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Offences against women

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In ancient India, women were revered as goddesses; today, we must revive that vanished tradition. By educating individuals and altering the social norms surrounding childhood, this goal can come true. It's time to shed our conditioned mindset about women and embrace information and understanding. It's time to grant women equal freedom. Everyone in the globe is affected in some way by the brutality and rising number of crimes against women in the current circumstances. It demonstrates how fearsome and deliberate the monster was in his recent attacks on women. This fact is demonstrated by the global movement to end violence against women. A harsh attitude toward women and the assumption that they are the weaker party in society as a result of the quick shift in lifestyle, social ethos, and economic standards have led to an imbalance and a rise in crimes against women. There should be another few offences against women included in the Indian Penal Code. For certain offences, separate courts should be established in order to guarantee prompt judgement and specialisation in handling such delicate situations. It's time to act and protect the women in our nation because success never comes to places where women are mistreated. The principles and beliefs that our history and the great Indian scriptures teach us must be re-learned.

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INTRODUCTION

In the current situation, everyone around the globe is aware of the brutality and rising number of crimes against women in one way or another. It shows the scope and gravity of the atrocity

committed against women in recent years. This is demonstrated by the worldwide campaign to eradicate violence against women. Inhumane attitudes against women are a result of changing living standards, lifestyles, uneven economic growth, social ethos shifts, and a lack of regard for moral principles, which has led to an increase in crimes against women. Additionally, these instances are of great concern, and their structure is vital for Indian women to live with honour, respect, dignity, freedom, and calm in an environment free from horrible acts, atrocities, and denigration. There are numerous legal laws that sanction those responsible for crimes against women. Although the Indian Penal Code makes provisions for women who are victims of various crimes, including murder, robbery, theft, etc., there are some offences that are specifically targeted against women and are classified as "*Offenses Against Women*." In order to effectively combat these crimes, numerous new socio-economic offences have been introduced along with numerous modifications to the existing laws.

LAWS RELATING TO CRIME AGAINST WOMEN ARE CATEGORISED

The following two categories can be used to group legislation related to crime against women: crimes against women in accordance with local and special laws (SLL). The Special and Local Laws against crimes against women are intended to eradicate immoral and sinful practises as well as the exploitation of women in society. To ensure fast response to new needs, these statutes are routinely reviewed and changed. The following laws have special safeguards to safeguard women and their interests:

- A 1956 law called the Immoral Traffic (Prevention) Act
- Act of 1961 outlawing dowries
- 1929's Child Marriage Restraint Act
- Act of 1986 prohibiting indecent representation of women
- Act of 1987 to Prevent Commission of Sati
- Act of 2005 to Prevent Domestic Violence Against Women
- Act of 2013 on Preventing, Prohibiting and Addressing Sexual Harassment of Women at Work.

INDIAN PENAL CODE, 1860: CRIMES AGAINST WOMEN (IPC)

The Indian Penal Code, 1860, outlines the punishments for those who commit severe crimes against women. Such offences are expressly addressed in a number of provisions of the IPC.

- Acid Strike (Sections 326A and 326B[1])
- Rape (Sections 375, 376, 376A, 376B, 376C, 376D and 376E)[2]
- Raped attempt (Section 376/511)[3]
- Abduction and kidnapping have several goals (Sections 363–373)[4]
- Murder, death by dowry, aiding in suicide, etc (Sections 302, 304B, and 306)[5]
- By the husband or his family members (Section 498A)[6]
- Insulting women's modesty (Section 354)[7]
- Sexual assault (Section 354A)[8]
- Assault on women with the goal of stripping them (Section 354B)[9]
- Voyeurism (Section 354C)[10]
- Stalking (Section 354D) (Section 354D)[11]
- Girls under the age of 21 may be imported (Section 366B)[12]

This article examines and elaborates on some of these heinous crimes listed in the Indian Penal Code, 1860, in more detail.

[1] Indian Penal Code 1860, ss 326A and 326B
[2] Indian Penal Code 1860, ss 375, 376, 376A, 376B, 376C, 376D, and 376E
[3] Indian Penal Code 1860, ss 375 and 511
[4] Indian Penal Code 1860, ss 376-373
[5] Indian Penal Code 1860, ss 302, 304B, and 306
[6] Indian Penal Code 1860, s 498A
[7] Indian Penal Code 1860, s 354
[8] Indian Penal Code 1860, s 354A
[9] Indian Penal Code 1860, s 354B
[10] Indian Penal Code 1860, s 354C
[11] Indian Penal Code 1860, s 354D
[12] Indian Penal Code 1860, s 366B

SEXUAL ASSAULTS AGAINST WOMEN

Sexual offences against women are included in the Indian Penal Code under a separate heading that includes the following offences and the corresponding sections:

Rape (Sections 375 and 376): The IPC's Section 375 defines rape. The ravishment of a woman without her agreement by means of force, deceit, or fear constitutes the crime of rape, to put it simply. In other terms, it's the compulsion of any woman against her choice into carnal knowledge (the tiniest penetration of the male reproductive organ). It is extremely offensive behaviour that breaches a woman's right to privacy and sanctity. A woman's honour, dignity, reputation, and self-esteem are severely damaged by this perverse and demeaning conduct as well as the unlawful intrusion into her private life. The victim of this heinous crime suffers physical harm as well.

RAPE'S PRIMARY INGREDIENTS

Section 375 contains the following two components that are crucial:

Actus Reus: There must be sexual activity between a man and a woman, as defined by the terms of Section 375(a) to (d).

Mens Rea: One of the seven situations listed in Section 375 must exist during sexual activity.

Retribution for rape (Section 376)

The severe crime of rape is punishable under Section 376, which establishes guidelines. There are two subsections within this section.

- The minimum term under Section 376(1) is seven years in jail, with the possibility of life in prison and a fine.
- According to Section 376(2), the penalty must be at least ten years in jail but may also include a fine or life in prison.

Gang rape (Section 376D): According to Section 376D, group rape is punishable by death. If a woman is raped by multiple people acting with a single purpose, each of them will be held accountable for the crime of rape and punished with a minimum sentence of twenty years in prison and a maximum sentence of life in prison as well as a fine.

CASE LAWS THAT ARE RELEVANT

Priya Patel v State of M.P.[13]: The appellant's spouse met the prosecutrix at the train station as she was leaving after her sporting event and informed her that her father had asked him to pick her up. He brought her home and sexually assaulted her. While the rape was being committed, the appellant (the wife) entered the room. When the prosecutor asked for assistance, the appellant slapped her before closing the door and leaving the scene. The appellant's wife was charged with committing an offence punishable under Section 376(2)(g) of the IPC, while the accused husband was charged under Section 376 of the IPC. Since a charge was brought against her pursuant to Section 376(2)(g) of the IPC, the appellant's wife contested the validity of the charge. The judge ruled that a woman cannot be alleged to have intended to rape someone. As a result, the appellant cannot be charged with an offence that would be criminal under Section 376(2) (g).

Tukaram v State of Maharashtra[14]: The fact that the girl's body had no signs of trauma after the incident, according to the court, shows that the interaction was peaceful and that the girl's account of what happened was false. As a result, the appellants are not charged with any offence. This case is often referred to as the "Mathura Rape Case." Following this judgement, the Apex Court interpreted that in many instances, the victim didn't need to sustain any physical harm for the offence of rape to be committed.

Outraging Women's Modesty [Section 354]

The crime of molestation, defined as an assault on a woman with the purpose to offend her modesty, is covered by Section 354 of the IPC. This section tries to defend women against any kind of immodest or filthy behaviour on the part of others that is insulting to her modesty. This

[13] Priya Patel v State of M.P. (2006) 6 SCC 263
[14] Tukaram v State of Maharashtra (1979), AIR 185

crime not only violates the rights of the individual but also of society and public morality. Because of this, anyone found guilty of using criminal force against a woman with the aim to insult her modesty faces a minimum one-year sentence that might be increased to five years in jail as well as a fine. IPC does not provide a clear definition of what constitutes an offence to a woman's modesty. Nonetheless, the court adopted several ways to interpret it. The Supreme Court has ruled that modesty is a quality that is exclusive to feminine humans. Such an offence is considered to infuriate modesty and be recognised as an insult to female decency and dignity. For instance, slapping a woman in the butt, requesting sexual favours from her, stripping her off, etc.

IMPORTANT ELEMENTS OF SECTION 354

The following constitutes the offence under Section 354 of the IPC.

- There must be a woman who has been the victim of assault.
- She must have experienced unlawful force from the suspect.
- There must be a desire to offend a woman's modesty.

Rupan Deol Bajaj v K.P.S. Gill[15]: The High Court dismissed the FIR and ruled that Section 95 [16]of the IPC applied to the offence. In contrast to the High Court, the Supreme Court ruled that quashing a FIR is unlawful and that Section 95 of the IPC is not at all relevant. The court went on to say that a crime against a woman's modesty could never, ever be considered insignificant. As a result, the accused was charged under Section 354 of the IPC.

Stripping (Disrobing a Woman) [Section 354B]

A violation of Section 354B is punishable by a sentence of at least three years, which may go up to seven years, plus a fine, for attacking or using unlawful force against a woman or for aiding in such an act with the goal to strip or force her to be naked. Only a male can be punished in accordance with this clause because it is a gender-specific offence.

[15] Rupan Deol Bajaj v K.P.S. Gill (2005) 6 SCC 161
[16] Indian Penal Code 1860, s 95

INGREDIENTS

1. The defendant must be a guy.
2. There must be the use of unlawful force, an assault, or the facilitation of any such crime.
3. A woman must be intended to be stripped off her clothing or forced to be naked.

SECTION 354C: VOYEURISM

In response to the 2012 Nirbhaya Rape Case, this offence was created. It is covered by IPC Section 354C. Voyeurism is defined as appeasement that results from surreptitiously watching another person's genitalia or sexual activity. This clause is broken up into two distinct sections. First, when someone witnesses or records a lady doing a private act, and second, when that person shares or spreads that image. The first offence has a minimum sentence of one year in jail and a maximum of three years in addition to a fine. The second offence carries a minimum sentence of three years in jail and a maximum of seven years in addition to a fine.

INGREDIENTS

1. The defendant must be a guy.
2. He must observe or record.
3. The woman being photographed must be performing a private act.
4. She must anticipate not being observed by the perpetrator in these circumstances; or
5. That picture is spread by the accused.

INTIMIDATION [SECTION 354D]

The term "stalking," which primarily refers to the act of following or attempting to contact a woman despite her lack of interest, is discussed in Section 354D of the IPC. There are two offences under this section. First, when a guy persistently pursues, makes contact with, or tries to make contact with a woman despite her obvious lack of interest, and second, when a male observes how a woman uses the internet, email, or any other kind of electronic communication. For a first offence, a period of up to three years in prison and a fine is the recommended punishment. For a second offence, the penalty can be up to five years in prison and a fine.

INGREDIENTS

1. Both the accused and the victim must be male.
2. Pursuing, approaching, or attempting to approach a woman; or
3. The woman's use of the internet, email or any other electronic communication is observed.
4. Notwithstanding the woman's disinterest.

WHAT DOESN'T CONSTITUTE STALKING?

There is a proviso appended to Section 354D that creates an exception to this offence. It won't be considered criminal behaviour if the State assigns a person some of the responsibility for preventing and identifying crimes, as long as the person's behaviour is reasonable and justified under the circumstances.

DEATH FROM DOWRY [SECTION 304B]

Bride burning and dower killings are evil practises that are still common in Indian society. It is an unfortunate development in our culture and a sign of a certain social sickness. Section 304B of the IPC, which addresses dowry deaths, has a unique provision for this grave issue. Dowry death is defined in Section 304B (1), and its punishment—which may include life in prison—is laid out in Section 304B (2).

THE COMPONENTS OF DOWRY DEATH

The following elements of the offence must be proven –

- A lady must die from burns or another physical injury, or under unusual circumstances.
- Such demise must take place within a window of seven years.

CONCLUSION

Despite the numerous laws designed to defend and protect women's rights and interests, the prevalence of crime against and victimisation of women is skyrocketing. It is often claimed that

dance requires two people. It means that the rise in crimes against women in our society is not solely under the authority of the law. The eradication of discrimination against women and the instillation of social ethics, morality, and values, as well as respect and dignity for all people toward women, are urgent needs that can also help to lower the rate of crimes against women. However, more and more restrictive regulations are required in order to prevent anyone planning to commit such crimes from gathering the courage to carry out his plan.