

CRIME AGAINST WOMEN WITH SPECIAL REFERENCE TO 'RAPE' COMMITTED IN INDIA

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Abstract

Crime is a result of negative effects that prevails in society (Mukhopadhyay, 1999). Both the incidence and pattern of crime vary from place to place (Duttet.al. 1985). Crimes which are directed specifically against women are characterised as Crimes against women. In this chapter, a special attention is given to 'rape' among all the crimes committed against women during 1981, 1991, 2001 and 2011. During 1981 highest crime committed against women were kidnapping and abduction 18.12 per cent, in 1991 sexual harassment 35.96 per cent, in 2001 Immoral Traffic (Prevention) Act, 1956 78.32 per cent and in 2011 Dowry Prohibition Act, 1961 67.26 per cent. Among all the crimes against women in India, rape recorded 9.75 per cent in 1981, 17.65 per cent in 1991, 28.97 per cent in 2001 and 43.63 per cent in 2011 representing a gradual increasing trend. It is analysed that among all the states in India, Madhya Pradesh recorded highest number of rape incidences in 1981, 1991, 2001 and 2011, and it was followed by Uttar Pradesh in 1981 and 1991 and West Bengal in 2011. Sikkim recorded less number of rape incidences. Proportion of rape was maximum in 2011 recorded by Mizoram 7.1 and lowest by Gujarat 0.27 in 1981. Maximum percentage of rape was shared by Madhya Pradesh in 1991, 2001 and 2011 after overtaking Uttar Pradesh in 1981.

Keywords:

Crime;
Crime against women;
Incidence of rape;
Proportion of rape;
Percentage share of rape;

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1. Introduction

“Crime is a disease like any other malady and is a product of the prevalent social system” said by M.K.Gandhi(Singh 1992). It is a perennial problem for all societies and its pattern varies from place to place (Dutt et.al 1985). According to 1967 report on the World Social Situation, incidence of crime tends to be significantly high in countries with high degree of economic prosperity and technological advancement. Radzinowicz (1957) found, all over the world crime has increased at an alarming rate for instance between period 1900 – 1979 in developed country, like England, crime has increased over thirteen times, in Sweden the rate went up by 44 per cent, in Netherland by 54 per cent, in Germany by 26 per cent in Austria by 25 per cent, and in Italy by 40 per cent.

“Crime in India” was first published in 1954, and it became evident that crime against women was on rise. Beside, a tremendous increase of population since independence led to several social problems in the country. The unbalanced growth of population led to migration from rural to urban and resulted in increase in congestion, unemployment, etc. and hence became a factor for genesis of crime. According to Rao (1967), in India every seven minutes some crime is committed against women in the country, every fifty six minutes a women is raped, every twenty six minutes one is molested, every thirty three minutes some criminality is perpetrated against her and every one hour and forty two minutes a dowry death takes place. So this paper emphasises on crime against women escalated during 1981, 1991, 2001 and 2011 in India.

Objectives

- To assess the trends and patterns of crime against women in India
- To see the trends and pattern of rape in India
- To find out the state of occurring maximum rape cases.

2.Research Method

This paper is entirely based on secondary data collected from National Crime Record Bureau (NCRB) of India for the year 1981, 1991, 2001 and 2011. Except for Delhi, other Union Territories data are not taken into account. Head-wise crime against women data is tabulated to represent them in figure to identify its scenario on national level. Spatial-pattern of incidence of rape, proportion of rape and its percentage share at state level are shown by choropleth maps

which are drawn by using ARC GIS tool. Rate of rape is calculated on per lakh population of the states to know its proportion in respect to total population.

Study area

India is a tropical monsoon country of great geographical extent recognised as the world's seventh largest country occupying an area of 3,287,263 sq. km. (2.4 per cent of the total surface area of the world) accommodating 17.5 per cent (1,210.2 million) of the world's total population (2011 Census of India). It extends from 8°4' north to 37°6' north latitude to 68°7' east to 97°25' east longitude. In the north a country sprawls from the lofty snowy ranges of the Himalayas to shores of the Indian Ocean in the south and in west and east it is bounded by coasts (about 6,100 km long) as well as with Western and Eastern Ghats. The southern part of country protrudes towards Indian Ocean forming two branches namely Arabian Sea on the West and Bay of Bengal in the East. It experiences a temperature of 48° to 50°C (in month of June) in summer and dips down to -40°C (in month of December) during winter. An annual rainfall of 1,221 cm is recorded in Mawsynram (Meghalaya) whereas Jaisalmer of Rajasthan receives less than 12 cm rainfall annually. The drainage system is classified on the basis of source of rivers- such as the Himalayan river system comprising of rivers like the Ganga, the Indus, the Brahmaputra with their tributaries and the Peninsular river system includes rivers such as the Mahanadi, the Godavari, the Krishna, the Cauvery, the Narmada and the Tapi with their tributaries.

Demographically, India is the second largest populous country after China sharing 17.31 per cent to the world's total population. Its Sex-ratio is 940 females per 1000 males. Density of population is 382 persons per sq.km (2011 Census of India).

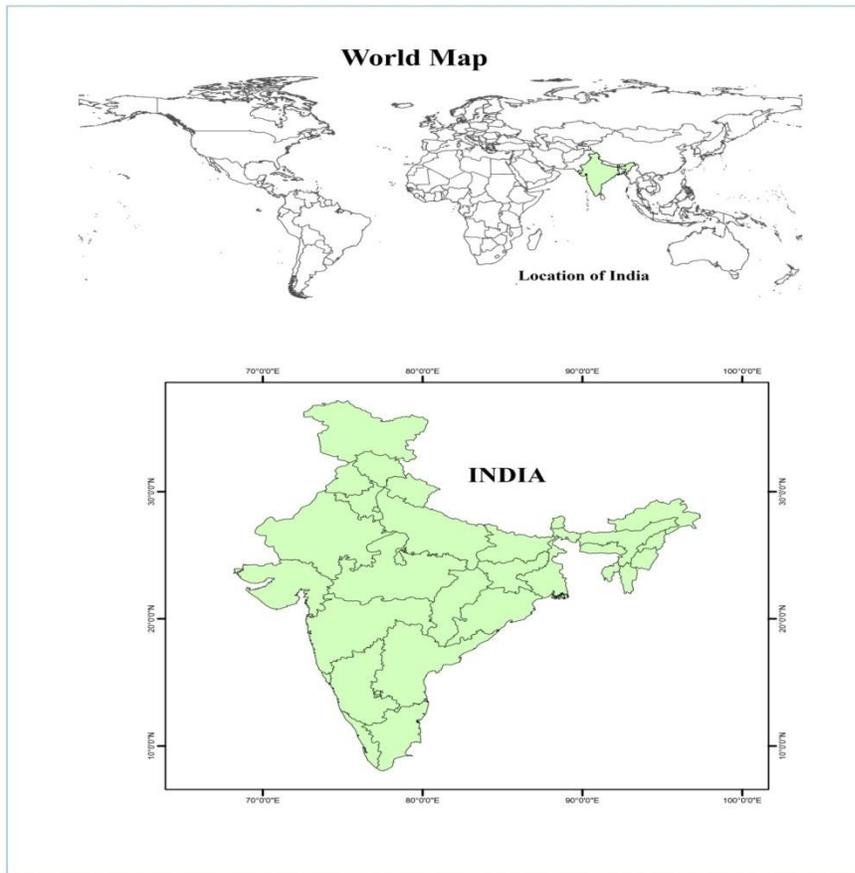


Fig. 1 Location map of study area

Literature Review

Crimes against women have a root in the male dominated socio-economic, legal and political order (Atray 1988, Nagla, 1993). The United Nations defined violence against women, any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. According to Bhiman (1994), for various cultural and other reasons women have been discriminated against in all major societies of the world in one way or the other. Mishra (2000), women are often terrorised so that they do not assert their rights. Violence against women manifests itself as rape, molestation, stripping eve-teasing, kidnapping and abduction, domestic violence including wife battering, dowry harassment, dowry death, cruelty to women driving them to commit suicide or other forms of murder like female foeticide, female infanticide and sati. The National Family Health Survey showed, 21 per cent of

women in India experienced violence since the age of 15 years and 19 per cent physically beaten by their husbands (Prakasm, 2000).

Rape is a humiliating event in a woman's life which leads to a fear for existence and a sense of powerlessness (Misra 1994). It is unique and different from murder, robbery and other crimes. While each of these crimes is largely a finished act after it has occurred, rape is more likely to be a continuing process, in which the victim keeps on suffering after the rape is over (Thio, 1988). Usually rape has been viewed as an allegation that is easily made, but very difficult to people. Therefore all rape incidents are not reported to the police. Usually the rapists are known to the victims and afraid of being identified, resort to various means of torture like use of sharp weapons or hanging the unconscious victims after committing the crime. In the last forty five years since independence instead of a decline in crime against women there is perceptible increase. Awareness is one cause but there are a number of social, economic and political dimensions that have contributed to such crimes. (Misra, 1994).

Rape is a crime that leaves women in fear and causes self-regulation of behaviour or tries to avoid danger (Judith, 2012). Such victims of rape can be of any age. Authentic reports range for 15 month old to 82 year old victims. Women between 10 to 29 years of age are probably the most vulnerable. Mostly such crime occurs in the woman's own neighbourhood and frequently within her own home. So too 50 per cent of all offenders are known to the woman, 7 per cent of whom may be quite close relatives (Bhiman 1994).

Some investigators argue that rape is a function of the sexual composition of the population (Harries, 1974). Therefore, an unequal distribution of the sexes, skewed in the direction of considerably more men than women, might result in a higher incidence of rape. The other various reasons for the causes of rape could be the economic dominance which especially leads the poor women or are forced to sell their bodies to gain or retain employment (Kumari 1994), pornography leads to rape women (Dworkin 1981 et.al.), and men from higher caste had sexual relation with the lower caste but not with the women of higher caste (Mishra 2000). Lower the status of women relative to men the higher the rape rate (Baron and Staus 1987).

3. Results and Analysis

Table-1: Head-wise crime against women during four decades in India

Crime Head-wise	In percent.			
	1981	1991	2001	2011
Rape (Sec. 376 IPC)	9.75	17.65	28.97	43.63
Kidnapping & Abduction (Sec. 363 to 373 IPC)	18.12	16.11	19.18	46.59
Dowry Death (Sec. 302/304 IPC)	0.00	25.00	33.22	41.78
Torture (Sec. 498-A IPC)	0.00	9.71	29.94	60.35
Molestation (Sec. 354 IPC)	0.00	21.10	34.93	43.98
Sexual Harassment (Sec.509 IPC)	0.00	35.96	34.08	29.97
Importation of Girls (Sec.366-B IPC)	0.00	0	58.76	41.24
Sati Prevention Act, 1987	0.00	0	0.00	100.00
Immoral Traffic (Prevention) Act, 1956	0.00	0	78.32	21.68
Indecent Rep. of Women (Prohibition) Act, 1986	0.00	0	69.90	30.10
Dowry Prohibition Act, 1961	0.00	0	32.74	67.26

Source: N.C.R.B.(M.H.A)

While analysing table 1, it was found that the percentage of rape gradually increased from 9.75 in 1981, 17.65 in 1991, 28.97 in 2001 and 43.63 in 2011 and it showed an increasing trend. Kidnapping and abduction in 1981 was 18.12 per cent and it fell down to 16.11 in 1991 and then it increased to 19.18 per cent in 2001 and it drastically reached up to 46.59 per cent in 2011. Maximum percentage of cases of kidnapping was recorded in 2011 and minimum in 1991. Cases of dowry death in 1991 were 25 per cent and it increased to 33.22 and 41.78 per cent in 2001 and 2011 and not a single case was reported in 1981. Torture was 9.71 per cent in 1991 and reached to 29.94 per cent which was three times more than the previous decade. It recorded 60.35 per cent in 2011 which was almost a double of 2001. Percentage of molestation 21.10, 34.93 and 43.98 per cent were registered in 1991, 2001 and 2011 respectively. Sexual harassment cases declined from 35.96 per cent in 1991 to 34.08 per cent in 2001 and 29.97 per cent during 2011.

Records of Importation of girls were collected since 2001 which showed 58.76 per cent cases and decreased to 41.24 per cent in 2011. A single case of Sati Prevention Act, 1987 was registered under Special and Local Laws during 2011 as followed by Immoral Traffic (Prevention) Act, 1986 recorded 78.32 per cent in 2001 and dipped to 21.68 per cent during 2011. Similarly, Indecent Representation of Women (Prohibition) Act, 1986 registered 69.90 per cent in 2001 and it fell to 30.10 per cent in 2011. Dowry Prohibition Act, 1961 under Special and Local Laws (SLL) soared up to 67.26 per cent in 2011 from 32.74 per cent during 2001. Overall it is concluded that the percentage of crime against women have increased since 1981 to 2011, showing an increasing trend.

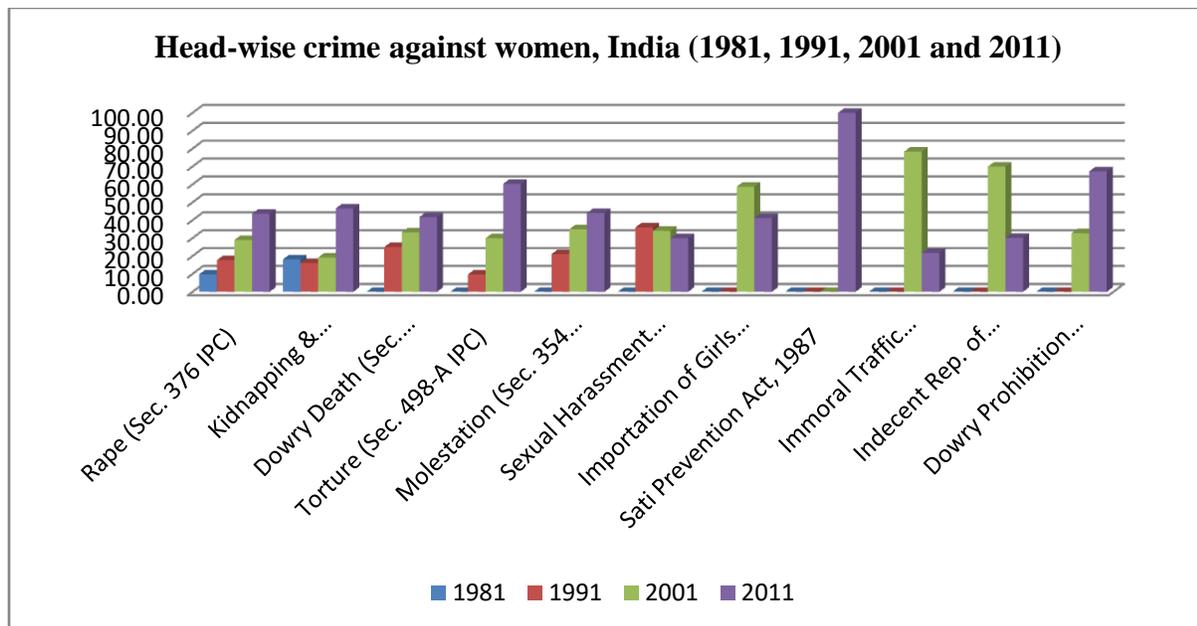


Fig.2

The above section dealt with type of crime against women during 1981, 1991, 2001 and 2011, and further discussed about rape occurred in states of India including only union territory Delhi. Firstly, total incidences of rape, secondly, its proportion and thirdly percentage of rape has been discussed in detail.

A total of 5362 incidences of rape under different age-groups were reported during 1981, 10389 in 1991, 16039 in 2001 and 24155 in 2011. As shown in figure 3a, high number of incidences occurred in Madhya Pradesh and Uttar Pradesh recording above 799.50. Minimum number of incidences (< 266) was reported from 16 states. In states like Maharashtra, Bihar, West Bengal,

Rajasthan and Assam had moderately low number of incidences of rape. Overall it is analysed that from the central and few states of north east have recorded the number of incidences of rape from high to moderately low whereas extreme north and south recorded low.

During 1991, a total of 10389 rape incidences was recorded. Out of total 26 states, Madhya Pradesh had high number of incidences above 1947, and was followed by Uttar Pradesh having moderately high (1299-1947). Maharashtra, Bihar, Rajasthan and Andhra Pradesh recorded moderately low number of cases between 650-1298 (fig 3b). The remaining twenty states had low number of rape incidences below 649. Among them Sikkim recorded the lowest number of incidences of rape. Overall it is observed that the centre and some state of south recorded incidences from high to moderately low.

In 2001, Madhya Pradesh had high number of rape incidences recorded above 2140 and was followed by Uttar Pradesh having moderately high between 1429-2140. Other states like Maharashtra, Rajasthan, Assam, Bihar, Odisha, Chhattisgarh and Andhra Pradesh recorded moderately low (718-1429) (fig 3c) and the remaining states recorded low number of rape incidences below 718. On a whole north west, centre, and south east had rape incidences from high to moderately low.

In 2011, Madhya Pradesh registered high number (>2558) of rape incidences and it was followed by West Bengal, Uttar Pradesh and Rajasthan that recorded moderately high number of rape incidences between (1711-2558). Bihar, Maharashtra, Chhattisgarh, Odisha, Andhra Pradesh, Assam and Kerala recorded moderately low number of rape incidence between 863-1711 (fig 3d). The other remaining states had low (< 863) number of rape incidences. On a whole it is understood that centre, south east and south had rape incidences from high to moderately low.

Hence, it is concluded that among all four decades, in 2011 there was maximum number of rape incidences i.e. 24155 and 5362 in 1981. It grew at rate of 93.75 percent in 1991, 54 in 2001 and 50 in 2011. It is analysed that among all states of India, Madhya Pradesh in all four decades and Uttar Pradesh only in 1981 had high number of rape incidences whereas Uttar Pradesh in 1991, 2001 and 2011 and West Bengal and Rajasthan in 2011 had moderately high. On the other side Sikkim remained as the lowest in number of rape incidences.

Total Incidence of Rape in India (1981-2011)

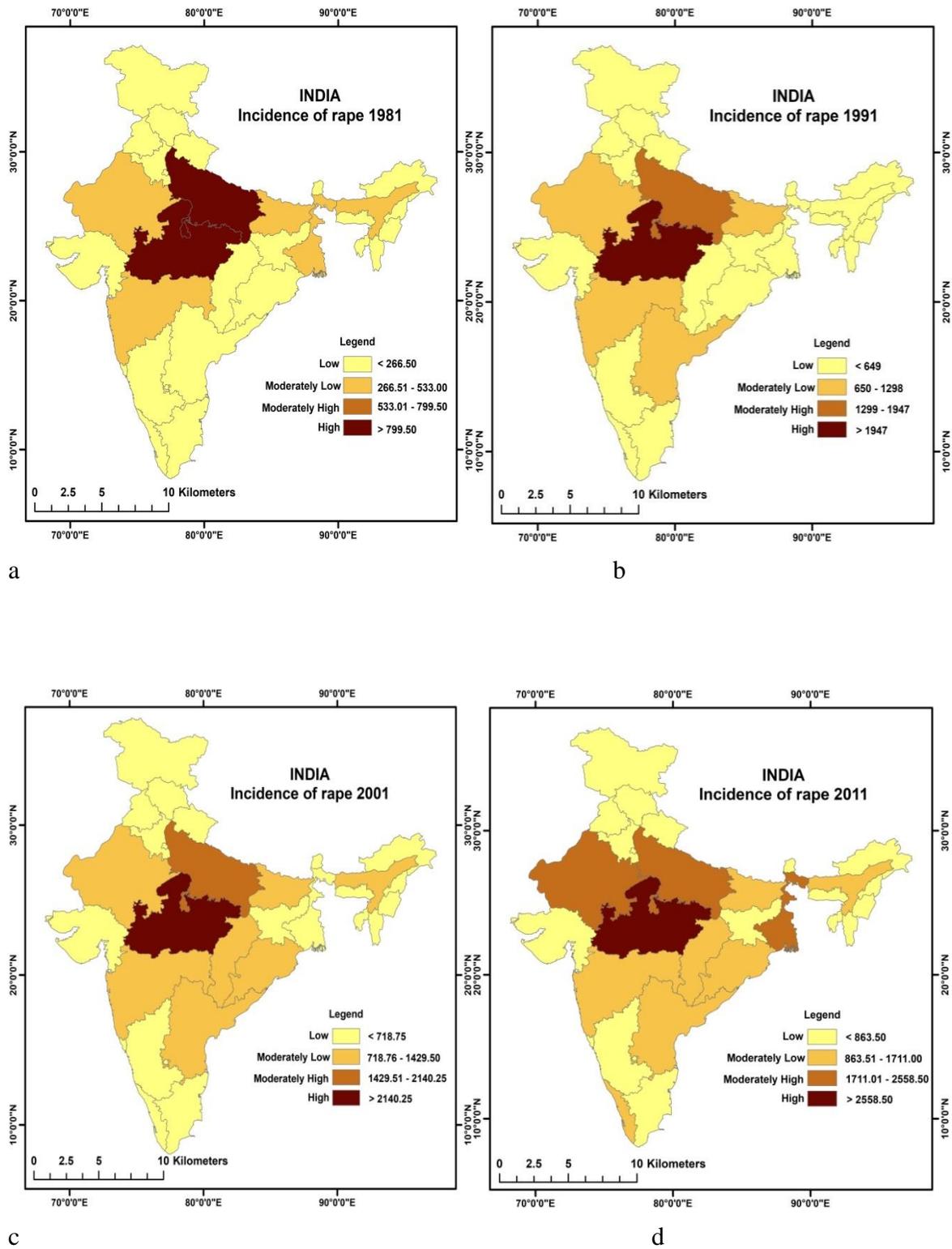


Fig 3

The proportion of rape per lakh of population during 1981 was high in the states of Jammu and Kashmir, Madhya Pradesh and Sikkim (>1.76) shown in the figure 4a and was moderately high in Assam and Delhi. The other remaining states like Haryana, Uttar Pradesh, Rajasthan, Bihar, West Bengal, Meghalaya, Nagaland, Manipur, Tripura and Maharashtra had moderately low proportion of rape between 0.59-1.17 (fig 4a) where as the remaining states had below 0.58. The lowest proportion of rape was 0.27 in Gujarat. Overall, rape proportion from high to moderately low was found in the states lying in north, centre and north east part of India.

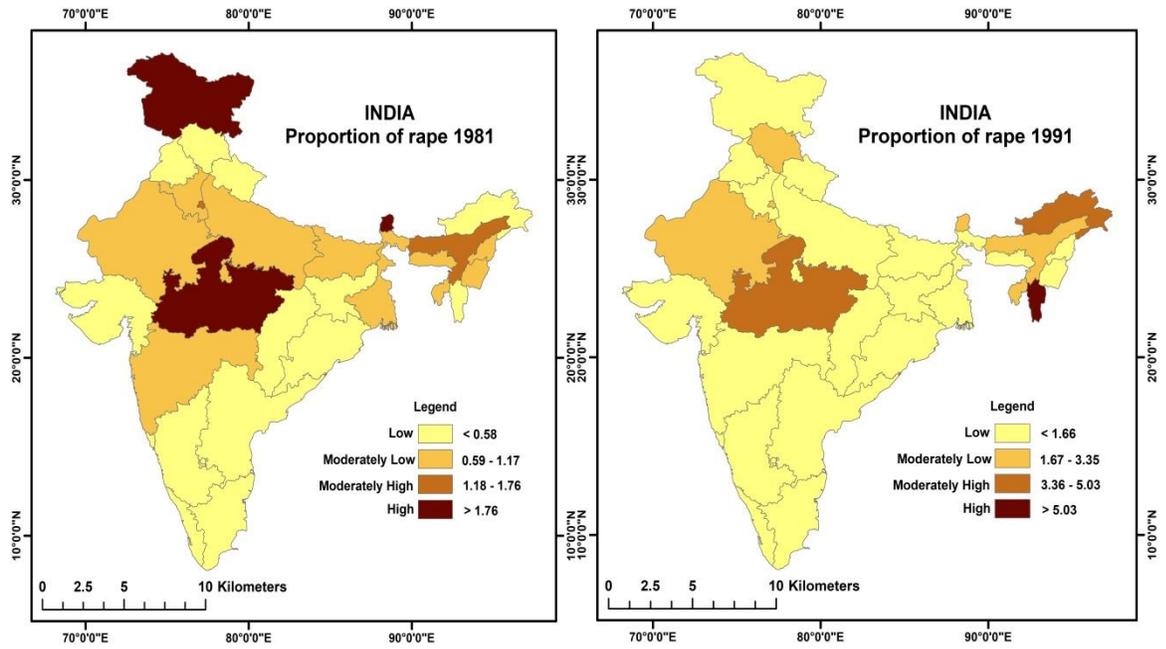
In 1991, proportion of rape fluctuated from 1981 due to ups and downs in number of incidences and increasing population of the states. Jammu and Kashmir which had high (2.35) proportion of rape in 1981 declined to 1.6 in 1991. Mizoram had high proportion of rape lying above 5.03 (fig 4b). Two states Madhya Pradesh and Assam had 3.92 and 3.83 proportion of rape. Himachal Pradesh, Rajasthan, Sikkim, Assam, Meghalaya and Delhi (UT) had moderately low between 1.67-3.35 and the remaining states had below 1.66. The lowest proportion of rape 0.31 was in Punjab.

During 2001, Mizoram, Madhya Pradesh and Chhattisgarh had high proportion of rape above 4.50 given in the figure 4c. The states that had moderately low proportion of rape between 1.91 to 3.20 were Himachal Pradesh, Odisha, Jharkhand, Assam, Arunachal Pradesh and Tripura. rate respectively and in the remaining states it was below 1.90. In Delhi proportion of rape was 2.8 and the lowest was 0.6 in Gujarat. Overall it is analysed that the centre and north east had proportion of rape from high to moderately low.

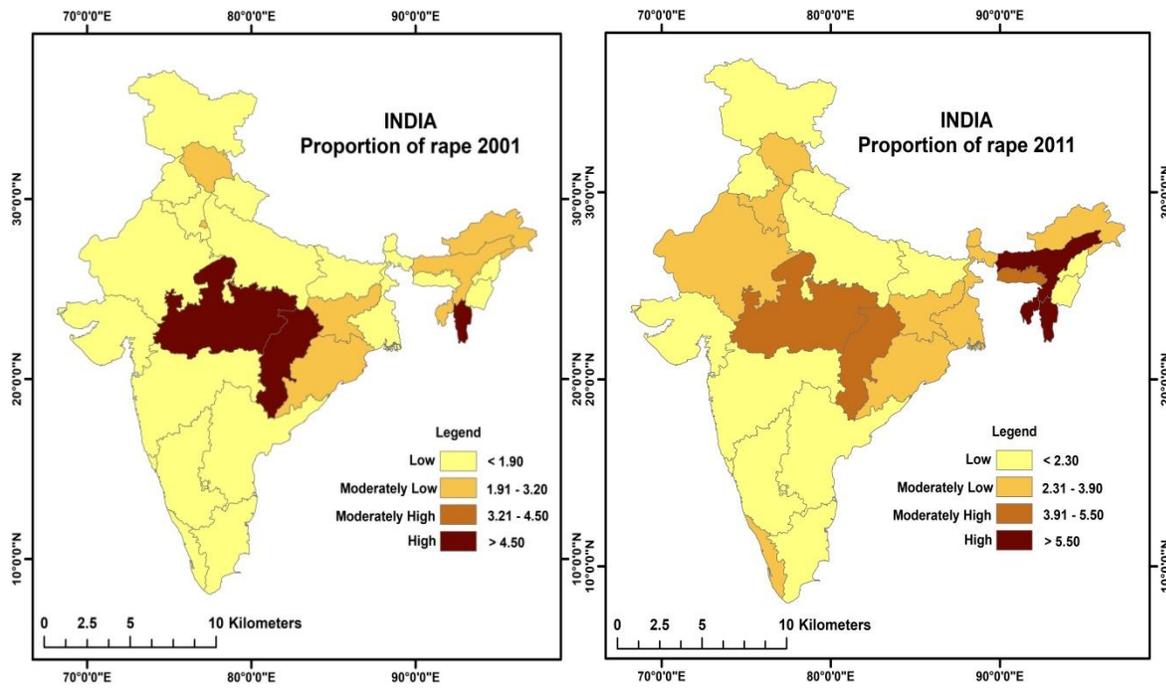
During 2011, high proportion of rape above 5.50 was found in Mizoram (7.1), Tripura (5.6) and in Assam (5.5) (fig 4d). Madhya Pradesh, Chhattisgarh and Meghalaya had moderately high between 3.91 to 5.50. The remaining states like Himachal Pradesh, Haryana, Rajasthan, West Bengal, Jharkhand, Odisha, Kerala and Arunachal Pradesh had moderately low proportion of rape between 2.31 to 3.90, while the others were below 2.30. The lowest proportion of rape was found in Gujarat (0.7).

Overall, it is observed that the proportion of rape was high in 2011 which was recorded by Mizoram (7.1) and lowest by Gujarat 0.27 in 1981.

Rape per lakh of population in India (1981-2011)



ab



cd

Fig 4

In terms of percentage share of rape cases/incidences to total per cent of India, Uttar Pradesh shared the maximum of 17.4 per cent. The other states lying between the percentage share of 8.71-13.05 (moderately high) were Maharashtra, Bihar and West Bengal. Rajasthan (5.5 per cent) and Assam (5.2 per cent) contributed to total per cent of the country while the remaining states shared their value in per cent lying below 4.35 given in figure 5a. Sikkim and Nagaland each shared 0.1 per cent and was marked as the lowest contributors.

Madhya Pradesh itself shared 24.9 per cent of rape cases to total during 1991. It is observed that Uttar Pradesh a highly populated state contributed 13.61 per cent and it was followed by other states contributed moderately low (6.24-12.45). Sikkim contributed lowest (0.1 per cent). Delhi contributed 2.05 per cent which increased by 1 per cent from the past decade 1981.

During 2001, Madhya Pradesh recorded 17.7 per cent which is above 13.28 per cent (fig 5c) and Uttar Pradesh with 12.2 per cent stood at second position. Rajasthan, Bihar, Chhattisgarh, Odisha, Andhra Pradesh, Maharashtra and Assam contributed moderately low per cent (4.44 - 8.85). Sikkim recorded zero per cent while Nagaland, Manipur and Goa recorded 0.1 per cent each.

Madhya Pradesh was at top again in 2011. It shared 14.1 per cent was followed by West Bengal contributing 9.8 per cent, Uttar Pradesh 8.4 per cent and Rajasthan 7.4 per cent. States like Assam, Maharashtra, Andhra Pradesh, Bihar, Odisha, Chhattisgarh and Kerala contributed moderately low per cent of rape cases (3.61-7.10 per cent). The lowest contribution was made by Sikkim and Nagaland by 0.1 per cent each.

Thus, it is concluded, Madhya Pradesh remained at top in percentage share of rape cases to total since 1991, 2001 and 2011 after overtaking Uttar Pradesh during 1981. In Madhya Pradesh percentage share of rape declined from 24.9 per cent (1991) to 17.7 per cent in 2001 and 14.1 per cent in 2011. West Bengal occupied second position in 2011. Nagaland and Sikkim contributed 0.1 per cent each during 1981, Manipur, Sikkim 0.1 per cent each during 1991, Sikkim zero per cent, Goa, Manipur, Nagaland by 0.1 per cent during 2001 and Goa, Nagaland, Sikkim with 0.1 per cent each in 2011.

Percentage of Rape in India (1981-2011)

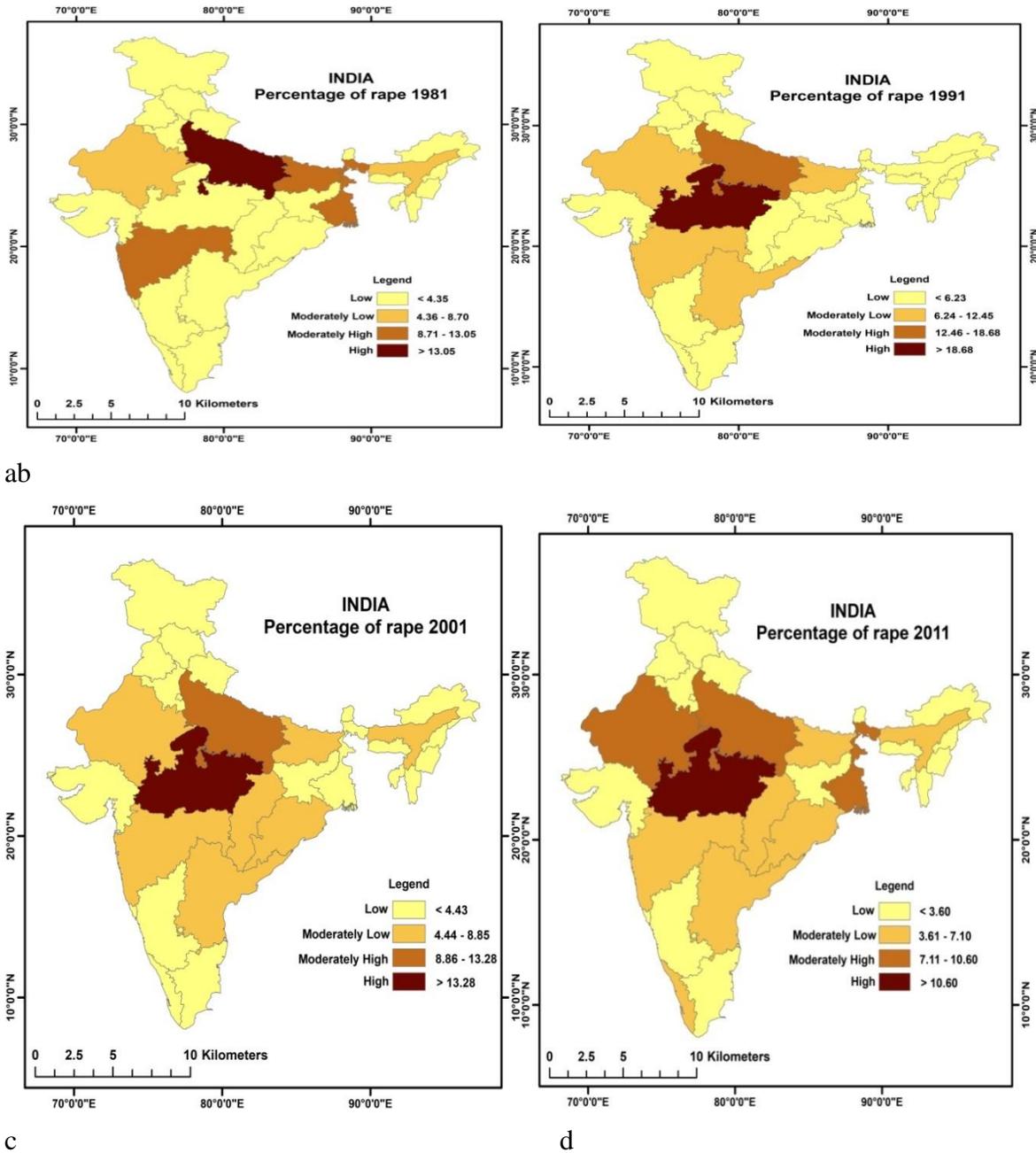


Fig 5

Conclusion

- Crimes which are directed specifically against women are characterised as crime against women.
- The highly occurred crime against women under different crime-head during four decades were kidnapping and abduction recorded 18.12 per cent in 1981, sexual harassment 35.96 per cent in 1991, Immoral Traffic Prevention Act 1956 78.52 per cent in 2001 and Dowry Prohibition Act 1961 67.26 per cent in 2011.
- Highest rape incidences occurred in Madhya Pradesh during all four decades along with Uttar Pradesh in 1981, 1991 and West Bengal in 2011. Lowest number of rape incidences was found in Sikkim.
- Proportion of rape in Jammu and Kashmir in 1981 was 2.35, in Mizoram 6.7 in 1991, 5.8 in 2001 and 7.1 in 2011 and the lowest was found in Gujarat 0.27 in 1981.
- Maximum percentage of rape was contributed by Madhya Pradesh during the periods of 1991, 2001 and 2011 after overtaking Uttar Pradesh in 1981. It showed a declining trend beginning from 24.9 per cent in 1991 to 17.7 per cent in 2001 and 14.1 per cent in 2011.

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