

DOI - 10.53571/NJESR 2021.2.8.73-81

## **Crime against women in India and the role of State Functionary**

**Dikila Sherpa**

**Assistant professor**

**Department of Law**

**Kazi Nazrul University**

**Asansol**

**West Bengal**

**Email id – [dikilasherpa20@gmail.com](mailto:dikilasherpa20@gmail.com)**

### **Abstract**

Women security is one of the biggest concern of the country right now. Violence against women occurs throughout the life cycle from prebirth, infancy, childhood, adolescence, adulthood to senescence. The number of violent crimes in India especially those against women including rape, dowry death, acid attack, that are reported in official statistics are increasing each passing year. Annual crime in India Report 2017 published by National Crime Records Bureau (NCRB) on 21st October 2019 shows that 3,59,849 cases of crime against were reported in country. There are many instances of crime especially against women go unreported in India. My paper will include the study about the crime happening against women in Indian society and will also attempt to discover the main cause and to analyse the present crime trend against women in India.

**Key words:** National Crime Record Bureau, Indian Penal Code, Fundamental Rights, Crime, Women

### **Introduction**

Violence against women is a problem across the World. It affects women of all races, ethnic groups, classes and nationalities. It is a life-threatening problem for an individual woman and a serious problem for society. It cuts across cultural and religious barriers,

impeding the right of women to participate fully in society. Violence against women takes a dismaying variety of forms, from female infanticide to child marriage to domestic abuse to rape. All of them are violations of the most fundamental human rights. The Indian constitution which is the fundamental law of our Country contains numbers of provisions for the benefit and protection of the women. The concept of equality and nondiscrimination finds its due place in Indian constitution. Besides, it also enables the state to adopt measures of affirmative discrimination in favor of women. Apart from fundamental rights, some specific provisions to ensure the rights of women have also been incorporated in Directive Principles of State Policy. However, despite constitutional protection and several legislations, gender discrimination and injustice continue to occur. This is mainly because those who enforce the laws or interpret do not always fully share the philosophy of gender justice concept. Indian women are, by and large, handicapped with respect to all the prerequisites essential for access to justice. The widespread illiteracy, the cultural barriers and subordination is very common. The unfriendly process of law has kept most distressed women away from the law and courts. Victimized women have various experiences with the national criminal justice systems. They cannot always depend on the criminal justice system for either protection or rehabilitation. In terms of combating violence against women, there often exist gaps and ambiguities in the laws criminalizing violence. Laws tend to be piecemeal, focusing on specific forms of violence rather than dealing comprehensively with all forms of violence against women. When the law is in place, there is often weak law enforcement. This leads to victim's apathy and distrust and avoidance of the system. In certain situations, such as the cruelty and dowry deaths, corruption among police and other enforcement officials works as a major obstacle.<sup>1</sup>

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<sup>1</sup> Bhartiya stree shakti, *Tackling Violence Against Women: A Study of State Intervention Measures (A comparative study of impact of new laws, crime rate and reporting rate, Change in awareness level)*, Funded by: Ministry of Women and Child Development, Government of India, New Delhi, 2017.

International Women's Day is celebrated on 8<sup>th</sup> of March every year in order to uplift the honour and respect the women all over the world. Also gender equality is proclaimed as a fundamental right by the United Nations' Charter of 1945. Even our constitution also provides right to equality. we cannot imagine a world without women. Our country is the one that worships most of the goddess but at the same time heinous crime is also committed against women. Everyone, especially women, deserves love and respect because they are the one who is the backbone of our society as she plays multiple roles in her life she is a daughter, a wife and a mother so everyone should learn to respect women. Even after having enacted multiple legislations and regulations, Women are often the victim of most heinous crime. What are the factors that are responsible for the commission of such heinous crimes in our country? However, we cannot specifically point out the one or two factors which are responsible for the commission of such crime. There are multiple factors such as education, unemployment, lack of sex education, lack of moral education, cheap mentality and these factors are not exhaustive there are many more, and it is not just one factor which lead to the commission of such heinous crime it is the amalgamation of such factors

## **1. Crime committed against women:**

Although women may be victims of any of the general crimes such as ‘murder’, ‘robbery’, ‘cheating’, etc, only the crimes which are directed specifically against women are characterized as ‘crimes against women’. Various new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes effectively. These are broadly classified under two categories.

### **(1) The crimes under the Indian Penal Code (IPC)**

- i) Rape (Sec. 376 IPC)
- ii) Kidnapping & abduction for specified purposes (Sec. 363 - 373 IPC)
- iii) Homicide for dowry, dowry deaths or their attempts (Sec. 302/304-B IPC)

- iv) Torture, both mental and physical (Sec. 498-A IPC)
- v) Assault on women with intent to outrage her modesty (Sec. 354 IPC)
- vi) Insult to the modesty of women (Sec. 509 IPC)
- vii) Importation of girl from foreign country (upto 21 years of age) (Sec. 366-B IPC)

**(2) The crimes under the Special & Local Laws (SLL)**

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. The gender specific laws for which crime statistics are recorded throughout the country are –

- (i) The Immoral Traffic (Prevention) Act, 1956
- (ii) The Dowry Prohibition Act, 1961
- (iii) The Indecent Representation of Women (Prohibition) Act, 1986
- (iv) The Commission of Sati Prevention Act, 1987.

Every day we hear the news about the commission of crime against the women and rape is among such heinous crime. Even after the enhance punishment and stringent laws the crime against women is not reduced rather it is increasing day by day in our country. The Rape Case that happened in Delhi in December 2012 when a 23 year old medical student was raped by a group of six men on a moving bus. After rape and horrific torture she was thrown out of bus at an isolated palace and was left in the vegetative state. She succumbed to her injuries on December 29, 2012, at the hospital in Singapore. The gruesome case shocked the entire nation's conscience, made international headlines and exposed the scope of sexual violence against women in India. This prompted lawmakers to stiffen penalties in rape cases and the rape law in the country was amended. The new tougher anti-rape law, Criminal Law (Amendment) Act, 2013 was introduced to punish sex crimes, redefined rape and made punishment more stringent

including death for repeat rape offenders. But despite the stricter law, weak policing and investigation haven't deterred rape, the fourth most common crime in India, according to the government statistics. In the absence of systematic and procedural reform, law has failed to attain its primary objective, evident by the similarly brutal cases in November 2019 where a veteran Doctor was gang-rape and her body was burnt near Hyderabad.

### 1. National Crime Records Bureau Report:

The national data on crime as published by National Crime Records Bureau on 2019 shows the increasing trends on crime against women in our country. The NCRB comes under the Union Ministry of Home Affairs and is responsible for collecting and analyzing crime data as defined by the Indian Penal Code (IPC) and special and local laws in India. The crimes against women rose from 338954 in 2016 to 359849 in 2017 and 378277 in 2018. The total number of crime committed against women in 2018 is 378277 and among the entire states Uttar Pradesh rank top in the list with total number of 59455 crimes against women followed by Maharashtra with 35497, West Bengal 30394, Madhya Pradesh 28942 and Rajasthan 27866.<sup>2</sup> The table mentioned below shows the record of crime that has happened against women under Indian Penal Code and Special Local Law in the year 2016, 2017 and 2018.

**TABLE 1**  
**Crime against Women (IPC + SLL) - 2016-2018<sup>3</sup>**

Sl No	State / UT	2016	2017	2018	Percentage State Share To All-India (2018)	Mid-Year Projected Female Population (In Lakhs) (2018)+	Rate of Total Crime against Women (2018)++
1	Andhra Pradesh	16362	17909	16438	4.3	260	63.2
2	Arunachal Pradesh	367	337	368	0.1	7.2	51.1

<sup>2</sup> Crime in India 2018, National Crime Records Bureau, Ministry of Home Affairs.

<sup>3</sup> Crime in India 2018, National Crime Records Bureau, Ministry of Home Affairs.

3	Assam	20869	23082	27728	7.3	167	166
4	Bihar	13400	14711	16920	4.5	567.4	29.8
5	Chhattisgarh	5947	7996	8587	2.3	141.9	60.5
6	Goa	371	369	362	0.1	7.6	47.6
7	Gujarat	8532	8133	8329	2.2	320.7	26
8	Haryana	9839	11370	14326	3.8	133.3	107.5
9	Himachal Pradesh	1222	1246	1633	0.4	35.8	45.6
10	Jammu & Kashmir	2850	3129	3437	0.9	63.6	54
11	Jharkhand	5453	5911	7083	1.9	180.6	39.2
12	Karnataka	14131	14078	13514	3.6	322.6	41.9
13	Kerala	10034	11057	10461	2.8	182	57.5
14	Madhya Pradesh	26604	29788	28942	7.7	393.9	73.5
15	Maharashtra	31388	31979	35497	9.4	583.2	60.9
16	Manipur	253	236	271	0.1	15.3	17.7
17	Meghalaya	372	567	571	0.2	16	35.7
18	Mizoram	120	301	249	0.1	5.9	42.2
19	Nagaland	105	79	75	0	10.3	7.3
20	Odisha	17837	20098	20274	5.4	222.1	91.3
21	Punjab	5105	4620	5302	1.4	140.7	37.7
22	Rajasthan	27422	25993	27866	7.4	371.1	75.1
23	Sikkim	153	163	172	0	3.1	55.5
24	Tamilnadu	4463	5397	5822	1.5	377.3	15.4
25	Telangana	15374	17521	16027	4.2	184	87.1
26	Tripura	1013	972	907	0.2	19.5	46.5
27	Uttar Pradesh	49262	56011	59445	15.7	1066.8	55.7
28	Uttarakhand	1588	1944	2817	0.7	54	52.2
29	West Bengal	32513	30992	30394	8	471.7	64.4
30	A & N Islands	108	132	147	0	1.9	77.4
31	Chandigarh	414	453	442	0.1	5.3	83.4
32	D&N Haveli	28	20	38	0	2.2	17.3
33	Daman & Diu	41	26	16	0	1.3	12.3
34	Delhi UT	15310	13076	13640	3.6	91.2	149.6
35	Lakshadweep	9	6	11	0	0.3	36.7
36	Puducherry	95	147	166	0	7.7	21.6
<b>Total All India</b>		<b>338954</b>	<b>359849</b>	<b>378277</b>	<b>100</b>	<b>6434.4</b>	<b>58.8</b>

Even after the stringent laws crime against women is rather increasing each passing year as according to the NCRB report, not only the law should be stringent but the law enforcing

agency should also be actively engage in preventing such crimes. Law enforcing agency such as police plays a vital role in curbing the crime against women. Women after being a victim of heinous crime have to go through a prolonged procedure to get the justice. Even though she is the victim she is sometimes treated as a wrongdoer by the police. Sometimes police refuses to file the FIR. Most of the cases go unreported because victims of such crime are afraid of the social stigma which often gets attached to them after the case is reported.

## **2. Measures taken by government to prevent crime against women<sup>4</sup>**

- The Criminal Law (Amendment), Act 2013 was enacted for effective deterrence against sexual offences. Further, the **Criminal Law (Amendment) Act, 2018** was enacted to prescribe even more stringent penal provisions including death penalty for rape of a girl below the age of 12 years. The Act also inter-alia mandates completion of investigation and trials within 2 months each.
- **Emergency Response Support System** provides a pan-India, single, internationally recognized number (**112**) based system for all emergencies, with computer aided dispatch of field resources to the location of distress.
- Using technology to aid smart policing and safety management, **Safe City Projects** have been sanctioned in first Phase in 8 cities (Ahmedabad, Bengaluru, Chennai, Delhi, Hyderabad, Kolkata, Lucknow and Mumbai).
- The Ministry of Home Affairs (MHA) has launched a **cyber-crime portal** on 20<sup>th</sup> September 2018 for citizens to report obscene content.

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<sup>4</sup> "Measures taken by the government to prevent crime against women", available at <https://pib.gov.in/newsite/PrintRelease.aspx?relid=195670>

- MHA has launched the ‘**National Database on Sexual Offenders**’ (NDSO) on 20<sup>th</sup> September 2018 to facilitate investigation and tracking of sexual offenders across the country by law enforcement agencies.
- In order to facilitate States/UTs, MHA on 19<sup>th</sup> February 2019 launched an online analytic tool for police called ‘**Investigation Tracking System for Sexual Offences**’ to monitor and track time-bound investigation in sexual assault cases in accordance with the Criminal Law (Amendment) Act 2018.
- **One Stop Centre (OSC) scheme** is being implemented across the country since 1<sup>st</sup> April 2015 which is exclusively designed to provide integrated services such as medical aid, police assistance, legal counseling, court case management, psycho-social counseling and temporary shelter to women affected by violence under one roof. As per available information, 728 OSCs have been approved by Government of India, 595 OSCs are operational in the country.
- In addition to the above-mentioned measures, MHA has issued **advisories** from time to time with a view to help the States/UTs to deal with crimes against women, which are available at [www.mha.gov.in](http://www.mha.gov.in).

### **3. Conclusion and Suggestions:**

Women of this century are now mostly well aware of their rights, they are now educated, independent, self sufficient but still there are two sides of every coin. There are schools but girls cannot reach there, there are employments but women are not getting equal pay, in each and every step there is struggle for them. They get victimized of many heinous crimes. Even after the measures taken by the government the crime is not reduced as shown above in the data it is increasing year after year. The happening of such crimes cannot be stopped in one day it is the result of many factors such as poverty, illiteracy, unemployment and may more. The most important factor here is education, especially moral education and it starts from our own home as it is said ‘change starts from home’. a proper moral education



should be given to the children so that they grow as a gentleman and learn to respect women. Moral education and sex education should also be included in the education system. On the other hand the few surviving victim women do not just only suffer once but they suffer again and again after the crime, because of the prolonged procedural delay in getting justice and attitude of the society towards the victims. Moreover, the stringent laws enacted after 2013 and 2018 Criminal Law Amendment which were thought off to create deterrence. But the procedural delay in Justice for those known about the law has only created the mockery of the law. Therefore, as they say “justice delayed is justice denied” it is high time that we need special fast track court to provide speedy justice to victims, only then the deterrence will get enforced and we may see reduction in crime against women.