## CONTENTS

Declaration  
Certificate  
Acknowledgement  
Contents  
Preface  
List of Cases  
List of Abbreviations  

**Page No.**  

**CHAPTER – 1**  INTRODUCTION  

1.1  General  
1.2  Review of Literature  
1.3  Meaning  
1.4  Scope of Study  
1.5  Objectives of Study  
1.6  Rationale of the Study: Validity and Relevance  
1.7  Plan of the Study  

**CHAPTER – 2**  CONFOUNDING STATUS OF WOMEN IN INDIA: A JOURNEY THROUGH AGES  

2.1  Introductory  
2.2  Women in India: Historical Perspective  
2.2.1  Women and Vedas  

1-14  
5  
9  
10  
11  
11  
12  
15-40  
15  
16  
17
2.2.2  God is both Father as well as Mother
2.2.3  Hymn to the Divine Mother
2.2.4  Glory of Women in Ancient India

2.3  Journey of Indian women: Through ages Till Date

2.4  Present Position of Women in India

2.5  Women's Struggle and Reforms

2.6  Some Bright Spots

   2.6.1  Women Achiever

      2.6.1.1  Politics
      2.6.1.2  Sports
      2.6.1.3  Art and Entertainment
      2.6.1.4  Literature
      2.6.1.5  Corporate Divas
      2.6.1.6  Social Saints
      2.6.1.7  Universal Queens

2.7  Women in India: Position under Indian Constitution

CHAPTER – 3  CRIME AGAINST WOMEN : TYPES AND CAUSES

3.1  Introductory

3.2  Sexual Crimes against Women in India

   3.2.1  Rape: Meaning and Types

      3.2.1.1  Custodial Rape
      3.2.1.2  Gang Rape
      3.2.1.3  Incest
      3.2.1.4  Digital Rape
3.2.1.5  Marital Rape 46
3.2.1.6  Factors Adding Fuel to the Agony of Rape Victims 47
  3.2.1.6.1  Less Conviction Rate 47
  3.2.1.6.2  Police Apathy 47
  3.2.1.6.3  Abuse of Power and Authority 48
  3.2.1.6.4  Unreported Instances of Rape 49
  3.2.1.6.5  Convoluted Sense of Justice 49
  3.2.1.6.6  Wrong Signals Embolden Rapists 50
  3.2.1.6.7  Compounding Victims’ Trauma 51
  3.2.1.6.8  Social Ostracism towards the Victim of Sexual Offences 52

3.2.2  Need for Unorthodox methods 52
3.2.3  Generally, Who are Rapists? 53
3.2.4  Rape and Evolution of Legislative Provisions in India 53
3.2.5  Impediments towards Justice for Rape Victims 58

3.3  Girl and Women Trafficking in India: Status, Forms and Causes 61
3.3.1  Status and Challenges pertaining to Human Trafficking 62
3.3.2  Major forms of Human Trafficking 64
3.3.3  Causes 65
  3.3.3.1  Some factors responsible for Prostitution 67
  3.3.3.2  Domestic Violence and Human Trafficking 68
  3.3.3.3  Interlink Between Migration and Trafficking 69
  3.3.3.4  Commodification of Women 70
  3.3.3.5  Cultural Traditions 71
  3.3.3.6  Law Enforcement and Prevention 71
3.4 Crime against Life, Liberty and Health of Women
   3.4.1 Dowry Death and its Attempt
      3.4.1.1 Causes
      3.4.1.2 Law and social Evil Social Evils: An Appraisal

3.5 Female Infanticide and Feticide
   3.5.1 Female Infanticide in India: Present scenario
   3.5.2 Reasons for Sex-selective Abortion
      3.5.2.1 Cultural preference
      3.5.2.2 Genetic
      3.5.2.3 Societal effects
      3.5.2.4 Sex selection and technology
      3.5.2.5 Sex selection and statutes: Poor applicability of laws
      3.5.2.6 Patriarchy and prejudice
      3.5.2.7 Ethical blindness
   3.5.3 Need for gender justice

3.6 Child Marriage: A Serious Concerns
   3.6.1 Reasons for Child Marriage
      3.6.1.1 Family Bonding
      3.6.1.2 Parent’s Choice
      3.6.1.3 Cheaper for Poor Families
   3.6.2 Detrimental Effects on Children
      3.6.2.1 No education for Young Brides
      3.6.2.2 Health Risks
      3.6.2.3 High Maternal Mortality Rate
3.6.3 Curbing the Evil Practice: An Imperative

3.7 Pervasiveness of Sati System in India

3.8 Women as Victims of Witch Hunt

3.9 Crime against Modesty of Women

3.9.1 Obscenity: An Overview

3.9.2 Hicklin Test or Obscenity Test

3.9.2 Molestation

3.9.2.1 Defiance of Constitutional provisions

3.9.2.2 Molestation in India and England: An Overview

3.9.3 Sexual Harassment: Meaning and Types

3.10 Pornography: Meaning and Types

3.10.1 Types of Pornography

3.10.1.1 Non-commercial pornography

3.10.1.2 Computer-generated images and manipulations

3.10.1.3 3D pornography

3.10.1.4 Easy Access to Pornography

3.10.2 Obscenity and Pornography

3.10.3 Ambiguity in law

3.11 Matrimonial Crimes against Women

3.11.1 Torture (Physical and Mental) as described under Section-498A of IPC

3.11.2 Offence of Bigamy

3.12 Adultery

3.12.1 An Analysis of Section 497, IPC

3.12.2 Why Women are not Punished for Adultery
3.12.3 Why the Supreme Court has Erred 113
3.12.4 Changing Social Conditions 113
3.12.5 Why Women Should not be Punished Even Now 114
3.12.6 Decriminalised Adultery 114

3.13 Dowry Harassment 115
3.13.1 What the dowry is? 116
3.13.2 Why this social evil prevail in India 117
3.13.3 Facts relating to dowry death 118
3.13.4 Is Law-making is enough for eradication of social evils? 118

3.14 Cruelty and Harassment: Meaning under various Statute 119

3.15 Criminal Law in India: Penalty for Commission of Cruelty by Husband 119

3.16 Hindu Marriage Act, 1955 : Irretrievable Breakdown of marriage 120

3.17 Domestic Violence against Women 121
3.17.1 Forms of Domestic Violence 122
3.17.1.1 Physical Abuse 122
3.17.1.2 Sexual abuse and rape in intimate relationships 122
3.17.1.3 Psychological and emotional abuse 122
3.17.1.4 Femicide 123
3.17.1.5 Sexual abuse of children and adolescents 123
3.17.1.6 Forced prostitution 123

3.18 Sex-selective abortions, female infanticide and differential access to food and medical care 124

3.19 Causes of Domestic Violence in India 124
CHAPTER - 4  CRIMES AGAINST WOMEN : RECENT DISTURBING TRENDS  126-155

4.1 Honour Killing: Meaning and Recent Incidents  126

4.1.1 Main Causes  128

4.1.2 Need for Prevention of Heinous Crime of Honour Killing  129

4.2 Sexism and Female Stereotypes  130

4.3 Cyber Crime against Women in India  133

4.3.1 E-mail and IRC related crimes  134

4.3.2 Defamation  134

4.3.3 Cyber Stalking  134

4.3.4 Identity Theft  135

4.3.5 Pornography and its effects  135

4.3.6 Breach of Privacy and Confidentiality  136

4.3.6.1 Privacy  136

4.3.6.2 Confidentiality  136

4.3.7 Morphing  136

4.3.8 Email spoofing  137

4.3.9 Black Mailing  137

4.4 Provisions of the IT Act, 2000 and its Limitations  138

4.5 Causes  139

4.6 Casting Couch: Meaning and Reasons  140

4.6.1 Factors Responsible or Reasons  143

4.6.1.1 Cut-throat Competition  143

4.6.1.2 People are willing to stoop low  144
4.6.1.3 Family honor stops women from coming out of the closet
4.6.1.4 Insensitiveness towards Such Cases

4.7 Eve teasing: Meaning, Causes and Legal Provisions to combat
4.7.1 Alarming instances of Eve Teasing
4.7.2 Very term Eve-Teasing is female Biased
4.7.3 Legislative Provisions against Eve Teasing in India
4.7.4 Causes of Eve Teasing
4.7.5 Legal Redress

4.8 Stalking
4.8.1 Types of Stalkers and factors responsible
4.8.2 Position of Law Relating to Stalking in India

4.9 Acid Attacks
4.9.1 Main Causes
4.9.2 Recent Incidents
4.9.3 India Acid Attack Trends (2002–2010)
4.9.4 What need to be done

CHAPTER – 5 CRIME AGAINST WOMEN : SOCIO - LEGAL MEASURES, AND SOCIAL PERCEPTION
5.1 Introductory
5.2 Rape
5.2.1 Justice Verma Committee Report
5.2.1.1 Punishment for Rape
5.2.1.2 Punishment for other sexual offences
5.2.1.3 Registering complaints and medical examination
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.1.4</td>
<td>Marriages to be registered</td>
<td>158</td>
</tr>
<tr>
<td>5.2.1.5</td>
<td>Amendments to the Code of Criminal Procedure</td>
<td>158</td>
</tr>
<tr>
<td>5.2.1.6</td>
<td>Bill of Rights for women</td>
<td>158</td>
</tr>
<tr>
<td>5.2.1.7</td>
<td>Review of the Armed Forces Special Powers Act</td>
<td>159</td>
</tr>
<tr>
<td>5.2.1.8</td>
<td>Police Reforms</td>
<td>159</td>
</tr>
<tr>
<td>5.2.1.9</td>
<td>Role of the judiciary</td>
<td>159</td>
</tr>
<tr>
<td>5.2.1.10</td>
<td>Political Reforms</td>
<td>159</td>
</tr>
<tr>
<td>5.2.2</td>
<td>New definition included by 2013 amendment</td>
<td>160</td>
</tr>
<tr>
<td>5.2.3</td>
<td>Severe Punishment for Rapists</td>
<td>161</td>
</tr>
<tr>
<td>5.2.4</td>
<td>Non-discloser of Name of the Victim</td>
<td>165</td>
</tr>
<tr>
<td>5.2.5</td>
<td>Scheme for Restorative Justice</td>
<td>167</td>
</tr>
<tr>
<td>5.2.5.1</td>
<td>Section 357 A of Cr.P.C.: Victim Compensation Scheme</td>
<td>167</td>
</tr>
<tr>
<td>5.2.5.2</td>
<td>Section -357 B. -Compensation to be in addition to fine under section 325A or section 375D of Indian Penal code</td>
<td>168</td>
</tr>
<tr>
<td>5.2.5.3</td>
<td>Section -357C Treatment of Victims</td>
<td>168</td>
</tr>
<tr>
<td>5.2.6</td>
<td>National Commission for Women</td>
<td>168</td>
</tr>
<tr>
<td>5.3</td>
<td>Women Trafficking in India</td>
<td>170</td>
</tr>
<tr>
<td>5.3.1</td>
<td>Definition: Substitution of new Sections 370 and 370-A for Section 370</td>
<td>171</td>
</tr>
<tr>
<td>5.3.2</td>
<td>International Convention on combating trafficking in women and children</td>
<td>173</td>
</tr>
<tr>
<td>5.3.3</td>
<td>State Liability</td>
<td>176</td>
</tr>
<tr>
<td>5.3.4</td>
<td>SAARC Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution</td>
<td>178</td>
</tr>
<tr>
<td>5.3.5</td>
<td>Child Protection and Child Rights</td>
<td>180</td>
</tr>
<tr>
<td>5.4</td>
<td>Sexual Abuse of Children</td>
<td>181</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
<td>------</td>
</tr>
<tr>
<td>5.4.1</td>
<td>Protection of Children from Sexual Offences Act, 2012</td>
<td>181</td>
</tr>
<tr>
<td>5.4.2</td>
<td>The National Policy for Children, 2013</td>
<td>185</td>
</tr>
<tr>
<td>5.4.2.1</td>
<td>Preamble of the Act</td>
<td>186</td>
</tr>
<tr>
<td>5.4.2.2</td>
<td>Guiding Principles</td>
<td>187</td>
</tr>
<tr>
<td>5.4.2.3</td>
<td>Key Priorities</td>
<td>188</td>
</tr>
<tr>
<td>5.4.2.4</td>
<td>Survival, Health and Nutrition</td>
<td>188</td>
</tr>
<tr>
<td>5.4.3</td>
<td>Education and Development</td>
<td>190</td>
</tr>
<tr>
<td>5.4.4</td>
<td>Protection</td>
<td>192</td>
</tr>
<tr>
<td>5.4.5</td>
<td>Participation</td>
<td>193</td>
</tr>
<tr>
<td>5.4.6</td>
<td>Advocacy and Partnerships</td>
<td>194</td>
</tr>
<tr>
<td>5.4.7</td>
<td>Coordination, Action and Monitoring</td>
<td>194</td>
</tr>
<tr>
<td>5.4.8</td>
<td>Research, Documentation and Capacity Building</td>
<td>195</td>
</tr>
<tr>
<td>5.4.9</td>
<td>Resource Allocation</td>
<td>195</td>
</tr>
<tr>
<td>5.5</td>
<td>Problem of Dowry</td>
<td>196</td>
</tr>
<tr>
<td>5.5.1</td>
<td>Meaning and Ingredients of Dowry Crime under Indian penal code</td>
<td>196</td>
</tr>
<tr>
<td>5.5.2</td>
<td>Dowry Deaths</td>
<td>196</td>
</tr>
<tr>
<td>5.5.3</td>
<td>Bride Killing or Bride Suicide</td>
<td>197</td>
</tr>
<tr>
<td>5.6</td>
<td>Female Infanticide and Feticide</td>
<td>199</td>
</tr>
<tr>
<td>5.7</td>
<td>Witch Hunt</td>
<td>201</td>
</tr>
<tr>
<td>5.7.1</td>
<td>Law mooted against black magic</td>
<td>201</td>
</tr>
<tr>
<td>5.7.2</td>
<td>Special laws will end black magic</td>
<td>202</td>
</tr>
<tr>
<td>5.8</td>
<td>Crime Against Sensitivity and Modesty of Women</td>
<td>203</td>
</tr>
<tr>
<td>5.8.1</td>
<td>Section 292 in Indian Penal Code, 1850</td>
<td>203</td>
</tr>
<tr>
<td>5.8.2</td>
<td>Section 293 in Indian Penal Code, 1850</td>
<td>205</td>
</tr>
</tbody>
</table>
5.8.3  Section 294 in Indian Penal Code, 1850
5.8.4  The Indecent Representation of Women (Prohibition) Act, 1985
5.8.5  Cinematograph Act, 1952
5.8.6  The Cable television network (Regulation) Act, 1995

5.9  Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
5.10  Child Protection and Child Rights: Immoral Traffic Prevention Act, 1985
5.11  Dowry Prohibition Act, 1951
5.12  The Commission of Sati (Prevention) Act, 1987
  5.12.1  Definitions
  5.12.2  Punishment for offences relating to Sati
  5.12.3  Abetment of sati
  5.12.4  Punishment for glorification of sati
5.13  The Prohibition of Child Marriage Act, 2005
5.14  The Hindu Succession (Amendment) Act, 2005 (39 of 2005)
5.15  The Indecent Representation of Women Act (Prohibition) 1985
  5.15.1  Statement of Objects and Reasons of the Act
  5.12.2  The salient features of the Act
5.16  Molestation
  5.16.1  Assault or criminal force to woman with intent to outrage her modesty
  5.16.2  Assault or criminal force with intent to dishonor person, otherwise than on grave provocation. (Sec.-355)
  5.16.3  Word, gesture or act intended to insult the modesty of a woman. (Sec-509)
5.17  Pornography
5.18  Honor killing
5.19 Cyber Crimes 224
5.20 Acid Attacks 225
5.21 Social Perception on crime against women 226
  5.21.1 Societal view on Crime against Women 228
    5.21.1.1 Political class 228
    5.21.1.2 Women Organisations and Government 228
    5.21.1.3 Courts 228
    5.21.1.4 Changing perception: Post Nirbhaya India 228
  5.21.2 Some of the main factors affecting social perceptions 229
    5.21.2.1 Place of Incident 229
    5.21.2.2 Caste and Status of accused 230
    5.21.2.3 Rape as an instrument of repression 231
    5.21.2.4 Women illiteracy and adaptability to crime 233
    5.21.2.5 As a Tradition 233
    5.21.2.6 Response of young generation 233
    5.21.2.7 Media 233
    5.21.2.8 Low conviction rate 234

CHAPTER - 6 SETTING THE TONE BY INDIAN JUDICIARY THROUGH VARIOUS PATH BREAKING JUDICIAL PRONOUNCEMENTS 235-331

6.1 INTRODUCTORY 235

6.2 JUDICIAL MEASURES AND GUIDELINES 235
  6.2.1 Judiciary on Rape 236
    6.2.1.1 Deterrent punishment required to curb crime against women 236
    6.2.1.2 Exemplary Punishment for Unparalleled Brutality 236
6.2.1.3 Violation of Human Right

6.2.1.4 Strict Remarks on Custodial Rape

6.2.1.5 Guidelines regarding trial of Children in Sexual Abuse Cases

6.2.1.6 Directions for Magistrates/Juvenile Justice Board/Legal Services Authority

6.2.1.7 Power to pay interim compensation

6.2.1.8 All Persons Abetting Rape to be Convicted for Gang Rape

6.2.1.9 Provisions for Legal Help and Compensation to Victims of Sexual Assault

6.2.1.10 Delay in Lodging F.I.R.: No Ground for doubting or discarding Prosecution Case

6.2.1.11 Sensitive approach in cases of Sexual Assault of Children

6.2.1.12 No Stigma on the Character of a Victim

6.2.1.13 Due Weight to the Evidence of a Victim of a Sex-Offence

6.2.1.14 Conviction founded on the Testimony of the Prosecutrix

6.2.1.15 Rape is a crime and not a medical condition

6.2.1.16 Increasing Exploitation of Domestic Workers: A Concern

6.2.1.17 Digital Rape: A Concern

6.2.1.18 Non-disclosure of name of Victim

6.2.1.19 Rape victims and Bail orders

6.2.2 Dowry Cases and Judiciary

6.2.2.1 Apex Court direct all trial courts to add Ordinarily Sec. 302 to Charges of Sec.-304B
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2.2.2</td>
<td>Conviction on the Basis of Testimony of Witness</td>
<td>268</td>
</tr>
<tr>
<td>6.2.2.3</td>
<td>Admissibility of Dying Declaration – Exact Statement of Victim to be used</td>
<td>269</td>
</tr>
<tr>
<td>6.2.2.4</td>
<td>Demand of Dowry: Meaning and Scope</td>
<td>271</td>
</tr>
<tr>
<td>6.2.2.5</td>
<td>Meaning of ‘Demand for Dowry’</td>
<td>272</td>
</tr>
<tr>
<td>6.2.2.6</td>
<td>Conviction in Dowry offences solely on Circumstantial Evidence</td>
<td>273</td>
</tr>
<tr>
<td>6.2.2.7</td>
<td>Meaning of the expression ‘soon before her death’</td>
<td>274</td>
</tr>
<tr>
<td>6.2.2.8</td>
<td>Proximate Connection between Death and Demand of Dowry</td>
<td>276</td>
</tr>
<tr>
<td>6.2.2.9</td>
<td>Presumption under Section 113A and 113B of Indian Evidence Act</td>
<td>278</td>
</tr>
<tr>
<td>6.2.2.10</td>
<td>Conviction on basis of Dying Declaration of Deceased</td>
<td>278</td>
</tr>
<tr>
<td>6.2.2.11</td>
<td>Conviction of accused under Section-306 IPC without Charge</td>
<td>279</td>
</tr>
<tr>
<td>6.2.2.12</td>
<td>Conviction under Sec.-306 without Charge</td>
<td>280</td>
</tr>
<tr>
<td>6.2.3</td>
<td>Honor Killings and Judiciary</td>
<td>280</td>
</tr>
<tr>
<td>6.2.3.1</td>
<td>Strict punishment for honor killing</td>
<td>282</td>
</tr>
<tr>
<td>6.2.3.2</td>
<td>Khap Panchayats decision: A Concern</td>
<td>282</td>
</tr>
<tr>
<td></td>
<td>6.2.3.2.1 Khap Violence and Supreme Court</td>
<td>283</td>
</tr>
<tr>
<td></td>
<td>6.2.3.2.2 No Specific Legal Framework to Stop Khap-Dictated Honor Killing</td>
<td>284</td>
</tr>
<tr>
<td>6.2.3.3</td>
<td>Compensation on Illegal Confinement, torture and harassment in case of Inter Caste Marriage</td>
<td>286</td>
</tr>
<tr>
<td>6.2.4</td>
<td>Judiciary on Trafficking of Women and Girl Children</td>
<td>289</td>
</tr>
<tr>
<td>6.2.5</td>
<td>Judiciary on Obscenity</td>
<td>301</td>
</tr>
<tr>
<td>6.2.6</td>
<td>Cases of Outraging Modesty of Women and Judiciary</td>
<td>310</td>
</tr>
</tbody>
</table>
6.2.7 Acid Attacks on Women and Judiciary

6.2.8 Judiciary on Sexual Harassment at Workplace

6.2.9 Female feticide and Judiciary

6.2.9.1 Steps at various levels

6.2.9.2 Strict Action against Culprit Doctors

6.2.9.3 Human Trafficking Rising Due to Female Feticide: Court

6.2.10 Judiciary and Instances Domestic Violence

6.2.10.1 Definition of domestic violence is broadened to include emotional and verbal abuse

6.2.10.2 Protect Women from Domestic Violence

6.2.10.3 Incidents prior to act can also be entertained afterwards

6.3 Speedy Trial in Women Harassment Cases

6.4 Rehabilitation / Compensation approach of Hon’ble Supreme Court

CHAPTER – 7 CONCLUSION AND SUGGESTIONS

7.1 General

7.2 Conclusion

7.3 Suggestions

BIBLIOGRAPHY

ANNEXURE

I Trend of some major crime heads over the years 1953-2013

II Incidence of Crimes Committed Against Women During 2013

III Offenders Relation And Proximity To Rape Victims 2013