
CRIMES AGAINST WOMEN GLOBALLY - A SPOT ON GENDER EQUALITY AND WOMEN EMPOWERMENT

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*“India will be free when the women feel safe to walk
in the streets of India in the midnight”*

-Mahatma Gandhi

Introduction:

Crimes against women is not a recent phenomenon and existed since ages and is not only restricted to any particular area region or country and has become a global problem and has turned out to be black spot on the gender equality and the women empowerment. The principle of gender equality is enshrined in the Constitution of India. In order to uphold and implement the Constitutional Mandate, the State has enacted various laws and taken measures intended to ensure equal rights, check social discrimination & various forms of violence and atrocities. Although women may be victims of any of the general crimes such as ‘murder’, ‘robbery’, ‘cheating’, etc. only the crimes which are directed specifically against women i.e., gender specific crimes are characterised as ‘Crimes against Women’ and these includes Sexual harassment, Marital Rape, child abuse, human trafficking, etc. Children become victims of flesh trade which destroys their entire life and results into trauma and the post traumatic disorders.

Statement of Problem:

Women in ancient period were treated as an object and always were treated as slaves. Women empowerment and the crimes against women are the two facets of the coin and the laws relating to safeguarding women are failing to the greater extent either due to no proper implementation of the laws and the under reporting of the crimes against women.

Research Questions:**1. Whether the Gender equality has made way for the empowerment of women?**

Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. There has been progress over the last decades: More girls are going to school, fewer girls are forced into early marriage, more women are serving in parliament and positions of leadership and are governing the country by entering into the field of various industries, bureaucracy and laws are being transformed to advance gender equality.

Inspite of these gains, many challenges still exist as the discriminatory laws and social norms, customs which have been in practice make discriminatory practices and the patriarchal society which always discriminates between men and women. Women continue to be underrepresented at all levels of political leadership, and 1 in 5 women and girls between the ages of 15 and 49 report experiencing physical or sexual violence by an intimate partner within a 12-month period and there are cases of under reporting which are overshadowed.

The COVID-19 pandemic became crucial period and resulted in increase in the crimes such as domestic violence and sexual harassment and the sex workers suffered badly as they could not get their livelihood. Women play a disproportionate role in responding to the virus, including as frontline healthcare workers and careers at home. Women's unpaid care work has increased significantly as a result of school closures and the increased needs of older people. Women are also harder hit by the economic impacts of COVID-19, as they disproportionately work in insecure labour markets.

Women empowerment and the gender equality should go hand in hand and individually they cannot sustain and has to co-ordinate together and give fruitful results. There can be no women empowerment without having gender equality. Looking at the current scenario, and the progress which India as well as the world at large taken into consideration Women are making progress and the gender-neutral laws are playing crucial role.

No doubt we might have not achieved to full extent the desired result but we can proudly say that gender equality has made way to women empowerment.

2. Whether the Laws relating to Crimes Against Women are adequate?

In Indian concept, laws relating to women are covered under the Constitution of India, The Indian Penal Code and there are few special legislations enacted to protect the women from various crimes committed against them such as The Dowry Prohibition Act, 1961, The Protection of Children from Sexual Offences Act, 2012, (POCSO Act), The Indecent Representation of Women (Prohibition) Act, 1986, The Commission of Sati Prevention Act, 1987, The Protection of women from domestic Violence Act, 2005, The Immoral Traffic (Prevention) Act, 1956 and the specific guidelines issued by the Supreme Court in the case of Vishaka and Ors v. State of Rajasthan¹ relating to sexual harassment of women at workplace.

In the current scenario custodial rape has emerged serious problem in which women would be left with no choice as the people who are appointed for the sake of protection and enforcement of laws turn out to be horrific when they commit rapes in the police custody and these crimes usually go unreported to the fear of the police as they are in power and the daily earning people suffer lot as the poverty has already broken them down and the emergence of the new problem makes them even more weaker. The best example for the custodial rape is the State of Maharashtra & Ors. vs. Madhukar Narayan Mardikar² case where the Police Inspector Raped a sex worker in the custody and the apex court held that even women of low character have right to privacy and livelihood.

The laws relating to women were strengthened after the brutal rape and murder at the capital city of the country, the Nirbhaya incident which made open the eyes of the law makers which made them to enact Criminal law amendment Act, 2013 on the recommendation of Justice J.S. Verma committee and this brought changes in the law relating to offences against women which gave new dimension to the meaning of Rape, introduction of punishment for the offences such as voyeurism, stalking, gang rape, custodial rapes, etc.

As the society keeps on transforming, the laws need to change based on the situations and meet the ends of justice. The old tradition which treated women as product and was used for their personal gains has changed and the gender-neutral laws are coming up and more stringent laws are being enacted to protect women from these crimes.

¹ AIR 1997 SC 3011

² AIR 1991 SC 207

No doubt laws relating to punish offenders committing crimes against women are adequate but there needs strict implementation and enforcement of the laws and also to create awareness and educate women with the new laws and explain them with the ways to protect themselves.

3. What is the impact of crimes against women on the development of the nation?

Crimes against women not only affects the women only but to the society and the nation at large. It impacts women's health, hampers their ability to participate fully in society, affects their enjoyment of sexual and reproductive health and rights, and is a source of tremendous physical and psychological suffering for both women and their families. Women tend to isolate themselves from the society and women are in shock due to trauma caused to them due to the offence committed against them and all forms of violence in marriage such as domestic violence or against children and in recent trend we have seen that new born babies are subjected to child abuse and the cases of father himself committing rape against his own daughter has created fear in the society.

Recent research has shown that women who have been subjected to violence by their partners have greater chances of having a low-birth-weight baby, are at much greater risk of depression, and more likely to have an induced abortion which are usually caused due to the severe mental stress for which the husband and the society at large is responsible. In India the settled law relating to maternity leaves to the organized sector working women but due to severe mental stress undergone by women leads to abortions and women has to go for maternity leaves when they become mother again and the society is not only killing girl child by way female feticide but due to stress it is also killing fetus which is not even developed. Women are also more likely to be living with HIV and also the problem relating to young rape survivor who get pregnant at the age they don't even know what is pregnancy and what mother needs to do and are just victimized by the society and the social stigma attached which affects the child's life in entirety.

It is said that the children are the future of a nation and if these children are subjected to rape and their future is completely destroyed which ultimately means that the nation's future has been destroyed. The crimes against women affects the development of the nation as the state has to spend too much of expenditure on the implementation of the laws and the victim compensation schemes and the expenses which are spent on the accused for their trial, prison and the reformation schemes affects the country's development. Not only crimes against

women but crimes of all forms must be regulated and laws need to enforced strictly so that the burden on the state is reduced to some extent.

India is a developing nation and the crimes of all forms against women and children affects the development of the nation and the state and non-state actors such as the NGO's have to come for the rescue of women from various kinds of harassment and our nation in ancient period has seen sati system which was discriminatory practice against women. In recent days, in the case of *Shayara bano v. Union of India*³, Supreme court has struck down the practice of triple talaq system in the Islam religion which had discriminatory practice of Talaq-e-biddat and the Nikah Halal which forced women to undergo discriminative practice.

Society has to change according to the situation to address the harsh consequence and to have preparedness of the unforeseen situation that arise due to the crimes against women and make country more developed.

Conclusions and Suggestion:

Women empowerment is making way for gender equality in India as well as global scenario as the women are entering into all the fields of the society such as Politics, Education, Bureaucracy, Corporate, Security forces, etc. This shows the progressive approach of the society and the way society is treating women today and to what extent the goal of gender equality is being achieved. The society should not let the gender inequality to become a black spot and hinder the entire idea of women empowerment. Women empowerment is possible only if there are gender neutral laws and the gender equality shall make way for the empowerment of women. The laws relating to crimes against women in all forms needs to be revisited and strengthened and there is need for stringent laws against the offenders as well as the strict enforcement of laws relating to women shall take evolve and make way for empowerment of women in proper and better way and achieve the goal which Mahatma Gandhiji had aspired for.

³ AIR 2017 9 SCC 1