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# **CRIME AGAINST WOMEN - AN INDIAN SCENARIO**

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## **ABSTRACT**

The value of a civilization can be judged by the place given to a women in the society. The stature into which women are born within the property system have great influence on the ways their lives unfold. The old orthodox Indian society places women in a very high respects, the Vedas lionized women as the creator and worshipped her as a “Devi” or Goddess. The women occupied a vibrant role and as such her subjugation and mistreatment were looked upon as demeaning to not only the woman but towards the whole society. But the condition of women in modern Indian society have become a matter of grave concern.

They are harassed, tortured and maltreated. The lure of making easy money has led to monstrous demands for dowry. If Brides do not bring satisfactory dowry they are harassed and burnt down. Many even commit suicide to save their parents from mortification. Some choose to remain single and even become call-girls and prostitutes. These days it is possible to determine the sex of an unborn child. This in turn has led to carry out the practice of female feticide. Eve-teasing has become so common, Abduction and rape are daily happenings. Even minor girls are not freed. Working women are demoralized everywhere. Women are unlawfully battered in police lock-ups and even so-called protective homes are not safe for them. Regardless of escalating levels of education, gender cognizance and rigorous pro-women laws, change has been dawdling and crime against women is growing.

The aim of this thesis is to study about the crime happening against women in the Indian society. It attempts to discover the main causes of crime and to analyse the present crime trend against women in India. First of all, based on a strong meticulous literature review, the women and the society and its relation to each other and what does crime against women actually mean is clearly understood. The thesis also has clearly discussed the legal classification of women crime in India in order to give a clear understanding on the existing law in the country pertaining to combat such crime and also tries to identify various factors that act as a cause for happenings of such crime.

Most of the data for this research were collected from the publications of NCRB (National Crime Record Bureau of India) and also have been obtained from sources such as the review papers,

journal publishing and books by famous authors on crime against women and other links through internet search.

The thesis analyses the rate of crime happening against women in 53 megacities across the country in correspondence to its domain state and also analyses the rate of women crime in megacities in correspondence to other crime happening in those megacities and overall crime rate of the corresponding domain state.

From the analysis it was evident that yearly percentage increase in no of incidence of crime against women is more in megacities than compared to the rest of the state. It was also evident that no of incidence of crime against women in megacities never decreased over the past five years.

**KEY WORDS:** Women, Crime, Law, Megacity

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## **CHAPTER – 1: INTRODUCTION**

*“No nation can ever be worthy of its existence that cannot take its women along with the men. No struggle can ever succeed without women participating side by side with men. There are two powers in the world; one is the sword and the other is the pen. There is a great competition and rivalry between the two. There is a third power stronger than both, that of the women.”*

— Muhammad Ali Jinnah

Crimes against women are growing worryingly at local, regional, national and worldwide levels. Regardless of current crime shadowing machineries and access to information and networking, assuring the safety and security of women has become a stern challenge for all. The UN Declaration on the Elimination of Crime against Women (1993) states that "crime against women is an expression of traditionally imbalanced power relations between men and women, which have led to command over and discrimination against women by men and to the anticipation of the full development of women." It goes on to state that "crime against women is one of the crucial social mechanisms by which women are forced into an outranked position associated with men." On one side, India is taking steps to bring all women into the mainstream of social and political life but on the other, its women are subjected to inhuman treatment and the threat of violence thus marring the progress of both women and the country. It is an eminent fact that the occurrence of crimes against women is a destructive indicator of growth and India now faces a serious problem on this front. It is hence essential to analyse the nature, roots and forms of crime against women and discover solutions to the problem.

### **1.1: THESIS PROPOSAL**

This thesis proposes to study the status of women in the society and the typography of crime happening against them. It also intends to study the main factors responsible for the happenings of such crimes and the legal provisions in the country in order to control them. In this pursuit, it was also aimed to go a step further and analyse the rate of crime happening against women in 53 megacities across the country in correspondence to its domain state and also analyses the rate of women crime in megacities in correspondence to other crime happening in those megacities and overall crime rate of the corresponding domain state. An overview of the content of this report is provided in this introductory chapter.

### 1.2: RESEARCH TOPIC

#### **“CRIME AGAINST WOMEN: AN INDIAN SCENARIO”**

Key words: **(I) Crime** - An action or omission which constitutes an offence and is punishable by law; **(II) Law** - The system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties; **(III) Megacity** - A city with a total population of over ten lakh (one million) according to NCRB. Crimes which are directed specifically against women and in which only women are victims are characterized as “Crime against Women”. Hence the topic directly conveys the meaning of the study.

### 1.3: RESEARCH BACKGROUND

It is unfortunate that crimes against women have become part of the culture of our society. Women are more likely to be offended than men as they have a secondary position in society. Though there were numerous efforts to elevate the status of women, the condition of women remains the same but for a few changes among some sections of women. Women suffer from various forms of discrimination, domination, humiliation etc. Exploitation of women is near universal. Women of all ages regardless of their socioeconomic background become sufferers, though the nature of crimes committed against them differ according to age and background. There are many cases of victimization which are unseen and unobserved due to numerous reasons.

### 1.4: NEED FOR THE THESIS

Written and unwritten rules and regulations are there to prevent crimes against women but such crimes are increasing and are operational on their own ways. The best symptom of this is seen in the increasing number of crimes and emergence of new forms and patterns of crimes. Therefore it is important to see that the crimes against women are totally wiped out so that they may lead a peaceful life. In order to do this, we should know the quantity and type of crimes being committed and find solutions to reduce and even arrest the crime rates.

#### **1.5: RESEARCH AIM**

The main aim of this thesis is to study about the crimes happening against women in the Indian society. It also attempts to discover the main causes of crime and to analyse the present crime trend against women in India.

#### **1.6: RESEARCH OBJECTIVES**

- To distinguish and analyse the current crime trend quickly increasing against women.
- To explore the main causes and factors pertaining to cumulative crime rate.
- To gain a deeper understanding on the law in the country pertaining to combat such crimes.
- To deliver some recommendations to overcome these issues.

#### **1.7: RESEARCH QUESTION**

Is crime against women happening more in megacities than other crime and also, whether the crime rate against women more in Mega Cities than the crime rate against women of the corresponding Domain State?

In order to answer the main research question, sub questions have been formulated. These sub questions will provide guidance in this study.

#### **SUB-RESEARCH QUESTIONS**

- Are women in the society equally treated in the same way as men?
- How is the law in the country acting upon in order to prevent crime against women?
- Do the government take necessary steps in order to prevent women crime?

### **1.8: SCALE AND DATA COLLECTION FOR THE STUDY**

This research covers cities at the level of “Metropolitan” and “Cosmopolitan” that claim to be Mega cities in the world with a considerable number of national and international immigrants due to attracting factors such as employment opportunities. Most of the data for this research were collected from the publications of NCRB (National Crime Record Bureau of India) and also have been obtained from sources such as the review papers, journal publishing and books by famous authors on crime against women and other links through internet search. The statistical and all the data obtained from other external sources have been quoted and references are provided at the end.

## **CHAPTER 2 – STATUS OF WOMEN IN THE SOCIETY**

*“Lifting women up lifts up our economy and lifts up our country... We’ve got to make sure that... Somebody is standing up for them”* - President Barack Obama

Woman is the magnificent creation of god, a multi-faceted personality with the power of benevolence, adjustability, integrity and tolerance. She is companion of man, gifted with equal mental faculty, a protector and provider, the embodiment of love and affection. The role given to women in a society is a measuring rod and true index of its civilization and cultural attainment. As Swami Vivekananda had said “That country and that nation that do not respect women have never become great, nor ever be in future”. In earlier eras, the status of women in India was mediocre to men in the everyday life. Though, they had an advanced position in scriptures. They are measured as the perfect home maker in the world. With their incomparable quality of serenity of their mind, they can effortlessly handle even hardest condition. Though in historic times we find say “Where women are respected there gods reside” Mahatma Gandhi once observed. Indian women are entirely ardent to their families. They’re addressed in the names of Goddess Saraswati, Goddess Parvati & Goddess Kali.

### **WOMEN STATUS IN THE ANCIENT INDIA**

It’s believed during the ancient India, women enjoyed equal position & moralities like their males counterparts. In addition they were properly educated in the early Vedic period. These references are available from the works of Grammarians such as Katyayana and Patanjali. Women also had the freedom to select their husbands. This system was known as “Swayamvar”. In fact during this time, women had superior position than the males.

### **WOMEN STATUS IN MEDIEVAL INDIA**

The status of women in India worsened during the medieval period with the arrival of the Muslims. Numerous wicked practices such as female infanticide, sati and child marriage were practiced during this period. “Purdah” was introduced to the society. Women were also forced to practice “zenana”. Polygamy was also common during this period. Women also excelled in literature, music and arts. They were also rulers during this period. Some great-women rulers

were Razia Sultana who was the only women-monarch to rule the throne of Delhi, Nur Jahan, Gond queen Durgavati who ruled for fifteen years before she was defeated in a battle by Ali emperor Akbar's. Nur Jahan is still considered as the most effective ruler by the society. In spite of these powerful women, the condition of poor women remained the same. At this time girls were forced to get married at a very tender age. The society also practiced Sati where women were forced to jump over the burning bodies of their husbands during funerals. The southern India also practiced Devdasi tradition where girls were forced to get married to trees or deity.

### WOMEN STATUS IN MODERN INDIA

During this time there was a little development in the women status. There were many women reformers in India who worked for the uplift & betterment of their female counterparts. The begun of Bhopal discarded the "purdah" & fought in the revolt of 1857. Their education was elevated and English was introduced during this period. Various female writers emerged in the society.

### 2.1 STATUS OF WOMEN IN VARIOUS ARENAS OF THE SOCIETY

#### 1. WOMEN AND POLITICS

Despite having a female prime minister as long ago as 1966, women in India have historically remained marginal in politics and political parties have made little effort to woo them. Indira Gandhi, our late prime minister, was held in high esteem the world over. Vijayalakshmi Pandit created a record by becoming the first woman president of the United Nations General Assembly. "Women in India are told what to wear, what to cook, what to say, how to behave, where to go. But with voting, there is a very clear sense that this is one instance that they're able to register their own opinion," said Mukulika Banerjee, an anthropologist at the London School of Economics and author of the book, *Why India Votes*. In the modern age, we find the role of women in every field. The myth that certain fields were only meant for men has been demolished by women. Women have proved to be more vibrant, dynamic, sincere and perfect in every field. They have the ability to immerse themselves wholly in any task they undertake.



## 2. WOMEN AND EDUCATION

*“If you educate a man you educate an individual, however, if you educate a woman you educate a whole family. Women empowered means mother India empowered”*

- PT. Jawaharlal Nehru

Women education in India has also been a major preoccupation of both the government and civil society as educated women can play a very important role in the development of the country. Education is milestone of women empowerment because it enables them to responds to the challenges, to confront their traditional role and change their life. So that we can't neglect the importance of education in reference to women empowerment India is poised to becoming superpower, a developed country by 2020. The growth of women's education in rural areas is very slow. This obviously means that still large womenfolk of our country are illiterate, the weak, backward and exploited. Education of women in the education of women is the most powerful tool of change of position in society. Education also brings a reduction in inequalities and functions as a means of improving their status within the family. Now with the encouragement of co-education, women have cast off the age old inferiority complex and are marching side by side with men in every walk of life. Women are actually proving to be academically better and socially more active. When we come across the results of competitive examinations in all India civil services and Indian universities we are happily surprised to note that women capture most of the merit seats. They are also aware of the fast changing social milieu and they are making sustained efforts to scale the leaders of social progress by dint of their zeal and dynamism. They are contributing extensively towards the social transformation and building of the nation.

## 3. WOMEN AND ECONOMY

Despite having one of the most progressive federal constitutions and an extraordinary track record of economic growth since the early 1990s, the participation of women in India's economy is still disappointingly low. While women have been somewhat successful in Indian political life—in parliament, as chief ministers and as cabinet-level officials, and in the panchayat system—they have not been nearly as active in its economic life. India's economic growth is remarkable in its reach and impressive for pulling millions out of

poverty, but women are still missing at virtually every level of professional life. The loss in GDP that India incurs as a side effect of low female economic participation is a major drag on its overall economic performance. Lakshmi Puri, the assistant secretary-general of UN Women, noted in 2011 that India's growth rate could jump by 4.2 percent if women were given more opportunities. That would push India's current growth rate of about 7.5 percent closer to 11 percent, making it, once again, one of the world's fastest accelerating economies.

#### 4. WOMEN AND SPORTS

Times have changed and are improving but there is still a lot to be achieved. Sport in India is yet to reach its peak. Pandit Nehru has said that "To awaken the people, it is the woman who must be awakened, once she is on the move the family moves, the nation moves". A society, which does not allow a girl to do something simple as primary education, is unlikely to let her participate in sport without any hurdles. Even before taking part in 400meter hurdles the girl has to pass so many more social hurdles. The situation in the western countries is better but still women are facing very similar problems to ours. America is a very developed nation in the world. But even in the United States, women are victims of gender inequality. They still do not have equal representation as compared to men. Men hold majority of the positions of managers, coaches and sport administrators. Lately, however, Indian female sports persons have fared better than the men. Be it Anju Bobby George, PT Usha, Sanya Mirza, Anjali Bhagwat. This does not overlook the achievements of Sachin Tendulkar, Prakash Padukone, Pullela Gopichand, and Leander Paes. All that is implied is that women are making a mark for themselves in the world of sport and are gaining respect.

### 2.2 FEW NOTABLE INDIAN WOMEN

#### 1. Kiran Bedi - First woman IPS officer

In July 1972, Kiran Bedi became the first woman to join the Indian Police Service. A proactive police officer, Kiran Bedi created a reign of terror for Delhi's unruly and habitual traffic offenders by introducing cranes to tow away wrongly parked vehicles. As Inspector General Prisons in Delhi's Tihar jail, she introduced major jail reforms giving the prisoners inside the crowded jail a decent stay. In 1994, she won the Ramon Magsaysay Award for

her path breaking reforms. Presently, Kiran Bedi is a social activist and working towards enactment of new laws to combat rampant corruption.

## **2. Kadambini Ganguly- First Indian female physician**

Kadambini Ganguly is India's first female physician and among the first Indian female graduates from University of Calcutta. Born in 1861, she became the first Indian female physician in 1886. She was among the first South Asian women to be trained in European Medicine. She was also actively involved in social movement to improve the working conditions for female coal miners.

## **3. Homai Vyrawalla- First Indian female photojournalist**

Homai Vyrawalla was India's first photojournalist. She became active in her career as a photographer in 1930. She photographed prominent national leaders and political leaders like Gandhi, Nehru, Jinnah and others during the freedom struggle. She was more commonly known by her pseudonym, "Dalda 13".

## **4. Harita Kaur Deol- First Indian woman airforce pilot**

Flight Cadet Harita Kaur Deol made history in September 1994 when she became the first Indian woman to do a solo flight in an Avro aircraft. It was a momentous occasion for the 5 feet 2 inch woman in the Indian Air Force. Originally hailing from Chandigarh, she achieved this feat at the age of 22. In 1992, IAF advertised for the first time 8 vacancies for women pilots. She became the first to accomplish this feat among the 7 other cadets.

## **5. Vijayalaxmi Pandit- First woman president of UN General Assembly**

Vijayalaxmi Pandit became the first Indian woman to be appointed minister at the Centre. She was given charge of local self-government and public health in 1937. She later became the first woman president of United Nations General Assembly in 1953. She also served as governor of Maharashtra in 1962 and later Indian representative to UN Human Rights Commission.

## **6. P. T. Usha- First Indian woman to reach final of an Olympic event**

P.T. Usha shot to fame in the Los Angeles Olympics of 1984 when she finished first in semi-finals of 400 meters hurdles. She became the first Indian female athlete to reach the final of an Olympic event where she missed the bronze by 1/100th of a second. Though she

didn't win a medal in Olympics, she inspired a generation of girls to become athletes. She has won a total of 30 international awards for her excellence in athletics.

#### **7. Kalpana Chawla- First Indian woman in space**

Kalpana Chawla, born in Karnal, Haryana, was an Indian-American astronaut. She became the first Indian woman in space aboard the space shuttle Columbia in 1997. She was part of a six-member crew as a mission specialist and primary robot arm operator. She was later selected for a second mission in 2000 as part of a seven-member crew, which delayed due to scheduling conflicts and technical problem and finally the mission was scheduled for on January 2003. Chawla died during the shuttle's re-entry into atmosphere due to a faulty heat shield and all the mission crew perished in the mishap. The shuttle disintegrated over Texas.

### **CHAPTER 3 – CRIME AGAINST WOMEN**

On a semantic or psychological level the term pertains to any injury inflicted directly or indirectly causing physical or mental infliction upon women. Crimes which are directed specifically against women and in which only women are victims are characterized as “Crime against Women”. It is equally important to clarify the concept of “Violence against women”. Violence is also known as abuse and include any sort of physical aggression or misbehave. When violence is committed at home it becomes domestic violence and involves family members such as children, spouse, parents or servants. Domestic violence may involve different means such as hitting, kicking, biting, shoving, restraining, throwing objects. Although Women may be victims of any of the general crimes such as Murder, Robbery, Cheating etc., only the crimes which are directed specifically against women are characterised as **“Crimes against Women”**.

#### **3.1 THEORY OF CRIME**

Crime can be defined as <sup>3</sup>a violation of a law in which there is injury to the public or a member of the public and a term in jail or prison, and/or a fine as possible penalties. Thorsten Sellin (1970: 6) has described crime as "violation of conduct norms of the normative groups".

<sup>4</sup>Crime has also been defined in social or non-legal terms. The social definition of crime is that it is behaviour or an activity that offends the social code of a particular community. Mower (1959) has defined it as "an anti-social act".

Caldwell (1956: 114) has explained it as "an act or a failure to act that is considered to be so detrimental to the well-being of a society, as judged by its prevailing standards, that action against it cannot be entrusted to private initiative or to haphazard methods but must be taken by an organised society in accordance with tested procedures."

Marshall Clinard (1957: 22) has, however, maintained that all deviations from social norms are not crimes. He talks of three types of deviation: (i) tolerated deviation, (ii) deviation which is mildly disapproved, and (iii) deviation which is strongly disapproved. He perceives the third type of deviation as crime.

### 3.2 CLASSIFICATIONS OF CRIME

The bedrock of our penal system is the Indian penal code which is a combination of western scientific outlook and oriental sensitivity. The code covers a vast range of antisocial behaviour in relation to the state of society as it was enlisted more than a hundred years ago. There are seven crimes in particular that can be categorized as exercisable only on women; such as rape, kidnapping and abduction, dowry death, torture and cruelty, molestation, sexual harassment and importation of girls.

#### 1. Rape

Rape is the fastest growing crime in India compared to murder, robbery and kidnapping. According to the report of National Crime Records Bureau (NCRB), every 60 minutes, two women are raped in this country. There are several kind of rape, a) Custodial rape- This kind rape was made more punishable than rape committed by other person not having any custody of woman. b) Rape on a pregnant woman - Rape on a pregnant woman is heinous kind of rape. Where rape committed by a man. On a pregnant woman of any age, it is serious in nature, so it is put in several category of rape. c) Rape on a girl under twelve years - Rape of a girl under twelve years is a heinous kind of rape and is against the whole society. It should not occur in the defeat of humanitarian. It is duty of every member of society to stop such kind of abuse. d) Gang rape - Gang rape is also heinous kind of rape. Where a women is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape. e) Rape by husband - Sexual intercourse by a man with his wife, is not rape, if the wife is above 15 years age. Where the wife is below 15 years but above the age of 12 years, and sexual intercourse is made by her husband it amounts to rape.

An increasing trend in the incidence of rape has been observed during the periods 2009 - 2013. These cases have reported an increase of 3.6% in 2010 over 2009 and an increase of 9.2% in the year 2011 over the year 2010, an increase of 3.0% in the year 2012 over 2011 and further an increase of 35.2% in the year 2013 over 2012. 12.9% of rape cases were reported in Madhya Pradesh (4,335 out of 33,707 cases) followed by 9.8% in Rajasthan

(3,285 cases), 9.1% in Maharashtra (3,063 cases) and 9.1% in Uttar Pradesh (3,050 cases). Delhi UT has reported the highest crime rate of 18.6 as compared to national average of 5.7.

## **2. KIDNAPPING AND ABDUCTION**

According to UN, —the illicit and clandestine movements of persons across national borders, largely from developing countries and some countries with economically in transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploited situation for profit of recruiters ,traffickers and crime syndicates, as well as other legal activity related to trafficking such as forced domestic labour, false marriage clandestine employment and false adoption.

Kidnapping and abduction of women cases have reported an increase of 35.6% during the year as compared to previous year 2012 (38,262 cases) in India. Uttar Pradesh with 9,737 cases has accounted for 18.8% of the total cases at the national level. Delhi UT has reported the highest crime rate at 41.1 as compared to the national average of 8.8.

## **3. DOWRY DEATH**

Dowry remains the major reason for discrimination and injustice towards women in India. When dowry demands are not met, it precipitates into serious consequence for the young bride. The Dowry Prohibition Act of 1961 marks the first attempt by the Government of India to recognize dowry as a social evil and to curb its practice. However, it is ridiculous to see that even among highly educated sections, the articles of dowry are proudly exhibited in the marriage as a status symbol. The dowry abuse is increasing in India. Dowry is one of those social evils that no educated woman will own up with pride, still many are adhering to it.

In India the cases of dowry deaths have decreased by 1.8% during the year 2013 over the previous year (8,233 cases). 28.9% of the total such cases reported in the country were reported from Uttar Pradesh (2,335 cases) alone followed by Bihar (1,182 cases) (14.6%). The highest rate of crime (2.43) was reported from Bihar followed by Uttar Pradesh (2.36) as compared to the national average of 1.4.

#### **4. TORTURE AND CRUELTY**

The cases of 'Torture' committed on women in India have increased by 11.6% during 2013 over the previous year (1,06,527 cases). Most of these cases (40.8%) were reported from West Bengal (18,116 cases) followed by Rajasthan 12.7% (15,094 cases) and Andhra Pradesh 12.7% (15,084). The highest crime rate of 56.4 was reported from Assam as compared to the national rate at 20.1.

#### **5. MOLESTATION**

Another form of violence against women is that of molestation, or what is commonly known as 'sexual abuse' or 'sexual assault'. It is the forcing of sexual behavior by a man over the women. Molestation is the sexual exploitation of a child or a woman by an adult or a male person for sexual gratification. Incidents of assault on women with intent to outrage her modesty in the country have increased by 56.0% during 2013 over the previous year (45,351 cases). Madhya Pradesh has reported the highest incidence (8,252 cases) followed by Maharashtra (8,132 cases), amounting to 11.7% and 11.5% of total such incidences. Delhi UT has reported the highest crime rate (40.0) as compared to the national average of 11.9.

#### **6. SEXUAL HARRASMENT**

According to UN - Sexual harassment is any behavior of a sexual nature that is unwelcome, offensive, or embarrassing to the individuals exposed to the behavior, or that creates a hostile or intimidating work environment. Sexual harassment includes sexual assault, unsolicited requests for sexual favors, requests for sexual favors linked to implied threats or promises about career prospects, unwanted physical contact, visual displays of degrading sexual images, sexually suggestive conduct, or offensive remarks of a sexual nature. Sexual harassment may occur between persons of opposite sexes or of the same sex. While typically it involves a pattern of behavior, it can take the form of a single incident; and it may be directed toward a group or toward a particular person.



The number of such cases has increased by 37.2% during 2013 over the previous year (9,173 cases). Andhra Pradesh has reported 37.3% (4,702 cases) followed by Maharashtra 20.9% (2,632 cases) of total such cases during the year 2013. Andhra Pradesh has reported the crime rate at 10.9 followed by Delhi UT at 10.4 as compared to the national average of 2.1.

## **7. IMPORTATION OF GIRLS**

In India a decrease of 47.4% has been observed in cases registered under this crime in 2013 (31 cases) over 59 cases registered in 2012. West Bengal (9 cases) and Bihar & Madhya Pradesh (7 cases each) have together registered 74.2% of total such cases at the national level (23 out of 31 cases).

### **3.3 INSTANCES OF CRIME AGAINST WOMEN IN INDIA**

Some of the instances where women have experienced crimes against them in India over the last few years are as follows

#### **1. Nirbhaya gang-rape:**

On 16 December 2012, a 23-year-old medical student was brutally gang-raped and assaulted by six men in a moving bus in Delhi. The incident resulted in a massive outrage among citizens followed by several protests across the country. Four of the accused were convicted. While one other accused was found hanging inside his prison cell, the last juvenile accused is currently behind bars.

#### **2. Shakthi Mills case**

A photojournalist in Mumbai was gang-raped by five men at Shakti Mills Compound on August 22, 2013. She was accompanied by a male colleague. Two of the accused were juveniles who were convicted and have been sent to reformation house. The other three were convicted.

#### **3. Badaun sisters rape and death**

Two Dalit girls, who were cousins aged 14 and 15, went missing on May 27 last year and were found hanging from a mango tree the next day in Badaun village in Uttar Pradesh. The victims were allegedly raped. Five of the accused were arrested by the police which included a police constable.

#### **4. Pachauri molestation case**

The director of The Energy and Resources Institute (TERI) was accused of sexual harassment in 2015 by a 27-year-old woman who had worked with him at TERI. The complainant, who is still an employee of TERI, recounted the alleged harassment she faced in the two years she worked at the organisation. In the wake of her statement, a former colleague has now alleged that he sexually harassed her when she worked with him ten years ago.

#### **5. Tarun Tejpal molestation issue**

The former editor of *Tehelka* was accused of sexual harassment by a colleague in late 2013. The well-known editor and sting journalism specialist was also been accused of evading the police after allegedly committing the crime. The 2,846-page charge-sheet filed in February 2014 charged Tejpal with rape, sexual harassment and outraging the modesty of his female colleague on two consecutive days in the elevator of a five-star hotel in North Goa.

#### **6. Suryanelli**

A 16-year-old girl, who went missing from her school hostel in Munnar in January 1996, was taken to various places in Kerala and Tamil Nadu by the convicts. She was travelling about 3000 km during a 40-day ordeal when she was raped by over 40 persons, including then Union Minister P. J. Kurien. In April 2014, the 24 accused, who had been acquitted earlier, were held guilty of gang rape by Kerala high court.

#### **7. Guwahati molestation incident**

A teenage girl was stripped and molested by a gang in full public view in Guwahati in 2012. The incident occurred in front of a bar at Christian Basti on the Guwahati-Shillong Road. A video of the assault taken by a TV channel and uploaded on YouTube sparked a nationwide outcry. 16 men were identified as accused with the help of the video.

#### **8. Uber rape case**

A 27-year-old woman was allegedly raped by the driver of the Uber cab she had hired to go back to her home in Northwest Delhi's Inderlok. The woman, who works in a finance company in Gurgaon, was returning home after having dinner with her friends. Following this, Delhi government banned Uber taxis in the state.

### **9. Rohtak gang rape case**

A mentally-challenged Nepalese woman was gang-raped in Rohtak, Haryana in February this year. Eight men have confessed to the brutal crime while the ninth is still at large.

### **10. Park Street gang rape**

A 37-year old woman was raped at gunpoint in a car early on February 6, 2012, by five young men who picked her up from Park Street in Kolkata. The police, in its charge sheet, named five men, of which three are behind bars. Two others, including the prime accused, are yet to be arrested.

## CHAPTER 4 – CONSTITUTIONAL AND LEGAL PROVISIONS FOR WOMEN

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.

### 4.1 CONSTITUTIONAL PROVISIONS

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

#### Constitutional Privileges

- i. Equality before law for **women (Article 14)**
- ii. The State not to discriminate against any citizen on grounds only of religion, race, caste, **sex**, place of birth or any of them (**Article 15 (i)**)
- iii. The State to make any special provision in favour of **women** and children (**Article 15 (3)**)
- iv. Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (**Article 16**)

- v. The State to direct its policy towards securing for men and **women** equally the right to an adequate means of livelihood (**Article 39(a)**); and equal pay for equal work for both men and **women** (**Article 39(d)**)
- vi. To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (**Article 39 A**)
- vii. The State to make provision for securing just and humane conditions of work and for maternity relief (**Article 42**)
- viii. The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (**Article 46**)
- ix. The State to raise the level of nutrition and the standard of living of its people (**Article 47**)
- x. To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (**Article 51(A) (e)**)
- xi. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (**Article 243 D(3)**)
- xii. Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (**Article 243 D (4)**)
- xiii. Not less than one-third (including the number of seats reserved for **women** belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (**Article 243 T (3)**)
- xiv. Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and **women** in such manner as the legislature of a State may by law provide (**Article 243 T (4)**)

## 4.2 LEGAL PROVISIONS

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as ‘Murder’, ‘Robbery’, ‘Cheating’ etc., the crimes, which are directed specifically against women, are characterized as ‘Crime against Women’. These are broadly classified under two categories.

### (1) The Crimes Identified Under the Indian Penal Code (IPC)

- Rape (Sec. 376 IPC)
- Kidnapping & Abduction for different purposes ( Sec. 363-373)
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- Torture, both mental and physical (Sec. 498-A IPC)
- Molestation (Sec. 354 IPC)
- Sexual Harassment (Sec. 509 IPC)
- Importation of girls (up to 21 years of age)

### (2) The Crimes identified under the Special Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with emerging requirements. Acts which have special provisions to safeguard women and their interests are:

- (i) The Employees State Insurance Act, 1948
- (ii) The Plantation Labour Act, 1951
- (iii) The Family Courts Act, 1954
- (iv) The Special Marriage Act, 1954
- (v) The Hindu Marriage Act, 1955
- (vi) The Hindu Succession Act, 1956 with amendment in 2005
- (vii) Immoral Traffic (Prevention) Act, 1956
- (viii) The Maternity Benefit Act, 1961 (Amended in 1995)
- (ix) Dowry Prohibition Act, 1961
- (x) The Medical Termination of Pregnancy Act, 1971

- (xi) The Contract Labour (Regulation and Abolition) Act, 1976
- (xii) The Equal Remuneration Act, 1976
- (xiii) The Prohibition of Child Marriage Act, 2006
- (xiv) The Criminal Law (Amendment) Act, 1983
- (xv) The Factories (Amendment) Act, 1986
- (xvi) Indecent Representation of Women (Prohibition) Act, 1986
- (xvii) Commission of Sati (Prevention) Act, 1987
- (xviii) The Protection of Women from Domestic Violence Act, 2005

### **4.3 SPECIAL INITIATIVES FOR WOMEN**

#### **(i) National Commission for Women**

In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

#### **(ii) Reservation for Women in Local Self -Government**

The 73<sup>rd</sup> Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

#### **(iii) The National Plan of Action for the Girl Child (1991-2000)**

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

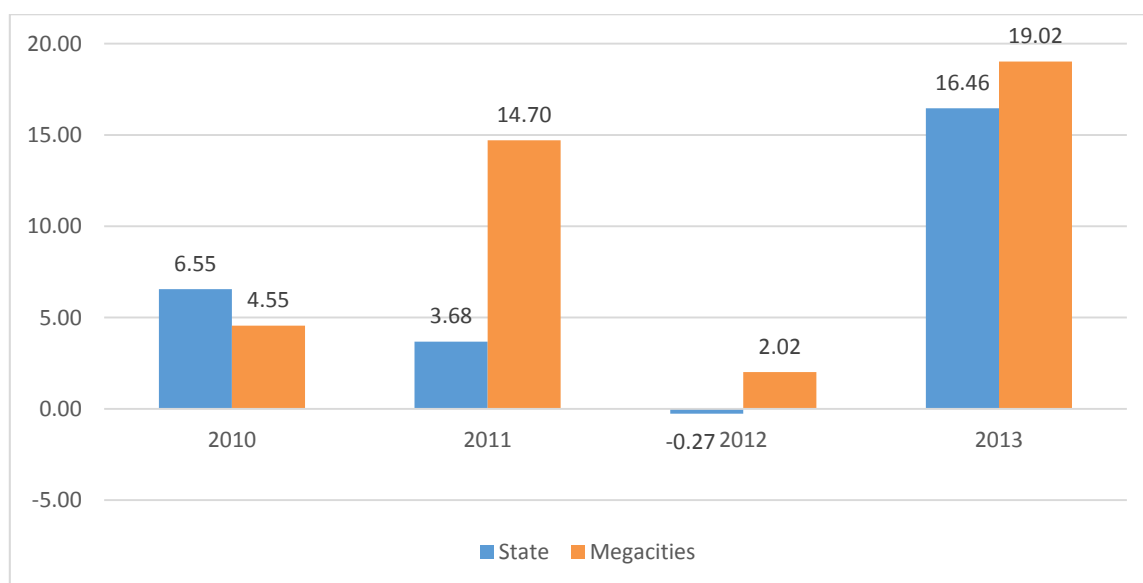
#### **(iv) National Policy for the Empowerment of Women, 2001**

The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “**National Policy for the Empowerment of Women**” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

## **CHAPTER 5 – ANALYSIS AND INFERENCE**

### **5.1 ANALYSIS OF CRIME AGAINST WOMEN HAPPENING IN MEGACITIES IN COMPARISON TO ITS DOMAIN STATE**

Graph 1: Comparison of yearly % increase in incidences of crime against women in Andhra Pradesh state and its Megacities

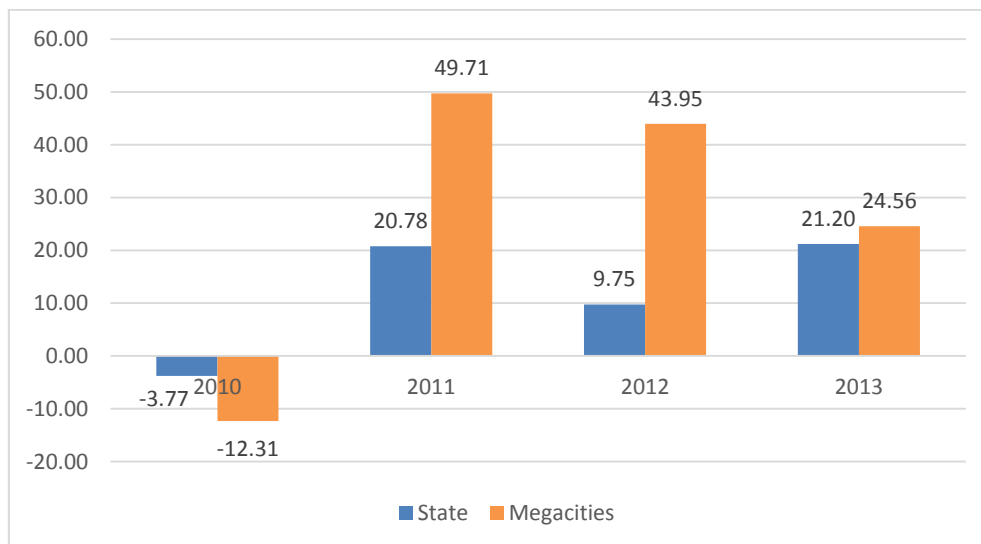


#### **INFERENCE**

Crime against women seems to be increased over the past five year period in Andhra Pradesh as well as its megacities other than the year 2012, where the state shows a 0.27% decrease despite the crime rate in its megacities being increased. On comparing the state and its megacities, crime against women have been on the rise in megacities when compared to the state as a whole.



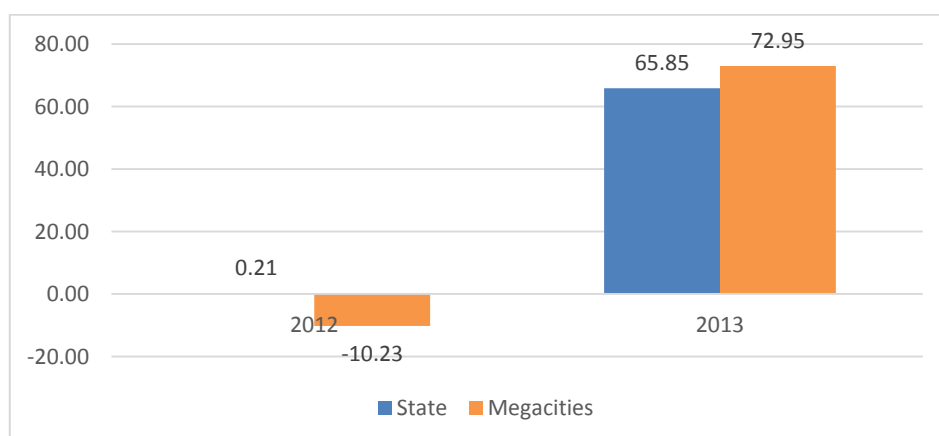
Graph 2: Comparison of yearly % increase in incidences of crime against women in Bihar state and its Megacities



#### INFERENCE

Crime against women seems to be increased over the past five year period in Bihar as well as its megacities other than the year 2010, where the state and its megacity has shown a decrease of 3.77% and 12.31% respectively. On comparing the state and its megacities, crime against women have been on the rise in the state in the year 2011 and 2013 where its megacities shows a downward trend.

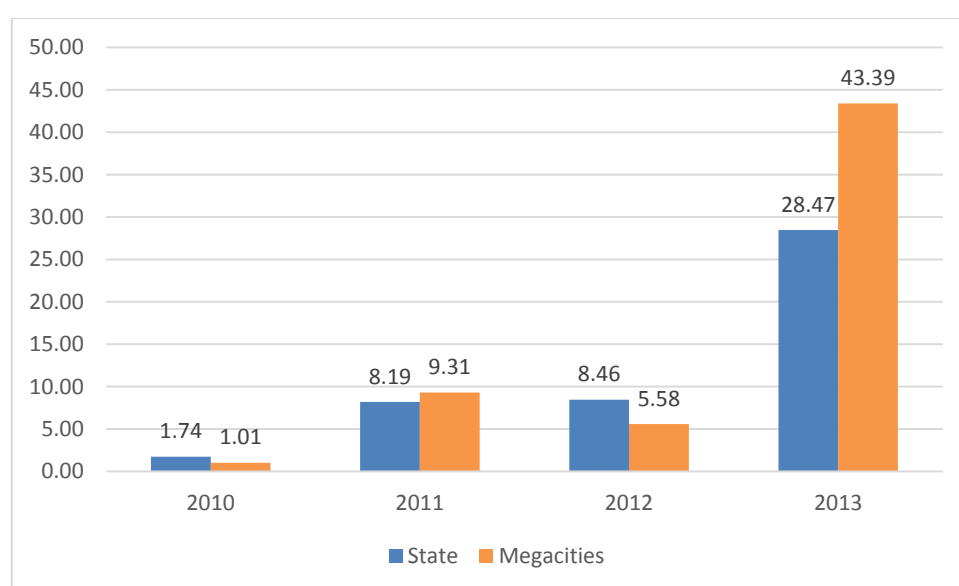
Graph 3: Comparison of yearly % increase in incidences of crime against women in Chhattisgarh state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past three year period in Chhattisgarh as well as its megacities other than the year 2012, where the megacity has shown a decrease of 10.23% despite the crime rate in the state being increased. On comparing the state and its megacities, crime against women have been on the rise in the state as well as its megacities at a very drastic state.

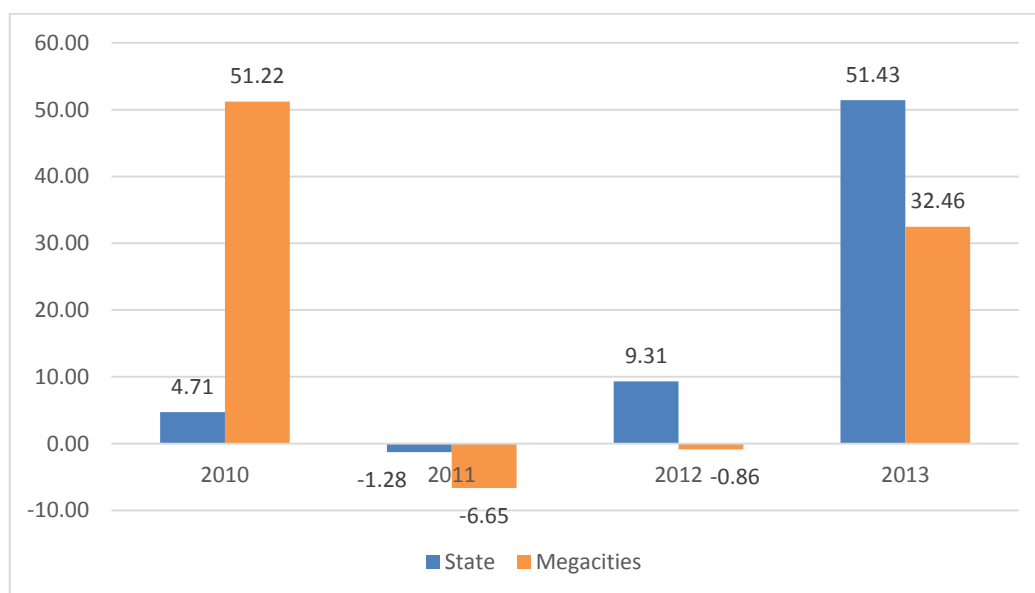
Graph 4: Comparison of yearly % increase in incidences of crime against women in Gujarat state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past five year period in Gujarat as well as its megacities. On comparing the state and its megacities, crime against women have been on the rise in the state as well as its megacities other than the year 2010 and 2012, where the crime rate in the megacities seems to be decreasing despite showing a drastic increase for the year 2013.

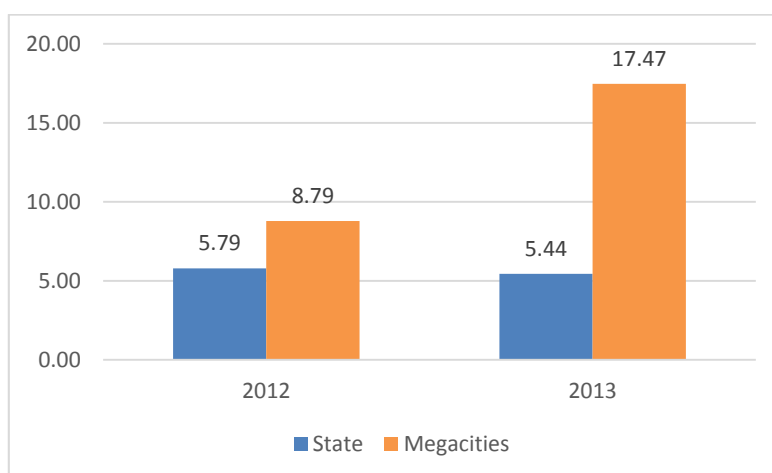
Graph 5: Comparison of yearly % increase in incidences of crime against women in Harayana state and its Megacities



#### INFERENCE

Crime against women seems to be increased over the past five year period in Harayana as well as its megacities other than the year 2011, where the state as well as its megacities shows a decrease of 1.28% and 6.65% respectively. On comparing the state and its megacities, crime against women shows a downward trend in megacities, despite showing an increase in the year 2013. However crime rate in the state is on the rise.

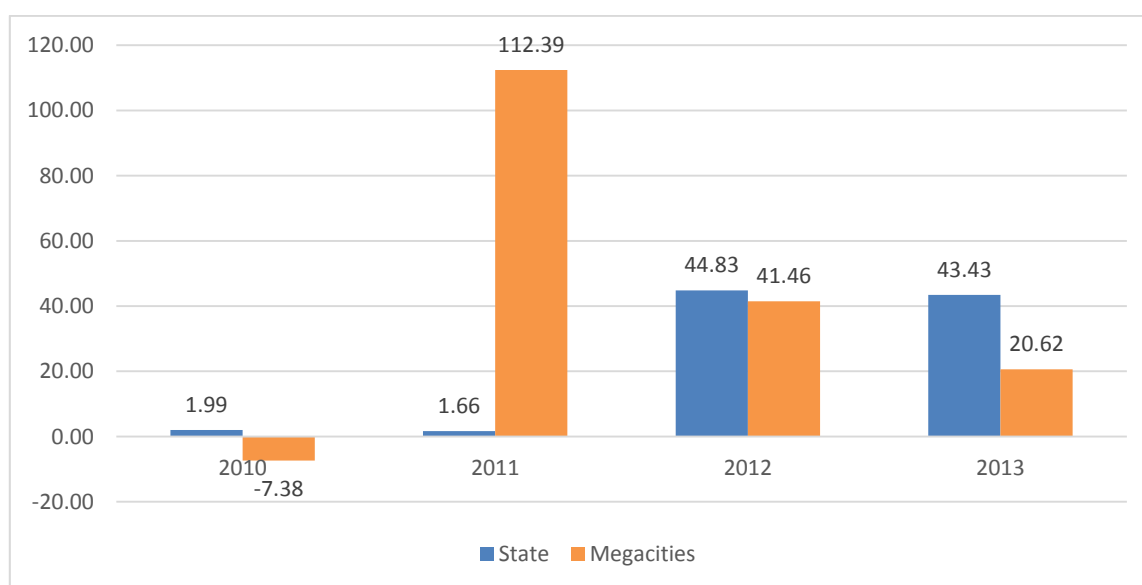
Graph 6: Comparison of yearly % increase in incidences of crime against women in Jammu & Kashmir state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past three year period in Jammu & Kashmir as well as its megacities. On comparing the state and its megacities, crime against women have been on the rise in megacities, despite showing a downward trend in the state as a whole.

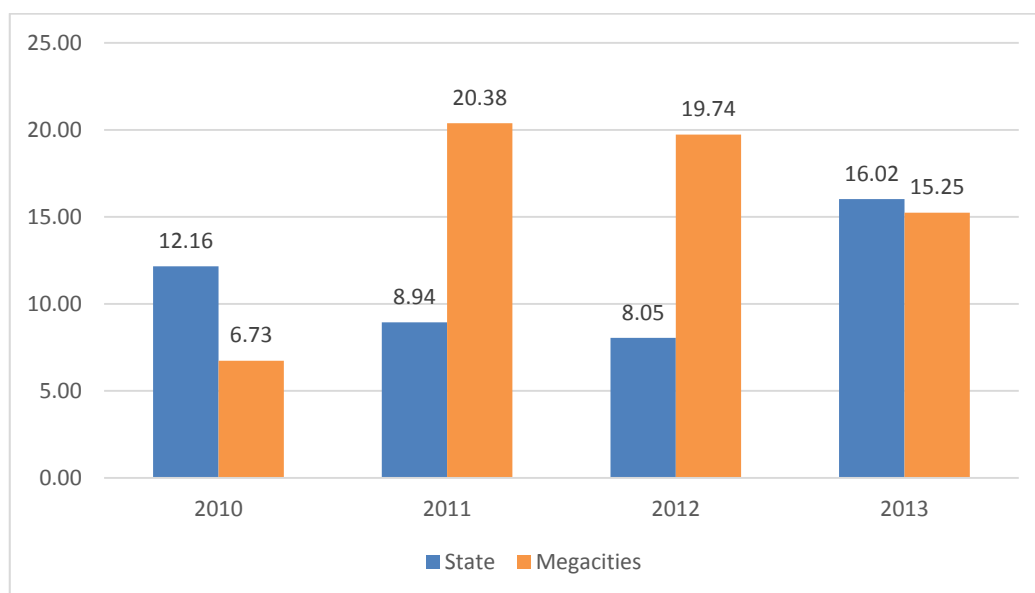
Graph 7: Comparison of yearly % increase in incidences of crime against women in Jharkhand state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past five year period in Jharkhand as well as its megacities other than the year 2010, where the megacities shows a decrease of 7.38% despite the state showing an increase of 1.99%. On comparing the state and its megacities, crime against women shows a downward trend in megacities, despite showing an increase in the year 2011.

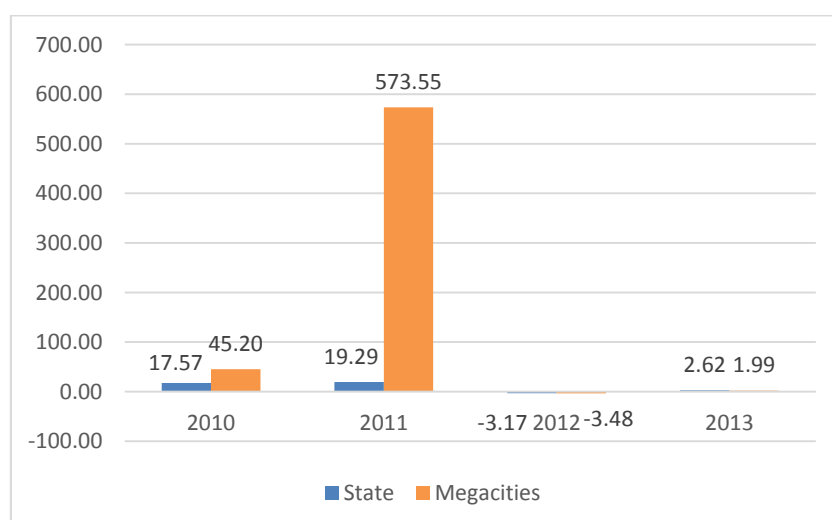
Graph 8: Comparison of yearly % increase in incidences of crime against women in Karnataka state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past five year period in the entire state as well as its megacities. On comparing the state and its megacities, crime against women shows a downward trend in megacities, despite showing an increase in the year 2011. However crime rate in the state on the rise.

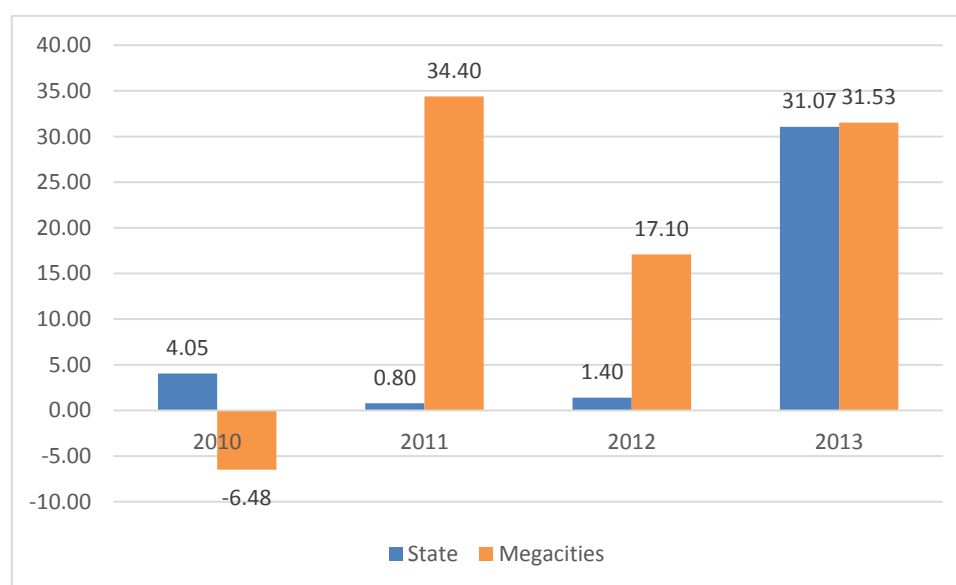
Graph 9: Comparison of yearly % increase in incidences of crime against women in Kerala state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past five year period in the entire state as well as its megacities other than the year 2012 where the state and the megacities shows a decrease of 3.17% and 3.48% respectively. On comparing the state and its megacities, crime against women is on the rise in megacities as well as the state.

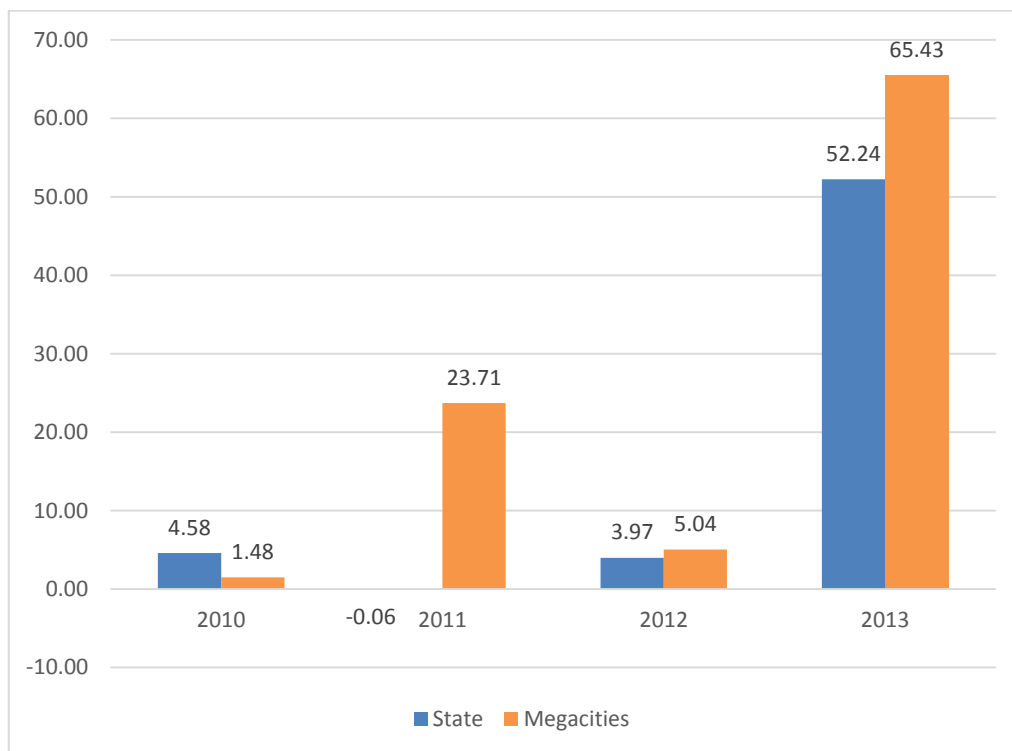
Graph 10: Comparison of yearly % increase in incidences of crime against women in Madhya Pradesh state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past five year period in the entire state as well as its megacities other than the year 2010 where the megacities shows a decrease of 6.48% despite the crime rate in the state being increased. On comparing the state and its megacities, crime against women is on rise in the megacities.

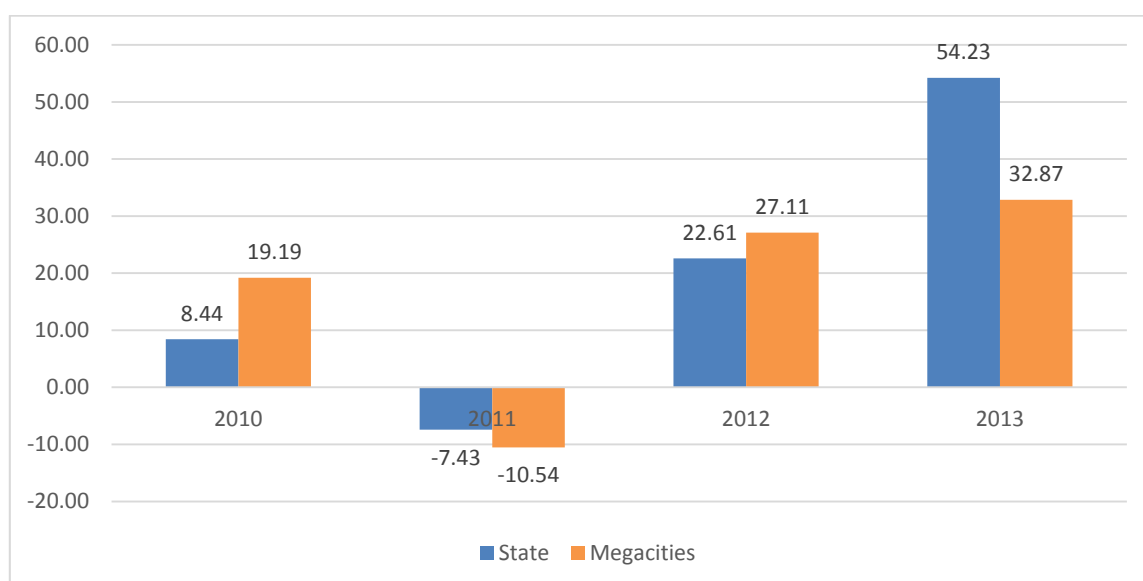
Graph 11: Comparison of yearly % increase in incidences of crime against women in Maharashtra state and its Megacities



#### INFERENCE

Crime against women seems to be increased over the past five year period in the entire state as well as its megacities other than the year 2011 where the state shows a decrease of 0.06% despite the crime rate in the megacities being increased. On comparing the state and its megacities, crime against women is on rise in the megacities than compared to the state.

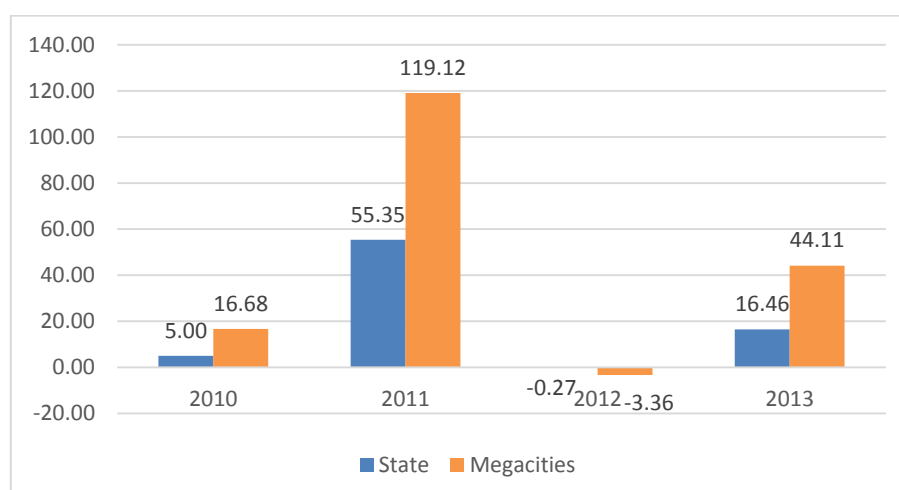
Graph 12: Comparison of yearly % increase in incidences of crime against women in Punjab state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past five year period in the entire state as well as its megacities other than the year 2011 where the state and the megacities shows a decrease of 7.43% and 10.54% respectively. On comparing the state and its megacities, crime against women is on rise in the megacities than compared to the state. However in the year 2013, Percentage increase in crime is much higher in the state than compared to the megacities.

Graph 13: Comparison of yearly % increase in incidences of crime against women in Rajasthan state and its Megacities

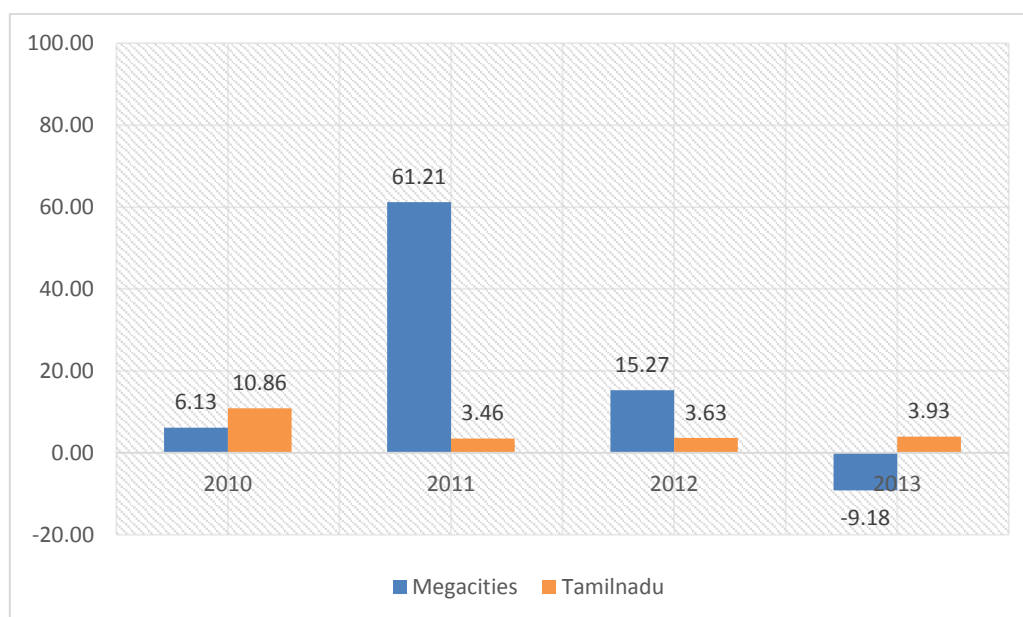




### INFERENCE

Crime against women seems to be increased over the past five year period in the entire state as well as its megacities other than the year 2012 where the state and the megacities shows a decrease of 0.27% and 3.36% respectively. On comparing the state and its megacities, crime against women is on rise in the megacities than compared to the state as a whole.

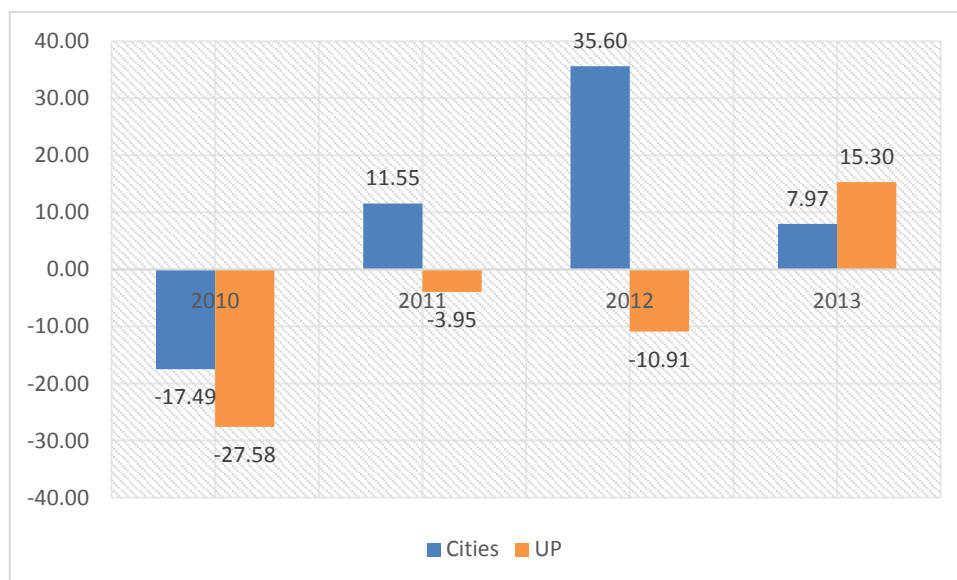
Graph 14: Comparison of yearly % increase in incidences of crime against women in Tamil Nadu state and its Megacities



### INFERENCE

Crime against women seems to be increased over the past five year period in the entire state as well as its megacities other than the year 2013 where the megacities shows a 9.18% decrease despite the crime rate in the state being increased. On comparing the state and its megacities, crime against women in megacities shows a downward trend.

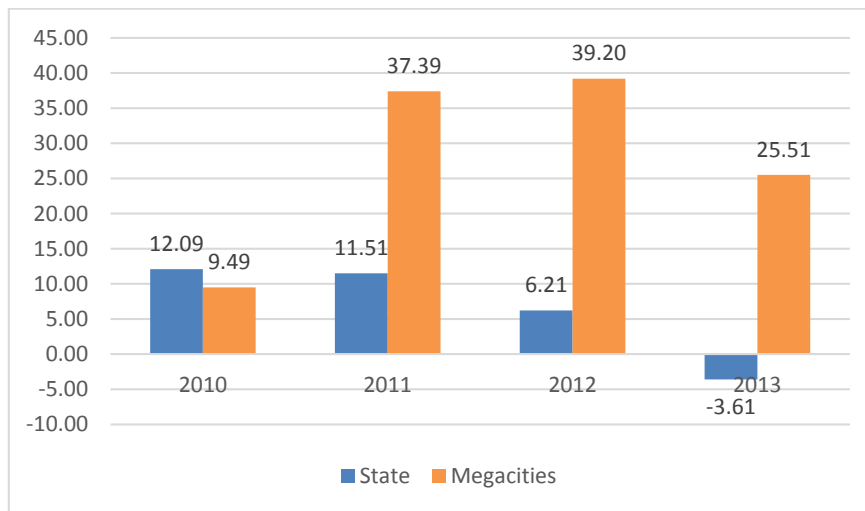
Graph 15: Comparison of yearly % increase in incidences of crime against women in Uttar Pradesh state and its Megacities



#### INFERENCE

Crime against women seems to be increased over the past five year period in megacities despite showing a 17.49% decrease in the year 2009. But crime against women in the entire state was decreasing despite showing a rapid increase of 15.30% in the year 2013. On comparing the state and its megacities, crime against women in megacities seems to be on rise despite showing a decrease of 7.97% in the year 2013.

Graph 16: Comparison of yearly % increase in incidences of crime against women in West Bengal state and its Megacities

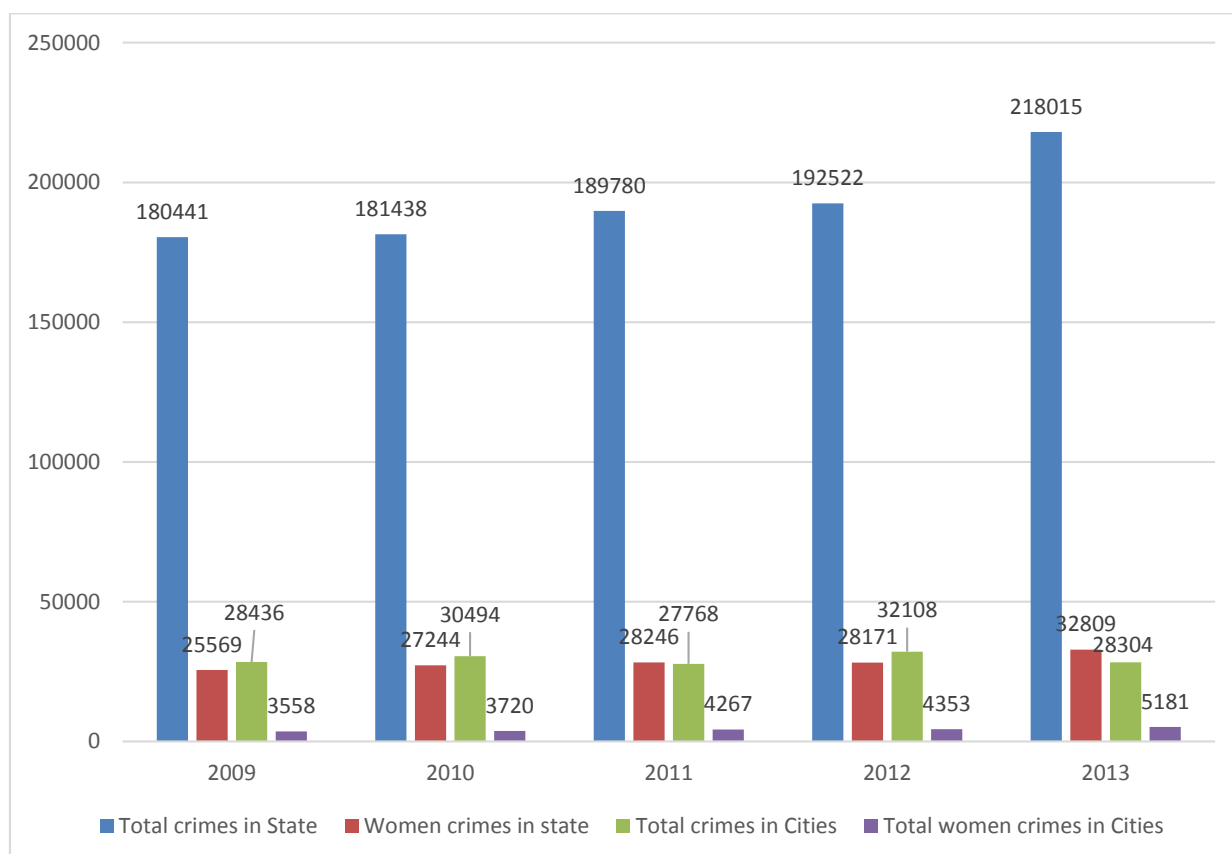


#### INFERENCE

Crime against women seems to be increased over the past five year period in West Bengal as well as its megacities other than the year 2013, where the state shows a 3.61% decrease despite the crime rate in its megacities being increased. On comparing the state and its megacities, crime against women have been on the rise in megacities when compared to the state as a whole.

## 5.2 ANALYSIS OF CRIME AGAINST WOMEN HAPPENING IN MEGACITIES IN COMPARISON TO ITS DOMAIN STATE

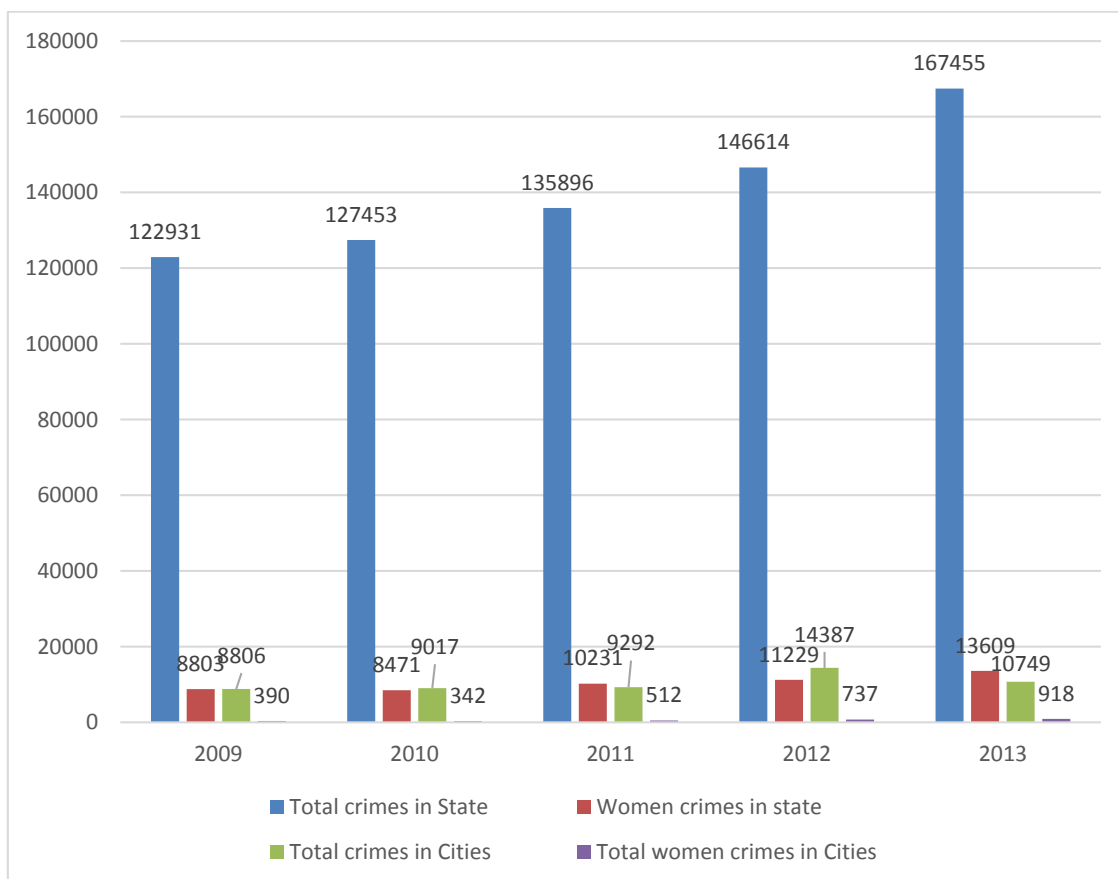
Graph 17: Comparison of women crimes with total crime incidences in Andhra Pradesh state and its megacities



### INFERENCE

It is evident from the graph that no of incidence of crime and crime against women has increased over the past five years in the state. It is also evident that the total no of incidence of crime and crime against women have also increased in megacities over the past five years.

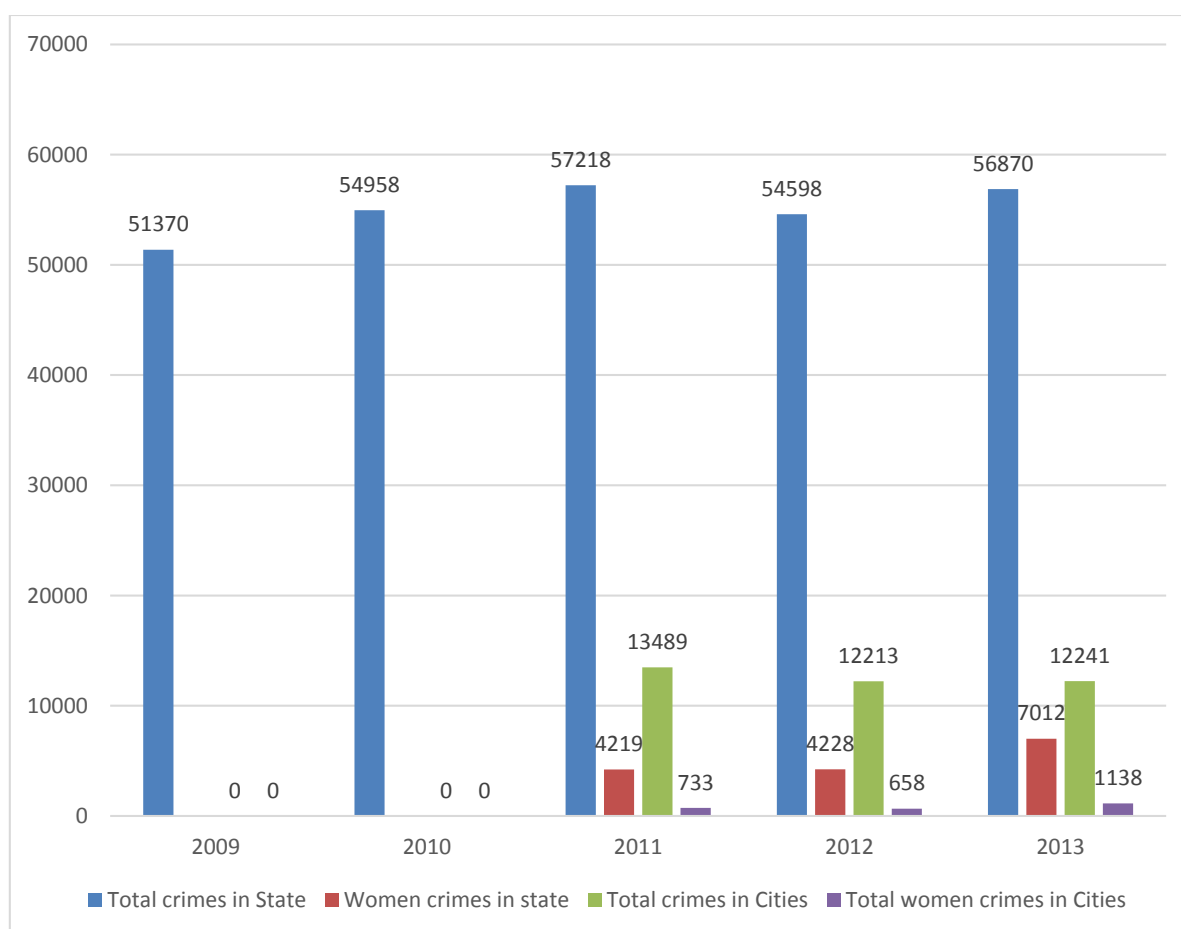
Graph 18: Comparison of women crimes with total crime incidences in Bihar state and its megacities



## INFERENCE

It is evident from the graph that no of incidence of crime in megacities has decreased in the year 2013 whereas crime against women have increased through out the period. While in the case of state both the women crimes and no of incidence of crime has increased through out the period

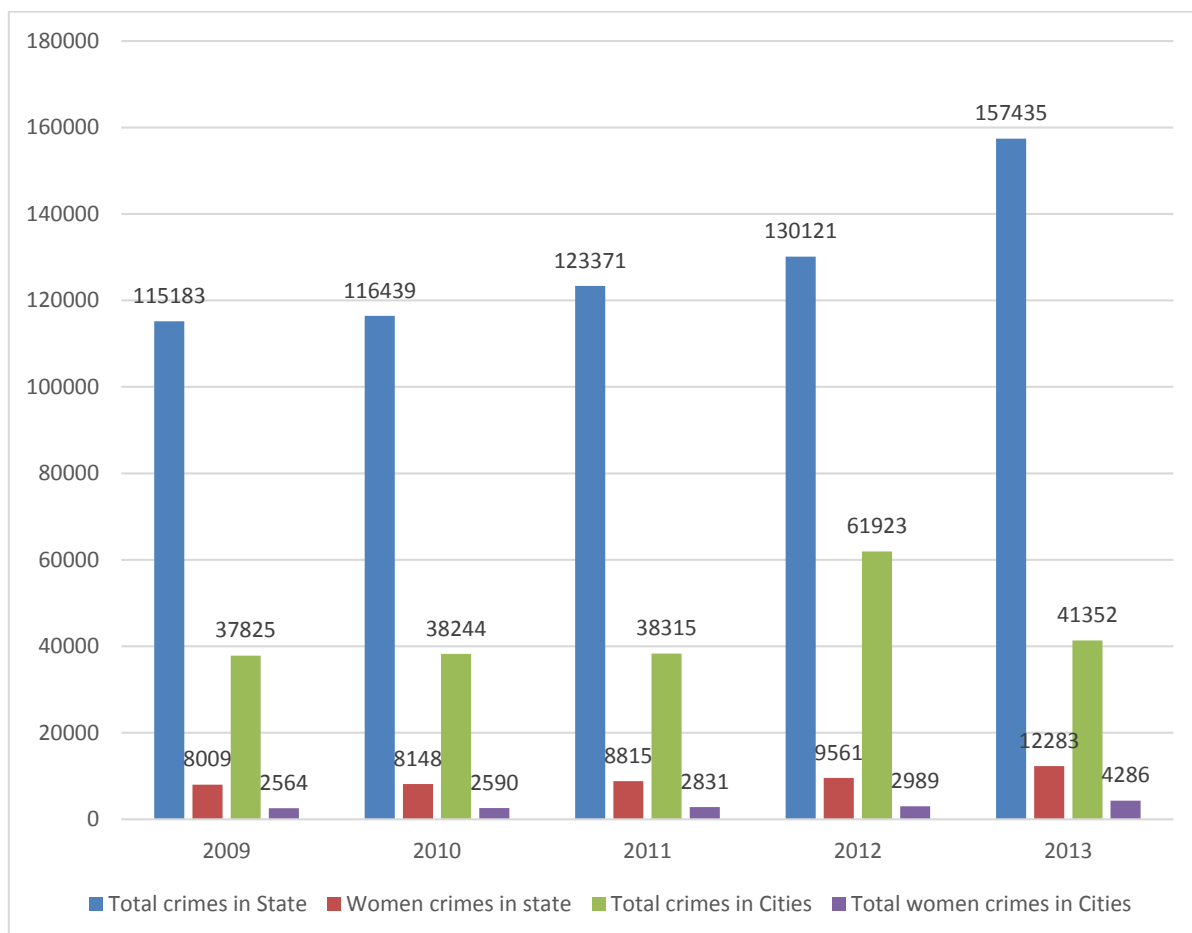
Graph 19: Comparison of women crimes with total crime incidences in Chhattisgarh state and its megacities



### INFERENCE

No of incidence of crime against women in state has increased in the year 2013 in the state, at the same time no of incidence of crime had also increased in the state despite showing a decrease in the year 2012. It is also evident that no of crime in megacities has decreased in the year 2013 than compared to 2011 but still crime against women is still on the rise

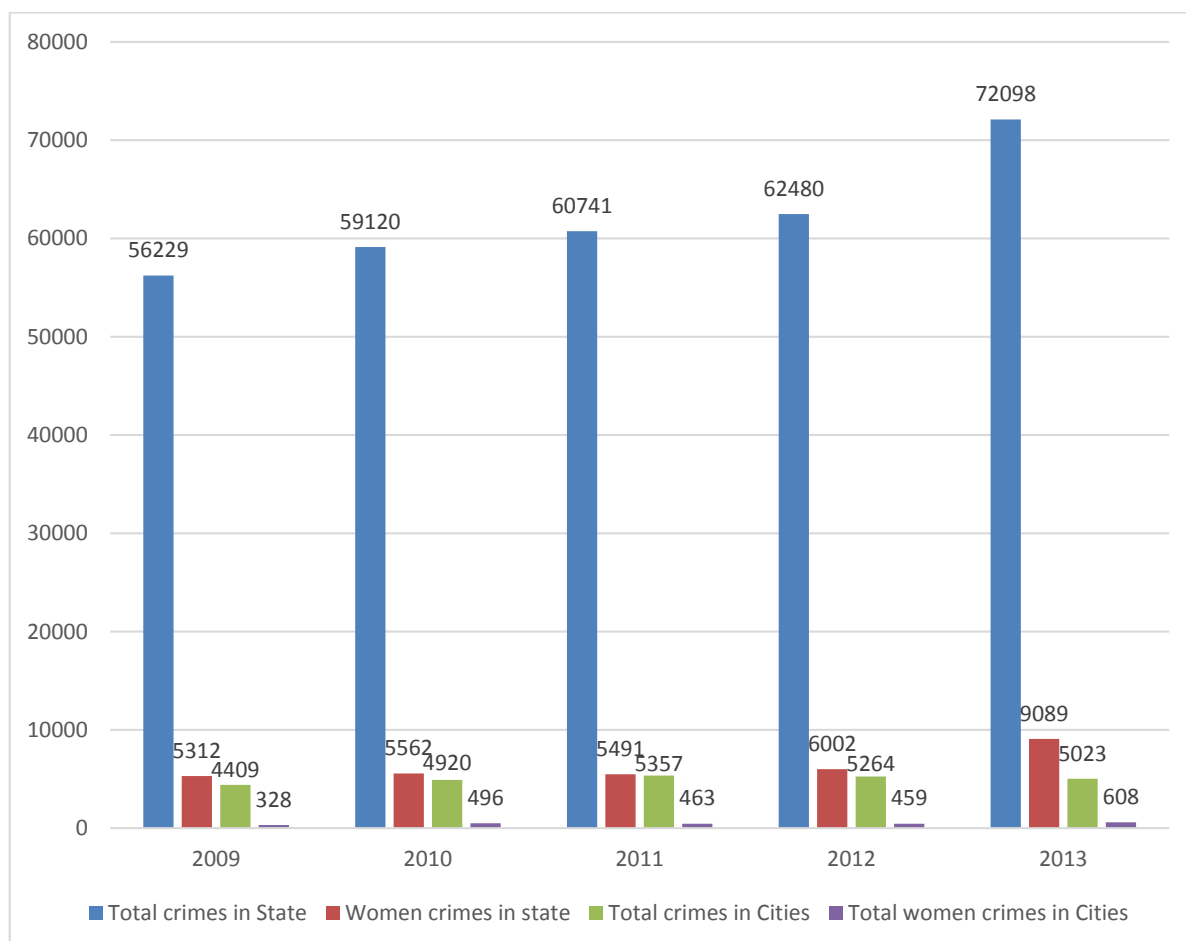
Graph 20: Comparison of women crimes with total crime incidences in Gujarat state and its megacities



## INFERENCE

No of incidence of crime and crime against women have increased in the entire state through out five year period. No of incidence of crime has decreased in the year 2013 than compared to other four years but still crime against women in cities is still on rise.

Graph 21: Comparison of women crimes with total crime incidences in Haryana state and its megacities

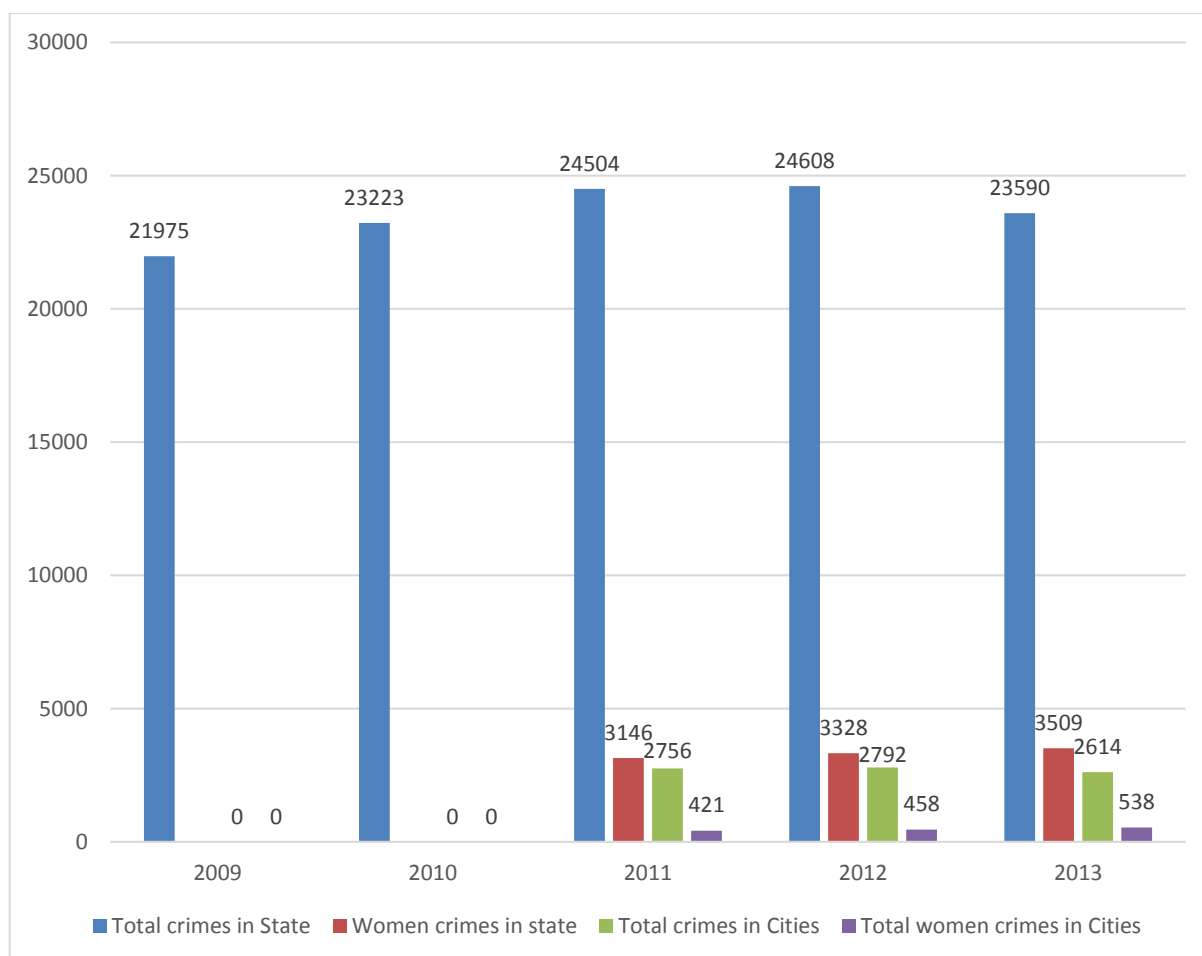


## INFERENCE

It is evident from the graph that both the no of incidence of crime and crime against women has increased in the entire state as well as its megacities over five year period.



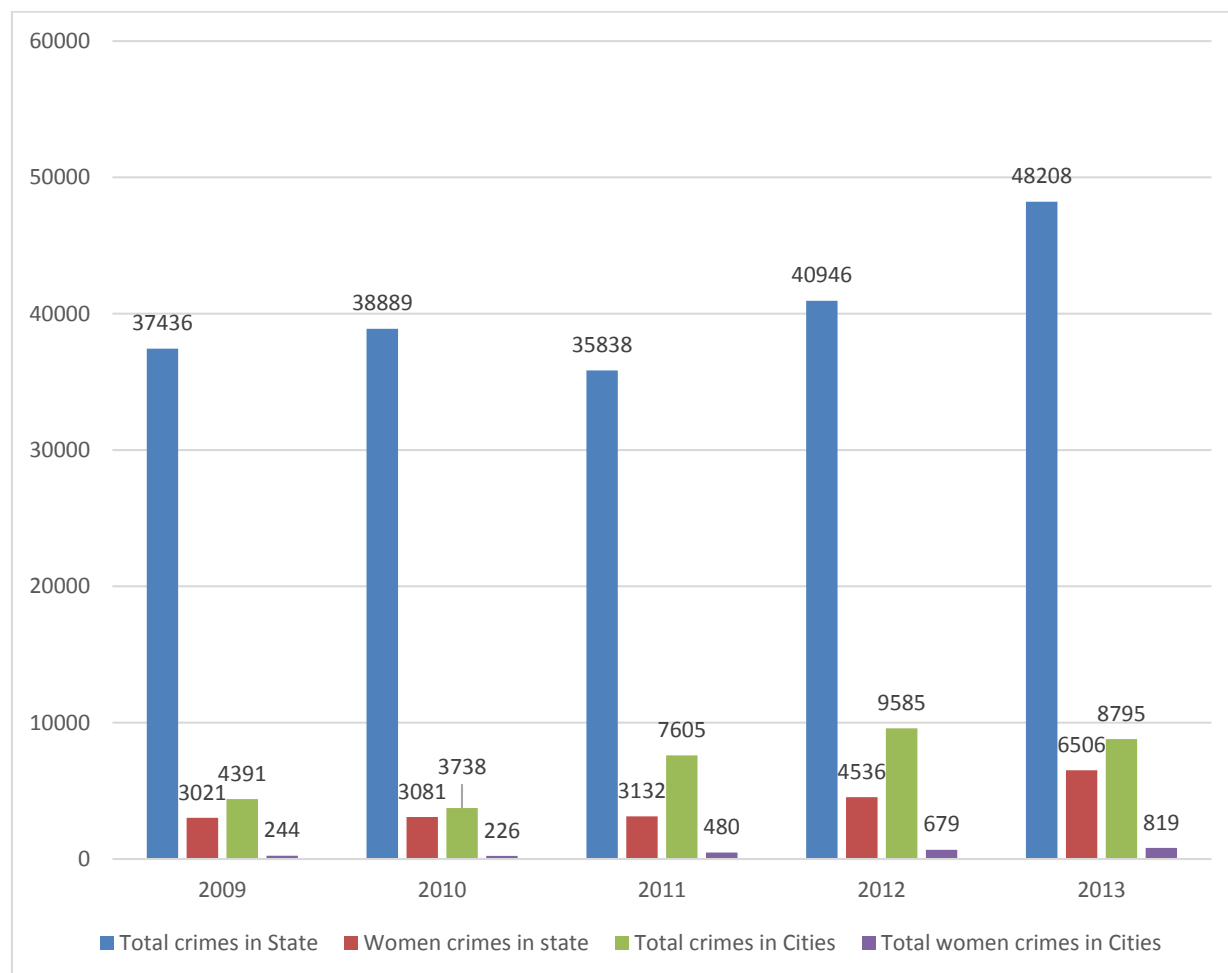
Graph 22: Comparison of women crimes with total crime incidences in Jammu & Kashmir state and its megacities



#### Inference:

No of incidence of crime have been decreased in the year 2013 than compared to 2011 in the state as well as its megacities. However no of incidence of crime against women have been increased over the past three year period in the entire state as well as its megacities.

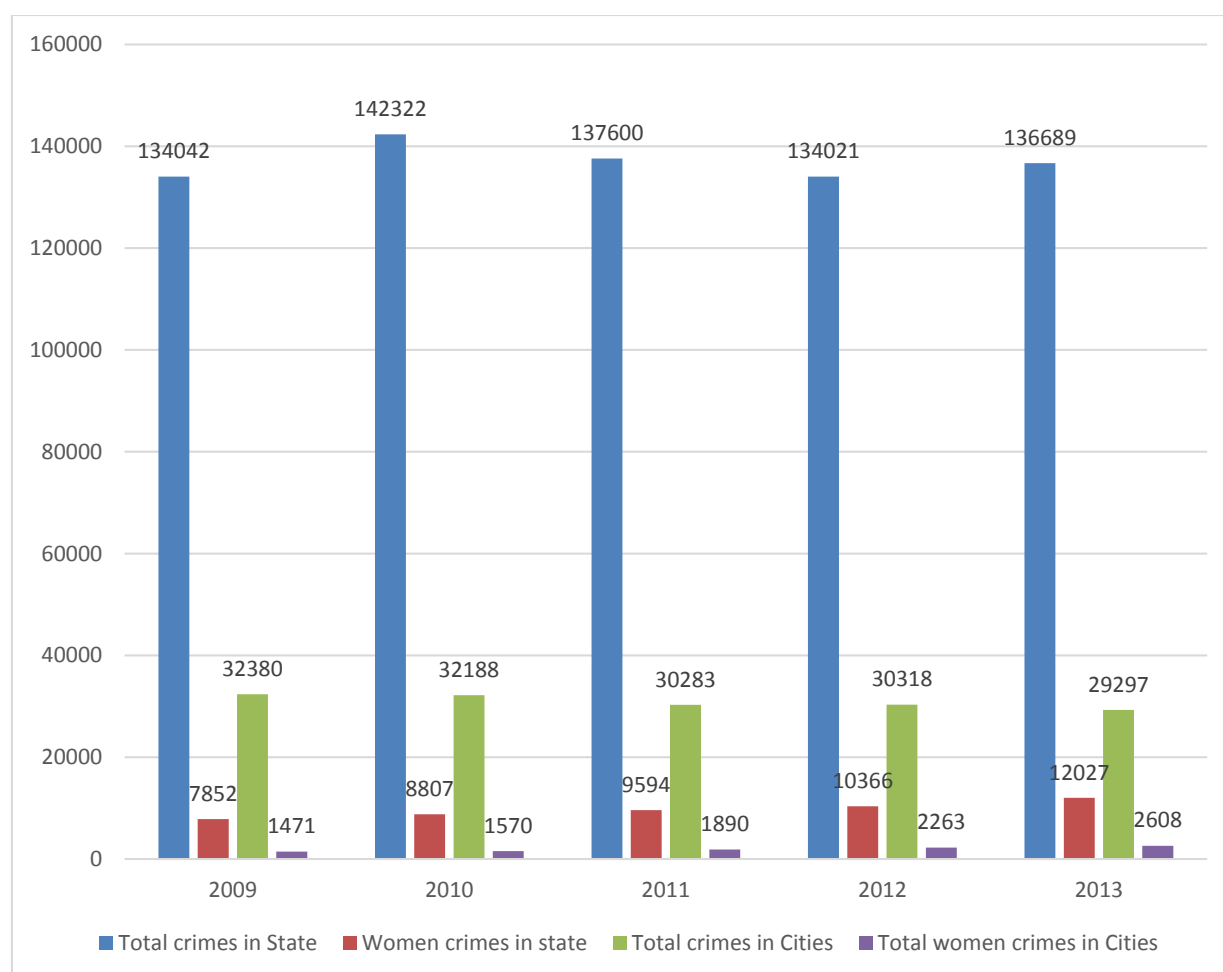
Graph 23: Comparison of women crimes with total crime incidences in Jharkhand state and its megacities



## INFERENCE

No of incidence of crime and crime against women have increased in the entire state over the past three years. It is also evident from the graph that no of incidence of crime in megacities have decreased in 2013 than compared to 2011. However no of incidence of crime against women is on rise in megacities over the past three year period.

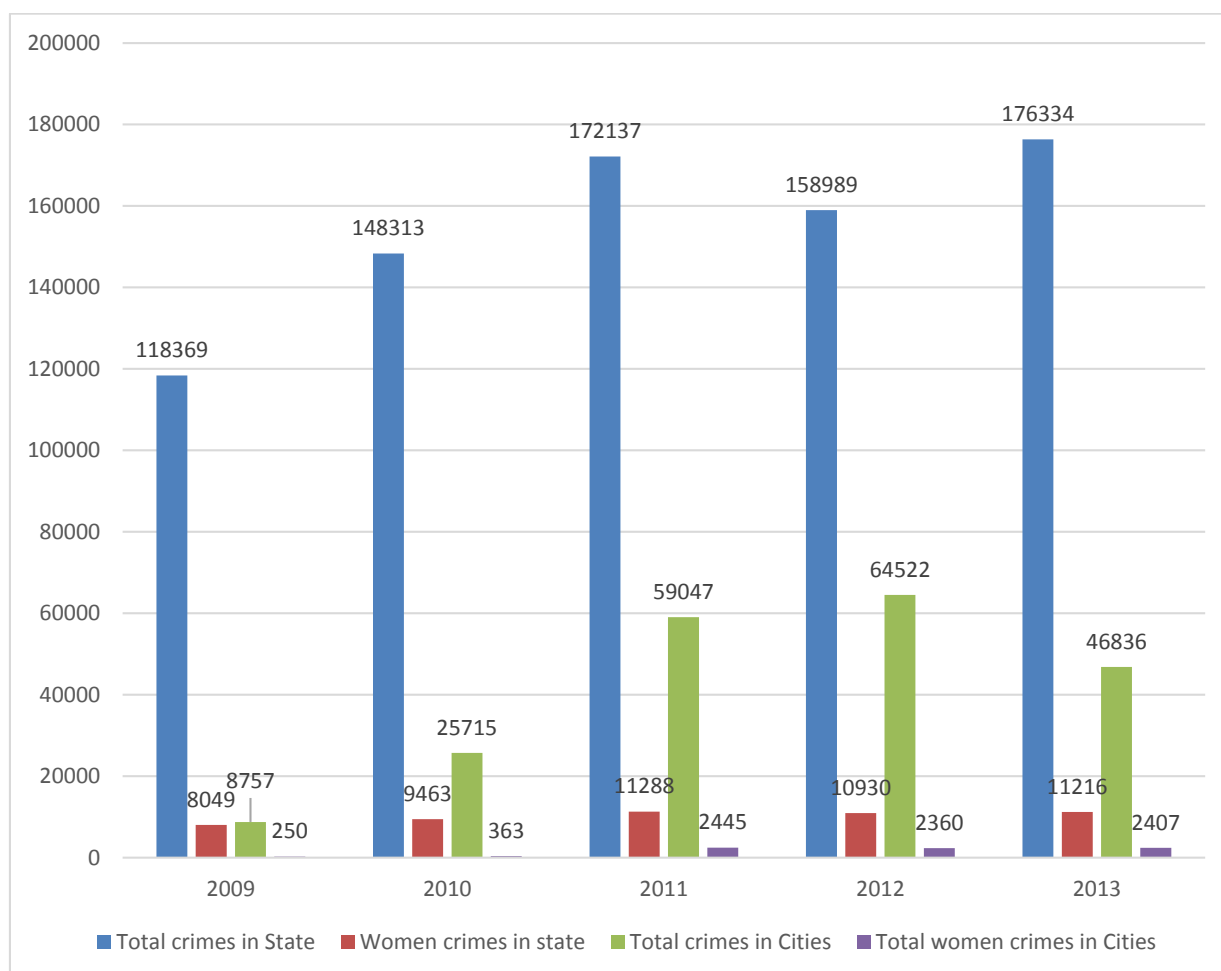
Graph 24: Comparison of women crimes with total crime incidences in Karnataka state and its megacities



## INFERENCE

No of incidence of crime and crime against women in the state have increased in the year 2013 than compared to 2011. It is also evident that no of incidence of crime in megacities have decreased in 2013 than compared to 2012. However no of incidence of crime against women in megacities is on rise over the past five year period.

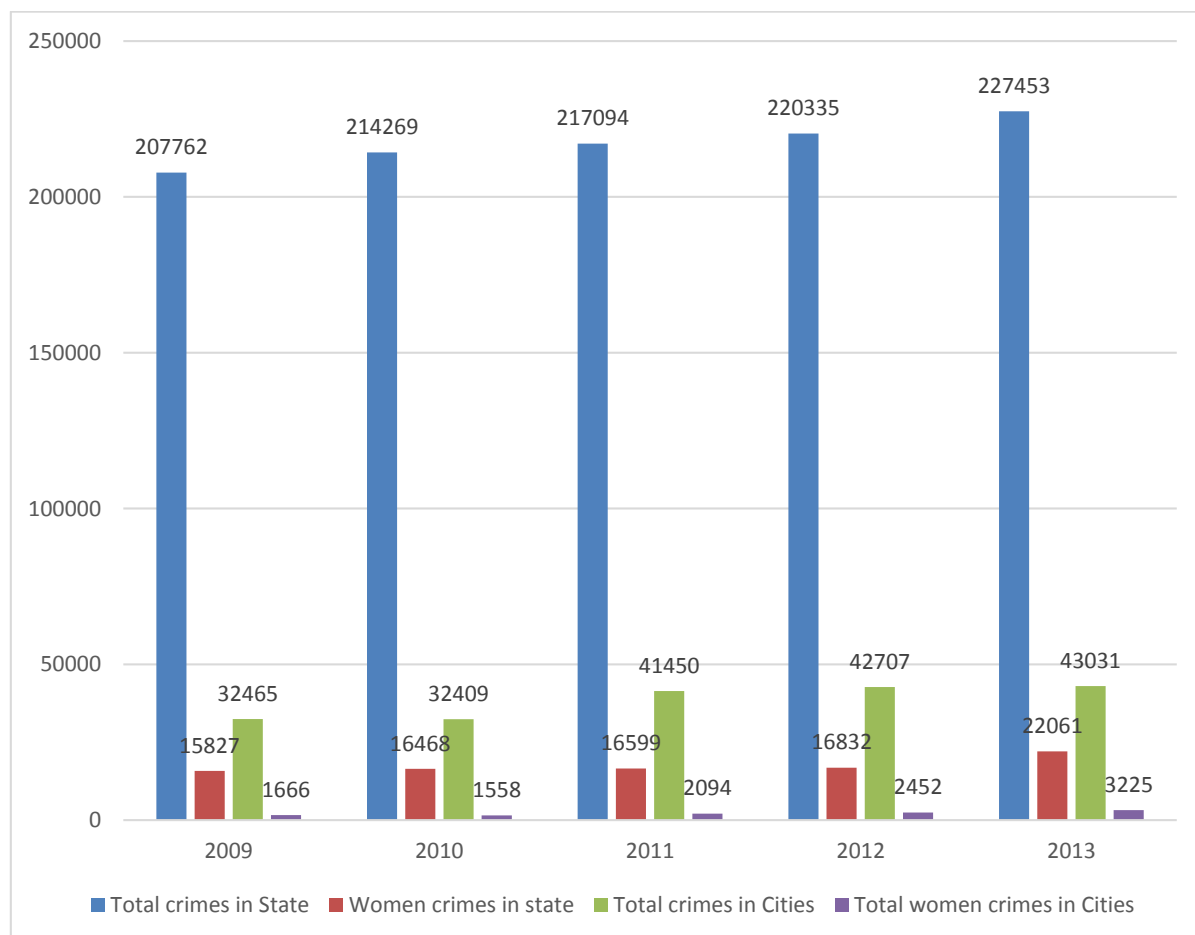
Graph 25: Comparison of women crimes with total crime incidences in Kerala state and its megacities



## INFERENCE

It is evident from the graph that no of incidence of crime and crime against women have increased in the state over the past five year period, despite showing a decrease in the year 2012. It is also evident that no of incidence of crime has decreased in the year 2013 than compared to 2012 in megacities. However crime against women in megacities is on rise.

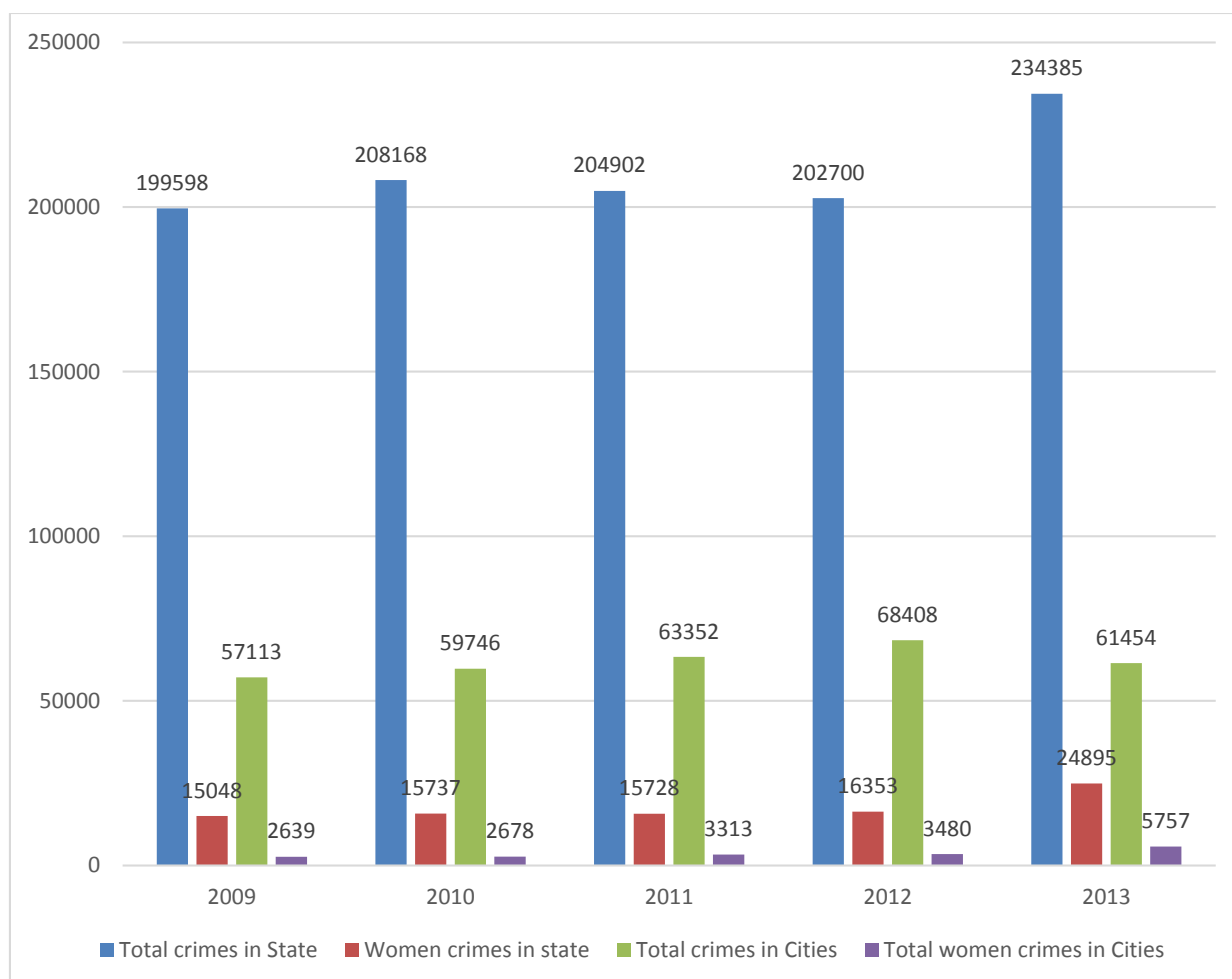
Graph 26: Comparison of women crimes with total crime incidences in Madhya Pradesh state and its megacities



## INFERENCE

No of incidence of crime and crime and crime against women have increased in the state as well as its megacities over the past five years.

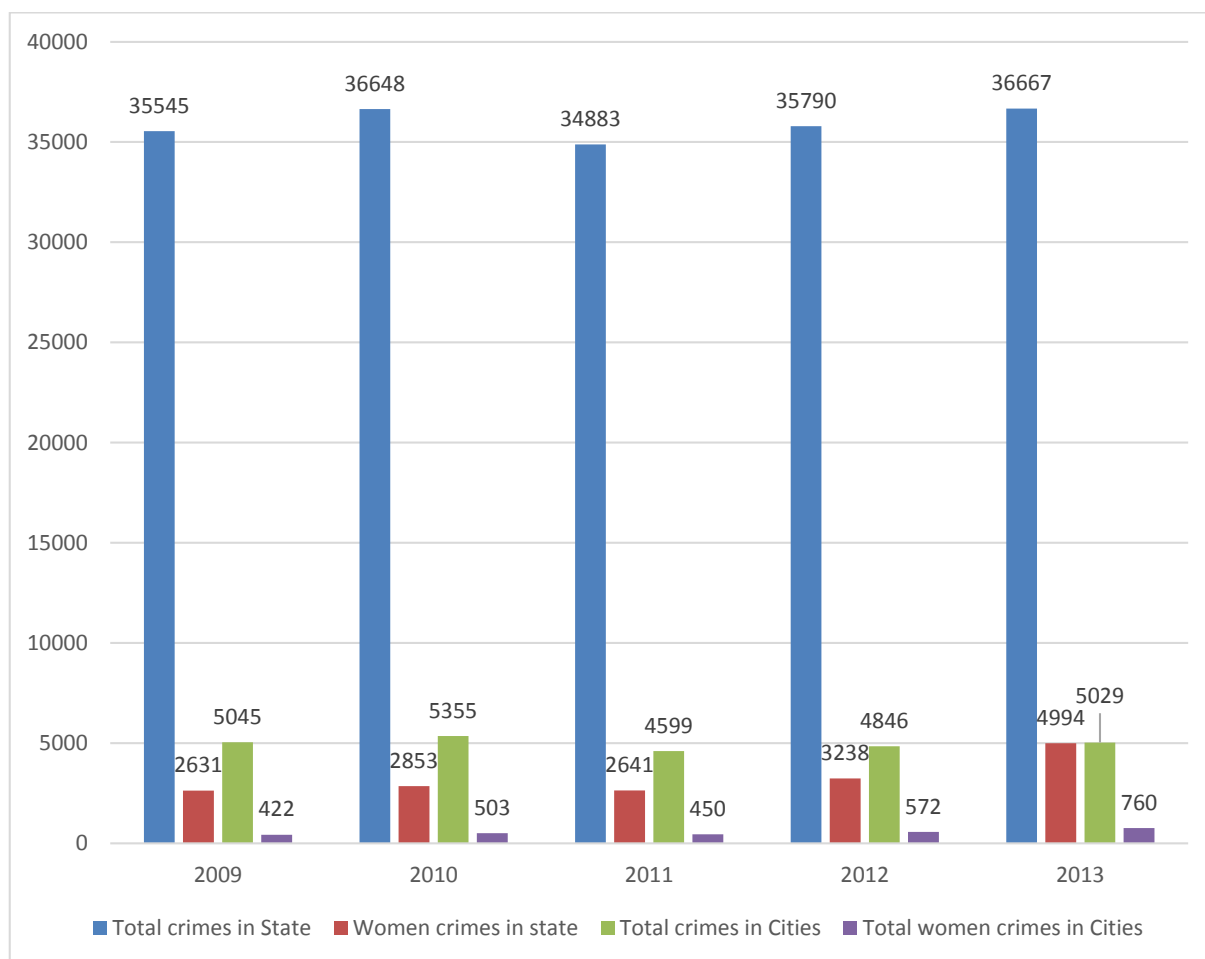
Graph 27: Comparison of women crimes with total crime incidences in Maharashtra state and its megacities



## INFERENCE

No of incidence of crime and crime and crime against women have increased in the state as well as its megacities over the past five years, despite the no of incidence of crime in the state have decreased during 2012 than compared to 2011. However it increased in the year 2013.

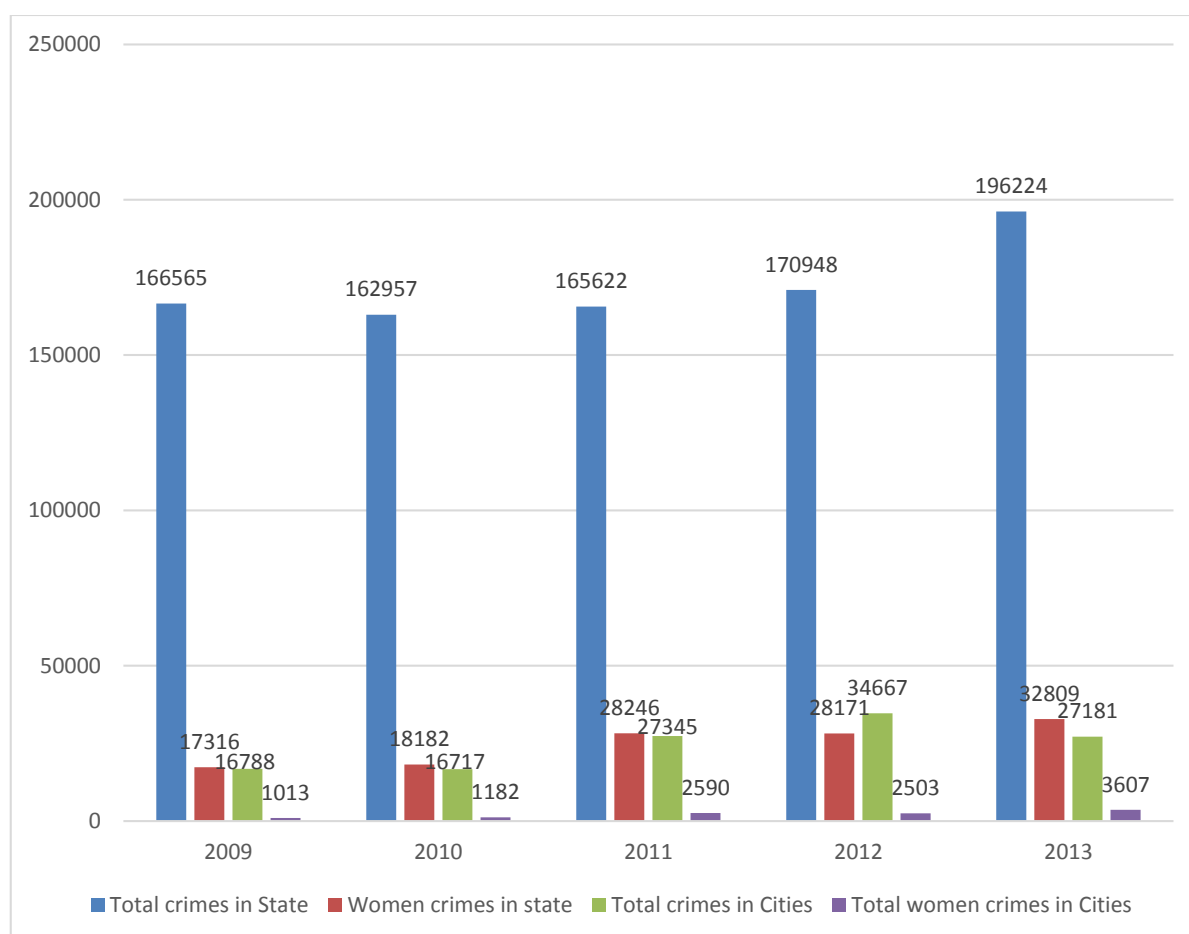
Graph 28: Comparison of women crimes with total crime incidences in Punjab state and its megacities



### INFERENCE

No of incidence of crime and crime and crime against women have increased in the state as well as its megacities over the past five years

Graph 29: Comparison of women crimes with total crime incidences in Rajasthan state and its megacities

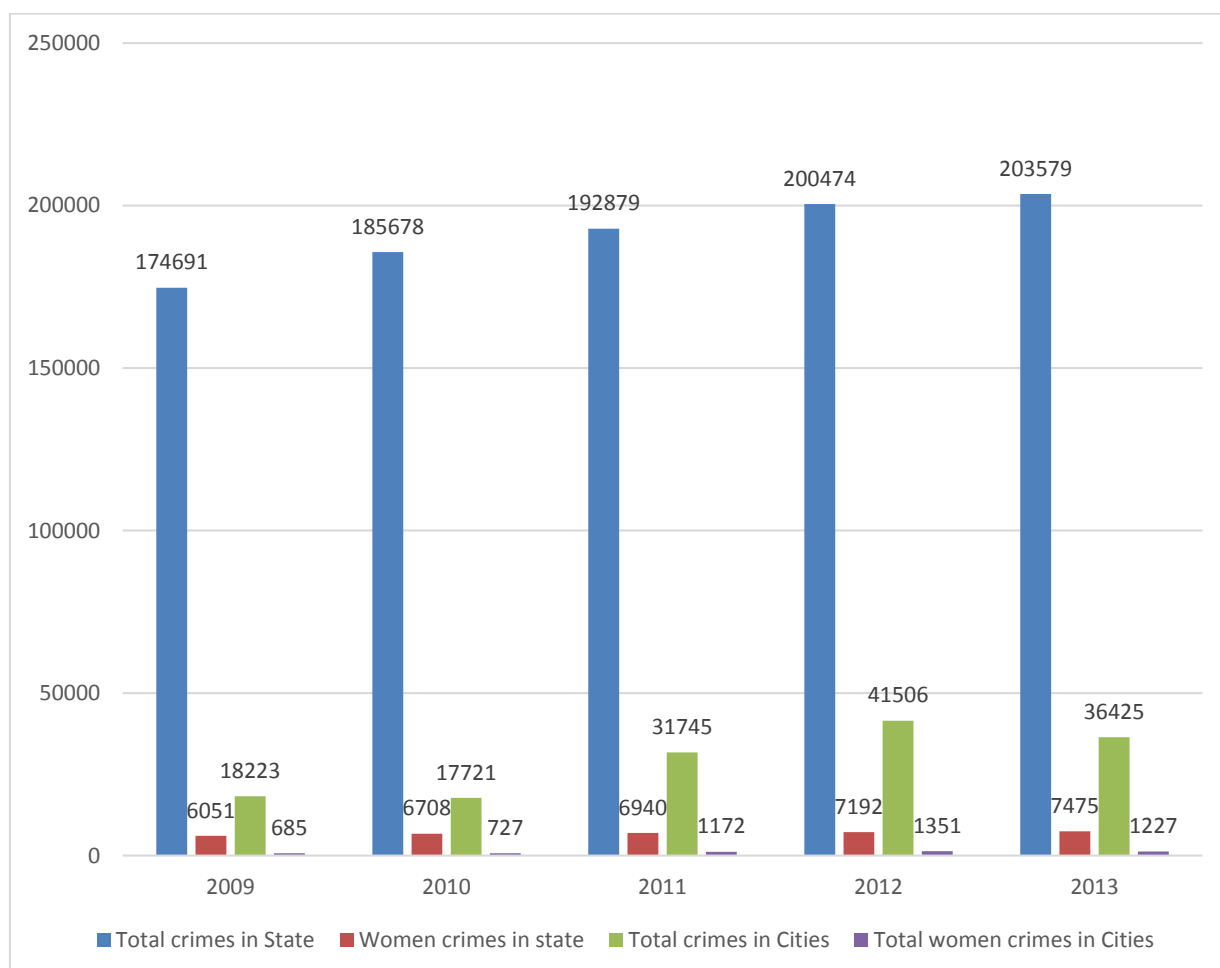


## INFERENCE

No of incidence of crime and crime against women have increased in the state over the past five years. No of incidence of crime in megacities seems to be decreased in the year 2013 in comparison to 2012. However no of incidence of crime against women is on a rise in megacities throughout the past five years.



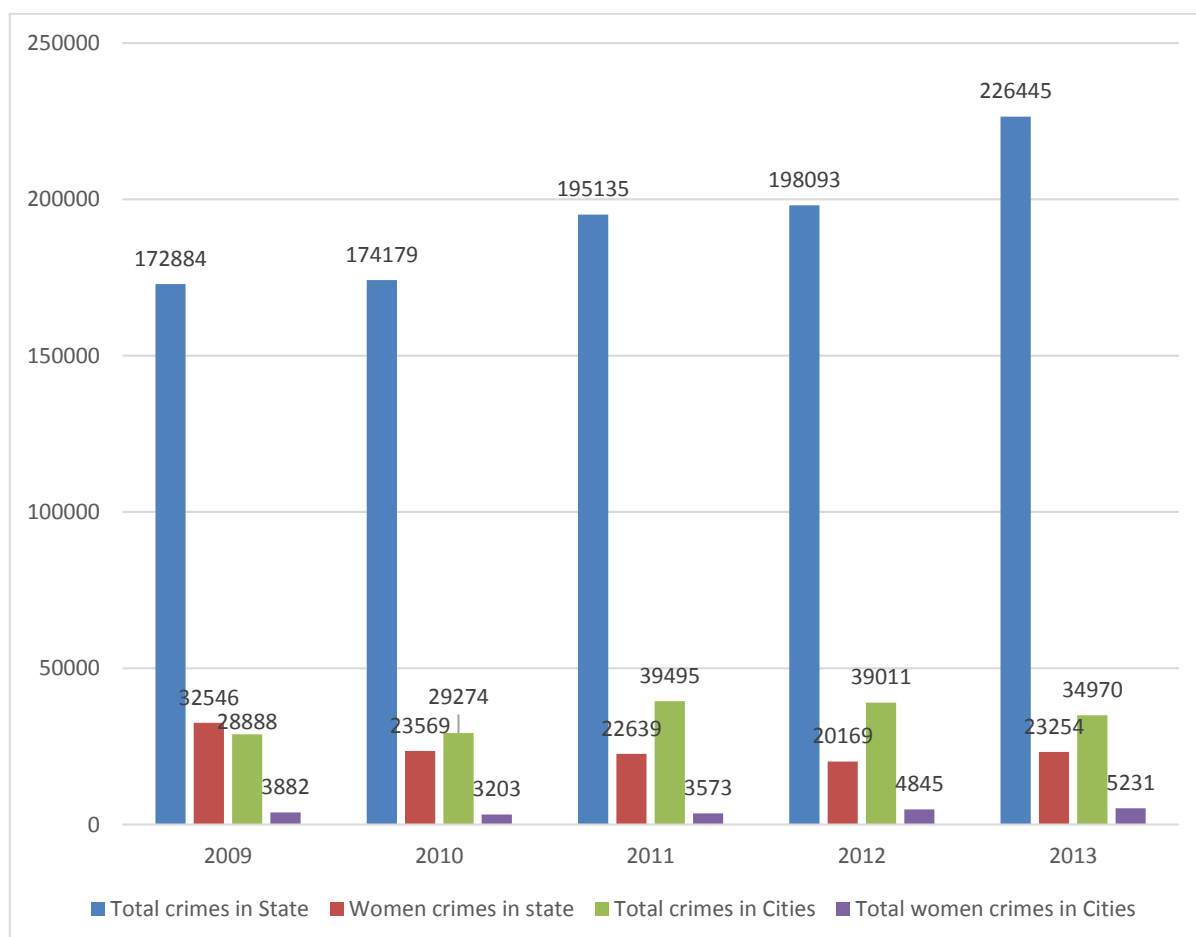
Graph 30: Comparison of women crimes with total crime incidences in Tamilnadu state and its megacities



## INFERENCE

No of incidence of crime and crime against women have increased in the state over the past five years. Despite showing a gradual increase, no of incidence of crime and crime against women has decreased in megacities in the year 2013.

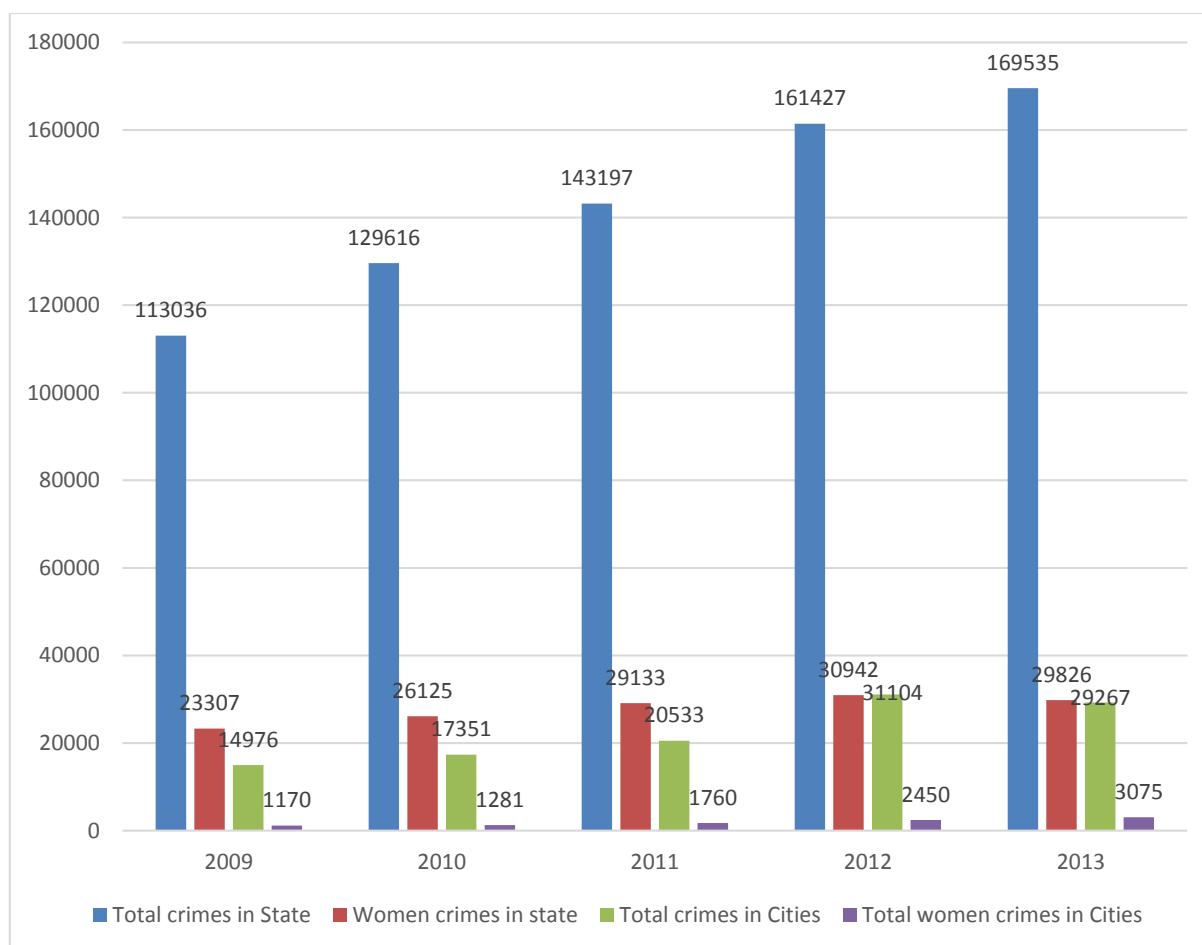
Graph 31: Comparison of women crimes with total crime incidences in Uttar Pradesh state and its megacities



## INFERENCE

No of incidence of crime in the state has shown a gradual increase over the past five years. It is also evident that no of incidence of crime against women in the state have decreased in the year 2013 than compared to 2012. Similarly no of incidence of crime in megacities have also decreased. However no of incidence of crime against women in megacities have gradually increased over the past five year period.

Graph 32: Comparison of women crimes with total crime incidences in West Bengal state and its megacities



## INFERENCE

No of incidence of crime in the state has shown a gradual increase over the past five years. It is also evident that no of incidence of crime against women in the state have decreased in the year 2013 than compared to 2012. However no of incidence of crime against women have gradually increased over the past five years.

## CHAPTER 6 – CONCLUSION

By comparing yearly % increase in incidences of crime against women in Megacities and its corresponding domain state, it was evident that percentage increase in crime rate was higher in mega cities than compared to their corresponding domain state. From this analysis it is clear that crime against women is happening more in mega cities. From the second analysis it was evident that crime against women is increasing in megacities. There are two main standpoints that propagate the benefits of megacities. One is that cities are associated with opportunities for wealth generation. Concomitant to this is the idea that urban women supposedly enjoy greater social, economic, political opportunities and freedoms than their rural counterparts. Women in cities are more independent than women in villages. The way a women uses a city is equal to way in which men do. Despite provision of strong laws in the Indian constitution, Crime against women in India is still on a very high rate. Over population combined with poverty and lack of education is once of the important factors for increased crime rate against women. Awareness should be created among people in order to reduce the crime rate. Cities which are of more opportunities should be designed in such a way, so that a women in a city travelling late at night can feel even more safer. Steps should be taken for the proper implementation of protective laws. It has been seen that many poor and helpless women have to lived with the man responsible for the committing the atrocities in them. They have no other option to go to other place for shelter. This situation arises due to defective enforcement of protective law. The procedural laws are weak and outdated. Generally the accused either get the anticipatory bail or take the adjournment. This results in delay of the decision in a case. Conferences, seminars and workshops should be frequently organized police, lawyers, Judges, legislators and the representatives of the women's organization should be invited there so that, they all mutually exchanged their experience. Effective implementation of the laws should be frankly discussed and their suggestion should be put forward so that new law be passed and amendment could be made in existing laws to make them more effective. Efforts to eliminate atrocities against the women have to be made at all levels.

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