Introduction

Socio – Legal Aspects of Crime against Women

In this research proposal I propose to study the Socio –Legal Aspects of Crime which are committed against women.

In this research, the researcher propose to analyse the socio legal status of women in the society. As Swami Vivekanand had said “that Country and that Nation that do not respect women hav never become great, nor even be in future”. Women are considered weak not only from physical point of view but also from sociological aspects also. When we refer to smritis, we notice that women has always been depend on man. During her childhood on her father, after marriage on her husband, and during her old age on her son. However in olden times we find saying “where womens are respected ther god resides”.

Over the years many enactments have been passed to take care of fare sex. Provisions pertaining to domestic life of women, properitary rights and women, social life of women and their personal rights are some of the examples of such progressive legislation. Hindu Marriage Act 1955, Child Marriage Restraint Act,1901, dowary prohibition act,1961 are some of the glorious examples to improve the situation.

Subordination of women has been caused by physical, economic, psychological and internal pressure. It has been observed that women suffer subordination since old times. Many scholars like Aristotle, Rousseau, Jeremy Bentham advocated equality but when it came to women they were helpless.

The neglect of women is high due to the incidence of female malnutrition, high morality, etc. The girls are considered as “parayadhan”, it is not profitable to spend the limited resource of the family on health and education of female child.

The most areas where a women is differentiated from men are, it is believed that men work harder and perform physical task and require more food.
Women are liability therefore do not deserve investments of resources and need to eat less. Also at workplace it is expected to be based on principles of providing equal opportunities, providing opportunity for growth and equal distribution of resources. However there is gender inequality here also.

The status of women has been subject to many great changes over the past few millennia. Women were considered inferior to men in practical life. From equal status with men in ancient times through the low points of the medieval period, to the promotion of equal rights by many reformers, the history of women in India has been eventful. The Constitution of India guarantees to all Indian women equality (Article 14), no discrimination by the State (Article 15(1)), equality of opportunity (Article 16), equal pay for equal work (Article 39(d)). In addition, it allows special provisions to be made by the State in favour of women and children (Article 15(3)), renounces practices derogatory to the dignity of women (Article 51(A) (e)), and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity relief. (Article 42)

However, women in India generally are still exposed to numerous social issues. According to a global study conducted by Thomson Reuters, India is the "fourth most dangerous country" in the world for women. The Government of India has taken all efforts to abolish the difference between men and women. According to the Constitution of India, men and women are equal before law. The government is laying special emphasis on the education of girls. Inspite of the fact that the constitution guarantees equalities of status, women do face certain atrocities.

Violence against women is defines "violence against women" as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."
The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women’s advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women.

Our Constitution urges for equality & dignity of all humans being. Article 15 states that state shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them or subject them to any. But even the Constitutional norms are violated without the slightest bit of hesitation. The list of crimes that are committed against women seems enormous, varying from simple harassment, physical or mental torture, to even denying the very right to exist. Article 15 (3), gives power to the legislature to make special laws for women. Exercising this power, the legislature enacted this act which deals against domestic violence. The law is yet to be implemented.

The following are some of the provisions made in favour of women, in our constitution:

Article 14 in the Indian Constitution ensures equality in political, economic and social spheres. Article 16 provides for equality of opportunities in matters of public appointment for all citizens. However, the ratio of women in Politics is far less as compared to men. How many women hold positions of power in government run institutions? Single women do not get jobs easily because the employers fear that they might get married and quit. They also find it hard to get rented accommodation whereas that is not the case with single men. Cricket is a religion in India. Is the government promoting cricket for women or any other form of team sport for women for that matter?
Article 15 prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc. There are certain places of worship in South India where women are not allowed entry. Advertisements of 'Fairness' creams are aired on television without any restrictions. It is shown in these ad-films that the 'brown' Indian woman can't get a job, can't find a man and is generally looked down upon by everyone but when she becomes fairer, the story changes.

Article 15 (3) of the Indian Constitution allows the State to make any special provision for women and children. Wife bashing is a favorite sport in India. Women are subject to physical and mental torture by their husbands and their families. Women and children are always under the control of the 'Male' head of the family. A child is identified by his father's name in this country. Whereas in western countries, the mother's name forms, the middle name, of a child. Article 39(a) mentions that the State will direct its policies towards securing all citizens, men and women, the right to means of livelihood while Article 39 (c) ensures equal pay for equal work. When a male government employee is transferred from one place to another, is his wife given a new job in the new place? Her career goals are of little importance to anyone. She can be displaced and uprooted anytime! The daily wages of women labourers in India are lesser than that of male menial workers. Bollywood Actresses also get less money as compared their male counterparts.

Article 42 directs the State to ensure just and humane working conditions. More often than not, women are exploited by their bosses. It is believed that women who keep their bosses happy get promotions very easily in the Corporate world! What about the others? Male colleagues never fail to make passes at women. Women have to put up with their bawdy jokes, lascivious remarks and glares, all the time. The plight of women labourers at construction sites, tea and rubber plantations etc, cannot even be described.

The constitution imposes a fundamental duty on every citizen through Article 15 (A) (e) to renounce practices derogatory to the dignity of women. What is the
government doing about eve-teasing? Can a woman spend an entire day on the streets of the National capital without getting a series of comments, derogatory to her dignity? Another law that protects women against a seemingly milder crime is Section 509 of the IPC. This law punishes individuals who have insulted the modesty of a woman. Offensive language, sounds, gestures and intrusion of a woman's privacy are punishable under this law. Outraging the modesty of a woman is also punishable under Section 354 of the IPC. Under this law, an individual who has assaulted a woman, used criminal force on her or outraged her modesty in any other way can be punished with imprisonment of up to 2 years. In fact the people who are employed by the State to ensure that people don't flout any rules, the policemen, are the ones who have given consequence to many crimes against women. Policemen are often found mouthing obscenities, glaring and passing bawdy remarks on women, not only on the roads, but also inside the police station. Many of our honourable politicians are also involved in all manner of crimes against women.

Laws such as the Immoral Traffic (Prevention) Act, Sati Prevention Act, Dowry Prohibition Act and Indecent Representation of Women (Prevention) Act protect women from the more "traditional" crimes such as rape, abduction, dowry, torture, molestation, sexual harassment and selling of girls into slavery. However trafficking of women is still very common in this poverty-stricken country. Women from economically backward families are kidnapped and forced into prostitution. Incidents of women being charred to death after their husbands' death, have been reported recently. Giving and taking dowry is officially, a crime but the practice goes on. In fact, it is taken for granted that if you want to get your daughter married you should arrange for her dowry first, even when your daughter is educated and financially independent.

Female foeticide and infanticide are common practices in this country. If at all the girl is allowed to live, she is subject to all forms of torture in her own house. She is not allowed to go to school, instead she is forced to take up menial jobs and married off almost as soon as she enters teenage. People in rural areas fear that
their daughters might be raped so it is better to get them married. Ironically, The Child Marriage Restraint Act specifies the cut-off age for marriage as 18 years, protecting women from child marriage. Women, be it urban or rural, face all forms of sexual harassment throughout their lives. So what is the use of these laws?

There are many women in India, who are caught in violent marriages. Owing to the social stigma attached to divorce, not many women have the courage to break free. Housewives account for 52% of the total female suicide cases in India. Section 306 of the IPC can punish the suicide victim's husband with up to 10 years imprisonment if found guilty. How many such men have been punished till now?

Thus, there are a number of laws to protect women, but what is the use of having these laws when no one follows them? In fact, the people whose business it is, to enforce these laws are the ones who publicly flout them. Besides, not many women are conversant with law and few are aware of the rights and privileges accorded to them by the constitution. So they suffer all forms of discrimination, passively.

Violence against women is a blemish on the society at large, it denies women their basic human rights and freedom. They become victim to the gender based violence such as domestic violence, sexual abuse, sexual slavery, exploitation and international trafficking of women and child forced prostitution and sexual harassment, racism, racial discrimination, pornography, armed conflicts etc.

Though there has been increase in the number of women using legal system to excercise rights, still there is lack of awareness among women of their rights. They are very occasionally motivated to assert their rights.
Through this researcher, the researcher will try to study the problem of crime against women and formulate the conclusion and try to give suggestion for upliftment and empowerment of status of women in the Indian society.