
PROTECTING WOMEN FROM UNDENIABLE CRIME

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Abstract: Since the history women have gained a place of respect in the society, the female is figured who makes our house home, our survival life and so on. But it is a strange turn of events women is being disrespected, harmed, and humiliated in our society. It is evident when we see the atrocious statistics of crimes against women in India. Society is pre-dominant by ideas of men where men always assumed to be superior. Patriarchal set up, dominant cultural ideology, orthodox, and superstitious beliefs and harmful practices are some of the factors that deprive women from essential life indicators. In this society women is not yet securitised from various crimes which affect them in various ways like mentally, psychologically, economically, health wise and so on. It is a discrimination that emerges as the major stumbling block in the path of progress, in every walk of life starting from the foetus. The paper will throw light on the discrimination, injustice, human rights violations etc. violates all fundamental rights given to the women and makes a problem of their security, by focusing on the various crime practise on them.

Keywords: Crime, discrimination, security, violation

Introduction: Since the ancient India women held a high place of respect in the society. In Indian society women occupies a vital position. The Vedas talked about women as the mother, the creator, one who gives life and worshiped as Devi or Goddess. But the same women sometimes find herself totally suppressed and subjugated in this patriarchal society. It has been always said these days that women have full rights to enjoy their liberty as it is the case with men. But in reality, it does not happen, the women are been targeted since past. They are victimized in the forms of discrimination, oppression, exploitation, degradation, aggression, humanities and various heinous crimes. Violence against women both inside and outside their home has been a critical problem in the contemporary Indian society. In India, they constitute around half of the population, but most of them are grinding under the socio-cultural and religious structure [1].

The paper begins with profiling of Indian women with respect to their security from various crimes. It talks about dimensions of violence against women from historical period to modern times. The way they are being discriminated in their all ages of life. And lastly the initiatives taken by the government for their security and justice from these heinous crimes.

This paper is based on secondary data sources. In this context of crime against women in security and sources of procurement of literature includes journal article, magazine online news, books, government reports and internet sources.

Violence against women is described under United Nation as an act of gender based violence that result in or is likely in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It was defined by the United Nations in 1993 in the

declaration on the Elimination of violence against women [2].

According to 2011 census sex ratio between men and women indicates 940 women to per 1000 men, which is improvement over 2001 census where the ratio was 933:1000 [3]. According to Ancient Hindu scriptures, no religious rite can be performed to perfection by a man without the perception of his wife, wife participation is always essential to any religion rite. India is still a male dominated society where women are often seen as subordinate and inferior to men. Manu the great Law giver said a long ago "where women are honoured there reside the gods. They are given not only important but also guaranteed the equal position with men under the Constitution and legal protection. But in current scenario women are discriminated in various ways, they are not getting their actual place of honour.

Indian males have perceived themselves superior than their counterparts more physically or mentally. It can be seen that parents preferring male child over female. In every aspect of life women are denied or given less preference over male whether it is so for giving education or health care. Males are given more freedom in every aspect. This gives a feeling among males that they are superior and hence dominated over women. Sometimes this includes in males a sense of hatred against women if they see an omen crossing their limitations or crossing over them. A girl from big cities may have access to all the luxurious lifestyle, world class high society, good jobs, family and money, but sometimes she doesn't have the basic thing which is security. Today, women in a largest democracy of the world are not safe in the cities of India. Around the world, one women in every four is physical or sexually abused during pregnancy, mostly by her partner [4]. According to South Asian Research Centre for Advertisements,

Journalism & Cartoons (SARCAJC) survey in Delhi, 100 percent women respondents very strongly felt that problem of security faced by women is bigger than any other problem faced in India [5].

According to an official data, there is decline in sex ratio, health status, literacy rate, work participation rate and political participation among women, but on the other hand, there is spread of social evil like child marriage, dowry death, domestic violence, rape, sexual harassment, exploitation, kidnapping, trafficking, torture, humiliation in different part of India [6].

Sometime the criminals are also protected by the policemen and it discourages victims to report against them, they are compelled to remain silent and they remain quite because of fear and also do not expect any justice from the enforcement authority. "On the advice of a doctor the husband registered a case of rape, few people in the neighbourhood were willing to testify that they saw the culprit entering into his house but the police took no action and also the women were threatened by the culprit to be silence or he would kill her husband" [7].

Discrimination since history: In India there is lots of evidence from history, control over women was seen as a social norm. At ancient time Indian system were talkative of keeping a guard on women through and all levels of their lives. Women getting education were seen as political danger, women's role was minimized within the four walls which end up to the sexual desire of male and to give birth to the next generation. Their numbers of bad social behaviours and practices existed in the history like:

In Hindus, especially Rajput practices Sati [8]. The widow were immolated alive on her husband's funeral. The abolishment of this practice was done in 1829 by the British. At that time women were compelled to change their appearance, and kept isolated soon after the death of her husband, it was called Vidhwa Pratha. The practice of Devdasi was also another kind of discrimination against them, it was practiced in some parts of the country, at the time Devdasi had a high status in society. Women were married to the deity or temple. They developed the system of music and dance employed during temple festivals. In later periods the Devdasi's illegitimate sexual exploitation became a norm in some parts of India [9].

Violence at every stage: Women are discriminated, violated throughout their whole life before birth to till her death. Still in India gender biasness is common, with some states noted for female infanticides and foeticides. The incidence of female foeticide is rising [10]. Parents, they prefer a baby son rather than a baby girl for their old age help and for their extension of next generation. Sometime they think that a girl has to go to her next home after getting married and then she cannot look after her

previous parents. So with the conclusion some parents go for the pre genital test, and if they find a baby girl they go for abortion, though abortion is illegal in India. According to a study survey more than 30,000 Indian reveals pre genital treatment before the birth of baby. It is even still common practice to have an abortion based on the baby's sex in India [11]. And if the girl child has taken birth the parents, sometime commit a heinous crime against humanity 'infanticide' is generally refers to murdering of female children soon after the birth. In a study in 1995 showed that the number of baby girls in India who died soon after her birth was three times higher than the number of boys [12]. In 2011 the gender ratio for children under the age of 15 years old was 117 boys per 100 girls with the average ration at birth being between 103 and 108 boys per 100 girls [13]. The case of infanticide are especially wide spread in the female infanticide belt in India streaming from Madurai through the district of Dindeginal Ktrue, Erode, Salen, Dhaemapuri until the North Arcot districts of Tamil Nadu [14]. At the time there early childhood they were introduced to domestic labour even before she learn the basic skill of livelihood. In some rural areas a girl lesser than the age of 5 year old gets up early four in the morning to do the household work like fetching water, cleaning utensils, washing clothes, sweeping home etc. Discrimination against them doesn't stop only till the household work, but she is also subjected to domestic violence at every stage of life. She isn't given a good education like her other brothers, because their parents feel that there is no use of wasting her money on studies. She has no use of getting studies. Once a girl goes out of home, she becomes vulnerable for many crimes like eve-teasing, rape, sexual assault etc. One of the reasons associated with lesser preference for girl child bearing in a fear that whether they can afford a proper marriage for her, through both concerns social and financial. If a girl is highly educated parents fear that it will be difficult to find an equally educated boy within their affordable resource level. She has to get married to the person selected by their parents and to protect her from social evil and to keep her character clean parents marry her in younger age. As a result, she grows in term of age with lesser confidence and larger concerns, sometime she becomes a mother in her younger age which is also not good for health. Man in this age group is also leading helpless life, but relatively much less vulnerable compared to female. In any case where the offender is her own husband and she decides to leave him or to complain against his cruelty atrocities or demands of dowry, the other family members, relatives, friends they all discourages her. They all try to make it short out, she is being forced not directly, but indirectly some time directly also by their family members to patch up.

She is being convinced after marriage that her husband's home is the most respectable adobe for her and her husband is the supreme.

A man cannot bear the humiliation and will never pardon her if she lodge a complaint, against him. She may be turned out of her house and may be harassed for taking this step. In this patriarchal Indian society, it becomes a stigma for a woman of being separated from her husband and if the husband leaves it is enough to make a women's life miserable and with lots of difficulties. After this it is also not an easy task for them to stay single, so many questions arises within the community, she becomes more vulnerable to so many crimes like eve teasing, rape, assault, sexual abuse and then after it becomes very struggling for a single woman to fight legal battles. She does not find any sincerity in her justice and also does not get anything except disappointment.

Crime / Violence against women: In the year 2012 crime against women has increased by 6.8 percent over the year 2011 and by 24.7 percent over the year 2008 [15]. The IPC component of crimes against women has accounted for 95.2 percent of total crime and the rest 4.8 percent were SLL crime against women. The proportion of Indian Penal Code (IPC) crime committed against women towards total IPC crime has increased during last 5 years from 8.9 percent in the year 2008 to 10.2 percent during the year 2012 [16].

53 cities having a population over 10 lack has been identified as mega cities as per population censuses 2011 [17]. A total number of 36,622 cases of crime against women were number of 36,622 cases of crime against women were reported from there 53 cities during the year 2012. Among these cities for Delhi the capital of India recorded the highest number of cases (5,194) of total such crimes than Bengaluru (2,263), Kolkata (2,073) and Hyderabad (1,899). Delhi alone has accounted 19.3 percent of rape cases, 23.1 percent of kidnapping & abduction, 14.6 percent of dowry deaths and 10.9 percent of assault on women [18]. It has reported 1,870 cases of cruelty by husband or relatives. Sexual harassment at the workplace is common with a 2010 survey indicating that 88 percent of women who work in large numbers in the Information Technology (IT) sector have faced some forms of persecution [19].

Rape: Rape is described as, one of India's most common crime against women as well as against humanity. It is a type of assault involving sexual intercourse or any other form of sexual penetration initiated against one or more individuals without the consent of those individuals [20]. The latest estimates suggest that a new case of rape is reported every 22 minutes in India [21]. There are many rape cases in India, which caught attention of people in recent years such as 51 year old tourist raped by five people

in Delhi (2014), Gang rape and murder of 23 year old medical student (2012), the case Shopain rape and murder (2009), Jalgon rape case(1994), Kunan Phospra rape case(1991), Mathura rape case (1972)etc. There are also so many huge number of cases couldn't come into light. Due to our culture, upbringing conditions the male mind behave in cruel fashion with women, men as aggressive and women as submissive. According to NCRB report a decreasing trend of rape was observed during 2008-2009, thereafter an increase trend in the incidence of rape has been observed during the period 2009-2012. The total number of 24,915 cases has been recorded in the year 2012 in India. In which 3,125 victims were girls under 14 years, 5,957 were teenagers 14-18 years old, 12,511 victims were between 18-30 years old, 3,187 were between 30-50 years old, and 135 cases were recorded of over 50 years old victims. In 98.2 percent of offenses victims were known to the offenders. It has been estimated that for every hour 2.84 cases of rape were reported in the country in 2012 [22]. There are various types of rape crime such as acquaintance rape, partner rape, marital rape, child sexual assault, stranger rape, gang rape, parental rape etc.

Kidnapping: Kidnapping is one of the fastest growing crime in India. The total number of cases recorded in the year 2012 is 38,262 by the NCRB. It has increased 7.6 percent during the year as compared to the previous year which was 35,565 cases. In the capital of India 'New Delhi' has reported the highest crime rate in 25.3 as compared to the national average of 6.5 [23].

Dowry Prohibition Act/Dowry Death: It is considered as one of the heinous crimes against women in India. Mostly dowry death occurs when the young women, unable to bear the harassment and torture, commit suicide. Most of these suicides are by hanging, poisoning or by fire. Sometimes the women are killed by setting her on fire which is known as bride burning, sometimes these types of murder are disguised as suicide or accidents. According to Indian Police every year it receives over 2,500 reports of bride burning. In the year 2012 8,233 cases were registered of dowry death in India. Which was 8172 in the year 2010. The highest number of cases 1,275 was recorded from the state Bihar [24].

Torture (Cruelty by husband or relatives): In a report published by National Crime Record Bureau (NCRB), the violence done by her husband and relatives is increased by 5 percent from previous year has increased in the country by 7.5 percent. In 2012 it was recorded 106,527 cases, while in 2011, 99,135 cases were recorded. The majority of cases recorded from Tripura, West Bengal. Andhra Pradesh and Rajasthan [25]. The crime of Assault of women with intent to outrage her modesty has also increased by 5.5 percent

in 2012, the total number of crimes recorded by NCRB was 45,351 and in the year 2011 it was 42,968 [26].

The Immoral Traffic (Prevention) Act: The cases of Immoral Trafficking have increased by 5.2 percent in 2012 over the last year. It has been recorded 2,563 cases this year and in the year 2011 it was 2,435. 72.1 percent of Immoral Trafficking, 22.8 percent Procurement of Minor Girls, 3.0 percent of Selling of girls for prostitution, 1.7 percent cases of importation of girls and 0.04 percent cases of buying of girls for prostitution were observed [27].

Acid Attack: Acid Attack is becoming a growing phenomenon in India. Most of the reports of acid attacks have been committed on females, particularly on young women for rejecting one-sided love, obsession, unwanted physical intimacy and proposal of marriage. It is an extremely violent crime by which the preparation of the crime seeks to inflict severe physical and mental suffering on his victim. The attack of acid has long lasting consequences on the life of the victim who faces perpetual torture, permanent damage and other problems for the rest of her life. India's incidence of acid throwing has been increasing the past decades with a high 27 cases reported in the year 2010, from 2002 to 2010 153 cases of acid assault were reported in printed media [28].

The crime of molestation in the country has increased by 5.8 percent in 2011 over the year 2010 which was 40,613 cases. Madhya Pradesh has reported the highest incidence 6,665 amounting to 15.5 percent of total such incidences [29].

In a simple meaning crime against women is a direct or indirect physical or mental cruelty to women. Violence is popularly known as abuse and it includes any sort of physical aggression. Whenever it happens within four wall it becomes domestic violence. It may involve family members such as children, spouse, parents, or servants. In broad term, violence against women involves hitting, kicking, biting, emotional abuse, controlling, domineering, intimidation, stalking, passive convert abuse, economic deprivation, rape, abduction, kidnapping, murder, dowry death, wife battering, sexual abuse, maltreatment of widow, eve teasing, forcing wife/daughter in law to go for foeticide, forcing a young widow to commit sati including all cases of criminal violence, domestic violence and social violence which affects a large number of society [30].

Discrimination in matters of nutrition and schooling girls in situations of poverty is the risk of trafficking and early marriage. A majority of girls become victims in their early age. About 35 percent of them blamed their families for their fate. Some families are also responsible for forcing marriage as a solution to the problems of protecting a girl from the public area.

Violation of security: The subject of security of women is on fire these days. It has always been a

concern for many people and communities around the world. It becomes visible when we go through those various incidents taking place around the world. Whenever the identity of women is being misunderstood by the individuals or by the society, then the social status of women thus becomes the problem of their security. She is teased on the street, harassed in buses and molested in the public places, but she keeps quiet because the offender can retaliate or blackmail her into silence. She is not helped by anyone present there, they may be either scared or do not want to interfere in private affairs.

Violation affects women: Violation on girls and women is a grave violation of human rights. It impacts ranging from immediate to long term multiple physical, sexual and mental consequences for women and girls including death. Experiencing abuse or an attack can lead to serious mental health problems, including post-traumatic stress disorder, depression and anxiety [32]. Negatively affects women's general well-being and prevent women from fully participating in society. It has not only negative consequences for women, but also their families in the community and the country at large. It has tremendous loss of greater health care and legal expenses and losses in productivity impacting national budgets and overall development. The problem of violation against women cannot be separated from other important problem affecting women such as HIV and AIDS. Women are at a heightened risk of infection due to violation.

Initiative framework for their security: Women in Indian society are becoming the most vulnerable section as far as their security is concerned. Today when we turn newspaper it is found in the headlines about many types of violence, crimes against women such as rape, molestation, sexual harassment, domestic violence etc. in rural as well as in urban areas of India. Of course, these news imply that there has been an increasing trend of such heinous violence against females in present scenario. We all are aware about the various social customs, traditions and certain sets of religious beliefs practiced in India. These customs are deeply rooted place in the core of our minds and hearts of every person which has defined our lifestyle, our thoughts, our expressions and our beliefs be it a man or woman. According to the constitution of India-the fundamental law- as emerging out of the constitute assembly in view of the peculiar position in society treated both men and women equally and provided for protective discrimination for women.

To deal with women's problem a commission on the status of women was established in 1946. The Universal Human Rights had affirmed the principle of inadmissibility of discrimination and proclaimed that all human beings are born free and with equal in

dignity, however, they continued to exist considerable discrimination against women primarily because women and girls face a multiple of constraints imposed by society.

The UN General Assembly in 2000 convened a special session on women, gender equality, development and peace for the 21st century to assess the progress on women's problem. In the month of February 2005, on 49th session the Commission on the Status of Women viewed the progress made on women's human rights agreement, which was known as the Beijing Platform for Action. On March 14th, 2011 the U.N. Commission on the status of Women met with the Economic and Social Chamber and discussed about the present scenario of gender violence in the world [33].

National Initiatives to securitise women from violence:

- National Commission for Women
- Reservation for Women in Local Self-Governance
- The National Plan of Action for the Girl Child (1991-2000)
- National Policy for the Empowerment of Women, 2001

The Indian Penal Code describes various offenses, it has various sections for all crimes related to violation against women and the Criminal Procedure Code (Cr.PC) describes punishments and also various acts are there to look after these heinous crimes such as Rape (Sec. 376 IPC), Kidnapping & Abduction (Sec. 363 to 373 IPC), Dowry Death (Sec. 302 / 304 IPC), Cruelty by Husband and Relatives (Sec.498-A IPC), Molestation (Sec. 354 IPC), Sexual Harassment (Sec.509 IPC), Importation of Girls (Sec.366-B IPC), Sati Prevention Act, 1987, Immoral Traffic (Prevention) Act, 1956, Indecent Representation of women (Prohibition) Act, 1986, Dowry Prohibition Act, 1961 etc.

The Criminal Law (Amendment) Bill 2013 was brought over the death of a medical student in an incidence of Gang Rape in Delhi in December 2012. And it was named the Criminal Law (Amendment) Act, 2013. The law was passed by Lok Sabha on March 19th, 2013 and by Rajya Sabha on March 21st 2013. This bill encompasses the features that will provide stringent punishment for crimes against women such as rape, acid attacks, voyeurism and stalking. The punishment for offenders range from life term to death penalty.

Key features of this Bill: This bill seeks to make amendments to the Cr.PC, IPC, and Protection of Children from Sexual Offenses Act as well as an Indian Evidence Act. According to this bill offender could be given imprisonment of not less than 20 years, which may be extendable up to a life term. The offender who is earlier convicted for such types of will be sentenced to death. And also described voyeurism and stalking as the non-bailable offenses for the first

time, in case repeated for the second time. And the perpetrators of acid attacks would be sentenced for 10 year jail term. And also incorporated new offenses in the IPC

- Acid Attack
- Attempt to Acid Attack
- Sexual Harassment
- Public disrobes of women
- Voyeurism
- Stalking

Measures for their protection and justice: In order to protect women it is important that all transnational justice measures i.e. courts, truth commissions and reparations programmes place women's need at their core and further justice for women. Law and Justice provide medium to attain progressive social change. The Constitution of India grants not only equality to women but also takes safety measures to neutralise the discrimination which occurs against women. Some of the constitutional provisions are made to ensure equality before law. Article 14, 15, 15 (3), 16, 39 (a), 39 (c), and 42, 46, 47, 51 (A) etc. these are the provisions made by constitution in this regard [34].

Discrimination and equality give impetus to violence against women. Men and women who have opportunity to access education they can easily question the gender roles, society beliefs and norms. Those who are unaware of their rights cannot claim this. One may say that awareness can lead to curb all forms of violence against women and humanity. Legal awareness is necessary for women do that they can raise their voices and fight for their rights. Freedom of expression is a basic human rights so it's a right of women as well as men to express their views and petition in society. More knowledge, education and legal awareness can promote equality & peace in society

Although there are laws in connection to women security, but they are not adequate enough to serve the need and purpose. Special cell should be set up, and their complaint should be heard and strict action should be taken on a timely manner. Along with law it is necessary to come up with other safety measures that could ensure women security. Private companies, late night call centres and offices should make sure that the ladies employees are safe all the time when they are working in their premises day and night. Sexual harassment cell should be set up in their premises.

In a real sense, it is the society rather than the government, which needs to think about reshape the world in the context of bringing women security. It is needed to realize that the government and its enacted law alone is not sufficient enough to protect women, there is no fear of laws among the criminals and still the mind set of law offender is not changed.

Along the law, the individuals and the society needed to majorly contribute in helping the root cause of the problem. On a large scale, it is required to integrate social reform whereby we need to channelize the potential of women into the stream of development. It can be brought through measures such as real education emphasizing on the quality of education through enhanced moral and spiritual techniques so that the seed of enmity which is shown through their customs and tradition get deeply rooted. We cannot leave it entirely to the police or the judiciary to tackle such heinous crimes, it is also a cultural problem and it is a more serious problem because of the

extermination of the victim, so we need to treat the malaise from the very roots.

In India, violence is entrenched through the caste system, religious ideals, social norms and ideas of honour and the status of women is discriminated through various types of violence. Sexual harassment and violence in India is still widespread, and it is perpetuated in public spaces, in the family or in the workplaces. Still, after so many initiatives taken by the government there is a generalized sense of insecurity in public space, transport, at work place and even at homes.

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