compared to the national rate at 20.5.

**Importation of girls from foreign country**

A decline of 58.1% has been observed in cases registered under this crime head in 2014 over 2013 (31 cases). Bihar (5 cases) and West Bengal (4 cases) reported the highest incidents of such crimes during 2014.

**Abetment of suicide of women**

Data on abetment of suicide of women is collected separately for the first time in 2014. A total of 3,734 cases of abetment of suicides of women were reported during the year. Maximum such cases were registered in Maharashtra (986 cases) followed by Telangana (627 cases) and Madhya Pradesh (455 cases) during 2014.

**Dowry Prohibition Act**

The cases registered under this Act have decreased by 6.2% during the year 2014 as compared to the previous year (10,709 cases). Maximum such cases were reported in Bihar (2,203 cases) followed by Uttar Pradesh (2,133 cases), Karnataka (1,730 cases) and Jharkhand (1,538 cases). The highest crime rate (9.6) was reported from Jharkhand as compared to 1.7 at the national level.
**Indecent Representation of Women (Prohibition) Act**

A decline of 87.0% was noticed in this crime head during the year 2014 as compared to the previous year (362 cases). Rajasthan reported maximum cases (18 cases out of 47 cases) with crime rate of 0.1.

**Commission of Sati Prevention Act**

Like previous years, no case under the Commission of Sati Prevention Act was registered during the year 2014.

**Protection of Women from Domestic Violence Act**

Data on Protection of Women from Domestic Violence Act, 2005 has been collected for the first time in 2014. A total of 426 cases were reported under this Act during 2014. Kerala (140 cases) followed by Bihar (112 cases), Uttar Pradesh (66 cases), Madhya Pradesh (53 cases) and Rajasthan (17 cases) have reported the maximum such cases during 2014, these four States together accounted for 91.1% of total such cases reported in the country during 2014.

**Immoral Traffic (Prevention) Act**

Unlike previous years report, data on incidents of the immoral traffic (P) Act refer to crimes perpetrated on women only whereas in previous reports cases reported under IT(P) Act were considered as part of crime against women.

The highest number of cases under the Immoral Traffic (P) Act were reported in Tamil Nadu (471 cases out of 2,070 cases) accounting for 22.8% of total such cases followed by Karnataka (388 cases), Andhra Pradesh (204 cases), Maharashtra (202 cases) and Telangana (192 cases). Daman & Diu UT has reported the highest crime rate of 7.8 as compared to the national average of 0.3.

Out of 2,070 cases reported under the Immoral Traffic (Prevention) Act, 605 cases under section 5 (procuring, inducing or taking persons for prostitution), 81 cases under section 6 (detaining of persons in premises where prostitution is carries on), 120 cases under section 7 (prostitution in vicinity of
public places), 104 cases under section 8 (seducing or soliciting for the purposes of prostitution) and 1,160 cases under other sections of the Immoral Traffic (P) Act were reported during 2014. Southern States Kerala (48 cases), Karnataka (21 cases) and Tamil Nadu (19 cases) have reported maximum cases of seducing or soliciting for the purposes of prostitution, these three States together accounted for 84.6% of total such cases reported in the country (88 out of 104 cases) during 2014.”\(^3\)

32 http://ncrb.nic.in/ (Visited on 25th February, 2016)