

# Sexual Offences against Women in India - Malediction to the Society

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## ABSTRACT

India is often described to be a country with a rapid growth in economy and continuing measures of human development. However, sadly with the growth of economy there has been growing concern in increasing report of the cases of sexual offences against women which doesn't support the above statement as these offences clearly states that there has been lack of morale and degradation of human values among some of the male community which still considers themselves as superior to women as a result of which they perform sexual offences to dominate the female community of the society which creates a vital problem on how to take effective measures and ensure the safety of women towards these sexual predators. The objective of this study is to try to gather a better perspective and clear understanding of reasons and factors behind the increased report of sexual violence in India, and to understand in what way the state is taking measures to protect women against the sexual offences. Although now various laws has been made for the protection of women in India which has changed the status as well as mentality of mankind towards women in many ways, women are given equal opportunities everywhere, in schools, in colleges as well as at the work places and public places, now women community has emerged strongly in various ways, they are also coming forward and fighting for their rights equally. However, the real concern is that it is not stopping the sexual predators in any way and therefore, it raises a question whether the laws made by the state in order to protect women are sufficient and effective enough to prevent the sexual offences or not? There are still men who looks at a women or female of any age as their target for satisfaction of their lust and ego, they tries to

prove themselves as a superior community by dominating and forcing themselves on the female because the offenders and the victim themselves thinks that they aren't capable of defending themselves against those predators. Sexual offences are just an unlawful carnal activity, without the consent of the women. Nowadays, adding to the need of carnal knowledge, most rape cases occur by force or fear of force against the will and consent of the sufferer. It is very important to understand a woman who is being intimidated with the crime of Rape. It is exploitation of woman's body in which her inner personal space is violated, the act of Rape violates the right of women to decide whether she allows an individual to enter her zone of privacy or not; this crime also accord man domination over the woman's zone of privacy. Sexual offences are acts of expression of lust, violence and perverted behavior forced on females by the stronger male as a result of aggression, depression, lust, insecurity arising out of ignorance of his nature.

**Keywords:** Sexual offences, Women, Malediction, Society

## INTRODUCTION

These offences have been most cruel and humiliating towards the women .Sexual offences does not only involve physical violence it also involves mental torture and psychological violence. The victims being women or female of any age go through a psychological trauma as well. It gives lifelong scars on the mental ability of victims and hence it destroys many lives along with physical and mental agony. In any social context, the importance of

effective laws cannot be overdrawn. In numerous societies, women appear to be prey of number of sexual offences, while many of them goes unnoticed by the state; hence, it is important to look out for those victims as well. Law plays a vital role to ensure justice and the steps used by the law guarantees that these offences are taken seriously and the offenders are punished for their respective acts .there are numerous laws ensuring protection of women some of them fulfills the needs of victims whereas some laws goes against the theory of justice in the eyes of victims, therefore the law in realm is insufficient and it also avoids loss of aspects which have emerged with the due course of time and also with advancement of technology. The lackadaisical attitude of the Union Legislature, the apathy of its law enforcement agencies and the conspicuous absence of any specialized legal framework to deal with cases of sexual abuse have only played the role of transforming this bitter truth into a perennial reality that seems to have been passively solidified and strengthened by decades of state inaction. [1] Justice Krishna Iyer who observed in a rape case

*“[W]hen no woman of honour will accuse another of rape since she sacrifices thereby what is dearest to her, we cannot cling to a fossil formula and insist on corroborative evidence, even if taken as a whole, the case spoken by the victim strikes a judicial mind as probable. ...When a woman is ravished*

*what is inflicted is not merely physical injury but ‘the deep sense of some deathless shame’. ...Judicial response to human rights cannot be blunted by legal bigotry.” [2]*

The limited interpretation of the sexual offences lacks to mention that the victim goes through humiliation, mental agony and psychological trauma along with the physical pain. Many feminists have come forward and have argued that sexual offences must be addressed as a grave and brutal violence and degradation and not just an act of mere violence. [3]

Every act of human being which leads to causing pain or suppression of the will of another being is an offence whether it is an act done physically, mentally or intellectually. All acts done in the nature of sexuality done by a male human being against a female human being can be termed as sexual offences .women are targeted by the male community for all kind of sexual offences as the offender and they themselves think; that they are incapable of defending or protecting themselves, Hence they become victims and sacrificial lambs of these sexual predators.

*“Rape became not only a male prerogative, but man’s basic weapon of force against woman, the principal agent of his will and her fear. His forcible entry into her body, despite her physical protestations, became the vehicle of his victorious conquest of her being, the ultimate test of his superior strength, the triumph of his manhood.....” [4]*

Further the National Crime Records Bureau provides the figures of crime against women as follows in year 2011: [5]

**TABLE:-**

S.No.	Crime Head	Cases Reported
1.	Rape	21397
2.	Kidnapping and Abduction of Women & Girl	25741
3.	Molestation	38711
4.	Sexual Harassment	11009
5.	Cruelty by Husband & Relatives	89546
6.	Importation of Girl	48
Total Crime Against Women under Indian Penal Code and Special Laws		224201

### **LEGISLATION ENACTED TO PROTECT WOMEN AGAINST SEXUAL VIOLENCE-**

In accordance with the various provisions of Constitution of India the Parliament or State

has enacted women specific and women related statute to protect the female community of the society against the sexual violence or crime against them in some of the following acts:

1. Indecent Representation of Women (Prohibition) Act, 1986
2. Indian Penal Code, 1860
3. The Immoral Traffic (Prevention) Act, 1956
4. The Protection of Women from Domestic Violence Act, 2005
5. Criminal law (amendment) Act, 2013
6. Dowry Prohibition Act, 1961

### **CATEGORIES UNDER WHICH SEXUAL OFFENCES AGAINST WOMEN COULD BE CLASSIFIED-**

There isn't any clear or definite classification for sexual offences. However, in accordance with the different provisions of law and degree of nature of sexual offences it could be further categorized into the following points:

1. **SEXUAL HARASSMENT** – Sexual harassment involves coercion, threat and undesired notice of a unrequited correlation. It has become a major issue at work places as well as in the Universities. Generally, when a man is in position of control as a superior in these places they force the women under them into sexual relations which affects the woman's job as well their career and mental peace in many ways.  
*The word "Sexual Harassment" was not defined in the IPC or any other legislation. Rather, the expression is of recent origin [6] and never even existed at the time of drafting IPC by Thomas Macaulay.*
2. **MOLESTATION AND INDECENT ASSAULT**- These acts are generally performed by superior male person or those who could be called as an elder on those females who are unaware or incapable of understanding the nature of crime or defending themselves basically on those females who hasn't developed a sense of awareness of her sexuality.
3. **IMMORAL TRAFFICKING** – There are still few parents who consider giving a birth to a girl child as a curse or burden on their life and therefore they don't mind trading their girl child for

some worthless money. In some regions homeless girls are targeted by these human monsters in a flesh trade business by taking advantage of their poverty and weakness.

*Trafficking in women and girl from the Asian countries has taken on a variety of forms from bride trade, entertainment sector, massage girls etc. Also, girls are married to rich old men from the Middle East for money or they are taken as domestic helpers to the Gulf where they are sexually assaulted and brutalized. [7]*

4. **RAPE**- The victim who undergoes through this brutal crime suffers a dreadful experience of humiliation, inhuman behaviour; vexation encounter which violates their right and liberty as well as it infringes their mental or psychological peace along with physical pain and trauma. Rape is a crime that abuses the body of the victim without the victim's consent which leads to violation of their basic human rights.  
*In the case of Bhanwari Devi who was a social worker (saathin) at rural level in a development programme initiated by State Government of Rajasthan, aiming to curb the evil of child marriages in villages. Bhanwari Devi was gang raped by a group of Thakurs in front of her husband as she attempted to stop a child marriage in their family. [8]*
5. **OBSCENITY AND INDECENT REPRESENTATION OF WOMEN**- It inclines towards degrading the image of women as a threat to the women's sexuality and modesty. The burden of such offences lies on the person who constructs such obscene representation including the women appearing in it.

### **FACTORS RESPONSIBLE FOR SEXUAL OFFENCES AGAINST WOMEN**

A study draws on a qualitative desk study with a compilation of material from existing research on sexual violence against women, both at home and in public spaces. The findings were analyzed in relation to

Durkheim's theory of anomie and gender theories from two authors. The results show that some of the underlying factors for increased reports of sexual violence against women in India, like patriarchy, education and employment for women and gendered power inequalities are in a complex interplay. It was further seen as 'traditional' norms and values clashed with 'modernity' and caused these factors for violence. The outcome of the study showed that the increased reporting of sexual violence can be related to the 'modernization' process both in a positive and negative way. Through Durkheim's theory of anomie it was possible to see that 'modernization' could have caused a state of anomie, which has led to deviant behavior and resulted in increased reporting of sexual violence against women. [9]

However beside these factors there are numerous other reasons behind the commission of these offences some of which are mentioned under the following points:

**1-ANGER AND POWER ASSERTIVE ASSAULT** – One of the vital factor of sexual assault is the feeling of anger among the criminal whose goal is to humiliate and hurt the victim also they find it a way to retaliate their hidden emotions of incapability and by committing these kind of shameful behavior they feel that they have received control, dominance, authority, superiority over the victim. [10] The experience for the offender is one that is of conscious anger and rage. [11]

**2-INDIVIDUAL FACTORS** – It basically explains the commission of crime when the offender most likely chooses individual whom they already know. Most of these cases are supported with Drug-facilitated sexual assault (DFSA), also known as predator Rape, in these cases the victim are targeted by offering or forcing them to consume alcoholic beverages or any other kind of drugs, which further makes it impossible for them to defend themselves and therefore they become victims of sexual offences . this theory also goes either way

when the offender is on some kind of drugs which makes him violent and aggressive and incapable of making a decision ,therefore they loses their self-control and commit these offences. Research on the social anthropology of alcohol consumption suggests that connections between violence, drinking and drunkenness are socially learned rather than universal. [12]

**3-POVERTY-** This factor is linked with both the commission of such offence as well as being a victim of such offence. There are several authors who have been researching on these theories trying to find link between the offender and the victim. The theory which has been accepted the most explains poverty being a reason for these offenders to commit sexual offences because of the environment they belong to; it leads them to anger, hunger and feeling of incapable manhood, they doesn't fear the punishments made by law because they are not practically aware of them also they think they have no reputation to loose. On the other hand, the victims of these crimes who are under poverty they lack awareness and sexual education, most of the time they don't even know they are being victimized. In these circumstances, ideals of masculinity are reshaped to emphasize misogyny, substance abuse and participation in crime and often also xenophobia and racism. Gang rape and sexual conquest are normalized, as men turn their aggression against women they can no longer control patriarchally or support economically. [13]

**4-ECONOMIC FACTORS-** With the increase in population of India everyday there has been growing rate of unemployment in this country leading to people having nothing to do which makes them aggressive and violent in nature also due to unemployment and poverty many females are used into flesh trading business. Economic structural adjustment programmes, drawn up by international agencies, have accentuated poverty and unemployment in a number of countries, thereby increasing the likelihood of sexual trafficking and sexual violence [14]



5-LACK OF PUBLIC SAFETY –There has been many cases where women have felt unsafe at the public places.

## CONCLUSION

With all the counts and the results of the above mentioned information we could clearly state that with the growth and increasing population of India, there are people who are lacking behind with morals and are inconsiderate towards feelings of other human beings which are the actual threat to the society. It is very important to take some necessary steps to deal with sexual offences like increasing the number of hospitals for women and employing more women medical staff at duties so that the victim could feel comfortable about their health and safety as they go through a very physical and traumatic experience, they wouldn't hesitate to come forward and to demand justice for the cruelty done towards them. Plea bargaining should be kept as an option where the victim lacks sufficient evidence it will help the prosecution to convince the offender to admit his crime for a lesser punishment and would also save the victim from the trial procedures of court. There should be more public disposal of the offenders name and his act so that nobody else dare to commit such crime in future as it would destroy the reputation of the offender and therefore would help a lot to prevent these crimes. Gender education is very necessary to promote gender equality between men and women as it would generate understanding between them. More cases of sexual offences should be taken seriously and severe punishment should be granted and Rape should be considered as most serious crime.

## FOOT NOTES

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