

CRIME AGAINST WOMEN IN INDIA: WITH REFERENCE TO CRIMINAL BEHAVIOUR

Ms. Sakshi¹ & Ms. Stuti Narula Markan²

Abstract

When we talk about crimes against women, it is said that the rule of gender equality is enshrined in the Constitution of India. In India, there is an increasing rate of crimes perpetrated against women. Crime is an action which can affect human behaviour vigorously. Even if it is a criminal or a victim, the effect can be seen in both of them. It is believed that human is the fundamental thing of analysis. It is further believed that Crimes can be a result of an uncommon, malfunction or improper mental process within any individual's personality. In the constitution of India, any kind of violence against women is a clear violation of the fundamental rights of women under Articles 14 and 15. In order to maintain and fulfil its constitutional duties, the state established separate laws and implemented proposed measures to ensure equal rights, and control discrimination in society and other forms of violence, force and brutality. Organizations that enact laws and requirements cannot prevent misconduct against women. There needs to be a social awakening and a change in the mentality of the masses so that women are valued and have equal status. That is the time when women have to accept what they caused. This awareness can be brought about by educational campaigns aimed at young people, making them aware of the rude behaviour that exists in society and how to get rid of it. Widespread communications can play a dynamic role here, as they have now reached every part of the country. This study is about crimes against women in India, an all-time thorny issue, and its implications and effects on women themselves.

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¹ Research Scholar, Jayoti Vidyapeeth Women's University, Jaipur

² Research Scholar, Jayoti Vidyapeeth Women's University, Jaipur

Introduction

Crime is an action that can affect human behaviour vigorously. Even if it is a criminal or a victim, the effect can be seen in both of them. When we discuss Criminal behaviour it might include Criminal psychology, social control over a criminal, coercive behaviour, regulation, etc. Criminal behaviour study is about understanding the criminal or the offender about who they are, why they commit an offence, their thinking process, and predicting their future criminal attempts.

Criminal behaviour refers to a behaviour of a lawbreaker which leads to and includes the commission of an illicit act. It refers to the conduct of an offender that leads to and includes the commission of an unlawful act.

It is being felt that the rationale behind the causation of Criminal Behavior can be in the following forms:

1. It is possible that the Criminal Mind can be an origin from the family i.e. genes.
2. Secondly it can be his surroundings i.e. from where he belongs or the place he has been brought up at.
3. Thirdly, it might be their low social status because of which they faced problems in becoming a part of society.
4. Fourthly, the reason might be their financial problem due to which they struggle to survive every day.

The Criminal behavioural study focuses on better understanding the offender and answering queries like why the offences are commenced to deduce criminals, to know the criminal mind, and what is the offender's future actions to avoid crimes³. It is believed that human is the fundamental thing of analysis. It is further believed that Crimes can be a result of uncommon, malfunctioning or improper mental processes within any individual's personality. Thus, we can say that the criminal behaviour is regulated by his surroundings and the people he meets day today. The impact of his behaviour is also dependent on his psychological background and his drug regulation.

³ Oxfam's 2020 India Inequality Report- On Women's Backs.

Criminality is the quality or state of being a criminal. There are common factors that characterize individuals who commit crimes. Criminological theories differ in their basic assumptions about human nature. The theories and the documented characteristics of criminals have led to the development and use of risk assessment told with reasonable accuracy. There is a relationship between mental disorders and crime, but it is mild and specific. Crime prevention aims to inhibit the growth of criminal behavior in a variety of ways.

Criminal behaviour, particularly violence by people has become a major public issue these days. In the context of the increasing crime rate, the public has identified the mentally ill as a significant contributory factor. The government has responded by emphasizing public protection as paramount in its mental health policies. The question "how can criminals behave?" can never be resolved with certainty. However, when the arrest rates are compared or as we can say, when the behaviour of different criminals is compared, a lot of differences have not been seen. It has been held that the well-established factors associated with offending, such as poverty, criminality in the family, poor parenting, school failure and antisocial behaviour during childhood along with hyperactivity have been reasons for criminal behaviour or some kind of criminality.

When we talk about the **crimes against women**, it is said that the rule of Gender Equality is adored in the Constitution of India. In order to uphold and fulfil the mandate of the constitution, the state has established separate laws and implemented proposed measures to ensure equal rights, and control discrimination in society and other forms of violence. violence and barbarism. Despite the way that women may be setbacks of any of the general infringement, for instance, 'Murder', 'Robbery', 'Duping', and so on yet the wrongdoings which are coordinated towards women especially i.e. Gender-based crimes are described as "crimes against women". New special documents have been adopted and existing laws have been revised to adequately deal with this violation. They are classified into two types:

- (I) Crime heads under the Indian Penal Code (IPC).
- (II) Crime heads under the Special & Local Laws (SLL).

(I)Crime Heads under the Indian Penal Code (IPC)

1. Rape (Sec. 376 INDIAN PENAL CODE)
2. Attempt to commit Rape (Sec 376/511 INDIAN PENAL CODE)
3. Kidnapping & Abduction of Women (Section 363, 364, 364A, 365, 366 to 369 INDIAN PENAL CODE)
 - Kidnapping & Abduction under section 363 INDIAN PENAL CODE
 - Kidnapping & Abduction to Murder
 - Kidnapping & Abduction for Ransom
 - Kidnapping & Abduction of Women to Compel Her for Marriage
 - Kidnapping & Abduction for Other Purposes
4. Dowry Deaths (Section 304B INDIAN PENAL CODE)
5. Assault on Woman with Intent to Outrage Her Modesty (Sec. 354 INDIAN PENAL CODE)
 - Sexual Harassment (Sec.354A INDIAN PENAL CODE)
 - Assault on Woman with Intent to Outrage her Modesty (Sec. 354C INDIAN PENAL CODE)
 - Voyeurism (Sec. 354D INDIAN PENAL CODE)
 - Others
6. Insult to the Modesty of women (Sec. 509 INDIAN PENAL CODE)
 - at Office Premises
 - at Places Related to Work
 - in Public Transport
 - in Other Places
7. Cruelty by husband or his relatives (Sec. 498 A INDIAN PENAL CODE)
8. Importation of Girl from Foreign Country (up to 21 years of age) (Sec. 366 B INDIAN PENAL CODE)
9. Abetment of Suicide of Women (Sec. 306 INDIAN PENAL CODE)

(II)Crime Heads under the Special & Local Laws (SLL)

Special Acts established for the protection and safety of women have been clubbed under SLL. These sex particular laws in which criminal cases recorded by police all through the nation are –

1. The Dowry Prohibition Act, 1961
2. The Indecent Representation of Women (Prohibition) Act, 1986
3. The Commission of Sati Prevention Act, 1987
4. The Protection of women from Domestic Violence Act, 2005
5. The Immoral Traffic (Prevention) Act, 1956 etc.

Other Kinds of Violence against Women:

Customary practices:

In various countries, Women capitulate to traditional practices that disregard their human rights. The inventiveness of the question has a lot to do with how deeply ingrained most of these rational and materially risky customs are in the traditions and culture of the society.

Female genital mutilation:

As noted by the World Health Organization, 85 million to 115 million young girls and women in the population have witnessed some type of female genital mutilation and suffer from its adverse effect. Constantly an expected 2 million young females experience this strategy and mostly living in Africa and Asia.

Son preference:

Boy preference affects women in many countries, especially in Asia. Its outcomes can range from the killing of an unborn baby or a girl to a girl's disregard for basic needs such as nutrition, basic health care and education. In China and India, a couple of females end their pregnancies while expecting young ladies however pass on their pregnancies to term while expecting children.

As demonstrated by reports from India, innate testing for sex decisions has transformed into an impacting business, especially in the country's northern areas.

Occurrence of crimes

A total of 3,2994 crimes against women (both in different parts of IPC and SLL) were represented in the country in 2015, up to 3,37 922 in 2014, along these lines See 3.1% in mid-2015. These crimes continued from 2011 to 2014 with 2,28,650 cases in 2011, continuing to extend to 2,44,270 cases in 2012 and 3,09,546 cases in 2013, to 3,37. 922 cases in 2014 to 3,27,394 cases in 2015. Uttar Pradesh, with 16.8% of the country's female population, reported around 10.9% of all crimes against women of all levels in India, registered 35,527 cases and West Bengal accounts for nearly 7.4% of the country's female population, accounting for 10.1%. a total number of community violations against women nationwide according to registered 33,218 cases in 2015.

Disposal of Crimes Reported under Crime against Women by Courts

There were 12,27,187 cases (including 9,82,582 cases pending trials from prior years and 2,45,341 cases sent for trial over the year) were for trial during the year.

An aggregate of 27,844 cases was completed in conviction in the year 2015, exhibiting a conviction rate of 21.7%. The most hoisted conviction rate was seen under the Immoral Traffic (P) Act (49.1%) trailed by the Protection of Women from Domestic Violence Act (47.8%) however low conviction rate was found under the abetment to suicide of women (14.4%) and Cruelty by a companion or his relatives (14.2%). An entirety of 10,80,144 bodies of evidence under Crimes against Women stayed pending trial toward the completion of the year 2015.

Violence executed or affirmed by States:

Custodial Criminality against Women:

Violence against women by the very people who ought to guarantee them - people from the law execution and criminal equity structures - is no matter how you look at it.

Females are physically or verbally misused; they moreover persevere through sexual and physical torment. As demonstrated by Amnesty International, a colossal number of females held in mind are routinely struck in police confinement around the globe. The report of the Special Reporter underlines the need for States to indict those blamed for mishandling ladies while in detainment and to consider them responsible for their activities.

Criminality against women in situations of armed conflict:

Sexual Assault (rape) was used as a war weapon in any conflict prepared to develop between different gatherings. Women and girls represent an important part of the Real rectal of candidates from all aspects of a conflict. These behaviours are usually done to harm the respect of the victims. "Such aggression for the community is the symbolic attack ", and the destruction of the main public components and culture is generally a complete confusion of male enemies. "He focused on being It is necessary to be responsible for bad behaviours capable.

Challenging Traditional Attitude

The significance of gender and sexuality and the balance of power between women and men at all levels of society must be looked into. Dealing with criminality against women requires testing the way that gender roles and power relations are explained in society. In numerous nations, women have a low status. They are considered inferior and there is a solid conviction that men are better than them and even own them.

Changing individuals' state of mind and mindset toward women will take quite a while - no less than age, numerous acceptance, and maybe more. All things considered, bringing issues to light the issue of brutality against women, and instructing young men and men to see women as profitable things throughout everyday life, in the improvement of the general public and the achievement of peace are similarly as vital as finding a way to secure women' human rights⁴.

Breaking this cycle of abuse will require concerted collaboration and action between governmental and non-governmental actors, including educators, healthcare authorities, legislators, the judiciary and the mass media.

Effect of Crime against Women

Two realities dependably remain behind the curtain, yet it keeps the ability to influence the work of numerous individuals, conflicting with these violations. These individuals may incorporate a judge, NGO individual, specialist, therapist and so on.

⁴ Deshpande, A., 28 March 2020. Protecting women is missing from pandemic management measures in India, Gendered Impacts, Quartz India

Firstly, 50% of women report sexual misuse in their childhood. Additionally, besides, nobody makes a move and just drives the issue a long way from anybody's consistent field of vision. Besides, unmistakably we have to challenge these substances however first we have to see that the impact isn't just physical (i.e. a broken hymen or a few scratches all finished), yet the impact is on the very being of the person, on the mind. Besides, this is a significantly more basic case to be managed, as it can decimate a presence, if not managed.

TYPES OF CRIMES AGAINST WOMEN

Rape

Rape is one of the grievous offences. This sexual assault involves sexual intercourse and sexual penetration without the person's consent. It ruins the mental state of a woman. The term rape is sometimes used interchangeably with the term sexual assault.

Rape is defined in most jurisdictions as sexual intercourse, or other forms of sexual penetration, committed by a perpetrator against a victim without their consent. The definition of rape is inconsistent between governmental health organizations, law enforcement, health providers, and legal professions.⁵

Immoral trafficking

Trafficking is the process of assembling, mobilizing, procuring or hiring a person for sexual exploitation for commercial purposes. It can be considered a crime of crimes. This Crime could happen to males or females of any age. It is considered an organized crime⁶.

The term "trafficking" has been defined with the provision for punishing any person who is guilty of the offence of trafficking in persons for prostitution or sexual exploitation.

Trafficking can be commenced as a part of conspiracy and provocation.

Dowry and dowry death

⁵ <https://www.unwomen.org/en/news/stories/2021/7/faq-women>

⁶ Deshpande, A., 28 March 2020. Protecting women is missing from pandemic management measures in India, Gendered Impacts, Quartz India

The harm caused to the bride for dowry is what comes under the crimes against women related to dowry.

Dowry death is when a woman is caused any kind of burn or bodily injury resulting in the death of that woman and before her death she suffered from cruelty and harassment by her husband or the husband's relatives.

It has now emerged as a social evil and is leading to an enormous number of deaths.

The essentials for the same are as follows:

- 1) Death of a woman is either by burns or bodily injury or otherwise than under normal circumstances
- 2) It should be within seven years of marriage
- 3) It is also necessary to prove that shortly before her death, she was abused and harassed by her husband.
- 4) Such harassment or cruelty should pertain to demanding dowry⁷

Indecent Assault

Indecent assault is an assault that is sexual. Any person who has indecent contact with another or takes indecent liberties with a person without his or her consent is guilty of indecent assault. It is a sex crime. This type of assault is a crime to hurt either a woman or a child and that too sexually or indecently. It can be called forced sex and not rape. It is punishable under section 354 Indian Penal Code, 1860.

Voyeurism

A voyeur is generally defined as a person who engages in sexual gratification from the covert observation of another person as they undress or engage in sexual activity. Voyeur is defined as

⁷ Oxfam's 2020 India Inequality Report- On Women's Backs.

“a person without participating observes something is a person who achieves pleasure by secretly observing the sexual acts of others.

The fascination has expanded in recent times with the advent of the internet and social networking sites. The Indian Penal Code (IPC) now recognizes harassment, sexual harassment and voyeurism (watching a woman performing an act in private, where she is not expected to be observed) is a crime. It is clearly stated that for those who have been tracked or recorded, without their consent and in circumstances where the victim can reasonably expect privacy and where the genitals are, the victim's buttocks or breasts are exposed.

Cyber Crimes against Women

It is a worldwide process. With the advancement of technology, the cybercrime rate and victimizing of women is increasing with every passing day and it is considered a serious threat to the security of individuals as a whole. It includes hacking, publishing material of obscene, cyberstalking, and harassing through email. This is well tackled under various provisions in Chapter XI of the IT Act such as Sec. 65, Sec.66, Sec. 67, Sec. 70, Sec. 72, Sec. 74, etc. Though it does not specifically mention any crime against women but still as a whole could be said to include the same.

Domestic violence

Domestic violence is domestic abuse that is not just confined to race, age or social class but is universal. It is the cruel truth of ruling the partner's private life. It can be commenced in many forms including sexual abuse, emotional abuse, physical violence etc. For example, confining of wife within four walls of the house is also a part of domestic violence.

It is the right of every woman to live in a free environment without any kind of violence.

It may include:

- 1) Physical abuse- for example kicking, pushing, punching, slapping, beating etc
- 2) Verbal or Non-verbal abuse- for example blaming the victim without any fault, threatening, saying words that might cause mental stress to the victim etc

Acid attack

Acid attack is one of the most grievous offences that is increasing day by day in India. It is not covered under any specific provision in Indian laws. The consequences of an acid attack⁸ affect a woman both physically and mentally. It causes grievous pain and suffering to the woman and such an irrecoverable loss.

CONCLUSION

Only legislative and legal organizations cannot stop episodes of cheating against women. There is a need for social arousing and change in the mentality of the masses so that due regard and equivalent status are given to ladies⁹.

It's a time when women should be given their due. This awaking can be brought about by education campaigns among youth making them aware of existing social indecencies and the way to kill the same. Broad communications can assume a dynamic part here as in the present days it has achieved each edge of the country.

RECOMMENDATIONS TO ADDRESS VIOLATIONS AGAINST WOMEN

- **Mental illness**

Mental illnesses must be identified and treated promptly. Patients with active symptoms should be kept in a protected environment until significant improvement occurs. Many patients may need lifelong protection, e.g. those with mental retardation or chronic schizophrenia. Women with

⁸ Dasgupta, J. & Mitra, S., 30 May 2020. A gender-responsive policy and fiscal response to the pandemic, *Economic & Political Weekly*, Vol. 5(22)

⁹ Pitre, A., Menon, R. & Jairath, A., 6 April 2020. Policy Brief: Covid-19: Recommendations for a feminist approach, Oxfam India

serious mental illness need special attention. There is a need to raise public awareness of the following:

- i. Women need protection, but people with mental illness need more care and protection.
 - ii. The real problem is not mental illness, but negative attitudes towards it.
 - iii. Many medical conditions cause more problems in a marriage than mental illnesses.
 - iv. Shouldn't there be a double standard? If a wife can continue a marriage after her husband develops a mental illness, so can the husband. Likewise, people need to understand that while it is right to marry a son or daughter with a mental illness, the opposite is also true. A mentally ill daughter-in-law should also accept.
 - v. Good family support significantly improves prognosis.
 - vi. Many women with mental illness make better partners and daughters-in-law than those without mental illness.
 - vii. If the husband's family accepts the mentally ill wife, society will follow
 - viii. A woman with a mental illness should be accepted with her illness.
 - ix. Violence is not the solution. The mental illness of the victim (eg, depression) or the perpetrator (eg, alcoholism or schizophrenia) must be addressed promptly.
- **Restriction on the use of alcohol:** There should be a ban on drinking alcohol in large gatherings in public facilities and places such as trains and buses. The number of liquor stores should be reduced. The age to buy alcohol can be raised to 30 years. A breath analyzer should be used for testing especially on festive occasions. Involuntary treatment of alcoholics should be instituted.
 - **Control of media:** Sexual material should be censored. Good themes, which condemn violence and glorify rehabilitation of the victim, should be projected. A ban on pornography should be strictly implemented. The sites may be blocked.
 - **Marriages:** Marriage of boys and girls should preferably be in the early 20s, as soon as feasible, so that sexual needs could be satisfied in a socially appropriate manner.

- **Strengthening the institution of marriage:** A strong marital bond would act as a deterrent. The “Shiv-Parvati” model should be promoted for Hindus.
- **Law enforcement:** Efficient and accountable law enforcement machinery at all levels (administration, government, police and judiciary) is needed.
- **Code of conduct:** Code of conduct at workplace, school and home, with respect to interaction with persons of the opposite sex, should be outlined and implemented.
- **Gender sensitization:** Gender sensitization by parents and teachers is needed regarding the sensitivities and boundaries of man-woman relationships.
- **Education and employment:** Improvement in quality of education and employment opportunities for youth.
- **Recreation and talent:** Recreational avenues and opportunities for talent development in young people.
- **Moral and religious values:** Parents and teachers should strive to infuse good moral and religious values in children and serve as role models.