

Physical Crimes against Women

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Introduction

Women may be victims of any general crimes ranging from murder to cheating. However, only crimes which are directed specifically against women are characterized as 'crime against women'. Crime can be committed physical and mentally. Rape is a crime which is committed against a woman's will, committed with consent given in fear, committed in a situation where the woman believes that she is lawfully married or when consent is given by unsound mind or intoxication.

India is a country where the crime rate is as high as the sky. There are a number of cases lodged and number of cases that die in the dark. The last time people of India were seen all fired up was in 2012, with the news of a brutal gang rape of a young woman. But the sad part is nothing has changed. 2012-18 the number of cases declined in 2012 but a rise was seen later. The list of horrendous crimes started when an 8-year-old girl was raped in Kathua with a motive to drive out the nomadic Muslim community of Bakarwale from Hiranagar tehsil. Just to build fear in the Muslim community the girl was raped from January 10th 2018, later her body was found on 17th January 2018.² In the same year on April 15th and 16th a father allegedly "gifted" his daughter to his friends and later joined them to gang rape her in Sitapur district about 70 km away from Lucknow. The girl was confined for 18 hours in a room.³

Rape is the violation of a victim's fundamental rights under article 21 of the Constitution of India which is right of life and personal liberty. No person shall be deprived of his life or personal liberty except according to the procedure established by the law of India.⁴ Article 21 guarantees right to life with dignity.

In *Bodhisattwa Gautam v. Subhra Chakraborty*, the Supreme Court held that

"Rape is thus not only a crime against the victim, it is a crime against the entire society. It destroys the entire psychology of a woman and pushed her into deep emotional crises. It is only by her sheer

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² [Www.Indiatimes.Com](http://www.indiatimes.com)

³ <https://timesofindia.indiatimes.com/City/Lucknow/Up-Woman-Gang-Raped-By-Father-His-Friends-In-Sitapur/ArticleShow/63818164.Cms>

⁴ Article 21 Of Indian Constitution

will power that she rehabilitates herself in the society, which, on coming to know of the rape, looks down upon her in derision and contempt. Rape is, therefore, the most hated crime. It is a crime against basic human rights and is also violative of the victim's most cherished of the fundamental rights, namely, the right to life with human dignity contained in Art 21".⁵

In a society that comprises of 133.92 crores (2017)⁶ population there are no like minds. If looked into the introduction of Indian penal code ACT 45 of 1860 states "In India the criminal jurisprudence came into existence from the time of Manu. Manu has recognized assault, theft, robbery, and false evidence, and slander, criminal breach of trust, cheating, adultery and rape.

The Indian Penal Code Bill was passed by the legislative council and it received the assent of the governor general on 6th October 1860. It came on the statute book as THE INDIAN PENAL CODE (45 of 1860). Chapter XVI of Indian Penal code has total seven sections describing and explaining sexual offences. India is among the top countries where rape statistics is higher than other crimes. According to a site the top five countries where rape statistics is high are:⁷

1. United States
2. 33
3. Sweden
4. India
5. United Kingdom

According to criminology & penology with victimology by Dr. N.V Paranjape seventeenth edition 2017 the factors which are mainly responsible for steep rise in sex offences may briefly be stated as follows:-⁸

1. Man is a creature of endless moods and caprices.
2. The institution of religion which was once regarded as a potential weapon of social control has lost its force in modern times.
3. Closer association of women with men, particularly at work places, provides occasion for intimacy which creates a background for sex delinquency. Despite the protection

⁵ Article-21-Of-The-Constitution-Of-India-Right-To-Life-And-Personal-Liberty

⁶ Google statics

⁷<https://www.linkedin.com/pulse/top-10-countries-highest-rape-crime-geeta-pandey>

⁸criminology & penology with victimology by Dr. N.V Paranjape seventeenth edition 2017

extended to worker in work places by the Supreme Court through its guidelines laid down in Vishaka's case, the sexual harassment of women in jobs and elsewhere have not receded.

4. Urbanization of the country has given rise to a several new problems in human life. Parents have less time for their children as most of them are involved in jobs which results in appointment of household helps.
5. The dressing sense also has an impact.
6. The influence of intoxicants such as liquor, drugs etc., also accounts for the incidence of sex crimes. Under the influence of intoxicants a man becomes rash and out of control.
7. The sex satisfaction is an important biological need of human personality.
8. Significant to note that intensity of sex desire among persons is never uniform. According to Dr. Paripurnanand, the innocent children who indulge in sex acts without knowing that what they are doing is a crime and at a later stage when they grow older they turn to be sexual psychopaths.
9. One more reason for growing incidence of sex crime in India is that majority of sex offenders get acquitted in the absence of eye-witnesses as these offences are always committed in desolate lonely places.

The Indian Penal Code has seven for sexual offences:-

1. Section 375 – explanation of rape / conditions of rape
2. Section 376 – punishment of rape
3. Section 376A – punishment for causing death or resulting in persistent vegetative state of victim
4. Section 376B – sexual intercourse by husband upon wife during separation
5. Section 376C – sexual intercourse by a person in authority
6. Section 376D – gang rape
7. Section 376E – punishment for repeat offenders
8. Section 377 – unnatural offences

Conclusion:

I hope the paper is informative to the once reading it. The above paper is a study of various other articles published by authors, books, bare acts, newspaper, news headlines and other resources. Rape is an offence that can cause mental as well as physical pain to the victims.

This offence is violation of fundamental rights guaranteed in the Constitution of India (Article 21). Rape is the only crime where the victim becomes the accused.