



## CRIME AGAINST WOMEN – A QUALITATIVE ANALYSIS

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**Abstract:** *Crime is a forbidden act, which exists in our society since time immemorial; all the time prohibited acts were executed against weaker sections of the society. One among such weaker section is women. UDHR Article 7 and Article 14 of Indian Constitution speak about EQUALITY before law, but women are facing a lot of problem from the fetus to their deathbed. So many laws and legislations were made to safeguard the women, but the crime against her is steadily increasing day by day, year by year. There is an increase of 26.7% in the crime Rate for crime committed against women in all India, whereas, the proportion of IPC Crimes committed against women is increased to 11.2% during the year 2013 respectively. Hence, the present paper will critically analyse the crime data of the last five years and will try to find out the causes and suggest some preventive measures for the crime against women.*

**Key Words:** *Gender Violence, Crime, Women*

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## INTRODUCTION:

Women occupy half of the globe. However, their survival has been a question; their existence with honor and dignity has been a problem. Woman is the subject of exploitation in and outside the home; she has no secure place in this universe to live in. Especially countries like India where female sex is considered as a second citizen even though after the enactment of so many laws and codes. The violence against women is a universal phenomenon for which finding the solution is a big question in this modernized, technically advanced era.

In ancient time, Indian women were placed in a high place in the society and respected as mentioned in the Vedas and other scriptures. The scriptures which depicts about the status and respect for women in society provides the information about the suppression and exploitation of women, due to various reasons like social, political and economic changes in the society. Many evil customs and traditions stepped in under the word protection, which enslaved the women and dumped into the darkness without education and enlightenment. The meaning of crime against women “is direct or indirect physical or mental cruelty to women. Crimes which are directed specifically against women and in which only women are victims are characterized as Crime against Women” (Goel, 2004).

Violence against women has been clearly defined as a form of discrimination in numerous documents. The World Human Rights Conference in Vienna, first recognized gender- based violence as a human rights violation in 1993. In the same year, *United Nations declaration*, 1993, defined *violence against women* as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life”.

Structural violence according to her is the basis of direct violence, because it influences the socialization which causes individuals to accept or inflict suffering, according to the social function they fulfill. Open or direct violence is exercised through aggression, arms or physical force. (Lorraine & et. al, 1993). *Violence* is an act carried out with the intention or perceived intention of physically hurting another person (Gelles & et. al, 1979). *Gender Violence* is defined as “any act involving the use of force or coercion with intent of perpetuating promoting hierarchical gender relations”. (Schuler, 1992)



## CONSTITUTIONAL PROVISIONS FOR WOMEN IN INDIA:

1. Article 14, confers on men and women equal rights and opportunities in political, economic and social sphere.
2. Article 15, prohibits, discrimination against any citizen on grounds of religion, race, caste, sex etc.
3. Article 16, provides for equality of opportunities matters relating to employment or appointment to any office under the state.
4. Article 39 (a) (d), mentions policy security of state equality for both men and women the right to a means of livelihood and equal pay for equal work for both men and women.
5. Article 42, Direct the State to make provision for ensuring just and humane conditions of work and maternity relief.

## LEGAL PROVISIONS FOR WOMEN IN INDIA:

1. *Factories Act 1948*: Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women, except between 6 A.M. and 7 P.M.
2. *Maternity Benefit Act 1961*: A Woman is entitled 12 weeks maternity leave with full wages.
3. *The Dowry Prohibition Act, 1961*: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.
4. *The Equal Remuneration Act of 1976*: This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.
5. *The Child Marriage Restrain Act of 1976*: This act raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.
6. *Indian Penal Code*: Section 354 and 509 safeguards the interests of women.
7. *The Medical Termination of Pregnancy Act of 1971*: The Act safeguards women from unnecessary and compulsory abortions.
8. *Amendments to Criminal Law 1983*, which provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases.



9. *73rd and 74th Constitutional Amendment Act* reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.
10. *The National Commission for Women Act, 1990*: The Commission was set up in January 1992 to review the Constitutional and legal safeguards for women.
11. *The Protection of Human Rights Act, 1993*:
12. *Protection of Women from Domestic Violence Act, 2005*: This Act protects women from any act/conduct/omission/commission that harms, injuries or potential harm is to be considered as domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.
13. *Protection of Women against Sexual Harassment at Workplace Bill, 2010*: on November 4, 2010, the Government introduced protection of Women Against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at work place not only to women employee but also to female clients, customer, students, research scholars in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

#### CLASSIFICATION OF VIOLENCE AGAINST WOMEN:

Life Stage	VIOLENCE AGAINST WOMEN
Infancy	Infanticide; psychological and physical abuse; differential access to food and medical care
Childhood	Incest and sexual abuse; psychological abuse; differential access to food, medical care, and education; prostitution; trafficking; school-related gender-based violence
Adolescence	Dating and courtship violence; economically coerced sex; sexual abuse in the workplace; rape; sexual harassment; forced prostitution; trafficking; psychological abuse; forced marriage; dowry abuse; retribution for the crimes of others
Adult	Intimate partner abuse; marital rape; dowry abuse; honour killings; partner homicide; psychological abuse; sexual abuse in the workplace; abuse of women with disabilities; forced prostitution; trafficking, battering
Old age	Widow abuse; elderly abuse; rape; neglect

Source: Violence Against Women: The Hidden Health Burden, by L. Heise, World Bank Discussion Paper, Washington, DC, 1994, modified by the Congressional Research Service.



There are many forms of violence against women, under the Indian Penal Code following violence were defined and prescribed the punishment for such act they are:

1. Rape
2. Kidnapping & Abduction for specified purposes
3. Homicide for dowry, dowry deaths or their attempts
4. Torture – both mental and physical
5. Molestation
6. Sexual harassment
7. Importation of girls (up to 21 years of age)

Apart from the IPC the special and local laws define certain acts as violence against women they are as follows:

1. Immoral Traffic (Prevention) Act
2. Dowry Prohibition Act
3. Indecent Representation of women (Prohibition) Act
4. SATI Prevention Act
5. Protection of women against Sexual Harassment at work place Act

## **METHODOLOGY**

The present study is a Descriptive Study which is qualitative in nature which analyzes secondary data using modified analytic induction methodology (Gilgun, 1992). Data were collected from the National Crime Record Bureau's Compendium and analyzed using simple statistical measures.

## **PURPOSE OF THE STUDY**

The main purpose of the study is to observe the trend of crime against women in India, the current study deeply analyses the 10 years data and will provide valuable output from the study.



## ANALYSIS:

**Table No 1: Crime against women in last five years**

Sl. No	Crime Head	Year					Percentage Variation 2009 over 2013
		2009	2010	2011	2012	2013	
1	Rape	21,397	22,172	24,206	24,923	33,707	44.6%
2	Kidnapping and Abduction	25,741	29,795	35,565	38,262	51,881	67.3%
3	Dowry Death	8,363	8,391	8,618	8,233	8,083	03.4%
4	Cruelty by Husband	89,546	94,041	99,135	1,06,527	1,18,866	28.1%
5	Out raging the Modesty	38,711	40,613	42,968	45,351	70,739	58.5%
6	Sexual harassment	11,009	9,961	8,570	9,173	12,589	13.3%
7	Importation of girls	48	36	80	59	31	-43.4%
8	Immoral Traffic Prevention	2,474	2,499	2,435	2,563	2,579	04.1%
9	Indecent Representation of Women	845	895	453	141	362	-80.0%
10	Dowry Prohibition Act	5,650	5,182	6,619	9038	10,709	61.8%
<b>Total</b>		<b>2,03,804</b>	<b>2,13,585</b>	<b>2,28,650</b>	<b>2,42,270</b>	<b>3,09,546</b>	<b>41.1%</b>

The Table clearly states that, there is a overall increase of 41% in crime against women in last five years. It is clear that the crimes like Kidnapping & Abduction, Dowry Prohibition, sexual harassment, cruelty by husband as shown a phenomenal growth, whereas, the crimes like importation, Immoral Traffic Prevention, Indecent Representation etc, have shown a decreasing face which is a good sign indicating the protection of women hood in society.

Violence against women is increasing day by day not only in India but also in the whole world; women are being victimized psychologically, physically, economically and sexually. The global dimension of this violence are alarming, many studies highlighted the issue as a predominant one and suggestions came out as need of more and more researches. The studies have also found that specific groups of women are more vulnerable, including minority groups, indigenous and migrant women, women in institutions and detention, women with disabilities, female children, and elderly women.



**Table No 2: Total Crime against women in India and Share of Karnataka State.**

Sl. No	Crime Head	Year 2013	
		India	Karnataka
1	Rape	33,707	1,030
2	Kidnapping and Abduction	51,881	1,359
3	Dowry Death	8,083	277
4	Cruelty by Husband	1,18,866	3,276
5	Outraging the Modesty	70,739	3,913
6	Sexual harassment	12,589	137
7	Importation of girls	31	--
8	Immoral Traffic Prevention	2,579	340
9	Indecent Representation of Women	362	2
10	Dowry Prohibition Act	10,709	1,693
<b>Total</b>		<b>3,09,546</b>	<b>12,027</b>

A progressive country, which is committed, itself to the values of equality and justice, is unable to deliver the same for its people. A country with 1.27 billion population with 614.4 million female population crime against her as crossed 3 lakh. It is evident that the incidence and reporting of the crime as raised gradually day to day as the women are being enlightened about their rights and provisions. The Table reveals that the Cruelty by Husband which defined under Section 498A of Indian Penal Code as crossed 1 lakh, followed by kidnapping and abduction which is also have crossed 50 thousand respectively and the State of Karnataka have also contributed a lot to bring up these nations crime rate in its own way.

Violence in general is a coercive mechanism to assert one's will over another, in order to prove or feel a sense of power. Such violence will be executed against the weaker sect of the society and women are one among them. Women as unequal status in the society and the consequence of such un-equality is the violence, violence against women are a serious violation of women's human rights. All age of women is being victimized by violence just because she is weak, so the violence against her is normal thing and no one worries about that and rises voice against the violence, instance they will join the team of abusers to give pain to her.



**Table No 3: Percentage Difference between 2012 and 2013**

Sl. No	Crime Head	2012	2013	2012 %	2013 %	Difference %
1	Rape	24,923	33,707	10.3	10.8	0.5
2	Kidnapping and Abduction	38,262	51,881	15.6	12.3	3.3
3	Dowry Death	8,233	8,083	3.3	2.6	0.7
4	Cruelty by Husband	1,06,527	1,18,866	43.9	38.4	5.5
5	Outraging the Modesty	45,351	70,739	18.6	22.8	-4.2
6	Sexual harassment	9,173	12,589	3.7	4.0	0.3
7	Importation of girls	59	31	0.02	0.01	0.01
8	Immoral Traffic Prevention	2,563	2,579	1.0	0.8	0.2
9	Indecent Representation of Women	141	362	0.05	0.1	0.04
10	Dowry Prohibition Act	9038	10,709	3.6	3.4	0.2
<b>Total</b>		<b>2,42,270</b>	<b>3,09,546</b>	<b>100</b>	<b>100</b>	<b>0.0</b>

The above Table infers the variation in crime against women in 2013 over 2012 where it as increased by 26.7% in overall crime rate. Table clearly states that the sexual crimes are on out of control, it is very clear that kidnapping & Abduction as gone high in crime rate there is increase in 7.3% compared to previous year followed by cruelty by husband which is 7.1%, next to which is sexual harassment which is increased by 6.7% respectively. Apart from it shocking and terrible increase was found in crime rate under Dowry Prohibition Act which is increased by 30.9% compared to previous year. But, the relaxing issues is that the crimes like importation of girls, indecent representation where decreased. As M K Gandhi said, "Woman is the complement of man and not Inferior". But, it is evident that the essence of Gandhi's statement is not yet understood by many. Whereas, it is clear that one quarter of intimate partners have abused one-half of women.





**Table No 4: Crime trend in last decade against women in India**

Sl. No	Crime Head	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
1	Rape	16075	16373	15847	18233	18359	19348	20737	21467	21397	22172	24,206	24,923	33,707
2	Kidnapping and Abduction	14645	14506	13296	15578	15750	17414	20416	22939	25741	29795	35,565	38,262	51,881
3	Dowry Death	6851	6822	6208	7026	6787	7618	8093	8172	8383	8391	8,618	8,233	8,083
4	Cruelty by Husband	49170	49237	50703	58121	58319	63128	75930	81344	89546	94041	99,135	10,6527	1,18,866
5	Molestation	34124	33943	32939	34567	34175	36617	38734	40413	38711	40613	42,968	45,351	70,739
6	Sexual harassment	9746	10155	12325	10001	9984	9966	10950	12214	11009	3361	8,570	9,173	12,589
7	Importation of girls	114	76	46	89	149	67	61	67	48	36	80	59	31
8	Immoral Traffic Prevention	8796	6598	5510	5748	5908	4541	3568	2959	2474	2499	2,435	2,563	2,579
9	Indecent Representation of Women	1052	2508	1043	1378	2917	1562	1200	1025	845	895	453	141	362
10	Dowry Prohibition Act	3222	2816	2684	3592	3204	4504	5623	5555	5650	5182	6,619	9038	10,709
<b>Total</b>		<b>143795</b>	<b>143034</b>	<b>140601</b>	<b>154333</b>	<b>155553</b>	<b>164765</b>	<b>185312</b>	<b>195856</b>	<b>203804</b>	<b>213585</b>	<b>2,28,650</b>	<b>2,44,270</b>	<b>3,09,546</b>

Violence is an act carried out with the intention or perceived intention of physically hurting another person (Gelles & et.al, 1979). The above Table depicts the reality of violence on women in India. The Table clearly indicates that there is no decrease in the crime against women at any point. The crime against women was not controlled, there is a steady increase in the crime rate in the last one decade starting from 2001 the crime rate was 1,43,795 whereas in 2013 it is 3,09,546 which indicates a significant increase of about 100% in the crime rate.



**Table No. 5 Disposal of Cases in the year 2013**

Sl. No	Crime Head	Disposal %	Pendency %
1	Rape	16.6	83.4
2	Kidnapping and Abduction	12.2	87.8
3	Dowry Death	14.0	86.0
4	Cruelty by Husband	11.5	88.5
5	Outraging the Modesty	23.0	77.0
6	Immoral Traffic Prevention	12.7	87.3
7	Indecent Representation of Women	25.9	74.1
8	Dowry Prohibition Act	17.9	82.1

The above table clearly states the rate of disposal and pendency where it is very clear that in all most all cases more than 70% of cases are pending the disposal rate as a whole is just 26% of maximum. The reasons for pendency of cases are several like lack of evidence, number of cases outnumber the judges, moreover the tendency of registering cases have also raised among the public, it is also found by a study conducted by NCMS that, "As India's literacy rate and per-capita income increases, the number of new cases filed per thousand population is likely to increase from the current rate of about 15 to about 75 cases in the next three decades.

### **CONCLUSION:**

Crime is a social evil for which the cure is still not yet found, but it has the treatment. Education of the girl child is the first step towards a better society with fewer incidents of violence. Campaigns aimed at men and boys to increase awareness and change attitudes about gender inequality are effective tools. As individuals and responsible citizens, we need to spread awareness and report any act of violence against women around us.

### **SUGGESTIONS:**

- Educate everyone about the gender-based violence most prevalent in our community.
- Evaluate our culture and traditions.
- Question the beliefs and traditions that undergird gender violence and discrimination.
- Support organizations working to eradicate gender-based violence such as sex trafficking, domestic violence, and prostitution.



- Encourage local law enforcement agencies to receive specialized training for dealing with domestic abuse, and to devote resources to prevention of gender-based violence.

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