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**MANIFESTATION OF CRIMES AGAINST
WOMEN AND PREVENTIVE MEASURES : AN
ASSESSMENT**

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ABSTRACT

Women are being neglected from ancient period. Today what we know as crimes against women, those were not crimes in ancient period. Women were habituated to tolerate those activities by a man, which we know as crimes today. They thought that these activities and behavior by a man are natural. But now civilization has changed. People's thinking also has changed today. For which those activities and behaviors by a man to a woman, are now considering as crimes against women. Today the matter of thinking is that, the crimes against women are increasing day by day. So many laws have been made to protect women. But the crimes against women are not decreasing. On the other hand Some Persons say that dress-code is cause of rape! But is it right? The researcher thinks that it is not a complete remedy for preventing the crime like rape and dress-code cannot be the only reason for rape. If we believe for sometimes that dress-code is one and only cause of rape, then a question comes that why the little girls are being raped? Dowry death is also a common crime against woman nowadays. It is very surprising matter that we see death of a woman for dowry in today's world. But the reality is that, as the parents adopt the son, similarly they adopt a daughter. Then why the parents of a woman will give money or jewellery for their daughter's marriage? The fact is that, we the parents of the bride are encouraging the greed of bridegroom's parents! We should feel the value of our female child. Otherwise, it will be impossible for to prevent crimes against woman in society. Hence, objective of the study is to find out the causes of violence against women as well as to find out the remedies for prevention of crimes against women in India.

Keywords - Violence, Crimes, Women, Causes, Remedies.

INTRODUCTION

Crime against women is not a new phenomenon in India and world also. But now it is a matter of thinking to us because those types of crimes are increasing day by day. Our Mothers and sisters are losing their security. Even some times a daughter is not safe to her father also! They are harassed in working place, tortured by family members. It is very surprising matter that we see death of a woman for dowry in today's world! But the reality is that how the parents adopt the son, in the same way a girl child adopted by her parents. Even then, the parent of a woman will give

money or jewellery as dowry for their daughter's marriage. What a terrific inequality and injustice in our society.

Today the greatest numbers of crimes are committed against them. And it is not only within the home but also outside of the domestic walls. The objective of the present study is to know the various types of crimes against women, to know about the laws relating to women as well as to think about the prevention of crimes against women.

Women are neglecting not only today's world but also from ancient period. Today what we know as crime against women, those were not crime in ancient period. Women were habituated to tolerate those activities by a man, which we know as crime today. They thought that this activity and behavior by a man are natural. But now civilization has changed. People's thinking also have been changed today. For which those activity and behavior by man to a woman, is now considering as crimes against women. Today the matter of thinking is the crimes against women are increasing day by day. So many laws have been made to protect women. But the crimes against women are not decreasing. So, it is the real time to think about the prevention of crimes against women. Because they are our mother, they are our sister and they are somebody's wife. Therefore, it is our social and moral duty to protect them.

CONCEPTUAL PERSPECTIVE

The term "crimes against women" is very difficult to put in words, but for the purpose of the study, we may limit the term by excluding the general crimes such as murder, robbery, cheating, etc. Although, a woman may be a victim of general crime but there are some special crimes where only a woman is targeted. Time and again, new legislations have been introduced and existing ones have been amended to combat offences against women; and effective mechanism has also been introduced. The legal provisions affecting woman are being reviewed periodically and amendments carried out to protect her according to the emerging requirements.¹

¹ Malik & Raval, LAW & SOCIAL TRANSFORMATION IN INDIA, Allahabad Law Agency, Haryana, Fourth Edition, 2017, p.112.

VARIOUS TYPES OF CRIMES AGAINST WOMEN

There are so many types of crimes against women, we see in our society. Some are terrific among them. Following are the common crimes against women.

1. RAPE

The offence of rape is defined under section 375 of Indian Penal Code, which says that, a man is said to commit rape, who has sexual intercourse with a woman, or 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 without her consent.²

2. MOLESTATION

According to section 354 of Indian Penal Code, Molestation is whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty.³

3. EVE TEASING OR SEXUAL HARASSMENT

According to section 509 of Indian Penal Code, eve teasing is whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, 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 intrudes upon the privacy of such woman.⁴

4. DOWRY DEATH

According to section 304B of Indian Penal Code, where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death” and such husband or relative shall be deemed to have caused her death.⁵

² THE PENAL CODE, 1860, Eastern Book Company, Lucknow, Thirty ninth Edition, 2018, p.109.

³ Id at p.101.

⁴ Id at p.152.

⁵ Id at p.90.

5. DOWRY DEMANDS

According to Section 4 of Dowry Prohibition Act, 1961, dowry demand is that if any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom.⁶

6. CRUELTY BY HUSBAND AND HIS RELATIVES

According to Explanation of Section 498A Cruelty means, i) Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman, ii) Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.⁷

7. KIDNAPPING

According to section 361 of Indian Penal Code, whoever takes or entices any minor under 16 years of age if a male, or under 18 years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.⁸

8. TRAFFICKING

According to United Nation General Assembly, trafficking means “the illicit and clandestine movements of persons across national borders, largely from developing countries and some countries with economies in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploited situations for profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking such as forced domestic labour, false marriages, clandestine employment and false adoption”.⁹

⁶ Supra Note 1. at p.155.

⁷ Supra Note 2. at p.146.

⁸ Id at p.104.

⁹ Supra Note 1. at p.156.

9. FEMALE FOETICIDE AND INFANTICIDE

Female foeticide is the process of finding out the sex of the foetus and undergoing abortion if it is a girl. And female infanticide means the practice of killing the girl child once she is born.¹⁰

HISTORICAL BACKGROUND

In historical background we shall discuss the status of crimes against women from ancient India to post Independence era. These are as follows:

ANCIENT ERA

In Ancient India an initiation was taken to provide women certain right by calling her as “Ardhangini”. Later Vedic period started many abusive trends such as sati system, Pardha system, Child marriage, dasi pratha, Niyog Pratha, and so on. Garuda Purana stated that “follow the laws of Vedas or else you will wrath in hell”, this period not only abused them with such trends but also punished for their disobedience. The punishment here was a periodic hell end of one hell starts the other. In short, we can say Vedas brought a cruel environment to women society.

Manusmriti had a difference with regards to women. Here women were educated, respected and there was clear agony against the dowry system. In fact, “Ladies First” trend was invented during those days. Education was usually for the Brahmins. When there are laws for the betterment of society there should be laws for its protection. This purity of manusmriti got polluted as it included many derogatory statements oppressing women such as “swabhav ev narinam”, “Avidvam samlam”, “Matra swastra” and many more.¹¹

MEDIEVAL AGE

Women in Medieval India were made overloaded with responsibilities. Even education was available to a very low extent. Slavery practice was also in process. In this era, women had been

¹⁰ Female foeticide and infanticide, Available at <http://vikaspedia.in/social-welfare/women-and-child-development/child-development-1/resources-on-safe-childhood-for-panchayat-members/female-foeticide-and-female-infanticide> (Last visited on 16.02.2019).

¹¹ Sweta Patil, “How were women oppressed during the ancient and medieval India- Analysis of Legislative Framework and Customary Practices”, IPLEADERS, Available at <http://blog.ipleaders.in/journey-of-indianowomen-oppression-since-ancient-days-till-the-present-day/amp> (Last visited on 19.02.2019).

given the title as Temple dancers, Devadasis and so on. Irrespective of the above point the freedom enjoyed by medieval women is nothing compared to a Democratic woman. Sati system, Pardha system, Child marriage was still in progress to Oppress Women.

During Medieval age, there was great potential importance for Dowry system in the form of “varadakshina”. Today, Even though there are laws governing the dowry system still many back word families believe in Dowry tradition. Only making laws doesn’t change the world, laws so made should be respected and followed.¹²

MODERN ERA

India is known for its historical variety and couldn’t leave its process of women Oppression in the history itself. Hence it continued even in modern India.¹³

PRE INDEPENDENCE ERA

The era of Pre-Independence started during the 18th century during the war against colonialism of British. Indian Traditional society didn’t bother about the modernization. The customs and practices were just the same as before. Later on, many freedom fighters and leaders started their fight for women’s rights. The great leader Mahatma Gandhi in his Non-violence Movement not only worked for the political freedom of country but also struggled for Indian women equality and progress by asking them to join freedom movements.¹⁴

POST INDEPENDENCE ERA

Next Comes the Era of Post Independence the 1st prime minister of Independent India Dr. Jawaharlal Nehru once said that “you can tell the Condition of a Nation by looking at the status of its Women”. Traditional people say that women have been given birth just to accompany men and to carry on their family line. The sociologist says that women should strive to get married, have kids, help husband, take care of family then her life is satisfied but on the other hand, man can have dreams, work outside, enjoy both family love as well as one’s own desire.¹⁵

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

INTERNATIONAL LEGAL ARENA

Crimes against women are not only a problem of India but also the problem of whole world. The whole world is compelled to think about it because the crimes against women are increasing day by day all over the world. In 1979, the UN General Assembly adopted the convention on the elimination of all forms of discrimination against women (CEDAW), is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The Convention defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

1. To incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
2. To establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
3. To ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life including the right to vote and to stand for election as well as education, health and employment. States

parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms.

The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.¹⁶

HIGHLIGHTS OF CRIMES AGAINST WOMEN IN INDIA

The following are highlights of the crimes against women in 2012.¹⁷

1. Crimes against women - 244270 (669 in a day, 28 in every hour).
2. Rape cases - 24923 (68 in a day, 3 in every hour).
3. Molestation under section 354 - 45352 (124 in a day, 5 in every hour).
4. Eve teasing under sec 509 - 9173 (25 in a day, 1 in every hour).
5. Dowry death - 8233 (24 in a day, 1 in every hour).
6. Dowry demand - 9038 (25 in a day, 1 in every hour).
7. Cruelty by husband and his relatives - 106527 (292 in a day, 12 in every hour).
8. Kidnapping - 38262 (105 in a day, 4 in every hour).
9. Trafficking and other sexual intended offences - 2763 (8 in a day).

¹⁶ Text of the Convention history states parties reservations country reports other UN Conventions on women, Available at <http://www.un.org/womenwatch/daw/cedaw> (Last visited on 19.02.2019).

¹⁷ Supra Note 1. at p.113.

SHOCKING STATISTICS ACCORDING TO NATIONAL CRIME RECORDS

According to National crime records, which reflect the social degeneration, almost 75 percent of rapists are married men who have sex regularly at home. 86 percent women do not feel safe in cities.¹⁸ 86 percent of rapes had been committed by close family members such as fathers, brothers and uncles, as well as neighbours, employers, co-workers and friends.¹⁹ On atrocities against women, it was found that for every reported rape case, as many as 68 rapes went unreported.²⁰

LAW RELATING TO CRIMES AGAINST WOMEN

There are two types of Statute in India for preventing the crimes against women.

1. Law of crimes against women under Indian Penal Code (IPC).
2. Law of crimes against women under the Special Laws.

1. LAW OF CRIMES AGAINST WOMEN UNDER INDIAN PENAL CODE (IPC)

- I. Rape under section 376.
- II. Molestation under section 354.
- III. Eve teasing or sexual harassment under section 509.
- IV. Dowry death under section 304B.
- V. Kidnapping under section 363.

2. LAW OF CRIMES AGAINST WOMEN UNDER SPECIAL LAWS

- I. The protection of women from domestic violence Act, 2005

¹⁸ Mamta Rao, LAW RELATING TO WOMEN AND CHILDREN, Eastern Book Company, Lucknow, Fourth Edition, 2018, p.101.

¹⁹ Nita Bhalla, “Almost 90 percent of India’s rapes committed by people known to victim”, REUTERS, Kolkata, 16th March, 2015, Available at <http://in.mobile.reuters.com/article/amp/idNKCN0QQ0QS20150821> (Last visited on 14.02.2019).

²⁰ Field study conducted in 2000 by the institute of Development and Communication (IDC) on atrocities against women, reported in India Today, 09.09.2002.

II. Dowry prohibition Act, 1961.

III. Immoral traffic (prevention) Act, 1956.

IV. The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 [PCPNDT Act]

PUNISHMENTS OF CRIMES AGAINST WOMEN ACCORDING TO LAW

Punishments for various crimes against women are given below:

1. RAPE: According to section 376 of Indian Penal Code, the punishment for rape is rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.²¹

2. MOLESTATION: According to section 354 of Indian Penal Code, the punishment for Molestation is imprisonment not less than one year but which may extend to five years and fine.²²

3. EVE TEASING OR SEXUAL HARASSMENT: According to section 509 of Indian Penal Code, the punishment for eve teasing is simple imprisonment for a term which may extend to three years, and also with fine.²³

4. DOWRY DEATH: According to section 304B of Indian Penal Code, the punishment for dowry death is imprisonment for a term which shall not be less than seven years but may extend to imprisonment for life.²⁴

5. DOWRY DEMANDS: According to Section 3 of Dowry Prohibition Act, 1961, the punishment for giving and taking dowry is imprisonment for a term which shall not be less than five years and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more. On the other hand According to Section 4 of the said act, punishment for dowry demand is imprisonment for a term which shall not be less than six months, but which

²¹ Supra Note 2. at p.111.

²² Id at p.101.

²³ Id at p.152.

²⁴ Id at p.90.

may extend to two years and with fine up to Rs. 10,000. The court is empowered to impose lesser sentence than prescribed, and to record adequate and special reasons in the judgment.²⁵

6. CRUELTY BY HUSBAND AND HIS RELATIVES: According to section 498A of Indian Penal Code, the punishment for cruelty by husband and his relatives is imprisonment for a term which may extend to three years and shall also be liable to fine.²⁶

7. KIDNAPPING: According to section 363 of Indian Penal Code, the punishment for kidnapping is imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.²⁷

8. TRAFFICKING: According to section 3 of Immoral traffic (prevention) Act, 1956, the punishment for trafficking for keeping a brothel is imprisonment for a term which shall not be less than two years and not more than five years and shall also be liable to fine, extendable to Rs. 2000.²⁸

9. FEMALE FOETICIDE AND INFANTICIDE: According to section 23 of the PCPNDT Act, the punishment for determination of sex of the foetus is imprisonment for a term which may extend to three years and with fine which may extend to Rs. 50,000 for the first offence and for any subsequent offence with imprisonment which may extend to five years and with fine which may extend to three years and with fine which may extend to one lac rupees. On the other hand the registered medical practitioner shall be reported by the appropriate authority to the State Medical Council for taking necessary action including suspension of the registration if the charges are framed by the court and till the case is disposed of and on conviction for removal of his name from the register of the Council for a period of five years for the first offence and permanently for the subsequent offence.²⁹ And for female infanticide in the case of Ramar @ Vijayalakshmi v. State of Tamil Nadu, Madras High Court upheld the conviction of applicant, and punished her for murder under section 302 of IPC.³⁰

²⁵ Supra Note 1. at p.155.

²⁶ Supra Note 2. at p.146.

²⁷ Id at p.104

²⁸ Supra Note 18. at p.190.

²⁹ The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994[PCPNDT Act, Available at http://chdsla.gov.in/right_menu/act/pdf/PNDT.pdf (Last visited on 26.02.2019).

³⁰ Supra Note 6. at p.174.

JUDICIAL INTERPRETATION

Indian judiciary has made many contributions towards the violation of these crimes which cause women oppression.

1. VISHAKHA v. STATE OF RAJASTHAN

In case of Vishaka vs State of Rajasthan women named Bhanwari Devi was brutally gang-raped by five men as she was working against child marriage. Trial court acquitted the five accused then Vishaka is a group which works for women took up the case to supreme court to bring justice to Bhanwari Devi and On August 13, 1997, the Supreme Court commissioned the Vishaka guidelines that defined sexual harassment and put the onus on the employers to provide a safe working environment for women.³¹

2. MARY ROY V. THE STATE OF KERALA

In case of Mary Roy vs. the State of Kerala, in this case, women were denied from giving equal inheritance rights as men from the lower court but the High Court overruled its judgment and in 1986 Supreme Court gave women to seek the equal share in her father property.³²

3. LATA SINGH V. STATE OF UTTAR PRADESH

Women got Right to marry and live with anyone of her choice supreme court, in this case, fought for the women rights and brought justice into light.³³

4. SUHAS KATTI V. STATE OF TAMIL NADU

In case of Tamil Nadu vs. Suhas Katti, a victim has been harassed by accused as she refused to marry him, she was even been sent defamatory and obscene messages through online victim filed the complaint in 2004 under Information Technology act and the accused was convicted within seven months.³⁴

³¹ <https://indiankanoon.org/doc/1031794/> (Last visited on 19.02.2019).

³² <https://indiankanoon.org/doc/1143189/> (Last visited on 19.02.2019).

³³ <https://indiankanoon.org/doc/1364215/> (Last visited on 19.02.2019).

³⁴ https://wikivisually.com/wiki/Suhas_Katti_v._Tamil_Nadu (Last visited on 19.02.2019).

HOW TO PREVENT CRIMES AGAINST WOMEN

Prevention of crimes against woman is now a challenge to us. It cannot be prevented only by law. There is need to change our mind and thought. We should be more careful about our girl child. And it is our duty to make them conscious about the crime which commits specially with them.

IS DRESS-CODE ONLY REASON FOR RAPE OR SEXUAL HARASSMENT?

Some persons say that dress-code is cause of rape or sexual harassment! But is it right? The researcher thinks that it is not a complete remedy for preventing the crime like rape. And dress-code cannot be the only reason for rape. If we believe for sometimes that dress-code is one and only cause of rape, then a question comes that why little girl are being raped?

HOW CAN BE PREVENTED THIS SERIOUS CRIMES LIKE RAPE AND SEXUAL HARASSMENT?

For preventing the serious crimes like rape there must be instances of penal punishment. And trial process should be end soon. On the other hand we have seen the statistics of national crime records which are saying that more than 86 percent rapist are known and relatives of victims. So we should not leave alone our female family member anywhere to a male relatives or known persons who are also alone at their home or anywhere except father, Uterine brother etc. And it is also a duty of a woman to wear decent dress and not to wear any provocative dress in front of family member including her father and brother, particularly when she is alone with them. It should know it we shall do this for our own safety not for disbelieving to others.

WE MUST FEEL THE VALUE OF OUR FEMALE CHILD TO PREVENT CRIMES AGAINST WOMEN.

If we want to stop crimes like dowry death, dowry demands, female foeticide and infanticide, we must feel the value of our female child. It is very surprising matter that we see death of a woman for dowry in today's world. But the reality is that as the parents adopt a son, similarly they adopt a daughter. Then why the parents of a woman will give money or jewellery for their daughter's marriage? The fact is that, we the parents of the bride are encouraging the greed of bridegroom's parents! We must remember that who commits a tort and who tolerate even after seeing to do that, both are same guilty.

On the other hand, it is limitation of our thinking that we are unable to think a woman can be an officer, she can be a doctor, she can be a lawyer, she can be a Judge, she can be a professor, she can be a teacher, even she can be a president or prime minister of a country. At present women are able and frequent to take responsibility and care of their parents same as a man. Even some times they are better than a man. Then why we commit crimes like female foeticide and infanticide! We must change our thought and we have a duty to make people more conscious to feel the value of a female child.

SUGGESTIONS

1. We see often in our society that rape has been occurred by blackmailing to a girl. So it is our duty to report police station, if we see any photos in social media which destroy women's dignity.
2. There is need to create an school, club or group to discuss freely about the violence against women. Specially there is need to call the rape victim in this school or club to bring back their morale.
3. When girls tell about her rape, trust her and give her sympathy and love because she needs it. It is extremely rare for girls to make a story about rape or abuse. You may be the first and only person she tells. Believe her and support her, without being judgmental.
4. Do not leave alone any female family member with any known or unknown person except father and uterine brother.
5. Behave properly with a rape victim and do not look her with twisted eyes.
6. Say to girls not to wear any provocative dress even in front of any relative, specially, when she is alone with him.
7. Say no to Dowry demands in any conditions.

CONCLUSION

Crimes against woman are horribly increasing day by day. There are so many laws have made to prevent crimes against women. We must take help of these laws. But it is our moral duty not to abuse of these laws. We are seeing that the laws relating to crimes against women, particularly section 498A of IPC which is related to punishment for cruelty by husband and his relative and section 304B of IPC which is related with the punishment of dowry death, are abusing more for intentionally harassing a man. But we must remember that such careless activity can destroy the supportive mentality, sympathy, preventive activity of a man when the real crime will commit.

On the other side it also be remembered that only laws cannot prevent crimes against women. We should take so many careful steps to prevent crimes against women which we discussed above. We must change our traditional mentality. We must feel the value of our female child. Otherwise, it will be impossible to us that we shall prevent crimes against women.

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