



drishti

The Big Picture: Crime Against Women

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<https://youtu.be/zLEHlhKuluE>

Why in News?

The Centre has issued a fresh advisory to states and Union Territories on mandatory action in cases of **crimes against women**.

The detailed three-page advisory of the home ministry came days after the alleged gangrape and murder of a woman in Haathras, Uttar Pradesh sparked nationwide outrage.

Key Points

- The Centre has ordered that probe into rape cases must be completed within two months as per law and that dying declaration of a victim can't be discarded.

- There should be compulsory registration of a first information report in case of a cognizable offence under the **Code of Criminal Procedure** (CrPC).
- India at present is an extremely women unfriendly country, the atrocities and crime against women is something very trivial
- **Crime against women** is still not among the top 10 priorities of any police organisation.

Existing Condition of Crimes

- Even though the **SC verdict in Lalitha Kumari Case** is clear that FIR in cases of **cognizable offence** must be registered. In many cases, FIRs are not even filed, for the reasons:
 - To show the minimised statistics of crime in the records.
 - More number of FIRs simply indicate the inability of police to curb crimes.
- **Humiliation to victim:** Victims, instead of getting justice, had to face several unnecessary humiliating questions.
- **Crime in home:** Most crimes still happen within the confines of homes & victims are raped by people they know well like relatives/friends/etc, most of these cases don't even make it to the statistics.
- **No preventive measures:** In case of any crime committed against women, the discussion always goes towards punishment for the crime only, but never towards the prevention of crime.

The Lalitha Kumari case:

- Lalitha Kumari was a minor girl who was kidnapped, following which her father, Bhola Kamat, filed a **habeas corpus petition** in the Supreme Court.
- He alleged that even though he had submitted a written report to the officer-in-charge of the police station concerned, no action was taken. An FIR was filed only after the matter reached the superintendent of police.
- A 5-judged bench was referred for the final judgement which was declared as “The police officer cannot avoid his duty of registering offence if cognisable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognisable offence”

A cognisable offence

A cognisable offence is one where the police can make an arrest without a warrant.

These include offences such as murder, rape, dowry death, kidnapping, etc.

Section 154 of the CrPC lays down the manner in which information received on commission of cognisable offences needs to be treated.

Government Initiatives

- **Constitutional Safeguards:**
 - **Fundamental Rights:** It guarantees all Indians the right to equality (Article 14), no discrimination by the State on the basis of gender (Article 15(1)) and special provisions to be made by the State in favour of women (Article 15(3)).
 - **Fundamental Duties:** It ensures that practices derogatory to the dignity of women are prohibited under Article 51 (A).
- **Legislative Framework:**
 - **Protection of Women from Domestic Violence Act, 2005:** It provides victims of domestic violence with a means for practical remedy through prosecution.
 - **The Dowry Prohibition Act, 1961:** It prohibits the request, payment or acceptance of a dowry.
 - **The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013:** This legislative act seeks to protect women from sexual harassment at their place of work.
 - **The Protection of Children from Sexual Offences (POCSO), 2012:** It was enacted to protect minors from offences of sexual assault, sexual harassment and pornography, while safeguarding the interest of the child at every stage of the judicial process.

Way Forward

- **Prevention instead of punishment:** More focus should be stressed upon how to prevent these heinous crimes. Conversations on this issue need to happen not just after commission of such heinous crimes but even without them, so that these very crimes can be prevented.
- **Women in need of women:** Need for shifting the blame away from the victim & standing by her. At least mothers & other women need to stand by the victim rather than blaming them. The victim should be given the benefit of doubt.
- **Encouraging the police:** Incentivising and rewarding the good cops for performing their duties responsibly, ensuring justice to the victims & the ones that do not do their duty should be shamed & punished under **IPC section 166a**.
- **Lesser but fairly implemented Laws:** It is better to have fewer laws that are implemented faithfully, than to have more laws implemented very loosely.
- **Empowering the victim:** Victim or likely victim needs to be empowered, rape in most cases is a display of power and less about sex/caste/religion.
- **Improving the investigative infrastructure:** Strengthening the police system & it's forensic apparatus. Every district needs to have an easily accessible & competent forensic lab.
- **Educating children:** Teaching children about gender equality and making sure they know that women are equal to men & deserve equal respect.
- **Role of parents:** Parents need to take the responsibility of their children and should learn and teach their children that these crimes don't have apologies.

- **At practical level:** We should focus on steps at practical level to ensure that fewer crimes are committed, For eg:
 - More patrolling
 - More street lights
 - Creating safer street culture by ensuring lesser streets are deserted

Conclusion

- Crime against women needs to be looked at as a prevention issue, while policing reforms & criminal reforms are important in ensuring prevention & justice, it can't be seen as a silver bullet, crime against women cannot be resolved in the court of law alone. A holistic approach & changing the entire ecosystem is what is required
- All the stakeholders need to get their act together, including Law makers, police officers, forensic dept, prosecutors, judiciary, medical & health dept, NGOs, rehabilitation centers.