
HEAR HER FEAR: UNDERSTANDING THE RISE IN OFFENSES AGAINST WOMEN DESPITE SOCIETAL ADVANCEMENTS

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ABSTRACT

The issue of offences against women has always been a concern within our culture. Throughout history, societies have been faced with the issue of ensuring the safety and well-being of women, requiring the development of new rules and regulations. Several changes have been implemented in current legislation, alongside the introduction of advanced technologies, with the aim of reducing acts committed against women. Over the years, there have been instances of heinous crimes committed against women, such as the famous Nirbhaya case. This particular incident has compelled us to critically review the effectiveness of trial and legal procedures. Currently, many forensic techniques, new police methods, and the implementation of fast-track courts are being employed. However, there is not enough of data indicating a decrease in the incidence of crimes against women. This article seeks to examine the factors contributing to the rise in crime rates targeting women.

Keywords: offences against women, modern society, gender inequality

Introduction

Violence against women stems from social structures that reinforce male superiority, influenced by cultural norms and gendered family roles.¹ The recognition of gender-based violence as a violation of human rights was first established during the World Human Rights Conference in Vienna in 1993. In 1993, the United Nations declaration established a comprehensive definition of violence against women as covering any form of gender-based violence that causes or is likely to cause physical, sexual, or psychological harm or suffering to women. This includes acts such as threats, intimidation, or arbitrary restrictions on their freedom, regardless of whether they occur in private or public places.² Due to her gender, women are susceptible to experiencing a range of violent acts, including rape, female circumcision/genital mutilation, female infanticide, sex-related crimes, dowry-related issues, post-marriage domestic violence (both mental and physical), and even death resulting from dowry disputes. Sometimes women lead to suicides by different means⁴⁹. Additionally, women belonging to specific social groups may face heightened risks of violence during periods of conflict or civil war. In instances of ethnic, caste, or class violence, it is not uncommon for a woman to experience the heinous act of rape and brutalization, serving as a method to degrade and shame the community to which she is connected. This also relates to the manner in which males perceive female sexuality and define women as possessions of males³.

Some researchers have the opinion that the conduct of offences against women can be linked to illiteracy as a significant factor. In the modern era of the 21st century, with the increasing literacy rate of the population exceeding 77%, there is still no sign of decline in offences committed against females⁴. We have a variety of tools at our disposal to control the crime rate in this technological age, including the judiciary, forensic science, and the police, but the results have not been encouraging. This study aims to explore the underlying causes of offenses against women despite advancements in female literacy, legal frameworks, law enforcement, and forensic support, by analyzing socio-cultural, psychological, and systemic factors that perpetuate such crimes.

Common Offences against Women

From the moment of her birth, or perhaps prior, a female person can become vulnerable to victimization or the focus of criminal activities. The following paragraph provides a concise overview of offences:

- a. **Female Foeticide and Infanticide:** At the time when gender determination of the foetus was easily available, the incidence of female foeticide was widespread. Several cases of female infanticide were documented. Even in modern times, there exists a common belief that daughters are regarded as burdensome due to their temporary role within the family, which ends upon their marriage and then their move into another family⁵.
- b. **Rape and Sexual Harassment:** Rape is a grave crime involving non-consensual intercourse, with 91 cases reported daily in 2018, and 94.2% of perpetrators being known to victims. Sexual harassment includes unwelcome advances, coercion, verbal or physical abuse, and acts like forced exposure to pornography, ranging from minor offenses to severe assault.⁶.
- c. **Honor Killing:** Honor-based crimes, including murder and violence, persist in India, driven by caste, societal, and familial pressures. These offenses involve emotional, physical, and sexual abuse, often enforced by panchayats to deter personal-choice marriages. Such actions violate fundamental constitutional rights, including life, liberty, and free association.⁷.
- d. **Dowry:** The practice is extremely common in India. Even within highly educated groups, it is regarded with a sense of pride. The exchange of dowry is not the sole transaction in relation to the marriage of a daughter. A sequence of rituals is observed in relation to the female members of the household. During several ceremonial events related to pregnancy, childbirth, and the ear-piercing of female children, it is common to present gifts in the form of cash or physical items to the family of the spouse. The failure to meet the demands for dowry can result in various negative consequences inside marriages, including as broken marriage, instances of mental and physical abuse, and even fatalities sometimes referred to as dowry deaths⁸.
- e. **Domestic Violence:** Domestic violence extends beyond spousal abuse to include family members and encompasses physical, psychological, and emotional harm. It ranges from physical assault to verbal humiliation, restricted freedom, and social isolation. Victims often endure abuse silently, hoping for change, but without support, the violence usually escalates, leading to helplessness, guilt, and low self-worth⁹.

Legal Provisions for safeguard of women

Despite legal protections, crimes against women continue to rise, as reported by the NCRB. The Indian Constitution upholds gender equality through various provisions and empowers the State to implement affirmative actions to address women's socio-economic, educational, and political disadvantages. Several legal provisions specifically safeguard women's rights.

Constitutional Provisions: The constitution of India guarantees the equal standing of women within our society. The inclusion of Article 14, which ensures equal political, economic, and social opportunities for both men and women, and Article 15, which prohibits discrimination based on religion, ethnicity, caste, sex, and other grounds, among others, are significant constitutional provisions that serve as robust protections for the protection and empowerment of women¹¹.

- a. **IPC Provisions:** The Indian Penal Code has significantly contributed to the reduction of these heinous acts perpetrated against women. The criminal offences including acid attack (under section 326 A), rape (under section 376), outraging the modesty of a woman (under section 354), sexual harassment (under section 354 A), disrobing a woman (under section 354 B), voyeurism (under section 354 C), stalking (under section 354 D), cruelty committed by a spouse or relatives of the husband (under section 498A), and dowry death (under section 304B)¹²,
- b. **Dowry Prohibition Act 1961:** This act was enacted to prohibit dowries in any form from being given or received. The definition of the term 'dowry' as it relates to property, products, or money contributed by either of the entering spouses is justified by the Dowry Prohibition Act of 1961¹³.
- c. **Maternity Benefit Act 1961:** Female employees are granted a period of 12 weeks of maternity leave during which they get their full salary¹⁴.
- d. **The Medical Termination of Pregnancy Act of 1971:** It provides protection for women against the enforcing of needless and involuntary termination of pregnancies¹⁵.
- e. **Commission of sati (Prevention) Act (1987):** It aims to enhance the effectiveness of preventing the occurrence or propagation of sati, a practice involving the voluntary or forced burning or buried alive of widows. Additionally, it would prohibit the glorification of such acts through the performance of any associated ceremonies¹⁶.

- f. The Protection of Women from Domestic Violence Act 2005:* This is a comprehensive measure aimed at safeguarding the rights and well-being of women, particularly within the context of domestic relationships, by addressing and preventing all forms of abuse¹⁷.
- g. The Sexual Harassment of Women at work place (Prevention and Protection) Act 2013:* It offers safeguards to women against instances of sexual harassment in all professional environments, encompassing both public and private sectors¹⁸.
- h. Equal Remuneration Act 1976:* The provision ensures that men and women workers receive the same wages for performing the same tasks or engaging in employment that is comparable in nature. Additionally, it serves to prohibit the occurrence of gender-based discrimination against women in the areas of recruitment and service conditions¹⁹.
- i. The Child Marriage Restraint Act of 1976:* This legislation increases the minimum age for marriage of females from 15 years to 18 years, and for males from 15 years to 21 years²⁰.

National Initiatives for Women Empowerment

- a. National Commission for Women:* In January 1992, the establishment of a statutory body was initiated by the Government. This organisation was assigned a specific purpose, which involved the examination and monitoring of various issues pertaining to the constitutional and legal protections afforded to women. Additionally, it was tasked with conducting a comprehensive assessment of current legislation and proposing revisions as deemed appropriate²¹.
- b. Beti Bachao Beti Padhao Scheme:* The Beti Bachao Beti Padhao Scheme was inaugurated on January 22, 2015, by the Prime Minister of India in the state of Haryana. The primary objective of the women empowerment initiative is to promote the well-being and advancement of female minors by focused efforts. These initiatives include efforts to tackle the decreasing sex ratio, raise public consciousness regarding gender equality, and improve the effectiveness of existing welfare programmes designed specifically for girls²².
- c. One Stop Centre Scheme (2015):* The One Stop Centre Scheme is essential to the

women's empowerment initiatives of the Indian government. This scheme, which is sponsored centrally and funded by the Nirbhaya fund, aims to furnish state governments with one hundred percent central assistance in order to safeguard women who have been subjected to gender-based violence in the public as well as the private sectors. To combat all forms of violence against women, the programme offers emergency medical, legal aid, and counselling services, in addition to non-emergency services, all in one place²³.

- d. ***Women Helpline Scheme (2016):*** The Women Helpline Scheme is a governmental effort that offers round-the-clock emergency assistance to women who have been subjected to assault in both public and private areas via one toll-free telephone number²⁴.
- e. ***SWADHAR Greh (A Scheme for Women in Difficult Circumstances):*** The primary objective of the Scheme is to offer comprehensive support to women who have experienced challenges, including provisions for shelter, food, clothing, healthcare, and both economic and social welfare²⁵.
- f. ***National Plan of Action for the Girl Child (1991-2000):*** The Government of India has developed a carefully planned strategic initiative aimed at safeguarding and advancing the welfare of female children. The introduction of this initiative aimed to address several pressing issues, including the prevention of female foeticide and infanticide, eliminating all forms of gender discrimination, the provision of accessible sources of safe drinking water and fodder in close proximity to residences, and the rehabilitation and protection of girls from exploitation, assault, and abuse²⁶.
- g. ***UJJAWALA (1st April 2016):*** The program aims to rescue, rehabilitation, and reintegrate victims of commercial sexual exploitation and trafficking. Implemented by the State Government's Social Welfare Department, Women's Development Corporations, Urban Local Bodies, reputable public/private trusts, and voluntary organizations²⁷.
- h. ***Working Women Hostel Scheme:*** In 1972-73, the Government of India implemented a grant-in-aid programme for the construction of new structures or the expansion of existing ones, with the aim of furnishing hostel facilities for working women residing

in urban, smaller town, and rural regions that offer employment opportunities for women. In order to facilitate the provision of secure and conveniently situated lodging for employed women who are compelled to reside apart from their families on account of professional obligations, this programme has been modified²⁸.

- i. **Nari Shakti Puraskar:** It is the "annual award presented by the Government of India's Ministry of Women and Child Development to institutions or individual women who campaign for the empowerment of women."²⁹.
- j. **Awardees of Stree Shakti Puruskar, 2014:** Five national honours known as "Stree Shakti Puraskar" were established by the Indian government to recognise the contributions of specific women to social development. A certificate and a cash incentive of Rs 1 Lakh constitute the award. The awards bear the names of notable women who have made contributions to the annals of India: Rani Ahilya Bai Holkar, Kannagi, Mata Jijabai, Rani Gaidenlou Zeliang, and Rani Laxmibai³⁰.
- k. **NIRBHAYA Fund:** "For initiatives that are specifically formulated to enhance the security and protection of women. It is a non-lapsable corpus fund administered by the Ministry of Finance's Department of Economic Affairs³¹"

Women Education in India

In recent years, there have been reports indicating significant advancements in the field of girls' education in India. The literacy rate has witnessed a notable increase compared to previous decades. According to the available statistics from DISE and U-DISE for the years 2012-2015, there has been a notable rise in the involvement of female students throughout various educational levels, including primary, secondary, and higher education. This trend can be attributed to an increase in student enrollments and a decrease in dropout rates observed over the specified time period³².

Table 1: Year wise literacy rate between male and female literacy rate (1901- 2011)

Year	Male	Female
1901	9.8	0.7
1911	10.6	1.1
1921	12.2	1.8
1931	15.6	2.9
1941	24.9	7.3
1951	24.9	7.3
1961	34.4	13
1971	39.5	18.7
1981	46.9	24.8
1991	63.9	39.2
2001	76	54
2011	82.14	65.46

Based on the data shown in Table 1, it can be inferred that the literacy rates of both males and females have exhibited an upward trend throughout the span of 110 years. The literacy rate for men has experienced an increase of 72.34%, while for women it has seen a rise of 63.76%. This observation indicates the presence of gender inequality within the realm of education.

Criminal Justice System and its Reformation

The goal of the criminal justice system is to protect everyone's rights and safety by preventing, detecting, prosecuting, and punishing illegal activity. It is made up of various laws, procedures, and organisations. It consists of establishments such as law enforcement agencies, courts, legislatures, and various supporting organisations including forensic and investigative agencies³³.

The criminal justice system is composed of three main parts, as previously mentioned: the judiciary, the investigation bodies, and the corrections. Together, these three seek to bring those responsible for previous crimes to justice while also aiming at preventing future crimes. Since independence, a number of shortcomings or problems have been noted in the way these have operated, including overcrowding in prisons, police violations of victims' human rights,

torture³⁴ and rape in custody³⁵, refusals to file a formal complaint³⁶, biased investigations, delayed justice, and lack or incomplete evidence³⁷.

The National Police Commission (1961), the Malimath Committee (1980), the All-India Jail Reform Committee (1980), the Krishnan Iyer Committee (1988), the Fast Track Courts, and other initiatives have been implemented by the government to address these issues. With the intention of lowering the crime rate and improving the administration of justice, each of these actions affected the criminal justice system's operation, either directly or indirectly. However, the prior tables in this article show a direct increase in the rate of crime.

Forensic in Criminal Justice System

Through a thorough examination of the facts, forensic science supports the investigative bodies. In forensic science, there is a law of analysis that states, "No analysis can be better done than the sample analysed." It implies that the collecting, preservation, and packaging of evidence at a crime scene must be done perfectly. Incomplete and defective evidence is inadmissible and tends to favour the culprit. Currently, India has roughly 37 State and 7 Central Forensic Science Laboratories, as well as several Fingerprint Bureaux. In addition, a number of jurisdictions have developed District Mobile Forensic teams and Regional Forensic Science Laboratories to quickly respond to crime scenes. Department of Biotechnology, Ministry of Science and Technology, Government of India, has created an advanced Centre for DNA Fingerprinting and Diagnostics (CDFD) in Hyderabad. Since Professor Alec Jeffreys established DNA profiling in London in 1985, the Centre for Cellular and Molecular Biology (CCMB) in Hyderabad, CFSL in Hyderabad, and CFSL in Kolkata have been the first institutions in India to offer this service for criminal cases³⁸.

The proper examination of evidence is currently accelerated by the use of various forensic techniques, such as proteomics⁴⁰, DNA profiling³⁹, and others. All of these methods are now helpful in providing a fast, objective analysis of evidence connected to crimes against women, including bite marks, under nail scrapings, hairs, nails, saliva, and semen.

It is undeniable that the application of these methods increases the conviction rate, particularly for crimes against women, and yields good outcomes in the acquittal of innocent parties. There are numerous instances where the employment of these forensic instruments and methods resulted in the accused being punished quickly. These findings may be cause for happiness, but

if we look at the other side of the coin and the table of crimes against women during the past few years, we see that the rate of crime registration and commission is positively rising. The primary query remains: What is the primary reason behind crime against women in India?

Crime against Women in India

According to the latest figures from the National Crime Record Bureau, there has been a notable rise in the number of recorded cases of crimes against women in 2021 as displayed in figure 1.

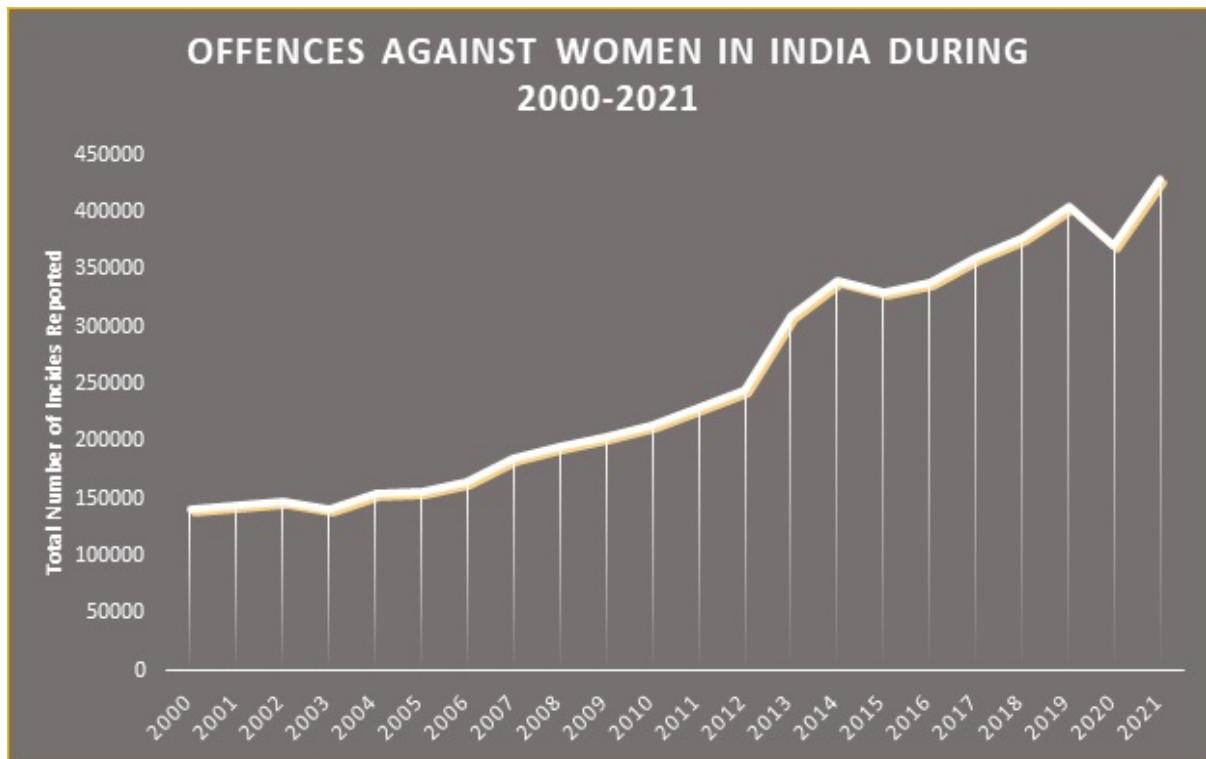


Figure 1: Showing the crime rate against women in India during 2000-2021.

Specifically, a total of 428,278 incidents were reported, indicating a 15.3% increase compared to the previous year's figure of 371,503 cases. The majority of cases pertaining to crimes against women under the Indian Penal Code (IPC) were reported under the category of "Cruelty by Husband or His Relatives" (31.8%), followed by "Assault on Women with Intent to Outrage her Modesty" (20.8%), "Kidnapping & abduction of Women" (17.6%), and "Rape" (7.4%).

The table 2 provides a comprehensive overview of crime incidents against women in India from 2000 to 2021, highlighting trends across different crime categories. Over this period, rape cases have surged by 92.02%, increasing from 16,496 in 2000 to 31,677 in 2021,

reflecting a concerning rise despite increased awareness and stricter laws. Dowry deaths, however, have shown a slight decline of 3.45%, suggesting some impact of legal measures against this social evil. Cases of cruelty by husbands and relatives have seen the most alarming increase of 197.59%, growing from 45,778 in 2000 to 136,234 in 2021, emphasizing the persistent issue of domestic violence. Similarly, molestation cases have surged by 170.79%, pointing towards a significant rise in physical assaults against women. Sexual harassment incidents have also increased by 59.09%, highlighting the need for better workplace and public safety measures. On the positive side, importation of girls has drastically declined by 96.87%, indicating stronger enforcement of anti-trafficking laws.

Table 2: Showing Crime Head-wise incidents of Crime Against Women during 2000-2021 (NCRB)

<i>Crime Head</i>	<i>2000</i>	<i>2003</i>	<i>2006</i>	<i>2009</i>	<i>2012</i>	<i>2015</i>	<i>2018</i>	<i>2021</i>	<i>Percentage Variation (between the year 2000 to 2021)</i>
Rape	16496	15847	19348	2139 7	24923	34651	33356	31677	92.02%
Dowry Death	6995	6208	7618	8383	8233	7634	7166	6753	-3.45%
Cruelty by Husband and Relatives	45778	50703	63128	8654 6	10652 7	11340 3	10327 2	13623 4	197.59%
Molestation	32940	32939	36617	3871 1	45351	82422	89097	89200	170.79%
Sexual Harassment	11024	12325	9966	1100 9	9173	8685	20962	17539	59.09%
Importation of Girls	64	46	67	48	59	6	4	2	-96.87%

This is quite clear from the above-mentioned table 2 that offences against women are increasing with an alarming rate. Rape, cruelty by husband or relative, molestation, sexual harassment has increased two to four times between the years 2000-2021 despite of social advancements such as increased female literacy, rules and regulations, government programs and policies, use of technology and Forensics for the betterment of criminal justice system. We need to analyze the key factors and root causes that are responsible for increased crime rate against women.

Discussion

The National Crime Records Bureau (NCRB) reports that while strong legislative safeguards, various government initiatives and policies for women empowerment, use of technology and forensics for advancement of justice delivery, crime against women have continued to rise. Following analysis of above stated facts and statistics, we can identify the main underlying causes driving up crime directed against women:

Patriarchal Societal Norms and Gender Stereotypes

For millennia, patriarchy has been deeply embedded in communities, resulting in a power disparity whereby women are subordinated and male domination is accepted. This system upholds conventional gender norms whereby women are trained to be reliant and subservient while men are encouraged to be forceful and authoritative.

Deep-seated patriarchal beliefs: Many communities still hold the belief that men are better than women in both intellectual and physical capacity. This thought system causes prejudice in many realms, including family, business, and public areas, where women are frequently deprived of control over their life.⁴¹.

Toxic masculinity: Boys raised under social conditioning are taught to identify masculinity with violence, control, and power. This negative attitude can cause men to become more hostile toward women since some of them view violence as a tool for expressing authority⁴².

Cultural justifications for violence: Many societies defend destructive behaviors including domestic abuse, honor killings, and dowries by citing cultural norms. Women who question these expectations sometimes suffer physical and psychological assault in addition.

Ineffectiveness of Law Enforcement

Legal and judicial systems failing to properly handle crimes against women adds to their continuation and rise. Legal clauses meant to safeguard women are not always followed, and society barriers impede justice even in this regard.

Underreporting due to stigma: Many women avoid reporting crimes out of victim-blaming and social shame. More often than not, survivors are asked about their behavior, clothes, and character than about the offender's activities. This determents people from pursuing justice⁴³.

Insensitive law enforcement: When dealing situations of sexual harassment, domestic abuse, or assault, police personnel could show little sensitivity. Sometimes victims are urged to settle issues informally, therefore deterring legal action against offenders.

Delayed judicial processes and low conviction rates: Cases even reported sometimes suffer from protracted judicial trials that cause suffering to victims. Low conviction rates empower criminals even more since they let them to carry out crimes free from consequences⁴⁴.

Economic and Educational Disparities

Women are more susceptible to exploitation and their capacity to seek justice is limited by economic and educational disparities; financial dependency and ignorance usually prohibit them from leaving violent environments.

Economic dependency: Many women, especially in lower-income groups, rely financially on male family members. Faced with loss of financial security, this dependency drives them to accept violence instead of report it⁴⁵.

Lack of awareness about legal rights: Despite advancements in female literacy, many women remain uninformed of their legal rights. They might not know how to register complaints, ask for assistance, or find women's helplines or shelters⁴⁶.

Limited employment opportunities: In various cultures, women have less opportunities for employment, which enhances their economic vulnerability. Lack of financial independence makes it difficult for them to escape violent relationships or pursue legal battles against offenders.

Technological Advancements and Cybercrimes

The expansion of internet connectivity has led to an increase in cybercrimes against women. Online harassment, cyberstalking, and digital abuse have become important concerns.

Increase in cybercrimes: Crimes such as revenge pornography, cyberstalking, and doxxing (revealing personal information online) have surged with digital expansion, as the internet provides anonymity, which emboldens perpetrators to harass, stalk, or blackmail women online⁴⁷.

Social media and misogyny: Many times, social media channels fall short in adequately controlling misogynistic material. Online, hate speech, objectification, and threats against women still flourish and help to shape a society marked by gender-based violence⁴⁸.

Inadequate cybersecurity laws: Despite the existence of laws to address cybercrimes, enforcement is frequently inadequate. Numerous instances of online harassment remain unpunished as a result of legal loopholes, a lack of awareness, or the challenge of investigating cybercriminals.

Conclusion

In despite the implementation of stringent laws, increased female literacy rates, and numerous government initiatives aimed at empowering women, the alarming increase in offenses against women continues to be a severe societal concern. The complex interaction of socio-economic, cultural, and institutional factors that continue to promote inequality and vulnerability can be seen by the persistence of gender-based violence, which includes physical, emotional, and cyber-related offenses. A rise in cybercrime, which exposes women to online harassment and exploitation, persistent economic and educational disparities that limit women's access to resources and decision-making power, and the ineffectiveness of law enforcement in ensuring timely justice and deterrence are among the key contributors. Additionally, deeply rooted masculine values and gender stereotypes remain in influencing societal attitudes, frequently justifying violence and discouraging women from pursuing legal action. It is crucial to implement a multifaceted strategy that integrates technological advancements, socio-cultural change, and legal reforms in order to lessen the increase in crimes against women. It is important to make sustained efforts to challenge deeply rooted biases and promote a culture of

respect and equality in order to ensure a safer and more equitable society, in addition to policy-level changes.

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