

A study on sexual crimes against women

¹R. SAI MANOHAR, ²K.ROJA

¹ Student, BBA,LLB(Hons) Saveetha School Of Law, Saveetha University, Saveetha institute of medical and technical sciences, Chennai, Tamilnadu, India

²Assistant Professor, , Saveetha School Of Law, Saveetha University, Saveetha institute of medical and technical sciences, Chennai, Tamilnadu, India

¹saimanohar88@gmail.com, ²rojak.ssl@saveetha.com

Abstract: This research paper deals with the various sexual crimes against women. Sexual violence against women has increased dramatically in the recent years. A lot of women are facing various sexual violence everyday. Sexual violence means any sexual act or other acts directed against a person's sexuality by using coercion, by any person despite their relationship to the victim, in any setting. Violence may strike women from all kinds of backgrounds and of all ages. It may occur at the workplace, or on the street, or at home. Sometimes, women are attacked by strangers, but most of the time they are attacked by the people who are close to them, like their husband or a partner. There are various forms of sexual violence namely, rape, assault, sexual harassment, sexual abuse, stalking, prostitution, and trafficking. It is estimated that, about 35 percent of women all over the world have experienced sexual violence due to the intimate partner and about 750 million women around the world have been married before their eighteenth birthday. It is estimated that about 35 percent of women around the world have experienced sexual violence and 70 percent of women has experienced sexual violence nationally. Women are being sexually abused both physically and mentally. Sexual violence against women may not always be physical it also includes psychological, economic, emotional and sexual violence and abuse, and a wide range of controlling, coercive and intimidating behaviours. In this study, we look into the various sexual crimes against women, and also the punishments for various sexual crimes under the Indian Penal Code, 1860.

Keywords: Women, sexual crimes, violence, workplace, assault.

INTRODUCTION

Sexual violence against women is a major problem all over the world and particularly in India, the sexual crimes against women has increased during the recent years. Sexual violence affects women not only physically, but also mentally and psychologically also. Women are deprived from their fundamental and basic rights due to sexual violence. Sexual violence against women may not always be physical it also includes psychological, economic, emotional and sexual violence and abuse, and a wide range of controlling, coercive and intimidating behaviours. Sexual violence means any sexual act or other acts directed against a person's sexuality by using coercion, by any person despite their relationship to the victim, in any setting. Violence may strike women from all kinds of backgrounds and of all ages. It may occur at the workplace, or on the street, or at home. Sometimes, women are attacked by strangers, but most of the time they are attacked by the people who are close to them, like their husband or a partner. Sexual violence has a negative impact on women, their health, children, community and society on a whole. It imposes a great risk upon the women's life.

Sexual violence is a major crime which means to force someone or to manipulate someone into some unwanted sexual activities without their consent. There are various forms of sexual violence namely, rape, assault, sexual harassment, sexual abuse, stalking, prostitution, and trafficking. It is estimated that, about 35 percent of women all over the world have experienced sexual violence due to the intimate partner and about 750 million women around the world have been married before their eighteenth birthday. Among all the sexual crimes against women, rape is the most dangerous one as it may also cause death. Section 375 of the Indian Penal Code, 1860 deals with rape and section 376 of the Indian Penal Code, 1870 deals with punishment for rape. There has been an increase in the number of rape cases in India.

The aim of the current study includes, to know about the concept of sexual violence, to study the various sexual crimes against women, and to know the punishments for various sexual crimes under the Indian Penal Code, 1860.

RESEARCH METHODOLOGY

This study is doctrinal in nature. This study is based on data collected from secondary sources like books, journals, and e-sources.

SEXUAL VIOLENCE AGAINST WOMEN

Sexual violence against women has a negative impact on the physical and mental health of women resulting in a high risk of sexual and reproductive health problems like HIV/ AIDS. Sexual violence against women imposes a great risk on a woman's life. In the past few decades, there has been an increased sexual violence against women in India. It has been a serious and prevalent problem in India and all over the world. It is to be noted that the crimes are more in sections where the women's rights are lacking or neglected. It is not only a violation of human rights, but it also affects the women physically and psychologically the well-being of individuals and families. The physical damage can lead to unwanted pregnancy and sexually transmitted diseases such as HIV/AIDS. In India, many women are being ill- treated and sexually exploited depriving them from both their fundamental rights and constitutional rights. This is because, women are considered as physically and emotionally weaker. The national a crime records bureau has estimated that a sexual crime is happened for every 3 minutes in India.

The World Health Organization (WHO) has defined sexual violence as, any sexual act or an attempt to obtain a sexual act, unwanted sexual comments, or advances, acts to traffic or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim in any setting, including but not limited to home and work. The World Health Organization says that sexual violence against women is a gender based violence resulting in the physical, mental and sexual harm and suffering of women. The sexual crimes against women has increased dramatically in the last few decades. The World Health Organization has estimated that, about 35 percent of women all over the world have experienced sexual violence due to the intimate partner and about 750 million women around the world have been married before their eighteenth birthday. The national crime records bureau has estimated that a sexual crime is occurred for every 3 minutes in India.¹

¹ ([Website](#))

TYPES OF SEXUAL CRIMES AGAINST WOMEN

1) Rape

Rape is the most common and dangerous sexual crime against women. Section 375 of the Indian Penal Code, 1860 deals with rape and section 376 deals with punishments for rape. About half of the reported rape cases in India involve girls under the age of 16 years. Moreover, the vast majority of cases have never been reported. Though there are many penalties and punishments, the convictions are rare and crimes such as rape as a form of sexual violence are reported to be on the increase. Around the world, one among five women have been found to be victims of rape in their lifetime . Most of the rape cases go unreported because of the circumstances and background of the victims and the lack of sympathetic treatment from legal systems. The lack of security outside their homes is the greatest issue in the path of women nowadays.

In recent years, there has been a dramatic increase in the sexual crimes against women in India. For every 26 minutes a woman is being molested, for every 34 minutes a rape takes place, for every 42 minutes a sexual harassment incident occurs, for every 43 minutes a woman is being kidnapped, and for every 93 minutes a woman is being burnt to death over dowry.²

Vishakha Vs State of Rajasthan (1997) 6 SCC 241, AIR 1997 SC 3011

In this case, the Supreme Court laid down certain guidelines to be followed at every workplace to ensure that no sexual harassment takes place at the workplace. In this case, it has been ordered by the Supreme Court that as a part of the complaint mechanism, a Complaint Committee should be kept in each and every organizations and also the Government Departments and Non-governmental Organizations for investigating the cases of sexual harassment to deal effectively with the complaints of sexual harassment at workplaces.³

Section 376 of the Indian Penal Code,1860 deals with the punishment for rape. Anyone who commits a rape against a woman shall be punishable with rigorous imprisonment for a term

² ([\[No title\]](#))

³ ([Website](#))

which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.

2) **Assault**

Section 351 of the Indian Penal Code, 1860 deals with assault. It is estimated that most of the total number of cases relating to crimes against women that are reported in the year 1990 are related to Eve teasing and sexual harassment at the workplace. Eve teasing means a medium which is used for sexual harassment or molestation of women by men. Most of the social activists blame the influence on western culture for the rising incidents of sexual harassment against women.

Section 354 of the Indian Penal Code, 1860 deals with the punishments for assault against women. Any person who assaults or uses criminal force against any woman, intending to outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.

3) **Dowry**

Section 304B of the Indian Penal Code, 1860 deals with dowry death. In 1961, the government of India passed the Dowry prohibition Act, prohibiting the dowry demands in wedding arrangements and making it illegal. However, many cases of dowry death and other dowry related domestic violence, suicides and murders have been reported.

A dowry death is confirmed when the death of a woman is caused by any body burns or bodily injury other 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 any demand for dowry, such a death shall be constituted as a dowry death. And such husband or relative shall be deemed to have caused the death of the woman. Section 304B of the Indian Penal Code, 1860 deals with the punishments for dowry death. Any person who commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

4) Child Marriage

Child marriage has been tradition in India and it is still prevalent in India for a long time. Child marriage means, when a girl who has not attained the age of 18 years is married to a boy who has not attained the age of 21 years, then such marriage amounts to child marriage. It is estimated that, more than 650 million women alive today around the world were married as children. An estimated 12 million girls worldwide under the age of 18 years are married each year. According to the Prohibition of child marriage Act, 2006 the marriageable age for a female is 18 years and for a male, it is 21 years. One of the solutions for a woman may include that a girl who has entered into a child marriage has a statutory right to get a decree of nullity from the court within 2 years of attaining the age of 18 years.

5) Human Trafficking

The Immoral Traffic (Prevention) Act was passed in 1956 and it is the law which regulates the prevention of human trafficking in India. However many cases of trafficking of young girls and women have been reported in the recent years. These women are either forced into Prostitution, domestic work, or child labour. The consent of the victim is not necessary in determining the offence of human trafficking.

Section 370 deals with the punishments for human trafficking. A person who commits the offence of human trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

Also if the crime committed by the person involves the trafficking of more than one person, the punishment given is rigorous imprisonment for a term which shall not be less than ten years and it may also extend to imprisonment for life, and shall also be liable to fine.⁴

FINDINGS

Though there are enough legislations and punishments, The rate of sexual crimes against women in India has increased every year. The total crime rate against women in India is,

⁴ [\(\[No title\]\)](#)

Crime Incidence

2014- 3,39,457

2015- 3,29,243

2016- 3,38,954

Crime Rate

2014- 56.6%

2015- 54.2%

2016- 55.2%

From the above findings, it is to be noted that the sexual crimes against women has been increased dramatically in the past few years. Further, there are many cases that have been reported in India this year including both women and children who have been raped and murdered brutally.

SUGGESTIONS

- 1) New legislations may be brought into effect.
- 2) Implementing the existing laws effectively.
- 3) Separate legislations should be made for children also.
- 4) Sexual awareness programs may be conducted.
- 5) Punishments may be made more severe and rigorous.
- 6) Support from the society is also essential for the welfare of women.

CONCLUSION

From the above study, it is to be concluded that, despite of the existing laws and punishments, the sexual crimes have never been prevented and every day a girl is being sexually exploited all over the country. The crime rate against women has only increased during the recent years as seen in the above study. There are also many reported cases about rape of young children in many states and many cases, it has not been reported at all. Therefore, not only women are unsafe in our country, our children are also not safe. Therefore, it is obvious that the punishments are not severe enough to prevent the sexual crimes against women. Hence, the

punishments should be made more severe and rigorous and the legislations should be effectively implemented in order to minimise the crime rate against women in India.

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