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EFFECT OF INTERNATIONAL CONVENTIONS ON SEXUAL OFFENCES AGAINST WOMEN IN INDIA

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ABSTRACT

Historically, women have always been at the receiving end of sexual offenses, violence, and crime. The United Nations and the introduction of several international covenants are said to have created a positive impact on the prevention of offenses against women. Even though there aren't a lot of international conventions which are solely dealing with the rights of women and the prevention of offenses against them, the rights of women are highlighted in if not in many, all of the existing international covenants. Some covenants like the CEDAW (UN Convention on Elimination of All Forms of Discrimination against Women, 1979) are specifically aimed at preventing sexual offenses against women. The implementation of international laws in protecting women could find a lot of hurdles in a country like India which has numerous personal laws and diversity. Still, India is part of almost all major human rights conventions and has adopted many provisions into domestic laws. But how are they impacting a country like India? Are there enough provisions adopted from the international covenants to protect women? The fact that India is not part of the CEDAW-OP curtails the right of women to approach the international courts or committees. Doesn't this restrict their right to seek remedy? Or is it that the Indian judiciary and legal system have all aspects covered to protect women and their rights? And most importantly, has the crime rate gone drastically down after India became part of the treaties, and are women feeling safer and protected now?

This paper aims to disclose the impacts the covenants have on sexual offenses against women in India.

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INTRODUCTION

We are still not clear on how women turned out to be the oppressed or underprivileged category among the two genders. The assumption is the biological differences between them which created a rift on who is the more dominant over the other. Men, being physically superior to women might have felt superior in every other ways too and hence the differences. This sense of being over powered helped men to dominate all positions of power and governance and women were shunned to their households. This was followed by acts of violence on women who were physically inferior. This might not be accurate but this is somewhat the picture of what has happened in history. With the development of civilizations and societies, changes happened to the rights and protection of women. The changes that took place through the course of history are very evident. 2000 years ago, the Roman laws guaranteed men the right to have authority over life and death of his wife. The 18th century men had the right to discipline his wife with a stick. But many philosophers and thinkers helped to change these concepts. For example, in the works of Plato, it is said that human souls are sexless which directs towards gender equality. The enlightenment period also saw differences and improvement in the same. With the development of society and human rights, women are guaranteed their rights to be treated equal to men and protect them from torture and violence.

But this paper is not aiming to find out the history of violence against women. The aim of the paper is to figure out how the international conventions have impacted women. The introduction of United Nations and various international covenants have guaranteed the protection of women against violence and torture. The mere introduction of these and ratification of the same by countries are the theoretical aspects of ensuring protecting of women. What we need to know is the practical aspect of this. How has these conventions and provisions helped women feel safer or how these have helped in the graph of crime to go down, if it has gone down.

This paper will compile information on the violence of women and how the international covenants, especially CEDAW have impacted them since their ratification in India.

OBJECT OF THE STUDY

The basic objective of the study:

1. How the ratification of International covenants have impacted crime rate in India with special emphasis on CEDAW?
2. To identify the discrepancies between the CEDAW and the numerous Indian laws that provide women's rights protection and to offer suggestions

This analytical research has been carefully planned to enhance the reader's comprehension of CEDAW and the current state of CEDAW article implementation in India. It also uses data and statistics obtained from various sources to show the differences in crime rate for the reader.

CONTENT

In our opinion, the fact that India ratified CEDAW did not result in a decrease in violence against women since the international agreement was not formally implemented and enforced throughout Indian society. This paper will use research to demonstrate the lack of advancement in women's safety. India is part of several international covenants such as the Convention on Rights of Child, International Convention on Civil and Political Rights, International Convention on Economic Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women etc. The 1993 Vienna Declaration asks for efforts to incorporate women's equal rights to human status. It emphasizes the need to end violence against women in both public and private settings. The Beijing conference in 1995 gave people a place to focus on some of the important concerns that had been recognized as major roadblocks to the growth of most women worldwide. It concentrated on topics like violence against women, prejudice against women, etc. Article 55 and 56 of United Nations charter cast a legal obligation on United Nations organization to promote respect for equality and human rights. The Universal Declaration of Human Rights agreed in 1948 is one of the earliest modern covenants which talks about the right of men and says that human rights are equal for all humans irrespective of their gender. All people are "born free and equal in dignity and rights," according to the Universal Declaration of Human Rights. Hence, regardless of gender, everyone has the right to liberty, dignity, and equal rights. Women and girls continue to face discrimination and grave abuses of fundamental basic rights every day and everywhere. In addition to having less or no access to healthcare and being disregarded in terms of land or property ownership, more women than

Another significant international human rights treaty, the ICCPR guarantees a number of civil and political rights. The International Covenant on Economic, Social, and Cultural Rights and the Universal Declaration of Human Rights are collectively referred to as the International Bill of Human Rights. According to the ICCPR, nations that have ratified it are required to defend and uphold fundamental human rights, including: the right to life and human dignity; equality before the law; freedom of speech, assembly, and association; freedom of religion and privacy; freedom from torture, ill-treatment, and arbitrary detention; gender equality; the right to a fair trial; right to family life and family unity; and rights of minorities. The important things to be noted in these are that, none of these covenants creates a distinction between men or women. None of the international covenants guarantee any rights to men that are not guaranteed to women. But it was necessary to guarantee the protection of the category which was facing oppression and violence.

And hence, CEDAW was introduced. The CEDAW was approved by the UNGA on December 18, 1979, but it wasn't until September 3, 1981 that it became a legally binding international agreement. Over 189 nations have ratified CEDAW and 165 have ratified CEDAW-OP as of today (Optional Protocol). It is one of the most important international accords that direct the work of UN Women in attaining gender equality and empowering all women and girls is which is sometimes referred to as the worldwide bill of rights for women. The CSW's efforts have been crucial in exposing all the ways that women have been denied equality with men. The CEDAW is the most important and comprehensive of the declarations and conventions that came out of these efforts to benefit women. Different rights and freedoms are outlined in these articles, all of which are given equal weight. Women's rights are human rights. Women and girls are entitled to the same basic rights since they are fellow humans, including the right to vote, a fair pay, an education, and a life free from abuse. Unfortunately, many people over the world are being denied their constitutionally guaranteed human rights only because they are women and girls. Globally, not a single nation has yet achieved gender justice. In many locations, women are risking their lives by standing up to claim their rights.

India ratified CEDAW in 1993. This was ratified in order to guarantee the safety and well-being of women and their protection beyond that of what was already guaranteed under the penal provisions

and domestic laws. To implement legal provisions in a country like India is no easy task considering the cultural, social and economic disparities of the people. The diversity of the people always stands in the way of many major decisions. But law needs to consider the well-being of the citizen and that is the paramount objective of the judiciary too.

The most prominent crimes against women in India include:

- Bride burnings/Dowry abuse;
- Female foeticide/infanticide; and
- Human trafficking/sex slaves
- Murder
- Sexual crimes
- Domestic violence
- Abduction
- Acid attack
- Forced child marriage etc.

Dowry deaths are the death of a married woman who is murdered over dowry disputes either by the husband or the relatives of the husband. The IPC prevents and punishes a person from committing dowry death under section 304B. In 1994 there were 4,935 dowry deaths and 25,946 cases of dowry harassment, while in 2005, eleven years after the signing of CEDAW, that number increased to 6,787 dowry murders and 58,319 incidents of dowry harassment.³ As of 2008, there were 31,950 pending cases of dowry deaths, 117 cases withdrawn, 1,948 convicted, and 3,876 acquitted or discharged.⁴ CEDAW was ratified by India in 1993 and as the statistics shows, there is no decline in the number of dowry deaths or dowry related harassments. The cruel fact is that the crime rate didn't stay still either. It is going up constantly.

Female foeticide is a process of aborting a foetus in the womb of a mother when the foetus is diagnosed to be a female. Rise in female foeticide rate was one of the major concerns at a time. From 1960s to 2010s, the male to female ration in India was real problematic due to the increase in female foeticide. The MTP laws were made stringent after that and the foeticide rates in general came down. The MTP act and PNDT act regulated the gender reveal before delivery and illegal abortions. Section 312 to 318 of the Indian penal code also contains provisions which prevent infanticides, gender-reveal

³ National Crime Records Bureau: Ministry of Home Affairs, 2005

⁴ National Crime Records Bureau: Ministry of Home Affairs, 2008

etc. according to a study conducted in 2004, the male to female ratio had dropped to 800:1000. Studying data proves that the female foeticide had increased by a percentage of 13 between 1991 and 2011⁵ which happens to be the time when CEDAW was ratified by India.

Taking the recent years into account, the rate of crime against women rose a whopping 15 per cent in one year: from 56.5 per cent in 2020 to 64.5 per cent in 2021.⁶ 31.8 percent of all cases were cruelty cases involving a spouse or one of his relatives that were reported under section 498A of the Indian Criminal Code. An increase from the 3,71,503 cases submitted in the same category in 2020 to a total of 4,28,278 cases in 2021. The data also reveals that, up from 56.5 percent in 2020, the crime rate per lakh women was 64.5% in 2021.

The number of recorded occurrences of crime against women increased by 15.3% in 2021 compared to 2020, according to the National Crime Records Bureau of India. The National Crime Records Bureau reports that although there were more than 228,650 recorded crimes against women in 2011, there were 4,28,278 reported crimes against women in 2021, an increase of 87%.

The steady incline in the crime rate is the same for all other related offences too such as human trafficking, acid attacks, outraging modesty of a woman etc. In fact, our research couldn't exactly find any crime against woman that has actually gone down in rate. We are not totally denying that the crime rate hasn't dropped at all. It is true that between the period of 2019 and 2020, there has been a drop in the crime rate of Cruelty by husband or his relatives(1,24,934 to 1,11,549), Dowry Harassment(13,307 to 10,366), Dowry Death (7,141 to 6,966) and Domestic Violence (533 to 446). But in 2021, these numbers started to incline again. A total of 4,28,278 cases of crime against women were registered during 2021, showing an increase of 15.3% over 2020. Trafficking alone showed an increase of 27.7% in 2021 in comparison with 2020. Cruelty by husband or his Relatives (31.8%), assault on women with purpose to outrage her modesty (20.8%), Kidnapping & Abduction of women (17.6%), and Rape (7.4%) accounted for the majority of instances under the IPC's definition of crimes against women. In comparison to 56.5 in 2020, the crime rate per lakh women in the population is

⁵ Ramaiah, G. J., Cahandrakarayya, T., & Murthy, P. V. (2011). Child sex ratio in India: Trends, issues and concerns. *AsiaPacific Journal of Social Sciences*, 3(1), 183-198. Retrieved from [http://www. socialsciences-ejournal.org/5.10](http://www.socialsciences-ejournal.org/5.10). Chan drasekarayya.pdf

⁶ National Crime Records Bureau: Ministry of Home Affairs, 2022

64.5 in 2021. The decline in the number of crimes in 2019 could be partially due to the pandemic too. We couldn't find any evidence which could show that the legal provisions impacted in that negligible decline of crime rate.

Another major sexual offence that Indian women face is regarding the cyber offences. This includes cyber bullying, cyber pornography, child pornography etc. the issue with the cyber offences is that, it is a relatively newer concept for us. Even though the IT Act was introduced in 2000, the act turned out to be a half-baked law as the operating area of the law stretched beyond electronic commerce to cover cyber-attacks of non-commercial nature on individuals as well. While commercial crimes and economic crimes were moderately managed by this Act, it miserably failed to prevent the growth of cyber-crime against individuals, including women⁷. According to a research⁸, 74% of participants believed that women were more vulnerable online than males. There were 60 female participants in this research. Just 11.7% of the 60 respondents know they've had unpleasant online interactions. 85% of the respondents to this survey on Cyber Victimization of Women and Cyber Laws in India reported receiving harassing emails from people that included pornographic photographs, sexual messages, etc. Just 15% of respondents know that these emails are "trashes" and don't care about them. About 50% of the respondents reported receiving abusive, threatening, or blackmailing emails from their ex-husbands or ex-boyfriends. The Indian laws which are still dormant in the case of cyber-crimes are insufficient to deal with such issues. Coupling that with the digital divide and cyber illiteracy gives us a crystal clear image on the number of reported and unreported cases in the cyber section.

Under the IPC, the forced intercourse by a man with his wife is not rape under the provision of rape⁹. Unless it is a case of judicial separation, there is no remedy for marital rape in Indian laws. The international covenants are also silent regarding these matters. Offence of rape defined under section 375 of the IPC is another major sexual offence that women encounter. Rape is evidence that all attempts to prevent violence have failed once it has occurred. The pronouncement of increased punishment as a response is mostly a show of dissatisfaction and impotence. The focus should be on rehabilitation and prevention. Since violence against women is a widespread social issue, legislation

⁷ Debarati Halder and K.Jaishankar, Cyber Victimization of Women and Cyber Laws in India, Cyber-crime and the Victimization of women: Laws, rights and regulations

⁸ <http://www.cybervictims.org/CCVCresearchreport2010.pdf>

⁹ Id., s.375

alone would not be sufficient to address it. In India, a flurry of laws protecting women from various types of assault was passed throughout the 1980s. The first changes made throughout this process were to the rape legislation. It all began with a Supreme Court decision from 1979¹⁰ that said that a woman's chastity and character were the grounds for accepting or rejecting the claims of rape. Since then, great progress has been achieved addressing rape in these laws with changes and the inclusion of various additional provisions to the Indian Penal Code, 1860 the Code of Criminal Justice, and the Indian Evidence Act. Judges are instructed not to allow evidence on women's character or prior sexual behavior unless required by the standards of a fair trial.¹¹ But similar to other crimes, the rate of commission of rape hasn't gone down either.

This proves beyond any doubt that the introduction or ratification of CEDAW or any other international covenant in India has had absolutely no or less impact than what is hoped for. The same goes for the national provisions. The absence or insufficiency of enough provisions to protect women is evident from statistics given above.

The constitution of India provides that all men and women be treated equally without any discrimination on grounds of religion, race, caste, sex or place of birth. The same is guaranteed under the international covenants like CEDAW. But the practical aspects prove us that there is a huge gap in implementation of the same. It is still difficult for women to enjoy and execute their equal rights in all areas of life, including the social, economic, and political ones.

PROBLEMS AND RECOMMENDATIONS

What exactly are the reasons for the increase in the rate of crime against women? We are living in a period which is most probably the most evolved, civilized and forward thinking era of mankind. But still we cannot see women as an equal or not cause harm to them in any manner. The reason is far beyond than what a few provisions or conventions could fix. The reason lies in the evolution of man, in the suppression and oppression of genders, in the way we grew into a patriarchal society, and to a huge extent, silence and corruption.

¹⁰ *Tuka Ram v. State of Maharashtra*, AIR 1979 SC 185.

¹¹ Vina Majumdar, Political Ideology of the Women's Movement's Engagement with Law, 16, available at <http://www.cwds.ac.in/wp-content/uploads/2016/09/PoliticalIdeology.pdf>

There is a continued low representation of women in the upper echelons of lawmaking affirmative actions (During 2011-15, female MLAs in the State Legislative Assemblies were 8.4% and female candidates were 7.3%, 48.5% of the Indian population is women, but only 27.4% of women are in the workforce. Women hold only 14.39% of seats in Lok Sabha and 8.8% women in Rajya Sabha)¹². Affirmative action measures are necessary to increase the representation of women in positions of power, such as the legislature reserving 33% of seats in the Lok Sabha and all State Legislative Assemblies for women.

The constitution protects the citizen from fundamental rights violation against the state only. There are no provisions or remedy regarding what a person is supposed to do when their fundamental right is violated by a private party. This affects the women more than men. . Appropriate legislations have to be ensured to fill the legislative vacuum regarding the absence of defense against private party in fundamental rights violation.

The presence of several customs that still exists throughout the country especially in rural areas has to be dealt with and removed. Efforts should be made to discourage prejudices and eliminate customs and practices that discriminate against women

The lack of suitable and high-quality crèches for the children of working women deters them from entering the workforce. Child care facilities should be provided at or close to the office or home to support and encourage women to work. Notwithstanding limitations on the appointment of women as independent directors under the 2013 Companies Act, there are very few women in executive roles, particularly at the board level, and many posts are unfilled. This can be tackled by filling the board's open positions for women as soon as possible. A time limitation should be kept within which it has to be mandatory for filling the vacant positions.

Women are deprived of their rights without any of their faults when they are denied the opportunity to vote and subsequently disqualified from running for office due to their lack of educational

¹² Women's Rights in India: An Analytical Study The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) The Indian Constitution, Legislations, Schemes, Policies & Judgements of and 2021. NHRC, India.

qualifications.¹³ As per 2020, only around 66% of women are literate in India as compared to 82% of men.¹⁴ Legislators need to be more considerate when establishing conditions that bar women from running for office due to a lack of education until a certain level of literacy among women is reached in light of the ground-level realities surrounding women's literacy, particularly older women.

The Supreme Court needs to work to enhance the proportion of female justices and senior attorneys. This will help cases be decided from the women's perspective too. Prejudice and patriarchy are not just the subjects of the illiterate.

Notwithstanding regulations protecting employees' rights to social security and labour welfare, many workers continue to fall outside the scope of these rules, which primarily apply to those employed in the organized sector. As nearly 94% of women employees are in unorganized industries like brick kilns, construction, and agriculture, they are not covered by these rules. It is important to secure worker welfare and social security, pay equitable salaries to all employees, and take legal action to incorporate the unorganized sector. Protecting rights of women in unorganized sector would help crime rate to go down in that particular sector.

There are religions in our country which doesn't provide any certain age limit for marriage of a girl child. This can result in child marriages, which in turn causes sexual and violent offences against girl children. Such private laws must be amended and brought under the purview of the national legislation. The absence of a 'sexual harassment complaints committee'. The introduction of a committee which solely focuses on dealing with the sexual harassment cases which is headed and run by women would make it easier for victims to approach a judicial body and make claims.

Child marriage is more common in rural than urban settings, according to NFHS-5 statistics. Early pregnancy and various health concerns, exposure to marital abuse, and early school dropout are the outcomes of this. Only the state parties can create a difference in this matter. They must educate people in rural areas regarding the adverse effects of early marriage and legal obligations to refrain from abetting or committing the same. In rural regions, violence against women, especially

¹³ *Rajbala V/s State of Haryana*

¹⁴ Global Gender Gap Report, 2020 by World Economic Forum

community-sanctioned violence (Khap panchayat, branding, and witch hunts), is still pervasive and mostly affects women from SC/ST groups. State Parties must pursue severe penalties against offenders in order to prevent the general public from carrying out similar crimes. Women's rights education, an easily accessible justice delivery system, including One Stop Centers (OSCs - where all the facilities are available under one roof) should be implemented in rural areas.

Another important problem that the victims face is corruption and bribery. The accused, if influential and rich, delays the processes of taking action against them and denies justice for the women. We have seen this pattern in a lot of cases including the infamous Visakha case¹⁵. Here, Banwari Devi was repeatedly raped for doing her job and the court acquitted the accused. There are several other cases where medical certificates are not obtained, FIR is filed late, the officers accept bribes to destroy evidences etc.

The worrying factor in this matter is that, a lot of victims are asked to remain silent or forgive the accused without any charges. The people who ask the victim to remain silent turns out mostly to be her own parents or close relatives. This silence grants the wrong doers, who are mostly men, to turn out into recidivists. According to 65% of Indian males, women should put up with violence in order to maintain the stability of the home and occasionally deserve to be beaten. According to the International Men and Gender Equality Study (IMAGES) Questionnaire, 24% of Indian males had at some time in their life engaged in sexual violence. As many instances go unreported, it is particularly challenging to acquire precise data on the frequency of case occurrences. This is mostly because of the potential reporter's fear of humiliation or embarrassment, as well as the intense pressure not to harm the family's reputation. Law enforcement officials are more likely to take bribes from the family of the accused for similar reasons, or possibly because they are afraid of more serious repercussions like honor murders. The time to understand that the life of a victim is far more superior to the honor of the family and their good-will is far gone. It's as if even though we live in 2023, our thoughts and culture hasn't graduated since the enlightenment period.

Other ways of reducing crime rate includes Population control, Education and employment, Gender sensitization (by parents and teachers), Law enforcement, Legislation (which includes Change in

¹⁵ *Vishaka & Ors vs State Of Rajasthan & Ors* on 13 August, 1997

mind set of the judiciary, Amendments in existing legislations, Appropriate application of laws in the setting of mental illness, New legislation is needed to provide for granting Interim Relief), Restriction on use of alcohol, proper treatment of Mental illness etc.

CONCLUSION

It is quite ironic that the longest written constitution in the world has one of the biggest crime rates against women in the world. We can blame it on a lot of things – the population, poverty, economic and cultural differences etc. But at the end of the day, even for the laymen, the question is - What has the government done? What has the law done?

It is difficult to say that the law and constitution is blind and deaf. The legal provisions have ensured on paper all sorts of protection against violence or torture or discrimination against men and women. It includes many acts and amendments such as the Protection of Women from Domestic Violence Act (2005), The Commission of Sati (prevention) Act (1987), and Indian Penal Code, The Dowry Prohibition Act (1961) etc. along with other mechanisms such as The National Commission for Women, Vishakha guidelines etc. But if it doesn't aid you practically, there is absolutely no point in having it. India does seem to be aware that there is a problem for the women in their nation, as seen by the acts, laws, and organizations that have been established to address the unique issues that women in India face. These regulations just demonstrate that India is attempting to protect women on paper from a statistical standpoint; they do not appear to be having a beneficial impact on women's lives. It is as if we are not trying hard enough.

The fact that all offences that are mentioned in this paper doesn't appear in CEDAW but appears in the Indian legal provisions makes us wonder what the point of that was. The findings are concerning since; despite relatively few criminal convictions, each of the crimes discussed in this report has statistically increased after CEDAW's adoption.

Another important matter is that India has not ratified the optional protocol of CEDAW. An Optional Protocol is a legal instrument that supplements an international treaty. An international treaty known as the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women sets complaint and investigation processes for the said convention. Without a country being

part of the OP of a convention, individual parties cannot access the international courts or committees as an appellant body. It is not exclusive to CEDAW. India has not signed the optional protocol of almost any major international covenants.

India's adoption of CEDAW did not cause it to alter its cultural and religious perspectives on the worth of the female population. In actuality, little seems to have changed since CEDAW was ratified. The figures demonstrate the truth. As CEDAW has obviously done little to assist Indian women, India needs a more effective political system in order to prevent gender-based violence.

REFERENCES

- <https://ncrb.gov.in/sites/default/files/CII-2021/CII%202021%20SNAPSHOTS%20STATES.pdf>
- National Crime Records Bureau: Ministry of Home Affairs, 2005
- National Crime Records Bureau: Ministry of Home Affairs, 2008
- Ramaiah, G. J., Cahandrasekarayya, T., & Murthy, P. V. (2011). Child sex ratio in India: Trends, issues and concerns. *AsiaPacific Journal of Social Sciences*, 3(1), 183-198. Retrieved from <http://www.socialsciences-ejournal.org/5.10.Chandrasekarayya.pdf>
- National Crime Records Bureau: Ministry of Home Affairs, 2022
- Bobbie Khanna, CEDAW and the Impact on Violence against Women in India, *UW Bothell Policy Journal*, 2013
- Women's Rights in India: An Analytical Study the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) The Indian Constitution, Legislations, Schemes, Policies & Judgements of and 2021. NHRC, India.
- Global Gender Gap Report, 2020 by World Economic Forum
- International Men and Gender Equality Study (IMAGES) Questionnaire
- Debarati Halder and K.Jaishankar, Cyber Victimization of Women and Cyber Laws in India, *Cyber-crime and the Victimization of women: Laws, rights and regulations*
- <http://www.cybervictims.org/CCVCresearchreport2010.pdf>
- Vina Majumdar, Political Ideology of the Women's Movement's Engagement with Law, 16, available at <http://www.cwds.ac.in/wp-content/uploads/2016/09/PoliticalIdeology.pdf>