

## Civil Society and Violence Against Women in India

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### Abstract

*It is a matter of concern that a major part of Indian society is constituted of such women who are discriminated since their birth. Sex role socialization not only tells girls that they are different but also that they are unwanted and inferior and have to be grateful for being 'allowed' to go to school or to a friend's palace or to work. All decision are made for the girls by other. Besides this men's work ends at setting sun, yet women's work is never done. Not only this, most of the women are the part of the disadvantaged sections of the society the world over, especially in developing and poor countries. Sexual abuse, exploitation and deprivation of women and their fundamental rights are rampant throughout the world. In fact, violence committed against women in one form or the other, is a universal phenomenon prevalent in every region and society irrespective of the social or economic class which the women belong.*

**Key words:** 1. Civil Society, 2. Crime, 3. violence against women 4. Indian Society

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## **Introduction**

### **United Nations Report on the Violence against Women**

On 8<sup>th</sup> March, 2005, United Nations also expressed its deep concern regarding violence against women. In UN Seminar, some astonishing facts were revealed which are as follows:

- Earlier, it was believed that uneducated and illiterate people used to oppress their women. But now, it is found that women are more unsafe inside their homes rather than outside.
- Women are the part of violence everywhere whether it is developed/ developing country or rich/ poor family.
- Violence is one of the major factors responsible for deaths or physical inability of women among the age group of 16 to 44 years in the whole world.
- In developed countries like USA, every year more than 70,000 of women become the victims of rape case or sexual harassment. In India :
  - Every 26 minutes a woman is molested.
  - Every 54 minutes a rape takes place.
  - Every 4 minutes a woman is kidnapped.
  - Every 10 minutes a woman is burnt to death over dowry.
  - Every 7 minutes a criminal offence against women takes place.
  - Dowry deaths have gone up from 5,513 in 1996 to 6,917 in 1998.
  - Cases of rape from 14,846 to 15,031.
  - Torture from 35,246 to 41,318.
  - Sexual harassment from 5,671 to 8,123.

### **A Nail-Biting Report of Violence Against Women in India**

TALK about the “fair sex” not getting a fair deal is now common. Be it enactment of new social laws, creation of institutions for target groups and even lip service about providing reservation for them in all elected bodies. Yet, there is no better evidence of the state of women’ empowerment than the revealing statistics of Crimes Against Women (CAW), their handling, the profile of the victims, the accused and the disposal of the cases.

Crime against women traditionally includes rapes, kidnapping and abduction, dowry death, torture, molestation, sexual harassment, importation of girls, cases under the Immoral Traffic (Prevention) Act, Sati Prevention Act, Dowry Prevention Act, Indecent Representation of Women (Prevention) Act. In 1999, a total of 1,35,771 such cases were reported. Like most offence, CAW is steadily on the rise in India.

Of the total crimes reported in the country 7% constitutes CAW. The all-India rate, number of crimes per 100,000 population reported to the police was 13.8 during 1999. This may not be alarming at first sight but the point is many crimes are not reported.

Consider the larger picture. Of the 23 big cities, Chennai accounted for 21.2 % followed by Delhi at 12. Amount the six metros, Calculated is the safest for women. As much as 31.2% of dowry deaths were from Uttar Pradesh alone, followed by Bihar with 15.2%.but incidence of torture (under section 498 AIPC) accounted for 12.3% in Uttar Pradesh and only 3.2% of cases reported in Bihar, Harassment for Dowry is noticed only when the authorities are confronted with bodies of the helpless women.

In cases of rapes, victims knew the offenders in 95 of every 100 cases. Neighbours were accused of rape in three of every 10 cases. 58% of the rapists are between 18 and 25 years. The aspirations of a woman trapped in a murderous marriage and seeking relief from its bondage do not find reflection in any of our laws. Irretrievable breakdown of marriage is not a ground for divorce in India.

Crimes against women have more than doubled over the past ten years, according to latest [data](#) released by the National Crime Records Bureau (NCRB).

As many as 2.24 million crimes against women were reported over the past decade: 26 crimes against women are reported every hour, or one complaint every two minutes, reveals an **IndiaSpend** analysis based on the last decade's data.

The [semantic meaning](#) of "crime against women" is direct or indirect physical or mental cruelty to women. Crimes directed specifically against women and in which only women are victims are characterised as "crimes against women".

**Source:** [National Crime Records Bureau](#)

Cruelty by husbands and relatives under section 498 A of Indian Penal Code (IPC) is the major crime committed against women across the country, with 909,713 cases reported over the last 10 years, or 10 every hour.

**Source:** [National Crime Records Bureau](#); Figures represent cases reported. **Note:** Cruelty by Husband and Relatives (Section 498 A IPC); Assault on Women with Intent to Outrage Her Modesty (Section 354 IPC); Kidnapping & Abduction of Women (Section 363,364,364A, 366 IPC); Rape (Section 376 IPC); Insult to the Modesty of Women (Section 509 IPC); Dowry Deaths (Section 304 B IPC).

Assault on women with intent to outrage her modesty (470,556), earlier classified as molestation under section 354 of IPC, is the second-most-reported crime against women over the last decade.

Kidnapping and abduction of women (315,074) is the third-most-reported crime followed by rape (243,051), insult to modesty of women (104,151) and dowry death (80,833).

More than 66,000 cases have been reported under the Dowry Prohibition Act, 1961, over the last decade.

Ten cases of cruelty by husband and relatives are reported every hour across the country followed by cases of assault on women with intent to outrage her modesty (5), kidnapping & abduction (3) and rape (3).

NCRB added three more heads under which cases of crime against women have been reported in 2014.

These include attempt to commit rape (4,234), abetment of suicide of women (3,734) under section 306 IPC and protection of women from domestic violence (426).

As many as 66% of women reported experiencing sexual harassment between two and five times during the past year, a [2010 study](#) in New Delhi had found.

#### **Andhra Pradesh leads in crimes against women**

Andhra Pradesh has reported the most crimes against women (263,839) over the past 10 years.

The state ranks first in crimes reported for insult to modesty of women (35,733), second in cruelty by husband and relatives (117,458), assault on women with intent to outrage her modesty (51,376) and fourth among dowry-related deaths (5,364).

Courts also use archaic methods to settle disputes over custody of children, martial property, return of streedhan, maintenance which often weigh heavily against the interests of the woman. The absence of adequate civil courts lead many women to seek police help and exploit Section 498 A IPC to secure divorce or settlement.

A conviction of errant husband under Section 498 A IPC does not give the woman divorce. She has to approach a civil court and also pursue the criminal case filed in a police station. If she is economically dependent on the husband and if he is imprisoned, the question of maintenance may not arise. So, women use Section 498 A IPC to redress all marital grievances for a quicker and advantageous settlement. Acquittal/discharge in cases of cruelty by husbands and relatives is high at 81 per cent of cases. The crime rate of cases of cruelty by husband or relatives is as high as 4-4 while the crime rate for dowry death is 0-7 and sexual harassment is 0-9 in

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every 100,000 population. Similarly, the arrest rate for cases of cruelty by husband or relatives is 10-3. Thus, there is no single window where a woman can obtain relief on an emergency basis beginning from basic protection from violence; being turned out from the husband's home; restraining the husband from disposing of property, emptying bank lockers and accounts and depriving her of custody of her children and the right to be with them. Consequently, the harried woman is forced to agree to what is far less than her due. Most harassed women can file a criminal case under Section 498 A IPC on the charge of mental and physical cruelty and a divorce on the same grounds. But, deterred by the long time that it takes to secure the court order, she is forced to seek closure under Section 498 A IPC and settle for divorce on grounds of mutual consent. The Domestic Violence (Prevention) Bill is a significant step forward in recognizing the problems of women, children and other family members living in an atmosphere of violence. When it is finally enacted, it will provide protection against domestic violence by obtaining protection, residence and monetary relief orders. However, it does not cater to the longstanding demand of women for appropriate linkages between civil and criminal law to make Section 498 A effective. At most, the portent of the proposed legislation is like providing first aid to a critical patient.

However, this temporary relief should be followed up by setting up more family courts to deal with divorce, maintenance, child custody and division of property and reverting to the spirit that led to the formation of the family courts providing early, easy solutions to domestic problems.

Now, consider this. One in every five murders in 1999 was of women. This added up to 7,812 murders that year. Personal enmity, property disputes, love intrigues, dowry and gain are the major reasons for murdering women. Kidnapping and abduction of women account for 67% of the 23,864 cases reported. A significant feature is 54% of the victims were less than 18 years old.

### **The Failure of Law and Order**

The failure of the investigating agency can be seen from the fact that 36% of the cases remained under investigation, without finalization, till the end of the year. These are cases in which victims remained untraced or the investigation was under way to establish the charge. The police closed as many as 4,229 cases of kidnapping and abduction as false, mistake of facts or law. This signifies the shifting stand taken by victim or her family towards the crime and the criminal in view of the existing social environment.

The number of sexual harassment cases, referred to as eve-teasing in the past, rose by 10% in 1999. More than 25% of these cases were reported from Uttar Pradesh, followed by Tamil Nadu and Andhra Pradesh contributing 20% each. It is natural to expect a significant state. But, this pattern is not reflected in the statistics. Madhya Pradesh recorded the largest number of rape and molestation cases than other states but ranks much lower in the reporting of sexual harassment cases. The reason for Uttar Pradesh recording far lesser number of sexual harassment cases is an issue for serious study. This is suggestive of the criminal justice system to inspire confidence in the victims and their inability to speak out. It also raises serious doubts about the correct recording of cases as they occur and the shocking apathy to gender issues.

#### **Data Reflects the Miserable Picture of Indian Devi**

It is a matter of concern that a major part of Indian society is constituted of such women who are discriminated since their birth. Sex role socialization not only tells girls that they are different but also that they are unwanted and inferior and have to be grateful for being 'allowed' to go to school or to a friend's palace or to work. All decisions are made for the girls by others. Besides this men's work ends at setting sun, yet women's work is never done. Not only this, most of the women are the part of the disadvantaged sections of the society the world over, especially in developing and poor countries. Sexual abuse, exploitation and deprivation of women and their fundamental rights are rampant throughout the world. In fact, violence committed against women in one form or the other, is a universal phenomenon prevalent in every region and society irrespective of the social or economic class to which the women belong.

The miserable state of women has been reflected by the National Crime Records Bureau (NCRB) Report, published in June, 2006. This report gives details up to the year 2004. Some of the important facts regarding India are as follows -:

- During the year 2004, rape cases have rapidly crossed the margin of 16496.5
- Cases of eve-teasing were found more than doubled i.e. about 32000.
- During the year 2004, the cases of female foeticide increased to about 50% and the outrage against young girls increased upto 24%.
- According to this report, Delhi is the most unsafe place for the women.
- During the year 2004, in 35 metropolitan Cities of India, 1510 rape cases were found, of which 457 cases were found only in Delhi. These 457 cases constituted about 30% of the whole.

This report reveals that at every ninth minute, a woman is persecuted by her husband and relatives. At every twenty ninth minute, is woman is burnt to death. Along with this, crime head – wise in incidences, rate of India during the year 1998 are given below -:

Crime	India		
	Incidence	Rate	Percentage
Rape	15031	1.5	100.
Kidnaping and Abduction	16381	1.7	100.
Dowry Deaths	6917	0.7	100.
Cruelty by Husband and Relatives	41318	4.3	100.
Molestation	31046	3.2	100.
Eve-teasing	8123	0.8	100.
Importing of Girls	146	0.0	100.
Sati Prevention Act	0	0.0	100.
ITP Act	8695	0.9	100.
Dowry Prohibition Act	3489	0.4	100.
Incident Representation Of Women (p) Act	192	0.0	100.
<b>Total</b>	<b>131338</b>	<b>1305</b>	<b>100.</b>

**Source:** National Crime Records Bureau (NCRB) 1998

All the above mentioned facts and figures present a gloomy picture of Indian Women. Various steps have been initiated by the Indian Government.

It is all the more disgusting that a woman has to face violence since her childhood and the more shameful is that they are the victims of violence (Female foeticide and female genocide) before coming into this world. Female genocide continues in India violating the basic human rights of a girl to life itself. Female infanticide revisits India in the form of female foeticide more virulent in the north western region of India and this is when the constitution of India (Article 21, Protection of Life and Personnel Liberty) states that “no person shall be deprived of his life or personnel liberty except according to procedure established by law.” Limiting Family size, easy availability and abuse of medical technologies for the pre natal sex detection and now even at pre conception stage have work against the female child in India as elsewhere. Sex selective abortions are routinely done, largely in the private sector- the motto being Profit to me now, huge saving to you later.

Being female in large parts of India is a hazard. The dice is heavily loaded against the female form, from womb to tomb. The sun smile on SONS from Tokyo to Ankara from Beijing to Karachi, Delhi and Dhaka. The girls were and are given

instant death in the womb. India is now of the 21 countries in the world which have fewer than 95 women per hundred men. Since the start of the century if the sex ratio (number of females per thousand males) in India has come down to 972 in 1901 to an all-time low of 930 in 1971, moving upto 935 in 1981, back to 927 in 1991 & 933 in 2001. Between every census millions of females disappears from the country's population.