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**CRIMES AGAINST WOMEN - HISTORICAL AND  
LEGAL PERSPECTIVES**

# Crimes against Women - Historical and Legal Perspectives

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**Abstract – Women once venerated as the mother and the perpetuating angel of mankind has come to be looked upon as 'the unblessed creature of God' in India, thanks to the club-and-drag cave-man attitude of the traditionally male-dominated society. The latest gang rape in Delhi has stirred the conscience of the nation. It has created ripples in the corridors of power and furore in the society in general. Even various international forums like U.N. Human Rights bodies and organization working for women have expressed deep concern over the heinous act, the brutality involved and the pathetic attitude of the society and extreme pain of the victims who were lying injured and in semi nude condition on the road side and no body from the so called civilized society came forward to provide necessary help to the victims. When the police came it also got entangled in the question of jurisdiction of police stations and tried to cold shoulder the issue. The public outcry afterwards, the unprofessional attitude of the police and the mishandling of the public stir by Delhi Police has put Delhi Police under scanner. The whole "Show" highlighted the impotency of the society at large and failure of the administrative system. The victim of the gang rape lost her life and the companion's family decided to bid Delhi good bye forever. Fastrack courts have been set up to deal with the cases of crime against women.**

**Now the most important question is that whether this is the first instance of crime against women, if no why we have not proper system in order to deal with such kind of cases, further what are the reasons of such crime and whether our approach is to let the crime happen or to create such mechanism as to prevent the occurrence of such crimes. There are certain big question marks on the whole system.**

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## INTRODUCTION

**Crimes against women:** Although women may be the victims of any of the general crimes such as 'Murder', 'Robbery', and 'Cheating' etc, only the crimes which are specifically directed against women are characterized as "Crime against Women". Various new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes. There are two broad categories regarding crimes against women:

The crimes under Indian Penal Code

1. Rape (section 376 IPC)
2. Kidnapping and abduction for specified purposes (sections 363-373 IPC)
3. Homicide for dowry, dowry deaths or their attempts (sections 302/304-B IPC)
4. Torture- both mental and physical (section 498-A IPC)
5. Molestation (section 354 IPC)
6. Sexual Harassment (section 509 IPC)

7. Importation of girls (upto 21 years of age) (section 366-B IPC)

The crimes under special and local laws

Honour killings and decisions of Khap panchayats

Let us analyze the incidents of crime against of women heading wise.

Most of the crimes against women are the repercussions of patriarchal system of India. Rape is the most savage act. Women (including girls, minors) became the victim of this act by those who are, in most of the cases are known to the victim. Women belong to low castes and tribes are the worst hit cases. Family feuds are also getting settled by raping women. This shows the cheap mentality of the men involved. According to them the enemies can be taught a lesson by degrading the dignity of the women of that family. To some extent the way women has been portrayed by the media (cinema and television) has lend its support to the perception of commoditization of women. Women have been treated like a property. We also find an increasing amount of violence shown on television. Every soap aired on television deals with revenge, greed, deceit. Indian Cinema is littered with imageries of women

being projected as fragile beings; as housewives, mothers, sisters, struggling working-women, prostitutes etc., with limited freedom and social acceptance, enslaved, tortured brutally, raped and murdered by villains ----- it's a vicious cycle.

Further the attitude of the society towards rape victim is adding to the woes to the rape victims. Women's groups attest that the strict and conservative attitudes about sex and family privacy contribute to ineffectiveness of India's rape laws. Victims are often reluctant to report rape. In an open court victims must prove that the rapist sexually penetrated them in order to get a conviction. This can be especially damaging. After proving that she has been raped, a victim is often ostracized from her family and community. This problem is exacerbated by the fact that rape laws are inadequate and definitions so narrow that prosecution is made difficult. Concern has been expressed regarding changes in the existing rape laws. Justice Verma committee, which was constituted in the light of Delhi gang rape, has recommended strict laws and also provided outline as how this can be tackled. Justice Verma committee has put the role of police under scanner. Sensitization of police towards gender crimes is very important. Further the political bosses have to take the issues related to women seriously and the political parties should also expel those members from their cadres who have criminal records particularly crime against women.

Kidnapping and abduction for specific purposes is also against the women. In this case minors are the most vulnerable category. Such kinds of acts, in majority of cases, are done by those who are known to the victim. Most of the victims have been pushed into flesh trade and prostitution. This further aggravated the problem of human trafficking. Illegal human trafficking has assumed alarming proportions and it is the high time to put a check on it.

Dowry deaths and cruelty by husbands and relatives of husbands are though enshrined under different provisions of IPC, but both are closely related to each other. Sometimes it is the cruelty by husbands and husbands' relatives leading to dowry deaths and this even has driven wives to commit suicides. Mental or physical torture due to dowry or for any other reason has put a big question mark on our society. No doubt law has tried to deal with such situations. Various legislations have been passed by the governments like Prohibition of Domestic Violence Act and various amendments have been made in the existing laws and various new legal provisions have been added like Sections 304-B IPC and Section 498-A IPC. But there is no effort on the part of society to curb this menace. Strict laws and punishments can prove deterrence but what is more important is change in the attitude of the society.

Molestation and sexual harassment are also the forms of crime directed against women. Most of the cases go unreported and if reports have been made, they have

not been taken seriously. As eve teasing, stalking has become the routine of the day. In *Vishakha v. State of Rajasthan*, our honourable Supreme Court has already laid down exhaustive guidelines in order to prevent sexual harassment at work place. Incidents of acid attacks have added another dimension to crime against women. Cases of acid attacks are governed under Sections 320, 322, 325 and 326 of the Indian Penal Code (I.P.C). However, it has been contended that these sections do not suffice for the gravity of an acid attack. Section 326 of the IPC governs cases of voluntarily causing grievous hurt by means of any corrosive substance like acid, and imposes 10 years of imprisonment on attackers. Law makers are still groping in the darks how to measure the incident of stalking and eve teasing against women. A strict and straightforward attitude is needed to deal with such kind of crimes. These crimes should not be perceived in isolation. They should be dealt in totality as all these outraged the modesty of women.

Whether it is rape or other crimes against women, it is the role of society which is of paramount significance. Women should be treated with respect and dignity and the family and society can play an important role in nurturing such views in our children for their proper socialization. But it does not seem so. We have failed the children of the world and this failure includes all the major religions of the world. An analysis of the roots of this failure has led to the discovery of its most significant root: the failure to address the unique role of Woman and of Woman as Mother in world societies. It is from dualistic moral philosophy and theistic doctrines that woman is formally declared as being unequal, inferior and subordinate to man including her moral inferiority to man. Even the enlightened Aristotle had his flights of irrationality when he affirmed the inherent inferiority of woman to man and the justification of human slavery. The dualistic philosophy and theistic theology of gender morality, has had and continues to have devastating consequences for woman. It is emphasized that there is not a single major religion of the world which has affirmed the full equality (moral, social and political) of woman with man and that this "existential reality" reaches back to the darkest ages of antiquity. And we have yet to progress from those dark ages. Why? It is for these reasons that not one major religion of the world has been successful in the moral education of its members to avoid violence against the body of woman. Until woman is affirmed as fully equal to man; has complete and autonomous control over her own body, particularly her sexual body, it will not be possible for the foundation for a peaceful, harmonious and egalitarian humanity. Thus family, society religious organizations, administrative machinery and law has to go hand in hand in order to create a respectable society which is equal in every sense.

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