

CRIME AGAINST WOMEN – INDIAN PENAL CODE [IPC] AND ITS ENFORCEMENT BY TAMIL NADU POLICE FROM 2016 TO 2018 – A REVIEW

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It is possible for women to be on the receiving end of any crime like robbery, murder, etc. but the crimes where only women can be on the receiving end, are called 'Crime against Women'. Gender equality is a guiding principle in drafting Indian constitution and can be seen in the fundamental rights, duties, and preamble and directive principles.

The established arrangements for women are the Articles 14 of Indian constitution gives on women and women equivalent rights and openings in political, prudent and social circle, the Article 15 precludes oppression any resident based on religion, race, position, sex and so on. Article 16 accommodates fairness of chances matters identifying with employment or appointment to any office under the state, Article 39(a)(d) discusses strategy security of state correspondence for the two men and women the privilege to a method for vocation and equivalent compensation for the two men and women and Article 42 orders the state to make arrangement for guaranteeing fair and sympathetic states of work and maternity help.

Apart from these, constitutional sanctions towards women, a number of new legislations were brought and amendments are done in the current laws so as to tackle crime related to women. All this was categorized to: Crimes under Indian Penal Code (IPC) and The Crimes under the Special & Local Laws (SLL).

The Indian Penal Code is the criminal code of the Republic of India. It is a finished code planned for covering every part of criminal law. It came into power in 1862 in all British Presidencies with the working of its own courts and general sets of laws. The 'Special Law' is a law pertinent to a specific subject and 'Local Law' is a law material just to a specific piece of India.

This study discusses the provisions in Indian Penal Code with regard to 'Crime Against Women' and its implementation in Tamil Nadu by police and Judiciary from 2016 to 2018 CE.

Policing in contemporary society is a matter of complex nature. The concept of policing itself has witnessed a lot of changes right from the early stages of its evolution and development. In ancient times, society was more or less static; the policing activities were limited to only maintenance of public order, prevention and detection of crime and regulation of traffic on the roads. But the modern society is very dynamic and volatile and rapid changes are taking place in every sphere of activities as a result of the scientific developments. As social disparities have widened, the number of areas needed for police attention also has increased. The indication has been seen from the enactment of so many numbers of special and local laws. Technical advancements in the society have their share in policing issues and it also necessitated the police department to have specialized and modernized branches in its fold.

Human Rights, Cyber Crimes and Crime against women issues have now started surfacing and making a remarkable impact on policing. It becomes necessary for the police department to understand and analyze the complex issues of today's world. It needs a number of professionals in the field of human behavior, criminology academics, penology, basic sciences, Applied sciences and so on to handle the issues in a correct way. There is also a need for partnership with several other departments and organizations including Non-Governmental organizations to handle sensitive issues.

Post-colonial world has women being shown to be on the receiving end. The attention on the casualty subject builds up the portrayal of women in the post-colonial world as interminably underestimated and oppressed, particularly in the eastern nations. The supreme mediation of the Western forces saw the local women of eastern provinces as a casualty and furthermore as a portrayal of a regressive and boorish culture. In 1993, the World Human Rights meeting perceived wrongdoings against women as an infringement of common liberties.

Therefore, the United Nations General Assembly embraced the Declaration on the Elimination of Violence against Women in 1993 which classified "viciousness against Women" as "a showing of sex-based cruelty that outcomes in or liable for any physical, sexual or mental harm to women, which comprises of dangers of such demonstrations, pressure or self-assertive hardship of freedom in the open or in private life."¹

In 1995 report, the United Nation [UN] secretary General Kofi Annan identified various types of violence against women.

- a) Types of violences such as mental, physical and sexual violences within the family which comprises of sexual harassment of girls in family, dowry-related crime, marital rapes, female genital mutilation and conventional exercises which can harm women, non-spousal offense and mistreatment.
- b) Types of violences such as mental, physical and sexual violences in general community which comprises of sexual abuse, harassment, rape, work intimidation, harassment in learning institution, etc. and women traffic and forceful prostitution.
- c) Types of violences such as mental, physical and sexual carried out or disregarded by the state.

Modern India refers to the period starting from the period of Later Mughals to the end of British rule in India (1700 A.D. to 1947 A.D.). During the British period the education of women was encouraged and this resulted change in the position of women. The educated women started to raise their voice against the British domination and entered the freedom struggle. Later they started to fight for their own rights.

The primary draft of the Indian Penal Code was set up by the First Law Commission under the chairmanship of Thomas Babington Macaulay. The draft was made on the basis of straightforward codification of the law of England and certain arrangements acquired from the Napoleonic Code and Louisiana Civil Code of 1825.

The principal draft of the Code was presented to the Governor-General in committee in 1837. The total drafting of the code finished in 1850 and submitted to the Legislative Council in 1856. It got deferred because of the Indian Revolt of 1857 set on the rule book of British India.

This code was in the picture on 1st January, 1860 and then went through various changes by Barnes Peacock and he filled in as the principal Chief Justice of the Calcutta High Court.

Prior to the British, the punitive law winning in India depended on the Mohammedan law. In the start of its organization, the East India Company did not interfere into criminal law of India. In 1772, at the time of organization of Warren Hastings, it interfered in between till 1861, occasionally, the British Government did numerous adjustments in the Mohammedan law, up to 1862. At the point of the Indian Penal Code coming into power in 1862, the Mohammedan law was considered to be the center of the criminal law. The

¹Guruappa Naidu, Violence Against Women in India, New Delhi, Serials Publications, 2011, p.23.

period of the organization of Muslim criminal law in India was extended for a long period and has been from the actual presence of various terms of Indian laws.

The IPC in its different areas characterizes explicit wrongdoings and gives discipline to them. It is sub-isolated into 23 parts that contain 511 areas.²

Provisions under IPC dealing with Crimes Against Women

- **Rape**

A man commits rape in the event that he has sexual intercourse with a woman younger than 16 without her assent or will or compromising or making dread or by imparting bogus expectation. According to the IPC 376, discipline for sexual attack whoever, besides in the cases accommodated by sub-segment (2) submits a sexual attack will be rebuffed with detainment of one or the other depiction for a term which will not be under seven years yet which may reach out to 10 years and will likewise be obligated to fine. The Indian governing body perceived marital rape as an offense in 2006 by presenting the overhauled Protection of Women from Domestic Violence Act. After this, the IPC extended its arrangement for spousal to incorporate passionate, verbal and financial maltreatment of females.³

- **Kidnapping & Abduction**

IPC Sections of 363 – 373 of 1860 clarify kidnapping and abduction as being unlawful under conditions of a minor being grabbed for asking, servitude or requesting, for the reasons for homicide, emancipate, constraint, subjugation, or constrained marriage.

- **Homicide for Dowry, Dowry Deaths or theirs attempts**

The originally started as practice of giving land, goods or money as a voluntary gift at that time of marriage to the groom by the bride family as a token of love and affection . This ancient Vedic practice is associated with “*Kanyadan*” the giving away of the bride. In due course of time, this voluntary nature of the gift turned as an evil practice of “dowry” which led to numerous incidence of burning of bride and torture and even led to death. IPC section 304 B explains what constitutes “dowry death and IPC Act 45, section 304 B of 1860 has explained that when any woman has an injury on her body and dies before seven years of marriage, where it is observed that she was exploited by her husband due to dowry.⁴

- **Cruelty by husband or relatives**

According to the Section 498-A of IPC, torment of a woman by her husband and his relatives mentally or physically implies exposing her to mercilessness by any activity that would make the woman end it all or anything that would lead to wounds on the woman.⁵

- **Molestation (Sec. 354 IPC)**

Molestation incorporates utilizing criminal power to any woman, meaning to shock or realizing that it generally will be likely that he will in this manner shock her unobtrusiveness is the definition given by the IPC, Act No.45, Section 354, 1860.

- **Sexual Harassment**

The words, sounds, signals or articles that are proposed to be seen or heard by a woman who meddles with the protection of the woman are recorded under lewd behavior by IPC, Act No.45 Section 509, 1860. It is likewise the demonstrations of offending the humility of any woman.

- **Importation of Girls**

Importing a woman from one nation into India, without her consent, below 12 years old for the motivations behind constrained, enticed or illegal intercourse according to the IPC, ACT No.45, Section 366B of 1860.

²C.K. Takwani, p. 1.

³N.PrabhaUnnithan, Crime and Justice in India, New Delhi. Sage Publication India PVT Ltd., 2013, p.251

⁴ Ibid., p.252

⁵ Ibid., p.253

An aggregate of 2,28,650 occurrences of crime against women (both under IPC and SLL) were accounted for in the country during the year 2011. One crime under IPC is accounted for like clockwork in India. One crime is carried out against ladies at regular intervals and an attack case is perpetrated like clockwork though an instance of assault is perpetrated each 29th minute. An instance of inappropriate behavior is accounted for at regular intervals though an instance of shared demise happens like clockwork and an instance of savagery by husband and family members is accounted for each ninth minute.

Three –member Commission under the chairmanship of ex-Chief Justice of India Justice J.S. Verma was assigned to review laws for sex related crimes and it submitted its report to the government in the month of January, 2013. The Commission suggested many changes in criminal laws to deal with crimes and violences against women effectively. The areas which the Verma Committee recommended were rigorous imprisonment or seven years of jail for rapist, seven years jail for Voyeurism, Acid Attacks and trafficking, every compliant of rape must be registered by Police, protocols for medical examination should be professional, All marriages in India should be registered and to have a separate Bill Rights for Women. It also recommended the reforms in the role of Police, Judiciary, politicians. .

The land mark in this direction is the introduction of Women Police Station has been with the intention of creating a separate police station that employed only with female officials to handle crimes committed against women of sensitive nature like domestic violence, rape and other forms of gender specific senses. The first ever Women Police station opened in India was in the state Kerala in the year 1973.⁶ Gradually the number of such women police stations increased on observing their necessities and performances. India had 479 All women Police stations as of the year 2013.

First Indian State of our country with a women-police commando force was Tamil Nadu, with the directives of Chief Minister Jayalalitha. It is used to protect VVIPs, escort criminals and huge operations where the commando skills are essential.

Tamil Nadu Police have given high priority for Crime against Women. Some steps are taken for managing social menace impacting women. Crime prevention against women is getting focused by police attentiveness and resource harness of women communities. All Women’s Police Stations (AWPs) and Women Helplines operate in these AWP. The following Tables explained the role played by Tamil Nadu Police in handling the crime against women in the state of Tamil Nadu between 2016 to 2018.

Table – I

Victims of IPC Crimes against Women in Tamil Nadu [2016-2018]

[As per Crime Review Tamil Nadu Statistics, State Crime Recording Bureau Chennai, Tamil Nadu]

S.No.	Nature of Crime	Year								
		2016			2017			2018		
		I	V	R	I	V	R	I	V	R
1.	Murder of Women	00	00	0.0	04	04	0.0	00	00	0.0
2.	Dowry Death	58	59	0.1	48	48	0.1	55	55	0.1
3.	Abetment to suicide of Women	122	122	0.3	220	220	0.6	244	245	0.6
4.	Miscarriage	00	00	0.0	0	01	0.0	02	02	0.0
5.	Acid Attack	00	00	0.0	03	03	0.0	02	02	0.0

⁶Seema Agarwal, Women Police – Women or Police, *Tamil Nadu Police Journal*, October- December, 2006.p.115

6.	Attempt to Acid Attack	00	00	0.0	00	00	0.0	03	03	0.0
7.	Cruelty by husband or his relatives	1256	1256	3.2	984	984	2.5	789	809	2.0
8.	Kidnapping and Abduction of Women	140	145	0.4	859	869	2.2	896	906	2.2
9.	Human Trafficking	432	606	1.1	07	07	0.0	14	14	0.0
10.	Rape	319	320	0.8	283	283	0.7	331	332	0.8
11.	Attempts to commit Rape	17	17	0.0	11	11	0.0	13	15	0.0
12.	Assault on Women with intention to outrage her Modesty	854	855	2.2	744	753	1.9	814	815	2.0
13.	Insult to modesty of Women	27	27	0.1	09	09	0.0	14	14	0.0
14.	Total IPC Crime against Women	3225	3407	15.4	3194	3192	8.0	3177	3212	7.9

[Note: I - Incidences, V- Victims and R- rate at State]

From the Table – I, it is clear that crime under Cruelty by husband or his relatives was high and consistent under ‘Crime Against Women’ in Tamil Nadu during the period of study followed by ‘Assault on Women with intention to outrage her Modesty. It is also interesting to note that no crime was registered under ‘Murder of Women’. ‘The Abetment to suicide of Women’ is the type of crime was doubled in 2018 when compare to 2016. The incidence of Acid Attack, attempted to Acid Attack and Miscarriage were very minimum. The rate of crime against women under IPC has been seen in a decreasing trend in the rate calculation in Tamil Nadu between 106 and 2018. It is noticed that incidences of Rape was moderate and consistence in nature during this period.

Table – II

Disposal of Persons committed Crimes against Women under IPC in Tamil Nadu [2016-2018]
[As per Crime Review Tamil Nadu Statistics, State Crime Recording Bureau Chennai, Tamil Nadu]

S.No.	Nature of Disposal of Persons	2016		2017		2018	
		Male	Female	Male	Female	Male	Female
1.	Persons Discharged	23	07	214	46	37	01
2.	Persons Acquitted	4372	649	4314	688	3501	522
3.	Persons Convicted	960	115	946	127	592	66
4..	Persons whose Cases Trials were completed	5355	771	5091	800	4130	589
5.	Persons Pending Trials at the end of the year	24050	3241	19997	2598	18613	2380

It is noted from the Table –II that the persons acquitted has high when compare to the persons convicted in all the three years under this study. It is also noted the number of persons pending Trials at the end of the each year also very high when compare to the cases completed.

Table – III**Disposal of Crimes Committed Against Women Cases -2016-2018****[As per Crime Review Tamil Nadu Statistics, State Crime Recording Bureau Chennai, Tamil Nadu]**

S.No.	Nature of Disposal	2016	2017	2018
1.	Cases stayed or sent to Record Room		01	09
2.	Cases convicted	754	328	457
3.	Cases Discharge	2752	124	33
4.	Cases Acquitted		2533	2282
5.	Cases in which Trials were complete	3506	2985	2272
6.	Cases Disposed off by Courts	2773	3139	2908
7.	Cases pending Trial at End of the year	4867	13836	13032
8.	Conviction rate	21.5	11.0	16.5
9.	Pendency Percentage	83.0	81.5	81.8

Table – III shows that the percentage of pendency of cases under Crime Against Women in the court of law in almost all the three years stood above 80%.

CONCLUSION

It can be concluded after this study that just the legislation and law enforcement agencies will not be able to stop crime against Women. There is a need for creation of social awakening and change among the youth by educating them with the existing social values and evils, culture, tradition, laws as to bring them up with a responsible person in the society. Mass media and NGOs can play a vital role in this direction. As per the report of Home Ministry of India under the title ‘ Crime India’, Tamil Nadu is far better than other states in India when assess the Crime rate regarding the Crime Against India. The most of the cases in Tamil Nadu was Cruelty by husband or his relatives. It may include the dowry related matters. Apart from this, the cases under other sections of IPC are considerably low in number. It is also noted that the attempt to abuse of power of police and legal system also observed on seeing the number of acquittals.. The introduction of All Women Police Station in Tamil Nadu empowers women. A woman can prefer formal charges by refusing the counseling. It is also interesting that men also can seek redress through AWPS.

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