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and a professional
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Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

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Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

“CRIMES AGAINST WOMEN AND THE CRIMINAL JUSTICE SYSTEM IN INDIA”

AUTHORED BY: ADV. SIDDHI GOKULDAS NAIK

*The present research is dedicated to every woman who has been made to go through the
horrific agony of violence!*

I. ABSTRACT

Crime against women is a worldwide problem that takes hold of women of all ages, ethnicities, races, nationalities, and socio-economic backgrounds. It is one of the most regular and prevalent human rights violations and an obstacle to ending gender inequality and discrimination globally. Despite faster economic growth, higher education attainment, and several protection shields available to safeguard the rights and dignity of women, there are crimes committed against them both inside and beyond the four walls of their homes. It is only recently that this matter has been transformed from a private issue to a public problem. Certain kinds of offenses like domestic violence, sexual assault, and sexual harassment are gender-based and they distinctively affect women, the figures of which have dramatically increased in recent times.

The objective of the present paper is to provide an extensive interpretation of what constitutes the present crime trend against women in a country like India rapidly. The study draws qualitative research on the various categories of crimes committed against women as defined by the existing law in India. It attempts to examine and analyze the role of the legislature and judiciary in ensuring the safety and protection of women in the country. Various instances have been thoroughly discussed later. The paper further provides different preventive measures to be implemented in India to address this serious issue.

Keywords: Women, Crime, Legislature, Judiciary, Justice.

II. INTRODUCTION

“Scars inked all over my body

While every scar tells a story

A story that says, “I survived the nightmare!”

In addition to being denied full social, economic, and political justice, women all over the world have been exploited, mistreated, and abandoned to live immoral, homeless, vagrant, and impoverished lives until their demise. Although women make up around half of the population and have made innumerable sacrifices and contributions to the national freedom struggle and for social development along with men, they have been denied their fair share in several activities. They have endured cruel and degrading treatment from birth to death for no sin.

Crimes against women are common in both urban as well as rural areas. Niyo Pratha (widow or childless woman was asked to have a child with another man), Daasi Pratha (Slaves/Devdaasi), and Pardha system (seclusion of women from public observation by covering their bodies from top to bottom) were some of the horrible atrocities that women have faced over the years. As far as crimes are concerned, child Marriage, honor killing, Sexual abuse, physical harassment, rape, eve teasing, kidnapping, domestic violence, dowry death, female genital mutilation, female feticide, witch hunting, cyberstalking, eve teasing, trafficking are some of them and are still on a rise at different settings including home, workplace, and online platforms.

Once again, the year 2024 showed all of us the harsh reality of crimes against women in India. The brutal rape and murder of a 31-year-old trainee doctor at the R.G.Kar Medical College and Hospital, Kolkata, West Bengal brought a national outrage. The horrific incident dominated the minds of most Indian families for more than two weeks, shaking their conscience like never before.

Globally, the crime rates against women are alarmingly increasing. Despite an increase in reports of sexual and other forms of violence against women and girls, the legal remedies available are ineffective in reducing the high rates of such crimes.

Let us first understand the kinds of exploitation women face at various stages of their lives.

III. PHASES OF EXPLOITATION OF WOMEN

Crimes against women have become widespread around the world. In addition to that, it has been noted that the types of crimes committed against women are correlated with their age. Atrocities against females range from subjecting them to prenatal sex determination to rape and murder.

The various phases of the exploitation of women have been discussed below:

1. Pre-natal phase:

In many underdeveloped countries like India, Sex-Selective abortion has been practiced despite being a criminal offense. A girl child is nonetheless seen as an unbearable burden for the family. There is a belief that boys are the sole patrons of the family and girls are mere consumers. Therefore, most of the girls are killed while they are in their mother's womb.

2. Formative years:

During this period a girl is often neglected, especially when it comes to her education, health care, nutrition, and mental and physical growth. She continues to become weak and lonely from the early phases of development.

3. Youthful years:

Because of several factors, including ongoing ignorance, women are harmed during this stage by heinous crimes like child abuse, child labor, and human trafficking, which are carried out by some twisted social elements as a profitable business that is used worldwide for both labor and sex to satisfy their self-central, menial interests.

4. Adolescent years:

During this stage shameful forms of abuse or exploitation against women are practiced such as Prostitution, human trafficking, child marriage, etc. During this phase, the girls mature and gain an understanding of social and economic enslavement. As a result of this oppression, they are either forced to choose prostitution or inadvertently mistreated for sex. Additionally, because they are viewed as a burden, their family frequently decides to force them into early marriage which results in expulsion from their homes. This can occasionally lead to psychiatric disorders in them. Additionally, the teens or young women are used to appease gangsters by providing beauty and sex.

5. Reproductive phase:

When women reach reproductive age, they may experience coerced pregnancies,

delayed and unconsented abortions, and upon refusal they are subjected to domestic and sexual violence as if they are objects. Additionally, they are tortured physically, psychologically, and sexually by both intimate partners and non-partners. Because of compounded forms of discrimination and socio-economic exclusion, certain groups of women and girls such as women belonging to racial, ethnic, and sexual minorities, women living with HIV, migrant and women workers without documents, women with disabilities, women in detention, women affected by armed conflicts or emergencies are more vulnerable to sexual abuse and are forced to endure multiple forms of violence. The state and its representatives, family members (including parents, husband, and relatives), acquaintances, intimate partners or other known people, and strangers are all involved in the crime in one way or another.

6. Old age:

All types of violence can be experienced by older women. The most prevalent forms of abuse are psychological and financial. There can be a misuse of her money or assets and denying her access to money. Inadvertently or purposely failing to carry out a caregiving role in a proper manner. For instance: Neglecting her medical needs, restricts her medication, denies her access to transportation, and fails to provide her with basics of life.

Let us now attempt to measure the crimes committed against women in India and around the globe.

IV. EMERGING TRENDS OF CRIMES AGAINST WOMEN IN INDIA

The National Commission for Women received over 4, 45,256 complaints relating to crimes against women in the year 2022 marking an increase of 4% from the previous years, which is approximately 51 FIRs every hour. The charge sheet filing rate was 75.8%, while the number of offenses against women per lakh population was 66.4%. A majority were related to emotional abuse and domestic violence making up 31.4%. The percentages of rape, assault with an intent to outrage modesty, and kidnapping and abduction of women were 7.1%, 18.7%, and 19.2% respectively. As far as the state-wise data is concerned, Delhi had the highest rate of 144.4 per lakh population and 14,247 cases recorded in 2022. With 65,743 FIRs, Uttar Pradesh registered the highest number of cases, followed by Maharashtra, Rajasthan, and West

Bengal. ¹In 2022, around 8,540 complaints were related to women demanding to live with respect and dignity, approximately 6,274 dealt with domestic violence, 4600 cases dealt with dowry harassment, and 1500 cases of rape. Other cases of trafficking, acid attacks, cybercrimes, murder, sexual harassment, female feticide, forced marriage, etc. were also reported. ²

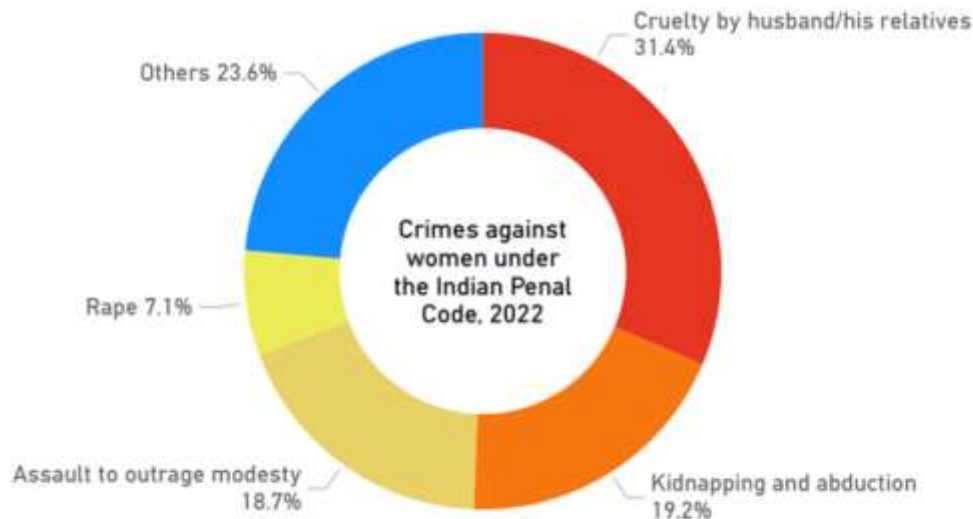


Figure 1: Statistics of Crimes against Women under the Indian Penal Code in 2022³

Let us now discuss the various categories of crimes against women:

V. VARIOUS CRIMES AGAINST WOMEN

In terms of ability, position, and authority, men have always got a higher and more powerful reference in Indian society than women. In general, most gender-based crimes are directed towards women. Some of the common crimes are as follows:

1. Female Feticide:

In India, the male-female sex ratio has drastically skewed in favor of men, primarily due to the high percentage of female feticide. More than ten million female fetuses have been unlawfully aborted in India. A study published in the Lancet Journal by Canadian and Indian researchers found that sex-selective abortion resulted in the death of

¹DRISHTI, https://www.drishtias.com/daily-updates/daily-news-editorials/addressing-women-s-safety-in-india/print_manually (last visited Jan. 11, 2025).

² SHE THE PEOPLE, <https://www.shethepeople.tv/news/crimes-against-women-in-2022-ncw//> (last visited Jan. 10, 2025).

³DRISHTI, https://www.drishtias.com/images/uploads/1724244446_image1.png (last visited Jan. 11, 2025).

5,00,000 girls every year, and the majority of the cases were from India.⁴

The Census 2001 notified that there are only 933 women in India per 1000 men. The Census 2011 revealed a significant drop in the Child Sex Ratio (0-6 years age group - 918 girls per 1000 boys) and also an increase in the dowry deaths (8618 cases). Due to the scarcity of girls in many states (Punjab, Haryana, Rajasthan), many of them are trafficked for marriage. There is an increase in maternal deaths due to forced and repeated abortions and child marriages. The suicide rate has also doubled since their mental health is also smashed. It's distressing to know that some women approve of the same frame of mind. In Punjab, 48.2 % of women feel that there is no harm in sex-selective abortion as sons are a necessity. As far as education is concerned the ratio difference between Male and Female literacy rates is more than 20%.⁵ Even if daughters go to school they are charged with domestic work leading to enormous dropout rates.

2. Rape:

Rape is an unwanted and coerced sexual encounter. It has no national boundaries as it happens with women everywhere. It has been committed against women as old as 90 years and also against infants as young as two years old. Even though there are a lot of rapes that go unreported in the nation, the topic is always in the news, and some of these stories spark protests in public. As per the Times of India reports (2008), rape is the crime in India that is increasing the quickest. The National Crime Records Bureau estimates that one rape occurs every six minutes on average in India.

3. Acid Attack:

This is one of the most heinous crimes against women. India outperforms every other nation in terms of acid violence, especially against young girls and women between the ages of 15 and 35. For these cowardly men who cannot bear rejection, it has developed into a crucial tool. They yearn to ruin her look and make her suffer for the rest of her life with scars that go well beyond her face or body.

Acid has become a vigorous weapon in the hands of the perpetrators because of its easy and cheap access. In India acid is mostly used in industries for manufacturing and storing various metals and chemicals. It is also used for the production of fertilizers and detergents. In villages as well as in cities acidic solutions are used to clean washrooms

⁴ DR. ISHITA CHATTERJEE, THE EVILS OF FEMALE FETICIDE IN INDIA: CAUSES, CONSEQUENCES, AND PREVENTION, <https://www.Legalserviceindia.com/legal/article-777-the-evil-of-female-feticide-in-india-causes-and-consequences-and-prevention.html> (last visited Jan. 9, 2025).

⁵ PRESS INFORMATION BUREAU GOVERNMENT OF INDIA MINISTRY OF HEALTH AND FAMILY WELFARE, <https://pib.gov.in/newsite/PrintRelease.aspx?relid=98466> (last visited Nov. 10, 2024).

and toilets. So it is available for a meager amount of Rs.25/- per liter, cheaper than a gun or knife. It is readily obtainable in small bottles, beakers, jars, or mugs and can be carried without raising any doubt because of its colorless water-like appearance.

The attack is prearranged by the offender wherein he buys the acid first, carries it along, traces the movement of the victim, and accomplishes his objective spot on time. He splashes out his entire anger through the acid. All it takes is a couple of seconds to change the entire life of the girl.

A study conducted by UNICEF reveals that acid attacks are a serious problem and globally eighty percent of victims of acid attacks are young girls/ women. The National Crime Records Bureau Report, 2018 stated that India witnessed approximately 1500 cases of acid violence from the year 2014- 2018.⁶

4. Domestic Violence:

In India, one in every three women experiences physical and/or sexual abuse at home. With their children and husbands being at home 24/7, women are not just pressured with increased household chores but are also subjected to more abuse and violence. National Family Health Survey-5(2019-21) estimated that of all the women who had experienced any sort of physical or sexual assault by their partners, only 14% of the women came out to seek help. Up to 77% of them never asked for assistance or disclosed the abuse they had endured.⁷

According to the **National Commission for Women**,⁸ Domestic Violence against women has been at a 10-year high in the lockdown period. The number of cases recorded in the four phases of the lockdown is equivalent to the cases that were recorded in the past ten years. In March 2020, 501 complaints were reported. In April, the number reduced to 377, however, the decrease in the number was because of the non-availability of modes for women to register the complaint. There was a giant rise with 552 and 730 cases being reported in May and June respectively.

5. Trafficking:

Human Trafficking has emerged as a significant topic of concern all around the globe. It is the illegal and inhumane practice of exploiting human beings and treating them as a product for sale. One cannot deny the fact that most women are vulnerable to the

⁶<https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%201.pdf> (last visited Nov.4, 2024).

⁷ THE TIMES OF INDIA, <https://timesofindia.indiatimes.com/india/77-of-women-stay-mum-about-domestic-violence/articleshow/91408159.cms> (last visited Jan. 9, 2025).

⁸ NATIONAL COMMISSION FOR WOMEN, <http://ncw.nic.in/> (last visited May 20, 2024).

same. Looking at the current scenario, India is one of the most dangerous places for a girl to live in. Young girls and women are disappearing from the streets at a frightening rate. Many are caught and sold, often as sex workers in brothels or as slaves for domestic and agricultural work.

5264 cases were reported in India in 2018 according to the **National Crime Records Bureau**. Of the victims, 64 % (the majority) of the victims were women and 48 % were under the age of 18 years.⁹ According to the **2014 Dasra Report**, approximately 40 % of 16 million women who survive sex trafficking in India each year are youngsters and adolescents. Furthermore, 50 % of the survivors have a family income of less than 1 United States Dollar (Rs.73.48/-) each day, and are 70% of them lack literacy.¹⁰ The threat posed by human trafficking has spread widely and is now successfully making a significant economic contribution. Around the world, criminals make a lot of money each year.

6. Sexual Harassment:

Sexual Harassment is a widespread and deeply ingrained problem that has afflicted communities all over the world. It is a serious violation of a woman's fundamental rights. With the advancement in the nation, millions of women are stepping into the workforce domain. Women employees are asked for sexual favors to get high pay or promotions. There are so many cases reported every day, however, the conviction rate is very low. Women are forced to silence their voices. From the year 2018 to 2022, approximately 400 cases of sexual harassment in the workplace were reported each year.¹¹

7. Female Genital Mutilation:

One of the best works of art has always been thought to be the human body. Every person has the legitimate right to be in charge of and possess their own body. However, under the guise of customs and ceremonies, millions of women and girls over the world are denied this privilege. Intentionally cutting the female genital organs is a non-medical practice known as female genital mutilation. Also referred to as Female Circumcision or Infibulation, it includes any operation that involves removing all or

⁹FEMINISIM INDIA, <https://feminisminindia.com/2020/07/30/infographic-human-trafficking-india/> (last visited Jan. 9, 2025).

¹⁰ DASRA REPORT 2014, <https://theprint.in/features/on-world-day-against-trafficking-in-persons-a-look-at-the-numbers-in-India/470219/> (last visited Jan.9, 2025).

¹¹ BUSINESS STANDARD, https://www.business-standard.com/india-news/over-440-sexual-harassment-cases-in-indian-workplaces-a-year-during-2018-22-124081401697_1.html (last visited Jan.17, 2025).

part of a woman's external genitalia or harming her genital organ for non-therapeutic or cultural reasons.

The fundamental cause of FGM is the naïve notion that it is a means of controlling a woman's sexuality. It is typically done to guarantee the girl's virginity and faithfulness before and after her marriage, respectively, and is associated with the conservative idea of femininity. In order to safeguard and cleanse the girl's thoughts and sexual urges, this technique is employed. It is distressing to learn that there is a widespread practice of cutting young girls in India especially amongst the Dawoodi Bohra Community which is primarily concentrated in Mumbai. The name "Khatna" or "Khafz" or "Khafd" is used here, and the clitoral hood is referred to as "Haraam ki Boti" or "Immoral lump of flesh". As their mothers and grandmothers trick and entice them, hundreds of girls endure pain every day.¹²

8. Early marriage:

Child marriage rates are gradually declining worldwide, but the rate of improvement is not quick enough. Young girls are forced into marriage by their parents or relatives, making them incredibly vulnerable to sexual and physical assault. Girls as young as six or seven years of age are forced to marry in India. This puts the girl's physical, mental, reproductive, and spiritual health at risk. Girls who get married are likely to become pregnant, have serious pregnancy and delivery issues, contract HIV, and become victims of domestic abuse. To take care of the house, kids, and extended family after marriage, it is common for girls to drop out of school. These girls lose on gaining the required abilities and self-assurance necessary to negotiate and make wise life decisions, find employment, and lead an independent life.

9. Dowry deaths:

Today, the taking and giving of dowry has grown into an indispensable part of an Indian wedding. There is a propelling force in society to follow certain customs which are completely irrational. Under the garb of tradition, dowry has become mandatory in every cult.

India is a polestar for collective evils like dowry and deaths relating to same. According to the National Crime Record Bureau's "**Crime in India**" 2019 Report, in India after every 1 hour 30 minutes there is one dowry death and after every 4 minutes, one woman

¹²Harinder Baweja, *India's Dark Secret*, HINDUSTAN TIMES, (Dec.20,2024,8:32PM), <https://www.hindustantimes.com/static/fgm-indias-dark-secret/>.

is subjected to cruelty by her husband or in-laws.¹³ 21 women are killed each day in India due to dowry harassment.¹⁴ The highest cases are recorded in states like Bihar, Uttar Pradesh, and Madhya Pradesh. These deaths are caused by burning, poisoning, strangulation, torture, domestic violence, confinement, slashing their genitals or breasts with razors, and starvation. They are at times kicked out of the house and kept away from their children. Pouring out a flammable liquid and setting her ablaze is the most common heinous act. Approximately 8000 cases of bride burning are recorded annually in the country.

10. Honor killing:

It refers to the killing of women who are believed to have brought shame to the family or community's honor by engaging in things like premarital sex, adultery, marrying outside caste, culture, religion, or unsuitable behavior. Typically, religious terminology is used to conceal the preservation of honor. For such transgressions, women have been publicly stoned to death, raped, burnt alive, and attacked with acid.

Let us now understand the factors leading to the increase in crimes against women.

VI. FACTORS LEADING TO THE INCREASE IN THE CRIME RATES AGAINST WOMEN

Some of the factors that have led to the increase in crimes against women are as follows:

1. Despite increased education levels and various government initiatives women's status has not been improved significantly as people are not ready to shed their patriarchal mindset.
2. Violence is more likely to occur in situations when women are wealthier than their husbands and are perceived as having the authority to alter established gender norms.
3. There is a lack of safety for women in the public domain. Many streets are poorly lit and women's restrooms and toilets are scarce.
4. The weak functioning of a centralized mechanism for data collection on crimes against women makes it difficult to analyze the patterns of crimes committed against women, resulting in the poor implementation of the law.

¹³ NATIONAL CRIME RECORDS BUREAU, 2019, <https://www.news18.com/news/india/rape-every-every-16-minutes-dowry-death-each-hour-ncrb-data-shows-how-unsafe-india-is-for-women-2925445.html> (last visited Jan.17, 2025).

¹⁴ NATIONAL CRIME RECORDS BUREAU, <https://www.indiatoday.in/mail-today/story/dowry-deaths-national-crime-records-bureau-conviction-rate-972874-2017-04-22> (last visited Jan.13, 2025).

5. The lack of accountability of law and order institutions as well as the failure to convict perpetrators has been a major cause of the increase.
6. The inability and delay caused by the police department to apprehend the criminals and their attitude and misconduct towards women have led the crimes to increase.
7. The Indian judiciary is at times sluggish, inefficient, insensitive, corrupt, and unaccountable. Due to a lack of judges and poor infrastructure, there is a lot of delay in the administration of justice to the victims.
8. Women's silence to report crime is yet another reason. However, the authorities as well as society are to be blamed. There is inadequate security and confidence instilled in women, so they feel vulnerable to abuse while reporting the crime which is why they choose to stay mum.

Now let us understand the constitutional safeguards available to women in India.

VII. CONSTITUTIONAL SAFEGUARDS AVAILABLE TO WOMEN

The Indian Constitution enshrines the principle of gender equality in its Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of State Policy. The Constitution not only guarantees equality to women, but also entrusts the state to implement positive discrimination measures in their favor to offset the cumulative socio-economic, educational, and political disadvantages they face. India has also ratified several international treaties that bind the country to ensure equal rights for women. Some of the provisions under the Constitution protecting women are:

1. Article 14 embodies the idea of equality.
2. Article 15(1) prohibits the state from discriminating based on religion, caste, race, sex, or place of birth. However, Article 15(3) allows the state to make special provisions for women and children.
3. Article 16 provides for equal opportunities relating to employment or appointment in any office.
4. Article 39 (a) urges the state to provide adequate means of livelihood to both men and women.
5. Article 39 (d) provides equal pay for equal work, for both men and women.
6. Article 42 seeks to provide humane working conditions and maternity relief to women.
7. Article 51A (e) provides for the duty of citizens to renounce practices that are derogatory to the dignity of women.

Apart from these, certain legislations in India protect women against crimes.

VIII. CRIMES AGAINST WOMEN UNDER THE BHARATIYA NYAYA SANHITA, 2023

The Bharatiya Nyaya Sanhita, 2023 outlines the punishments for those who commit grievous crimes against women. Such crimes are explicitly addressed in the following provisions of the Bharatiya Nyaya Sanhita:

1. Dowry Death ¹⁵
2. Cruelty by husband or his relatives ¹⁶
3. Causing Miscarriage ¹⁷
4. Acid Attack ¹⁸
5. Rape and Gang Rape ¹⁹
6. Kidnapping and Abduction for different purposes ²⁰
7. Offenses against minor girls ²¹
8. Murder ²²
9. Abetment of suicide ²³
10. Outraging the modesty of women ²⁴
11. Sexual Harassment of women at the workplace ²⁵
12. Assault on women with an intent to disrobe a woman ²⁶
13. Obscene acts and songs against women ²⁷
14. Voyeurism ²⁸
15. Stalking ²⁹
16. Importation of girls up to 21 years of age ³⁰

¹⁵ Bharatiya Nyaya Sanhita, 2023, § 80, No. 45, Acts of Parliament, 2023(India).

¹⁶ Bharatiya Nyaya Sanhita, 2023, § 85, No. 45, Acts of Parliament, 2023(India).

¹⁷ Bharatiya Nyaya Sanhita, 2023, § 88-92, No. 45, Acts of Parliament, 2023(India).

¹⁸ Bharatiya Nyaya Sanhita, 2023, § 124, No. 45, Acts of Parliament, 2023(India).

¹⁹ Bharatiya Nyaya Sanhita, 2023, § 63-70, No. 45, Acts of Parliament, 2023(India).

²⁰ Bharatiya Nyaya Sanhita, 2023, § 137, No. 45, Acts of Parliament, 2023(India).

²¹ Bharatiya Nyaya Sanhita, 2023, § 96-99, No. 45, Acts of Parliament, 2023(India).

²² Bharatiya Nyaya Sanhita, 2023, § 103, No. 45, Acts of Parliament, 2023(India).

²³ Bharatiya Nyaya Sanhita, 2023, § 108, No. 45, Acts of Parliament, 2023(India).

²⁴ Bharatiya Nyaya Sanhita, 2023, § 74, No. 45, Acts of Parliament, 2023(India).

²⁵ Bharatiya Nyaya Sanhita, 2023, § 75, No. 45, Acts of Parliament, 2023(India).

²⁶ Bharatiya Nyaya Sanhita, 2023, § 76, No. 45, Acts of Parliament, 2023(India).

²⁷ Bharatiya Nyaya Sanhita, 2023, § 296, No. 45, Acts of Parliament, 2023(India).

²⁸ Bharatiya Nyaya Sanhita, 2023, § 77, No. 45, Acts of Parliament, 2023(India).

²⁹ Bharatiya Nyaya Sanhita, 2023, § 78, No. 45, Acts of Parliament, 2023(India).

³⁰ Bharatiya Nyaya Sanhita, 2023, § 141, No. 45, Acts of Parliament, 2023(India).

17. Word, gesture, or act intended to insult the modesty of a woman ³¹

IX. PROTECTION UNDER VARIOUS SPECIAL AND LOCAL LAWS

Certain acts contain specific provisions to safeguard women. Some of the acts are:

1. The 1956 Act on Immoral Traffic Prevention.
2. The 1961 Dowry Prohibition Act
3. The Law of 1971 concerning Medical Termination of Pregnancy
4. The Act of 2006 Prohibiting Child Marriage
5. The 1987 Act on Prevention of Commission of Sati
6. The 1986 Act on the Prohibition on Indecent Representation of Women
7. The 2005 Protection of Women from Domestic Violence
8. The 2013 Criminal Law (Amendment) Act,
9. The 2012 Act to Protect Children from Sexual Offenses
10. The 2013 Act on Prevention, Prohibition, and Redressal of Sexual Harassment of Women at Workplace
11. The 1994 Act on Pre-Conception and Pre-Natal Diagnostic Techniques
12. The 1961 Maternity Benefit Act
13. The 1956 Hindu Succession Act
14. The 1955 Hindu Marriage Act
15. The 1954 Special Marriage Act
16. The 1954 Family Courts Act

Now let us discuss the various landmark judgments that shook India to the core and led to significant transformations in the criminal justice system in India.

X. LANDMARK CASES THAT SHOOK INDIA

The following rulings made it possible to make adjustments to the existing laws to protect women from acts against their bodies or dignity.

1. In *Tukaram v. State of Maharashtra*,³² a girl named Mathura was raped while in custody by two policemen. The Supreme Court acquitted the Accused because there was no resistance from the girl's side and the Court considered the act as consensual.

³¹ Bharatiya Nyaya Sanhita, 2023, § 79, No. 45, Acts of Parliament, 2023(India).

³² (1979) AIR 185, (1979) SCR (1) 810.

Aggrieved with the judgment, radical changes were made in the area of Indian rape laws which provoked vehemence and unrestrained confrontations.

2. In *Vishaka & Ors. v. State of Rajasthan*,³³ to prevent sexual harassment at work, a wave of Public Interest Litigation including this was filed. The Court acknowledged that the right to a safe workspace is a basic right under Articles 14(2), 19 (1) (g), and 21 of the Constitution. The Court also laid down certain guidelines to deal with complaints of sexual harassment of women in the workplace.
3. In *Laxmi v. Union of India*,³⁴ Laxmi, who had herself suffered an acid attack, filed a Public Interest Litigation in the Supreme Court. In response to the same, the Court issued several rulings and instructions in the shape of rules for the humane treatment and compensation of such acid attack survivors.
4. India's first known instance of Cybersex crime, the *Ritu Kohli Case*,³⁵ brought an amendment to the Information Technology Act under Section 66 E. In this case, Manish Kathuria was detained by the Delhi Police for harassing a woman online with vulgar chats and calls.
5. In *Mukesh & Anr. v. State for NCT of Delhi*,³⁶ the horrible gang rape that trembled the entire nation led to a multi-dimensional change in Indian Criminal Law. The definition of Rape was widened and several provisions were added to the Indian Penal Code on rape.

Regrettably, despite the laws and actions taken by the judiciary, crimes against women are drastically on the rise.

XI. THE WAY FORWARD

The following recommendations can be considered effectively to improve the present situation.

1. Women must be treated equally in all aspects of life. Gender equality cannot be achieved unless we grant women equal status and until our patriarchal worldview becomes gender-neutral.
2. Laws and procedures need to be constantly evaluated as women face difficulties while seeking redress due to a lack of awareness.

³³ (1997) 6 SCC 241.

³⁴ W.P. (CrI.) No. 129 of (2006).

³⁵ VISHI AGGARWAL & MS. SHRUTI, CYBER CRIME VICTIMS: A COMPREHENSIVE STUDY 646 (IJCRT 2018).

³⁶ (2017) 6 SCC 1.

3. Unless there is adequate attention to the increasing sensitization at the workplace and public domains, no legal reform will be attained.
4. Significantly, men should also be taught at an early age that they should respect women and not consider them as sexual objects to vent their frustration and sexual desires.
5. Women must be educated about their rights. They should be taught how to seek justice for themselves if they are unfortunate enough to become victims of such crimes. The Government must launch legal aid clinics, legal seminars, and other initiatives for the same. Women must be assured that their identity will be kept under wraps so that they fearlessly raise their voices.
6. While there are fast-track courts available to provide quick relief, the number of judges present in these courts should be increased so that they are not overburdened and can review all the pending and recent cases within a reasonable time frame.
7. The fear of punishment deters lawbreakers from breaking the law. Every perpetrator should face severe punishment. Most offenses should be classified as non-bailable.
8. The police should be sensitive towards the victims of sexual crimes. They have to be made accountable and time-bound for their work.
9. Female workforce participation increases crime against women because females are now more visible in the outside world, and thus likely to be victims. So it is necessary to take preventive measures to reduce crimes while also providing women with more opportunities to participate in the labour force.
10. The media has to play a laudable role in making sure that society at large knows about the crimes committed against women in the country.
11. There should be street lighting provided in every dark area of the street. PCR vans with female police officers must be allotted to provide security to women. All public transportation and commercial taxis should be equipped with GPS trackers to trace crimes.
12. The Vishaka guidelines are not wholly implemented in most workplaces in India. The authorities should make sure that every establishment should comply with the directions of the Supreme Court.
13. Organizations working towards the eradication of gender-based violence such as trafficking, domestic violence, and prostitution must be supported.

XII. CONCLUSION

Swami Vivekananda had rightly mentioned, *“India’s disregard for women played a major role in its decline, and unless the status of women is changed, there is little prospect for global welfare.”*

Women have always been the target of abuse on a global scale. Because of the patriarchal structure of our society, women have been subjected to prejudice, exploitation, and violence in all spheres of life.

India is frequently described as a rapidly developing economy with advanced human positions. However, it is a well-known fact that crimes against women are a negative indicator of growth and India is currently facing a serious challenge in this regard. As a result of this, it is critical to investigate the nature, causes, and forms of crimes against women to find a key to the problem.

India has sufficient laws for the safety of women if they are effectively implemented and these laws are powerful enough to maintain law and order in society. However, to keep up with the modern world or because of the ever-changing economic fabric, we need to improve the existing system. Thus, a few organized changes would prevent violations and bring prompt justice to the victims.

The present situation of women is beyond imagination. On one hand, the country is experiencing serendipity in every field; while on the other hand, the fate of women is heart-wrenching. This brings in questions like, Are women safe in India? What is our country heading towards? What is the future of our women? The answers to these remain unresolved.

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