

# **RECENT TRENDS IN CRIMES AGAINST WOMEN IN INDIA (1990-1997)**

*Dissertation submitted to the Jawaharlal Nehru University in partial  
fulfillment of the requirements for the award of the degree of*

**MASTER OF PHILOSOPHY**

**ROWEENA SOLOMON**

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SCHOOL OF SOCIAL SCIENCES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI-110067  
INDIA  
2000**



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### CERTIFICATE

This is to Certify that the dissertation entitled **Recent Trends in Crimes Against Women in India (1990-1997)** submitted in partial fulfillment for the M.Phil degree of this university has not been previously submitted for any other university and is my original work.

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*FOR*

*DIDA*

*WITH LOVE*

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(ROWEENA SOLOMON)

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## **CHAPTER I**

### **INTRODUCTION**

'India has a long and ancient tradition of allowing women to have a status equal or different to that of men. Indeed women have enjoyed an exalted position, as epitomised by her role as a mother and other powerful images such as Kali and Durga. But it is very difficult, to exactly determine the position of women in Indian society as it is a complex subject. It is hazardous to make generalizations on the past or the present particularly because Indian society is highly stratified (Vishwanath, 1996:179). Moreover the sources of our knowledge about the conditions prevailing in the remote, by gone ages are very limited and even these meager sources have not come down to us in an uncorrupted form.' Again the entire Indian literature is so full of conflicting and contradictory matter that it is very difficult to promote any verdict about the position of women with certainty and finality, (Indra, 1940:2). '

### **HISTORICAL BACKGROUND OF THE STATUS OF WOMEN**

In the early Vedic ages it seems that women enjoyed equal rights with men. The wife and husband being the equal halves of one substance, were regarded equal in every respect and both took equal part in all works, religious and social.' Apastamba, a law giver

of ancient India is emphatic in honouring the gentler sex, by laying down that all must make way for a woman when she is treading a path (Indra, 1940:4). The birth of a daughter was not a source of anxiety during the Vedic period, and women were given education, religious rights, freedom of movement, etc. Though historical data is not enough to build up a detailed linkage, it has been noticed that the growth of a class society, which manifested itself in the form of varnas and the decline in the position of women have occurred simultaneously. This decline dates back to the period of Manu Smriti i.e., 500 B.C. to 1800 A.D.

Manu's code provided a legal and ideological legitimisation for a pattern of social structure which lasted for more than a thousand years. The code laid down the basic framework for hierarchical caste structure, patriarchal joint family with the oldest male as the supreme head of the patrilineal kin group, and the subordinate status for sudras and women. Even the Bhagvad Gita, one of the most sacred books of the Hindus places women, vaisyas and sudras in the same category and describes them as being of sinful birth (Desai and Krishna Raj, 1987:34).

It can be observed thereby that with the passage of time there was a gradual degradation in women's status. In the Post Vedic age, Manu was the significant law maker. His social codes and sanctions left their marks permanently on the future status of Indian women. Manu clamped down women's freedom in certain spheres in order to

safeguard her position and to preserve the family structure. Manu's famous dictum, 'a women must be her father's shadow in childhood, her husband's in her youth, her son's in her old age' is well known.

In the period that followed, Manu put further restrictions on women. The whole of northern India from the Punjab to the Indo-Gangetic plain was subjected to repeated foreign invasions by the Aryans, the Huns, the Arabs, the Melanesians and others. The security of women was seriously jeopardized as they were often carried away by the invading races. Women instead of being an asset to the family, became a liability. Child-marriage became the rule rather than the exception.

The advent of Buddhism saw a welcome change in women's position in society. It allowed women the freedom to be educated to travel as missionaries or even to remain unmarried. But the situation changed for the worse with the Muslim invasion in the eleventh century. Life became insecure. Women were forcibly taken away to be slaves or to be married into Muslim homes (Khanna and Varghese, 1978:2-4).

In the eighteenth century at the dawn of British rule, the position of women in India was in a sorry state. The Vedic liberties enjoyed by women were forgotten. However, due to the pioneering work of some leaders, changes were brought about in the social

structure of the country in the latter part of the nineteenth century. Legal sanctions were given for the removal of caste disabilities, widow remarriage, women's right to property, etc. So after centuries of social stagnation, due to a combination of divergent factors, social, cultural, economic and political, Indian women started coming back into the mainstream of social life. The first impetus was given by the freedom movement led by Mahatma Gandhi. This marked the beginning of a new era for Indian women (Khanna and Varghese, 1978:2-4).

During this period there were two major movements which affected the position of women. These were the social reform movement and the nationalist movement. Both these movements laid the foundation for equal status of women. The issues which attracted the attention of nineteenth century social reformers were Sati, the ill treatment of widows, polygamy, child marriage etc. Social reformers felt that these social evils should be eradicated by raising consciousness and making people sensitive to the injustice perpetrated on women. They thought that by giving women the access to education and by enacting progressive legislations, social change could be initiated (Desai and Krishna Raj, 1987:39). Raja Ram Mohan Roy, Ishwarchandra Vidyasagar, M.G. Ranade, Durgaram and many others fought to uplift the status of women.

Another very powerful force which helped women to come out in the open and also helped to change the position of women was

the nationalist movement particularly during the Gandhian phase. Gandhiji too like other social reformers fought against the custom of child marriage, prohibition of widow remarriage, temple prostitution or devadasi system and the custom of purdah. Gandhi felt that women had an inner strength which would help, to free herself from the fetters which the then conservative society had bound her with. During the nationalist movement women organised themselves into groups, joined processions, picketed shops selling foreign liquor and clothes, broke the salt law and helped in distributing banned newspapers and in manufacturing bombs.

The emergence of the rudiments of women's movements in India can be seen in the formation of and growth of women's association over a period of fifty years from roughly 1880 to 1930. Women's movement participants were drawn from the tiny sector of urban educated families, indeed they were a small minority of this sector (Mehta 1987:42). Majority of these women came from families in which men participated actively in social, religious or political associations. Over half of the women first participated in public activities connected with the Swadeshi (1904-1911), Non-Cooperation (1918-1923), Civil Disobedience (1930-1934) or Quit India (1942) Movements. Only in the 1920s were there examples of women without any politically active relatives who became involved in politics as a result of their own college experience.

Initially men and later women reformers devotedly bore social ridicule, religious excommunication and loneliness to fight against some of the injustices perpetrated on women, specially widows who were so ill treated that sati and prostitution became viable options. After prolonged campaign and much dithering on the part of the British, a law banning sati was passed in 1829. The first Mahila Mandals (women's clubs) organised by the Arya Samaj and the Bramho Samaj, the Hindu revivalist and reformist organizations, provided a space for socialising and education (Gandhi & Shah 1991:16).

The women's movement as such gained momentum, first by attacking the old customs, working for women's education and later on, all aspects of legal reform. The first phase really began in 1884 when small women's associations began their pioneer work among the ignorant, first in Bengal and later in Maharashtra & Gujarat. Parsees in Bombay, set up cottage industries for poor women and 'Sadans' to house and teach abandoned ones. By 1909 the Seva Sadan started by a pioneer woman leader Ramabai Ranade, gave poor women not only some training but it became a teacher's training college with medical and nursing departments. It was not until 1917 in Madras that the Women's Indian Association was formally linked by English women like Annie Besant, Margaret Cousins with the suffrage movement in the West. In 1920, the National Council of Women in India was started in Bombay and in

1926 the All India Women's Conference which had a mass character was initiated. Leaders like Sarojini Naidu, Laxmi Menon, Rajkumari Amrit Kaur were associated with it who directed its affairs for over five decades. They not only launched into international activity through the U.N. Commission on status of women and set up Lady Irwin College for women in Delhi, but also concentrated on many thorny problems such as dowry, women's employment and the Hindu Code Bill (Mehta 1987:43).

The three very important women's organisations established in the pre-independent India were Women's Indian Association (1917-37), National Council of Women in India (1925) and All India Women's Conference (1926). The Women's Indian Association was started on the 8<sup>th</sup> of May, 1917 at Adyar, Madras by Mrs. Dorothy Jinarajadasa, wife of the President of the Theosophical Society of Madras and a notable social worker of her time. The most important aims of this organisation were –

- 1) To present to women their responsibilities as daughters of India.
- 2) To secure for every girl and boy the right of education.
- 3) To secure the abolition of child marriages and other social evils.

- 4) To secure for women the vote for municipal and legislative councils on the same terms as it was or might be granted to men.
- 5) To secure adequate representation of women in municipalities, taluks, local boards, legislative councils and assemblies.
- 6) To establish equality of rights and opportunities between men and women.
- 7) To help women realise that the future of India lies largely in their hands, for as wives and mothers they have the task of guiding, training and forming the character of future rulers of India.
- 8) To band women into groups for the purpose of self-development and education and for the definite service of others (Sharma 1981:108).

The National Council of Women in India was formed in 1925 and in the same year it was affiliated to the International Council of Women which was founded in 1888. The aims and objectives were to:

- 1) Promote sympathy of thought and unity of purpose among women in India.



- 2) Work for the removal of disabilities of women, whether legal, economic or social and for the promotion of the social, civil, moral and educational welfare of women and children.
- 3) To organise, develop and coordinate the work of its existing councils and branches and such other councils as may hereafter be formed under its auspices or may be accepted by it.
- 4) Coordinate the activities of other National Organisations in India, whose aims are in conformity with it.
- 5) And form a link with National Councils in other countries through the International Council of Women (Sharma 1981:111).

With the formation of the All India Women's Conference (AIWC) in 1927, a new trend set in. A product of nationalist ferment, AIWC was inspired, formed and dominated by women unlike previous women's organizations which aimed much to male leadership. It began with a modest objective of promoting education for women and creating awareness about evil social customs. It also played a very important role in creating a favourable climate for new social legislations. The Sarda Act (1929) forbidding child marriage, the Dissolution of the Muslim Marriage Act (1939), the bill for the better supervision of orphanages, rescue homes and Marriage

Bureaus (1940) were all made possible because of AIWC pressure. AIWC also played a lead role in Hindu Code debate and also enactment of Hindu Law of Marriage and Succession, 1955 and 1956 (Desai and Krishna Raj 1987:337).

During the post independence period the Control Social Welfare Board was created in 1953, to improve and expand existing welfare programmes by providing financial assistance and professional advice to existing voluntary organizations. An important step that was to have serious implications for growth of women's organizations. The establishment of Mahila Mandals in the rural areas was also helpful as it looked into the problems concerning women.

A major source of radicalization of women during the 1960s was the Naxalbari Movement which affected the women of West Bengal, Andhra Pradesh, Bihar and Kerala. Tribal women in Bihar and Madhya Pradesh, participated in the fight against landlords. In Maharashtra, in Dhulia district, in 1972 along with the struggle against landlords and corrupt officials, women's issues were also highlighted. Similarly the anti price movement of early 1970s which mobilised women of the middle classes was a united front composed of women from the CPI (M), Socialist Party, Congress and non party middle-class housewives. The left parties like CPI and CPI (M) at this point realised the need of mobilising women for their own political goals. Hence, in 1954, CPI established a National Federation of

Indian Women (NFIW) affiliated to the Women's International Democratic Federation (WIDF) composed mainly of women from socialist countries (Desai and Krishna Raj 1987:341).

Formation of the Progressive Organization of Women (POW) requires mention when we are talking about women's movements. At a city convention held on 29<sup>th</sup> September 1974, an organization called the Progressive Organisation of Women (POW) was established. Nearly 500 members registered, of which majority were students. POW branch committees were formed at the college level with local students and POW activists. In January 1975, a militant anti obscenity campaign was taken up by the POW. Women revolted against slavery, 'Ban obscene literature', 'Smash obscene culture' were some of the slogans ringing in the ears of the people in the city area. The POW also participated in the anti-price rise movement (Davis (ed.) 1994:62). The anti-liquor campaign – at Bodhgaya also deserves mention here. Two women activists Kumud and Kanehan, took especially active part in it. The anti-liquor campaign emerged primarily as a women's campaign. When discussions were held about the drinking problems, one of its worst consequences was wife beating (Kishwar and Vanita 1984:158).

In the post-1974 phase one important movement led by women was the Chipko movement which was an ecological movement concerning the preservation of forests and the maintenance of ecological balance in the sub-Himalayan region. The

forest policy affected the indigenous people specially women living in that area. In 1973 a non-violent agitation against deforestation took place in Garhwal to protect against the government's forest policy.

It may be because of the efforts of such women's movements that independent India has witnessed the enacting of various legislative measures which ensured equal rights to counter social discrimination and various forms of crimes against women. Amendments have been periodically carried out to keep pace with emerging demands. The women specific and women - related legislations are the following -

- Family Courts Act, 1954
- Special Marriage Act, 1954
- Hindu Marriage Act, 1955
- Hindu Succession Act, 1956
- Maternity Benefit Act, 1961
- Dowry Prohibition Act, 1961 (Amended in 1984 and 1986)
- Medical Termination of Pregnancy Act, 1971
- Equal Remuneration Act, 1976
- Child Marriage Restraint (Amendment Act, 1979)
- Indecent Representation of Women (Prohibition) Act, 1986
- Commission of Sati (Prevention) Act, 1987
- The National Commission of Women Act, 1990 was passed to set up a National Apex Statutory Body to review the

constitutional and legal safeguards for women and recommend remedial legislations.

- Pre-natal Diagnostic Techniques (regulation and prevention of misuse) Act, 1994.

In addition to these enactments, various women specific and women related policies were enunciated in plan documents. Some of the important policy guiding documents are:

- The National Plan of Action for Women adopted in 1976.
- National Perspective Plan for Women (1988-2000).
- Shram Shakti – The report of the National Commission on self-employed women and women in the Informal Sector (1988).
- The National Expert Committee on Women Prisoners.
- The National Policy for Children, 1974.
- The National Nutritional Policy.
- The National Plan of Action for the Girl Child (1991-2000).
- National Policy on Education, 1986.
- National Health Policy, 1983.
- National Population Policy, 1993.
- National Policy for the Empowerment of Women.

(Chakravarty, 1998:8).

All these laws and policies seem to prove that the status of women is much better today than it was previously. But it is only when we take certain factors such as education, employment can we find out whether women have progressed and their status has improved or not. A section of women today are educated sometimes even more educated and occupying important positions in society, than their male counterparts. We might attribute these changes to the efforts made by social reformers, women's organizations, politicians, intellectuals, etc. But at this point it becomes pertinent to ask the question, why the statistics show a steady increase in the incidence of crimes committed against women? In spite of legislations and implementation of laws to safeguard the interests of women, they are being made victims of a number of crimes. The data sheet on "Violence Against Women" brought out by the Department of Women and Child Development, Ministry of Human Resource Development reveals that in India:

Every 54 minutes	:	one woman is raped
Every 26 minutes	:	one woman is molested
Every 51 minutes	:	one act of eve teasing
Every 42 minutes	:	one dowry death
Every 7 minutes	:	one act of criminal offence against women

(Jaya Kumar, 1997:139)

If we take into account the crimes committed against women for example -- rape, molestation, eve teasing, etc, it does not need

great insight to see that there is also a close link between violence and sexuality. The Sati case of Roop Kunwar is almost paradigmatic here. She was forced to live away from her husband, a psychological case, because of his impotence; when he found that she was having an affair with another man he committed suicide. The burden of guilt along with the traditional religious conceptualization of husband's welfare was used, along with physical force, to psychologically terrorize her into her death (Omvedt, 1990:6). Here the concept of man having full control over not only a woman's body but also her faithfulness becomes one of the reasons for abuses against her.

Since this thesis deals with crimes against women, it becomes important to define the word crime. Crime by definition implies violation of a law. Violence on the other hand is an action which is independent of legal sanctions. So it is possible to say that all crimes imply violence but all violence do not imply crimes. In September 1992, the United Nations Commission on the Status of Women convened a special working group to draft a declaration of crimes against women. This declaration adopted by the General Assembly in the Fall of 1993, offers for the first time an official United Nation's definition on the abuses or crimes against women. According to Article 1 of the declaration, violence and crimes against

women includes: “any act of gender-based violence that results in or is likely to result in physical, sexual, psychological harm or suffering to women, including threats of such acts, coercion or arbitrary derivations of liberty, whether occurring in public or private life” (Heise, Pitanguy and Germain, 1994). Article 2 of the declaration states that the definition should be understood to encompass, but not to be limited to, physical, sexual, and psychological violence occurring in the family and in the community including battering, sexual abuse of female children, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women. Violence related to exploitation and sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution and violence perpetrated or condoned by the state. Significantly this definition recognizes both physical and psychological harm and threats of such harm in both public and private spheres. Despite the efforts to define violence against women, there is no single definition which guides activists and others during their struggle to prevent crimes against women. The main contention is how broadly to define the term. Some argue for a very broad definition that includes any act or omission that causes crimes against women or keeps them in a subordinate position. For example, the Draft Pan American Treaty defines violence against women as ‘any act, omission or conduct by means of which physical, sexual or mental suffering is inflicted



directly or indirectly, through deceit, seduction, threat, coercion or any other means, on any woman with the purpose or effect of intimidating, punishing or humiliating her, of maintaining her in sex stereotyped roles or of denying her human dignity, sexual self-determination, physical, mental and moral integrity or of undermining the security of her person, her self-respect, her personality or of diminishing her physical or mental capacities. Under such a definition any structural feature that perpetuates gender based discrimination could arguably qualify as violence. But such an overly broad definition is at a risk of not being able to focus on the more specific forms of abuse such as rape and wife bashing. Calling everything violence--poverty, pornography, lower wages, lack of access to schooling--makes it very difficult to draw the line. So, it is best to say that violence is just one of the many violations of women's human rights (Heise, Pitanguy and Germain, 1994).

Many scholars from the third world argue that human rights discourse is a product of the enlightenment and therefore not universal. This limitation is often introduced and underscored in the area of women's rights too. Women's status is seen as the symbol of a particular cultural order. To grant universality to their rights, is to undermine the cultural frame work of a particular society. When it comes to such issues such as female genital mutilation, sati, punishment according to Shariah (Muslim personal law) and other practices that are particular to cultural communities, this argument

is made even more forcefully by those who believe that many values are culturally relative. It is therefore necessary to underscore the universality of human rights as an essential first step in the recognition of human rights as women's rights (Coomaraswamy 1996).

Today the primary concern for feminists is women's equality and their rights as human beings. Feminists tend to construe women's liberation as a civil rights issue. Groups such as the National Organization for Women have taken up the initiating of pressing the long overdue equality of opportunity for women in education and employment. The 1964 Civil Rights Act, which prohibits sex discrimination in employment, does not guarantee women's right to equity in education or public accommodations (Wortis & Rabinowitz 1972:14). Though today these disabilities against women have been done away with but still they are made to feel subordinate.

The feminist viewpoint looks into the phenomenon of gender based violence in the context of the male-female relationship. They hold that violence against women is perpetuated by patriarchy, which is supported by custom, force and law. These feminists perceive violence on women as a separate category. The major reasons put forth in this context are:

- Customs sanction the physical abuse of women.

- Women are overwhelmingly the target of attack and
- Domestic work and child care make women economically dependent on men making them vulnerable to violent attacks (Gandhi 1997).

It can be said that in the beginning, greater the demand for equality by women greater was the violence against them, in a patrilineal family system to keep her in a subordinate position. But gradually the situation changes into one of lesser inequality.

### **Focus of the study**

The incidence of crimes against women is not a new phenomenon in India. Cases of abduction, rape, assault, murder have always taken place but it was only recently, that it found a place in the literature of social problems and criminal violence. There is scarcely a day when cases of either rape or dowry death go unreported. And this is getting endemic. Eve teasing is a very common phenomenon in the streets, in market centres, on buses. Girls are kidnapped from their homes and sold to pimps and forced into prostitution. Infant girls are left to die and with the help of the latest scientific tests (amniocentesis) girls are not even allowed to be born.

The declining sex ratio is also an indicator of the discrimination and degradation that women are subjected to, in the

Indian society. In 1901, the sex ratio was 972 to 1000 males, the 1991 census too show a very dismal picture, with only 929 females per thousand males (Mary and Tahir 1991). In 1974 for the first time, Asok Mitra gave a warning signal to the fact that continuous decline in sex ratio of female to male would pose a grave problem for Indian society. He also declared women in India as the 'declining sex'. During the decade 1975-1985 three issues regarding women's health acquired considerable attention of academicians and women's groups. They were: (1) Adverse sex ratio, (2) Very high female mortality and morbidity rate as compared to their male counterparts, (3) Harmful implications of various techniques of population control on women's health (Desai and Patel 1985:17).

My objective in this thesis is (1) To find out whether the reported crimes against women have increased or decreased over a period of seven years (1990-1997). It will take into account only the crimes identified by the Indian Penal Code. The crimes against women which have been taken into account are rape, kidnapping and abduction, dowry deaths, torture by husband and his relatives, molestation and eve teasing.

(2) To find out whether there are other dimensions of crimes against women which have not been identified by the Indian Penal Code. In olden days when majority women were confined within the home, their space of activity was very limited. But with the passage of time as women started coming out of their homes they have

become more and more prone to various crimes committed against them.

When one talks of crimes and criminal offences there is always a need to distinguish between crime and deviance. Deviant acts run counter to local moral norms but that is not virtually or actually violation of criminal law (Borgatta and Borgatta, 1991).

Depending on the community, non-criminal deviant acts may constitute certain sexual acts and drug use patterns, nudism, shaving off hair, certain political beliefs, excessive gambling and consumption of alcohol. Deviant acts are tolerated by society because they do not pose any significant threat to society and are not considered to be crimes or criminal offences.

In this chapter an attempt has been made to introduce the topic of research – crimes against women and the main objectives behind this research. The following chapters will deal with the topic in detail and will provide a conclusion to the question why crimes against women are steadily increasing in spite of various legislations?

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## CHAPTER II

### AN ANALYSIS OF TYPES OF CRIMES AGAINST WOMEN

Crimes against women in all its myriad forms prevents in ensuring women their basic human rights, and hinders their proper mental and physical growth, identity formation and personality development. Fear of crimes committed against women prevents them from living independent lives. Fear curtails their physical movement, so we find many a time women fear to venture out alone, which makes them seek protection from their male counterparts. This dependence of women on men makes them vulnerable. Admittedly, this is not conducive to women's empowerment.

There are a number of different crimes committed against women which result in their physical, sexual or psychological injury.

- (1) Physical Abuse (which may even lead to death) like rape, battering.
- (2) Psychological abuse like mental harassment, confinement, forced marriage.
- (3) Denial or deprivation of basic human amenities like health, nutrition, education and means of livelihood, etc.
- (4) Commodification of women's body for trade or immoral trafficking, prostitution, etc.

(Chakravarty, 1988:1).

Certain customary practices along with some aspects of tradition are also the causes of crimes against women. Besides female genital mutilation, there are a host of practices which violate female dignity such as foot binding, virginity tests etc, are among the many practices which violate woman's human rights (Coomaraswamy, 1995).

All these crimes against women can be analyzed in two ways. The first is the manner in which the Indian Penal Code (IPC) has identified the various types of crimes committed against women and the legislations which have been enacted to curb them down and the second is the manner in which the various women's movements have dealt not just with the crimes against women identified by the IPC but also the crimes which have been totally omitted by the IPC.

According to the IPC "although women may be victims in any of the crimes", be it 'murder', 'robbery', 'cheating' or any other, the crimes in which only women are the victims and which are directed specifically against women are characterized as 'Crimes Against Women' (National Crime Records Bureau, 1997). The IPC has identified a series of crimes committed against women together with special laws to prohibit them. The crimes identified under the IPC are:

- 1) Rape (Sec. 376 IPC)

- 2) Kidnapping & Abduction for different purposes (Sec. 363-373 IPC).
- 3) Homicide for Dowry, Dowry deaths and their attempts (Sec. 302/304 – B IPC).
- 4) Torture, both mental and physical (Sec. 498 – A IPC).
- 5) Molestation (Sec. 354 IPC).
- 6) Sexual Harassment (Sec. 509 IPC).
- 7) Importation of girls (upto twenty one years of age) (Sec. 366–B IPC).

(National Crime Records Bureau, 1997).

The IPC has taken into account rape, kidnapping and abduction, dowry deaths, molestation, importation of girls, sexual harassment and have issued various laws to prevent them. But certain other crimes committed against women like domestic violence, marital rape, wife battering, sexual harassment at the workplace, verbal abuse, etc, which have to be dealt with separately have been totally omitted. No laws have been issued by the IPC to prevent them though they are very much a part and parcel of majority of women's experience today.

It is precisely because of the failure of the IPC that women's movements and organisations come into the picture. Women's



organizations and movements have done much to assist victims and to document and publicize the atrocities done against women. Virtually everywhere these efforts have encountered strong resistance from organized religion, health professionals, the judicial system and the police, all of whom see the home as sacrosanct, and thereby tolerate, and indeed condone most of the crimes committed against women and girls at home. Police in India refuse to intervene in domestic quarrels and do not consider wife-beating, marital rape and verbal abuse as crimes which should be checked by them. Again in some courts men who confess to murdering their wives are acquitted in the name of 'legitimate defense of honour'. And women are frequently raped by the very men charged with their protection – the police, military officers and other agents of the state (Heise, Pitanguy and Germain, 1994).

In the past decade crimes against women have been increasingly recognized and have become a matter of international concern and action. Women's organizations around the world embraced gender violence as a priority issue during the United Nations Decade for Women (1975-85). The United Nations General Assembly passed its first resolution on violence against women in November 1985. Since then, the United Nations has sponsored several Expert Group Meetings on violence against women. They have pursued the issue through its Commission on the Status of Women, the Economic and Social Council, the United Nations

Statistical Office and its committee on Crime Prevention and Control. Recently two new international instruments have been put forward that would recognize all gender based violence as an abuse of human rights – the United Nations Declaration on Violence Against Women and the Draft Inter American Convention to prevent, punish and eradicate violence against women. Also the Pan American Health Organization has recognized gender based violence as its priority theme for 1994. Under this women, health, and development program and the United Nations Fund For Women (UNIFEM) published a major document on the impact of gender violence on socio-economic development. The growing international recognition of the importance of gender based abuse comes on the heels of almost two decades of organising by women's groups to draw attention to the issue.

Some of the issues taken up by such women's organizations are wife battering, and other forms of domestic violence such as marital rape, verbal abuse, etc. The term domestic violence is wide and encompasses in its scope the types of violence resorted to within the home whether by male or female members of the family where the majority of the victims are females. Domestic violence includes all the acts perpetrated in the private domain of the home to secure women's subordination and which is rationalised and sanctioned by the prevailing gender ideology. It is thus seen as going beyond the

legal definitions of physical assault to include psychological and sexual violence (Poonacha and Pandey, 1999:1).

Though data on domestic violence against women is limited, two recent studies were conducted in India (Jejeebhoy, 1988:855). Uttar Pradesh in the north and Tamil Nadu in the south were studied and the study showed widespread prevalence of domestic violence. It was found that proportions of women who ever suffered beatings by their husbands range from 36-38% in Tamil Nadu and to 42-48% in Uttar Pradesh. Also interesting is the finding that lifetime experiences of domestic violence remains fairly steady over three age cohorts, ages 15-24, 25-30 and 31-39 (Jejeebhoy, 1988:855).

Violence takes many forms – beating, torture, verbal abuse, starving, locking up, imposing excessive work burdens, denying money for household expenditures, sexual abuse, etc (Sibal, 1998:3). Many a time such types of violence lead to murder and sometimes to the victim committing suicide being unable to bear the pain any longer. Many a time cases of murder get camouflaged as suicide.

The reasons behind such domestic violence may be several like suspicion about wife's fidelity, childlessness or incapacity to bear a son, dispute over household matters, wife's protest against alcoholism of husband and/or extra marital relation, differences

over expenditure, alcohol and drug addiction, jealousy over wife's education and employment (Rajeswari, 1998:2).

In most of the cases where domestic violence takes place the culprits are seldom booked, the complaints rarely registered, the culprits are not brought to court and even if they are brought for trial they are rarely convicted. Only in the cases of murder have there been some convictions.

· Domestic violence can be divided into three types – structural, physical and routine (Oommen, 1999:1). Institutionalised violence can assume a number of forms like abortion of a female foetus, underfed and undernourished girl child, widowed or divorced women who are uncared for not only in their matrimonial homes but also their natal homes, a young married girl who becomes homeless if she bears a girl child. Physical domestic violence can again take up myriad forms like marital rape, physical torture – like battering.

· Marital rape is a type of domestic violence where the wife's body becomes the personal property of her husband. The belief in the husband's right over his wife's body is so absolute that even if the wife is a minor well below the legal age of marriage, the husband's right over her body is absolute (Sarkar, 1994:83). No effort has been made to give even a veneer of protection to women so that she has full control over her own body. So rape within the

family becomes a common occurrence which generally goes unreported.

Wife beating or wife battering is another form of physical domestic violence which is again a very common phenomenon. Wife beating occurs in a variety of cases. The one most likely to be justified by women is disobedience to the husband's orders, or failing to meet the husband's expectations. Since today's society is still firmly rooted in tradition many a women consider wife beating a widely accepted form of behaviour viewed as a women's due and a husband's right. Wife beating is not only considered an acceptable but a right form of behaviour in a variety of conditions. In a survey conducted in Tamil Nadu and Uttar Pradesh, the common situations found to evoke violence was disobedience to the husband's orders. Disobedience ranges from failure to serve a hot meal, to quarreling with one's mother-in-law, to drinking or behaving improperly with outside men. For example views from Uttar Pradesh included:

'If there is some mistake that the woman has committed, then also he beats her, if the women hits her children, then also he may beat her'. (A Brahmin woman, Pratapgarh, UP). 'If the wife drinks, fights with his mother, disobeys her husband's words, or misbehaves he has to beat her' (A Jat Woman, Meerut, UP). Similar views are also expressed in Tamil Nadu: If a woman is disobedient to her husband or the husband's family she gets beaten for it (A Muslim Woman, Coimbatore, Tamil Nadu). Women get beaten if

their behaviour is not good or if she does not care for his family (A Grounder Women, Coimbatore, Tamil Nadu) (Jejeebhoy, 1998:857).

Battered women tend to internalize blame and assume responsibility for the violent encounter. They believe their actions provoked and in some way justified the abusive action. A woman who argues with her husband or refuses to obey an order may believe that she has thereby provoked and consequently deserved the violent response..... Victims tend to be far more passive than assertive in their interpersonal relationships. They frequently play down the seriousness of a particular beating and are projective and defensive of the men who beat them. These inappropriate claims are major means by which they cope with their own anxiety and fear of abuse (Guberman and Wolfe, 1985:51).

Verbal abuse and mental cruelty are the other types of crimes that women have to combat with in the precincts of the home. The worst form of mental trauma is living in fear and terror, this leads to severe health and psychological problems like depression, loss of confidence, etc.

Routine domestic violence is the third form of domestic violence. This is everyday violence. This type of violence does not attract the attention of the media or the law makers as does rape or dowry deaths. This type of violence is never reported and even when it is made known it is generally through casual conversation. It is

important to know the instruments of routine domestic violence. Typical examples are not communicating, cessation of physical relationship, slander and gossip, nagging and humiliation, false deference, false compliance, feigned ignorance and indifference to one's roles and responsibilities. These are not defined as acts of violence, yet the quality of domestic life can be put into jeopardy and its fabric torn asunder if they are committed. Such acts would rarely, if ever, attract the attention of the law or media. Yet structural and physical violence are the ultimate expressions of everyday routine violence (Oommen, 1999:1).

Certain problems constrict open protest against such violence. For example since there is no alternative institution to family and marriage, it is tolerated and open protests does not take place. Open protests are ruled out by women victims because such protests are bound to affect the other members of the family like children. Moreover, since the state does not provide any help to the victims of routine domestic violence the question arise, where they can take refuge, after they start protesting openly? (Oommen, 1999:1).

Indian families are generally patriarchal, patrilineal and patrilocal in nature. Indian women are subjected to all kinds of inegalitarian gender relations that are related with gender violence. Domestic violence can be said, therefore, to be deeply embedded in patriarchal norms and attitudes about gender relations. These attitudes are reinforced by the lack of governmental attention,

inadequate protection of victims of domestic violence and absence of prosecution of violent husbands.

Until recently domestic violence was not regarded as a crime and women victims had no legal redress except through divorce proceedings. It is only recently that amendments to the IPC and Criminal Procedure Code accommodated them but they were mainly treated as dowry deaths – homicide for dowry, dowry deaths and their attempts (Section 302/304 – B IPC) and the special law to check dowry deaths (Dowry Prohibition Act, 1961). There is no special law to cover wife beating. It is covered under the Section 498A – cruelty by husband and his relatives. The Section defines cruelty as:

- 1) Any willful conduct which is of such a nature or is likely to drive the women to commit suicide or cause grave injury or damage to life, limb or death (whether mental or physical) of the woman or
- 2) Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is an account of failure by her or any person related to her to meet such a demand (Gandhi, 1997).

As many analyses point out it is generally the husband and the in-laws who induce such oppression. To quote a few incidents – Tarvinder Kaur, 24, of Model Town, Delhi, died of burns, while she



watched television on the evening of 17<sup>th</sup> May, 1979, her mother-in-law poured kerosene on her clothes and her sister-in-law set her afire. In spite of Tarvinder's dying statement to this effect, the police registered a case of suicide. Her father said she had been under constant pressure to get more dowry from her parents, so that her husband could expand his motor spare parts business (Kishwar and Vanita (eds.) 1984:222). In another case Kanchan Mala Hardy, 19, was burnt to death by her husband and in-laws in the bathroom of CA1/34 Tagore Garden, New Delhi, apartment. She died apparently because her parents who had given her clothes, jewellery and household articles worth Rs. 20,000 as dowry, could not afford to give a refrigerator, a television and an additional sum of Rs. 10,000 (Kishwar and Vanita (eds.) 1984:228).

Additionally the unwillingness of parents or parental families to take back their daughters lends strength to the perpetrators. Amongst very orthodox families the idea is that once a daughter is married she belongs to her in-laws family. If the parents have spent large amounts on the daughter's marriage they do not want the marriage to be broken. Further, a broken marriage is considered to be a matter of shame. Parents intervene or lodge complaints when it is already too late. Women victims are able to escape only when help is available through women's groups and the victim's own parents. Children again pose a problem because women are reluctant to have

their children with them due to fear of ill treatment meted out to them by in-laws or husbands.

It is ironical that such an increase in crimes against women has come at a time when there has been an increase in pro-women laws and a proliferation in women's movements. An alternate system of justice needs to be developed especially for women victims since present day laws have many loopholes that allows culprits to go scot-free. Practically everyday we find the newspapers flashing incidents of rapes, molestations, etc. Is this because of slackness in implementation? In an article in the Times of India newspaper, February, 24<sup>th</sup> 2000, it is said that nearly 7000 complaints of domestic violence against women are reported annually in Delhi. But barely ten percent of these complaints are translated into FIRs. So this proves that in India laws are ineffective. Again the low conviction rate is deplorable. According to police records, of 194 persons arrested for rape in Delhi in 1984, only 4 have been convicted, of 127 cases of dowry deaths registered with the police in Delhi in 1990 there has been only one conviction (Hiti, 1995). In the middle-east countries public hanging and flogging takes place which instills fear in the minds of the people. But in India because laws are so ineffective in punishing the criminals they carry on committing crimes.

The question which comes to mind at this point is why the legislations are ineffective in tackling the problem? The answer to

this query would lead one to a complete analysis of the processes involved. Firstly, the laws are framed more as a token of gesture than due to any genuine concern in changing the status quo of women. Secondly, the campaigns which fought for protection of women were themselves limited in scope. At times, the issues which were raised, addressed only the superficial symptoms and not the basic questions of power balance between men and women, women's economic rights within the family and their status quo within the society (Agnes, 1994).

In India complaints of rough behaviour at the police stations and total lack of sympathy from the men in uniform, and often fear of them as well as long and expensive legal procedure have totally dishearten women. So a number of crimes go unreported. Today due to the rise in women's movements and organizations many women go to them and report crimes committed against them who in turn take up the cases.

Women activists are of the opinion that the criminal system in India does not provide adequate remedies to victims of domestic violence. The criminal courts are tardy and powerless to grant women protection against dispossession from their matrimonial homes and are reluctant to provide maintenance to women and children during the pendency of the trial. According to women activists there is no civil law on domestic violence. Either women exposed to violent situations in their matrimonial homes have been

compelled to file petitions for divorce or judicial separation. But a woman may not be wanting to take divorce, she might actually want to stay in her matrimonial home and may only be seeking a remedy against violence. So today there is a strong need for a new law that is sensitive to the experiences of women facing violent situations at home rather than providing for divorce. A non-governmental organization called the Lawyers Collective is currently working on such a law. The organization has drawn up a draft bill called 'Domestic Violence Against Women (Prevention) Bill. The law will enable the court to pass a protection order against any person who might subject women to domestic violence. Under this law courts pursuing the protection order would be required to pass suspended warrants of arrests against the person cited by the complainant. This could in a way ensure that domestic violence is stopped immediately and that during the time women are seeking remedies they can also be protected (Shivshankar, 2000).

It is not only the case of domestic violence where the state has been a complete failure. The state has come up with a number of legislations to stop dowry and dowry deaths like Dowry Prohibition Act of 1961, which has become the classic example of a paper tiger. Even though amendments were made in 1984-85 the implementation of these acts have not been done effectively. Speedy justice is not provided and the average period of litigation is 10-15 years. There have even been cases where the victims have registered

complaints and the culprits have been identified but could not be punished. In the event of dowry deaths in 1995, 36 cases were such in which the victims complained and the culprit could be identified yet not one culprit could be brought to book (Hiti, 1995).

To quote another example where culprits went scot-free – Rameeza Bee, a Muslim woman, was returning home at night with her husband after seeing a movie, she was taken to the police station and was raped and beaten. Her husband Ahmed Hussain was beaten so severely in the same police station that he died of injuries. This sparked off widespread mass protests throughout the state, in response to which the government set up a commission of inquiry. The commission found the policemen guilty and pointed out that this case illuminated the way poor women are habitually maltreated by the police. When the case was taken to the High Court in Hyderabad, the police asked for it to be transferred to Raichur, some distance away and also managed to destroy the evidence. In the end the police were acquitted and Rameeza Bee was declared a prostitute by the Court (Wieringa, 1988:1).

If oppression was to be tackled by enacting laws then the years (1980-89) could be declared as the golden era for Indian women, where laws were given on a golden platter. During this period every single issue concerning crimes against women were taken up by women's movements which resulted in legislative reforms. The enactments soon with the coming years conveyed a

positive picture of achievements but the statistics showed a different picture. Each year the number of reported cases of rapes and unnatural deaths increased as given in the next chapter.

It can be said that after the mid-90s things have changed primarily with women's organizations and movements challenging the subordinate status of women. The change was possible only because women came out of their homes to fight for justice. Today such women's organisations are fighting for women's empowerment so that they can be rated as equals with their male counterparts. These women's movements have also focussed on the plugging of procedural loopholes in legislations, evolved guidelines for strict implementation and adequate compensation to the victims. These women's movements have addressed the atrocities committed against women as a violation of human rights. Today we can only hope that women can put their feet forward through better education, employment etc, to help themselves. Therefore, the major task lies with the women population of India to come out of their shells of tolerance and bring their tormentors to books.

## **CHAPTER – III**

### **STATISTICAL ANALYSIS OF CRIMES AGAINST WOMEN** **IN INDIA (1990-1997)**

The origin of our structured legal system in the country dates back to 1860. For maintenance of law, public order and peace, three major laws were enacted

- (a) Indian Penal Code (IPC), 1860
- (b) The Indian Evidence Act, 1872
- (c) The Code of Criminal Procedure (Cr. P.C.) 1898 (Amended in 1973).

The Indian Penal Code is a general Penal Code for India and a major law under which every person who commits crimes shall be liable to punishment.

The Indian Evidence Act is a major law relating to evidence and applies to all judicial proceedings in any court or court martial. This act has undergone few amendments to enlarge the scope of acceptance of evidence and presumptions as admissible.

The Criminal Procedure Code is the major procedural law relating to conduct of investigations, trials and appeal. This procedural law underwent a major amendment in the year 1973

(National Crime Records Bureau, 1997)

Two terms, crime rate and incidence of crime-need to be defined to begin with.

### **Crime Rate**

The rate of crime defined as the 'incidence' of crime per lakh (100,000) of population is universally taken as a more realistic indicator as it balances the effect of growth in population.

### **Incidence of Crime**

The total number of crimes against women or others committed in the country.

Our objective is to find out whether, crimes against women have increased or decreased during the period of seven years (1990-97). The analysis is confined to this period due to the availability of data. But only if certain indices like literacy, employment, etc. are taken into account the reasons for this can be found out. In this chapter literacy rate has been taken as an index. An attempt has been made to find out whether change in literacy rate and change in employment rate affects the crime rate against women. Due to availability of data, the employment rate of the total number of people for the years 1991, 1994, 1997 (all India) has been taken. While due to unavailability of data of the employment rate of the total population, only the employment rate of women for all the States and Union Territories has been taken. First the all India



analyses has been done and then the analysis of the specific states and Union Territories have been attempted.

**TABLE 3.1. LITERACY RATE AND CRIME RATE IN INDIA:  
1991-1997**

<b>Years</b>	<b>Total population in millions</b>	<b>Literacy rate</b>	<b>Incidence</b>	<b>Crime rate against women</b>
1991	8496.4	51.71	74,093	8.7
1994	8999.7	55	90863	10.09
1997	9552.1	62	95541	10.02

From Table 3.1, we can see that in 1991 the literacy rate was 52% and in 1994 the literacy rate was 55% which mean the literacy rate increased by 3% during this period. If we take the crime rate we see that it has increased only by 1% from 1991 to 1994 and it has slightly decreased in 1997 from 1994. The literacy rate in 1997 has increased by about 10% from 1991 while the crime rate has increased by only 1%. So from the above data we can clearly see that the rise of literacy rate is much more than the rise in the crime rate.

Though with the rise in literacy rate crime rate also increases, it does not increase as much as the literacy rate. Therefore we can infer that literacy rate may have a positive impact on crime rate. If we take employment of men and women in the public and private sectors as an index, we see that the percentage of people employed

in these two sectors in the year 1991 to 1992 is 27055.7 (in thousands), 1993-94 is 27374.8 (in thousands), and 1995-96 is 27940.9 (in thousands) (Statistical Abstract, 1997).

The employment rate for these years are 3.18%, 3.04% and 2.9%. We see therefore that with the increase in population employment decreases whereas the rate of crimes against women increases. So we can conclude that employment rate does have an impact on the crime rate since the crime rate increases with the decrease in employment. This increase in the crime rate against women may be due to poverty caused by unemployment, incapacity of unemployed men to meet family needs which increases frustrations. This makes men aggressive towards the weaker sex.

Now let us see the trend in the various States and Union Territories.

**TABLE 3.2 LITERACY RATE AND CRIME RATE OF ANDHRA PRADESH**

<b>Years</b>	<b>Mid-Year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	667.7	44.09	8.7
1994	705.3	45.11	14.19
1997	733.6	54	13.61

From 1991 to 1994 the literacy rate increased by 1% while the crime rate increased by 5%. But if we take the years 1991 and 1997

then we see that the literacy rate has increased by 10% while the crime rate has increased by only 5%. Here again literacy rate has a positive impact on the crime rate. In Andhra Pradesh we find that the employment rate of women in organised public and private sectors has increased by only 0.1% from 1991-1997 while crime rate has increased by 5%. Here while employment rate of women has not increased the crime rate did increase. Therefore employment rate does not influence crime rate.

**TABLE 3.3 LITERACY RATE AND CRIME RATE FOR ARUNACHAL PRADESH**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	8.7	41.59	11.0
1994	9.4	41.22	9.04
1997	10.9	60	9.5

From 1991 to 1997 the literacy rate went up by almost 18% and the crime rate decreased by 1%. Here we find that the rise literacy rate has a positive impact on the crime rate as the crime rate decreases with the rise in the literacy rate.

**TABLE 3.4 LITERACY RATE AND CRIME RATE FOR ASSAM**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	224.7	52.89	7.4
1994	241.1	53.42	6.4
1997	252.8	75	13.23

The literacy rate from 1991 to 1997 has increased by about 22% while the crime rate increases only by 6%. This shows that the crime rate does not increase as much as the literacy rate. So literacy rate has a positive impact on the crime rate. If we take employment of women in the organised public and private sector as another factor we find that in 1991 the employment of women in organised public and private sector was 1.4% while in 1997 it was 1.2%. The employment rate has hardly changed while we observe that crime rate has increased by 6%.

**TABLE 3.5 LITERACY RATE AND CRIME RATE FOR BIHAR**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	869.2	38.48	2.1
1994	929.3	38.54	2.8
1997	952.4	49	5.06

In this state we can observe that the literacy rate has risen by about 11% from 1991-97 while the crime rate has increased only by

3%. Here again the literacy rate does seem to have a positive impact on the crime rate. In Bihar the employment rate of women was 0.13% in 1991, this hardly changed (0.11%) in 1997 while the crime rate has increased. Therefore the correlation between employment rate and crime rate cannot be established.

**TABLE 3.6 LITERACY RATE AND CRIME RATE FOR GOA**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	11.7	75.51	7.1
1994	12.5	76.96	5.12
1997	14.6	86	3.6

The literacy rate from 1991 to 1997 rises by about 10% while the crime rate decreases by 3%. Here again we observe a positive impact of literacy rate on crime rate against women. This decrease in crime rate may be due to the fact that the percentage of educated women was as high as 68.09% in 1991 and if we assume that the literacy rate of women increases with the subsequent years then we can say that the higher the literacy rate of women lesser are the crimes committed against them. Again according to the 1991 census 41.0% of the population was urban in Goa. In this case the rate of urbanisation can also be said to have a positive impact on the crime rate, if we assume that the rate of urbanisation increases with the subsequent years. In Goa the employment rate of women decreases

from 1.6% to 1.4% from 1991-97. While crime rate too decreases. Therefore employment rate does not in any way affect the crime rate.

**TABLE 3.7 LITERACY RATE AND CRIME RATE FOR GUJARAT**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	413.8	61.29	8.0
1994	438.5	60.91	8.41
1997	464.2	68	12.46

In Gujarat the literacy rate during 1991-97 increases by about 7% while the crime rate increases by about 4%. Here the increase in the literacy rate is not as pronounced as in some of the other states. But the increase in literacy rate does have a mild positive consequence on the crime rate.

If we take employment of women in the organised public and private sectors as another factor we see that the employment rate has hardly changed (by 0.1%) during 1991-1997 while the crime rate increases by almost 4% during 1991-97. This again shows that employment rate of women does not have any impact on crime rate.

**TABLE 3.8 LITERACY RATE AND CRIME RATE FOR HARYANA**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	164.4	55.85	6.7
1994	177.1	55.33	9.9
1997	190.2	65	12.07

In Haryana again the rise in literacy rate, which is about 9%, has only a mild impact on the crime rate as the crime rate increases by about 5% during 1991-97. If we take employment of women in the organised public and private sectors as another factor, in order to examine whether this has any impact on the crime rate we see that the employment rate of women hardly increases (from 0.41% to 0.45% during 1991-1997) while the crime rate increases by 6%. Here again impact of employment on crime rate cannot be established.

**TABLE 3.9 LITERACY RATE AND CRIME RATE FOR HIMACHAL PRADESH**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	51.4	63.86	11.8
1994	55.1	63.54	13.3
1997	62.3	77	12.8

In Himachal Pradesh we can observe that the literacy rate increases by 13% while the crime rate increases by only 1% from 1991 to 1997. In this case also we can say that the literacy rate has brought down the crime rate. If employment of women in organised public and public sector is taken as another factor, we see that the employment rate is 0.62% for 1991 while it increases to mere 0.65% in 1997, the crime rate increases by just 1%. Here again the employment rate does not influence the crime rate.

**TABLE 3.10 LITERACY RATE AND CRIME RATE FOR JAMMU AND KASHMIR**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	77.8	NA	12.5
1994	83.2	26.17	10.8
1997	92.6	59	16.38

The crime rate from 1991 to 1997 has increased by only 3% while the literacy rate has increased by 33% from 1994 to 1997. Here also literacy rate has a positive impact on the crime rate as the crime rate does not increase as much as literacy rate. In Jammu and Kashmir we find the employment rate of women during 1990-97 hardly improved while the crime rate increases by 3%. We can thereby infer that employment of women does not affect the crime rate against them.



**TABLE 3.11 LITERACY RATE AND CRIME RATE FOR  
KARNATAKA**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	450.3	56.04	5.3
1994	473.7	55.98	6.7
1997	502.9	58	7.5

Here we find a change in the direction of the rate of literacy and rate of crime. Here the rise in the literacy rate is 2% and the increase in crime rate during 1991-97 is 3%. So the effect is practically neutral. The increase in the literacy rate is practically the same as the increase in the crime rate. So here literacy rate has neither a positive impact nor a negative impact on the crime rate. In Karnataka we find an increase in the employment of women in the organised public and private sectors. In 1991 it was 0.5%, it increased to 1% in 1997 so the increase is 0.5%. But the crime rate increases by 2%. Here therefore employment of women does not have any effect on the crime rate against women as the crime rate increases with the increase in employment.

**TABLE 3.12 LITERACY RATE AND CRIME RATE FOR KERALA**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	291.2	89.81	3.8
1994	304.9	90.59	5.04
1997	314.6	93	12.96

The literacy rate from 1991 to 1997 increases by 3% while the crime rate increases by 9%. So the literacy rate does not have any effect on the crime rate as the crime rate increases faster than the rise in literacy. In Kerala the literacy rate of women is very high, about 86.17% according the 1991 census. But this has no positive effect on the crime rate. It can be therefore inferred that the increase in the literacy of women does not always bring down the crime rate against them. In Kerala we find the employment of women in the organised public and private sector from 1991 to 1997 has hardly changed (decreased by about 0.1%) while the crime rate has increased by about 9%. Here again we cannot establish any correlation between employment and crime rate.

**TABLE 3.13 LITERACY RATE AND CRIME RATE FOR MADHYA  
PRADESH**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	666.9	44.20	19.8
1994	707.8	43.45	19.0
1997	760.1	56	21.12

Here again we find the literacy rate having a positive impact on the crime rate. The literacy rate increases by 12% while the crime rate increases by only 1% from 1991 to 1997. If employment of women in the private and public sectors is taken as another factor then it can be seen that the crime rate increases by 1% while the employment rate hardly changes (decreases from 0.25% to 0.24% during 1991-97). In this case we can infer that the employment rate of women is of no consequence for the crime rate.

**TABLE 3.14 LITERACY RATE AND CRIME RATE FOR  
MAHARASHTRA**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	793.3	64.87	14.0
1994	842.7	63.10	15.85
1997	882.7	74	16.49

In Maharashtra the literacy rate increases by 9% from 1991 to 1997 while the crime rate increases by little over 2%. Here also the trend is towards the moderation in crime rate with the increase in the literacy rate. Thereby we can conclude that literacy rate has a positive impact on the crime rate. If we take employment of women as another factor we see hardly any change during 1991-97 (increases by 0.1%) but the crime rate increases by 2%, so here we can conclude that employment rate is of no consequence for the crime rate.

**TABLE 3.15 LITERACY RATE AND CRIME RATE FOR MANIPUR**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	18.4	59.89	7.7
1994	19.8	60.96	4.14
1997	23.0	76	3.69

In Manipur the crime rate decreases by 4% during 1991-97 while the literacy rate goes up by 16%. This shows that there is a positive impact of literacy rate on the crime rate. The crime rate decreases with increase in the literacy rate. In Manipur a different trend is noticed when we take employment of women. We find the employment rate has hardly increased (by nearly 0.3%) while the crime rate decreased by 4%. So here again the employment rate has no impact on the crime rate.

**TABLE 3.16 LITERACY RATE AND CRIME RATE FOR  
MEGHALAYA**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	17.8	49.10	2.8
1994	19.2	48.26	2.96
1997	22.2	77	3.87

Here the literacy rate has increased by nearly 28% (1991-97) while the crime rate also has increased (by just 1%) indicating hardly any correlation. This also true of employment as it hardly increased between 1991 and 1997 from 0.70% to 0.75%.

**TABLE 3.17 LITERACY RATE AND CRIME RATE FOR MIZORAM**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	6.9	82.27	13.0
1994	7.7	81.23	10.12
1997	8.7	95	12.32

In Mizoram majority of the people are tribal, about 94.85%. Though the literacy rate here is very high and the increase of literacy during 1991-97 is about 13%, it is seen that the crime rate hardly comes down (by only 1%), suggesting no strong correlation between the two. If employment rate of women is taken then we find that in 1991, the rate is 1.15% while in 1997 it barely increases (to 1.75%)

and the crime rate comes down by 1% from 1991 to 1997. Once again no clear correlation can be established.

**TABLE 3.18 LITERACY RATE AND CRIME RATE FOR NAGALAND**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	12.3	61.65	0.2
1994	13.4	61.30	0.44
1997	15.3	84	2.87

In Nagaland about 88% of the total population are tribal according to the 1991 census. Here the literacy rate goes up by 22% between 1991 and 1997 but the crime rate goes up only by 2.6% during this period. This increase in the crime rate is less when compared to the rise in the literacy rate. We can say that the literacy rate does have an impact on the crime rate. The employment of women in private and public sector hardly increases (from 0.756% to 0.758% from 1991-97) while the crime rate increases by 2%. This again shows employment of women has no impact on the crime rate.

**TABLE 3.19 LITERACY RATE AND CRIME RATE FOR ORISSA**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	317.1	49.09	4.9
1994	336.6	48.65	6.57
1997	349.5	51	11.98

In Orissa the literacy rate increases by 2% only while the crime rate increases by 7% during the years 1991-97. So we can infer that literacy rate has no consequence on the crime rate. Employment of women too has no consequence on the crime rate as employment rate of women in the organised private and public sectors has hardly changed (from 0.21% to 0.25% from 1991 to 1997) but the crime rate increases by almost 7%.

**TABLE 3.20 LITERACY RATE AND CRIME RATE FOR PUNJAB**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	203.0	58.51	1.6
1994	213.1	57.1	2.3
1997	228.1	67	4.09

From 1991 to 1997 literacy rate has increased by 9% in Punjab while crime rate has increased only by 2%. This shows that literacy rate does have a positive impact on the crime rate. But when

it comes to employment we find a different trend. Employment rate of women from 1991 to 1997 hardly increases (from 0.52% to 0.53%) but the crime rate has increased. So here too the employment rate has no consequence on the crime rate.

**TABLE 3.21 LITERACY RATE AND CRIME RATE FOR RAJASTHAN**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	441.8	38.5	12.9
1994	472.5	38.8	15.6
1997	510.4	65	21.8

Here it is observed that the literacy rate increases by 26% while the crime rate increases only by about 9%. So the increase in literacy does have an impact on the crime rate. If we take employment of women into account we find that this has no effect on the crime rate, because the percentage employment of women in the organised public and private sectors has hardly increased (from 0.31% to 0.33% during 1991-1997) but the crime rate has increased.



**TABLE 3.22 LITERACY RATE AND CRIME RATE FOR SIKKIM**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	4.1	56.9	4.9
1994	4.5	56.5	9.5
1997	5.1	79	9.8

In Sikkim it can be seen that the literacy rate increases by 22% during 1991-97 but the crime rate increases in these years only by 5%. Therefore, literacy rate does have some positive impact on the crime rate.

**TABLE 3.23 LITERACY RATE AND CRIME RATE FOR TAMIL NADU**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	558.8	62.66	5.3
1994	577.4	63.72	5.4
1997	602.9	70	8.09

In Tamil Nadu the literacy rate has gone up by 7% from 1991 to 1997 and the crime rate has gone up by 3%. This shows that literacy rate does not have much impact on the crime rate. It is observed that the employment rate of women has no positive impact on the crime rate either. This is because the crime rate increases by 3% from 1991 to 97 while the employment rate has also increased by about 1%.

**TABLE 3.24 LITERACY RATE AND CRIME RATE FOR TRIPURA**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	27.7	60.4	9.4
1994	29.8	60.3	8
1997	34.5	73	10.8

In Tripura we find that the literacy rate does have an impact on the crime rate. The literacy rate increases by 13% during 1991-97 while the crime rate increases only by 2%. If employment rate of women is taken into account, it seems to have no profound impact on the crime rate because the crime rate increases by 2% while the employment of women hardly increased during 1991-97 (from 0.67% to 0.64%).

**TABLE 3.25 LITERACY RATE AND CRIME RATE FOR UTTAR PRADESH**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	1397.2	41.6	8.2
1994	1476.0	41.7	10.7
1997	1607.0	56	6.9

Here it is seen that with the increase in literacy rate the crime rate decreases during 1991-97. Therefore higher the literacy of population lower the crimes against women. With regard to the

employment rate of women it is seen that during 1991-97 the employment rate hardly changes (from 0.15% in 1991 to 0.14% in 1997) and crime rate decreases by 1%. So it is seen that employment does not have any impact on the crime rate. So we can infer that higher the literacy rate lower the crime rate but employment has no consequences on the crime rate.

**TABLE 3.26 LITERACY RATE AND CRIME RATE FOR WEST BENGAL**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	685.1	57.7	8.5
1994	720.8	57.7	8.2
1997	761.4	72	9.1

In West Bengal from 1991 to 1997 we find that the literacy rate has increased by 14% while the crime rate increases less than 1%. The employment rate of women during 1991-97 barely changes (from 0.35% to 0.31%). So here neither literacy nor the employment rate of women is of any consequence for the crime rate.

**TABLE 3.27 LITERACY RATE AND CRIME RATE FOR  
ANDAMAN AND NICOBAR ISLANDS**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	2.8	73	17.9
1994	3.2	73.7	10.9
1997	3.5	97	7.7

In Andaman and Nicobar Islands we find the increase in the literacy rate by 24% and the decrease in the crime rate by 10% from 1991-97. So here literacy rate has a positive impact on the crime rate. The employment rate seems to have no consequence on the crime rate because crime rate decreases while the employment rate hardly changes (1.1% to 0.9%). So literacy rate but not employment rate is a factor which reduces the crime rate.

**TABLE 3.28 LITERACY RATE AND CRIME RATE FOR  
CHANDIGARH**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	6.5	77.8	10.5
1994	7.4	78.7	16.7
1997	8.1	83	10.1

Here we find a change in the trend. We find the crime rate decreasing by 0.4% but the literacy rate increasing by 5% from

1991 to 1997. So the literacy here has a positive consequence on the crime rate. In this Union Territory, employment of women seem to have no consequence on the crime rate. This is because the employment rate of women comes down from 1.8% to 0.7% while the crime rate also decreases by 0.4% in 1991 and 1997.

**TABLE 3.29 LITERACY RATE AND CRIME RATE FOR DADRA AND NAGAR HAVELI**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	1.4	40.7	5.7
1994	1.5	39.4	10
1997	1.3	49	8.8

In Dadra and Nagar Haveli, it can be observed that the literacy rate increases by about 8% and the crime rate increases by about 3% during 1991-97. The percentage of educated females in 1991, according to the census figures, was only 26.98% while 53.56% of the males were educated. The increase in literacy rate here does not seem to have any profound influence on the crime rate.

**TABLE 3.30 LITERACY RATE AND CRIME RATE FOR DAMAN  
AND DIU**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	1.0	71.20	7
1994	1.1	73.5	0
1997	1.3	86	0

The literacy rate has a positive impact on the crime rate, as the literacy rate goes up as the crime rate falls.

**TABLE 3.31 LITERACY RATE AND CRIME RATE FOR  
LAKSHADWEEP**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	0.5	81.7	0
1994	0.6	79.2	0
1997	10.1	96	0

Here it is observed that as the literacy rate increases the crime rate remains constant so it can be said that the literacy rate has no consequence on the crime rate. May be the interplay of various other factors keeps the crime rate constant.

**TABLE 3.32 LITERACY RATE AND CRIME RATE FOR  
PONDICHERRY**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	8.0	74.7	95
1994	8.6	74.9	46.8
1997	10.1	90	3.36

In Pondicherry the employment rate decreases from 1991 to 1997. In 1991 the employment rate was 1.1 while in 1997 it decreased to 0.8; so the employment rate does not have any positive impact on the crime rate. But when we take the literacy rate we find that the crime rate decreases as the literacy rate increases. The literacy rate has increased by about 15% from 1991-97 while the crime rate also decreases. Here literacy rate does have a positive impact on the crime rate.

**TABLE 3.33 LITERACY RATE AND CRIME RATE FOR DELHI**

<b>Years</b>	<b>Mid-year Population in Lakhs</b>	<b>Literacy Rate</b>	<b>Crime Rate Against Women</b>
1991	94.9	75	38.2
1994	105.9	76	15.83
1997	124.7	85	20.76

In Delhi from 1991 to 1997 the crime rate decreases by 17% while the literacy rate increases only by 10%. In such cases it is very

difficult to say for certain that the decrease in the crime rate is only because of the rise in the literacy rate since the literacy rate increases by only 10%. Certain other factors might have been instrumental together with the literacy rate to bring the crime rate down. If we take employment rate we find that during 1991-97 the employment rate decreased and crime rate also decreased. So employment cannot be considered to be a condition which brings down the crime rate.

Generally speaking the following conclusions emerge:

- (1) There is hardly any correlation between employment and crime rate.
- (2) The correlation between change in literacy rate and change in crime rate is very complex as is evident from tables 3.34, 3.35, 3.36 and 3.37.



**TABLE 3.34 VARIATION IN CRIME RATE AND LITERACY RATE**

Sl. No.	Names of States/ Union Territories	Change in Literacy Rate (1991-97)	Change in Crime Rate (1991-97)
1)	Pondicherry	+15	-92
2)	Andaman & Nicobar Islands	+24	-11
3)	Delhi	+10	-17
4)	Daman & Diu	+15	-7
5)	Manipur	+16	-4
6)	Arunachal Pradesh	+18	-1
7)	Uttar Pradesh	+14	-1
8)	Mizoram	+13	-1
9)	Goa	+10	-3

**TABLE 3.35 VARIATION IN CRIME RATE AND LITERACY RATE**

Sl. No.	Names of States/ Union Territories	Change in Literacy Rate (1991-97)	Change in Crime Rate (1991-97)
1)	Meghalaya	+28	+1
2)	Nagaland	+22	+3
3)	Rajasthan	+26	+9
4)	Sikkim	+22	+5
5)	Assam	+22	+6
6)	Himachal Pradesh	+13	+1
7)	Tripura	+13	+2
8)	Madhya Pradesh	+12	+1
9)	Bihar	+11	+3
10)	Maharashtra	+9	+2
11)	Punjab	+9	+2
12)	Andhra Pradesh	+10	+5
13)	Dadra & Nagar Haveli	+8	+3
14)	Tamil Nadu	+7	+3
15)	Haryana	+9	+5
16)	Gujarat	+7	+4

**TABLE 3.36 VARIATION IN CRIME RATE AND LITERACY RATE**

Sl. No.	Names of States/ Union Territories	Change in Literacy Rate (1991-97)	Change in Crime Rate (1991-97)
1)	West Bengal	+14	0
2)	Lakshadweep	+14	0
3)	Chandigarh	+5	0

**TABLE 3.37 VARIATION IN CRIME RATE AND LITERACY RATE**

Sl. No.	Names of States/ Union Territories	Change in Literacy Rate (1991-97)	Change in Crime Rate (1991-97)
1)	Kerala	+3	+9
2)	Orissa	+2	+7
3)	Karnataka	+2	+3

(The literacy rate for Jammu and Kashmir was not available for the year 1991, so analysis for this state could not be done).

There are four patterns:

- (1) Crime rate decreases as literacy rate increases (table 3.34).
- (2) Crime rate increases but less than literacy rate (table 3.35).
- (3) Crime rate remains static as literacy rate increases (table 3.36).
- (4) Crime rate increases more than literacy rate (table 3.37).

It can be inferred therefore that –

- (i) There is strong positive correlation between increase in literacy rate and crime rate in the case of (1).
- (ii) The correlation is positive also in case of (2) but less strong.
- (iii) The relationship between literacy rate and crime rate is neutral in case (3).
- (iv) The relationship between literacy rate and crime rate is negative in case (4).

## **CHAPTER IV**

### **INCIDENCE AND DISPOSAL OF CRIMES AGAINST WOMEN**

Throughout history and across cultures women have been victims of various subtle and bizarre forms of discrimination, abuse and exploitation. Suffice it to say that the tale of women's victimisation runs throughout the history of mankind. The problem is not culture-specific, it is persistent world wide. As is prevalent from the data provided in the previous chapters, despite developments made to raise the status of women, in most societies studies on crimes against women show a discomfoting increase.

The first question that comes to our mind is what are the reasons behind the rise of reported cases of crimes against women. An in-depth analysis of this question will show that the reasons behind this rise is due to the interplay of a number of factors. Factors like the questioning of the patriarchal order, greater reporting of crimes against women now than before, etc. should be taken into consideration while discussing the above question. Increasing rate of social change and resultant frustrations leading to aggression is another contributing factor. Today many developmental changes are taking place and people are trying to cope with them but their means are limited. The aspirations and goals are disproportionate to these available means and so people

are facing strong competition where often they have to face failures. Frequent failures generate frustration, a painful and uncomfortable state, acuteness of which may threaten ego boundaries. In order to overcome it one may consciously or unconsciously develop aggression which strives to be projected against some weaker object, outside himself and a female, a weaker sex, always available before him becomes a scapegoat or target of his aggressive impulses (Sinha 1989:142).

The stereotyped image of women in our society is another causative factor. In fact the image of women is very contradictory. They are kept on two ends of the continuum indicating extremely good or bad images. Thus, on one hand, they are raised to the level of Kali and Durga and in some cases they are equated with slaves.

Self-image of women is another reason for crimes committed against them. Women themselves possess negative self images which also helps to maintain the very structure that victimise them. The deep rooted factor is their wrong socialization. Usually women are being evaluated on a scale having three dimensions – sexuality, fertility and labour. Their ideal image and role expectations are judged on these dimensions. For example, in an interview it was seen that eve teasing was viewed as a reaction and not as an action. According to some eve teasing occurs only when girls provoke. They incite others by their actions, dresses and mannerisms (Sinha 1989:146).

The nature and forms of crimes against women springs from the form of patriarchy – defined broadly as a system of male dominance, legitimised within the family and society through superior rights, privileges, authority and power. The degree to which this happens and the forms in which such power is exercised vary between cultures and societies. The process of subordination is greatly achieved by devaluing women’s contribution, which at the same time extracts significant contribution from them. A second process occurs through a powerful ideology of rigidly assigned roles, or in other cases attract quick retribution. A most potent and restrictive injunction is the virtual debarment of women in public places or places designed typically as male places. Further sexual morality is unequal between men and women, the norms being very strict for women. Avenues available for redressal for victims in a modern democratic society are the courts of justice. These are not immune to prejudices of the social order and the minions of law reflect inevitably the male bias of the system.

Reporting of crimes have also increased significantly. For example in 1992 the number of reported cases of rape was only 11708 all India (National Crime Records Bureau 1992). But in 1997 it increased to 15330 all India (National Crime Records Bureau 1997). Complaints being lodged by women in various police stations has increased which shows that the awareness of women about their rights have also increased. Attitudes have also changed

specifically in offences like rape where the stigma attached to it has lessened to some extent. Despite the possibility that more cases get reported now than earlier, it is still true that many are not reported. This is specifically because of social stigma and innumerable constraints in seeking help. In the case of domestic violence there is the social attitude that it is a personal and private affair or that it is legitimate on the part of men and others (male or female) to exercise authority. In other cases it is the pressure from the family to conform (as in the use of sex determination tests followed by induced abortion of the female fetus). Most of all, it is the absence of any option to live an independent life outside the family that seals the fate of many women (Sibal 1998).

Low rate of punishment of the guilty is again a major reason for the increase in crimes against women. For example, according to police records of the 127 dowry deaths registered with the police in Delhi in 1990, there has been only one conviction (Hiti, 1995).

Lack of gender sensitization in police, judiciary and the public is one of the problems which plagues our society and which is directly responsible for crimes against women. Criminals are often sure that they will be able to escape punishment for acts of violence against women, for usually the response from the public, police and judiciary is that it was a common occurrence.

Certain social and economic factors are again responsible for crimes against women which make women vulnerable to sexual harassment, trafficking etc. Lower class women working as bonded labourers and migrant workers become an easy target for sexual harassment and economic exploitation. Lower wages than men further make them economically dependent and vulnerable.

Urbanization and Industrialization can be said to be another cause behind the increase of crimes against women. Rapid urbanization and industrialization attract young men from rural areas, who are generally unable to take their wives with them due to paucity of income and accommodation. This makes men look for sexual satisfaction in ways not approved by society. Industrialization also leads to the growth of slums, which are generally over crowded. Children witness sex activity between their parents and this arouses sexual curiosities (Ashraf 1997:141).

Aspects of national and international media can also be blamed for portraying a negative attitude towards women which directly or indirectly leads to crimes against them. The media especially the television portrays vulgar scenes of women being raped and murdered, films songs where the heroines are portrayed as sex objects, songs containing sexual innuendoes. Advertising today promotes a high lifestyle and sharp deteriorating standard of life, causing crime to be a short cut method to comfort.

Modern technology can also be an aspect which impinges on the question of crimes against women. Eco feminists have continually pointed out that modern technology has resulted in the destruction of the life style of rural women in many parts of the globe. Economic system which values profits often do so at the expense of female labour. This is particularly true of the production processes involved in home based production. Since female labour is devalued in these sectors they often become sites for violence against women. Rape and sexual harassment of these workers remains an important social problem in many developing societies (Coomaraswamy 1995).

After examining the reasons behind crimes against women, it becomes important to identify where such crimes against women are committed. Essentially violence occurs in three contexts – the family, the community and the state. At each point key institutions fulfill critical and interactive functions in defining, legitimating and maintaining violence.

### **The Family**

The family is one of the major sites of violence. Discrimination between a boy and a girl begins even before birth. Ever since amniocentesis, popularly called ‘sex determination’ test whose real purpose was to detect abnormalities in the fetus was introduced in India some years back, reports have been coming in that the test is



being conducted not just to determine the sex of the child but as a prelude to the abortion of female fetus. In 1985 for example more than one lakh female fetuses were aborted by couples, in Maharashtra alone. In Greater Bombay area as many as 45,000 such abortions were carried out in the same year (Ghosh 1993:52). Even within the family the female child is generally deprived of good medical facilities and food while her male siblings are given all the care and attention. Desire to have a male child is so instilled in the minds of women, by the family environment that she can do anything for it. The severity of the problem can be gauged from the following incident. A case was brought before the Lahore High Court in which a woman named Askaur, age 25, in her anxiety to get a male child, caught hold of a young girl of 4 years, gave her some sweetmeats and strangled her to death. Then she cut off the hands and feet of the girl with a hatchet and took a bath while standing on the limbs of the murdered child. She wanted to make this offering to Goddess Chandika, who she believed could give her a male child (Haikerwal 1934:70).

Overt control of woman's sexuality, through either forced pregnancy or forced abortion, by the male is another form of abuse which women have to counter with within the family. Finally, emotional abuse is a category that affects countless women, whether through threats of reprisals for failing to conform to expected behavioural norms, through confinement, or through forced

marriages, those arranged by the family and carried out without the consent of the bride (Schuler 1992:12).

### **The Community**

Moving to the level of the community, the social, cultural, religious, ethnic or racial reference groups – those from which people derive their sense of identity and key values – play a critical role in reinforcing the structure of the family and the position of women within it. Gender relations are defined within the family, and thereby often sets the stage for female subordination. Female circumcision occurs not only with the moral support of the cultural community but by persons regarded as agents of the community, such as local healers or midwives. Witch burning, sati, punishment for extramarital sex – including rape – and other forms of physical chastisement, are among additional practices of crimes perpetrated towards women in the name of preserving ethnic or religious integrity. The workplace, either in the formal or informal sectors is another point where crimes against women are committed. Finally, at the level of ‘community’ the communications media play a role in perpetrating crimes through overt pornography, or graphic expressions of female sexual subjugation through violence, through exploitative reporting of rape and other degrading injuries, and through portrayals of the female body as a commodity to be bought and sold (Schuler 1992:15).

### **The State**

The third agent of crimes against women is the state itself. Although state culpability is difficult to categorize. Rape and torture of women in detention by their custodians is the most obvious situation in which the state can be identified as a direct agent of gender violence. This becomes clear if one looks at the case of Mathura, a young tribal girl. She was raped by two policemen while her brother and lover were waiting outside in the premises of the police station. She had gone to lodge a complaint there. Strangely the two policemen were acquitted. This was done on the ground that the prosecution had failed to prove that sexual intercourse with her by the policemen was without her consent. The improbability of a girl having consented to sexual intercourse with utter strangers while her brother and lover were waiting outside and the absurdity of her passive submission to sexual intercourse inside the police station were the outrageous features of this case, which shocked public opinion. An application for review of the decision was made by Prof. Bakshi of Delhi University and Vasudha Dagamwar, a woman social activist. For the first time a decision of the Supreme Court was reviewed under pressure of the public (Deshpande 1984:3). Overt governmental polices, such as forced sterilization or experimentation on women with unsafe drugs, are also examples of state sponsored gender violence. Finally the state's culpability in perpetuating violence through omission, that is by failing to take

appropriate measures to protect vulnerable women is also becoming increasingly evident. Under this concept, the state becomes blameworthy for not passing or enforcing appropriate laws and policies to protect women for example, battering in the home (Schuler 1992:15).

Chart 4.1 presents in a summary form the agents and the forms of violence committed against women.

**CHART 4.1 AGENTS AND FORMS OF VIOLENCE AGAINST WOMEN**

<b>LOCUS AND AGENT</b>	<b>THE FAMILY</b>	<b>THE COMMUNITY</b>	<b>THE STATE</b>
FORMS OF GENDER VIOLENCE	<ul style="list-style-type: none"> <li>◆ PHYSICAL AGGRESSION</li> <li>➤ Murder</li> <li>➤ Battering</li> <li>➤ Genital Mutilation</li> <li>➤ Feticide</li> <li>➤ Infanticide</li> <li>➤ Deprivation of food</li> <li>➤ Deprivation of Medical care</li> <li>➤ Reproductive coercion/ control</li> <li>◆ SEXUAL ABUSE</li> <li>➤ Rape</li> <li>➤ Incest</li> <li>◆ EMOTIONAL ABUSE</li> <li>➤ Confinement</li> <li>➤ Forced Marriage</li> <li>➤ Threats of reprisals</li> </ul>	<ul style="list-style-type: none"> <li>SOCIAL REFERENCE GROUP (Cultural, Religious, etc)</li> <li>◆ PHYSICAL ABUSE</li> <li>➤ Battering</li> <li>➤ Physical Chastisement</li> <li>➤ Reproductive coercion/ control</li> <li>➤ Witch burning</li> <li>➤ Sati</li> <li>➤ SEXUAL ASSAULT</li> <li>➤ Rape</li> <li>WORKPLACE</li> <li>◆ SEXUAL AGGRESSION</li> <li>➤ Harassment</li> <li>➤ Intimidation</li> <li>◆ COMMERCIALIZED VIOLENCE</li> <li>➤ Trafficking in women and girls</li> <li>➤ Forced prostitution</li> <li>MEDIA</li> <li>➤ Pornography</li> <li>➤ Commercialization of women's bodies</li> </ul>	<ul style="list-style-type: none"> <li>◆ POLITICAL VIOLENCE</li> <li>➤ Illegitimate detention</li> <li>➤ Forced sterilization</li> <li>➤ Tolerating gender violence by non state agents</li> <li>◆ CUSTODIAL VIOLENCE</li> <li>➤ Rape</li> <li>➤ Torture</li> </ul>

(Schuler 1992:14)

## CONSEQUENCES OF CRIMES AGAINST WOMEN

Women suffer serious consequences due to the crimes committed against them.

- (1) Women at the receiving end of violence have severe health problems. Forms of abuse result in physical injury to the body of the victim. In addition it also has psychological effects. Abused women are subject to depression and personality disorders. They suffer from what is called 'traumatic syndrome'. This includes lack of volitional autonomy, fear, anguish, depression and in some cases leading to suicide (Coomaraswamy 1995).
- (2) Violence in the family, in particular has serious consequences for women and children. A child who sees his father bashing up his mother everyday is likely to bash up his wife when he grows up. In addition, children may also show post trauma stress and have behavioural and emotional disorders.
- (3) The high incidence of abuse on women imposes clear constraints on them. This is reflected in the guilt that is a typical first response of an abused woman whether raped or battered. Women are not immediately angry, nor outraged at the violation, but rather they are ashamed. Clearly women are socialized to believe that they have incited the abuse. Society asks "what was she doing out alone so late?" or 'why does she

stay if he beats her?' Girls are told 'Boys will be boys, so women must be careful. Male behaviour (whether attributed to sexual drives or destructive anger) is too often excused, the responsibility for avoidance rests on women.

The consequences of this attitude bear on every woman who lives in a society where crimes and violence against women are tolerated. It is overly operationalized as constricting mobility and restricting patterns of interaction, but it also imposes less obvious tolls. For example, a woman who experiences sexual harassment in the workplace knows that the first question which will be asked will be "What did she do to invite the proposition?". Women are thereby expected to be able to control their social environment so that unwanted sexual advances can be avoided (Sampelle 1992:17).

A pan cultural feature of all patriarchal societies is the subordination of women as a category. This means that the roles played by women in society are generally devalued and is not allocated high status. Within these principles of societal organization, violence against women is always rationalised and motivated.

Its function is to achieve the subordination of women. The widespread violence against women is seen as both an indicator and a means of perpetuating the low status of women, which manifests itself through various not easily recognized forms of structural

violence such as low health status, lack of access to education, employment and health care facilities, etc (Poonacha 1989).

This subordination of women indirectly or directly makes them the victims to a number of crimes. Though a number of provisions have been made in the IPC. Some of these have indirect bearing on offences against women and some directly. Sale of obscene books etc., (Sec. 292), sale of obscene objects to young persons. (Sec. 293), obscene acts and songs (Sec. 294), buying or disposing of any person as a slave (Sec. 370), unlawful compulsory labour (Sec. 374) and so forth may be considered by implication to safeguard against offences against women. The offences having direct bearing on women which have been given consideration in IPC deal with the offences affecting the human body, causing miscarriage without the woman's consent (Sec 313) and death caused by act with the intent to cause miscarriage, if act is done without the woman's consent (Sec 354). Also the Penal Code includes assault or criminal force on women with intent to outrage their modesty (Sec 354) and rape (Sec 376) (Saigal 1981). In addition to all these constitutional safeguards others like prevention of Kidnapping and Abduction of women and girls (363 IPC), Dowry Death (304 - B IPC), Torture by husband and his relatives (498 IPC), Molestation (354 IPC) and Eve-teasing (509 IPC), have also been implemented, but still a look at the present state of affairs is

somewhat depressing. The reported cases of crimes against women show a steady rise.

**Table 4.2 Incidence of Crimes Against Women from 1990 to 1997**

Years	1990	1991	1992	1993	1994	1995	1996	1997	Total
Nature of violence									
Rape	9518	9793	11112	11242	12351	13754	14846	15330	97946
Kidnapping and Abduction	11699	12300	12077	11837	12998	14063	14877	15617	105468
Dowry Deaths	4836	5157	4962	5817	4935	5092	5513	6006	42318
Cruelty by husband and his relatives	13450	15949	19750	22084	25946	31127	35246	36592	200144
Molestation	20194	20611	20385	20986	24117	28475	28939	30764	194471
Eve teasing	8620	10283	10751	12009	10496	4756	5671	5796	68382

In Table 4.2 it can be seen that practically all the crimes reported against women show a steady rise from 1990 to 1997. Even in the statistical data provided in Chapter 3 show an upward trend in the crime rate against women. The highest number of cases of crimes can be observed under cruelty and torture by husband and his relatives.

Before we discuss the strategies which can be employed to combat crimes against women, we must first see the slow rate at which the police and courts dispose crimes against women cases. Since data for all the years was not available we have taken into consideration only the years 1995, 1996, 1997.



**Table 4.3 Disposal of crimes against women cases by courts during the years 1995, 1996, 1997.**

Crime head	Total no. of cases for trial including pending cases			Percentage of cases tried			Percentage of cases convicted			No. of cases pending trial			Percentage of cases pending trial		
	1995	1996	1997	1995	1996	1997	1995	1996	1997	1995	1996	1997	1995	1996	1997
Year	1995	1996	1997	1995	1996	1997	1995	1996	1997	1995	1996	1997	1995	1996	1997
Rape	47084	51734	55863	16.5	16.3	17.4	5.0	4.5	4.9	39130	43016	45955	83.1	83.1	82.3
Kidnapping and Abduction	41795	42978	44262	14.4	13.9	14.7	4.1	4.0	3.9	35143	36470	37254	84.1	84.9	84.2
Dowry Deaths	13283	16517	19435	12.2	13.8	14.8	4.3	4.8	5.2	11571	14133	16455	87.1	85.6	84.7
Molestation	77717	92398	100654	13.5	15.3	17.1	5.0	4.7	6.3	63380	72539	78200	81.6	78.5	77.7
Sexual Harassment	10966	13327	14130	25.4	31.1	29.5	18.5	22.1	18.0	7829	8656	9437	71.4	65.0	66.8
Cruelty by husband and his relatives	75522	99542	113181	10.3	12.2	13.0	2.5	2.3	3.1	65533	83195	95409	86.8	83.6	84.3

(N.C.R.B. 1996, 1997)

**Table 4.4 Disposal of crimes against women cases by police during the years 1995, 1996, 1997.**

Crime head	Total no. of cases for trial including pending cases			Percentage of cases tried			Percentage of cases convicted			No. of cases pending trial			Percentage of cases pending trial		
	1995	1996	1997	1995	1996	1997	1995	1996	1997	1995	1996	1997	1995	1996	1997
Year	1995	1996	1997	1995	1996	1997	1995	1996	1997	1995	1996	1997	1995	1996	1997
Rape	18914	19963	20736	72.8	72.5	71.7	61.7	63.4	62.4	5120	5463	5828	27.1	27.4	28.1
Kidnapping and Abduction	21067	21765	23448	67.1	64.0	62.8	36.5	37.1	36.1	6833	7761	8586	32.4	35.7	36.6
Dowry Deaths	5762	6758	7543	77.3	77.5	72.3	69.3	69.9	63.5	1235	1430	2048	21.4	21.2	27.2
Molestation	29584	32479	34937	88.3	87.1	86.8	79.8	78.8	79.0	3415	4148	4528	11.5	12.7	13.0
Sexual Harassment	4836	5879	6131	95.7	94.1	92.4	92.0	91.0	89.3	207	347	461	4.3	5.9	7.5
Cruelty by husband and his relatives	32139	40197	43130	85.3	83.4	80.5	72.3	71.0	67.9	4687	6422	8268	14.6	15.9	19.2

(N.C.R.B. 1996, 1997)

From the Tables 4.3 and 4.4 we can infer that the percentage of cases pending trial in the courts is higher than that of the percentage of pending cases by police. The delay in investigation denotes delayed justice. This delay in investigation might be one of the causes for the increase in the crime rate because culprits know that they will be rarely punished.

## **STRATEGIES TO COMBAT CRIMES AGAINST WOMEN**

The purpose of a strategy is to intervene – to take action for change. Interventions respond directly to the existence of gender violence. They also seek to establish new values and behaviour patterns in order to improve the way society deals with victims and abusers and ultimately to eliminate violent acts towards women. The first step to combat crimes against women, is to understand crimes, the second step is to attack the root cause of crimes against women and the third is to respond to it, which again involves two important concerns. The first is by achieving protection for the victim and restraint of the abuser by whatever means are available through law or otherwise. The second concern is with defining alternative solutions for the survivors that deal with her physical health, her psychological well being, her economic and social status, etc.

To protect women and girls from danger and also rehabilitate them more short stay homes have to be established. There were about 361 short stay homes in India till 1997. Again, the establishment of juvenile homes, observation and special homes under Juvenile Justice Act 1986 is meant to ensure that no juvenile i.e. a boy under 16 years of age and a girl under 18 years of age, is lodged in jail or police lock up, and provides for the care and protection of neglected and delinquent juveniles. Voluntary Action Bureaus and Family Counseling centres provide prevention and

rehabilitation services to women and children who suffer from maladjustments in the family. Protective and correctional institutions have been set up under the Immoral Traffic (Prevention) Act. These homes provide custodial care and protection to victims of sexual exploitation. In addition these institutions give education, vocational training and even conduct marriages among the inmates.

A complete change in the criminal justice system is required in order to combat crimes against women. There can be three changes in this context (a) change in attitudes and values of judicial officials, (b) establishment of family courts, (c) change in police attitude.

In cases of crimes against women, the judiciary needs to take an administrative view and not acquit the accused on grounds of minor legal deficiencies. When the crime is proved, the judiciary must award deterrent jail sentences. The court atmosphere must be congenial for the victim to tell her true story.

Family law deals with intricate personal matters. Disputes between spouses and their relationship falls within the jurisdiction of civil courts. While these courts have been extremely careful in handling these disputes, it has to be admitted that they do not have any special training for dealing with such matters. The Family Court Act was passed on September 14, 1984 but it is not yet operational. These courts will decide:

- 1) Suits relative to nullification of conjugal rights, judicial separation or divorce.
- 2) Suits for declaring validity of a marriage.
- 3) Suits relating to the property of both parties or either.
- 4) Suits for an order and injunctions in circumstances arising out of the marriage relationship.
- 5) Suits for legitimacy, maintenance, guardianship and custody of children.

All cases pending in a district court, subordinate court would stand transferred to the Family Court, on these matters (Ashraf 1997:150).

Gender hierarchy is pervasive, and it is not surprising that many women succumb to societal pressures and remain in marriages almost at any cost. Within family laws, the difficulty of obtaining divorce, lack of property rights in matrimonial property and uncertainty as to custody or guardianship rights are the major problems that are oppressive for most women. The aim of a reformed family law would be to give women autonomy to decide whether it is worthwhile to continue in an abusive marriage. If in conjunction with the rights to dissolve a marriage, women have property rights, they would be able to end a marriage with a slightly more realistic chance of surviving independently. Economic independence is not a

sufficient solution but an important element in making women self-sufficient. Economic independence or viability is thus important for custody and guardianship claims of mothers. A woman who does have economic viability is more likely to be granted guardianship or custody of her children. Therefore, the reformed family law should provide no-fault divorce and property rights of women at the end of marriage (Parashar 1997).

Again a change in the attitude of the police is required. The role of the police is to uncover law violations and to bring to book those people who threaten the social order. To the man on the street the police officer is the law. It is the police who in their capacity as the 'first line enforcers makes important decisions whether the specific situation requires official action or not. A large number of women police stations or women's cells in each police stations should be set up and wider recruitment of Inspectors, Sub Inspectors, Head Constables and Constables headed by the Superintendent of Police in every district. This cell may be called 'crimes against women cell'. It should cover all 'crimes against women' -- rape, bride burning, kidnapping and abduction, eve-teasing and wife battering (Ashraf 1997:150).

Again certain measures should be taken to sensitize the people about crimes against women as this becomes a major stepping stone to prevent such crimes this sensitization and prevention can take place in the following ways:

1) Education for preventing atrocities against women, extends financial assistance to research and academic institutions for working towards this objective.

2) Awareness Generation Projects for rural and poor women – work towards identifying the needs of rural and poor women, generating awareness among them.

3) Legal literacy – is imparted through several strategies, awareness programmes, training cum orientation modules, literature dissemination, sensitization workshops and multi-media campaigns involving films, plays, songs, posters and issue based discussions.

4) Sensitization and Awareness generation. The Central and State governments both have also attempted to improve the levels of sensitization of the law enforcing and custodial machinery as well as spreading awareness on issues relating to women's rights (Chakravarty 1998:11).

The role of women's organizations in bringing to light crimes which bypass the limelight of the media, is profound. The prominent women's organisations who have tried their utmost to bring to light the crimes against women are:

- All India Women's Conference.
- All India Democratic Women's Association.

- All India Coordination Committee of Working Women.
- Bhartiya Gramin Mahila Sangh.
- National Council of Women in India.
- Nari Raksha Samity.
- National Federation of Indian Women.
- Young Women's Christian's Association.
- Young Women's Association.
- Young Women's Welfare Association of India.
- Stree Sangharsh.
- Women's India Association.
- Lady Lawyers Association.
- Women's Forum for Social Action.
- Janwadi Mahila Sabha.
- Janwadi Mahila Samiti.
- Mahila Dakshita Samiti.
- Bhartiya Mahila Jagriti Parishad.

A large number of women's organizations are also playing a significant role in the respective areas of their works. The women's organizations fall into the following types –



- Women's groups which take up agitational, consciousness raising programmes and activities.
- Women's grassroot or mass based organizations which take up developmental issues.
- Women's groups concentrating on providing services, shelter and homes to needy women.
- Professional women's organizations.
- Women's wings or fronts of political parties.
- Women's groups involved in research and documentation on gender issues.

The general objectives of these women's organizations are:

- Creating awareness among women of their rights.
- Developing in them motivation and leadership to realise their rights.
- Inculcating confidence in women to increase their potential.
- Mobilising public opinion on women specific issues and problems.
- Building a strong women's movement.

- Developing participative potential among women in the developmental process.
- Conscientizing women on their rights and roles.
- Providing assistance to women in distress.
- Running crisis centres and short stay homes.
- Dealing with cases of atrocities against women.
- Accelerating the process of change in women's status.
- Reaching out to women in the low income groups by providing training in some handicrafts, vocations or trades.
- Conducting research studies on women and organising seminars and conferences.
- Providing documentation of printed and audio visual material on and by women.
- Promoting creative writings by women (Singh and Srivastava 1997:46).

This chapter can be concluded by saying that crimes against women are almost as old as mankind itself. Women today live in fear not only outside their homes but also within. The family is one major site of violence. They live in fear of their husbands, fathers, in-laws, etc within the precincts of the family. While vis-a-vis utter strangers, unknown assailants, employers, friends, etc outside the family, women undoubtedly are in a precarious position.

## **CHAPTER V**

### **CONCLUSION**

Our first objective was to examine the increase or decrease in the reported crime rate against women. In order to find this out, some of the factors which influence crime rate has been taken into account. The factors are literacy rate of women and for some States and Union Territories employment rate of women in the public and private sectors. The data show that the change in crime rate for the years 1991 to 1997 vary between the States and Union Territories. The employment rate of women in majority of the States and Union Territories either decreased or registered a very modest increase. Therefore we cannot establish any correlation between the two. On the other hand, literacy rate has an over-all positive impact on the crime rate in that (a) increase in literacy rate in some cases is followed by a decrease in crime rate, (b) increase in crime rate seem to be moderated because of a higher increase in literacy rate and (c) increase in literacy rate has neutralised the growth in crime rate.

The second objective was to find out where there are some dimensions of crime against women which have not been taken into account by the IPC. It has been mentioned earlier that IPC has identified certain crimes against women--rape, kidnapping and abduction, dowry deaths, cruelty by husband and his relatives, molestation and eve teasing. But domestic violence, marital rape are

also crimes against women which require consideration. However the IPC has completely omitted these crimes from its purview. The IPC has defined torture of women by her husband and his relatives and tries to club all the types of violence committed against women within the family in one category. This is improper. Domestic violence should take into its ambit routine violence, physical violence and structural violence. This means that the IPC is very limited in scope. It does not take into account several types of crimes committed against women.

### **SUGGESTIONS TO PREVENT AND COMBAT CRIMES AGAINST WOMEN**

- 1) One measure through which crime against women can be reduced is to make the people more literate. Our data shows that the increase in literacy rate has a positive impact on the rate of crime against women. It can therefore be concluded that the more people will get educated the lesser number of crimes against women will be committed. Adult literacy programmes should be introduced for people residing in the villages and urban slums. The women, specifically need to get education because it is one means through which they can get to know about their rights as citizens.

- 2) The judiciary and the police need to handle the cases of crimes against women speedily and efficiently. The culprits should be duly punished and not let scot-free on flimsy grounds.
- 3) The IPC should bring domestic violence, marital rape and other such crimes against women under its scope, and not club them under the general heading of 'torture by husband and in-laws'. Punishment should be specified separately for all these crimes, specifically for violence which takes place within the home.

I would like to conclude by noting that crimes against women can only be controlled by taking into account all the factors affecting the crime rate. Since the crime rate is not only affected by the literacy rate, or the employment of women the interplay of several other factors should be analysed. Unless this is done it will be very difficult to exactly point out why the crime rate increases over the years.

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