

ATROCITIES AGAINST WOMEN IN INDIA: AN ANALYSIS

Mr. Harish Kumar^{*}
Prof. Mahabir Singh^{**}

Abstract

A girl might become the target of crime from the moment she is born, or even before. Now let us look at the many stages of a woman's life and the dangers she faces. Women have been victims of many injustices all around the world. Since prehistoric times in India, ruthless male dominance over women has persisted. There has been unjustified bias between male and female children, as well as between men and women. Women are treated as commodities and objects of pleasure. The history of women's restraint in India, dating back to the ancient times. Women have endured and continue to suffer in silence as a result of injustice. Women have been subjected to injustices, indignities, and discrimination all around the world. Discrimination de-empowers people since it obscures human capacities in whatever form.

Key-Words: Crime, Sexual harassment, Male domination, Government, Organization, Humanity, Human Rights.

Introduction

Half of humanity is comprised of women. Despite it having distinct physical and behavioural characteristics, the roles

^{*} Harish Kumar, Research Scholar, Department of Law, Kurukshetra University Kurukshetra.

^{**} Dr. Mahabir Singh, Professor, Department of Law, Kurukshetra University Kurukshetra.

of men and women are mutually beneficial. Their own diverse physical and temperamental traits combine to form a complete race. As a result, each should be treated equally. This viewpoint is best represented by Ardhanarishwara's Indian thinking. For the sake of formation, Ardhanarishwara splits himself/herself into Adipurush (Male form) and Prakriti (Female form). Neither of them can complete the assignment without the other's help. In the formation, development, and progress of humanity, the male and female are equal partners. Both should be treated equally and given the same importance and chances. If this balance is disrupted, the entire society will suffer. Unfortunately, in human society, this equilibrium has not been maintained. Women have been victims of many injustices all around the world. Since prehistoric times in India, ruthless male dominance over women has persisted. There has been unjustified bias between male and female children, as well as between men and women. Women are treated as commodities and objects of pleasure. The history of women's restraint in India, dating back to the ancient times. Women have endured and continue to suffer in silence as a result of injustice. Women have been subjected to injustices, indignities, and discrimination all around the world. Discrimination de-empowers people since it obscures human capacities in whatever form. Any element that undermines human capabilities must be considered a de-empowerment factor. Discrimination based on personal status deprives an individual of the ability to live a

dignified life. Despite doing 2/3rd of the world's labour, women only receive 1/10th of the income and possess less than 1/100th of the land. That is a statement on gender bias, as well as deep-seated prejudice and discrimination against women torture, eve teasing, molestation, rape, sexual harassment, female feticides are all crimes that major section of the world's residents are constantly subjected to because they are helpless.

Violence is always a part of a societal environment that is rife with unequal power and privilege, and atrocity against women are together the theme of the law and the situation of that law. The lives of millions of women around the world are impacted by crimes against women. educational and socioeconomic classes. It transcends barriers of culture and religion. Restricting women's ability to fully participate in society. The abuse of women takes a horrifying range of shapes, including rape, domestic violence, and child marriage, include infanticide against women.

Gender Inequality

In India, the societal dominance of men and the devaluation of women both still exist. In contrast to men, women are typically seen as the weaker gender, dowry burdens, and justifiable of a poorer community rank¹. Social and economic issues have resulted from this. One of the biggest issues is the falling of sex-ratio, which was brought to light in 2011 and now

¹ Lorber, J. (1994). *Paradoxes of Gender*. Yale : Yale University Press.

stands at 940 men for every 1000 women². Further problems can cover violations of women human rights and unfair treatment in areas like education, work, and birth control. The preference for boys as a gender is the main cause of gender inequality. This is due to the perception that boys are more helpful than girls. Boys are granted only right to succeed the relatives name and assets, and they have seen as adding extra grade to their family. They are also thought to have a higher economic utility because they can add to the labour force in farming. Religious acts, which can only be carried out by men in the afterlife of their parents, are another reason. Sons are more alluring due to all of these qualities. Additionally, pricey daughter dowries deter parents from having girls³. The uneven perception of sexes has thus been moulded by a variety of reasons.

Discrimination against Girls

Discrimination against young girls has come up for discussion. It has been a topic of interest and societal importance. The cultural implications of a female child's place in society are brought up by this topic. The human rights of female children involve a number of delicate subjects. There is almost unanimous agreement that gender equality is necessary, making this topic

² *Trends in Sex Ratio at Birth and Estimates of Girls Missing at Birth in India*. New Delhi: UN Population Fund - India. (2010).

³ Rangamuthia Mutharayappa, M. K. (1997). *Son Preference and Its Effect on Fertility in India*. Mumbai: International Institute for Population Sciences.

crucial⁴. The world is rife with discrimination against young girls based on their gender. It can take many different forms and is present in every social stratum. According to the literature, the treatment of female children as inferior to male children has left a lasting impression on her. Some contend that women don't comprehend their rights as a result of this unequal treatment. India and other less developed nations are more likely to experience this.

Males outweigh females in India, Pakistan, Bangladesh, and South Korea as a result of sex selection prior to birth and mistreatment of the female child after birth, during childhood, and during the [teenage] years.

In China, South Korea, and India, there are 94 women for every 100 men in the population, compared to 105 women for every 100 men in Europe and North America⁵. There are more men than women despite the fact that women have a genetic disposition over men in terms of lifespan and survivability⁶.

Atrocities against Women

According to a survey conducted by the Thomas Reuters Foundation⁷, India is the fourth-most dangerous place in the world

⁴ T.V.Sekher and Neelambar Hatti, *Discrimination of Female Children in Modern India*.

⁵ Study on Discrimination of the Girl Child in Uttar Pradesh conducted by Social Action Forum for Manav Adhikar New Delhi

⁶ Gender and cooperative conflicts (chapter 8) Amartya Sen

⁷ Thomas (2011-08-13). *The World's 5 Most Dangerous Countries for Women: Thomson Reuters Foundation Survey*. Retrieved June 2011.

for women to reside. A dreadful form of abuse and disfigurement that can affect women from any class, caste, or religion is acid throwing. The victim was intentionally maimed or killed in order to serve as a lesson to the offender and put her in her place⁸.

Sexual Harassment

In Pakistan and India, the term "Eve teasing" is used to denote male sexual assault or harassment of women. Numerous assaults on women have taken place as a result of this phenomena. Molestation and harassment at work accounted for 50 percent of all crimes against women reported in 1990 . Many campaigners attribute the rise in cases of sexual assault against women to "Western culture's" influence. The "Indecent Representation of Women (Prohibition) Act" was created in 1987 to make it illegal to depict women in an indecent manner in writings, artwork, figures, ads, or other media⁹.

The Apex court made a significant decision in *Vishakha v. State of Rajasthan* in 1997 that condemned sexual harassment of women in the workplace. The Court also established comprehensive rules for preventing and resolving complaints. Following that, the National Commission for Women expanded these recommendations into a Code of Conduct for employers.

⁸ Lakshmibai, Gayatri (2011-08-13). The woman who conquered an acid attack. Retrieved August 22,2007.

⁹ Protection of Women against Sexual Harassment at Workplace Bill, 2010: Arrangement of Clauses. PRS Legislative Research. Retrieved 13 September 2012.

The Protection of Women against Sexual Harassment at Workplace Act passed in 2013, which would increase protections for female employees in most companies, is being considered by the Indian Parliament.

Selective Abortion and Female Infanticide

Due to the disproportionate frequency of abortions of female foetuses and the will-full maltreatment of infant girls, there are significantly fewer females born and living in India than there are boys. The majority of states in India, particularly Haryana, Mumbai, and even abroad Indians, have substantially low sex ratio than the average birth rate, which is 950 girls for every 1000 boys. There may only be 830 girls for every 1000 boys. The prevalence of female feticide is dramatically increasing in India as a result of the growing abuse and accessibility of foetus sex-determination technologies, such as ultrasound scans. In some rural regions, female infanticide—the killing of girl infants—is still common. In order to improve the status of girls and stop female infanticide, the government and activist organisations are working. According to the UN, up to 2000 girls may be unlawfully aborted every day¹⁰, and during the past ten years, an estimated 15 million expecting girls may not have been born.¹¹

¹⁰ Patnaik, P. (25 May 2011). India's census reveals a glaring gap: girls. Retrieved 31 January 2012, *The guardian*:

¹¹ Sharma, R. (2008). *Concise Textbook of Forensic Medicine & Toxicology* 2/e. New Delhi: Elsevier

The main cause of India's low sex ratio is the elevated number of women who pass away before reaching adulthood. In comparison to all other caste groupings, tribal communities in India have a better sex ratio. This is true despite the fact that tribal people have much lower wealth, literacy, and access to healthcare levels. According to experts, female infanticide and sex-selective abortions among increasingly urban populations are to blame for India's poor sex ratio.

Under Preconception, gender selection using ultrasound screening and selective abortion were outlawed in India¹². Other institutional initiatives to improve the status of girls and stop female infanticide can be seen, such as advertising from the Health Ministry of India¹³ and the annual Girl-Child Day¹⁴. However, it did not seem to make a significant difference rate of female feticide.

Female feticide will reduce number of women significantly skew India's fertility rate. Due to this, issues like marriage squeeze¹⁵ and a decreased replacement rate will arise. Prenatal Diagnostics Technique Act, which was passed in 1994,¹⁶ but its use can also lead to more mistreatment of women and increased

¹² Bhalla, N. (8 August 2007). Rise in India's female feticide may spark crisis, Retrieved 10 February 2012, from Reuters

¹³ Girl child day on January 24. *The Times of India*. 2009-01-19.

¹⁴ Declining sex ratio is a 'silent emergency', (28 April 2008). Retrieved 10 February 2012, from Rediff India Abroad

¹⁵ Sardana, M. (2010). Declining Sex Ratios will it Impact Economic Growth

¹⁶ Female Infanticide in India, (2010). Retrieved 31 January 2010, from Azad India Foundation

crime rates.¹⁷ Due to gender discrimination, it will have a detrimental impact on the economy through lowering female participation rates and inefficient labour allocation. Only 40% of male patients and 30% of female patients, according to the patient attitudes survey, were aware that sex determination was prohibited. Even though 90% claimed to support the Act's fundamental ideas, they insisted that having a male kid was crucial to the stability of the family.

India is the worst country for women because "even if she marries, she is slain for dowry (assuming she marries at all and is not a victim of foeticide or later infanticide) as a child, cruelty, rape, and early marriage." Even if she survives all of this, she will still face discrimination and be denied any rights to an inheritance or property as a widow.¹⁸

The consequences of atrocity against women are long-lasting. Even though women can become victims of every type of crime, including "murder," "robbery," "cheating," etc., only crimes that are targeted especially at women are referred to as "Crimes Against Women." To adequately address these offences, numerous new laws have been introduced, and six old laws have been amended. These can be broadly divided into two groups.

(a) Crimes covered by the Indian Penal Code (IPC)

¹⁷ The Dowry Prohibition Act, 1961

¹⁸ Kumar, Radha (1993). *The History of Doing: An Account of Women's Rights and Feminism in India*.

- (i) Rape (Sec. 376 IPC)
 - (ii) Kidnapping and abduction for specific objectives (Sec. 363 - 373 IPC)
 - (iii) Murder committed for dower, dower deaths, or attempts to do so (Section 302/304-B IPC)
 - (iv) Physical and mental torture (Sec. 498-A IPC)
 - (v) Sexual assault (Sec. 354 IPC)
 - (vi) Sexual harassment (joking about Eve) (Sec. 509 IPC)
 - (vii) Importation of young women (under 21) (Sec. 366-B IPC)
- (b) Crimes that are punishable by special and local laws (SLL)
Although not all laws are gender-specific, those that significantly affect women have had their provisions reviewed and amended on a regular basis to keep up with changing needs. The gender-specific laws for which crime data are kept across the nation are as follows:
- (i) Immoral Traffic (Prevention) Act, 1956
 - (ii) Dowry Prohibition Act, 1961
 - (iii) Indecent Representation of Women (Prohibition) Act, 1986
 - (iv) Sati Prevention Act, 1987

What is Crime?

The Latin word *cern*, which means "I determine, I pass judgement," is the source of the English word crime. The Latin

term *crimen* originally meant "charge" or "cry of distress."¹⁹ Instead of a personal or moral wrong, the Ancient Greek word *krima*, from which the Latin cognate derives, frequently referred to an intellectual error or an infraction against the society.²⁰ According to etymonline.com, in 13th-century English, the term "crime" referred to "sinfulness." From Latin *crimen* (in the genitive case: *criminis*), the glossing was likely conveyed to England as Old French *crimne* (12th century version of Modern French *crime*). *Crimen*, a Latin word, may have meant charge, indictment, accusation; crime, fault, offence," among other things.

Definition of Crime

Numerous critiques of the strategy have been written over time. The definition of crime was overly restrictive, which was the main point of criticism. It only included injuries that the State has designated as such. Additionally, it limited how theories of crime are developed to just consider the "legally" guilty. Therefore, "factually guilty" did not develop into a phenomenon the criminologist could address in developing theories of crime. A substitute was required. Different regions of the world have adopted different definitions of the offence.

¹⁹ Ernest Klein, *A Comprehensive Etymological Dictionary of the English Language*

²⁰ Bakaoukas, Michael. *The conceptualisation of 'Crime' in Classical Greek Antiquity: From the ancient Greek 'crime' (krima) as an intellectual error to the christian 'crime' (crimen) as a moral sin*. ERCES (European and International research group on crime, Social Philosophy and Ethics). 2005.

Sociological Definition

According to a normative definition, crime is defined as abnormal behaviour that deviates from accepted cultural norms that dictate how people should ordinarily behave. This method takes into account the nuanced realities surrounding the concept of crime and aims to comprehend how shifting social, political, psychological, and economic circumstances may have an impact on evolving definitions of crime as well as the shape of societal responses in the areas of law, law enforcement, and punishment. These structural realities are still evolving and frequently controversial. As cultures and political climates change, for instance, countries may criminalise or decriminalise particular behaviours, which has a direct impact on crime statistics, how resources are allocated to enforce the law, and how the public is influenced (again).²¹

Other Definitions

Mala prohibita, or laws against social norms, are enacted by legislatures. As an example, different jurisdictions have different gambling regulations, and some have discouraged or encouraged duelling throughout history. Mala in se, or additional crimes, are considered illegal in virtually all societies. Common law offences are those that have been created through time by the courts on their own without any official legislation, as defined by

²¹ Chapter 1 of Smith and Hogan's Criminal Law (13th Ed by Ormerod) discusses the various proposed definitions of crime in more detail.

English criminal law and the associated criminal laws of Commonwealth nations. The courts created a number of common law offences using the idea of *malum in se*.²²

Types of Crime

Because there are so many distinct forms of offences in the American criminal justice system, dealing with criminal laws can be challenging. Organizing the various types of crimes into broad categories can help make sense of criminal legislation. In general, there are two broad categories into which crimes can be separated: personal crimes and property crimes.²³

a) Personal crimes, sometimes known as "offences against the person," are those that cause another person physical or mental injury. Personal offences include: false imprisonment, battery, and assault, Sexual offences such as rape, statutory rape, sexual assault, and others.

Kidnapping, homicide in the first or second degree, voluntary manslaughter, and vehicular homicide are all examples of homicide crimes.

b) Property crimes, also known as "offences against property," are offences that may not always result in physical harm to another person. Rather, they constitute a

²² Canadian Law Dictionary, John A. Yogis, Q.C., Barrons: 2003

²³ Deflem, Mathieu (2006). *Sociological Theory and Criminological Research: Views from Europe and the United States*. Elsevier. p. 279. ISBN 0-7623-1322-6.

disruption of another person's ability to use or enjoy their property.

Property offences- Robbery (theft), Theft (theft by force), Break-in-Theft, Theft of money, Falsehood, Untrue Pretensions, Receiving stolen property.

This list covers the majority of the various sorts of crimes; nonetheless, some State-specific laws that address different iterations of these criminal charges may exist. Moreover, both forms of injury may be involved in some crimes. For instance, robbery entails the taking of something by using physical force against the owner.²⁴

Conclusion

Atrocities against women is uncivilised, unethical, immoral, and a fundamental legal wrong that has existed in our culture (globally) for a long time. In India, the majority of working women consider sexual harassment to be an occupational hazard, and society as a whole considers it to be normal human behaviour. Perhaps the problem of crime against women remains unsolved as a result of this dismissive attitude. Until recently, the willful suppression at the behest of our social institutions and organisational might has been mistaken for absence. Developments in US sexual harassment law have influenced the concept of crime against women in India and other nations.

²⁴ Kalyani Menon-Sen, A. K. Shiva Kumar (2001). *Women in India: How Free? How Equal?* . United Nations. Archived from the original on 11 September 2006.

Feminists and women's organisations stirred up and invented the notion of crime against women in order to draw attention and acknowledge the seriousness of the problem, which was finally recognised by the judiciary.

The use of legal processes alone will not be enough to stop the rise in crime against women instances. It is imperative that the public's apathy and fear of such tragedies persist at some point and period. If people are always afraid to speak up and demand their rights, law will not be able to save them. A public-spirited initiative is also required. People should be aware of their legal rights to take full advantage of them. If anyone is unaware of rights, he is unable to comprehend the extent of the wrong against him.

To keep a close eye on things, I proposed a few remedies, including victim behavioural changes and criminal psychology. Victims should be strict in their approaches, and she should declare a firm no if she receives certain reactions. Working women were also urged to keep a close eye on their body language.

To a considerable extent, a shift in societal attitudes toward women can prevent from crime. Women should show their fortitude to take revolutionary steps against the existing evil at work, either on their own or with the help of voluntary organisations. At several levels, including political, corporate, and individual levels, one might try to avert this issue by confronting

and not blaming anyone. By implementing policies and processes, the employer can provide an atmosphere that is secure and free from harassment at the organisational level. It may be simpler to work successfully and efficiently toward a successful finish with the sense of confidence that this organisational policy offers. The university may offer educational programmes, workshops, and training on crime against women to prevent issues.

Above all, social acceptability must be considered. Women should not be afraid to speak up about their issues and grievances. They must be brave for speaking up. The general public should be more involved in public awareness campaigns and play a more active role in governance.

Despite the fact that numerous enactments and laws exist to address crimes against women, the implementation of these laws does not require the bureaucrats to be sincere and honest. Women and men are two wheels that keep society running smoothly, it is a well-known fact. As a result, a shift in attitude toward women is necessary. Women's rights must be protected at home, at work, and by the state in general.