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## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated 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

# **EFFECTIVENESS OF CURRENT CRIMINAL LAWS IN COMBATING CRIMES AGAINST WOMEN**

AUTHORED BY - SAKET BHANDARI

## **ABSTRACT**

The scourge of crimes against women presents a persistent and multifaceted challenge that transcends geographical, cultural, and socioeconomic boundaries. This abstract examines the effectiveness of existing criminal laws in combating various forms of violence and discrimination directed at women, highlighting both achievements and shortcomings in the pursuit of justice and gender equality. In recent years, significant strides have been made in enacting and enforcing laws aimed at protecting women from violence, harassment, and discrimination. Global legal frameworks, including domestic violence laws and sexual harassment statutes, reflect a growing recognition of women's rights as fundamental human rights.

Despite these legislative advancements, numerous systemic barriers hinder the effective prosecution and prevention of crimes against women. Cultural norms, societal attitudes, and institutional biases often perpetuate a culture of impunity, allowing perpetrators to evade accountability and victims to endure further victimization. Furthermore, gaps in legal coverage, inadequate resources, and underreporting pose formidable challenges to the efficacy of criminal laws in addressing the full spectrum of crimes against women. Marginalized groups, including women from disadvantaged communities, LGBTQ+ individuals, and those with disabilities, are disproportionately impacted by intersecting forms of discrimination, exacerbating barriers to justice and protection.

To enhance the effectiveness of current criminal laws in combating crimes against women, holistic approaches are essential. This entails not only strengthening legal protections and enforcement mechanisms but also addressing underlying root causes, such as gender inequality, poverty, and lack of access to education and resources

## **1. INTRODUCTION**

The widespread and well ingrained issue of violence against women in India cuts over ethnic, socioeconomic, educational, and cultural barriers, underscoring the urgent need for a critical analysis of how well the present criminal laws prevent and deal with such crimes. Laws specifically forbid violence against women, however alarmingly frequent human rights crimes against women nonetheless happen, sometimes in the name of local customs and traditions or by misinterpreting and manipulating religious doctrines. The victim, the state, and law enforcement authorities often maintain this phenomena by their implicit quiet and inactivity, which can breed impunity and solidify the issue.

Strongly rooted patriarchal ideas of ownership and control over women's bodies, sexuality, labour, reproductive rights, mobility, and autonomy are the source of violence against women. Through social, cultural, and religious conventions, this concept of male supremacy allows males to wield unbridled power and control over women's life, therefore justifying their domination and subordination. In this situation, males use violence as a technique to dominate and control women; this is done in order to maintain internalised patriarchal training, justified coercion, and the quest of personal egos and control. This complex web of power dynamics underscores the need for a nuanced and multifaceted understanding of the factors contributing to violence against women, as well as the effectiveness of current criminal laws in addressing this pervasive and deeply entrenched issue<sup>1</sup>

## **2. TYPES OF OFFENCES AGAINST WOMEN IN INDIA**

The phenomenon of violence against women presents a pervasive and multifaceted challenge, manifesting across various spheres, including the familial environment, broader societal context, and at times, being either perpetrated or condoned by governmental entities. In India, women are susceptible to violence across all stages of life, necessitating a comprehensive exploration of the myriad forms of violence they

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<sup>1</sup> Government of India, "Tackling Violence Against Women: A Study of State Intervention Measures, Bhartiya Stree Shakti" (Ministry of Women and Child Development, 2017).



encounter.

- Domestically, gender-based violence is a prevalent issue, characterized by physical, sexual, and psychological abuse within intimate relationships or familial settings. Instances include battery, sexual assault, female genital mutilation, marital rape, dowry-related violence, incest, and other harmful traditional practices. Particularly significant is the psychological aspect, often accompanying physical abuse, inflicting enduring and incapacitating effects on the victim.
- Extending beyond the confines of the household, women in India are also exposed to violence within the broader community or society, encompassing offenses such as rape, sexual assault, workplace harassment, honor killings, and involvement in prostitution—often stemming from poverty and uneven resource distribution.
- Moreover, violence against women may be enacted or tolerated by state institutions, prioritizing customary norms over fundamental liberties. This may manifest through the denial of economic independence and freedom of choice, social marginalization, and the perpetuation of damaging stereotypes devaluing women's lives. In instances of armed conflict, such violence can be employed as a weapon of war, including acts such as murder, rape, sexual enslavement, hostage-taking, and coerced pregnancy.

In the Indian context, women confront a diverse array of violent behaviors, with this discourse focusing on prevalent forms. Subsequent discussions will delve into specific offenses addressed within the Criminal Law (Amendment) Act, 2013.

## • **RAPE AND SEXUAL ASSAULT**

The commission of rape against women constitutes a grave and egregious violation of their fundamental human rights, precipitating long-term physical and mental consequences, which can even culminate in mortality and disability. This heinous offence fundamentally infringes upon a woman's basic right to safety, security, and a dignified existence.

The criminal offence of rape is characterized by the non-consensual and forcible sexual assault of a woman, perpetrated through the use of force, fear, or fraud. This definition, initially codified under the Explanation to Section 375 of the Indian Penal Code (IPC), has undergone significant revisions with the enactment of the Criminal Law (Amendment) Act, 2013. The offence of rape encompasses the notion of "carnal knowledge," implying penetration, however slight.

Rape can be committed against victims from diverse backgrounds, including varying ages, educational levels, religions, sexual orientations, and physical characteristics. Unfortunately, vulnerable individuals, such as the elderly and those with mental and physical disabilities, are often targeted due to their perceived susceptibility. This offence is fundamentally an exercise of power, anger, and dominance over another, as victims are frequently perceived as weak and helpless. The act of rape not only violates a woman's bodily autonomy but also her sense of safety and control over her life, thereby perpetuating a culture of fear and subjugation.

In the context of rape and its attendant trauma, it is pertinent to reference the 84th Law Commission Report, submitted on April 25, 1980, by the 42nd Law Commission, chaired by Justice P.V. Dixit, the former Chief Justice of the Jabalpur High Court<sup>2</sup>. *It was pointed out that over the course of the last few years, the influence that the criminal justice system has on victims of rape and other sexual assaults has garnered a significant amount of attention, not just in the realm of law, but also among organisations and individuals who are concerned with the welfare of women. Within the discipline of criminology, there has been a growing interest in the victim and the role that he or she plays within the criminal justice system. Consequently, there has been an increase in the amount of attention that is being devoted to female victims of the sexual crime. For a considerable amount of time, psychologists have been doing research on the impact of rape and other sexual assaults on the personalities of women and girls.*

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<sup>2</sup> Law commission of India , 84<sup>th</sup> law commission report, Retrieved at : <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022080544.pdf>, Last assessed : 31<sup>st</sup> March, 2024

The commission of rape is often found to constitute an exercise of power by the perpetrator over the victim, which is frequently derived from various social structures, including caste and class differences, unfettered authority, and patriarchal notions ingrained in society. These intersecting factors can lead to a perpetuation of power imbalance, enabling the perpetrator to exert control over the victim.<sup>3</sup>

## 2.1 Domestic Violence

The concept of domestic violence encompasses any form of violent or aggressive behavior perpetrated within the domestic sphere, often involving husbands or their family members against wives, as well as violence committed by family members in one's natal family, such as fathers against daughters. This phenomenon has been a persistent issue affecting women for centuries, manifesting in various forms, including physical aggression, sexual abuse, and emotional torment.

The Indian legal landscape governing domestic violence is primarily shaped by the Indian Penal Code and the Protection of Women from D.V. Act of 2005. Section 498A of the Indian Penal Code, enacted in 1983, specifically criminalizes acts of cruelty inflicted upon married women by their husbands or their husbands' families. This legislation encompasses a broad spectrum of offenses, including physical abuse, mental torment, and harassment, all intended to intimidate the woman or her relatives to demand property or valuable securities. Additionally, it penalizes acts that lead to a woman's death, serious injury, or suicide.

*A notable aspect of Section 498A is that it permits the victim's relatives to file a complaint on her behalf, which is particularly beneficial in cases where the woman is physically or emotionally unable to do so herself. Despite the increasing prevalence of cruelty against women, concerns have been raised about the potential*

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<sup>3</sup> Himanshi Nagpal, "Historical Journey of Rape Laws in India" available at <https://feminisminindia.com/2017/06/22/historical-journey-rape-laws-india/> (2017), (last visited on January 3, 2019).

*misuse of this provision. The Supreme Court has observed that Section 498A is often "used as a weapon rather than a shield by disgruntled wives." The case of Rajesh Sharma & Anr. v. State of Uttar Pradesh & Anr. has led to the issuance of guidelines by the Court aimed at enhancing the effectiveness of Section 498A of the IPC in addressing crimes against women. These guidelines introduce the role of a Family Welfare Committee and allow for the possibility of settling offenses through compounding. The Court has provided the following directions:*

(a) *The establishment of one or more Family Welfare Committees, comprising three members each, by the District Legal Services Authorities in each district is recommended. These committees should undergo an annual evaluation by the District and Sessions Judge, who serves as the Chairman of the District Legal Services Authority.*

(b) *The committee should submit a concise report detailing the pertinent facts and perspectives.*

(c) *Arrests are generally discouraged until the committee's report is received.*

(d) *If a settlement is reached, the District and Sessions Judge or any senior judicial officer appointed by him in the district will have the authority to manage the case, including closing the criminal case if the disagreement primarily concerns marital discord.*

The Indian judiciary has taken significant strides in addressing the issue of domestic violence, particularly through the landmark judgment in *Social Action Forum for Manav Adhikar v. Union of India*<sup>4</sup>. In this case, the Supreme Court rectified the errors made in a previous judgment, doing away with the guidelines that had introduced an extra-judicial entity in the form of Family Welfare Committees, which were deemed to be beyond the scope of laws. Furthermore, the Court struck down the guideline that allowed district judges to dispose of cruelty-related proceedings if the parties

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<sup>4</sup> (2018) 10 SCC 443.

reached a settlement, as it was found to be contradictory to criminal laws that had already classified such offences as non-compoundable.

The Indian Penal Code (IPC) has played a crucial role in dealing with offences related to cruelty committed against women in India. However, despite the existence of criminal law provisions under the IPC, it was felt that true justice was not being delivered to victims. In many cases, victims continued to suffer from issues such as lack of financial support, homelessness, and loss of custody of their children. This led to a need for a new law that could provide civil law remedies to victims of domestic violence.

The enactment of the Protection of Women from D.V. Act 2005, following the recognition of every woman's right to live free from domestic violence, represents a significant stride in safeguarding women's rights and offering comprehensive protection. This legislation amalgamates civil and criminal remedies, establishing an intricate enforcement mechanism that encompasses service providers and protection officers, in addition to the existing law enforcement agencies of police and magistrates.

The Act offers various forms of relief, including custody orders, residence orders, and monetary compensation. Section 3<sup>5</sup> of the Act defines domestic violence, empowering women to seek protection against such acts and enabling their relatives to file complaints on their behalf. Additionally, the Act acknowledges a woman's right to reside in the matrimonial household and provides for monetary compensation and safe shelter in cases of eviction.

To raise awareness about women's rights under this Act, various organizations, such as NGOs and government divisions like the National Commission for Women, have organized educational seminars. These initiatives aim to inform women about the legal provisions available to them, thereby enhancing the effectiveness of the Act in

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<sup>5</sup> The Protection of women from Domestic Violence Act 2005

combating crimes against women in India..

Initially, the Act allowed complaints to be filed against adult male members who were in a domestic relationship with the complainant/aggrieved . However, the Delhi High Court clarified in *a case*<sup>6</sup>. that a sister cannot file a complaint against her brother's wife or her own sister, but only against the male members of her natal family. The Supreme Court later struck down the words 'adult male' from Section 2(q) of the Act, thereby paving the way for the law to include women and minors as respondents.

While arguments have been made that provisions of this Act are misused or amenable to misuse by women, empirical studies have shown that actual cases of domestic violence are still prevalent in society. The low conviction rates are often attributed to factors such as apathy and insensitivity displayed by the police force, as well as a misogynistic approach by the judiciary. Therefore, it is essential to recognize that not all cases of cruelty that result in acquittal are due to false and malafide complaints.

Another critical issue that remains largely unaddressed in India is marital rape. Despite the Justice Verma Commission's recommendations, the Criminal Law (Amendment) Act, 2013 failed to address this issue. The exception to marital rape assumes that marriage automatically implies consent to a husband's sexual desires, implying that rape cannot occur within a marriage. This notion is problematic, as marital rape does occur and requires recognition and redressal.

## 2.2 Dowry Related Offences

The prevalence of crimes against women in India is a pressing concern, with the issue of dowry being a significant contributor to this problem. Dowry, originally conceived as a marriage payment, has evolved into a menace that perpetuates domestic violence, physical injuries, and even deaths of millions of women. Despite the enactment of

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<sup>6</sup> CrI. M.C. No. 725/2011 & CrI. M.A. No.2797/2011 (Delhi HC) (Order Dated September 2, 2011) Last assessed 11/04/2024.

the Dowry Prohibition Act in 1961, which prohibited the giving and taking of dowry, the practice continues to thrive, with demands being made before, during, and after marriage,

The Act defines dowry under section 2<sup>7</sup> as any property or valuable security given in connection with a marriage, and prohibits its giving or taking, either directly or indirectly. The punishment for demanding, taking, or giving dowry is imprisonment for up to five years and a fine of Rs. 10,000. However, the Act's shortcomings and low penalties led to its amendment over time to make it more effective.

Here is the paraphrased text:

Dowry demands often have devastating consequences for the bride, including domestic violence, which can take many forms, such as verbal abuse, physical assault, emotional manipulation, and even threats of murder. In some cases, the daughter-in-law is isolated from her family and friends, and may even be subjected to physical harm.

To combat the pervasive issue of dowry-related crimes, the Indian government introduced the Dowry Prohibition (Maintenance of List of presents to the Bride and Bridegroom) Rules in 1985. These rules mandate that couples maintain a comprehensive list of gifts exchanged during marriage ceremonies and register it with the relevant authorities. Non-compliance with this provision can result in a three-year prison term for the bride, groom, and their parents.

Furthermore, the Indian legislature has enacted additional provisions to address the issue of dowry-related violence and deaths. Section 198A of the Criminal Procedure Code, for instance, creates a presumption that a suicide by a married woman within seven years of her marriage was abetted or encouraged by her husband and/or his

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<sup>7</sup> The Dowry Prohibition Act, 1961 (Act 28 of 1961), s.2. Definition of Dowry - In this act, 'dowry' means any property or valuable security given or agreed to be given either directly or indirectly: (a) by one party to a marriage to the other party to the marriage; or (b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person; at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies

relatives. Similarly, Section 113A of the Indian Evidence Act deals with the presumption of abetment of suicide.

Despite these legislative efforts, dowry-related violence and deaths persist. To address this issue, the Indian Penal Code was amended to introduce Section 498A in 1983, which criminalizes cruelty against a married woman. Additionally, Section 304B was enacted in 1986 to specifically address dowry deaths. This provision requires that the woman's death must have occurred in unnatural circumstances or due to burns or bodily injuries within seven years of her marriage, and that a demand for dowry must have been made. These provisions aim to hold accountable those responsible for dowry-related crimes and to provide justice to the victims and their families.

Case laws, such as *Smt. Shanti & Anr. v. State of Haryana*<sup>8</sup> and *Satpal v. State of Haryana*<sup>9</sup>, have established that Section 304B and Section 498A should not be considered as a single offence as they are not mutually exclusive, and that a person convicted under Section 304B can also be convicted under Section 498A. These cases highlight the importance of effective investigations to prevent the misuse of dowry-related laws. While legal provisions are essential to combat dowry-related crimes, awareness and education are crucial to sensitizing people and eliminating the root cause of the problem. The complex relationship between dowry and marriage makes it a challenging issue to address, but it is essential to recognize the significance of having laws in place to deal with it. In the Indian context, it is noteworthy that dowry-related offenses, although originating from matrimonial alliances, are inherently criminal in nature and thus subject to the principles of criminal law.

It is evident that dowry remains a pervasive social problem in India, necessitating the implementation of legal provisions to protect victims. While concerns regarding the misuse of laws related to domestic violence are valid, it is equally important to acknowledge the ongoing prevalence of dowry-related offenses in Indian society. Consequently, the importance of having laws in place to address this issue cannot be overstated. However, it is crucial to ensure that any misuse of these laws is mitigated

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<sup>8</sup> (1991) 1 SCC 371.

<sup>9</sup> 1998 Cr LR (SC) 668.



through effective investigations, similar to the approach adopted in cases of domestic violence. Since 1961, both the Central and State Governments in India have enacted numerous provisions aimed at prohibiting dowry, yet this deep-seated social evil persists. Despite concerted efforts to eradicate the problem, dowry remains a menacing issue in Indian society, with the intimate relationship between dowry and the institution of marriage being a significant contributing factor.

### 2.3 Sexual Harassment at Workplace

The pursuit of gender parity in education and employment has been a longstanding aspiration for women globally. However, upon achieving these milestones, a new obstacle has emerged: sexual harassment in the workplace. This egregious violation of women's fundamental rights to equality, life, and liberty creates a hostile and intimidating work environment, thereby discouraging women's participation and undermining their social and economic empowerment, ultimately hindering inclusive growth.

In the Indian context, the lack of specific legislation to address this issue persisted until the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This landmark legislation was enacted to safeguard women's Constitutional rights, ensuring their dignity and equality in the workplace. As women's participation in both organized and unorganized sectors continued to expand, the Government recognized the imperative need for legislation that would protect every woman from sexual harassment and foster a conducive work environment.

The passage of this legislation was the culmination of several significant developments, including the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the United Nations General Assembly in 1979, India's ratification of CEDAW in 1993, and the Supreme Court's landmark judgment in the *Vishaka & Ors. v. State of Rajasthan & Ors*<sup>10</sup>. case.

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<sup>10</sup> AIR 1997 SUPREME COURT 3011

In this landmark judgment, the Supreme Court of India explicitly acknowledged the significant influence of international conventions, such as the Convention on the Elimination of All Forms of Discrimination Against Women, on India's legal framework. The judiciary has explicitly established that sexual harassment of women in the workplace constitutes a form of discrimination, thereby infringing upon the Constitutional principle of gender equality. In the absence of legislative provisions, the Court formulated a comprehensive framework to prevent sexual harassment of women at the workplace, encompassing a definition of sexual harassment, preventive measures, and redressal mechanisms. These guidelines, commonly referred to as the 'Vishaka guidelines,' have been instrumental in creating a safe and equitable work environment for women in India.

The guidelines place a significant onus on employers and other accountable parties in workplaces and establishments to prevent and address sexual harassment. The definition of unwanted sexually determined behavior is broad and encompasses physical contact and advances, demands or requests for sexual favors, sexually suggestive comments, the display of pornography, and any other unwanted verbal, physical, or silent conduct of a sexual nature. Such behavior is recognized as detrimental to the victim's health and safety, and can be humiliating, particularly when it creates a hostile work environment or gives rise to a reasonable fear of adverse consequences.

To prevent sexual harassment, employers and those in control of the workplace are required to take necessary actions, including the explicit prohibition of sexual harassment through well-declared, published, and disseminated rules and regulations. These rules should specify appropriate consequences for violators and ensure a safe and healthy work environment. Employers are also required to establish a complaint procedure that guarantees prompt and confidential handling of complaints, with a Complaints Committee comprising at least half female members, led by a woman, and including an external party to prevent pressure or influence.

The guidelines also emphasize the importance of worker initiative, encouraging open discussion of sexual harassment concerns in employer-employee meetings and other suitable forums. Employers are required to display notices of the guidelines and relevant

legislation to raise awareness of female employees' rights. In cases where an outsider or third party commits an act of sexual harassment, employers are expected to provide assistance and preventative measures to the victim. The guidelines urge the Central and State Governments to consider enacting legislation to ensure that private sector employers adhere to the established rules.

SC further observed that:- The principle of gender equality, a universally acknowledged fundamental human right, inherently encompasses the protection against sexual harassment and the ability to work with dignity. This fundamental right's minimum threshold has garnered international recognition, underscoring the significance of international agreements and norms in shaping the parameters necessary to achieve this objective.

In the abovementioned judgment, the Hon'ble SCI unequivocally affirmed that gender equality and a safe working environment are essential components of the fundamental rights guaranteed by the Constitution. This ruling reiterated the judiciary's pivotal role in ensuring that the State fulfills its obligation to protect and enforce these rights. Furthermore, the judgment underscored India's commitment to upholding the provisions of international treaties and conventions it has ratified, thereby emphasizing the imperative of safeguarding women's rights in the workplace.

## **2. RISING CRIME RATE OF OFFENCES**

### **AGAINST WOMEN**

The notion that an increase in police data necessarily indicates a rise in crime and, by extension, the ineffectiveness of law enforcement is a misguided assumption. As the National Crime Records Bureau (NCRB) aptly points out, there is a crucial distinction between an increase in crime and an increase in the registration of crime by the police. This nuance is essential to understanding the complexities of crime data.



In certain instances, an upward trend in police data may be attributed to citizen-centric initiatives, such as the introduction of e-FIR facilities and technology-based aids for women, which facilitate the reporting of crimes. This is particularly evident in states like Uttar Pradesh, which has consistently recorded high numbers of crimes against women. In 2022, Uttar Pradesh reported 65,743 cases, followed by Maharashtra (45,331) and Rajasthan (45,058). Notably, Uttar Pradesh also topped the list of 'Murder with rape/gangrape' cases, with 62 registered instances.

Despite the high incidence of crimes against women, Uttar Pradesh has demonstrated a remarkable conviction rate, which is 180 times higher than the national average. Furthermore, the state has excelled in speedy trials under the Protection of Children from Sexual Offences (POCSO) Act. This suggests that, contrary to popular perception, an effective police administration can lead to an increase in reported crimes, rather than a decrease.

Crimes Against Women Surges by 14.87% in 2021 preceded by Covid Year

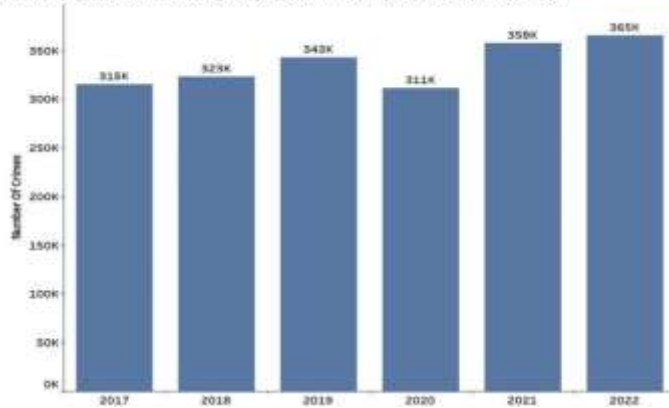


TABLE 3A.2 (i)  
IPC Crimes against Women (Crime Head-wise & State/UT-wise) - 2022 (Continued)

SL	State/UT	Insult to the Modesty of Women (Sec. 509 IPC)									Total IPC Crimes against Women		
		Insult to the Modesty of Women (Total)			A) Women (18 Yrs. And above)			B) Girls (Below 18 yrs)					
		I	V	R	I	V	R	I	V	R	I	V	R
[1]	[2]	[90]	[91]	[92]	[93]	[94]	[95]	[96]	[97]	[98]	[99]	[100]	[101]
<b>STATES:</b>													
1	Andhra Pradesh	3145	3317	11.9	3145	3317	11.9	0	0	0.0	22894	23540	86.3
2	Arunachal Pradesh	20	20	2.7	20	20	2.7	0	0	0.0	287	304	38.1
3	Assam	149	149	0.9	149	149	0.9	0	0	0.0	11998	14934	68.8
4	Bihar	0	0	0.0	0	0	0.0	0	0	0.0	14427	14467	23.9
5	Chhattisgarh	255	256	1.7	250	251	1.7	5	5	0.0	6125	6247	41.0
6	Goa	30	31	3.9	30	31	3.9	0	0	0.0	268	284	34.4
7	Gujarat	17	17	0.1	16	16	0.0	1	1	0.0	5177	5252	15.4
8	Haryana	322	324	2.3	322	324	2.3	0	0	0.0	14510	14585	102.9
9	Himachal Pradesh	77	77	2.1	76	76	2.1	1	1	0.0	1516	1553	41.3
10	Jharkhand	2	2	0.0	2	2	0.0	0	0	0.0	4929	5005	25.8
11	Karnataka	78	82	0.2	78	82	0.2	0	0	0.0	11996	13078	36.1
12	Kerala	572	600	3.1	537	564	2.9	35	36	0.2	11716	11976	63.2
13	Madhya Pradesh	265	267	0.6	260	262	0.6	5	5	0.0	26626	26961	64.0
14	Maharashtra	1317	1337	2.2	1317	1337	2.2	0	0	0.0	37654	38044	62.4
15	Manipur	11	11	0.7	11	11	0.7	0	0	0.0	194	200	12.2
16	Meghalaya	22	22	1.3	22	22	1.3	0	0	0.0	313	319	18.9
17	Mizoram	0	0	0.0	0	0	0.0	0	0	0.0	51	55	8.4
18	Nagaland	0	0	0.0	0	0	0.0	0	0	0.0	23	23	2.1
19	Odisha	689	691	3.0	689	691	3.0	0	0	0.0	20631	20832	90.1
20	Punjab	36	37	0.2	34	35	0.2	2	2	0.0	4675	4723	32.2
21	Rajasthan	83	83	0.2	83	83	0.2	0	0	0.0	41160	41339	105.2
22	Sikkim	2	2	0.6	2	2	0.6	0	0	0.0	75	83	23.2
23	Tamil Nadu	58	58	0.2	56	56	0.1	2	2	0.0	3739	3749	9.7
24	Telangana	930	990	4.9	929	989	4.9	1	1	0.0	19300	19795	102.3
25	Tripura	2	2	0.1	2	2	0.1	0	0	0.0	629	630	31.1
26	Uttar Pradesh	55	55	0.0	54	54	0.0	1	1	0.0	52495	52841	46.8
27	Uttarakhand	16	16	0.3	16	16	0.3	0	0	0.0	3355	3480	59.5
28	West Bengal	400	408	0.8	400	408	0.8	0	0	0.0	31969	35277	66.1
	<b>TOTAL STATE(S)</b>	<b>8553</b>	<b>8854</b>	<b>1.3</b>	<b>8500</b>	<b>8800</b>	<b>1.3</b>	<b>53</b>	<b>54</b>	<b>0.0</b>	<b>348732</b>	<b>359576</b>	<b>53.5</b>
<b>UNION TERRITORIES:</b>													
29	A&N Islands	5	5	2.6	5	5	2.6	0	0	0.0	68	69	35.8
30	Chandigarh	2	2	0.4	2	2	0.4	0	0	0.0	323	325	57.4
31	D&N Haveli and Daman & Diu	0	0	0.0	0	0	0.0	0	0	0.0	67	67	16.2
32	Delhi	387	400	3.9	387	400	3.9	0	0	0.0	12641	12823	128.1
33	Jammu & Kashmir	19	19	0.3	19	19	0.3	0	0	0.0	3369	3374	52.2
34	Ladakh	1	1	0.8	1	1	0.8	0	0	0.0	13	16	9.9
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0	8	8	24.2
36	Puducherry	5	5	0.6	5	5	0.6	0	0	0.0	79	81	9.3
	<b>TOTAL UT(S)</b>	<b>419</b>	<b>432</b>	<b>2.3</b>	<b>419</b>	<b>432</b>	<b>2.3</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>16568</b>	<b>16763</b>	<b>89.6</b>
	<b>TOTAL ALL INDIA</b>	<b>8972</b>	<b>9286</b>	<b>1.3</b>	<b>8919</b>	<b>9232</b>	<b>1.3</b>	<b>53</b>	<b>54</b>	<b>0.0</b>	<b>365300</b>	<b>376339</b>	<b>54.5</b>

<sup>11</sup> National crimes record bureau (2022) Retrieved from : <https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf>, Last assessed 12<sup>th</sup> April,2024

<sup>12</sup> Ibid

The abovementioned diagrams shows that crimes against women as per Ncrb were 3,15,000 which rose to 3,65,000 in 2022.

A closer examination of the data reveals that crimes against women rose by 4 percent in 2022 as compared with data in 2021. The majority of these cases fall under specific categories, including offences U/S 498A of IPC,1860 (Approx. 31 percent ), kidnapping and abduction of women (Approx. 19 percent), assault on women with intent to outrage modesty (Approx. 19 percent), and rape (Approx. 7 percent).

Rape cases, in particular, have been a cause for concern, with a total of 31.5 thousand cases recorded in 2022. Rajasthan reported the highest number of rape cases, with (5.4 thousand) instances, followed by Uttar Pradesh (3.7 thousand), Madhya Pradesh (3.0 thousand), Maharashtra (2.9 thousand), and Haryana (1.8 thousand).

Delhi, once again, has been identified as the 'Most Unsafe City', with More than 14 thousand cases of crimes against women reported in 2022. This accounts for 31 percent of total crimes in the category as per the annual report of NCRB. The NCT of Delhi also tops the list of metropolitan cities in terms of 'Assault on Women with Intent to Outrage her Modesty U/S 354 of the IPC,1860' & 'Kidnapping & Abduction of Women U/S 363,366 IPC,1860'.

Furthermore, cybercrimes have witnessed a significant increase, with 65,893 cases registered in 2022, representing a 24.4 percent rise over the previous year. Sexual exploitation accounted for 5.2 percent of these cases, with Uttar Pradesh recording the highest number of instances, at 10,117.

### **3. Why are the crimes against women rising despite of stringent laws**

The prevalence of crimes against women in India has been exhibiting a disturbing upward trend, with a significant increase in reported cases over the years. According to the National Crime Records Bureau (NCRB) reports, the number of crimes against women has

consistently risen from approximately 3,43,000 cases in 2018 to 3,43 lakh cases in 2019, and further to 3,65,000 cases in 2024<sup>13</sup>. This marks the highest recorded incidence of crimes against women since the NCRB initiated gender-wise classifications in 1992.

It is crucial to note that these statistics likely represent only a fraction of the actual number of crimes committed against women, as many cases go unreported due to various factors such as patriarchal attitudes, social stigma, and fear of reprisal. The underreporting of crimes against women is a pervasive issue, which perpetuates a culture of impunity and further entrenches the problem.

The rising trend of violence against women in India is a manifestation of deep-seated societal issues, which are rooted in the country's social psyche. The persistence of patriarchal attitudes, gender stereotypes, and discriminatory norms contributes to a culture that condones and perpetuates violence against women. The alarming increase in crimes against women underscores the need for a comprehensive and sustained effort to resolve the main causes of this problem, including reforming societal attitudes, strengthening legal frameworks, support systems for persons who are subjected to gender-based violence.

The proliferation of crimes against women in India is a complex phenomenon, attributable to a multitude of interconnected factors.

- A primary contributor to this issue is the lack of deterrence, stemming from the inefficacy of existing laws and their inadequate implementation. Despite the presence of legislation such as the Sexual Harassment at Workplace Act and the Vishakha guidelines, these laws have failed to provide adequate protection to women and hold perpetrators accountable. The laws themselves are often plagued by loopholes, exemplified by the ambiguity surrounding the format and filing procedure of annual reports under the Sexual Harassment at Workplace Act, which undermines their effectiveness.

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<sup>13</sup> Ibid at 11

- The absence of accountability and conviction is another significant factor perpetuating crimes against women. The lack of a centralized mechanism for collecting data on women's harassment hinders the analysis of patterns and trends, ultimately leading to poor law implementation. Furthermore, the lack of accountability of law and order institutions, coupled with the low conviction rates of perpetrators, emboldens criminals and perpetuates a culture of impunity. This is evident in the low conviction rates in cases of crimes against women, which further exacerbates the problem.

- The pervasive patriarchal ideology in Indian society continues to contribute significantly to the perpetuation of crimes against women. Despite advancements in education and government initiatives such as the Beti Bachao Beti Padhao campaign, the societal status of women remains largely stagnant. The persistence of heinous crimes like honour killings, domestic violence, and other forms of gender-based violence can be attributed to the deeply ingrained patriarchal mindset, which perceives women's empowerment and autonomy as a threat to traditional societal norms. This mindset is further reinforced by societal attitudes that tacitly condone and normalize violence against women, thereby exacerbating the problem..

- The failure of the police to effectively respond to crimes against women is another critical factor. The indifferent attitude of law enforcement agencies, coupled with their inability to apprehend criminals, creates an environment conducive to further violence. The lack of sensitivity and professionalism among police personnel, as evidenced by reports of misconduct and harassment, further exacerbates the problem. This is evident in the lack of trust that women have in the police, which deters them from reporting crimes and seeking justice.

- The lack of public safety infrastructure also contributes to the vulnerability of women in public spaces. Poorly lit streets, inadequate women's toilets, and the perpetuation of harmful stereotypes about women's behaviour and morality all serve to create an environment in which women are not protected outside their homes. This lack of safety infrastructure perpetuates the notion that women are



responsible for their own safety, rather than recognizing the state's responsibility to provide a safe environment.

- While the increased reporting of crimes against women, as reflected in the National Crime Records Bureau (NCRB) report, may suggest a growing awareness and willingness to speak out, it also underscores the need for more effective measures to combat these crimes. The #MeToo movement, which has empowered women to share their experiences and demand accountability, has highlighted the need for a more robust response to gender-based violence. However, this increased reporting also underscores the need for a more effective criminal justice system that can provide timely and effective redressal to victims.

- Finally, the sluggish judicial system, plagued by a shortage of judges and a massive backlog of cases, contributes to the delay in justice and the perpetuation of impunity. With only 15 judges per million people, the Indian justice system has failed to provide timely and effective redressal to victims, further entrenching the culture of impunity that perpetuates crimes against women. This delay in justice not only denies victims the justice they deserve but also emboldens perpetrators, perpetuating the cycle of violence.

## **WHAT STEPS CAN BE TAKEN TO CURB THE CRIME RATE**

- The efficacy of current criminal laws in combating crimes against women in India necessitates a multifaceted approach. A crucial aspect of this strategy is the active engagement of civil society, which can significantly augment the efforts of the state and law enforcement agencies in apprehending perpetrators.

- To this end, the state must assume a more proactive role in implementing police reforms. This includes taking stringent action against police officials who fail to record incidents of crimes against women in criminal records, thereby ensuring accountability and transparency.

- Furthermore, the government should undertake a recruitment drive to increase the representation of women in the police force and provide gender-focused training to police personnel and members of the judiciary. The establishment of women police stations and the appointment of more women judges are also essential steps in this direction.

- Judicial reforms are equally vital, with a focus on expeditious resolution of women harassment cases. Courts dealing with rape cases must adopt a sensitive approach, taking into account the socio-cultural context of Indian society, and impose punishments that reflect the gravity of the offence.

- In addition, the creation of a state-sponsored victim compensatory fund for heinous crimes, including rape, is long overdue. This fund should provide compensation to victims regardless of the outcome of the prosecution, and should be activated immediately upon the registration of an FIR or the taking of cognizance of a complaint.

- The media also has a critical role to play in this endeavour, by adopting a sensitive approach to reporting rape cases and avoiding any identification of the victim. Instead, the media should highlight cases where offenders have been convicted, thereby reinforcing the deterrent effect of the law.

- The establishment of Rape Crisis Centres, similar to those found in countries such as Australia, Canada, and the United Kingdom, is another essential measure. These centres provide medical aid, counselling, and financial assistance to rape victims, and can be accessed through telephonic helplines.

- Moreover, the punishments for crimes against women must be enhanced, and technical faults in investigations should not be allowed to undermine the delivery of justice.

- Finally, the provision of self-defence training to girls in schools and the establishment of government-run self-defence training centres can empower women to take control of their own safety and security.

## **CONCLUSION**

In conclusion, the efficacy of India's current criminal laws in combating crimes against women is a pressing concern that necessitates a multifaceted approach, involving the collective efforts of the community, society, and government. The pervasive nature of gender-based violence, manifesting in various forms of harassment, from subtle to extreme, in public spaces, workplaces, and even within the sanctity of homes, underscores the imperative for a concerted response. The alarming rise in crime rates, despite the introduction of stringent laws and enhanced punishments, serves as a stark reminder that further reforms are essential to stem the tide of violence against women.

The available data indicates that despite the well-meaning intentions behind current legal frameworks, they have not effectively addressed the deeply ingrained societal norms and structural disparities that fuel gender-based violence. The continued occurrence of offenses against women, despite legislative measures like the Protection of Women from Domestic Violence Act, 2005, and the Criminal Law (Amendment) Act, 2013, underscores the necessity for a more comprehensive and nuanced strategy.

Upon close examination, it becomes apparent that the issue lies not solely within the laws themselves but also in their implementation and enforcement. Factors such as insufficient political determination, inadequate infrastructure, and limited resources have hindered the successful prosecution of crimes against women, perpetuating an environment where offenders act with impunity. To counteract this trend, it is imperative to cultivate a grassroots movement involving civil society, community leaders, and policymakers united in their commitment to promoting women's rights. This movement must be supported by decisive political action, demonstrated through tangible policy measures and resource allocations prioritizing the safety and empowerment of women.

Additionally, the government must take decisive measures to rectify systemic deficiencies contributing to the escalating rates of violence against women. This entails bolstering the

criminal justice system, augmenting the capabilities of law enforcement agencies, and ensuring adequate support services for survivors of gender-based violence.

Ultimately, addressing the scourge of crimes against women necessitates sustained, collective action transcending political and ideological barriers. It requires a fundamental shift in societal attitudes, from tolerance and perpetuation of gender-based violence to unequivocal condemnation and rejection. Through collaborative efforts, we can forge a society that upholds principles of justice, equality, and safety for all women, where they can live with dignity and security, free from the threat of violence and harassment.

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