

ORIGINAL PAPER

Crimes Against Women: Analyzing Ground Realities in India-A Comparative Study

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ABSTRACT

In time long past, women took a high position of deference in the Indian society as observed in the Rig-Veda and other scriptures of India. In due course of time, because of social, political and economic diversion, women lost their respect and were relegated to the backdrop.

The trends of crime in India keep changing with the growing population and rapid development of towns and cities. A total of 2,44,270 incidents of crime against women were reported in the country during the year 2012 as compared to 2,28,650 in the year 2011 recording an increase of 6.4% during the year 2012. These crimes have continuously increased during 2008 to 2012 with 1,95,857 cases in the year 2008, 2,03,804 cases in 2009 and 2,13,585 cases in 2010.

Though the different laws are reviewed, amended and enacted to combat those heinous crimes against women, the cultural mindset about women are to be changed amongst the people of the society.

Key Words: *Violence, Crime, Women, Rape and NCRB*

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INTRODUCTION

Rise in crime in any place is a worrying factor for everyone and especially crime against women (CAW), children and weaker sections of the society. It leaves deep scars in the society; therefore we need to study the causes, patterns and nature of crimes affecting the human being to find out the reasons of such crimes.¹

In common parlance, **sexual offence** constitutes the most shocking crime against conscience and morality. The sufferings of a girl abducted, molested or raped far exceed than that of the man committing it. It is the depraved passion and uncontrolled sex urges seeking gratification through force or fraud against the natural law of mating by mutual consent and as per accepted legal and social principles, that constitutes the root cause of almost every sexual offences.²

The rape and murder of two teenaged sisters in Budaun and a minor in Bangalore; rape at gunpoint in Mumbai; an attempt to rape a judge in Aligarh; molestation followed by murder of an women in front of her children in Meghalaya are the rising incidents of crime against women have caused outrage not just in India, but across the world.³

The various crimes against women under the Indian Penal Code (IPC) are rape (Sec. 376 IPC); kidnapping and abduction for specified purposes (Sec. 363-373 IPC); homicide for dowry, dowry deaths or their attempts (Sec. 302/304-B IPC); torture both mental and physical (Sec. 498-A IPC); assault on women with intent to outrage her modesty (Sec. 354 IPC); insult to the modesty of women (Sec. 509 IPC) and importation of girl from foreign

country up to 21 years of age (Sec. 366-B IPC).

The WHO, in its research on Violence against Women (VAW), categorized it as occurring through five stages of the life cycle: "1) pre-birth, 2) infancy, 3) girlhood, 4) adolescence and adulthood and 5) elderly".⁴

Although, all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments are carried out to keep pace with the emerging requirements. The gender specific laws for which crime statistics are covered throughout the country are known as the crimes under the special and local laws (SLL) and they are: Immoral Traffic (Prevention) Act 1956, Dowry Prohibition Act, 1961, Indecent Representation of Women (Prohibition) Act, 1986 and Commission of Sati Prevention Act, 1987.

Although women may be the victims of any of the general crimes such as 'murder', 'cheating', etc., only the crimes that are directed specially against women are called **crimes against women**.⁵ Violence against women and girls is a problem of pandemic proportions. At least one out of every three women around the world has been beaten, forced into sex, or otherwise abused in her lifetime with the abuser usually someone known to her.⁶

In this paper ground realities in India are analyzed and important conclusions are sketched for a proactive medico legal approach.

MATERIAL AND METHODS

Different data has been collected from books, journals, newspapers, NCRB (**National Crime Records Bureau**) and CID, police station, etc., for the period mainly from 2008 to 2012. The data thus collected were compared and important conclusions were drawn for analyzing ground realities in India.

DISCUSSION

REPORTED INCIDENTS OF CRIME COMMITTED AGAINST WOMEN

A total of 2,44,270 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2012 as compared to 2,28,650 in the year 2011 recording an increase of 6.4% during the year 2012. These crimes have continuously increased during 2008 to 2012 with 1,95,857 cases in the year 2008, 2,03,804 cases in 2009 and 2,13,585 cases in 2010 (**Table 1**).⁵

Table 1 Incidence and rate of CAW during last five years

Year	Crime registered under IPC	Incidence of CAW	Percentage of CAW
2008	2093379	195857	9.36
2009	2121345	203804	9.61
2010	2224831	213585	9.60
2011	2325575	228650	9.83
2012	2387188	244270	10.23

CRIME RATE

The rate of crime committed against women is shown in **Table 2**.

Table 2 Rate of Cognizable CAW⁵

Sl. No	Incidence of CAW	Female population in lakhs	Rate of cognizable CAW
2011	228650	1210193	18.9
2012	244270	5851.89	41.74

Assam has reported the highest rate of CAW at 89.5 during the year 2012 as compared to 41.7, crime rate at the national level.⁵

TREND ANALYSIS OF CAW

The details of trend of crime against women from 2008 to 2012 with percentage of variation are shown in **Table 3**.

Table 3 Crime head-wise incidents from 2008-2012 and % of variation⁵

Crime Head	Year					% Variation in 2012 over 2011
	2008	2009	2010	2011	2012	
Rape (Sec. 376 IPC)	21,467	21,397	22,172	24,206	24,923	3
Kidnapping & abduction (Sec.363 to 373 IPC)	22,939	25,741	29,795	35,565	38,262	7.6
Dowry death (Sec. 302/304 IPC)	8,172	8,383	8,391	8,618	8,233	-4.5
Cruelty by husband and relatives (Sec. 498-A IPC)	81,344	89,546	94,041	99,135	106,527	7.5
Assault on women with intent to Outrage her modesty (Sec. 354 IPC)	40,413	38,711	40,613	42,968	45,351	5.5
Insult to the Modesty of women (Sec. 509 IPC)	12,214	11,009	9961	8,570	9,173	7.0
Importation of girl from foreign Country (Sec. 366-B IPC)	67	48	36	80	59	-26.3
Total IPC crime against women	186,616	194,835	205,009	219,142	232,528	6.1
Commission of Sati Prevention Act, 1987	1	0	0	1	0	-100
Immoral Traffic (Prevention) Act, 1956	2,659	2,474	2,499	2,435	2,563	5.3
Indecent Representation of Women (Prohibition) Act, 1986	1,025	845	895	453	141	-68.9
Dowry Prohibition Act, 1961	5,555	5,650	5,182	6,619	9,038	36.5
Total SLL crime against women	9,240	8,969	8,576	9,508	11,742	23.5
Total (A+B)	195,856	203,804	213,585	228,650	244,270	6.8

The CAW during the year 2012 has increased by 6.8% over the year 2011 and by 24.7% over the year 2008. The IPC component of CAW has accounted for 95.2% of total crimes and the rest 4.8% were SLL crimes against women.

The proportion of IPC crimes committed against women towards total IPC crimes has increased during last 5 years from 8.9% in the year 2008 to 10.2% during the year 2012 (Table 4).

Table 4 Proportion of IPC of CAW towards total IPC crimes

Year	Total IPC crimes	CAW (IPC cases)	% of total IPC crimes
2008	20,93,379	1,86,617	8.9
2009	21,21,345	2,03,804	9.2
2010	22,24,831	2,13,585	9.6
2011	23,25,575	2,19,142	9.4
2012	23,87,188	2,44,270	10.2

CRIME HEAD-WISE ANALYSIS

Rape (Sec. 376 IPC): A decreasing trend in rape cases during the year 2003, 2008 to 2009 with an increasing trend of it has been observed from 2009 to 2012 (Table 5).⁵

Madhya Pradesh has reported highest number of rape cases (3,425) accounting for 13.7% of total such cases reported in the country. Mizoram has reported the highest crime rate of 20.8 as compared to national average of 4.3. Rape cases have been further categorized as incest rape and other rape cases.

Table 5 Incidence of CAW during Last 12 Years

Year	CAW	Incidence of rape (Sec. 376 IPC) cases	% of rape cases
2001	143795	16075	11.18
2002	143034	16373	11.44
2003	140601	15847	11.27
2004	154333	18233	11.81
2005	155553	18359	11.80
2006	164765	19348	11.74
2007	185312	20737	11.19
2008	195857	21467	10.96
2009	203804	21397	10.49
2010	213585	22172	10.38
2011	228650	24206	10.58
2012	244270	24923	10.20

Incest Rape: Incest rape cases have increased by 46.8% from 267 cases in 2011 to 392 cases in 2012 as compared to 3.0% increase in overall rape cases. Maharashtra (77 cases) has accounted for the highest (19.6%) of the total such cases reported in the country.⁵

Rape Victims: Amid empty talk of 'empowerment of women' rapes have become a routine affair with girl-children or teenagers being regularly targeted in every city, town or rural area. It is as if wolves have been set on the second-sex feticide to outright killing.⁷

There were 24,915 victims of rape out of 24,923 reported rape cases in the country during the year 2012. 12.5% (3,125) of the total victims of rape were girl under 14 years of age, while 23.9% (5,957 victims) were teenage girl (14-18 years). 50.2% (12,511 victims) were women in the age group 18-30 years. However, 12.8% (3,187 victims) were in the age group of 30-50 years while 0.05% (135 victims) was over 50 years of age (Table 6).⁵

Table 6 Incidence of rape cases (Sec. 376 IPC) during last 12 years

Year	Cases under IPC	Rape cases	% of rape cases
2001	1769308	16075	0.91
2002	1780390	16373	0.92
2003	1716120	15847	0.92
2004	1832015	18233	0.99
2005	1822602	18359	1
2006	1878293	19348	1.73
2007	1989673	20737	1.04
2008	2093379	21467	1.02
2009	2121345	21397	1.01
2010	2224831	22172	0.99
2011	2325575	24206	1.04
2012	2387188	24923	1.04

Offenders: The various data also tell us that the victims in as knew the offenders as many as in 24,470 (98.2%) cases. Parents/close family members were involved in 1.6% (393 out of 24,470), neighbors in 34.7% (8,484 out of 24,470) and relatives in 6.5% (1,585 out of 24,470) cases.

Kidnapping and Abduction (Sec. 363-373 IPC): These cases have reported an increase of 7.6% during the year 2012 as compared to previous year. Uttar Pradesh with 7,910 cases has accounted for 22.2% of the total cases at the national level. Delhi reported the highest crime rate at 25.3 as compared to the national average of 6.5.⁷ Who is doing the same in our country which was recently bracketed by the United Nations as the top two nations recording majority of "117 million is missing girls" in Asia?

Dowry Deaths (Sec. 302, 304B IPC): There are lakhs of instances where rich parents of daughters have paid cores of rupees succumbing to the 'black mail' of in-laws or that of the husband but did not have the courage to bring their daughters back home. The end result in a majority of such cases is no secret daughters are done to death by inlaws lusting for more money.⁷

The cases of dowry deaths have decreased by 4.5% during the year 2012 over the previous year (8,618 cases). 27.3% (2,244) of the total such cases reported from Uttar Pradesh alone followed by Bihar for 15.5% (1,275) cases. The highest rate of crime (2.7) was reported from Bihar as compared to the national average of 1.4.

Torture (Cruelty by husband or his relatives) (Sec. 498-A IPC): Torture cases in the country have increased by 7.5% during the year 2012 over the previous year (99,135 cases). 18.7% of these cases were reported from West Bengal (19,865) followed by Andhra Pradesh for 12.6% (13,389) and Rajasthan for 12.5% (13,312). The highest crime rate of 47.8 was reported from Tripura as compared to the national rate at 18.2.

Assault on Women with intent to Outrage her Modesty (Sec. 354 IPC): If on the one hand it is uninterrupted 'honour killing' against girls seeking to assert their independence in their personal lives, on the other it is the wanton outrage of modesty with no counter-action from the state or the society at large.⁷

Incidence of assault on women with intends to outrage her modesty in the country have increased by 5.5% during the year 2012 over the previous year (42,968). Madhya Pradesh has reported the highest incidence (6,655) amounting to 14.7% of total such incidences. Kerala has reported the highest crime rate (20.9) as compared to the National average of 7.7.

Insult to the Modesty of Women (Sec. 509 IPC): Incidence increased by 7% during the year 2012 over 2011. Andhra Pradesh has reported 40.5% followed by Maharashtra 14.1%. Andhra Pradesh has reported the highest crime rate (8.7) as compared to the national average of 1.6.

Importation of Girl from Foreign Country (Sec. 366-B IPC): A decrease of 26.2% has been observed in crime head as 59 cases were reported during the year 2012 as compared to 80 cases in the previous year 2011. Karnataka stand for 32 cases heading top of the list, West Bengal for 12 cases have together contributed 93.2% of total such cases at the national level.

Immoral Traffic (Prevention Act, 1956): 5.2% increased by 2012 over 2011. The highest incidences of 19.5% were reported from Tamil Nadu followed by Andhra Pradesh 18.4%. Goa has reported the highest crime rate of 4.6 as compared to the national average of 0.2.

Commission of Sati Prevention Act, 1987: No such case was registered under this crime head in across the country during the year 2012.

Indecent Representation of Women (Prohibition) Act, 1986: A decrease of 68.9% was noticed in 2012 as compared 2011. Rajasthan with 62 cases has accounted for 44% of total such cases with highest crime rate of 0.2.⁵

Dowry Prohibition Act: The cases under this act have increased by 36.5% during the year 2012 as compared to the previous year (6,619). 27.8% of cases were reported from Andhra Pradesh (2,511) followed by Odisha (1,487) accounting for 16.5% of total cases at the national level. The highest crime rate of 7.3 was reported from Odisha as compared to 1.5 at the national level.⁵

Acid Throwing: Also called acid attack, or vitriolage.⁸ Women and girls are the victims in 75-80%

of cases.⁹ Acid attacks are often connected to domestic disputes, including dowry disputes, and refusal of a proposition for marriage, or of sexual advances.

India passed a new law in February 2014 following the Delhi gang rape case which also criminalizes acid attacks. The law defines acid attack as a separate Indian Penal Code offence and proposes punishment of not less than 10 years to a maximum of life imprisonment for perpetrators and fine that could go up to Rs.10 lakhs. The Supreme Court on 18 July, 2013 passed the order to regulate the sale of acids across the country. The decision was taken in the light of a PIL which was filed in 2006 by Laxmi, an acid attack victim from Delhi.¹⁰

CONCLUSION

A steep decline in the quality of governance, proportionate rise in public inertia and self-centered attitude of the public has made matters worse for women, particularly from the Dalit segment which remains most vulnerable against muscle, money and political powers of the intermediate caste with dominant feudal tendencies.⁷

The cultural mindsets about women are to be changed amongst the common people of the society. Some rights-based law like "Protection of Women against Domestic Violence Act 2005", the JAGORI's vision, "Bringing feminist consciousness to a wider audience using creative media", "men's role in stopping discrimination against women at a personal level", "increased involvement of men in parenting", "increasing number of organizations of men against violence", community-level initiatives to prevent violence: gender sensitization workshops with men and joint campaigns against violence against women are very much useful in combating those crimes.

Increase in women's participation at all levels: social, economic and political; awareness of women's rights by the State, civil society organizations, as well as the public at large is to be carried out to reduce the incident of these heinous crimes against women.

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Dr. Prakashved Gupta, Demonstrator of Jorhat Medical College, Jorhat, Assam, India was awarded the Best Paper (PGT Section) at IAFM Conference "Forensic Medicon 2014" held at Guwahati Medical College, Assam in 2014