

A Comparative study of Crime against Women between USA and India

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Abstract

From the time of her birth or before, a girl child may be the victim of any crime or may become the target of any crime. Let us look at the stages of a woman's life and briefly discuss the dangers. Just as the stages differ, so do the nature of offenses. The following examples/tables highlight the important aspects of this issue. India's 2012 National Crime Records Bureau report put the crime rate at 46 per 100,000, rape rate 2 per 100,000, dowry murder rate 0.7 per 100,000 and domestic cruelty rate by husband or his relatives at 5.9 per 100,000. A 2014 study in the Lancet stated, "While the 85% prevalence of sexual violence in the country [India] is among the lowest in the world, it is estimated to affect 27.5 million women in India [India's largest Looking at the population]. Furthermore, a 2006 survey found that 85% of women who experienced sexual violence inside or outside marriage never asked for help, and only 1% reported it to the police. The author will shed light on laws against rape and sexual violence in India and the United States, and compare rights to crime against women and discuss the loopholes in laws against violence with the help of various case laws and later elaborate on the necessary reforms in laws in that particular country.

Keywords: Violence, NCRB, Rape, Murder, Case etc.

1. Introduction

In all these situations the woman suffers silently or she is silenced or suppressed even when she raises her voice...she neither knows that she has the right to fight these crimes and what is in the law to protect herself Remedies are available. It is time women rise up to defend themselves. Report an incident of cruelty, or a crime, at firengo.com.

In its first gender gap study covering 58 countries, the World Economic Forum has ranked India at 53rd position. The report, titled 'The Women's Empowerment: Measuring the Global Gender Gap', published in 2005, measures the gap between women and men in five important areas. Such as economic participation, economic opportunity, political empowerment, access to education and access to reproductive health care. The report is based on the findings of the United Nations Development Fund for Women on global patterns of inequality between men and women. The low ranking reflects the large disparity between men and women in all five areas of the index.

Stage 1	Foeticide and infanticide	Where there is an economic or cultural preference for sons, the pregnancy diagnostic tools can lead to female foeticide
Stage2	School going age	Many Girls are not given the access to and completion of proper primary and secondary education as compared to boys and otherwise may also suffer from discrimination at the hands of parents and teachers in their upbringing.
Stage3	Adolescence	Many adolescent girls become victims of sexual abuse both on internet and otherwise, exploitation and violence, acid attacks, rape ,early marriage, or even HIV/AIDS.
Stage 4	Marriage	Many women are tortured physically, economically and emotionally after their marriage by their husband and in laws.
Stage 5	Motherhood	Women are sometimes not provided proper medical care and healthy food during and after her pregnancy .She is

often compelled to abort a female foetus.

Stage6

Workplace

often women suffer from exploitation , unequal pay for equal work , lack of promotions despite merit and physical, economic and emotional abuse

Source: <http://www.womenlawsindia.com/legal-awareness/crimes-against-women/>

2. Crimes against women increase by 46% in 2021

The National Commission for Women (NCW) on Monday said that there has been a 46 per cent increase in complaints of crimes against women in the country in the first eight months of this year as compared to the same period last year. According to the data, from January to August this year, 19,953 complaints of crimes against women were received by the NCW. This number is higher than the 13,618 complaints filed in the same period in 2020. The NCW received 3,248 complaints in the month of July, which is the highest in a month since June 2015. More than half of these complaints were received. The women's body also gave this information from the state of Uttar Pradesh alone. Among the states and union territories, the maximum number of complaints were received from Uttar Pradesh (10,084). This was followed by 2,147 complaints in the national capital. The commission also said that 995 in Haryana and 974 have come from Maharashtra. The NCW reported that out of the total complaints, 7,036 were registered under Right to Live with Dignity, followed by 4,289 complaints of domestic violence and 2,923 complaints of harassment of married women or dowry harassment. According to the data, 1,116 complaints have been received regarding the offense of outraging the modesty or molestation of women, followed by 1,022 complaints of rape and attempt to rape and 585 complaints of cyber crime.

Source: <https://www.hindustantimes.com/india-news/46-rise-in-complaints-of-crimes-against-women-in-2021-up-delhi-top-list-ncw-101631013445931.html>

3.1 Violence against women in the United States

Violence against women in the United States is the use of domestic abuse, murder, sex-trafficking, rape, and assault against women in the United States. It has been recognized as a public health concern. [1] [2] Culture in the United States has led to the trivialization of violence against women, with the media in the United States possibly contributing to the view of women-directed violence as insignificant to the public. [3]

Violence against women can cause immediate bodily injury and lead to long-term mental and physical health conditions. In addition to negatively affecting mental and physical health, violence against women can interfere with life at work, home, and school. In some cases, violence results in death. [5]

Children exposed to violence are also at risk of developing mental and physical health problems. Depending on their age, children may react differently to exposure. [6]

3.1.1 Types of violence

3.1.1.1 Domestic violence

According to the Centers for Disease Control and Prevention and the National Institute of Justice, approximately 1 in every 4 women experiences at least one physical assault from their partner during adulthood. [7] A 2007 report found that approximately 64% of women were murdered by a partner or family member. [8] Intimate partner abuse can also include other forms of behavior that are considered abusive. These are instances in which one partner wants to control finances, force separation from friends and family, and dominate the relationship. [9]

Women who have been identified as being at a higher risk for domestic and sexual abuse are older women, those living in rural communities, women with disabilities and immigrants. Addressing and preventing such violence can be difficult as some women do not have access to victim services. A woman may also have language barriers, an economic and psychological dependence on the offender. [10]

In some cases of violence, a woman and her children may not be able to purchase housing other than the perpetrator. Between 22-57% and among these women become homeless. Due to housing regulations, which follow a policy of 'intolerance', which requires the eviction of all household members, when a single person is convicted of any crime, the victim women may be rendered homeless as a result. Huh. This practice inevitably creates a disincentive to report violence in the home. Some women who have experienced violence in the home risk the loss of their jobs related to the need for medical treatment, counseling, seeking new housing and legal protection. [10]

3.1.1.2 Rape

The percentage of women who are raped in the United States is between 15% and 20%, with various studies disagreeing with each other. (The 1995 National Violence Against Women Survey, a rate of 17.6%; [11] a 2007 Justice Department study on rape found a rate of 18% [12]). About 500 women were raped per day in the United States in 2008. [8] In the United States, approximately 21.8% of rapes of female victims are gang rapes. [13]

A March 2013 report by the United States Department of Justice's Bureau of Justice Statistics found a 58% drop in the estimated annual rate of female rape or sexual assault from 1995 to 2010, with 5.0 assaults per 1,000 women 12 years old or older. The age had dropped to 2.1 per year. 1,000. [14] [15] However, a 2013 study regarding rape in the United States found that cases are underreported. [16] Law enforcement in the United States also manipulates rape statistics to "create the illusion of success in fighting violent crime," according to a 2014 study. [17] When investigated, defendants are rarely convicted. [8]

3.1.1.3 Sexual assault

Annual rape and all forms of sexual assault per 100,000 people

Sexual assault is quite different from other crimes of assault. For sexual assault, the seriousness of the offense is determined by establishing the victim's moral character, behavior, signs of resistance and verbal expressions of non-consensual participation. The offense of battery, another type of assault, is determined by the actions and intent of the perpetrators. The victim's response to this type of assault does not determine whether a crime has been committed. The victim is not required to demonstrate that they resisted, consented, or have a history of punching. [4] Furthermore, the question of whether consensual assault complicates the understanding of violence and injury – even if Sex should be consensual. Changes in laws regarding certain sexual acts "may lead to the glorification of sexual violence".[18]

3.1.1.4 Give a living reason

A 2015 study by the University of Nebraska found that college women in the United States who were victims of sexual violence or partner violence began to self-regulate themselves and felt body shame. [19] Native American women in popular culture have been objectified under the stereotype of the "sexy squaw", as seen in other ways such as sexy Halloween costumes and fashion shows that use the aesthetic of an erotic indigenous woman. In addition, Native American women were highly objectified by colonists and often raped as a method of control when establishing the New World. Under European law, Native American women became the property of their colonial husbands, leading to the literal entitlement and later objectification of indigenous women.[20][21]

4. Violence against women in the India

In the current situation, everyone around the world is witnessing violence and increasing crimes against women in some way or the other. It shows the forcefulness and focus of the demon executed against women of late. The worldwide campaign for the abolition of violence against women is a testament to this reality. Rapid change in lifestyle, social ethos and economic standards have created imbalance in the society and the attitude towards women is vicious and women are considered as weak and due to this the number of crimes against women is increasing.

A woman has to be a victim of a crime in the form of female feticide before or even before her birth. The National Crime Records Bureau shows that 46 per 1,000,000 women are subject to some form of crime. The report also states that only 1% of women report it and the rest are covered up by social danger and ignorance. In India, most of the women are not aware of their rights and the remedies given by law in case of violation of these rights. The Indian Penal Code, 1860 recognizes various offenses against women and in recent years they have been severely punished.

4.1 Sexual harassment of women at workplace

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed with the objective of providing insurance to women in the work environment.

Lewd behavior is the point at which a person makes another unwelcome display of physical closeness such as snatching, brushing, contacting, squeezing, eve-teasing, legitimately unwanted interest or solicitation, or suggestions for sexual courtesy from someone else Provides, displays personally explicitly explicit visual content, such as pictures/kids shows/dream boats/schedules/screensavers presentation PC/any hostile content/obscene messages or any other type of sexual type of unwanted lead, ex Evening, jokes that cause cumbersomeness or shame, confusion, fanatical remarks.

This resolution replaced the Visakha guidelines for anticipating lewd behavior presented by the Supreme Court of India. Every business is required to include an internal complaints committee in each office or branch with at least 10 employees. The victim can file a police complaint under sections 294,354, 354A, 509 under the Indian Penal Code 1860.

4.2 Acid attack

Acid throwing, also called acid attack, is a type of rough attack characterized as a demonstration of tossing a corrosive or destructive substance onto the body of another with the aim of deforming, weakening, tormenting, or performing Is. The perpetrators of these attacks consume corrosive sprays on their bodies, usually on their faces, and damage skin tissue, regularly exposing them and sometimes dissolving bones. Section 326A and Section 326B of the Indian Penal Code, 1860, disciplines corrosive and willfully causing grievous hurt by throwing or attempting to toss corrosive separately.

4.3 Rape

Rape is the most inhuman and serious crime against women. It is the fourth most common crime in India. Section 375 of the IPC deals with rape and defines assault as 'having sex with a woman, without her consent, without her consent, by intimidation, distorting or misrepresentation or when she is drunk or deceived' or is of poor psychological well-being and regardless of the event that she is less than 18 years of age. In simple words, the crime of rape is the plight of a woman without her consent, without coercion, misrepresentation or fear. Overall, it is the forced coitus (the entrance to any of the smallest levels of the male organ of reproduction) of any female unintentionally.

4.4 Domestic violence

A petition to a magistrate can be documented under section 12 of the Domestic Violence Act, 2005. The request is to be passed by the Magistrate. An objection can be filed under section 498A for dowry along with interest for cruelty by the husband or his family members. The term "shared family unit" was considered by the Supreme Court in *SR Batra Vs Tarun Batra AIR 2007 SC 1088*, which means a house consisting of a spouse or a place taken on lease or a house consisting of a place with a joint group. in which the husband is a part. If it is a selective property of the relative, it cannot be treated as joint family property. By using the Domestic Violence Act a wife cannot guarantee and is not eligible to live in her father-in-law's house- this was held by a Delhi court in *Sudha Mishra v Surya Chandra Mishra RFA 299/2014*.

4.5 Dowry demand

In order to reduce the developing incidents of dowry harassment and death, another section was consolidated in the Indian Penal Code, i.e. Section 498A.

Later, in 1983, Section 198A was added to the Criminal Procedure Code. In 2005, the Protection of Women from Domestic Violence Act was passed, which added protection to women from endowment stimulation. Section 304B was added to the Indian Penal Code, 1860, which made endowment guilty of a particular offense with very long detention and the most extreme detention for life. Further, interest for dowry is an offense under Section 4 of the Dowry Prohibition Act, 1961, which is requested at the time of marriage or even after it, even if it does not involve any mercy.

4.6 Pornography

Erotic entertainment is printed or visual material containing explicit depictions or demonstrations of sex organs or action, which is expected to animate sexual excitement or appear erotic from a conscious reader's point of view. The expanded use of data innovation, for example, the Internet and specialized gadgets, has led to the expansion of illegal sites with profane and explicit content. Obscenity and sexual entertainment are not expressly delineated under any Act in India, yet Indian laws govern obscenity and sexual entertainment and the distribution or transmission of hateful and obscene material is criminalized under various provisions.

Section 6[1] of the Indecent Representation of Women (Prohibition) Act, 1986

5. Comparison

A comparison of rape laws in India and USA reveals some key similarities and differences. Since the original document of both India and USA is created by Lord Macaulay himself, the laws regarding rape were no different at the time of independence, as the two countries were united before 1947. Therefore, even after decades have passed, the law remains the same, with each document containing the number of rape sections and its punishment 375 and 376 respectively.

However, over time several changes have been brought in the laws, including the repeal of sections 375 and 376 of the USA Penal Code.

Rape-related injustice has been more prevalent in USA than in India, as rape often imprisons victims for crimes they have never committed before, such as adultery or adultery. Circumstances are the same under Section 375 of both the countries, India has two additional cases. The Indian Penal Code states, "With his consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or by reason of the administration by him personally or of any other foolish or injurious substance, he is unable to understand the nature of is unable and the consequences thereof to which she consents." This is an addition, with the woman being unable to communicate her consent. Consent for entry into USA is for girls under the age of 16, while in India, the age is 18. Here, the Indian Penal Code further explains consent and the inclusion of the labia majora in penetration. Marital rape under the age of sixteen is an offense in USA and under the age of eighteen (the first fifteen) is an offense in India. These are technical differences in the laws regarding rape of the two countries. This gives the judges of the courts of USA more freedom to make their decisions because they follow concise laws that do not cover many possible situations. Therefore, his interpretation of the law will be of utmost importance. Judges in India will have comparatively less freedom to decide cases due to codification of various possible circumstances through strictness and farsightedness of laws regarding rape. In 2011, Rashida Manju, the United Nations Special Reporter on Violence Against Women,

reported progress in relation to violence against women in the United States, although she did not mention African and Native Americans, immigrants, military personnel, and those in prison. I also made recommendations. [8] These are the major differences between the laws relating to rape in the two countries, with great similarities and dissimilarities between the two countries. In 2005, 1,181 women were murdered by an intimate partner. That is, an average of three women every day. Of all women murdered in America, nearly a third were murdered by an intimate partner. According to the National Crime Victims Survey, which includes crimes that were not reported to the police, 232,960 women were raped or sexually assaulted in the US. 2006. That's over 600 women per day. Other estimates, such as those generated by the FBI, are much smaller because they rely on data from law enforcement agencies. A significant number of crimes are never reported for reasons that include the victim's feeling that nothing can be done and the personal nature of the incident. According to the National Coalition of Anti-Violence Programs, "domestic violence affecting LGBT individuals is still under-reported. . . . There is a lack of awareness and denial of its impact." Sexual violence and rape are dangerously common and pose a serious threat to women's health and well-being. A 2011 study analyzing NISVS data found that in the United States, 19.3 percent of women have been raped at some point in their lives, and 43.9 percent have experienced sexual violence other than rape. (Briding et al. 2014). Often, the perpetrator is someone the victim knows: Nearly half of the female rape victims surveyed (46.7 percent) said they had at least one perpetrator who was an acquaintance, and a similar proportion (45.4 percent) said their Near had at least one offender who was an intimate partner (Briding et al. 2014).

Conclusion

After comparing the sets of laws of both the countries, the rape sections of the Indian Penal Code seem to be better codified. This is because it has little room for ambiguity and seems to have adapted and expanded by absorbing public opinion, morals and accidents since independence. Therefore, it seems to have been discussed more, with little chance of publicly misinterpreting or distorting facts. It seems to have evolved with every untoward incident of rape, roping in more and more provisions and explanations to protect the common interest and the general public, especially the vulnerable. Therefore, according to the authors, it is comprehensive and well rounded in comparison to the USA Penal Code section on rape. There are very few provisions in the USA Penal Code that do not reflect the government's insistence on reducing the horrific rape statistics. Many of the provisions are archaic and have not been changed since independence. The lack of amendments to the law regarding rape reflects the stagnation of social development and the plight of USA women who are not looked after and protected.

A total of 378,277 cases of crime against women have been testified in the year 2018, while a total of 186,212 cases of crime against women in India are pending for investigation by the end of 2018. These figures are released by the National Crime Records. Bureau [16]. The national capital New Delhi continues to rank as the most unsafe city in India. The laws of India lack deterrent effect in comparison to existing laws in other foreign countries.

The punishments on those countries are far more severe than those in our country, not only that but also the inefficiency of our judicial system proves to be a detriment to the enforcement of justice. Although women can be victims of any offenses specified under the penal code such as murder, dacoity, cheating etc., but only directly connected offenses or those which are specifically against women are known as crimes against women. Is.

These offenses are either mentioned under the Indian Penal Code, or if not, they can be mentioned under special and local laws, both aimed at rooting out all malpractices against women. Indian Penal Code covers various offenses against women but something needs to be added. Separate courts should be set up for these offenses to ensure timely judgment and expertise in dealing with such sensitive cases. It is time to protect the women of our country and take action because where women are abused, prosperity never comes. We need to re-learn the values and ideas that our history teaches us through great Indian texts.

In ancient India women were considered as goddess and now we need to restore that lost culture. This dream can be fulfilled by educating people and changing the parenting pattern in our society. It is time to understand the light of knowledge and awareness and drop your conditioned mindset towards women. The time has come to give women the freedom to do their part.

References

1. Wright, Paul J.; Tokunaga, Robert S. (May 2016). "Men's Objectifying Media Consumption, Objectification of Women, and Attitudes Supportive of Violence Against Women". *Archives of Sexual Behavior*. 45 (4): 955–964. doi:10.1007/s10508-015-0644-8. PMID 26585169. S2CID 20376803.
2. "Violence Prevention Home Page". Centers for Disease Control and Prevention. 2018-03-06. Retrieved 2018-05-16.
3. Stankiewicz, Julie M.; Rosselli, Francine (2008). "Women as Sex Objects and Victims in Print Advertisements". *Sex Roles*. 58 (7–8): 579–589. doi:10.1007/s11199-007-9359-1. S2CID 143452062.

4. Tracy, Carol Lee; Fromson, Terry L.; Long, Jennifer Gentile; AEquitas, Charlene Whitman (June 5, 2012). "Rape and Sexual Assault in the Legal System, Presented to the National Research Council of the National Academies Panel on Measuring Rape and Sexual Assault in the Bureau of Justice Statistics Household Surveys Committee on National Statistics" – via National Academies Workshop on Measuring Rape and Sexual Assault in Bureau of Justice Statistics Surveys.
5. "Health effects of violence". womenshealth.gov. Retrieved 2018-11-08.
6. "Domestic violence and children". womenshealth.gov. Retrieved 2018-11-08.
7. The Violence Against Women Act of 2005, Summary of Provisions. National Network to End Domestic Violence. Retrieved 2011-11-20.
8. "Violence Against Women Is A U.S. Problem, Too". Amnesty International. 2011-06-11. Retrieved 2018-05-11.
9. "Violence and Safety Full Section - Women in the States". Women in the States. Retrieved 2018-05-14.
10. "ACLU Letter to the Senate Judiciary Committee Regarding the Violence Against Women Act of 2005, S. 1197". ACLU. July 27, 2005. Archived from the original on December 22, 2015.
11. Prevalence, Incidence, and Consequences of Violence Against Women: Findings From the National Violence Against Women Survey. (PDF) . Retrieved on 2011-10-01.
12. Kilpatrick, Dean G.; Resnick, Heidi S.; Ruggiero, Kenneth J.; Conoscenti, Lauren M.; McCauley, Jenna (July 2007). "Drug-facilitated, Incapacitated, and Forcible Rape: A National Study" (PDF). National Criminal Justice Reference Service. United States Department of Justice. pp. 43–45. Retrieved 16 March 2015.
13. Horvath, Miranda et al. Handbook on the Study of Multiple Perpetrator Rape. Routledge 2013, page 15.
14. "Female Victims of Sexual Violence, 1994-2010". JournalistsResource.org, retrieved March 24, 2012
15. Berzofsky, Marcus; Krebs, Christopher; Langton, Lynn; Planty, Michael; Smiley-McDonald, Hope (March 7, 2013). "Female Victims of Sexual Violence, 1994-2010". Bureau of Justice Statistics.
16. National Research Council. Estimating the Incidence of Rape and Sexual Assault. Washington, DC: The National Academies Press, 2013.
17. Yung, C. R. (2014). How to Lie with Rape Statistics: America's Hidden Rape Crisis. Iowa Law Review, 99(1197).
18. Hanna, C (2000). "Sex is Not a Sport: Consent and Violence in Criminal Law". Boston College Law Review. 42: 239–290.
19. "Violence Against Women; Studies from University of Nebraska Yield New Information about Violence Against Women (Violence Against Women through the Lens of Objectification Theory)". Women's Health Weekly: 274. 26 March 2015.
20. Deer, Sarah (2015-11-01), "Toward an Indigenous Jurisprudence of Rape", The Beginning and End of Rape, University of Minnesota Press, pp. 107–122, doi:10.5749/minnesota/9780816696314.003.0008, ISBN 978-0-8166-9631-4, retrieved 2020-11-23
21. Croisy, Sophie (2017-11-01). "Fighting Colonial Violence in "Indian Country": Deconstructing racist sexual stereotypes of Native American Women in American popular culture and history". Angles (5). doi:10.4000/angles.1313. ISSN 2274-2042.