

## Assignment of Political Science ( SEC )

Q Discuss the main legislations associated with violence against women in India?

Ans :- Violence against women occurs throughout the life cycle from prebirth, infancy, childhood, adolescence, adulthood to senescence. Most of the data are believed to be unreliable as many cases go unreported. Cases of violence against women are steadily increasing in the country. According to the National Crime Record Bureau, India, there is one dowry death in country every 78h, one act of sexual harassment every 59 min, one rape every 34 min, one act of torture every 12 min and almost one in every three married women experienced domestic violence.

Studies from India reported violence in 2019, in western India, 15.7% pregnancy related deaths in community series were associated with domestic violence. In Uttar Pradesh, 30% men reported beating wives. 22% of women of childbearing age from a pottar community were physically assaulted. 34% of those physically assaulted required medical attention.

The Crime Against women means direct or indirect physical or mental cruelty to women or crimes in which women are victims are characterized as Crime Against women. The official reports clearly showed above paragraph a declining sex-ratio between men and women, health status of women, literacy rate of women, work participation rate and political participation of women. While on the other hand the spread of

Date: \_\_\_\_\_

Social evils like dowry deaths, child marriage, domestic violence, rape, sexual harassment, exploitation of women workers are increasing day by day in different part of India. Humiliation, rape, kidnapping, molestation, dowry deaths, torture, wife beating etc. have grown up over the years.

### Classification of offences against women:-

The various provisions of India Penal code 1860 deals with various heinous crime against women happening in the society like rape, kidnapping, domestic violence etc. and prescribe punishment for offender and compensation to women who are victims of such crimes in order to prevent such crimes in society.

Crime against women (under Indian Penal Code, 1860)

- ① Rape (sec. 376, 376A, 376B, 376C, 376D)
- ② Kidnapping (sec. 350, 360, 366)
- ③ Assault to outrage modesty (sec. 354, 354B)
- ④ domestic violence (sec. 498A)
- ⑤ Sexual harassment (sec. 354A)
- ⑥ Dowry deaths
- ⑦ Eve Teasing (sec. 509)
- ⑧ chain snatching (sec. 378)
- ⑨ Acid Attack (sec. 326A, 326B)
- ⑩ stalking (sec. 354D)
- ⑪ women trafficking (sec. 370, 370A, 372, 373)

### 1. Rape related laws

Section 375 to 377 of the Indian Penal Code, 1860 deals with the sexual offences against women. In simple term it can be said that sexual intercourse

with a woman without her consent is "rape".  
Section 375 of Indian Penal Code, 1860 states that -  
A man is said to commit "rape" if he penetrates his penis or insert any object or a part of body into vagina, anus, mouth, urethra of a woman or make her to do so with him or any person, or manipulates any part of body of a woman so as to cause penetration in to vagina, anus, mouth, urethra of a woman or make her to do so with him or any person, or applies his mouth to the vagina, anus, mouth, urethra under the circumstances,

- ★ 1. Against her will.
- ★ 2. Without her consent
- ★ 3. With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.
- ★ 4. With her consent, when the man knows that he is not her husband, and that consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
- ★ 5. With her consent, when at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.
- ★ 6. With or without her consent, when she is under age of eighteen years.
- 7. When she is unable to communicate consent.

Exception 1 - A medical procedure or intervention shall not constitute rape.

2. Sexual intercourse by man with her

consent his own life, the wife not being under fifteen years of age is not rape

### Some examples of Rape

1. Mathura Rape case, 1972 Maharashtra.
2. Nirbhaya Rape case, 2012 Delhi
3. Hathras Rape case the incident comes a month after a 19 years-old was allegedly gang-raped by four men in Hathras on 14 Sep, 2020.

### Sec 367. Punishment for rape

Section 367 of the Indian Penal Code 1860 prescribes punishment for the crime. The offences can be categorized in various aspects as a rape of minor girl, rape of a woman (sec 376), rape with murder (sec 376A), rape in families, rape by public servants (sec 376C), gang rape (sec 376D) marital rapes (sec 376B). The punishment for these offences range from imprisonment upto 7 yrs to 20 yrs or life, imprisonment and also fine.

## 2. Kidnapping

Kidnaps any person from India or from lawful guardianship, shall be punished with imprisonment of either description for term which may extend to seven years, and shall also be liable to fine.

## 3. Sexual Harassment

Sexual harassment can be defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical harassment of sexual nature. It includes a range of actions from mild transgressions to sexual abuse or sexual assault showing pornography to women against her will etc. Acc to sec 354A of IPC if any person commits

on act of sexual harassment, he shall be rigorously imprisoned upto 3 yrs and fine.

### Laws related Domestic violence

Domestic violence is yet another term which is common in our country as women were and are considered to be the inferior strata of human society. The psychology was that the man earned and worked outside so he had the right to do anything with his wife. But with time, the trend changed and now women equally work. These acts of violence include beating, rape, forced sex etc. After years of 'Domestic violence', the parliament finally enacted the Protection of women from Domestic violence Act 2005 (PWDVA) to protect women. Section 498A of the Indian Penal Code prescribe punishment for causing cruelty to married woman. Sec 498A of Domestic violence Act, 2005 defines 1yr punishment and fine.

### Laws related to Dowry deaths

The evil practice of taking dowry in marriage is still common in the rural areas of India which if opposed results to deaths of women gradually. The number of such deaths has increased in the recent years. India further amended the Act in 1986, which shifted the burden of proof to the accused, increased imprisonment to at least five years, made the offense nonbailable, and appointed dowry prohibition officers. In 1986, India introduced the crime of 'dowry death' into the Indian Penal Code to address societal concerns about the dowry related death of newly married women. The newly

defined crime ensured that a husband on his family inflict torture or cruelty on a married <sup>resulting</sup> or cruelty on married woman resulting in her death would be punishable by a minimum of seven years imprisonment. Through these efforts I want to reduce dowry deaths, a lack of effective enforcement and judicial apathy has resulted in the continued rise of the killings of newly-wed women.

### Assault to outrage modesty (sec. 354)

whoever assaults or uses crime force to any woman intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

### Eve teasing (sec. 509)

Section 509 of the Indian Penal Code states that whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or includes upon the privacy of such woman shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

### Chain snatching (sec. 378)

Section 378 of the Indian Penal Code deals with the crime of theft. Chain snatching

is one of the active crime of theft against women in the modern society. The women belonging to the old age are most affected group of this crime. Section 378 of IPC, 1860 states that whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

### Acid Attacks

However scale of acids without proper information have been banned by the government of India. Acid attacks are still in trend & threaten women and hurt them. Sec 326A and 326B of IPC states that whoever voluntarily throws acid for grievous hurt or an assault shall be punished with imprisonment upto 7yrs to h.1 and fine.

### Stalking

stalking is a new crime in trend against women. stalking means breaching the privacy of women by following or regular contacts or monitoring on internet or any other electronic communication. whoever does so shall be punished with imprisonment upto 3yrs to 5yrs and fine.

### Women trafficking

The concept of women trafficking started in the late 20<sup>th</sup> century in India and is still in existence. Sec 370 describes various modes of trafficking which includes trafficking of minor girls, trafficking for the purpose of seduction etc.

Sec 372 and 373 states the buying and selling minor for the purpose of prostitution. The imprisonment term varies in each offence and range from 3yr to LT, and also fine.

Note → sections 326A, 326B, 356, 354A, 354B, 354C, 354D, 370, 370A, 375, 376A, 376B, 376C, 376D and 509 have been amended and by the criminal law (Amendment Act 2013)

### Sexual harassment at workplace

The sexual harassment of women at workplace (Prevention, Prohibition, and Redressal) Act, 2013 is a legislative act in India seeks to protect women from sexual harassment at their place of work. The Act came into force from 9 Dec 2013. This statute superseded the Vishaka guidelines for prevention of sexual harassment (POSH) introduced by the SC in India.

### Offences, laws related marriage

Chapter XX of IPC deals with offences relating to marriage. Following are main offences under this chapter :-

1. Mock or Invalid marriage (section 493)
2. Bigamy (section 494 and 495)
3. Adultery (section 497)
4. Criminal elopement - seduction (se-498)

New prohibition of child age marriage act 2006  
1986 sati prevention act are also included  
in this act.

### Laws related female foeticide



Date: \_\_\_\_\_

Female foeticide in India is the abortion of a female outside of legal methods. The natural sex ratio is assumed to be b/w 103 and 107 and any number above it is considered as suggestive of female foeticide. The Indian government has passed Pre-conception and Pre-Natal Diagnostic Techniques Act (PCPNDT) in 1994 to ban and punish pre-natal sex screening and female foeticide. It is currently illegal in India to determine or disclose sex of the foetus to anyone. However, there are concerns that PCPNDT Act has been poorly enforced by authorities.

Once rape has been committed, it confirms that all measures to stall violence have failed. Reaction in the form of declaration of enhanced punishment is largely an expression of helplessness and frustration. The emphasis should be on prevention and rehabilitation. Legislation by itself would not suffice because violence against women is a deep rooted social problem. Women cannot solve the problems by themselves. Women should understand men and men should understand women. Both should work together to eradicate the menace.

## Recommendations for combating violence against women

Mental illness → Psychiatric illness should be identified and treated promptly. Patients with active symptoms should be kept in a protected environment till substantial improvement.

takes place

Restriction on use of alcohol → There should be prohibition of alcohol use in mass gathering in institutions, public places like trains and buses. The numbers of alcohol outlets should be decreased so it decreased the crime against women.

Control on media → Sexual material should be censored good themes, which condemn violence and glorify rehabilitation of the victim, should be projected. Ban on pornography should be strictly implemented. The sites may be blocked

marriage → marriage of boys and girls should preferably be in early 20s, as soon as feasible, so that sexual needs could be satisfied in a socially appropriate manner

law enforcement → Efficient and accountable law enforcement machinery at all levels (administration, government, police, judiciary) is needed.

Legislation → Change in mind set of the judiciary → This is the need of the day.

Indira Jaising additional solicitor general of India, aptly stated, "It's time for India's courts to gaze inward and throw out deeply embedded patriarchal notions that stop judgments from being fair to women. Sexism within the system has to go before it does more damage in the country"

Amendments in existing legislations → The Hindu Marriage Act (1955) mental illness may be removed from conditions of Hindu marriage

PWDVA, 2005 and PPA, 1961 :- Assessment for mental illness may be incorporated in the code civil procedure so that the mental illness is identified in the victim.

Gender sensitization → Gender sensitization by parents and teachers is needed regarding the sensitivities and boundaries of men-women relationships.

Conclusion :- At the end these are several laws and offences and their punishment under Indian Penal Code to women. The government of India have made efforts in favor of women at workplace Act 2013, protection of children against sexual offences Act, 2013 etc recently. It has also amended the IPC and code of criminal procedure. The government is keen to bring laws for dowry related offences and for Honor killing. Cyber crimes crimes would be tackled sooner or later. In the recent years due to change in society, women are now, ready to fight for themselves and they are getting a huge support. We wish to change our society but first we have to change our thinking. When we see the ancient thinking of society this is according to the Mahabharat by cherishing the women one virtually worships the goodness of prosperity. We need to take back this thinking again if we don't take useful steps so there is a day in future no single female is left in our earth.

References :- Women related offences and laws are covered by book of Dr Vijay Kumar Bhatta name is 'Your laws and your rights'.

2. Women in IPC are covered by the book of Jai Kamala Sankaran, Ujjwal Kumar Singh.
3. Crime against women are covered by website [www.Indianbarassociation.org](http://www.Indianbarassociation.org)
4. Solution to decrease the offences are covered by the website - [www.ncbi.nem.nih.gov](http://www.ncbi.nem.nih.gov).

