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CRIME AGAINST WOMEN IN INDIA

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Abstract:

Crime is as old as mankind in itself, but in the recent years it has increased in its dimensions and has attained new heights. It is difficult to find a society without deviance. Almost the entire society is directly or indirectly affected by such violence. Women as a separate class are subjected to a greater criminal victimization both inside and outside their homes.¹

INTRODUCTION:

In India, violence against women exists across age cycles changing its forms from feticide, to female infanticide, rape of young girls, their sale into prostitution; onwards to a very high maternal mortality rate during women's reproductive age, wife-battering and Dowry deaths in the middle ages and in the old age and other forms of violence by the family members in widowhood.² Crime against women in India has become formalized and ritualized through ritual, and custom. It has several forms: female infanticide, cruelty by husband, domestic violence, wife battering, rape, abduction and kidnapping, prostitution, molestation and dowry deaths etc... are all forms of violence which denigrate the dignity of women.

FEMALE INFANTICIDE & FETICIDE

Female infanticide and selective abortion are most often practiced in societies where it is believed that having a girl child is culturally and economically less advantageous than having a boy child. Parents who strongly prefer sons but who can support only a small family may choose to murder or abort a girl and attempt to have a female infanticide.” Female infanticide may be committed deliberately or through neglect. In some cultures, female infanticide is so widely known as a traditional practice that the methods are part of community lore.³

It is said that the gentle touch of a daughter and her voice have a soothing effect on the parents, yet, unfortunately in India the practice of female infanticide still prevails. This barbarous unlawful killing of girl babies has a serious consequence on the balance of the sexes in the population. Societies that practice female infanticide always show many other signs of bias against females. Methods include stuffing the newborn's mouth with black salt, lacing the milk she drinks with either pesticide, toothpaste, sedatives, the juice of the poisonous oleander berry or the grains of paddy husk that are capable of slitting the tender gullet. Other options involve suffocating the infant with either a wet towel or a bag of sand or drowning her in a basin of milk. One gets to hear of hair raising stories like the instance where the mother refused to nurse the baby girl. In order to silence the infant's famished cries; the impoverished village women squeezed the milky sap from a coriander shrub, mixed it with castor oil and shoved the poisonous potion down the newborn's throat. The baby bled from the nose and then died soon afterwards.

Another form of eliminating the girl child has been the practice of female infanticide. It is a

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deliberate and intentional act of killing a female child within one year of its birth either directly by using poisonous organic and inorganic chemicals or indirectly by deliberate neglect to feed the infant by either one of the parents or other family members or neighbors' or by the midwife. Infanticide as, "Killing of an entirely dependent child under "one year of age" who is killed by mother, parents or others in whose care the child is entrusted". It is unfortunate that the parents also view her as a liability. This attitude is rooted in a complex set of social, cultural, and economic factors. It is the dowry system, lack of economic independence, social customs and traditions that have relegated the female to a secondary status. The degree may vary but the neglect of the girl child and discrimination goes hand-in-hand. Sex selective abortions cases have become a significant social phenomenon in several parts of India. It transcends all castes, class and communities and even the North South dichotomy. The girl children become target of attack even before they are born.⁴ Female infanticide and now, increasingly, female feticides have seen a rise in recent decades. The girl child is denied the right to be born. Sex selective abortions are being facilitated by the misuse of diagnostic procedures. Parents with the connivance of unscrupulous medical practitioners, use pre-natal sex determination techniques to detect and eliminate female fetuses. Despite legal prohibitions, advanced scientific techniques like chorionic villus biopsy, ultrasonography and blood sampling are used for determining the sex of the fetus and aborting the female fetus.

EVE-TEASING

Eve-teasing has been a serious menace in our society. The commission of this is an indicator of extent to which women folk are insecure in our society. Eve-teasing which involves the verbal and physical harassment of women is the scourge of the urban society. A woman cannot go out in the street without the fear of being harassed by strange men. In busy crowded areas the women get pawed and pressed, jostled, rubbed and squeezed, the miscreants taking advantage of the press of the crowd and indulging whatever physical intimacy the situation permits. The miscreants hurl indecent remarks. There is no woman who has not suffered this menace of society. In daily life if not all men are potential eve-teasers, all women are potential victims. All women suffer from the fear of being teased, irrespective of her age, health, appearance, mental state etc.⁵

Eve teasing then acts as a control on most women by censoring their general mobility in and accessibility to public spaces, thereby affecting their sense of personhood and security. It heightens feelings of dependency on men for protection even though some women may be economically or emotionally independent. It often adds to the traumas experienced in other spaces, be it other work places or in the domestic sphere, making the experience of male violence a rather seamless and everyday affair. Women too internalize the idea that eve teasing is normal, harmless and often deserved.⁶

DOMESTIC VIOLENCE

Violence against women can occur either within their households or outside. Family is considered the safest place for its members, but this illusion has been proved wrong by the experiences of women who face the threat of violence in their own homes. The term 'domestic violence' refers to destructive acts which cause physical injury or harm to a woman in her household. The term domestic violence generally used to refer to physical abuse, but it should also include deprivations, which members of a family may experience, through not necessarily physical abuse. Look at this example, and you will understand, what I am trying to convey. A daughter who is not sent school and forcibly confined to domestic work or denied nutritious food, while sons receive the best of food, best of education and all other facilities for development. In the above instance, there may be no physical abuse involved, but the fact that a girl child is prevented from enjoying the rights conferred on her is also a form of violence.

Domestic violence is usually perpetrated on young married women in their final homes. It takes many forms beating, torture, verbal abuse, starving, locking-up, imposing excessive work burden, denying money for basic household expenses, sexual abuse, etc. Quite often, it results in murder, but equally or more often in driving the woman to suicide. Many cases of murder are camouflaged as suicide. In a majority of the cases, husbands and in-laws are implicated. The reasons are many — suspicion about the wife's fidelity, her childlessness or not bearing a son, disputes about household matters, wife's protests about husband's alcoholism, husband's infatuation with another woman, etc. Complaints in these cases are rarely registered; if registered, the culprits are rarely apprehended; if apprehended, they are rarely brought to court; and if brought to court, they are rarely convicted. The rare cases of the culprits being brought to trial are the result of social action groups and women's groups publicizing the case so that public pressure is exerted.⁷

NATURE AND FORMS OF DOMESTIC VIOLENCE

The domestic violence against women may be classified as under –

- (a) Physical Violence
- (b) Emotional Abuse
- (c) Economic Abuse

Each of the above may take different forms and only the most common forms which are frequently used by the perpetrators may be described as under –

(a) Physical Violence:

The most common and frequently used forms of physical violence used Against women are-

- (I) Slaps (ii) beating (iii) pulsing (iv) Kicking (v) throwing objects (vi) beating with cane (vii) Burning with rod (viii) holding with rope (ix) Sexual coercion or assault.

(b) Emotional Abuse:

The mental or emotional abuse of a woman may take the following forms – (i) Using abusive language (ii) Insulting her in the presence of children, other member of the family and relatives (iii) Blaming her for everything that goes wrong in the family (iv) Charging her frequently on small and negligible issues (v) Making her feel guilty for no fault of her (vi) Calling her names (vii) Giving her threat of divorce (viii) Treating her like a servant (ix) Keeping a strict watch on her movements (x) Prohibiting her from meeting her friends and relatives (xi) Prohibiting her from expression of her view on family matters (xii) Suspecting her for extramarital relations (xiv) Using ugly and insulting language for her parents (xv) Insulting her for house-keeping (xvi) Demeaning her family background (xvii) Criticizing her for lacking intelligence (xviii) Threatening her to commit suicide (xviv) Giving her verbal threats to use physical force (xvv) Threats to kill or burn.

(C) Economic Abuse

Following are the most frequently used forms of economic abuse against women –

- (I) preventing her from taking a job
(ii) Forcing her to leave present job
(iii) Not allowing her to purchase things of her liking and choice (iv) Stopping her from access to resources or money
(v) Pressurizing her to bring money from her parents and so on.

WIFE-BATTERING

Violence against women in the context of marriage becomes more significant when a husband who is supposed to love and protect his wife, beats her. For a woman, being battered by a man, whom she trusted most, becomes a shattering experience. The violence can range from slaps and kicks to breaking bones, torture and attempted murder, and even murder itself. Some-times, the violence may be related to drunkenness but not always. Similarly, it may be related to demands for sex, a refusal to obey the husband's commands, extravagance, habit of using vile and disgusting language, and so forth. The battering may be occasional or frequent. The wife may be beaten once or twice a week, once or twice a month, or three to four times in a year. In some marital relationships, battering may begin soon after the marriage while in others it may begin one or two years after marriage. Some husbands keep their wives effectively as prisoners; insist on controlling their every movement, and knowing every detail of their lives.

In the Indian cultural system, we rarely hear of a wife reporting to the police of having en battered by her husband. She suffers humiliation in silence and takes it as her destiny. Even if she wants to revolt, she can't do it because of the fear that her own parents would refuse to accept her in their house permanently after the marriage. It is not always the poor and the illiterate who are battered but even the rich and highly educated are similarly tortured by their husbands. Likewise, even those women who earn and are

economically independent also face violence.⁸ Wife battering is a crime that is 'victim precipitated'. This has been largely proven by three aspects social, legal and psychological with large help from recent cases, a home or abroad and through the numerous myths or sayings. It is a widely prevalent crime that is under cover for being 'too private' to be spoken of. Being an old problem it is assumed by some to have begun with the first monogamous pairing. What is new, however, is that the fact that the public admission of violence against women occurs in a civilized society and the insistence by the government and responsible citizens that such violence is no longer acceptable, that we are therefore compelled to discuss the problem of such a form of violence and search for solutions to alleviate it.⁹

ABDUCTION AND KIDNAPPING

Kidnapping and abduction is a heinous crime. It affects adversely the career of a large number of girls and women every year. Normally it has been noticed that the abductors and abducted victims are acquainted, rather not strangers to each other. The initial contact between the abductor and his victim frequently occurs in their own homes and neighborhood rather than in public places. On the other hand, father is too busy with his own world. The mother too has developed a circle outside the home. Thus, the parents do not know or even ask their sons and daughters where they spend the evenings. There is lack of parental control. The bond of love, affection and respect seems to be vanishing from Indian families. Abduction is the forcible, fraudulent or deceitful taking away of a woman with an intension of seducing her to illicit sex or compelling her to marry a person against her will. Thus, "abduction" differs from "kidnapping". The latter is committed only in respect of a minor, while the former in respect to any person. In kidnapping, the victims consent is immaterial but in abduction, the victim's free and voluntary consent condones the crimes. In kidnapping, the offender's intention is irrelevant but in abduction, it is the all important factor. Thus, a girl of 18 or over, could only be abducted and not kidnapped; but if she is under 18 she could be kidnapped as well as abducted if the taking is by force or the taking or enticing was by deceitful means.¹⁰

Kidnapping is taking away or enticing of a minor (female of less than 18 years and a male of less than 16 years of age) without the consent of the lawful guardian. Abduction (under section 363 of IPC) is forcibly, fraudulently or deceitfully taking away a woman with the intent of seducing her to illicit sex or compelling her to marry a person against her will. Thus, 'abduction' differs from 'kidnapping'. The latter is committed only in respect of a minor, while the former in respect of any person. In kidnapping, the victim's consent is immaterial but in abduction, the victim's free and voluntary consent condones the crime. In kidnapping, the offender's intent is irrelevant but in abduction, it is an all-important factor. Thus, a girl of 18 above could only be abducted and not kidnapped; but if she is under 18, she could be kidnapped as well as abducted.¹¹

SEXUAL VIOLENCE: RAPE

Rape is perhaps the most damaging and heinous crimes and has been recognized as the most serious offence against the dignity of women. It is one crime which a woman cannot undo to a man. Virginity of women is most cherished and sought for by men. Rape is the only crime in which the victim faces more degradation and social unacceptability and is often described as "Deathless shame" or "Living death". It does not only victimize her, but it also leaves a life-long stigma on the character and dignity of a woman causing her and her relatives hard pain and agony. The woman generally suffers in silence and endures in shame. The victim and her relatives take every possible care to conceal it, instead of exposing it and bringing thee accused to treatment by systematic desensitization.¹² According to section 375, a man is said to commit 'rape' if he has sexual intercourse with a woman in circumstances failing under any of the following descriptions:

Against her will

Without her consent

With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or hurt.

With her consent, when the man knows that he is not her husband and that her consent is given because she believed that he is another man to whom she is or believe herself to be lawfully married.

With her consent, when a the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration y him personally or through another person of any stupefying of unwholesome substance, she is unable to understand the nature, and consequence of that to which she gives consent.

With or without her consent, when she is under sixteen years of age.¹³

PROSTITUTION

Prostitution is often referred to as the oldest profession in the world. This statement has clear overtones of derision and inevitability which unfortunately tend to get attached to victims of sexual exploitation and trafficking. It would be far more accurate to describe instead, trafficking as the oldest business in the world – and incidentally, one of the most lucrative. There is nothing inevitable about such a business, as the law enforcers may like to believe.

Prostitution has registered an alarming increase. It is a highly organized crime which takes place despite the Prevention of Immoral Traffic in Women Act. According to the provisions of the Act, the woman who solicits is liable to prosecution, but the abettors of brothels — the pimps, male customers, corrupt policemen — are able to escape. Poverty in rural areas makes women and girls easy victims of the prostitution racket, and their condition is pitiable. But the women rescued from brothels and sent to their families face rejection, while their fate in rescue homes is also quite bad. One variation of prostitution is the dedication of girls as 'Devadasis' to specific deities in temples - ostensibly to serve God, but in reality to be sexually exploited by men.¹⁴

The Act which considered prostitution as a crime committed by female earning money through the sale of her body was the suppression of Immoral Traffic in Women and Girls Act (SITA) 1956. Prostitution under SITA was defined as the act of a female who offers her body for promiscuous sexual intercourse for hire whether in cash or kind. The prostitute herself is generally held to be the cause of prostitution and if anyone has to be punished for it, it is she. Prostitution is perhaps the most flourishing business today next to narcotics and is growing every day. Several women are abducted or lured in to the cities in search of a job and are raped, tortured and forced into prostitution by organized gang. The suppression of Immoral Traffic Act 1950 has to a large extent been used to victimize the prostitute's themselves.¹⁵

Thus, prostitution has become a sort of institution which has various forms. It is practiced in hidden way. No law can completely eradicate this social evil. Some tangible improvement can be brought about by effective social reforms and a crusade against this. The upper sections of society encourage prostitution in the form of “Keep” and “Call girls”. Others visit brothels to meet common prostitutes.

DOWRY-DEATHS

Dowry, a practice of ancient origin, has assumed abnormal proportions in present day India. Hardly any part of this vast country is free from this cancerous evil.¹⁶

According to Hindu law, no portion of the parental property was allowed to be shared by female children. Therefore, as part of compensation, gifts and presents were given to the daughters at the time of their marriage. These gifts over time came to be institutionalized as dowry. This practice gradually became embedded in the tradition and bridegrooms insisted on dowry as matter of right. Gradually a practice to stipulate and agree on dowry amounts also became common.

The custom of dowry started with the giving of presents to the young woman entering upon marriage by her immediate family course of time it became a monstrous evil which involved the questions of family prestige and social status. The end result is anxiety for many parents with marriageable daughters that their daughters that their daughters would not be married off because of lack of means to provide dowry. Even where marriages take place the young bride, uprooted from her parental home, lives in a real hell amidst the jeering, harassment and physical violence from her in-laws for bringing less dowry than acceptable to their greed. In many cases the poor woman is driven to suicide or else, she is burnt alive. Every year, thousands of innocent young women in India die this way while the lives of many more thousands are made unbearable to themselves. Anything that is done to bring to an end this inhuman practice will be a great step towards the progress of humankind.

Dowry-death is a new term in criminology in India, and implies the death (by murder or suicide) of a young bride who is harassed by her husband and in-laws by making exorbitant and ever increasing demands for money and for household articles to be brought from her parents' house or at their expense. The phenomenon of demanding dowry has filtered down to the poorer sections of society. Some see this as a result of the devaluation of women. As women become housewives instead of earners or producers, they are considered to be economic parasites. Lack of property rights to women is a contributory factor. Rising consumerism on the part of the bridegroom and his parents is also a reason. But the basic flaw lies in the structure of the Indian family and the pattern of marriage. Marriages are universal and early, and an unmarried girl is a blot on her parents' reputation. Marriages are arranged by the parents and are more in the nature of a family alliance than a relationship between two individuals. The pressure to arrange a match within the same caste is therefore great. The relationship between the bride-giver and the bride-taker is unequal, with the latter having a higher status and more privileges. Given these conditions, a man's

increasing need for improving his social and economic status takes the form of extraction from his bride's parents. The Dowry Prohibition Act and their subsequent amendments have been notoriously ineffective, with hardly any conviction.¹⁷

CONCLUSION

Despite the legal safeguards provided for women, crime against women continues unabated in our country, both inside and outside the home. In spite of the government efforts women are still treated as slaves and violation of the basic rights such as female infanticide, cruelty by husband, domestic violence, wife battering, rape, abduction and kidnapping, prostitution, molestation and dowry deaths etc., continue but according to the Indian constitutional act, "All the equal before the court of law". This line shows false statement because of the illegal treatment of women. Crime against women and the damage caused due to this is irreparable. It not only ruins the life of the victimized woman, but also affects the family as a whole society.

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