



## Judicial Response to Crime Against Women in India

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### Abstract

Violence against women has long been an issue, in both peaceful and conflicted environments. In addition to rape and murder, this violence may be found at home, at work, in jails, and on the streets. Less is known, prosecuted, and punished for crimes against women than are really committed. If there aren't any specific research on occurrence, it's impossible to come up with ideas for reducing or eliminating such violence. More research on the psychology of the perpetrators of this violence is urgently required. It is imperative that violent incidents be properly examined and preventative measures created. The accused should face swift and harsh punishment, which would also serve as a deterrence. A civilised society must reexamine its claims to civility if it cannot guarantee the safety of half its citizens.

**Key Words:** Women, violence, rape, safety, crimes.

### Introduction

Many Indians were shocked to learn about the prevalence of violence against women in our nation towards the end of 2012. It was the horrific rape of a 23 year-old college girl in Delhi and the outrage that shook the country that pushed similar atrocities into the public eye. News of the attack dominated India's living rooms for nearly two weeks, shocking the nation's conscience like never before.

According to their findings and recommendations, the Justice Verma Commission was set up by the federal government and completed its work in record time (Verma, Seth and Subramaniam 2013).

Some of the fast track courts have already been established by the government to handle certain matters. A reduction in crimes against women may be possible as a result of these affirmative steps, although this has yet to be shown. As a collective group, we must analyse various facets of these crimes from a scientific viewpoint to learn more about them and, ideally, assist minimise or eliminate them entirely.

As a human rights violation, violence against women can be drastically minimised, if not entirely eradicated (Study of the Secretary General 2006). The first step in preventing rape is to educate the public about the dangers of rape. Secondly, society has a duty to take care of the victim in the aftermath of a crime and, last, to punish the perpetrator of the crime. Second and third factors of prevention of rape are within immediate grasp, whereas the first aspect requires societal change.

Violence against women is being studied by experts in a variety of sectors. Annually, one may discover a great amount of material released that helps us grasp what others have learned after a lengthy period of study. Finding out about violence against women, one thing is clear: There hasn't been enough research done on the topic. The lack of data on violence against women throughout the world may be found in the databases. One hundred and eighty-one of the 19,708



SCImago journals are devoted to gender studies, whereas one hundred and forty-four are focused on AI and one hundred and thirteen are on anthropology. As a result, not only are women's concerns confined to obscurity, but few people, even women themselves, are interested in researching them.

### **Violence against women**

“The end of 2012 brought home to many Indians the realities of domestic violence. The horrific rape of a 23-year-old Delhi student and the ensuing national outrage brought such atrocities to light. For nearly two weeks, the storey dominated most Indian families' living rooms and rocked the nation's conscience.

The government set up the Justice Verma Commission, which issued recommendations on several elements of crimes against women (Verma, Seth and Subramaniam 2013).

The administration also ordered fast track courts to try these cases, some of which have already opened. The influence of affirmative action on women's criminality has yet to be observed. However, it is time for all of us to look at the scientific side of such crimes in order to assist diminish, if not fully eliminate them.

Violence against women is a human rights violation that may be drastically minimised and finally abolished (Study of the Secretary General 2006). The society must address three facets of this crime, the first being rape prevention. The second role of society is to care for the victim after the crime (Azikiwe, Wright, Cheng and D'Angelo 2005). However, the second and third parts may be achieved instantly.

Various experts are currently researching various issues of violence against women. Year after year, a great amount of data is provided to assist us grasp what others have discovered. One thing that stands out while gathering data on female violence is the lack of study done on the issue. When browsing the databases, one is struck by the lack of statistics on global violence against women. SCImago has 19,708 journals, but only 81 are on gender, 114 on AI, and 113 on anthropology. Women's concerns are thus not just marginalised, but also uninteresting to many, even women themselves.

### **Incidence of violence**

Women's abuse is highly prevalent. ‘Violence against women and girls is one of the most pervasive human rights abuses,’ says Kaur (2011). A remark backed up by the daily occurrences in India. There are several places where it occurs such as in red light districts and prisons where it is highly widespread (Golden 2004).

Female genital mutilation is substantially underreported in India (Jain et al. 2008, Mukhopadhyay et al. 2010, Al-Azad et al. 2011). (Boyer and Dalton 1997, Green 2004). The proper data are hard to come by, and without them, it's hard to tell if the real incidence is growing or declining. There are more cases reported to the police, but whether this is due to increased reporting or more crime is unknown. The incidence of communal rapes in this region of the world confuses the interpretation of any statistics available (Khanna 2008).

According to one research, many charges against women are dismissed, and only the most serious attacks are pursued more thoroughly (Frazier and Haney 1986). Although police protocol changes boosted rape reporting after 1990, it remains below 50%. (Clay-Warner and Burt 2005).



Women are wary of approaching the police because they perceive the police and rape victims as having opposing viewpoints and needs (Jordan 2001).

So is underreporting in rich nations. Rennison (2002) revealed that between 1992 and 2000, 63 percent of completed rapes, 65 percent of attempted rapes, and 74% of completed and attempted sexual assaults against females were unreported. She finds that the closer the victim and perpetrator are, the less likely the authorities will be informed of the rape or sexual assault.

Despite an annual rape rate of roughly 20,000, Indian jails only hold 7,027 convicted rapists and 12,853 awaiting trial, a year's total. These numbers show the low conviction rate for sexual assault. Some rapes grab attention (like those in a moving automobile) and prompt police intervention (in this case banning of darkened windows of vehicles). However, 87 percent of rapes occur at home rather than in public (Sahu, Mohanty and Das 2005).

Rape is known to occur all throughout the world, whether in peace or war, however it is more common in some countries than others (Report of the Secretary General 2006, Azikiwe et al 2005). (Sanday 1981).

#### **Cause of violence against women**

- An investigation into the rape and murder of a Delhi student on December 16, 2012, is ongoing. The rape and subsequent riots dominated the country's news networks for weeks. Criminal psychologists who have investigated rape as a phenomena and rapists' strategies or modus operandi were conspicuously absent from these arguments. The disputes were fueled by passion, emotion, and the law, but not by criminology or psychology.
- Men have raped women throughout history and across civilizations. McKibbin et al. (2007) investigated rape from an evolutionary psychology standpoint. The use of evolutionary psychology helps researchers to create and test innovative theories on complicated behaviours like rape. They recommend that rapists be classified into kinds based on individual characteristics and the conditions in which they are expected to commit rape, such as:
  - Disadvantaged men
  - Specialised rapists
  - Opportunistic rapists
  - High-mating-effort rapists
  - Partner rapists

Many employees have hypothesised many factors for widespread crime and underreporting. According to one analysis, population growth has lowered values, resulting in more crime (Naidu and Nayak 2007). Another blames the surge in female homicide on political criminalisation (Mukherjee, Rustagi and Krishnaji 2001). India's hugely famous film industry has also been blamed, which depends on typecasting women and often glorifies crimes against them (Dasgupta 1996).

Women are vulnerable members of society, but not all women are. Women who are impoverished, widowed, or from a certain caste or area are particularly vulnerable. In recent decades, attacks on individuals from the Northeast of India, particularly women, have occurred



across India. For reasons that defy explanation, northern-eastern women have been targeted for sexual assault. Chandra (2012) investigated the plight of North-Eastern Indians and discovered several reasons why they are viciously attacked, but failed to propose any solutions. Nepram (2010) examined in detail violence against women in the Northeast, focusing on military operations to quell insurgency.

The National Family Health Survey (NFHS)-3 evaluated numerous areas of gender equality and women's empowerment in India. When it comes to men's 'right' to beat their spouses, more women (15-49) agree with one or more justifications than men (51%). (Kishor and Gupta 2009). More than sex, rape is used to humiliate and break women. There is no universal definition of rape or rapist. Any attempt to simplify the rapist-victim connection fails (Hauer and Armentrout 1978). The definition of rape as sexual, aggressive, or sex-aggressive reminds us that the causes of rape can vary greatly across cases (Cohen, Garofalo, Boucher and Seghorn 1971).

The way the victim looks, acts, drinks, smokes, or parties seems to impact the assignment of blame. Victimology is the scientific study of blaming the victim for rape or other crimes. Rape is the only crime in which the accuser receives legislative protections in the United States and Canada. So-called 'putting the accuser on trial' laws were enacted in reaction. Typical rape shield laws (in the US and Canada) prevent cross-examination of the accuser (alleged victim) on past sexual history or attire at the time of the rape (Bachman R and Paternoster 1993). No study has shown that a woman wearing a burqa is safer than a woman wearing a little skirt in the same situation.

Men and women exchange signals during interaction. Correct perception of these signals fosters mutual understanding. However, people frequently misread the signals and claim they were transmitted incorrectly. Males may overestimate female sexual attraction due to incorrect signal decoding (Grammer, Kruck, Juette and Fink 2000). Rather than misreading the victim's signals, rape occurs when they are misinterpreted (Muehlenhard 1988).

Scully and Marol (1985) spoke with 114 convicted rapists. A handful of rapists employed sexual violence as a form of retribution or punishment, while others used it to get access to unwilling or inaccessible women. In some situations, rape was an add-on to robbery or burglary. Rape was also a sort of impersonal sex that gave the offender control over his victim (s).

They find that men who are more prone to rape have more rape favourable views, believe victims are culpable for rape, and know less about the harmful effects of rape on victims. Their sexual fantasies are more forceful and misperceive women's cues in heterosocial encounters. Furthermore, rape propensity is related to a semantic network in which sex and power are so intertwined that power cues are crucial antecedents to sexual impulses. Multivariate research suggests rape-supportive attitudes interact with non-cognitive components.

### **Punishment for Violence**

Increasing the rape penalty is a global movement (MacDonald 2000). Women's rights activists and others from many social groups are looking at measures to increase the punishment for rape in order to dissuade offenders (Saumya 2012). Another group believes that increasing the penalty for rape to death will result in the rapist murdering his victim (since the punishment for murder is also death). However, there is no evidence that such an effect has been seen or will be seen



elsewhere in the world. It's sometimes forgotten that rapists have various personalities and not all kill their victims (Hazelwood and Warren 1989). However, there is no proof that the death penalty deters crime”.

The public uproar after the December 2012 rape in Delhi led the government to implement many efforts to increase women's safety. These were more impulsive replies. The Justice Verma Committee has previously advised the Indian government. It has made extensive suggestions for rape prevention and management. The ball is now in your court. However, one aspect that stands out is the necessity to rigorously investigate violence and make evidence-based suggestions to curb it.

### Conclusion

Comprehensive research should be carried out as soon as possible in India to help address this problem. Only study can shed light on the origins of this and safeguard women. Women need a safe atmosphere, both psychologically and physically. Women's safety should be included in the index assessing a country's progress. A civilization whose half of its inhabitants live in terror must reassess its claim to civilisation.

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