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CRITICAL ANALYSIS OF CRIMINAL OFFENCES AGAINST GENDER

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SYNOPSIS

Every year, the National Crime Record Bureau (NCRB) releases an annual report on the statistics of crime against women in India. From the previous census to the present, we can examine the highlighted rate of increase. In 2020, there were 3,71,503 cases, which increased to 4,45,256 cases in 2022. In 2021, 4,28,278 cases were recorded. The terrible increase in the number of cases of crime against women is an alert sign that, in the 21st century, the question of the safety of women is at its peak. Another point of concern from these statistics is “Why is only the crime rate against women increasing?” YES! The answer to this question is undoubtedly in our subconscious mind: women, being considered the weakest section of society, are easily targeted. And living a life under the dominance of patriarchal bargaining, women are considered emotional decision-makers rather than strong sentient beings. So far, women are only considered the victims of violence, and society has a stereotype of women being the sufferers. The author, through this article, throws light on the different types of violence faced by women and why the crime rate is increasing against women only. One individual parameter of the article elaborates on the point of men being the victims too. The summarised evolution talks about gender-neutral laws. This article also deals with the constitutional safeguards and other Indian laws that help curb violence against women.

Keywords: Crime; Statistics; Patriarchal bargaining; Stereotypes; Constitutional safeguards

Introduction to Roots of Crime against Gender

The actual calculation or census of violence against women in India has not been accurate because most of the crimes are not even reported. The history of violence against women can be traced back to Draupadi’s Vastra Haran in the Mahabharata, which was a form of violence she faced that was very traumatic. A look at the Indian social structure showcases the important role of women and even the discrimination faced by them. Evil practices like Sati Pratha, child marriage,

polygamy, female foeticide, etc. were the social problems faced by women. Not only in India but also in English Common Law in England and America in the 18th century, men had the permission to use sticks and whips to teach discipline to their wives and children, which continued till the 19th century until regression was shown to these practices.

In history, we can see the condition of the Rohingya population. Raziya Sultan became an advocate for Rohingya refugee women in Bangladesh and globally. They experienced harassment and abuse by the army. They also did dehumanising and physical checks on women, like vaginal tests. They were raped and mutilated.

During the Renaissance period, which is termed the Enlightenment period in the history of France, there was also violence faced by women. There was the belief that if a girl loses her virginity, it will be dishonour. If any woman were raped or was a victim of rape, then she would be the one who would be punished. When some young girls became victims of rape or seduction, they were turned into prostitutes. In an earlier time, the scope of crime was just offline. But with the spread of modernization, cybercrime against women has also increased. It can be clearly seen that patriarchal culture prevailed from the roots of history.

Men are mainly the ones who commit crime, and in most cases, women are the victims.

Globally, there is an estimate by UN Women¹ that 736 million women—almost one in three—have been subjected to physical or sexual violence. Intimate partner violence is another common form of violence faced by women, with a figure of 640 million in total.

Understanding the Key Concept

The prevailing gender stereotypes target women as the weaker section of society. They are considered emotional sentient beings. This discriminates against the rights and duties given to them as compared to men. The pattern of patriarchal dominance has been performed in society in the past and still is in the present.

The term

- Violence
- Crime

¹ [Un Women Facts and figure: Ending violence against women], [\[https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures\]](https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures)(last visited July 8, 2024)

- Offence
- Victim
- Patriarchy

Has different meanings and different aspects for women.

- A. The Declaration on the Elimination of Violence Against Women² issued by the UN General Assembly in 1993 defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats in public or private life.”

The United Nations Office for Disaster Risk Reduction (UNDRR)³ defines violence as the intentional or unintentional use of force, whether physical or psychological, threatened or actual, against an individual, oneself, or a group of people, a community, or a government.

- B. In the Rome Statute of the International Criminal Court⁴, Article 7—crime against humanity—gives the definition of crime. It includes such acts as murder, enslavement, imprisonment, torture, rape, sexual slavery, etc. Done at a widespread range as organised attacks against civilian populations.

According to an article from the National Health Institute⁵, crime has been defined in different social and humanistic sciences as “behaviour against order” and “behaviour against public feelings and emotions.” Crime is a human behaviour and a social phenomenon that can be studied from different viewpoints. Crime is something that affects the whole state or country at large. It involves both criminal intention and criminal acts.

- C. ‘Offences’ are also referred to as crimes, unlawful acts, etc. In simpler terms, they can be defined as violations of the law or illegal actions. Offences are diverse and come in various types.

Based on different criteria, offences can be classified into several types, including:

1. offences against the human body.
2. Offences against the state
3. Offences against children and women. Section 40 of the Indian Penal Code defines ‘offence’: when a thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without a fine.

²[International Day for the Elimination of Violence against Women],

[<https://www.un.org/en/observances/ending-violence-against-women-day>](last visited July 7, 2024)

³[UNDRR: Violence], [<https://www.undrr.org/understanding-disaster-risk/terminology/hips/so0006>](last visited July 9, 2024)

⁴[United Nations: Office on Genocide prevention],

[<https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>](last visited July 9, 2024)

⁵[NIH, National Library of Medicine],

[<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4958928/>](last visited July 9, 2024)

D. In the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power⁶, the definition of victim means persons who, individually or collectively, have suffered harm caused by actions or inactions, such as bodily or mental pain, emotional distress, financial loss, or a significant impairment of their fundamental rights.

In the Cambridge Dictionary, the word victim means someone or something that has been hurt, damaged, killed, or has suffered, either because of the actions of someone or something else or because of illness.

E. According to Sylvia Walby, patriarchy is “a socially structured system and practices in which domination, oppression, and exploitation of women are done by men.” It is a system in which power is handled by men, and they have more control in their hands than women. Patriarchy (or “pitrasatta” in Hindi) means the dominance or rule of the father in a family where males hold more power. Most of the citizens are unaware of the differences in basic terms, which leads them to take the wrong actions. Lack of awareness is the major reason why most crimes are unregistered. To understand the situation of women, a wide analysis of reports of crime against women, not just nationally but globally, should be done.

Human rights are those rights that are given and enjoyed by all human beings, regardless of their race, caste, language, religion, etc. But when women and girls face violence, it is the most prevalent human rights violation. All around the globe, each and every day, the crime rate against women is increasing. It just harms the woman mentally or physically, but the dignity of the woman in her own mind gets shattered, which is the basic reason why the victim commits suicide. The fact that they will not be again recognised by society neutrally creates a fear and compels the gender not to report the crime committed against her

Various Types of violence against Women⁷

1. Intimate-Partner Violence: It is the most common form of violence that is seen with women. It is a clear indication of the practice of domestic violence. Intimate partner violence includes

- Physical violence: hurting, hitting or trying to hit, denying medical care, forcing alcohol or drug use, etc.
- Sexual violence: abusive behaviour, physical and emotional abuse, etc.

⁶[United Nations Human Rights: Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power],[<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>](last visited July 9, 2024)

⁷[Un Women: Ending Violence against Women],[<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/>](last visited July 9, 2024)

- Psychological violence: causes interpersonal trauma, depression, suicidality, etc.
- Economic violence: control over a partner's or ex-partner's money and finances, etc.

Domestic violence: Domestic violence is also used to describe intimate-partner violence. It occurs within the private or domestic sphere. It is not just done with women but also with children, like child abuse and elder abuse.

Every 1.7 minutes, a woman experiences domestic abuse, according to the 2018 National Crime Research Bureau (NCRB) crime report⁸ in India.

The Protection of Women from Domestic Violence Act 2005 provides protection to women against domestic violence and other crimes.

Case Law: *Lalita Toppo v. State of Jharkhand (2018)*: The Supreme Court of India ruled that a woman in a live-in relationship, akin to a wife, is entitled to maintenance. The court emphasised the need to protect women's rights and financial security even in non-traditional relationships. In the case *Inder Raj Malik v. Sunita Malik (1986)*: The Delhi High Court held that a person can be found guilty under both Section 4 of the Dowry Prohibition Act, 1956, and Section 498A of the Indian Penal Code (IPC) without it being considered double jeopardy. The court's reasoning is that these two laws serve different purposes: Section 4 of the Dowry Prohibition Act punishes mere demands for dowry, while Section 498A of the IPC deals with acts of cruelty against newly married women. Therefore, someone can be charged under both laws for their respective offences.

2. **Sexual Violence:** The unwanted sexual behaviour or harm that is done on someone is called as sexual violence. It also includes abusive sexual touching, making someone to do sexual things against their consent, verbal abuse, unwanted touching & other such acts. Sexual Violence also includes the following:

- **Sexual harassment:** It is a sexual behaviour which is inappropriate and unwanted due to which someone feels uncomfortable, scared, or offended. It includes touching, comments, jokes or gestures of sexual nature. Sexual Harassment can be verbal, non-verbal, physical, even written or electronic communication.

Now days sexual harassment took place as Cyber Crime also. Section 354A of IPC defines the term sexual harassment and provide punishment for it, which is further explained in this paper.

⁸[Times of India],[<https://timesofindia.indiatimes.com/life-style/books/features/the-biggest-perpetrator-of-domestic-violence-is-silence-meghna-pant-on-toxic-relationships-and-abuse/articleshow/98359791.cms>](last visited July 9, 2024)

CASE LAW: *Vishaka and others v. State of Rajasthan 1997*: It is a landmark case in which the Supreme Court gave the definition of sexual harassment, “Any direct or indirect unwelcoming sexual action like demand or request of sex, verbal or non-verbal sexual conduct, physical contact.” Vishaka Guidelines were laid down in this judgement that said Article 14,15,19(1)(g),21 of the constitution provides safeguard against sexual harassment & provide right to work with dignity.

A separate law had established on prevention of sexual harassment against female employees at workplace “The Sexual Harassment of Women at workplace (Prevention, Prohibition, Redressal) Act 2013.

- **Rape:** In Indian Penal Code (IPC) Section 375 and 376 deals with Rape. In simple words, the act of forcing someone to have sex without their consent, using violence, threat, or taking advantage of their inability to refuse.

Cases like Unnao Rape (2017), Nirbhaya Rape (2012), Ankita Bhandari Rape (2022), Hyderabad Rape & Murder (2019). “Matri Devo Bhava” is the culture of India that means “mothers and women should be worshipped”, but this belief has vanished away due to rise in rape cases. According to National Crime Report Bureau (NCRB) every 6-minute one rape took place, which is calculated than comes to an estimate of 100 rapes in one day.

REASONS FOR RAPE:

- Male domination in society
- The societal thoughts or stereotypes that women are born to be used.
- The bar over women for just Domestic work & Sexual activities.
- Poverty gave rise to criminals who commit rape
- Lack of education about gender and sex.

3. **Child, early and forced Marriage:** In the Hindu Marriage Act of 1955, the legal age for marriage of girls in India was 18 and for marriage of boys was 21. But there is a wrong belief among people that child marriage is only performed in rural areas, but this practice is still in urban areas as well. A special age is fixed because, with age, maturity and consent come up. And a marriage that is held without consent is a forced marriage, which is a crime.

The Child Marriage Restraint Act (1929) and the Prohibition of Child Marriage Act (2006) aimed to stop marriage before the maturity age came.

4. **Human trafficking**: a crime that is committed at the global level. The traffickers use different tricks to trap the victims, mostly girls and women, by giving false job opportunities, conducting interviews, or using manipulative techniques. Not just women, but even men and children are also targets. Sexual exploitation, or organ trade, is the major reason for human trafficking. In countries like Afghanistan, Bangladesh, Libya, and Yemen, the rate of human trafficking is the highest, as per the Organised Crime Index⁹.
5. **Female Genital Mutilation (FGM)**: In this, there is complete or partial removal of female external genitals, or other injuries are done to that part. The harm caused by this is very serious; it can even cause death, health risks, infection, HIV, etc. In 1996, the United Nations General Assembly passed the “Girl Child Resolution¹⁰,” which defined female mutilation as discrimination against girl children and a violation of fundamental rights. In 2020, the 44th session of the Human Rights Council took place, in which a resolution was adopted to eliminate female genital mutilation¹¹.
6. **Femicide**: The intentional killing of women because they are women or girls is called femicide. The intention of murdering women. The major reason behind femicide is armed conflict, gangs, and human trafficking. In 2022, Africa recorded the highest cases of female killing and intimate violence, with an estimate of 20,000 victims. The UN Special Rapporteur on Violence Against Women recognised femicide as a form of violence against women.
7. **Web Violence**: The use of digital tools for physical, sexual, psychological, social, political, or economic harm or taking away of rights and freedom. Females, or even males or children, are trapped by online space, which can also result in offline meetings with the criminal. GPS trackers are also used in this.
Online violence includes:
 - **Cyberbullying** means sending someone messages or online communications that scare or threaten them.
 - **Non-consensual sexting** means sending someone wrong intentional messages or photos related to sexual aspects without their permission.

⁹[Global Organized Crime Index: Human Trafficking],[https://ocindex.net/crime/human_trafficking](last visited July 9, 2024)

¹⁰[UNHCR: Global law],[<https://www.refworld.org/legal/resolution/unga/2003/en/12969>](last visited July 9, 2024)

¹¹[United Nations Human Rights],[<https://www.ohchr.org/en/stories/2021/07/female-genital-mutilation-can-be-stopped-says-hc>](last visited July 9, 2024)

- **Doxing** means posting or releasing someone's private or personal information online without their consent.

Statics of crime against women

1. **National Crime Records Bureau (NCRB)**¹²: The NCRB report showed that crimes against women increased significantly. In 2020, there were 3,71,503 cases reported, which rose to 4,45,256 cases in 2022. This was higher than the 4,28,278 cases reported in 2021, indicating a troubling rise in 2022. The report pointed out that many crimes against women, according to Indian laws, involved specific types: 31.4% are related to 'Cruelty by Husband or His Relatives', 19.2% to 'Kidnapping and Abduction of Women', 18.7% to 'Assault on Women with Intent to Outrage Her Modesty', and 7.1% to 'Rape'. The rate of these crimes per lakh women increased from 64.5 in 2021 to 66.4 in 2022. It highlighted a rise in crimes against women, children, seniors, SCs, and STs by 8.7%, 9.3%, 13.1%, and 14.3%, respectively. Economic offences increased by 11.1%, corruption by 10.5%, and cybercrimes by 24.4% in 2022.
2. **World Health Organization (WHO)**¹³: More than one out of four women aged 15 to 49 who have been in a relationship have experienced physical and/or sexual violence from their intimate partner at least once in their life (since they were 15 years old). The percentage of women affected varies across different regions: it's around 20% in the Western Pacific, 22% in high-income countries and Europe, and up to 33% in regions like Africa, the Eastern Mediterranean, and South-East Asia, according to the World Health Organisation (WHO). In 2018, the World Health Organisation (WHO), working with the UN, studied data from 2000 to 2018 across 161 countries. They found that globally, almost 1 in 3 women, which is about 30%, experienced physical and/or sexual violence from either an intimate partner or non-partner sexual violence, or both.
3. **Pan America Health Organisation**¹⁴: One out of every three women and girls aged 15 to 49 in the Americas has faced physical and/or sexual violence from either a partner or

¹²[News Click: Crime against women in India],[<https://www.newsclick.in/crime-against-women-india-4-ncrb-report-2023>](last visited July 9, 2024)

¹³[World Health Organization: Violence against women],[<https://www.who.int/news-room/factsheets/detail/violence-against-women>](last visited July 9, 2024)

¹⁴[PAHO: Pan American Health Organization],[<https://www.paho.org/en/topics/violence-against-women>](last visited July 9, 2024)

someone who is not their partner. 38% of female homicides worldwide are carried out by a male intimate partner.

4. **National Institute for Health (NIH)**: In a study conducted in India with about 10,000 women, 26% reported experiencing physical violence from their spouses in their lifetime. In some areas, like Uttar Pradesh, this figure could be as high as 45%. According to the latest data from the National Crime Records Bureau, a crime against women is recorded every three minutes in India. Every hour, at least two women are sexually assaulted, and every six hours, a young married woman dies due to beating, burning, or suicide. It's shocking to know that 28.4% of pregnant women suffer from domestic violence. As a result of such violence, women face social isolation, unemployment, loss of income, neglect of self-care, and difficulties in childcare, which is a serious concern. According to the World Health Organisation's Multi-Country Study on Women's Health and Domestic Violence, between 40% and 60% of women surveyed in countries like Bangladesh, Ethiopia, Peru, Samoa, Thailand, and Tanzania reported being physically and/or sexually abused by their intimate partners.
5. **Equality and Human Rights Commission**¹⁵: In the year leading up to March 2020, statistics revealed that 1.6 million women in England and Wales had faced domestic abuse. During this time, 92% of those prosecuted for domestic abuse were men, and 77% of the victims were women. Additionally, 618,000 women and girls between the ages of 16 and 74 had experienced sexual assault, including rape. In 2021, a review conducted by Ofsted on sexual abuse in schools and colleges found that sexual Harassment and online sexual abuse are common and considered normal, which often means they are not reported.
6. **Ministry of Health and Family Welfare**¹⁶: India's National Family Health Survey-III, conducted across 29 states during 2005–06, revealed alarming findings about violence against married women. The survey found that a significant number of married women had experienced physical or sexual abuse from their husbands at some point in their lives. Nationally, 37.2% of women reported experiencing this kind of violence after getting married.

¹⁵[Equality and Human Rights Commission],[<https://humanrightstracker.com/en/progress-assessment/violence-against-women-and-girls-uk-government-assessment/>](last visited July 9, 2024)

¹⁶[National Family Health Survey India],[<https://rchiips.org/nfhs/nfhs3.shtml>](last visited July 9, 2024)

In Bihar, the situation was particularly severe, with the highest rate of abuse against married women at 59%. Surprisingly, most of these incidents, 63%, were reported by urban families rather than rural areas, which are often considered more traditional or conservative. Following Bihar, other states with high rates of abuse included Madhya Pradesh (45.8%), Rajasthan (46.3%), Manipur (43.9%), Uttar Pradesh (42.4%), Tamil Nadu (41.9%), and West Bengal (40.3%).

7. **National Coalition against Domestic Violence**¹⁷ : About 1 in 4 women and 1 in 7 men have experienced severe physical violence from a partner, like being beaten, burned, or choked, at some point in their lives. Around 1 in 7 women and 1 in 18 men have been stalked by a partner to the extent that they felt extremely scared or believed they or someone close to them might be hurt or killed. Every day, domestic violence hotlines across the country receive over 20,000 phone calls for help.

Impact of Pandemic over crime rate against women: COVID-19

This phase of COVID was very tough for the whole world. There were several problems faced by people in education, employment, health, agriculture, etc. Everything was affected at a very high pace. There was a global misbalance between the cycle of human life and day-to-day activities. The most drastic effect was on people's emotional and physical health. The crime rate also increased. The graph of violations against women rose to a high extent.

The pandemic has made the situation of violence against women and girls (VAWG) pathetic. It has also shown and made worse large inequalities, reversing many years of progress for women. Working, made more women very poor, and made unpaid care and housework much harder, all of which makes VAWG worse. In 2021, since the pandemic began, 45% of women said they or a woman they knew had VAWG. Seven in 10 women said they think verbal or physical abuse by a partner has gotten more common. It was felt that sexual harassment in public places has gotten worse¹⁸.

According to data from the National Commission for Women, cases of domestic violence (DV) increased by 2.5 times between February 27 and May 31. During this period, the Commission

¹⁷[NCADV: Statics],[<https://ncadv.org/STATISTICS>](last visited July 9, 2024)

¹⁸[Un Women: Facts and figures: Ending violence against Women],[<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#83919>](last visited July 9, 2024)

received 1477 complaints related to DV. In the months of April and May 2020, half (47.2%) of all cases reported to the NCW were related to DV, compared to only about one-fifth (20.6%) during January to March 2020¹⁹. The most common type is when someone says hurtful things (50%), followed by being bothered in a sexual way (40%), hurting someone physically (36%), not letting someone have what they need (35%), and stopping someone from talking to others (30%). Seven in 10 women asked said they think violence against women happens a lot where they live.

Women were affected:

- Physically: Detrition in health, lack of physical activity, isolation effect on body
- Mentally: depressed thoughts, lack of attention, inactivity of mind
- Socially: lack of communication, lack of interaction with nature
- Economically: loss of job, money-related issue

Factors responsible for growth of crime against women during pandemic:

- **Lockdowns and Isolation:** Due to lockdown, people were just confined in their homes, which was the major cause of the increase in domestic violence and abuse. Women were often trapped with their abusers without access to external support networks or safe spaces.
- **Economic Hardships:** Most of the people lost their jobs during the pandemic, which created economic pressure, reduced income, and financial instability that caused tensions within households. This financial pressure on men led to increased violence against women.
- **Disruption of Support Services:** Essential services, including shelters and helplines, faced disruptions or reduced capacity during lockdowns. This limited women's ability to seek help or escape abusive situations.
- **Increased Stress and Anxiety:** The uncertainty and fear surrounding the pandemic, coupled with social isolation, contributed to heightened stress levels among individuals. Stress can escalate conflict and increase the likelihood of abusive behaviour.
- **Digital Spaces and Cyber Violence:** As more activities shifted online, women became more vulnerable to cyber harassment, stalking, and online abuse. The anonymity of digital platforms sometimes emboldens perpetrators to engage in harmful behaviour.

¹⁹[India-1-aman-globalvoic: Call for submissions: COVID-19 and the increase of domestic violence against women],[<https://www.ohchr.org/sites/default/files/2022-01/India-1-aman-globalvoic.docx#:~:text=According%20to%20data%20shared%20by,Commission%20received%201477%20DV%20complaints.>] (Last visited July 9, 2024)

- **Barriers to Legal Recourse:** Court closures and delays in legal proceedings limited women's access to justice and protection orders. This hindered their ability to seek legal recourse or obtain restraining orders against abusers.
- **Social Norms and Gender Inequality:** Deep-rooted societal norms and gender inequalities continued to perpetuate violence against women. The pandemic exacerbated these inequalities, making it harder for women to challenge or escape abusive situations.

The magnitude of crime in India given by the National Record Bureau from 2009 to 2015 was drastic. There were a total of 3,77,394 crimes against women in 2015 as compared to 2014. In 2016, Delhi and Bangalore were the top places for reported crimes against women. Mumbai comes next to Delhi in crime rate. Andhra Pradesh has reported the maximum number of crimes. The zone of isolation faced by people because of the pandemic turned human feelings, daily activities, and day-to-day life into a total mess, which was the basic reason for physical, mental, and psychological changes.

Does crime against men is recognized?

The 'FACT' that cannot be ignored is that not only women are unsafe today but men too. There are cases where men are also sexually harassed, but no such serious actions are taken towards that. Most of the cases of such crimes against men remain unreported. And the major reason is that society made them so uncomfortable that, because of this, they refused to register their case. Discrimination is not just practiced with women; men also face it by not getting the proper attention of the judiciary for crimes against them. It should be given attention that gender-neutral legislations should be there.

Why do people have the stereotype that men can't be raped, that sexual assault or domestic violence can't be practiced with them? The perfect answer to this question is because men are always considered the criminals and women the victims. Because the definition in society of a victim is that the least powerful person or the weakest one is the victim, which can't be a man because they are considered dominating and powerful. On this earth, nothing is planned; circumstances and situations can change at any time, and anyone can be the victim. India's domestic violence laws pay more attention to protecting women than men. And this thing gives the false impression that men in society can just be criminals, not victims. According to the **National Crime Bureau's 2021** records, the number of cases of domestic violence against men by their intimate partners in India has increased. In this year, 33.2% of males committed suicide,

and the major cause was an issue related to family, and 4.8% committed suicide due to a problem in their marital life. In the **Lancet Regional Health report**, it was found that the suicide rate of men is higher than that of women in the years 2014–2021. National Statistics figures (2022–2023) reported that men are one in three victims of domestic abuse (3.2%) and women (5.7%). Domestic abuse reported by police shows that 25% of the victims were men. Not only men, but women are also victims of gender-based violence.

Necessary amendments must be made in the Domestic Violence Act of India for the benefit of men as well. There are many cases in which women make false allegations against men. In such cases, laws should be made for the protection of men. **In India, rules that are gender-neutral are necessary.** There is a failure in legislation to accept that men can also be victims of sexual violence and physical assault. Only one law of the IPC, Section 377, talks about sexual violence against men, but only penile sexual intercourse and not non-penile intercourse. The stereotype made in society that “men don’t cry” should vanish. And create a perspective in society so that people start seeing men as victims, not just criminals.

Crimes under Indian Penal Code, 1860

The Indian Penal Code (IPC) contains several sections specifically dealing with crimes against women. These sections address various forms of violence and discrimination. Here are some key sections:

- Section 354: Assaulting or using force against a woman to deliberately offend her modesty
- Section 354A: Sexual harassment and punishment for sexual harassment.
- Section 354B: Assaulting or using force against a woman with the intent to undress her
- Section 354C: Address Voyeurism
- Section 354D: Stalking.
- Section 375: Rape, including the detailed description of what constitutes rape and the punishment for it.
- Section 376: Punishment for rape, including life imprisonment and even the death penalty in certain cases.
- Section 498A: Husband or relative of husband of a woman subjecting her to cruelty, often used in cases of domestic violence and dowry harassment.
- Section 509: Word, gesture, or act intended to insult the modesty of a woman.

Crimes under Special laws

Apart Indian Penal Code there are different laws incorporated for the protection of women and to address Crime against them. These are some special laws in India:

- The Dowry Prohibition Act, 1961, prohibits the giving or receiving of dowry and penalises any associated acts of coercion and harassment.
- The Protection of Women from Domestic Violence Act, 2005: Provides protection to women from domestic violence and allows for legal recourse and support mechanisms for victims.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013: Protects women from sexual harassment at their place of work and outlines procedures for complaints and redressal.
- The Prohibition of Child Marriage Act, 2006, prohibits the marriage of girls below the age of 18 and boys below the age of 21 and aims to prevent child marriages.
- The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994: Prohibits sex selection before or after conception and regulates the use of prenatal diagnostic techniques to prevent female foeticide.
- The Indecent Representation of Women (Prohibition) Act, 1986: Prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures, or in any other manner.
- The Immoral Traffic (Prevention) Act, 1956, aims to prevent human trafficking and prostitution and provides for the rehabilitation of victims.
- The Medical Termination of Pregnancy Act, 1971: Allows for the termination of certain pregnancies by registered medical practitioners under specified conditions to ensure women's health and rights.
- The Maternity Benefit Act, 1961, protects the employment of women during their maternity and entitles them to maternity benefits.
- The Commission of Sati (Prevention) Act, 1987: Prevents the practice of Sati (the burning or burying alive of widows) and provides for the punishment of anyone promoting or glorifying the practice.

JUDICIAL PRONOUNCEMENTS

1. Laxmi v. Union of India (2014):

In this case, amendments were made to the Code of Criminal Procedure, 1973.

Section 357A was inserted by Act 5 of 2009. Compensation of Rs. 3,00,000 for every acid attack

victim. In the IPC (Indian Penal Code), Section 326A and Section 326B were added, which tell about voluntarily causing hurt by the use of acid, etc., or an attempt to throw acid. This action was taken because cases of acid attacks were increasing against women in India.

2. Ritu Kholi Case (a cyberbullying case):

Under Section 509, this case was registered for destroying the modesty of a woman by means of a gesture or action. An amendment was brought to the Information Technology Act under Section 66E because Section 509 was not able to successfully deal with the case.

3. Tukaram v. State of Maharashtra, 1979:

In this case, the Supreme Court held that rape was not proven under Section 375 of the IPC.

The reason was no evidence of body harm or any kind of threat and changing of statement of victim several times.

In this case, the Criminal Law Amendment Act of 1983 was passed.

Section 376 of the IPC was amended, and the punishment for custodial rape was increased to 7 years.

4. Vishaka & Ors. V. State of Rajasthan 1997:

- In this case, the Supreme Court defined sexual harassment as direct or indirect unwelcoming sexual action like demand or request of sex, verbal or non-verbal sexual conduct, or physical contacts
- Setting up of Redressal mechanisms for complaints of sexual harassment at the workplace was done.
- Articles 14(2), 19(1)(g), and 21 of the Constitution emerged for the right to a safe working environment.
- Vishaka Guidelines were passed, and it was said these will work until the real law is framed.
- 'Vishakha guidelines' formed the basis for the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013.

5. Mukesh & Another vs State for NCT of Delhi 2017:

- This case was called by the Supreme Court 'Rarest of the Rare Case'.
- Enactment of the Criminal Law Amendment 2013 was there.
- Several sections were added to Section 376 of the IPC (Indian Penal Code).

- a. Amendment to what constitutes rape.
- b. Section 376(2)(c) was added for rape by personnel of the armed forces.
- c. Section 376A, for death or vegetative state because of rape.
- d. Gang rape, Section 376D
- e. Repetition of such offences will cause life imprisonment or death.
- f. Clarification on 'penetration' was given under rape.

Changes in IPC (Indian Penal Code):

- a. Section 166A was added.
- b. Acid Attack, Section 326A & 326B was added.
- c. Sexual harassment & Penal provisions were given under Section 354A.
- d. Offences of Voyeurism were added under Section 354C.
- e. Stalking was made an offence under section 354D.
- f. The age of consent was changed from 16 to 18 years.

6. State of Punjab v/s. Gurmit Singh 1984:

In this case, there were interpretations of:

- Section 118 of the Evidence Act 1872 can be paraphrased as follows: "All individuals are eligible to testify unless the Court determines that they are unable to comprehend the questions asked or to provide coherent answers due to young age, advanced age, illness affecting either body or mind, or any similar condition."
- Section 363 of the Indian Penal Code (IPC) can be rephrased as follows: "Anyone who kidnaps a person from [India] or from lawful guardianship shall be punished with imprisonment for a term extending up to seven years, along with a fine."
- Section 366 of the Indian Penal Code (IPC) can be rewritten as follows: "Anyone who kidnaps or compels a woman to marry or engage in any sexual activity shall be punished with imprisonment for up to ten years and shall also be liable to pay a fine. Similarly, anyone who induces a woman to leave any place knowing that she is likely to be coerced or seduced into sexual intercourse with another person shall be subject to the same penalties."
- Section 368 of the Indian Penal Code (IPC) can be paraphrased as follows: "If anyone unlawfully conceals or confines a kidnapped or abducted person, knowing that the person has been kidnapped or abducted, they shall be punished as if they had

themselves kidnapped or abducted that person for the same purpose or with the same knowledge or intention.”

- Section 376 of the Indian Penal Code (IPC) can be rephrased as follows: “Whoever commits rape shall be punished with imprisonment for a term of not less than seven years, which may extend to life or for a term up to ten years, and shall also be liable to pay a fine, unless the victim of the rape is not younger than the age of twelve years old and his own wife. In such cases, the punishment shall be imprisonment for a term that may extend to two years, a fine, or both.
- In this case, the significance of the rape victim’s testimony was underscored. The case revolved around the abduction and rape of a minor girl by three men. Despite perceived inconsistencies in the victim’s testimony and the absence of corroborating evidence, the trial court acquitted the accused.

CONCLUSION

In my opinion every living being whether it is men, women, animals etc. Has the perpetual rights and duties as guaranteed by our constitution. “Nothing is above the law” is the phrase used commonly because no one can supersede the law. Crime is exercised everywhere in the world with different ratio against men, women and even animals. In conclusion, the citizens must be aware of the offences and crime and their rights for protection against them. Even if 50 per cent of the people out of hundred are illiterate still the basic knowledge of these things should be given to them. Different boot camps, programs, nukad must be constituted by the government and the NGO’s for spreading awareness. Most of the victims of heinous crime are the people who are not aware or are illiterate, they are the soft targets of the criminals. And the base of this article is about gender, first step must be that the stereotypes related to women in the society shall be disregarded. The thought process of the patriarchal generation should be moulded in such a way that they consider women as equal and powerful to them. The past can’t be change but the present and future can, so focus on the youth for this development to be inaugurated. Their minds should not be manipulated with wrong perspective about women than only they can bring change in the society.

The women those who do not do jobs and are homemaker, are also the victims of crime at their home itself. Initiatives should be taken for the protection of these women those who are disconnected with the outer world. And cannot raise their voice for justice.

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