

A Critical Evaluation of Violence against Women in India

R. N. Mangoli¹

Nandini G. Devarmani²

Abstract

The increasing intolerance towards women is supported by the latest annual data compiled by National Crime Records Bureau (NCRB) New Delhi. Analyzing the major crime trend over the years, the NCRB comes up with an alarming feature, which is that crime against women has seen 873 per cent rise since the last 40 years. The Bureau arrived at this statistic after comparing the data on number of cases registered in 1971 (2,487) with those in 2011 (24,206). This is more than three times of the total crimes that were taken cognizance of by the authorities. The present paper tries to critically evaluate the seriousness of shameful crime against women in India in the present Law and Order scenario of the country with suggestions.

Introduction

It is shameful to say that crimes against women in India, is going on increasing. This includes rape, molestation, harassment, domestic violence and dowry harassment that routinely embarrass the nation. Such Physical abuse of women also poses a serious barrier to gender equality. In India, women constitute nearly fifty percent of our population and violence against women is growing as a violation of human rights, which threaten the very existence of women as an independent entities. Newspapers and periodicals of all hues in India often carry reports about violence against women, which includes the incidents of young brides being burnt for dowry, women being in abnormal circumstances, rapes on hapless women and molestation of young girls (Dargad and Mangoli 2011).

The most widespread form of violence against women appears to be the domestic violence, in the form of harassment, torture, or murder of young married women in their marital homes by the husband and in-laws. It affects middle class women most, without being absent in other classes. Rape, on the other hand, appears to be predominant among the poor, particularly in urban hutment colonies. An important category of rape is that committed by the enforcement authorities: police, army, or government officials. Riots also provoked attacks against women (UNESCO Bangkok 1993).

¹ School of Criminology and Criminal Justice, Rani Channamma University, Belagavi, drmangoli.rn@gmail.com

² School of Criminology and Criminal Justice, Rani Channamma University, Belagavi, ngdevarmani@yahoo.co.in

Women in Indian society have been victims of humiliation, torture and exploitation. Today, in spite of women are being gradually recognized as important powerful, meaningful contributors to the life of men, but still the violence against women is keep increasing. In spite of the legislative measures adopted in favor of women in our society after independence, the spread of education and women's gradual economic independence, countless women still continue to be victims of violence. Women are beaten, kidnapped, raped, burnt and murdered (Ahuja 2007). The Present researcher is tries to answer the questions like how and why the women are targeted and became victimized of crime in the society and who are their real perpetrators?

Objectives of the Study

- To know how and why the women becomes the victim of crimes.
- To analyze the recent National Crime Record Bureau report to know the real perpetrators of violence against women.
- To examine the deterrent effect of Indian Laws to prevent and Control violence against women crimes.

Method

For the purpose of the present study the secondary data like recent reports of Crime in India 2010 and 2011-National Crime Record Bureau, New-Delhi Government of India, Books, Journals, Magazines, Web Sites and internets have been extensively used.

Nature and Extent of Violence against Women

What is Violence?

Violence is nothing but, "force whether over or covert, used to wrest from are individual (a women) something that she does not want to give of her own free will and which cause her either physical injury or emotional trauma or both". An act of a person which encroaches upon the freedom of others. An act where there is a potential of causing an injury. Thus, Rape, Kidnapping, Murder, Wife Battering, Sexual Abuse, Eve Teasing, are all examples of Violence against Women. Violence is defined as "physical violence, threats, physical and mental harassment in brief, all open and overt expressions of coercion" (cf. Kelkar & Krishnaraj, 1985 in UNESCO Bangkok 1993).

The types of violence against women discussed here cover a wide range: domestic violence including 'dowry deaths', rape, widow immolation (*sati*), child marriage, female infanticide and feticide, forced prostitution including temple prostitution, 'eve-teasing,' sexual harassment in public places by lewd remarks, pinching, pawing, etc., and pornography. The three types of violence which are culture specific to India are *sati*, deaths related to dowry demands, and the use of sex determination tests for female feticide (UNESCO Bangkok 1993). Women therefore in society constantly derided, frequently bullied, sometimes assaulted, occasionally burnt to death, they remain victim in every role (Ahuja 2005).

Some authors have categories violence against women different heads of crime against women. For the purpose of present paper, it seems more appropriate for me to refer Ahuja's (2007) Social Problems in India, has categorized the violence against women, which is as under:

- i. Criminal Violence: Rape, Abduction, Murder.
- ii. Domestic Violence: Dowry deaths, Wife battering, Sexual Abuse, Maltreatment of Widows and/or elderly women.
- iii. Social Violence: Forcing the Wife/Daughter-in-law to go to female feticide, Eve-teasing, Refusing to give a share to women in property, forcing a young widow to commit Sati, harassing the Daughter-in-laws to bring more dowry (Ahuja2007).

iv.

Critical Evaluation of Violence against Women

Reported Incidents of crime (Incidence...2,28,650)

A total of 2,28,650 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2011 as compared to 2,13,585 incidences in the year 2010 recording an increase of 7.1% during the year 2011. These crimes have continuously increased during 2007 - 2011 with 1,85,312 cases in the year 2007, 1,95,856 cases in the year 2008, 2,03,804 cases in the year 2009 and 2,13,585 cases in the year 2010 and 2,28,650 cases in the year 2011. West Bengal with 7.5% share of country's population has accounted for nearly 12.7% of total crime against women by reporting 29,133 cases. Andhra Pradesh, accounting for nearly 7.0% of the country's population, has accounted for 12.4% of total crimes against women in the country by reporting 28,246 cases in the year 2011 (Crime in India 2011).

The increasing intolerance towards women is also backed by the latest annual data compiled by National Crime Records Bureau (NCRB). Analyzing the major crime trend over the years, the NCRB comes up with an alarming feature, which is that crime against women has seen 873 per cent rise since the last 40 years. The Bureau arrived at this statistic after comparing the data on number of cases registered in 1971 (2,487) with those in 2011 (24,206). This is more than three times of the total crimes that were taken cognizance of by the authorities (Deccan Herald Sunday Spotlight, July 22, 2012).

The numbers clearly demonstrate the fact that increasing affluence, better education and exposure to modern values have had little sobering effect on male psyche as Delhi tops the taint chart, containing a list of 53 mega cities, by accounting for 13.3 per cent of crime committed against women which comes to 4,489 of the total 33,789 reported cases. Bangalore comes next registering 5.6 per cent (1,890) cases and Hyderabad is close third with 5.5 per cent (1,860) cases (Deccan Herald Sunday Spotlight, July 22, 2012).

Not only that, it is surprising and shame to note the recent incident occurred on July 17, 2012 in Uttar Pradesh (UP) Policemen involved in allegedly gang-raped of a woman inside a police station of Kushinagar District on the pretext of getting her a job (Sanjay Pandey, Lucknow, July 23, 2012, DHNS). Police as a one of the first and prominent among the Sub-agency of Criminal Justice System of India, has to ensure the safety and security of men and material by enforcing the law of the land, when police themselves committed in such kind of heinous crimes in society then how the general public believe them particularly women safety and security is at the stake. Today, it is a biggest challenge for women to suffer sexual harassment at workplace is an extension of violence in everyday life and is discriminatory, exploitative, thriving in atmosphere of threat, terror and reprisal (Mangoli 2012).

Former Delhi police commissioner Ajay Raj Sharma agreed that the policemen's attitude towards women's problems is not acceptable. "The instances of offences against women, whether it was in Guwahati or in Delhi or elsewhere in the country, showed that the law and order situation in that area had deteriorated. When fear of law disappears anti-social elements gather courage," remarked Sharma, a UP cadre IPS officer who was brought to Delhi police (Deccan Herald Sunday Spotlight, July 22, 2012). Woman has become a sex object and is widely treated as inferior to men in different spheres of life (Mangoli and Tarase 2009). Police records show high incident of crimes against women in India. The National Crime Record Bureau reported in 1998 that the growth rate of crime against women would be higher than the population growth rate by 2010.

Reported incident clearly indicated the continuous increase in violence against women in India, it is really a very alarming situation in India. The biggest question arise today before the general public and legislature is that how come even after the Criminal Justice System mechanism available why the crime is increase continuously. Is this the signal of utterly failure of Criminal Justice Mechanism in India? Does the present law in India not up to mark to deal with the growing violence against women maniac or it has very lenient penalties which have at all any deterrent effect.

As on today the matter of protecting and control of violence against women is very serious in India. "It wasn't molestation. It was like gang rape," Dipya Bordoloi reportedly told a Northeast Newslive reporter to news channel. There were about 50 very angry people there," Dipya said. He added that he asked his cameraman to record the incident as evidence. The cameraman was specifically asked to catch the faces of the culprits. During the incident that continued for more than half-an-hour, the girl was pushed, dragged, beaten and stripped on a busy Guwahati street with onlookers just standing and watching. "She was crying for help, but no one came forward," Dipya said (ZEENEWS July 14, 2012).

Crime Rate (Crime rate... 18.9)

The rate of crime has increased marginally from 18.0 in the year 2010 to 18.9 during the year 2011. Tripura has reported the highest rate of crime against women at 37.0 during the year 2011 as compared to 18.9 crime rate at the National level.

**Table-I
Incident of Crime Reported National Wise**

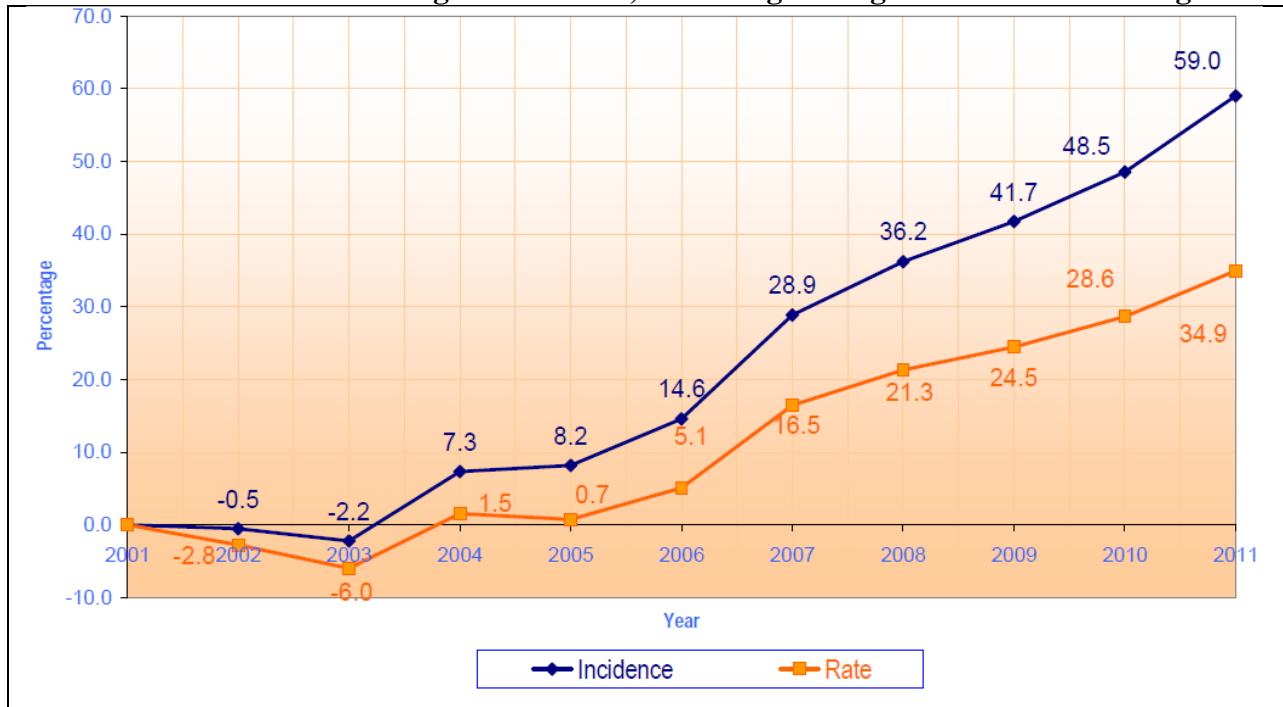
Sl. No.	Crime Head	Year					Percentage Variation in 2011 over 2010
		2007	2008	2009	2010	2011	
1.	Rape (Sec. 376 IPC)	20,737	21,467	21,397	22,172	24,206	9.2
2.	Kidnapping & Abduction(Sec. 363 to 373IPC)	20,416	22,939	25,741	29,795	35,565	19.4
3.	Dowry Death (Sec. 302 / 304 IPC)	8,093	8,172	8,383	8,391	8,618	2.7
4.	Cruelty By Husband and Relatives (Sec. 498-A IPC)	75,930	81,344	89,546	94,041	99,135	5.4
5.	Molestation (Sec. 354 IPC)	38,734	40,413	38,711	40,613	42,968	5.8
6.	Sexual Harassment (Sec. 509 IPC)	10,950	12,214	11,009	9,961	8,570	-14.0
7.	Importation of Girls (Sec. 366-B IPC)	61	67	48	36	80	122.2
8.	Sati Prevention Act, 1987	00	01	00	00	01	100.0
9.	Immoral Traffic (Prevention) Act, 1956	3,568	2,659	2,474	2,499	2,435	-2.6
10.	Indecent Representation of Women (Prohibition) Act, 1986	1,200	1,025	845	895	453	-49.4
11.	Dowry Prohibition Act, 1961	5,623	5,555	5,650	5,182	6,619	27.7
	Total	1,85,312	1,95,856	2,03,804	2,13,585	2,28,650	7.1

Sources: Crime In India 2011, New Delhi: Govt.of India

Trend Analysis

The crime head-wise details of reported crimes during the year 2007 to year 2011 along with percentage variation are presented in Table-1 The crime against women during the year 2011 has increased by 7.1% over the year 2010 and by 23.4% over the year 2007. The IPC component of crimes against women has accounted for 95.8% of total crimes and the rest 4.2% were SLL crimes against women. The proportion of IPC crimes committed against women towards total IPC crimes has increased during last 5 years from 8.8% in the year 2007 to 9.4% during the year 2011.

Incidents and Rate of Crime against Women, Percentage change from 2001-2011 Figure-1



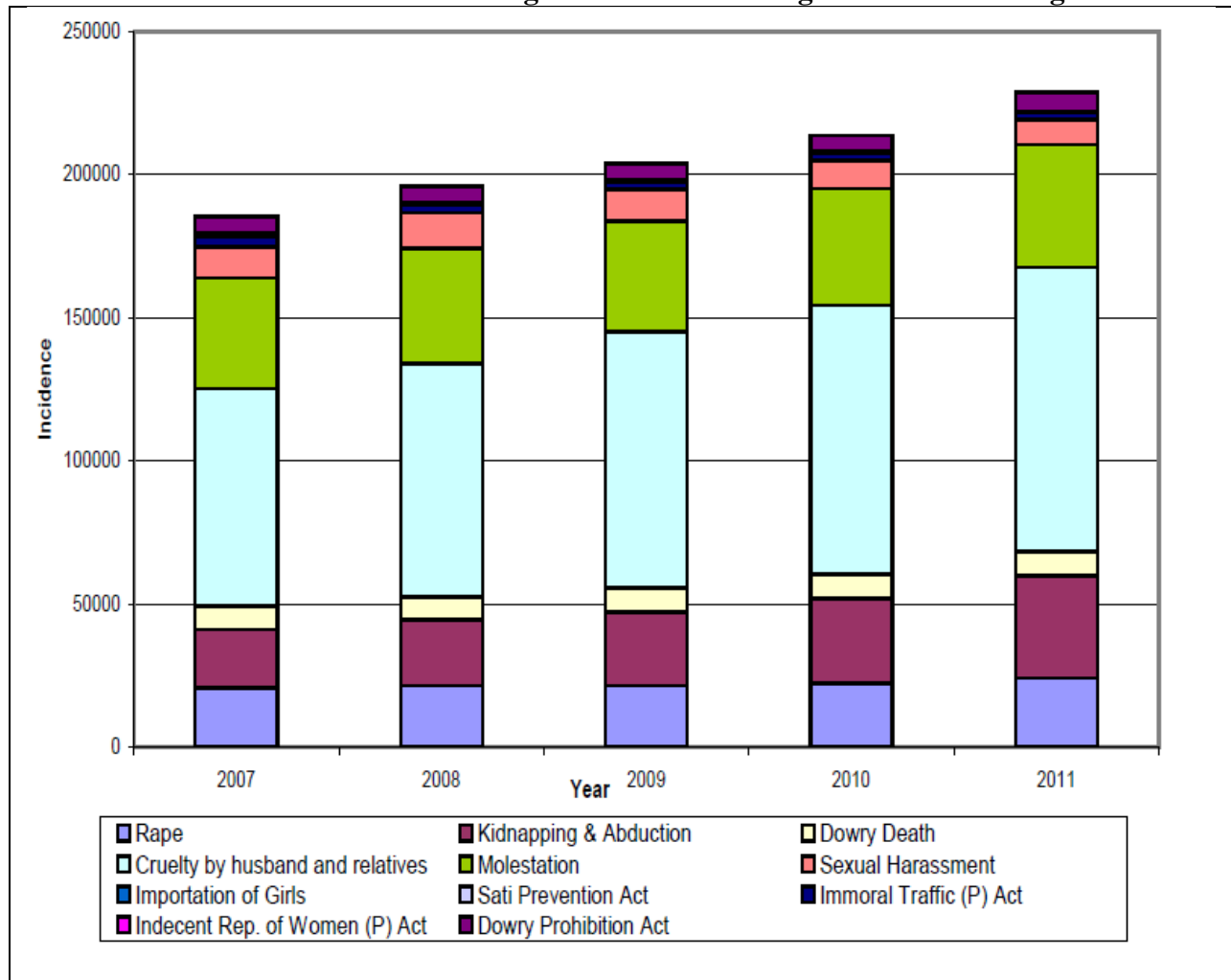
Sources: Crime In India 2011, New Delhi: Govt.of India

It is evident from figure-1 that how the rate of crime against women is closely with the incident of Crime from last one decade keep increasing steeply. In spite of Indian Penal Code 1860, many other special laws have been enacted to control crime against women like Prohibition of Dowry Act, Domestic Violence Act and Immoral Trafficking Act etc, but still the people are not deterring to commit crime against women in day light.

Result and Discussion

Crime Head-wise Analysis (Indian Penal Code 1860)

Crime Head wise Incidents of Crime against Women During 2007-2011 **Figure-2**



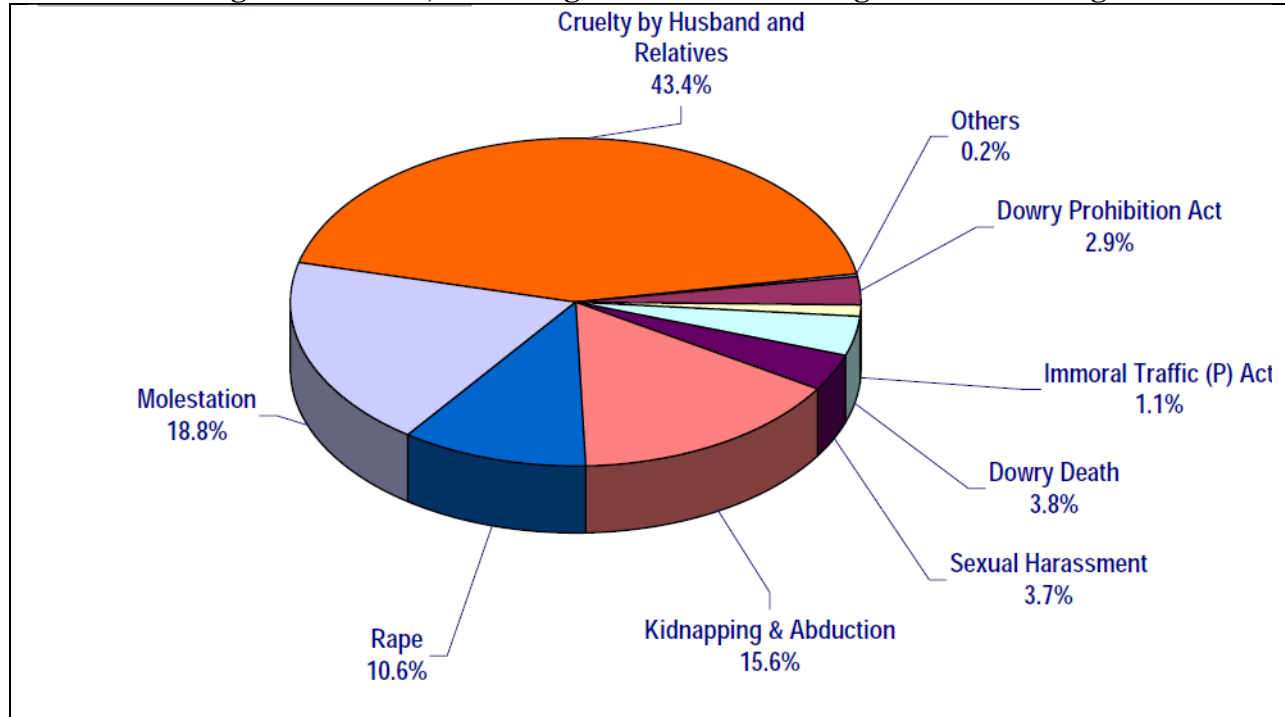
Sources: Crime In India 2011, New Delhi: Govt.of India

Rape (Sec. 376 IPC) (Incidence...24,206 Rate...2.0)

An increasing trend in cases of rape has been observed during 2007 – 2008. A mixed trend in the incidence of rape has been observed during the periods 2008 - 2011. These cases have reported an increase of 3.5% in the year 2008 over the year 2007, a decline of 0.3% in the year 2009 over 2008 and an increase of 3.6% in 2010 over 2009 and further an increase of 9.2% in the year 2011 over the year 2010. Madhya Pradesh has reported highest number of Rape cases (3,406) accounting for 14.1% of total such cases reported in the country. Mizoram has reported of crime rate 7.1 as compared to National average of 2.0. Rape cases have been further categorized as Incest Rape and other Rape cases.

Crime against Women, Percentage Distribution during 2011

Figure-3



Sources: Crime In India 2011, New Delhi: Govt.of India

Incest Rape (Incidence...267)

Incest rape cases have decreased by 7.3% from 288 cases in 2010 to 267 cases in 2011 as compared to 9.2% increase in overall Rape cases. Maharashtra (44 cases) has accounted for the highest (15.3%) of the total such cases reported in the country.

Rape Victims

There were 24,270 victims of Rape out of 24,206 reported Rape cases in the country. 10.6% (2,582) of the total victims of Rape were girls under 14 years of age, while 19.0% (4,646 victims) were teenaged girls (14-18 years). 54.7% (13,264 victims) were women in the age-group 18-30 years. However, 15.0% (3,637 victims) victims were in the age-group of 30-50 years while 0.6% (141 victims) was over 50 years of age. Offenders were known to the victims in as many as in 22,549 (94.2%) cases. Parents / close family members were involved in 1.2% (267 out of 22,549 cases) of these cases, neighbours were involved in 34.7% cases (7,835 out of 22,549 cases) and relatives were involved in 6.9% (1,560 out of 22,549 cases) cases. Dharmendra Kumar, special commissioner (law and order) has directed all city DCPs to only allow women sub-inspectors to handle rape cases. “We have drawn up a list of 33 women officer, three from each district to investigate such cases. The Idea is to make the victim feel comfortable,” says Kumar (Vaishali Bhambri 2012).

Kidnapping & Abduction (Sec. 363-373 IPC) (Incidence...35,565 Rate...2.9)

These cases have reported an increase of 19.4% during the year as compared to previous year (29,795 cases). Uttar Pradesh with 7,525 cases has accounted for 21.2% of the total cases at the National level. Delhi UT has reported the highest crime rate at 12.4 as compared to the National average of 2.9.

Dowry Deaths (Sec. 302, 304B IPC) (Incidence...8,618 Rate...0.7)

The cases of Dowry Deaths have increased by 2.7% during the year 2011 over the previous year (8,391 cases). 26.9% of the total such cases reported in the country were reported from Uttar Pradesh (2,322 cases) alone followed by Bihar (1,413 cases) (16.4%). The highest rate of crime (1.4) was reported from Bihar as compared to the National average of 0.7.

Torture (Cruelty by Husband & Relatives) (Sec. 498-A IPC) (Incidence...99,135 Rate...8.2)

'Torture' cases in the country have increased by 5.4% over the previous year (94,041 cases). 19.9% of these were reported from West Bengal (19,772 cases). The highest crime rate of 21.6 was also reported from West Bengal as compared to the National rate at 8.2.

Molestation (Sec. 354 IPC) (Incidence...42,968 Rate...3.6)

Incidents of Molestation in the country have increased by 5.8% over the previous year (40,613 cases). Madhya Pradesh has reported the highest incidence (6,665) amounting to 15.5% of total such incidences. Kerala has reported the highest crime rate (11.2) as compared to the National average of 3.6.

Sexual Harassment (Sec. 509 IPC) (Incidence...8,570 Rate...0.7)

The number of such cases has decreased by 14.0% during the year over the previous year (9,961 cases). Andhra Pradesh has reported 42.7% (3,658 cases) followed by Maharashtra 12.5% (1,071 cases) of total incidences during the year 2011. Andhra Pradesh has reported the highest crime rate (4.3) as compared to the National average of 0.7.

Importation of Girls (Sec. 366-B IPC) (Incidence...80)

An increase of 122.2% has been observed in Crime Head as 80 cases were reported during the year 2011 as compared to 36 cases in the previous year (2010). Madhya Pradesh (45 cases), Bihar (10 cases) and Karnataka (12 cases) have together contributed more than two-third of total such cases at the National level.

Crime-Head wise analysis (Special Laws)

Immoral Traffic (Prevention) Act, 1956 (Incidence...2,435 Rate...0.2)

Cases under this Act have registered a decrease of 2.6% during the year as compared to the previous year (2,499). 20.4% (497) cases were reported from Andhra Pradesh followed by Tamil Nadu 17.2% (420 cases). Daman & Diu reported the highest crime rate of 2.5 as compared to the National average of 0.2.

Sati Prevention Act, 1987 (Incidence...1)

One case was registered under this Crime Head in Jammu & Kashmir during the year 2011.

Indecent Representation of Women (Prohibition) Act (Incidence...453 Rate...Negligence)

A decrease of 49.4% was noticed in this crime head during the year 2011 as compared to the previous year (895 cases). Andhra Pradesh with 314 cases has accounted for 69.3% of total such cases at the National level which has also reported the highest crime rate of 0.4.

Dowry Prohibition Act (Incidence...6,619 Rate...0.5)

The cases under this Act have increased by 27.7% during the year 2011 as compared to the previous year (5,182 cases). 28.7% of cases were reported from Andhra Pradesh (1,899) followed by Karnataka (1210 cases) accounting for 18.3% of total cases at the National level. The highest crime rate of 2.5 was reported from Odisha as compared to 0.5 at the National level.

Crime against Women in Cities (All-India...2,28,650 Cities...33,789)

53 cities having population over 10 lakh (have been identified as Mega cities as per population census 2011. A total of 33,789 cases of crimes against women were reported from these 53 cities during the year 2011 as compared to 24,335 cases (35 mega cities) in the year 2010. The rate of crime in cities at 21.0 was comparatively higher as compared to the National rate of 18.9. Among 53 cities, Delhi (4,489 cases) has accounted for 13.3% of total such crimes followed by Bengaluru (1,890 cases) (5.6%), Hyderabad (1,860 cases) (5.5%) and Vijayawada (1,797 cases) (5.3%). The crime rate was significantly higher in Vijayawada, Kota, Kollam, Jaipur and Asansol at 120.5, 57.5, 54.2, 48.6, and 48.2 respectively as compared to average of mega cities at 21.0. *Delhi city has accounted for 17.6% of Rape cases, 31.8% of Kidnapping & Abduction cases, 14.0% of Dowry Deaths and 10.1% of Molestation cases among 53 cities.*

Hyderabad has reported 12.2% (1,390 cases) of incidences of Cruelty by Husband and Relatives. Vijayawada has reported 18.0% incidence of Eve-teasing. Indore and Jabalpur having 3 cases and 2 cases respectively, have altogether contributed 83.3% of total cases of 'Importation of Girls' at all India level. *It is worthwhile to mention that Bengaluru, Hyderabad, Mumbai and Patna have booked more cases under Special & Local Laws among the mega cities.* 15.5% (191 out of 1,234) of cases under Immoral Traffic (Prevention) Act and 10.1% (553 out of 5501) of cases under Molestation were reported in Mumbai alone. Similarly, 56.0% (42) and 34.7% (26) of 75 cases of Indecent Representation of Women Act was reported in Jaipur and Jodhpur respectively. 70.7% (605) cases under Dowry Prohibition Act during the year 2011 were registered in Bengaluru city alone.

The recent case of Steven Sherriff, a British national who may face a sentence of 15 years for pinching a woman's butt in Dubai has posed questions on the legal system related to such cases in India. *"Our legal system is quite disoriented. The laws focus on the accused, and not the victim. That's why there is hardly any fear of law,"* says Meenakshi Lekhi, lawyer, Supreme Court. In India, if a man pinches a woman's butt, he can be booked under section 354 of the Indian Penal Code for assault or criminal force, with intent to outrage a woman's modesty. It entails imprisonment for 2 years, or fine, or both. "It's a bailable offence in most Indian states, and involves only a formal arrest. So, molesters are often not scared. The society undermines such crimes. You hear things like: what's the big deal, he only pinched her butt, he must have been drunk," adds Lekhi (Vaishali Bhamri 2012).

It is women who are in closest contact with the home and land. Survival of women and their family is closely linked with the health of the land, forest and other natural resources (Azim, 2009:156). He aptly says that environment do have impact on women. Until women feels herself fully secure in one particular society then it is been considered as healthy environment but on contrary if she feels insecure due to crimes against women then this kind of environment will have degradation impact on women's survival. Ultimately, the progress and all-round development of a country depends upon

harnessing the skills and abilities of all section of society regardless of caste, creed, religion and Sex (Azim, 1997). Among them women have been targeted and humiliated like anything.

Conclusion

It is really a high time that even after 65 years of Indian Independence; our legislatures have utterly failed to control the violence against women by enacting stringent laws with impartially implementation of the same. One side there is a rampant increase of corruption in the country, where the Criminal Justice System is also affected at a large extent, particularly the main front runner sub-agency the police and on the other side the politics of Hatredness, Favoritism, Castism, Regionalism are increasing and practicing rampantly in all Government, Semi-Government Private and Public Sector Companies, which has become a major setback in enacting any good, stringent laws and at the same time its implementations impartially. The future empirical research should be conducted on, why is crime continuously being increased in India, does the present Laws in India have any deterrent effect, or the Criminal Justice System in India has utterly become failure to deal with violators stringently by way of enforcing the law of the land evenly without any kind of bias.

References

- Ahuja, Ram (2005). *Criminology*, Rawat Publications: New Delhi.
- Ahuja, Ram (2007). *Social Problems in India*, Rawat Publications: New Delhi.
- Crime in India 2010*. NCRB, New Delhi: Government of India.
- Crime in India 2011*. NCRB, New Delhi: Government of India.
- Dargad Babulal R and Mangoli R.N (2011). Violence against Women: A Human Right Violation, *International Journal of Political Science of Political Science and Political Philosophy* 8:57-68.
- Chaudhry, Lakshmi (2012) 'Guwahati Incident: Pathology of 'New' and 'Free' India' *First post* July 13.
- Bordoloi, Dipya (2012) 'Guwahati girl molestation: It was like gang rape, says reporter' *Zee News Bureau* July 14.
- Bhambri, Vaishali (2012) 'Lady Cops for Rape Cases, Girls Approve' *Hindustan Times* New Delhi, June 03.
- Mangoli R.N (2010). Sexual Harassment of Women at Workplace, *Indian Journal of Human Rights and Social Justice* 5:157-167.
- Mangoli R.N and Ganapati.M.Tarase (2009). Crime against Women in India: A Statistical Review, *International Journal of Criminology and Sociological Theory* 2:292-302.
- Mangoli.R.N and Sayed I.A. Hussaini Hafiz (2011). Women Rights, Challenges and Judiciary System in India, *Importance of Human Rights and Women Empowerment* 2:347-353.
- Singh, Dalip (2012). 'Shame on men, for crimes against women' *Deccan Herald*, July 21.
- Azim, Shaukath (1997). *Muslim Women: Emerging Identity*, Rawat Publications: New Delhi.
- Azim, Shaukath (2009). 'Impact of Environmental Degradation on Women', *Environmental Concerns and Sustainable Development: Some Perspectives from India*, Edited by Ganesha Somayaji, Teri Press: New Delhi.
- Pandey, Sanjay (2012) 'UP Cops gang-rape woman in police station' Lucknow, *Deccan Herald*, July 23.