



CRIMES AGAINST WOMEN: LAWS ABOUT THE MENANCE IN THE SOCIETY

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ABSTRACT

“Women” a very important and necessary part of this world, a human who has the greatest power to birth a new life, yet so underrated in our world, so underrated and suppressed that she is taken as an object and has her own gender-based crimes which has become a global issue.

This article talks about crimes against women, these crimes against women started with the start of patriarchy and a mindset of women being weak and inferior to men. Even in today’s modern world where women are working and are as efficient as men are, the old mindset is killing our society. In this article, I have tried to start as far as we go about the history of downfall of status of women in the society to the crimes against women that take place the most and have become a problem in the modern world. Looking at some surveys conducted all over the world about how the world countries are fighting to protect its women and how there are certain organizations who have decided to put their best foot forward to create a safer environment and improve their quality of life of victim/survivors of these gender-based violence, from huge amendments in the constitution to implementation of new laws

in order to punish the offenders of these barbaric crimes. I have concluded my article by talking about how, we as a part of the system can help in proper implementation of these laws and what we can do to have a safer environment and if not completely stop, then to at least control these crimes against women..

KEYWORDS

Women, Patriarchy, Violence, Rape, Global issue, Sexual Assault, Society.

ABBREVIATIONS

HIV: Human Immunodeficiency viruses,
AIDS: Acquired Immunodeficiency
syndrome, UTI: Urinary Tract Infection,
NGO: Non Governmental Organization.

1.0 HISTORY- Where it all started?

There was a time when women were valued as Goddesses, which tells us that women were held in high esteem as over 30,000 statues have been found of Goddesses from the ancient time and 97% of them were women, also known as ¹Venus figurines, but then something changed, the earth warmed and dried, people could now farm instead of following idols and started gathering crops, people started to live in one place and these societies became patriarchal in nature as women slowly started to take a downward spiral, they were viewed negatively and became nothing more than chattel, that is a property of men. We see that once a society becomes patriarchal in nature, a single strong male God became the central God and the

¹ Fagan, Brian M., Beck, Charlotte, "Venus Figurines", The Oxford Companion to Archaeology,

1996, University of Oxford Press, ISBN 9780195076189 pp. 740–741



role of women started to decline until it went out of existence.

1.1 ARCHAIC ERA- RISE OF PATRIARCHY

Around 8000BC to 1000,000 BC, societies took place to discovery of bronze and how to make ²weapons and equipments out of it which were in the possession of the man, life in this time frame was extremely unstable, wars broke in between neighboring tribes and villages all the time, women wanted protection for their children and as they were not skilled enough in using weapons as men were, they would have to allow themselves to a man who promised them protection. This is the initial underpinning of patriarchy, a system adapted by the society which had rights for the men in the society and women and children didn't. It was seen when the wars broke out the first slaves were women and children.

Men also knew that through Exogamy, that is marrying a woman outside your tribe, bring them into different tribes, and making them pregnant would make them part of their tribe.

1.2 MIDDLE AGES

During the medieval times, most people in Europe used to live in small world

communities and made their living from the land. The status of women in this time was often described by biblical texts, according to the bible since ³eve was responsible for the sin of mankind being evicted from the ⁴Garden of Eden, women were seen as morally weaker and inferior to men. The women were forbidden from receiving any kind of education or teaching and were instructed to stay silent.

In order to uphold these biblical texts, men made ⁵chastity belt, which were made out of bronze and had certain openings in the back and in the front. There was presence of ⁶Scold's Bridle or a silencing mask, a type of mask which was placed over a woman to let everyone in the community know that her husband or the community decided that she was way too chatty, opinionated and she was going to be publically shamed. When this was inserted in a woman's mouth, it had a tough piece on it which had nails on the bottom of it, to make sure she does not talk or move her tongue. If a woman did not change her ways, she was put into a ⁷dunking stool usually with the silencing mask over her head and was dunked into the water and was held down however long they decided to hold her down, creating huge panic as everyone watched, specially to the other women who were forced to watch.

² Anderson, David G.; Sassaman, Kenneth E...Recent Developments in Southeastern Archaeology: 'From Colonization to Complexity. Washington, DC: Society for American Archaeology_Press.

³ Womack 2005, pno. 81,

⁴ Metzger, Bruce Manning; Coogan, Michael D (2004). The Oxford Guide To People And Places Of The Bible. Oxford University Press. p. 62. ISBN 978-0-19-517610-0. Retrieved 22 December 2012.

⁵ Helen Sheumaker; Shirley Teresa Wajda (2008). Material Culture in America: Understanding Everyday Life . ABC-

CLIO . p. 404. ISBN 1576076474. Retrieved May 19, 2014 .

⁶ Mediæval London Sir Walter Besant: Adam & Charles Black, London; 1906 Vol.1 pp356-357 archive of section

⁷ One or more of the preceding sentences incorporates text from a publication now in the public domain: Chisholm, Hugh, ed. (1911). "Ducking and Cucking Stools". Encyclopædia Britannica. **8** (11th_ed.). Cambridge University Press,.,



We see that violence against women is today not a new phenomena, it is a primitive practice that has always been treated as a part and participant of social cultural value. Despite centuries old history, exploitation of women has not been acknowledged as a crime in its totality, many forms of oppression, intrusion are still socially accepted. These forms of exploitation have been socially and culturally justified with alternate purpose of maintaining a patriarchal order. Women are historically one of the most enslaved classes. History has told us that women are always being recognized as a second class citizen and their victimization was accepted and socialized as a natural phenomena, it was even considered that men had the right to beat their wives and women who were first, property to their fathers and then to their husbands, who could do as they pleased with their property.

According to ⁸Aristotle, “*Women may be said to be an inferior man/*”, one of the German philosopher said, “*When you go to meet a woman, take your weep along*”. Under common law women were treated as cattle. ⁹Napoleonic Era also shows the ways of violence against women, as according to the code ‘women are like walnut trees, must be beaten everyday’.

In Europe, it was a common view that a man had the right to beat his woman with a stick, not thicker than his thumb. Similarly, Indian culture follow the quotation of ¹⁰Tulsi Das that *Dhol*, *Ganwar*(Illiterate person), *Shudra*(lower caste), *Pashu*(Animals), *Naari*(Women) all these are subjected to be

beaten or harshly treated and only then they will remain under control.

Therefore, the history has made women subjugated to men making them tolerate all kinds of violence and atrocities. Women Rights Convention very well defined all these atrocities and what all crimes are faced by women in this modern era, with talks about women empowerment but the hearts still stuck to patriarchy.

2.0 MODERN DAY: TYPES OF VIOLATION/CRIMES AGAINST WOMEN

Violence against women can be divided into various broad categories, these violence against women can be based on various types such as violence by an individual(by a stranger or a family member), violence by police officials, violence brought by government authorities, violence through traditional practices. I will be talking about some of the most often conducted crimes against women.

2.1 RAPE:

All around the globe, a person committing the act of rape will be punishable. Rape is said to be “malum in se” which directly translated to ‘evil itself’ in Latin. Rape is one of the most brutal crime committed, it not only destroys the victim physically but also breaks the victim psychologically and emotionally. Rape is defined as forced act of sexual intercourse or any other kind of sexual penetration against another person. Victim of a rape is often seen as a boon to the society

⁸ Witt, Charlotte; Shapiro, Lisa (1 January 2016). Zalta, Edward N. (edition_). *Feminist History of Philosophy* (Spring_-.2016_ed.).

⁹ Edition of the Code Napoléon of 1804_

¹⁰ de Bruyn, Pippa; Bain, Dr. Keith; Allardice, David; Joshi, Shonar (2010). *Frommer's India*. Hoboken, New Jersey, USA: John Wiley and Sons. p. 471. ISBN 9780470602645.



and has to face society's harassment as well. The crime has become a global problem. India faced one of the most brutal rape case in December 2012 which not only shook the entire country but the countries worldwide, commonly known as the ¹¹Delhi bus rape case or Nirbhaya Rape case brought a revolution in the Indian law system, introducing various rape related laws through the ¹²amendment act of 2013. Rape can be of different types such as War-rape: Rape committed by combatant during war time/armed/military conflicts, Date Rape: Date rape can be defined as a rape done by a partner with whom one has a romantic or sexual relationship, Gang Rape: it refers to act of rape towards a victim by multiple violators. We still face a lot of problems towards rape laws, existence of multiple loopholes in the laws has made violators feel free and the long justice system in punishing such violators has made everyone question if women are safe at all?

2.2 SEXUAL HARRASSMENT

Sexual harassment refers to unwelcome sexual requests for sexual favors or other verbal or physical conduct of sexual nature due to a person's condition of employment or any other reason, Sexual harassment can be verbal, non-verbal, physical. One of the most common type of sexual harassment is 'Quid Pro Quo' in which a person who is normally a supervisor to the other person in a course of employment asking the other person for sexual favors in exchange of some kind of employment benefit, also commonly known to be sexual harassment at workplace. Such

act may lead to hostile work environment which may pollute the work environment as one person or a group of people harasses a colleague or a group of colleagues. People often get confused between sexual harassment and sexual assault, sexual harassment refers to asking for sexual favors or making sexual remarks whereas sexual assault includes attempt to rape, ¹³child molestation, forced sexual intercourse, forced ¹⁴sodomy etc.

2.3 DOMESTIC VIOLENCE

One can describe the act of domestic violence as an incident of threatening behavior, violence or abuse between adults who are or have been intimate partners or family members, regardless of gender or sexuality. Domestic violence can be sexual, financial, psychological, physical or emotional. When we talk about the main causes of domestic violence, we see that the causes of the act is basically the mindset of the violator, it can be jealousy, blame, denial or possessiveness or the feeling of domestic services, this is the thought that the partner (female) should be doing domestic work and if this is violated it results in violence. The reason why most of the victims of domestic violence hesitate or are unable to come out of the domestic violence can be fear of the violator, in some cases it maybe that the victim is not financially stable and has to depend on the violator for basic needs, Many a times a domestic violence between a couple is due to the feeling of still being in love or

¹¹ "Delhi gangrape: Chronology of events". The Hindu. New Delhi. 31 August 2013.

¹²

[https://harsamay.gov.in/PDF/The_Criminal_Law_\(Amendment\)_ACT_2013.pdf](https://harsamay.gov.in/PDF/The_Criminal_Law_(Amendment)_ACT_2013.pdf)

¹³ "Child Sexual Abuse". Medline Plus. U.S. National Library of Medicine. 2008-04-02.

¹⁴ Shirelle Phelps (2001). World of Criminal Justice: N-Z. Gale Group. p. 686. ISBN 0787650730. Retrieved January 13, 2014.



the feeling that it is okay for the partner to do such act.

2.4 ACID ATTACK:

Acid attack is a grievous crime, the victims of this crime are mostly women. The aim of the crime is to cause pain, disfigure or cause death of the victim by throwing acid or equally destructive substance. The attack not only disables a person physically but also mentally. Acid attacks are seen mostly in developing countries with Bangladesh at the top of the list. It has been seen that many a times the violator is a family member with cases of husband throwing acid on their own wife and sometimes their children as well. The most number of cases that are registered in India are of young women.

2.5 DOWRY DEATH:

Dowry refers to a form of gift, money, property transfer to the groom from the family of bride at their marriage. There are still many countries where amount or price of the dowry decides whether the marriage proposal will be accepted by the side of the groom or not. The custom is popular in parts of Asia, Balkans and parts of Africa. However, many a times this ¹⁵ custom takes a very deadly turn leading to deaths of married women who are either murdered or driven to suicide. Dowry Death is when a married woman is harassed or tortured by her husband and relatives for the demand or any dispute of dowry to an extent that it leads to murder or drives her to commit suicide.

2.6 HONOR KILLING:

Most women are bound by a rigid set of rules and restrictions that place the responsibility of family's honor solely upon them. Honor

crimes usually take place when a male relative claims that a woman has brought dishonor or shame to the family, which could have dramatic consequences to the victim, most often murder of a woman or a girl by male family member. Honor killing mostly seen in Islamic regions of Middle East, North Africa, South Asia (including parts of India)

2.7 FEMALE GENITAL MUTATION:

The cruel practice of female genital cutting of female genital mutation is happening more than one thinks of, young girls of age 6 -7 years are being cut. The reason for such inhuman act towards little girls and women that too through their own family and loved ones is for the reason of social acceptance, religion, enhancement of male sexual pleasure, preservation of virginity and many more, but is this worth all this?

2.8 WOMEN TRAFFICKING/ PROSTITUTION:

Women Trafficking is a form of sexual exploitation in which a woman is forced to perform sexual acts for their trafficker's customers, these sexual acts may include prostitution, pornography, exotic dancing, military prostitution etc. The victims of the trafficking can include girls of any age group. The trafficking is done by making the victim believe in any kind of false promises such as offering good job, education or even marriage proposals or sometimes by kidnapping the victims. The trafficking not only destroys the lives of the victims but also the children that are born through prostitution.. It has been seen that trafficking of women or humans is general is one of the

¹⁵ Rao, C.N. Shankar (2019). INDIAN SOCIAL PROBLEMS. S.Chand. pp. page=238. ISBN 978-93-848-5795-0.



fastest growing crimes today. The victims of trafficking not only suffer mental trauma but are also likely to acquire certain health complications such as ¹⁶HIV/AIDS, ¹⁷UTI, vaginal tearing, ¹⁸syphilis etc.

3.0 HOW THE WORLD IS FIGHTING AGAINST, CRIMES AGAINST WOMEN?

We live in 2020 now and our world is changing and developing, Globalization is happening and we are happy about it but is the situation of women changed in our society? This still remains a burning question. We still have not been able to change the fact that we live in a patriarchal society, the situation of a developed / developing country can be taken positive and maybe this helped it in becoming what it is today, but what about the undeveloped countries? What about the rural areas where a woman is still not treated equal to a man, in some cases a human being even? But now we have laws against domestic violence and there is this big question that if home is the safest place for a woman or not? We see various kinds of violence, killing of girl child in the womb of the mother itself or killing them slowly by not giving them proper education, food and making them feel they are second class citizens.

In United States Of America, the ¹⁹Violence Against Women Act, 1994 was passed during

the 90s, the bill was signed by the then President Bill Clinton, with the simple aim of creating a safer environment for women and protect them from various violence. The act was reauthorized in the years 2000, 2005 and 2013. An office has been set up for enforcing the act in the United States ²⁰Department of Justice which receives federal grants which are used to help the victims of rape, domestic violence, sexual assault etc and these grants are used to create partnership between federal, state, tribal and local authorities. The official federal government that have been established by President Barack Obama (the 44th President of United States Of America) has included in the act the

1. White House Council on women and girls
2. ²²the white house task force to protect students from sexual assault

INDIA: The revolution in the crimes against women in India took place after the December 2012 ²³Nirbhaya case that took place in Delhi and shook the whole nation, it led to the passing of the ²⁴Criminal Law (Amendment) act which widened the horizon of the definition of rape, making it a non-bailable offence. It has also revised in the

¹⁶ Weiss RA (May 1993). "How does HIV cause AIDS?". *Science*. **260** (5112): 1273–9. Bibcode:1993Sci...260.1273W. doi:10.1126/science.8493571. PMID 8493571.

¹⁷ Nicolle LE (2008). "Uncomplicated urinary tract infection in adults including uncomplicated pyelonephritis". *Urol Clin North Am*. **35** (1): 1–12, v. doi:10.1016/j.ucl.2007.09.004. PMID 18061019.

¹⁸ "Syphilis". CDC. 4 June 2015. Archived from the original on 21 February 2016. Retrieved 3 February 2016.

¹⁹ <https://fas.org/spp/crs/misc/R42499.pdf>

²⁰ <https://www.justice.gov/>

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<https://obamawhitehouse.archives.gov/administration/eop/cwg>

²² Memorandum: Establishing White House Task Force to Protect Students from Sexual Assault, WhiteHouse.gov, Washington, DC: The White House, 22 January 2014, Retrieved 10 June 2014.

²³ "Delhi gangrape: Chronology of events". *The Hindu*. New Delhi. 31 August 2013.

²⁴ "Anti-rape Bill passed". *The Hindu*. Chennai, India. 24 March 2013. Retrieved 24 March 2013.



section ²⁵376A that the rapist, who in the act of rape causes death or any neurological disorder to the victim of the act, should at least have a rigorous imprisonment of twenty years. The 2013 law also increased the age of consent from 16 to 18 years. In the judgment by Supreme Court, it was stated that the two finger test on a rape victim violates her privacy.

In the Kingdom of Jordan, a country in the Middle East, had a law earlier to 2016 according to which a rapist could avoid his prosecution by marrying the victim, this law was removed in a historic move taken by the Parliament of Jordan and abolished ²⁶Article 308 of the Penal Code which was later followed by Lebanon, abolishing ²⁷Article 522 from its Penal Code.

In the same year Tunisia announced its first ²⁸law to fight against crimes against women and recognized other forms of violence (except physical) such as economic and psychological violence.

4.0 THROUGH SURVEYS AROUND THE WORLD

Countries such as Denmark, Sweden, Norway, Canada, have always been seen at top of the list of being the safest and the best countries to live in for women, so what is it that makes these countries best and safest countries for women? And what is it that makes countries like India, Afghanistan,

Pakistan, Syria and Saudi Arabia and India the worst for women?

Denmark was ranked first in a survey conducted by ²⁹Insider, in 2020 for best countries to live if you are a woman, the country is known to be one of the best countries for women due to its child care and parental leave policies that helps, despite the fact that the sun sets in the country by 4, women are very much protected. Sweden, was ranked second, the country helps in eliminating pressure on a new mother by granting long parental leave and removing the stigma of working mothers being less competent to work, the country has also worked for reducing the pay gap between men and women. Sweden was followed by Netherlands, Norway and Canada, which is recognized for its constant good record of the gender gap and violence against women.

According to a survey by the ³⁰World Bank, there are 35% women all over the world who have experienced sexual or physical violence by a partner or a stranger, there are approximately 200 women who have suffered genital mutation and on worldwide scale 7% of women are sexually assaulted by someone who is not their partner.

²⁵

<http://www.pib.nic.in/newsite/erelease.aspx?relid=91979>

²⁶ "In historic vote, House abolishes controversial Art 308". The Jordan Times. 1 August 2017. Retrieved 1 August 2017.

²⁷ Bethan McKernan Beirut (17 August 2017). ""Lebanon Has Repealed Its 'Marry Your Rapist' Law"". The Independent.; ^ Massena, Florence "Lebanese activists succeed in first step to

repealing controversial 'rape law'" Al-Monitor, 12 December 2016. Accessed 20 January 2017.

²⁸

<https://www.unwomen.org/en/news/stories/2017/8/news-tunisia-law-on-ending-violence-against-women>

²⁹ <https://www.insider.com/best-countries-for-women-to-live-ranked-2020-1>

³⁰

<https://www.worldbank.org/en/topic/socialdevelopment/brief/violence-against-women-and-girls>



In a survey done by ³¹Thomas Reuters Foundation in 2018 (Annexure 1) showing the world's most dangerous countries for women, India topped the list, followed by Afghanistan, Syria, Somali and Saudi Arabia. It was said that India faces a lot of sexual and physical violence towards women through cultural and traditional practices, the country is a hub of trafficking and slavery. The violence against women in the country after the New Delhi bus rape case has outraged people and the rape culture in the country is increasing every year. Afghanistan was ranked second mainly due to its lack of healthcare, discrimination in workplace and non'-sexual violence such as domestic violence. Syria came third, due to the long civil war in the country, the country lacks proper health care facilities, economy and a lot of sexual and non-sexual violence.

5.0 CONCLUSION

5.1 WHERE TO GO FOR HELP?

There are various organizations who have come forward to help women in need to help them come out from being a victim of domestic violence or fight for their justice, to see their rapist or offender behind the bars and help them come out of the trauma that they face due to these crimes against them and help them live a normal life.

There are organizations such as ³²United Nations Women which helps to create a safer environment for women by the help of international agreements such as ³³UN declaration for elimination of violence

against women, the organization works for women on a global level for formation and enactment of various ways to protect women. We have Organizations such as ³⁴Association for Women's Rights in Development which was established in 1982 and works for women's human rights. A woman who has suffered from any kind of violence against herself should without any delay inform the crime to her parents or an elderly she trusts and knows will help her, the crime should be reported to the nearest police station else to a women safety NGO which would help her in giving justice and punishing the violator. There are organizations such as ³⁵Women for Women International which helps women to get job and earn money and make them strong enough to make their own decisions.

5.2 ACTIONS THAT MUST BE TAKEN

Violence against women has become a national agenda of many countries, we are living in 21st century and still we have bits of old barbaric mindsets within us which includes patriarchy, women are still suppressed and treated as one who is dependent on men. A lot of new laws have been introduced globally to protect women. Law plays a very important role, as its implication plays a very important role in our society but is it everything? The big question is where does our responsibility come? There have been cases of rape of a 8 month old child to rape/sexual assault cases of women as old as 80 years, which shows how cruel the world can be and how much we need to protect our women. As it is said, prevention is better than

³¹ <https://poll2018.trust.org/>

³² <https://www.unwomen.org/en>

³³

<https://www.un.org/en/genocideprevention/document/s/atrocity->

crimes/Doc.21_declaration%20elimination%20vaw.p
df

³⁴ <https://www.awid.org/about-us>

³⁵ <https://www.womenforwomen.org/>



cure, being impulsive and saying harsh things to the violator, is not the solution, as it is not going to bring any change. Even after the horrific ³⁶Nirbhaya case followed by ³⁷Priyanka Reddy case and many more, the frequency is of 10-15 rapes per day in India, the important thing is after all these incidents how do we react and fight for our women.. Some of the reasons that I have concluded through my research are as follows:

1. **Alcohol:** Many of the violators are in drunken state while committing the crime, I feel a drunkard person should not be allowed to roam in that state in public as once a person is in that state, the complete cruel side of the person continuously instigates him and the fact that as a society we are taking it as normal is not acceptable. Banning alcohol is not possible but banning people to roam drunk in public place can be done and having a much more affective police force for them can help a lot.
2. **Behavior Pattern:** The question is where do these cruel intentions come from? Acts of abusing and objectifying women is something just unacceptable. It has been said by one of the directors of RGV courts that this mindset of objectifying women, seeing women as a sexual desire should be treated scientifically. One should always be cautious about its surrounding and a person who has the ability to commit such hideous crimes is easily detected and as a member of society it is our responsibility to inform about any such negative changes we feel or see around us.
3. **Media:** One should not always trust the media as many a times it has been seen that the facts of the case is far way different than what was showed by the media, media often tries to

make people react, bringing another big news for themselves. It's our responsibility to know the correct facts and not believe everything we see on television or on our social media and react accordingly.

Looking at the changes that has taken place in the past decade, we have a hope that the mindset and the situation will get better in future as they already have from the past, all we have to do is keep our faith on the law makers and the justice system and perform our duties as members of the society, if not for us then for our women.

6.0 ANNEXURE 1:

The ten countries where it's worst to be female

Most dangerous countries for women ranked on 6 key criteria in 2018*



* Criteria include healthcare, discrimination, cultural traditions, sexual/non-sexual violence and human trafficking
n=survey of 550 experts on women's issues

© StatistaCharts Source: Thomson Reuters Foundation

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