



Understanding the nature of crimes against women under Indian penal code (1860) in the current scenario: An overview

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Abstract

We are living on the edge of surviving ourselves where we talk too much about morality, ethics and empowering our culture to create a World where we can live easily with our dignity. But, we used to forget empowering women with our best to construct best possible World. As Swami Vivekananda had said "That country and that nation that do not respect women have never become great, nor ever be in future". Women are considered as a weaker sex not only from physical point of view but also from sociological aspect also. When we refer to Smritis, we notice that woman has always been dependent on man. During child hood, on her father, after marriage on her husband, and during her old age on her son. However in olden times we find say "Where women are respected there Gods reside" Mahatma Gandhi once observed.

The status of women in ancient India was inferior. The position became worse even during the Moghul Rule. They could not overcome the nasty Pardah system of the time. Further, there was the custom of Sati. Many women were forcibly sent to the funeral pyre of their dead husbands. There was no change in the fate of women even during the British rule in India. The situation began to change when many national figures started a struggle for India's freedom. Mahatma Gandhi openly invited the help from women. Many women came forward. Among them were Sarojini Naidu, Vijaya Laxmi Pandit, Mrs. Aruna Asaf Ali and others. Many women thereafter occupied prestigious positions in India. They excelled in almost all fields such as sports, politics, administration, science and arts.

Keywords: criminal law (Act 2013), scenario

1. Introduction

In the present situation, women in India do not seem to enjoy all the rights to freedom provided under the Constitution of India [3]. Today, Crimes against women have been reported every two minutes in India. Crimes against women have more than doubled over the past ten years, according to latest data released by the National Crime Records Bureau.

As many as 2.24 million crimes against women were reported over the past decade: 26 crimes against women are reported every hour, or one complaint every two minutes. According to a report by National Crime Records Bureau (NCRB), a crime against women is recorded every 1.7 minutes in India, for every 16 minutes a rape case is recorded in this country and every 4.4 minutes a girl is subjected to domestic violence [4]. However, according to the report of NCRB for the year 2013, Andhra Pradesh, Uttar Pradesh and West Bengal earned the dubious distinction of leading a list of states where crime against women in 2013 was highest.

Around 38% of Indian men admit they have physically abused their partners. In the context of wars, in which most of the refugees and displaced population are women and children, women are raped, kidnapped, mutilated and used as sex slaves; the systematic rape of women and girls has been used as a weapon in numerous armed conflicts.

2. Nature of crimes against women

The semantic meaning of "crime against women" is direct or indirect physical or mental cruelty to women. Crimes directed

specifically against women and in which only women are victims are characterized as "crimes against women". Various kinds of violence against women are eve-teasing, molestation, bigamy, fraudulent marriage, adultery and enticement of married women abduction and kidnapping, rape, harassment to women at working place, wife beating, dowry death, female child abuse and abuse of elderly female etc.

According to the National Crime Records Bureau of India (NCRBI) reported incidents of crime against women increased 6.4% during 2012, and a crime against a woman is committed every three minutes [5]. In 2012, there were 244,270 reported incidents of crime against women, while in 2011, there were 228,650 reported incidents [6]. Of the women living in India, 7.5% live in West Bengal where 12.7% of the total reported crime against women occurs [7]. Andhra Pradesh is home to 7.3% of India's female population and accounts for 11.5% of the total reported crimes against women. About 65% of Indian men believe women should tolerate violence in order to keep the family together, and women sometimes deserve to be beaten [8]. In January 2011, the International Men and Gender Equality Survey (IMAGES) Questionnaire reported that 24% of Indian men had committed sexual violence at some point during their lives [9].

3. Classification of crimes against women under the Indian penal code-1860

The marital offences against women include bigamy, adultery, and criminal elopement among others. The one that is

probably most common offence is cruelty. Over time, courts have expanded the ambit of the definition to include within it different instances. There are offences that are understood to outrage the modesty of a woman. These include gestures, words, etc. that violate the privacy of the woman. Of the more serious offences against women are dowry death and rape.

Dowry is a curse upon our society and many innocent women lose their lives because of illegitimate demands for dowry. The provisions dealing with dowry death have been framed in a way that raises a presumption against the accused if certain minimum requirements are met. Rape is another heinous offence that violates the integrity of a woman.

With this background, the crimes against women are classified as:

- Offences Relating to Marriage
- Offences Relating to Outraging the Modesty of Women
- Offence of Dowry Death
- Offence of Kidnapping & Abduction
- Offence of Rape

3.1 Offences relating to marriage

Chapter XX of the Indian Penal Code ^[10], deals with offences relating to marriage. All these offences deal with infidelity within the institution of marriage in one way or another. Chapter XX-A deals with only cruelty to a woman by her husband or his relatives to coerce her and her parents to meet the material greed of dowry ^[11], was added to the IPC by the Criminal Law (Second Amendment) Act 1983 ^[12].

3.2 The following are the main offences under this heading

- Mock or invalid marriages (S.493 and S.496);
- Bigamy (S.494 and S.495);
- Adultery (S.497);
- Criminal elopement (S.498);
- Cruelty by husband or relatives of husband (S.498A)

Section 493-Cohabitation caused by a man deceitfully inducing a belief of lawful marriage. Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Section 496-Marriage ceremony fraudulently gone through without lawful marriage. Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

The essential elements of both the sections i.e. 493 and 496, is that the accused should have practiced deception on the woman, as a consequence of which she is led to believe that she is lawfully married to him, though in reality she is not. In s 493, the word used is 'deceit' and in s 496, the words 'dishonestly' and 'fraudulent intention' have been used. Basically both the sections denote the fact that the woman is cheated by the man into believing that she is legally wedded to him, whereas the man is fully aware that the same is not true. The deceit and fraudulent intention should exist at the time of the marriage ^[13].

Thus 'mens rea' is an essential element of an offence under this section. Section 494-Marrying again during lifetime of husband or wife. Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception.-This section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge. The important ingredients are: deceit or fraudulent intention; causing of false belief; cohabit or have sexual intercourse.

However, Section 495 of IPC deals with the Same offence with concealment of former marriage from person with whom subsequent marriage is contracted. Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine ^[14]. The essential ingredients are: existence of a previous marriage; second marriage to be valid; second marriage to be void by reason of first husband or wife living.

Section 497 of IPC which includes offence of Adultery ^[15] says that whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor ^[16]. In *Kashuri v. Ramaswamy* ^[17] it was held that the proof of sexual intercourse has to be inferred from the facts and circumstance of a case as direct evidence can rarely be proved. The essential ingredients are: sexual intercourse; woman must be married; knowledge; consent or connivance of husband; should not constitute rape. Further, Section 498 contains the offence of enticing or taking away or detaining with criminal intent a married woman. It says whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both ^[18]. The essential ingredients are: takes or entices away; woman to be a married woman; knowledge; taken from control of husband or person having care of her on behalf of her husband; intention

to have illicit intercourse; conceals or detains such women. In *Alamgir v. State of Bihar* ^[19], it was observed that if a man knowingly goes away with the wife of another in such a way to deprive the husband of his control over her, with the intent to have illicit intercourse, then it would constitute an offence within the meaning of the section.

Furthermore, Section 498A of IPC deals with the offence of Cruelty ^[20], which says whoever being the husband or the relative of the husband of a woman, subjects her to cruelty shall be punished with imprisonment for a term, which may extend to three years and shall also be liable to a fine ^[21]. Meaning of Cruelty: Cruelty includes both physical and mental torture. Willful conduct in Explanation (a) to section 498A, I.P.C. can be inferred from direct and indirect evidence. The word cruelty in the Explanation clause attached to the section has been given a wider meaning.

It was held in *Kaliyaperumal vs. State of Tamil Nadu* ^[22], that cruelty is a common essential in offences under both the sections 304B and 498A of IPC. The two sections are not mutually inclusive but both are distinct offences and persons acquitted under section 304B for the offence of dowry death can be convicted for an offence under sec.498A of IPC. The meaning of cruelty is given in explanation to section 498A. Section 304B does not contain its meaning but the meaning of cruelty or harassment as given in section 498A refers to section 304B also.

In the case of *Inder Raj Malik vs. Sunita Malik* ^[23], it was held that the word 'cruelty' is defined in the explanation which *inter alia* says that harassment of a woman with a view to coerce her or any related persons to meet any unlawful demand for any property or any valuable security is cruelty. The Supreme Court, in *Mohd. Hoshan vs. State of A.P* ^[24], observed: "Whether one spouse has been guilty of cruelty to the other is essentially a question of fact. The impact of complaints, accusation or taunts on a person amounting to cruelty depends on various factors like the sensitivity of the victim concerned, the social background, the environment, education etc. Further, mental cruelty varies from person to person depending on the intensity of the sensitivity, degree of courage and endurance to withstand such cruelty. Each case has to be decided on its own facts whether mental cruelty is made out"

However, in the last 20 years of criminal law reform a common argument made against laws relating to violence against women in India has been that women misuse these laws. The police, civil society, politicians and even judges of the High Courts and Supreme Court have offered these arguments of the misuse of laws vehemently. The allegation of misuse is made particularly against Sec 498A and against the offence of dowry death in Sec 304B.

The Supreme Court in its recent judgment in *Arnesh Kumar v. State of Bihar and Anr* ^[25] said that no arrest should be made immediately in the offences which are allegedly committed by the accused and the offence is cognizable and non-bailable, with particular reference to S. 498A. It laid down certain guidelines for the police officers to follow relating to the arrests made under the section, due to increase in number of false complaints.

Another most important and common offence of Indian society is dowry death. According to Section 304B; (1) Where

the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death ^[26]. (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life ^[27].

Essential ingredients of this offence are ^[28]; death of a woman should be caused by burns or bodily injury or otherwise than under normal circumstances; death should have occurred within seven years of her marriage; the woman must have been subjected to cruelty or harassment by her husband or any relative of her husband; cruelty or harassment should be for or in connection with the demand for dowry; cruelty or harassment should have been meted out to the woman before her death. Punishment-Imprisonment of not less than 7 years but which may extend to imprisonment for life.

In *Prema S. Rao v. Yadla Srinivasa Rao* ^[29], it was held that to attract the provisions of section 304B, one of the main ingredients which is required to be established is that "soon before her death" she was subjected to cruelty and harassment "in connection with the demand of dowry".

3.3 Offences relating to outraging the modesty of a woman (S.354A-D)

"Modesty is not only an ornament, but also a guard to virtue". We may think that the position of women has changed in our society, especially in metropolitan cities, but that is nothing but a myth. We might have progressed but what's the point in boasting of our growth-story if it hasn't taught us to respect the modesty of women? ^[30].

However, what constitutes an outrage to female modesty is nowhere defined ^[31]; however, the Supreme Court of India in *Ramkripal* case ^[32] decided by Justices Ajit Pasayat and S.H. Kapadia brought clarity to section 354. The bench defined modesty as 'The essence of a woman's modesty is her sex, and thus giving skeleton to the flesh.' The object of this section is to protect the modesty and chastity of a woman. The offence under this section is cognizable, bailable, non-compoundable and triable by a Magistrate of first class. The punishment under this section may extend to one year with simple imprisonment or fine or both.

3.4 The latest amended section 354 of IPC ^[33] contains the following sections namely

i) Section 354A-Sexual Harassment

The offence of sexual harassment under this section means and includes: physical contact and advances involving unwelcome and explicit sexual overtures; or a demand or request for sexual favours; or making sexually colored remarks; or forcibly showing pornography; or any other unwelcome physical, verbal or non-verbal conduct of sexual nature ^[34].

Thus, any person who commits the offence specified in clause (i) or clause (ii) of sub-section shall be punished with rigorous imprisonment which may extend to five years, or with fine, or

with both. Further, a person who commits the offence specified in clause (iii) or clause (iv) or clause (v) of sub-section (1) shall be punishable with imprisonment of either description that may extend to one year, or with fine, or with both.

ii) Section 354B-Assault or use of criminal force to woman with intent to disrobe

This is another form of the offence under Section 354B. According to this section whoever assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked in any public place, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years and with fine^[35].

iii) Section 354C-Voyeurism

Another interesting one is Section 354C-Voyeurism. This Section says whoever watches, or captures the image of, a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine^[36].

iv) Section 354D - Stalking

Further, Section 354D says about 'Stalking'; whoever follows a person and contacts, or attempts to contact such person to foster personal interaction repeatedly, despite a clear indication of disinterest by such person, or whoever monitors the use by a person of the internet, email or any other form of electronic communication, or watches or spies on a person in a manner that results in a fear of violence or serious alarm or distress in the mind of such person, or interferes with the mental peace of such person, commits the offence of stalking: Provided that the course of conduct will not amount to stalking if the person who pursued it shows

1. That it was pursued for the purpose of preventing or detecting crime and the person accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the state; or
2. That it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
3. That in the particular circumstances the pursuit of the course of conduct was reasonable.

Whoever commits the offence of stalking shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to three years, and shall also be liable to fine.

3.5 Offence of rape (SS.375 & 376)

"The offence Rape is the highest in the class of all indignities, one which can never be fully righted and that diminishes all

humanity^[37]." This quotation doesn't even come close to the horror of a heinous crime like rape which tears the victim apart, both in physical and mental measure. The brutality of such an act is so sharp and deep that the victim is unlikely to completely shake off the trauma throughout their lives. Rape is a type of sexual assault initiated by one against the other's consent with the purpose of forcing sexual intercourse. In India, rape has been the subject of definition under Section 375 of the Indian Penal Code with its aggravated forms given under Section 376 of the I.P.C. We have a case of rape every 29 minutes and a case of molestation every 15 minutes, which is inhuman to put it mildly for a divine nation such as ours.

Offence of Rape under the Indian Penal Code, 1860

Thus, rape which derives from the Latin word '*rapio*' meaning '*to seize*' is defined as any act of penetration by penis or another body part or object, or any manipulation of the woman's body parts under the following circumstances^[38]:

'Against her will or without her consent or consent obtained by fear of death or hurt of person or someone close to her, or under the pretence of being her husband, or under intoxication or unsoundness of mind by which capacity to consent is undermined.

In *Jinish Lal Sah vs State of Bihar*^[39], the appellant was convicted by the Sessions Court under Section 366A and 376 of the IPC and was sentenced to rigorous imprisonment for five years. On appeal, the High Court of Patna also confirmed the said sentence. The appellant filed an appeal, against the Convictions and judgments of the Sessions Court and High Court of Bihar, before the Supreme Court of India. The Apex Court allowed the appeal and set aside the judgments and convictions of the court's above by examining the reasons stated in the appeal and ordered the release of appellant. New dimensions of the offence of Rape under The Criminal Law (Amendment) Act, 2013.

The Act introduced unprecedented provisions in the Indian Penal Code which criminalizes sexual voyeurism and stalking and amends legal provisions to protect the privacy of individuals, such as discontinuing the practice of examination of the sexual history of the victim of a sexual assault for evidence. With instances of threats to individual privacy on the rise in India, it was high time that the criminal law expands its scope to deal with offences which violate physical privacy.

The most important change that has been made is the change in definition of rape under IPC. Although the Ordinance^[40] sought to change the word *rape* to sexual assault, in the Act the word 'rape' has been retained in Section 375, and was extended to include acts in addition to vaginal penetration. The definition is broadly worded with acts like penetration of penis, or any object or any part of body to any extent, into the vagina, mouth, urethra or anus of another person or making another person do so, apply of mouth or touching private parts constitutes the offence of sexual assault.

Further, this section has also clarified that penetration means "penetration to any extent", and lack of physical resistance is immaterial for constituting an offence. Except in certain aggravated situations the punishment will be imprisonment not less than seven years but which may extend to imprisonment for life, and shall also be liable to fine. In aggravated situations, punishment will be rigorous

imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

Moreover, the new amended provision states that if a person committing the offence of sexual assault, "inflicts an injury which causes the death of the person or causes the person to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean the remainder of that person's natural life, or with death^[41]."

However, in case of "gang rape", persons involved regardless of their gender shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life and shall pay compensation to the victim which shall be reasonable to meet the medical expenses and rehabilitation of the victim. The age of consent in India has been increased to 18 years, which means any sexual activity irrespective of presence of consent with a woman below the age of 18 will constitute statutory rape.

The Criminal Law (Amendment) Act, 2013, has been severely criticized for being gender biased and giving women the legal authority to commit exactly the same crimes (against which they seek protection) against men with impunity. It has been also strongly criticized by several human rights and women's rights organizations for not including certain suggestions recommended by the *Justice Verma Committee Report* like, marital rape, reduction of age of consent, amending Armed Forces (Special Powers) Act so that no sanction is needed for prosecuting an armed force personnel accused of a crime against woman. The Government of India, replied that it has not rejected the suggestions fully, but changes can be made after proper discussion.

3.6 Offence of dowry death (S.304-B)

A dowry death is a murder or suicide of a married woman caused by a dispute over her dowry^[42]. In some cases, husbands and in-laws will attempt to extort a greater dowry through continuous harassment and torture which sometimes results in the wife committing suicide^[43]. The majority of these suicides are done through hanging, poisoning or self-immolation. When a dowry death is done by setting the woman on fire, it is called bride burning. Bride burning murder is often set up to appear to be a suicide or accident. Dowry is illegal in India, but it is still common practice to give expensive gifts to the groom and his relatives at weddings which are hosted by the family of the bride^[44].

Women are not always the only primary victims of dowry deaths. In some cases children are also killed alongside their mothers. In eastern India, on January 30, 2014, for example, a woman and her one-year-old child were burned alive for dowry^[45].

3.7 Offence of Kidnapping and Abduction (Section 359-373)

Kidnapping is of two types: kidnapping from India, and kidnapping from lawful guardianship^[46]. Section 363 to 373 of The Indian Penal Code deals with Kidnapping and Abduction for different purpose: **Section 363** talks about punishments for kidnapping whoever kidnaps any person from

India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

In *Chandrakala v. Vipin Menon*^[47] The supreme court declined to convict the father, who was saccused of kidnapping his minor daughter who was living with her maternal grand father due to strained relationship between her parents, on the ground that the accused was the natural guardian of the child. However, Section 372 deals with selling minor for purpose of prostitution, etc. This Section says whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be] employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine^[48].

Further, Section 366 deals with kidnapping, abducting or inducing woman to compel her marriage, etc. It says whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely she will be, forced or seduced to illicit intercourse with another person shall be punished as aforesaid^[49].

Section 366-A which includes the offence of procreation of minor girl says whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine^[50].

Last but not the least, Section 366-B contains the offence of importation of girl from foreign country-; Whoever imports, into India from any country outside India or from the State of Jammu and Kashmir, any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine^[51].

4. Conclusion

As discussed above, it is being observed that there is a greater challenge before the criminal justice system of India that Indian women are now no safe and always a kind of threat feelings generated among the women that in the present scenario they can be easily victimized from any nook and corner of the society. Not only that even foreigners are also not been spared who are coming to India as many cases have

been booked under rape and murders against the foreigners. In this era of globalization there is an urgent need to motion our Criminal Justice System of India in maintaining law and order situation of the country that one should feel safe and secure.

5. References

1. Gaur KD, A Textbook on Indian Penal Code Universal Law Publishing Co. Lucknow, 2011, p11.
2. Supra n. p12.
3. See Part-III of the Indian Constitution.
4. Crimes against Women. *National Crime Records Bureau of India*, 2013; <http://ncrb.gov.in/CD-CII2012/cii-2012/Chapter%205.pdf> (Accessed on March 2, 2016)
5. Ibid
6. Ibid
7. Ibid
8. International Center for Research on Women. International Men and Gender Equality Survey (IMAGES) Survey, 2011.
9. Ibid
10. Section 493- 498 of The Indian Penal Code, 1860
11. Section 498A of The Indian Penal Code, 1860
12. Act No. 46 of 1983
13. *KAN Subrahmanyam v. J Ramalakshmi* (1971) Mad LJ(Cr) 604
14. Section 495 of The Indian Penal Code, 1860
15. Before the IPC was enacted, adultery was not an offence in India either for men or women. It was also not included in the first draft of the penal code. However, the second Law Commission
16. Section 497 of The Indian Penal Code, 1860
17. (1979) CrLJ 741 (Mad)
18. Section 498 of The Indian Penal Code, 19860
19. AIR 1969 SC 436
20. In order to safeguarding the interest of a woman against the cruelty they face behind the four walls of their matrimonial home, the Indian Penal Code,1860 was amended in 1983 and S.498A was inserted which deals with 'Matrimonial Cruelty' to a woman. The section was enacted to combat the menace of dowry deaths. It was introduced in the code by the Criminal Law Amendment Act, 1983 (Act 46 of 1983). By the same Act section 113-A was added to the Indian Evidence Act to raise presumption regarding abetment of suicide by married woman. The main objective of section 498-A of I.P.C is to protect a woman who is being harassed by her husband or relatives of husband.
21. Matrimonial Cruelty in India is a cognizable, non bailable and non-compoundable offence. It is defined in Chapter XXA of I.P.C. 1860, under Section 498A as husband or relative of husband of a woman subjecting her to cruelty.
22. 2004 (9) SCC 157
23. 1986 (2) Crimes 435
24. 2002 Cr.L.J 4124
25. SLP (Cri) No. 9127 of 2013.
26. Section 304B of The Indian Penal Code, 1860
27. Explanation, For the purpose of this sub-section, dowry shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).
28. *Kaliyaperumal v. State of Tamil Nadu*, AIR 2003 SC 3828.
29. AIR 2003 SC 11
30. <http://www.studymode.com/essays/Outraging-The-Modesty-Of-Women-828589.html>.
31. The offence of outraging the modesty of a woman has been dealt with in the Indian Penal Code under Section 509 and Section 354, which is an aggravated form of the offence mentioned under Section 509.
32. *Ramkripal S/O Shyamlal Charmakar v. State Of Madhya Pradesh*.
33. The Criminal Law (Amendment) Act, 2013
34. Section 354A of The New Criminal Law (Amendment) Act, 2013
35. Section 354B of The New Criminal Law (Amendment) Act,2013
36. Section 354C of The New Criminal Law (Amendment) Act,2013
37. Supreme Court of California in *M v. City of Los Angeles*
38. Rape, its definition, elements and punishments have been given under Section 375-376. These sections were substantially amended on the recommendations of the Justice J.S. Verma Committee that was setup in wake of the 16 Dcember 2012, Delhi gang rape case (Nirbhaya Case) The amendment was made to make the provisions more inclusivve and at the same time award a stricter punishment.
39. (2003) 1 SCC 605.
40. The Criminal Law (Amendment) Act, 2013 is an Indian legislation passed by the Lok Sabha on 19 March 2013, and by the Rajya Sabha on 21 March 2013, which provides for amendment of Indian Penal Code, Indian Evidence Act, and Code of Criminal Procedure, 1973 on laws related to sexual offences. [1][2][3] The Bill received Presidential assent on 2 April 2013 and deemed to came into force from 3 April 2013.
41. Section 376A of The New Criminal Law (Amendment) Act, 2013
42. Definition of dowry death in English. (n.d.). dowry death: definition of dowry death in Oxford dictionary (American English) (US). Retrieved March 10, 2016
43. Oldenburg, V. T. *Dowry murder: The imperial origins of a cultural crime* (Oxford University Press. 2002), p. 206
44. Singh H. *Indian woman and baby burned alive for dowry, police say*.(CNN. Retrieved on April 29, 2014) from <http://www.cnn.com/2014/02/02/world/asia/indian-burned-alive-dowry/>
45. Ibid
46. *Section 359* of The Indian Penal Code, 1860,defines about the offence of kidnapping
47. (1993) 2 SCC 6
48. Section 372 of the Indian Penal Code, 1860.
49. Section 366 of the Indian Penal Code, 1860.
50. Section 366 A of the Indian Penal Code, 1860.
51. Section 366 B of the Indian Penal Code, 1860.