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## ROLE OF POLICE IN PREVENTION OF CRIME AGAINST WOMEN

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### ABSTRACT

Violence against women in India has gathered considerable attention in recent years with increasing public policy debates on urgent legal reforms. Violence against women is a violation of dignity, safety and human rights. The problem is immense, particularly domestic violence, but also violence against women in conflict situations and against victims of human trafficking. Yet it is often seen as a private matter, something that goes on behind closed doors. It is not: it is a crime. And the state has a responsibility to protect the victims. This paper combines this narrative with the theory of representative bureaucracy which implies better outcomes for a section of society Police. I find considerable heterogeneity across different types of crimes against women and states by female literacy levels and degree of urbanization.

**Keyword:-** Police, Women, Crime, Violence, Public, Law.

### INTRODUCTION

Centuries have come, and centuries have gone, but the plight of women is not likely to change. Time has helplessly watched women suffering in the form of discrimination, oppression, exploitation, degradation, aggression, humiliation. In Indian society, women occupy a vital position and venerable place. The Vedas glorifies women as the mother, the creator, one who gives life and worshipped her as a 'devi' or goddess. But their glorification was rather mythical for at the same time, in India women found herself totally suppressed and subjugated and oppressed because society believed in clinging on to orthodox belief for the burnt of violence- domestic as well as public, physical, emotional and mental. Male violence against women are world wide phenomenon. Fear of violence is the cause of lack of participation in every sphere of life. There are various forms of crime against women. Sometimes it is even before birth, some times in the adulthood and other phrases of life. In the Indian society, position of women is always perceived in relation to the men. This perception has given birth to various customs

and practices. Violence against women both inside and outside of their home has been a crucial issue in the contemporary Indian society.<sup>1</sup>

The sociologist had described the women by propounding different perception. In Indian, the history speak that the women are considered as a divine force but the multi- cultured India, society placed the women different position. Thus, there is no uniform status of women in the Indian society. However, civilization showed the overall upliftment of women's position. Accordingly to historian Romilla Thaper.

“within the Indian sub- continent there have been infinite variations on the status of women diverging according to cultural malice's, family structure, class, caste property rights and moral”.

The Indian philosophy poses the women with dual character. On the one hand, she is considered fertile, patient and benevolent but on the other hand, she is considered aggressor and represents 'shakti'.

In this research paper we have evaluated the legal framework for protection of women and the role of police combating it.

## I. POSITION OF WOMEN IN PRE- INDEPENDENCE PERIOD<sup>2</sup>

To study the position of women before the independence period, is necessary to discuss the position of women during the Vedic period, post Vedic period and medieval period.

**VEDIC PERIOD:-** undoubtedly, the position of women during the Vedic period was glorious on account of freedom and equality. During this period, the women participated in every walk of life. Women studied in gurukuls and enjoyed liberty in every sphere and liberty in every sphere. The great women like Apala, Visvara, Yamini, Gargi and Ghosa stole the lime-light and became frong eunner in society. They acquire efficiency in art, music and even warfare. In upnishad, the wife has been regarded as a true companion of husband. The wife has been blessed to live as a queen in the husband's house in rigveda. This shows a high status of women. The wife has been called the root of prosperity, enjoyment and dharma in Mahabharata. The man was not religious duties without his wife. There was absence of the pardha system, right to select life partners. However, the system of polygamy and dowry was only prevalent in the ruling class. There was no prohibition in the remarriages of widow and also no discrimination between a boy and a girl. As a result, girls were permitted to undergo thread ceremony (upanyana sanskar).

**POST VEDIC PERIOD:-** During the post Vedic period, the women had suffered drastic hardships and restrictions as propounded by Manu. Ha attempted to set up male dominating society by increasing the authority of man. The birth of a girl child was treated as a disaster for the family. Girls were denied access to education. Girls were not allowed to undergo thread ceremony( Upanayana Sanskar). During this period, pre- puberty

<sup>1</sup> Crime Against Women In India By Ajay Kumar Rajan- 30 March ,2022 (Http://Courntcurrents.org.in)

<sup>2</sup> Dr. S.C. Tripathi & Vibha Arora, "Law Relating To Women And Children" Fifth Edition- 2012, Central Law Publication.

marriage system was originated, thus the marriageable age of girls was lowered to 9 or 10 year. However girls belonging to ruling class were allowed to receive education, training in military science, administration and fine arts to some extent. Daughters were mother of her son. On the other hand, Manu believed that where the women are respected, there all deities are pleased and where they are dishonored there all religious activities become fruitless.

Surprisingly, in post Vedic period, the women's right to property was recognized and concept of "streedhan" prevailed. As Manu defined- "streedhan" means- "that which was given to her before the nuptial fire, in bridal procession, in token of love and which she has received from father, mother, brother and husband".

**MEDIEVAL PERIOD:-** Along-with the invasion of the country by the Muslims, the position of women declined further. The Muslim period witnessed several indicators of low status of women, particularly the Hindu women. The child marriage became a rule to safeguard the chastity and honour of the girls. In many cases the Hindu girls were given in marriage before the age of nine or ten. This clearly indicated that the Hindu girls were denied education. Polygamy and 'purdah' system were 'practiced during the Muslim period. Women were restrained through the 'purdah' system and the movement outside the home was checked. Thus the purdah system affected their education. It also made women dependent on men for external work. Polygamy was very commonly practiced among the higher class Hindus. The Hindu widow spent her days in the most pathetic condition. The practice of child marriage resulted in rapid increase in the number of child widows. The death of a woman was preferred to her falling into evil hands. The practice of 'Sati' was encouraged and the widows who did not perform 'Sati' were looked down upon by the society.<sup>3</sup> Sankaracharya lived during the eighth century. The first Muslim invasion also took place in this century. Sankaracharya had taken the leadership of the Hindu society. He engaged himself in evolving the Hindu Society. Sankaracharya reemphasized the supremacy of Hinduism to face the expanding Buddhism. He stressed on giving equal status to women. India faced the second invasion by the Muslims in the eleventh century. Mohammad Ghazni conquered India. From this time till the mid-eighteenth century, India experienced the breakdown of social institutions, the upsetting of traditional political structure and economic depression. All these had effect on the social life, especially among women. However, during the fifteenth century Ramanujacharya organized the Bhakti movement. The movement brought new trends in the social and religious life of Indian women. Saints like Chaitanya, Nanak, Meera, Kabir, Ramdas, Tulsi and Tukaram propagated in favour of women's right to worship. The Bhakti movement opened the gate of religious freedom to women. This, in turn, resulted in securing some social freedom too. First, the Purdah system was abolished. Secondly women became free from the circumscribed domestic life by attending the religious prayers like 'Kirtans'. Thirdly, a saint could not leave his family to become a 'Sanyasi' without the consent of his wife. This emphasized the importance of wife in the Grihastashram. Fourthly, women were entitled to education through the reading of religious books. Thus, the Bhakti movement had some positive effect on the social status of women. But it could not uplift the economic status. The women continued to be dependent on the males for their maintenance. Two principal schools

<sup>3</sup> Violence Against Women Begins At Home, Medieval Era C.500 – 1500.

of the Hindu Law of Inheritance emerged during this period, the Mitakshara and the Dayabhaga. Under the Dayabhaga school, Vijnaneswara supported the right of a widow to succeed to the entire estate of her husband in the absence of a male child. However, Vijnaneswara approved of the women's right only when her husband was separated from and not united with his coparceners. Under the Dayabhaga school, a woman was allowed to inherit the property of a male relation notwithstanding the status of separation or jointness of women with the coparceners in order to check any drift in the family property.

A woman is subjected to crimes right from her birth or even before that in form of female infanticide. The National Crimes Record Bureau shows that 46 per 1,000,000 women are subjected to crime in one form or the other. The report also states that only 1% women report it and the rest gets veiled under social threat and ignorance. In India, majority of women are not aware of their rights and the remedies that law has given in case of violation of these rights.<sup>4</sup>

## II. LEGAL FRAMEWORK FOR PROTECTION OF WOMEN

The Indian Penal Code, 1860 recognizes various crimes against women and stricter punishments have been levied on them in the recent years. These are as follows:

**SEXUAL HARASSMENT OF WOMEN AT WORKPLACE:-** Sexual Harassment of Women at Workplace<sup>5</sup> was passed with the aim of giving insurance to the ladies at work environment. Lewd behavior is the point at which one individual subjects someone else to an unwanted demonstration of physical closeness like snatching, brushing, contacting, squeezing, eve prodding, makes an unwanted interest or solicitation legitimately or by suggestion for sexual courtesies from someone else, shows an individual any explicitly unequivocal visual material, as pictures/kid's shows/dream boats/schedules/screensaver rendition PCs/any hostile composed material/obscene messages or some other type of unwanted lead of a sexual sort, eve prodding, jokes liable to cause cumbersomeness or shame, allusions, chauvinist remarks. This resolution supplanted the Vishakha Guidelines for anticipation of lewd behavior presented by the Supreme Court of India. Each business is needed to comprise an Internal Complaints Committee at every office or branch with at least 10 employees. The Act covers understudies in schools and universities just as patients in medical clinics, managers and neighborhood specialists should set up complaint councils to examine all complaints. Any victim may record a grumbling recorded as a hard copy to the Internal board/Local Committee inside 3 months from the date of occurrence or the date of the last episode in the event of a progression of episodes. The victim can lodge complaint with Police, under Sections 294, 354, 354A, and 509<sup>6</sup>.

<sup>4</sup><https://www.legalserviceindia.com/legal/article-5250-crimes-against-women-under-indian-penal-code-1860.html> (visited on 25/03/2022)

<sup>5</sup> (Prevention, Prohibition and Redressal Act, 2013)

<sup>6</sup> Indian Penal Code 1860

**ACID ATTACK:-** Acid throwing, likewise called an acid attack is a type of rough attack characterized as the demonstration of tossing corrosive or an also destructive substance onto the body of another with the aim to distort, debilitate, torment, or execute. Culprits of these assaults throw corrosive at their bodies, generally at their faces, consuming them, and harming skin tissue, regularly uncovering and now and again dissolving the bones. The long haul outcomes of these assaults may incorporate visual impairment, just as lasting scarring of the face and body, alongside broad social, mental, and monetary troubles. Area 326A and Section 326B<sup>7</sup>, give the discipline to deliberately causing horrifying hurt by utilization of corrosive and intentional tossing or endeavoring to toss corrosive separately. *Parivartan Kendra vs. UOI & Ors*<sup>8</sup> the PIL on Acid Attack Cases. The Supreme Court in its Judgment has directed the Bihar Government to compensate the acid attack survivor with Rs. 10 Lakhs, and her sister to with Rs. 3 Lakhs. C and S, two sisters who belong to the Dalit community from Bihar were brutally attacked with acid on October 21, 2012

**RAPE:-** Rape is the most inhuman and serious crime against women. It is the fourth most common crime in India. Section 375<sup>9</sup> deals with rape and characterizes assault as 'sex with a lady without wanting to, without her assent, by intimidation, distortion or misrepresentation or when she has been inebriated or duped, or is of weak psychological well-being and regardless in the event that she is under 18 years old. In simpler words, the offense of rape is the ravishment of a lady, without her assent, forcibly, misrepresentation or dread. All in all, it is the coitus (entrance of any of the smallest level of the male organ of proliferation) of any lady forcibly without wanting to. It is an unpalatable demonstration of furthest extent which disregards the privilege to protection and sacredness of a female. Aside from being a dehumanizing and debased act, it is additionally an unlawful impedance in the individual existence of a lady which is an extraordinary blow on the honor, respect, notoriety and confidence of a lady. This ridiculous wrongdoing makes physical injury the casualty as well as embarrasses, corrupts and leaves a scar on respect of the lady. *Vishaka & Ors vs State Of Rajasthan & Ors on 13 August, 1997.*<sup>10</sup>

**DOMESTIC VIOLENCE:-** Domestic Violence is said to be there where one grown-up seeing someone power so as to oppress another. It is the foundation of dread in a relationship through brutality that incorporates different types of misuse. The viciousness may include maltreatment, rape and dangers. Now and again it very well may be more unpretentious, for example, causing somebody to feel useless, not letting them have any cash, or not permitting them to leave the marital home. A plea can be documented to the Magistrate under Section 12<sup>11</sup>. Requests, for be passed by the Magistrate. Objection can likewise be documented under Section 498A for mercilessness by spouse or his family members alongside interest for dowry. The words "shared family unit" were considered by Supreme Court in *SR Batra vs. Taruna Batra*<sup>12</sup>, to mean house having a place with or taken on lease

<sup>7</sup> The Indian Penal Code, 1860.

<sup>8</sup> (WP (CIVIL) No. 867/2013)<sup>8</sup>

<sup>9</sup> Indian Penal Code 1860.

<sup>10</sup> AIR 1997 SC 3011.

<sup>11</sup> Domestic Violence Act, 2005

<sup>12</sup> AIR 2007 sc 1088

by husband or house which has a place with joint group of which husband is a part. If it is select property of relative, it can't be known as a joint family property. A wife can't guarantee and isn't qualified for remain in her dad in law's home utilizing the Domestic Violence Act-It was held by the Delhi Court in *Sudha Mishra v.s Surya Chandra Mishra*<sup>13</sup>.

**DOWRY DEATH DUE TO ITS DEMAND:-** To diminish the developing occurrences of dowry torture and death, another Section was consolidated into Indian Penal Code, that is, Section 498A. According to this Section, whoever being spouse or relative of husband of a lady, subjects her to mercilessness will be rebuffed with detainment for a term which may stretch out to three years and fine. Savagery in this implies any unyielding behavior that is probably going to drive a lady to end it all or to make grave injury or risk her life, appendage or wellbeing of the lady or provocation to constrain her to fulfill any unlawful need for any property or security or on inability to satisfy the need. Afterward, Section 198A was added to the Criminal Procedure Code in 1983. In 2005, the Protection of Women from Domestic Violence Act was passed, which added to shield ladies from endowment provocation. Section 304B<sup>14</sup>, which made endowment passing a particular offense culpable with a base sentence of detainment for a very long time and a most extreme detainment for life. Further, under Section 4<sup>15</sup>, an interest for Dowry is an offense wherein request is made at the hour of or even after marriage even where no pitilessness is included.<sup>16</sup>

**OBSCENITY AND PORNOGRAPHY:-** Erotic entertainment is printed or visual material containing the unequivocal depiction or show of sexual organs or action expected to animate sexual fervor or appears to be lascivious from a mindful reader viewpoint. Expanded utilization of data innovation, for example, Internet and specialized gadgets has prompted expansion of illicit sites containing profane and explicit materials. Obscenity and sexual entertainment have not been explicitly characterized under any Act in India yet the Indian laws manage vulgarity and sexual entertainment and make distributing or transmission, offer of disgusting and obscene materials as culpable offenses under different provisions.

**VOYEURISM:-** This offense appeared after Delhi 2012 rape case. It is referenced under Section 354C<sup>17</sup>. The word 'voyeurism' signifies mollification got from watching the genital or sexual demonstrations of others generally secretly. This arrangement is separated in two unique parts. Initially, when an individual watches or catches picture of a lady participating in some private demonstration and furthermore, when the individual scatter or spread such picture. The primary offense is culpable with detainment of at the very least one year which may expand up to 3 years with fine. The subsequent offense is culpable with detainment of at the very least three years which may broaden up to seven years with fine.

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<sup>13</sup> RFA 299/2014

<sup>14</sup> Indian Penal Code, 1860.

<sup>15</sup> Dowry Prohibition Act, 1961

<sup>16</sup> Satbir Singh & another vs State of Haryana 2005

<sup>17</sup> Indian Penal Code 1860

**STALKING:-** Section 354D<sup>18</sup>, The term 'following' which for the most part implies the demonstration of following or attempting to contact notwithstanding lack of engagement of lady. This segment contains two offenses. For the main convict, punishment is detainment for a term which may reach out to 3 years with fine. The discipline for second conviction may stretch out as long as 5 years of detainment with fine.

**DISROBING A WOMAN:-** Under Section 354B<sup>19</sup> punishes the offense of attacking or utilizing power to a lady or abetting any such demonstration with an expectation to strip or urge her to be bare, with a discipline of at least 3 years which may stretch out to 7 years with a fine. It is a sex explicit offense for example just a man can be rebuffed under this segment.

**INSULTING OR DISRUPTING THE MODESTY OF A WOMAN:-** A demonstration which is finished proposing to affront the humility of lady which may not really include any physical power is brought under the shade of this arrangement through Section 509<sup>20</sup>. The provision aims to discourage any sort of animosity into a lady's humility whether by any word, signal or act or by interrupting the security of such lady. Any individual who submits an offense under Section 509(3) will be rebuffed with basic detainment for a term which may reach out to 3 years with fine.

### III. ROLE OF POLICE IN ENFORCEMENT OF LAW RELATED TO PROTECTION OF WOMEN

The structure and governing laws for policing in India were laid down by the British in the Police Act of 1861, which still governs the current Indian police system (Verma and Subramanian, 2009). The Constitution of India mandates law and order as states' responsibility; thus each of the twenty-nine states can enact any law in the subject of police, while policing in the union territories falls under the administration of the Central Government.<sup>21</sup>

The supervisory roles in all State Police are filled by officers of the Indian Police Services (IPS), which is an All-India service of the Government of India. Each state's police is headed by a Director General (DG) or an Inspector General (IG), who serves as the State Commissioner of Police, and is responsible for the administration of the complete state police force. Within each state, lies a number of *districts*, which serve as different administrative units for civil servants as well as police services. The police in each district is headed by a Superintendent of Police (SP), or Senior Superintendent (SSP) in larger districts. A group of districts in larger states forms a *range*, which is administered by a Deputy Inspector General of Police (DIG). The SP in each district is further aided by Assistant Superintendents of Police or the Additional Superintendents of Police (ASP).

Each district within a state has a number of police stations, which serve as the basic housing unit of day-to-day functions of the Indian police including crime prevention and control. Police stations are headed by Station House

<sup>18</sup> *Ibid*

<sup>19</sup> *Id*

<sup>20</sup> *Id*

<sup>21</sup> Garima Sivach, "Crimes Against Women In India: Evaluating The Role Of A Gender Representative Police Force" (April 19, 2018).

Officers (SHOs) who are usually Inspectors, and may be Sub-Inspectors (SI) in smaller districts. Police stations may also have a small number of Assistant Sub-Inspectors (ASI) to aid the SHOs. Inspectors, SIs or ASIs are primarily responsible for taking reports of crimes where a victim or third party first comes and files an official report called the First Investigation Report (FIR). Once an FIR is filed, these SHOs are responsible for the subsequent investigation of the reported crime. Inspectors are supervised by a Deputy Superintendent of Police (DSP) who is called the Assistant Commissioner of Police, and could be directly recruited by the State Public Services. The entry level rank in the police forces is that of a constable, who then gets promoted to become a head constable. Constables are primarily responsible for patrolling the jurisdictional area covered under their police station, and aide in day-to-day law and order maintenance.

Although there have been little to no institutional changes in policing in India, there have been numerous committees appointed at different points in time that have recommended reforms. In 1979, the National Police Commission devoted a large section to increasing women in police force by recommending special roles for women police in dealing with crimes against women and children, and also in cases of juveniles involved with the criminal justice system. More recently in 2006, the Supreme Court of India passed the 2006 Model Police Act, which among many other police reforms also called for a higher representation of women in police services. Specifically, the act required police stations to have a “Women and Child Protection Desk” staffed, as far as possible, by women police personnel, to record complaints of crimes, against women and children and to deal with the tasks relating to administration of special legislation relating to women and children. In addition, many states have begun to operate all women’s police stations which are staffed only by female personnel.

A part of the challenge in increasing women’s representation in police forces comes from the recruitment process. Apart from the administrative ranks which are recruited centrally from the Indian Police Services, the direct recruitment for the *non-gazetted* ranks in states occurs at three levels – Constable, SI/ASI, and Deputy Superintendent of Police. These ranks are recruited through boards constituted by state police forces, central paramilitary forces, and staff selection boards of the State. The non-standardization of the process has led many state recruitment practices to be filled with many irregularities, inconsistencies, and corruption cases. In response to such practices, some states are moving towards greater standardization in the process by employing newer technology, outsourcing of some recruitment processes, and having a band of officers responsible primarily for recruitment – among other innovations. Recruitment process for men and women is largely similar except for relaxation of physical requirements for women. But many states have separate cadres for men and women, which implies that for a particular rank, only few vacancies are available for women. This particular hindrance also restricts the up-ward progression of women in police force. The National Conference on Women in Police (NCWP) has targeted increasing women’s participation to 33% in every single of the seven annual reports available since 2002, but there have been no active recruitment drives, which have resulted in only a slow increase in the numbers on ground.

#### IV. SPECIAL MEASURES FOR SAFETY OF WOMEN

‘Police’ and ‘Public Order’ are State subjects under the Seventh Schedule to the Constitution of India. Responsibilities to maintain law and order, protection of life and property of the citizens including investigation and prosecution of crime against women rest with respective State Governments. State Governments are competent to deal with such offences under the extant provisions of laws.<sup>22</sup> However, Government of India has taken a number of initiatives for safety of women across the country which is given below:

- i. The Criminal Law (Amendment), Act 2013 was enacted for effective deterrence against sexual offences. Further, the Criminal Law (Amendment) Act, 2018 was enacted to prescribe even more stringent penal provisions including death penalty for rape of girls below the age of 12 years. The Act also inter-alia mandates completion of investigation and filing of charge sheet in rape cases in 2 months and trials to also be completed in 2 months.
- ii. Emergency Response Support System provides a pan-India, single internationally recognized number (112) based system for all emergencies, with computer aided dispatch of field resources to the location of distress.
- iii. The Ministry of Home Affairs (MHA) has launched a cyber-crime reporting portal on 20<sup>th</sup> September, 2018 for citizens to report obscene content.
- iv. Using technology to aid smart policing and safety management, Safe City Projects have been sanctioned in first Phase in 8 cities (Ahmedabad, Bengaluru, Chennai, Delhi, Hyderabad, Kolkata, Lucknow & Mumbai). The projects have been prepared by State Governments, taking into account the need for identification of hot spots for crimes against women for development of critical assets in various areas including infrastructure, technology adoption and capacity building in the community through awareness programmes.

#### V. CONCLUSION

As society's and government's expectations of law enforcement are increasing, police departments around the world are facing greater demands to adopt new ways of operating to bolster their effectiveness. Police organizations must rapidly innovate and implement new strategies to keep citizens safe and remain a step ahead of ever-evolving criminal behavior.

This is especially true when it comes to tackling gendered crime — or, more specifically, crimes against women — in many parts of the world. India, the second most populous country in the world, has faced specific challenges in tackling gendered crime. We think India can draw on some of the innovative and replicable measures that have been implemented in other countries to enhance measures taken to better protect their female populations.

<sup>22</sup><https://www.pib.gov.in/PressReleasePage.aspx?PRID=1782158> (visited on 25/03/2022)