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## **Offence Against Women in India: A Critical Study**

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### **ABSTRACT**

Gender inequality prevails in almost all societies in India. Women from generation has been provided with secondary status to man, she doesn't have her own personality but treated as the assets of the household to which she belongs and confined in the house in the name of dignity. However the perpetrators of crime against women are known to or related to women. The women participated in each and every field today but majority of them confined to homes and their contribution to the society or nation building is limited to a certain extent due to this. Their male counterparts rule the world they have all the power and pleasure of the world, and women remain isolated uneducated, invisible and unrewarded of the role she played in the household, society, and nation building. In the present time women face the wreath of the man from the day she born to till she died due to the patriarchal mind set. Women in one form or other have been given back seat in our male prejudiced culture. The women of today is changing the feudal mind set of the people and going to achieve its goal of gender equality and gained success but in course of that she is suffering violence in the hands of her family members. If we compare the past with present women have come a long way but they have to travel long way to achieve gender equality and change the patriarchal mind set of the society at large.

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**Keywords:** Society, Offence, Violence, Status, Political inferiors

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### **Introduction**

The concept of crime in India has always dependant on the opinion of society. Law reflects the society, in order to know the environment and content of the crime we must first of all know what is law, because the two questions crime and law are so closely related with each other that it is very difficult to understand one without knowing the other. Law is the aggregate of rules set by man as politically superior, or sovereign, to men as politically subject. Law is a command enjoining a course of conduct to be observed by all the members of the society and is backed by a sanction. The command may be of a sovereign or the command of the political superior to political inferiors, or the command of a legally constituted or the legislation duly enacted by a legally constituted legislature and addressed to the members of the society in general. Law prescribes certain standards of conduct to be observed by the people in society. These standards have the approval of the society in general. Any deviation from the standards of behavior fixed by the society is punished.

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### **Definition**

Many attempts have been made to define crime but could not be successful because of what kind of human conduct could be regarded as crime is not certain. In other words what kind of an act or omission amounts to a crime. Perhaps this is because of the changing notions about crime from time to time and place to place. Some writers have defined the crime is perspective of immoral and anti social acts.

**According to John Gillin,** "Crime is an act that has been shown to be actually harmful to society, or that is believed to be socially harmful by a group of people that has the power to enforce its belief and that places such act under the ban of positive penalties".<sup>1</sup>

**According to Southerland,** "Crime as an act prohibited by laws. Whatsoever the degree of immorality or indecency of an act may be, it is not crime unless the behavior is against the existing laws of the society."<sup>2</sup>

**According to Blackstone,** "Crime is an act in violation of public law. But what is Public Law? It has several meaning."<sup>3</sup>

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<sup>1</sup> Criminology and Penology (3rd edn; New York) In soviet Russia crime has been defined in terms of socially dangerous acts. Sec. 6 of R.S.F.S.R. Code of 1926.

<sup>2</sup> Sutherland, Edwin - Principles of criminology (6th add. 1965) P.4

<sup>3</sup> Black Commentary. 4.

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### Modern Approach to Crime:

The purpose of criminal law is that there are certain standards of behaviour of moral principles which society requires to be observed; and the breach of them is an offence not merely against the person who is injured but against society as a whole. Theoretically, a crime is a threat to every member of the society, even though it may, in reality an offence against only one specific individual.<sup>4</sup>

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### Constitutional Rights of women in India

The preamble is the key to open the mind of the maker of the constitution. It does not categorize men and women but it treats them similar. The makers of the constitution all aware of unequal treatment meted out the gender, from the time immemorial. In India the containment of women is very old and long which is responsible for including general and special provision for upliftment and development of the status of women. They provided equality of status and of opportunities explicitly at some places and implicitly in all other places at par with men as citizen of India.

In the case of *Madhu Keshav V. State of Bihar*<sup>5</sup>, The Hon'ble Supreme Court stated that Women have always been discriminated against men and suffered denial and is suffering discrimination in silence. Self sacrifice and self denial are their nobility and fortitude and yet they have been subjected to all kinds of inequities indignities, incongruities and discrimination.

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### Research Methodology

The present research is primary based on secondary data. Case study from different sources has been taken into consideration which is then analyzed critically.

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### Responsible Factors for Crime against Women

Offence against women in India, are not only physical, but also mentally and sociological. There are lots of cases of women raped, trodden, abducted and given humiliating treatment. Women have been subjected to socioeconomic and cultural deprivations for such a long time that there is a general indifference and lack of awareness of crimes against them. A lack of awareness of the seriousness of the problem, the general acceptance of men's superiority over women and denial of violence by the women themselves due to social and cultural attitudes.

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### Social Causes

The social causes of crime against women include lower status of women due to social conditioning, Patriarchal structure of society, unpleasant family atmosphere, Broken homes, Living environment, Too much intrusion in the life of children by the parents, Addiction to Alcoholism and Drugs, Immorality, Cruelty, Sickness and modern permissive atmosphere.

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### Personal Causes

In traditional families the role of women is to look after the welfare and comforts of the husband and children. Husband was like a demigod. All the family revolved round the husband. What the husband will wear, what he will take in lunch and dinner. If he is happy whole world is happy. The woman was brought up to be submissive and never to question his authority.

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### Unemployment and poverty

Poverty in family are major cause of crime against women. If a women is unemployed and she is facing the financial problems in family could face the domestic violence or crime from the outside of home. To resolve this problem society has to make women empowered so she could uplift her status in society and make herself protected.

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### Legislative Approach

There are many enactment passed by the legislature specifically to protect the women from any violence, discrimination, cruelty, stalking, religious and cultural atrocities. Important legislative enactments which specifically deal with violence against woman are following:

1. Indecent Representation of Women (Prohibition) Act, 1986
2. The Immoral Traffic (Prevention) Act 1986

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<sup>4</sup> Patrik Delvim The enforcement of morals (1965)

<sup>5</sup> (1966) 5 SCC. 148

3. Dowry Prohibition Act, 1961
4. Commission of Sati (Prevention) Act, 1987
5. The Protection of Women from Domestic Violence Act, 2005
6. Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994
7. The Medical Termination of Pregnancy Act, 1971
8. The Prohibition of Child Marriage Act, 2006
9. The Criminal Amendment Act, 2013.
10. The Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013

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### **Judicial approach regarding crime against woman Before Criminal Amendment Act 2013**

Laws have taken silent and slow steps in the direction of political participation of women preventing gender biases and removing lacunas in procedural laws and laws relating to evidence. The law cannot change a society overnight, but it can certainly ensure that the disadvantaged are not given a raw deal. The courts can certainly go beyond mere legality insulating women against injustice suffered due to biological and sociological factors.

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### **Conclusion**

The position of women in India is termed worse than cattle. This situation is not related to rural area but in urban area also. The problem that is faced by today's men is that he can't change his mindset of 18th century, he is not willing to give respect, safety or security to the women due to his feudal mindset. The women in today's world is beaten mercilessly without assigning any reason, she was burnt alive due to not able to providing dowry to the family of her husband, if women fails to comply to the rotten patriarchal norms of the society she can face severe consequences for that without any fault.

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### **Suggestions**

In spite of several Constitutional safeguards and enactment of women oriented laws, the crime against women is not reduced to certain extent. It is suggested that education is the biggest weapon against crime. Government should make aware the society towards education and women empowerment. Government should provide equal opportunity to the women in employment as well as education. All bodies of government must treat women in equal manner and respect their rights. Education brings equality in society towards gender equality.

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### **References**

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