

# INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

---

Volume 2 | Issue 2

2020

---

© 2020 *International Journal of Legal Science and Innovation*

Follow this and additional works at: <https://www.ijlsi.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

---

This Article is brought to you for free and open access by the International Journal of Legal Science and Innovation at VidhiAagaz. It has been accepted for inclusion in International Journal of Legal Science and Innovation after due review.

In case of **any suggestion or complaint**, please contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication at International Journal of Legal Science and Innovation, kindly email your Manuscript at [editor.ijlsi@gmail.com](mailto:editor.ijlsi@gmail.com).

---

# Unheard Truths of Women Life's

---

AAKANSHA LATALA<sup>1</sup>

## ABSTRACT

*There are lot of explanation as the why crimes against women occur. Half of the world's population constitutes women. Women play vital role in development of society currently crime against women is a burning problem in India. In India women are subjected to violate attacks, rapes, child marriage and forced marriage, sexual abuse of female child, sexual harassment at workplace, marital rape, female genital mutilation, female feticide etc. The normalization of the abuse and the vulnerably of the women is some of the causers, although the tradition culture structure is one of the main reasons prevailing rates of crimes against women, the modern day mass media add on to this by creating stedrotyopopes of women as sexualized object more fuel to prevailing fire. Crime against women imposed significant social obstructions in many developing countries, the relationship between crime incidents and women's development is expected to be recursive where poor, economic and social status causes increased vulnerability among women which exposes them to the greater threat of violence against women including horrid crimes. The problem is grossly under – reported a number of incidents further neglected for crime against women an inefficient law enforcing machinery has been largely increasing the crime rate against women. Violence against women in India has gathered considerable attention in recent years with increasing public policy debates and current laws needs urgent legal reforms. Many steps have been taken through the years for the benefit of women, government and NGOs have been working towards this cause, to some extend have been successful too. Many such acts and laws have under gone amendments from time to time according to the changing patterns of crime so that women in modern world can lead a dignified life without any discrimination in a society which may be considered safe for women, but bon the other hand we as society also responsible for it somewhere.*

## I. INTRODUCTION

Crime against women means direct or indirect physical or mental cruelty to women. Women is subjected to criminal hardships in different forms such as eve – teasing, molestation, bigamy, fraudulent marriage, enticement of married women, dowry death, rape, sexual

---

<sup>1</sup> Author is a student at Manipal University Jaipur, India.

harassment at workplace, female child abuse, almost every women have gained tolerance towards and have experienced the feeling of being mistreated, trivialized, keep out put down, ignored, assaulted, laughed at or discriminated against because of her gender. <sup>2</sup> One of the most vulnerable category of women who is prone to become a victim of crime is the single working woman who reach out the world, work extra hours, are unable to quit jobs etc. and in addition to ongoing challenges, the state also have lack of infrastructure for a single working women who have to leave their families at an early age to work away from home. The most effective strategies that may support women are to organize like-minded groups and gathered together community resources and public services. Such approaches enable women to overcome resignation to the legitimacy of the established order are important factor in the perpetuation of imbalances of power between women and men. If women are to implement their empowerment occur not only within their personal spheres, but also is the broader spheres of the community and the state.

Women and girls are at the risk of different forms of violence at all ages, from prenatal sex selection before they are born through abuse of widows and elderly women. While sexual violence effect women of all ages, the changing nature of women's and girl's relationships with family members, peers, authorities etc.... And the different environment at home, in school, at work within the community etc. in which they spend their time expose women and girls to specific forms of violence during each phase of their life.

**RESEARCH METHODOLOGY** – The research methodology adopted for this paper is doctrinal, statutes and secondary sources of information like case laws, books, articles, papers, websites, newspapers etc.

## **II. THE CRIME AGAINST WOMEN CAN BE CLASSIFIED UNDER FOLLOWING HEADS / THE OFFENCES IDENTIFIED UNDER IPC, 1860**

- Rape
- Kidnapping, abduction, trafficking and prostitution
- Killing for dowary, dowary deaths or their attempts
- Mental and physical tauma
- Molestation
- Offences related to marriage
- Acid attacks

---

1. Rebecca Walker “ Becoming the third wave ” from Ms. Magazine, The women's Movement Today – An Encyclopedia of Third – Wave Feminism 6 ( Greenwood Press, U.S.A., 2006 )

- Honour killing

#### **Crimes under special and local laws.**

- Immoral Trafficking Act, 1956
- Dowry Prohibition Act, 1961
- Domestic Violence Act, 2005
- Indecent Representation Of Women Act, 1986
- Committing Sati Act, 1987
- The Prohibition Of Child Marriage Act, 2006
- Information Technology Act, 2000
- The Prevention And Protection From Witch Hunting
- The Medical Termination Of Pregnancy Act, 1971

Now we will briefly understand about crimes against woman under IPC

**RAPE** - section 375 deals with the definition of rape it says that a man is said to commit rape if he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person or inserts, to any extent any object or part of the body of the woman as so cause penetration into the vagina, anus, urethra of a woman or makes her to do so with him or any other person, under the circumstances falling under any of the following seven clauses. First against her will, secondly – without her consent, thirdly – with her consent, when her consent has been obtained by putting her or any other person whom she is interested, fourthly – with her consent when the man knows that he is not her husband and her consent is given because she believes herself to be lawfully married, fifthly – 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 which she gives consent, sixthly – with or without her consent when she is under 18 years of age, seventhly – when she is unable to communicate consent.<sup>3</sup>

#### **SECTION – 373 DEALS WITH BUYING MINOR FOR PURPOSES OF PROSTITUTION**

Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed and used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, of

---

<sup>3</sup> Inserted by the section 9 of the criminal law ( amendment ) act, 2013

knowing it to be likely that such person will at any age be employed or used for any purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

In *Emperor vs. Vithabai Sukkah*<sup>4</sup> justice Madgavkar, J. has said that the law does not specify the nature of the possession nor its duration, nor intensity. It merely specifies the object, namely, prostitution or illicit intercourse. This is the only test which in law is necessary and sufficient.

Passion implies sort of control, where a girl elopes with another on her own accord and there is nothing to show that she cannot leave him at any moment, she cannot be said to have possession of the girl.

### **KILLING FOR DOWRY, DOWRY DEATHS OR THEIR ATTEMPTS**

Under section 304(B) it says unnatural death of a married woman where motive for want of dowry existing and such death is taking place within 7 years of marriage from the date of the marriage is called dowry death.

In *Stair Singh vs. State of Punjab*<sup>5</sup> observed that the prosecution under section 304 B of Indian Penal code cannot escape from the burden of proof that the harassment to cruelty was relegated to the demand for dowry and such was caused soon after her death. The word dowry has to be understood as it is defined in section 2 of the dowry prohibition act 1961. Thus there are three occasions related to dowry before marriage, at the time of the marriage and at the unending period. The customary payment in the connection with the birth of child or other ceremonies, are not involved in the ambit of dowry.

### **SEXUAL HARASSMENT AT WORKPLACE**

Section – 354 a man committing any of the following acts –

Physical contact and advances involving or, unwelcome and explicit sexual overtures or,

A demand or request for sexual favors, or

Showing pornography against the will of a woman or,

Making sexually cultured remarks, shall be guilty of the offence of sexual harassment.<sup>6</sup>

### **DEALS WITH SELLING MINOR FOR PURPOSE OF PROSTITUTION**

Section – 372 whosoever sells lets to hire, or otherwise disposes of Any person under the age

---

<sup>4</sup> (1928) 30 BOMLR 613

<sup>5</sup> 1998Cr. L.J. 1666

<sup>6</sup> Criminal law ( Amendment ) 2013

of eighteen years with intend that such person at any age be employed used for the purpose of prostitution or illicit intercourse with any person or for any unlawful or immoral purpose shall be punished with the imprisonment of either description for a term which may extend to ten years, and shall be liable to fine.

The Devas custom in which monies are dedicated to the service of a temple as dais amounts to a disposal of such minors, knowingly it to be likely that they will be used for the purpose of prostitution within the meaning of this section.

### **FEMALE GENITAL MUTILATION**

According to the World Health Organization female genital mutilation comprises of all procedures involving partial or total removal of the external genital female organs for non – medical reasons. While it is carried out on the girls between the ages of 1 to 15 years occasionally adult married women are subjected to this process. The female genital mutilation par cites is very barbaric and derogatory practice against the women and their dignity. The victims of this practice not only suffer from physical but psychological problems, which may be long term and short term.

### **THE OFFENCES IDENTIFIED UNDER THE SPECIAL LAWS**

The constitution of India provides for special treatment of women, guarantees equality and prohibits discrimination. Women continue to be treated as the single largest under – privileged group in India. In such a context the role of justice is specially vital and important.

### **INDECENT REPRESENTATION OF WOMEN (PROHIBITATION) ACT, 1986**

An act to prohibit indecent representation of women through advertisement or in publication, waiting, painting figures or in any other manner and for matters c connected therewith or incidental thereto.

### **COMMISSION OF SATI (PREVENTATION) ACT, 1987**

The act provides for the more effective prevention of the commission of sati and its glorification and for the matters connected with or related to. Whereas the sati is or the burning or burying alive of widows or women is revolting to the feelings to the humans nature and now here enjoined by any of the religions of the India as an imperative duty, and where as it is necessary to take more effective measures to prevent the commission of sati and its glorification.

### **INFORMATION TECHNOLOGIES ACT, 2000**

This act widely covers the commercial and economic crimes which clear from the preamble

of the IT act. Most of the cases related to cyber-crimes against women reported to the police come within the ambit of section of 67 publishing or transmitting obscene material in electronic form of the Information Technology Act, 2000.

### **III. LAUCNA IN EXISTING LAWS**

1. The rape laws have a narrow definition have been citizen by Indian and International women's and children's organizations, who insist that including oral sex, sod my and penetration by foreign objects within the meaning of rape would not have been inconsistent with any constitutional provisions, natural justice and equality.
2. Also it does not recognize other forms of sexual assaults, like protected sexual assault by relatives, marital this causes grave injustice to many victims.
3. It does not address forced penetration of objects and parts of the body into the vagina, anus and forced oral or anal intercourse.
4. The definition of the dowry is not comprehensive enough the husband and his family can easily escape from the liability of demanding dowry by taking the plea of gift of marriage.
5. The definition of dowry death is also limited within the scope of cruelty; it should be enhanced to include other situations of harassment also.
6. The sexual harassment at workplace laws fails to recognize the LGBT community because they face the same problem.
7. Under the sexual harassment act 2013 women paid leave benefit for the first two children only in case of having three children the paid weeks will be reduced to 12 weeks. Which is not fair at all because women having three children will not get the benefit of paid leaves?
8. The women who works in unorganized sectors the law doesn't consider them important to address the issues of these women who worked in unorganized sector. In India around 118 million women are working in the unorganized sector.
9. There is no specific legislation and laws against FGM it falls in the category of grievous hurt under different sections of IPC.
10. The IT act, 2000 this act successfully in seating down the frame work of regulation in cyber space but this act is not completely effective in issuing penalties or sanctions against perpetrators who choose to misuse the reach of cyberspace.
11. The sati commission act unfortunately does not take into consideration two important facts; first the widow is the victim of her social environment and pressures, treating her instead as a criminal.

12. The second is that funds for the glorification of sati is offended donated not by individuals but by cooperate entities for publicity purposes or tax evasion.

#### **IV. SUGGESTIONS**

1. Gender based legislation – it is important to enact and enforce legislation and develop and implement policies that promote gender equality by ending discrimination against women in marriage, divorce, workplace, society.
2. Financial independence – improving women’s access to paid employment.
3. Improve system of collecting crime surveillance data on violence against women.
4. Male mediated initiatives – ensure male indolent in devising program for assurers.
5. Developing and resourcing national plans and policies – to address violence against women.
6. Prevent recurrence of violence – thoroughly early identification of women who are experiencing violence and providing appropriate referral and support.
7. Promote egalitarian gender norms – as a part of life skills and compressive sexuality education curricula taught to young people.
8. Gender based surveys – generate evidence on what works and on the magnitude of the problem carrion out population based surveys, or including violence against women as well as in surveillance and health information systems.
9. Government should arrange proper orientation programmers for women to appreciate the value and worth of women in family, society as a human person.
10. The trial of the victims should be done under the guidance of the women officers because to make it convent and comfortable for the victims who hesitate to speak.

#### **V. CONCLUSION**

Women are the backbone of progressive society as well as country also. In reality there is visible gap between the law as it stands and the law as it operates, which is regularly marred by incidents of overlying injustice. The inequalities that occur in daily working are a gap that should be closed. If equal justice for all is to become a reality in the country governed by rule of law. Hence it’s true that law alone is not suffice for the security of women but it should be fortified by the social awareness so the need of the hour is to create awareness among general masses about the rights of women in India and to provide them social justice to make the vision of the constitutional framework true. Much is required to be done for the dignity of women; society has to change its attitude. Both man and woman are equal and to achieve this objective both have to contribute equally with a change in their mindset. For this a deeper and

more sincere involvement of the state, society and especially very individual woman towards women's right is needed.

\*\*\*\*\*