

Exploring the Reasons for Crime Against Women in India

Archana. N¹

Abstract: Both men and women are human beings. The difference in physical features will not change the human quality. The difference in intellect and physical strength which we find among men can be found among women also. Yet a gender is considered unequal. Violence against women affects old and young alike; it is not a phenomenon which concerns only black women or women living in poverty, as was believed up until the 1980s. This social fact often occurs in many families, no matter how wealthy or educated they are. Needless to say not every woman experiences rape or battering, but there is probably no woman that has not suffered any type of violence at any time of her life. Thus, the question of the roots for violence against women should concern every person who is not indifferent.

In Indian society, woman occupies a vital position and venerable place. The Vedas glorified women as the mother, the creator, and one who gives life and worshipped her as a 'Devi' or Goddess. But their glorification was rather mythical for at the same time, in India women found her totally suppressed and conquered in a patriarchal society. Indian women through the countries remained conquered and oppressed because society believed in clinging on to orthodox beliefs for the brunt of violence that include domestic as well as public, Physical, emotional and mental.

The scope of the study mainly covers the attitude of indifference and negligence that is primarily the result of general acceptance of men's superiority over women because of which violent acts against women have not been viewed as violent by women themselves due to their religious values and social attitudes. It is only recently that the issue of crime against women has been transformed from a private issue into a public problem. The present study tries to explore the main causes in increasing the trend of crime against women, the effectiveness and impact of existing laws to control followed by important suggestions to prevent further commission of particular crimes in India.

Keywords: *Crime Against Women, Rape, Gender inequality, Women Rights*

1. INTRODUCTION

Humiliation, harassment, torture and exploitation of women are as old as the history of family life. At present, women have become sex objects and are widely treated as inferior to men in different spheres of life. In the rural areas, wife-beating, torture of unmarried daughters, sisters and other female relatives is common phenomenon. Girls are perceived as a burden on the family, because of the huge amounts of money required for their weddings. Girls are generally not encouraged to take up even middle or higher education.

There is huge discrimination between men and women in the sphere of education and the reason attributed to such gender bias is the feeling of people that girls should be confined to the house.

2. VIOLENCE AGAINST WOMEN

The United Nations defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life (United Nation General Assembly, 1993, article 1). Violence against women was not recognised as an issue until the end of 1970s (Thiara and Gill, 2010), and debates about it are still in their infancy in many countries, especially in the Arab world. Because violence towards women was seen as the 'private' business of each family, many forms of it were not recognised as a crime until recently (Hoff, 1990; Pahl, 1985). The feminist movements played a significant role in placing violence, a unique women's problem, into the states' agendas and making it illegal (Buzawa, 2003).

2.1. Concept of Crime against Women in India

Although, women may be victims of all kinds of crime, be it cheating, murder, Robbery, etc., yet the crimes in which 'only women' are victims and which are directed specifically against them are characterized as 'crime against women'.

Broadly, crimes against women are classified under two categories.

- i. Crimes under the Indian Penal Code (IPC): It include Seven crimes; i) Rape (Sec. 376 IPC) ii) Kidnapping and Abduction (Sec. 363-373 IPC), iii) Dowry deaths (Sec. 304-B IPC), iv) Torture – Physical and mental (Sec. 498 IPC), v) Molestation (Sec 354 IPC), vi) Sexual harassment (Sec. 509IPC) and VII) Importation of girls (Sec.366-B IPC).
- ii. Crimes under Special and Local 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 the emerging requirements. Some Acts which have special provisions to safeguard women and their interests are:
 - I. The employees state insurance Act, 1948
 - II. The plantation labor Act, 1951
 - III. The family courts, act, 1954
 - IV. The special marriage Act, 1954
 - V. The Hindu Marriage Act, 1955
 - VI. The succession Act, 1956
 - VII. Immoral traffic (Prevention) Act, 1956

- VIII. The maternity Benefit Act, 1961 (Amendment in 1995)
- IX. Dowry Prohibition Act, 1961
- X. The medical termination of pregnancy Act, 1971
- XI. The contract labor (Regulation and Abolition) Act, 1976
- XII. The equal Remuneration Act, 1976
- XIII. The child marriage Restraint (Amendment) Act, 1979
- 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) Ac, 1987
- XVIII. Domestic Violence Act, 2005.

It is equally important to clarify the concept of 'Violence' against women. If we take 'violence' as "conduct which incurs the formal pronouncements of the moral condemnation of the community", or "deviation from conduct norms of the normative groups", the scope of cases of 'violence against women' becomes too broad. Narrowly, the term 'violence' has been applied to "Physically striking and individual and causing injury" (Kempe 1982; Gil 1970), to "the act of striking a person with the intent of causing harm or injury but not actually causing it" (Gelles and Strauss 1979), to "acts where there is the high potential of causing injury" (Strauss,1980), and to "acts which may not involve actual hitting but may involve verbal abuse or psychological stress and suffering." Megargee (1982: 85) has defined violence as the "overtly threatened or overtly accomplished application of force which results in the injury or destruction of persons or their reputation".

While understanding the concept of 'violence' and distinguishing it from concepts like 'aggression', 'force', and 'coercion', is both necessary and desirable, there is always the fear of getting bogged down in controversies relating to these concepts raised by various scholars. As a result, one may miss the very purpose of understanding broader aspects of the problem of "crime and violence against women", violence must be recognized as human phenomenon in as much as it consists of an act of one another Here, we consider the operational definition of violence from the individual (the women) something that she does not want to give of her own free will and which causes her either physical injury or emotional trauma or both".

Thus rape, abduction, kidnapping, Murder (all cases of criminal violence dowry death), wife battering, sexual abuse, maltreatment of a widow and for an elderly women (all cases of domestic violence) and eve-teasing, forcing wife/daughter-in-law to go for feticide, forcing a young widow to commit sati, etc (all cases of social violence), are issues which affect a large section of society. In the analysis of the problem of 'crime against women', we may focus on important issues like nature and extent of female crime in India, on identifying women who are generally victims of crime and violence, on those who are the perpetrators of crime and violence, on what motivates criminals to commit crime or victimizers to use violence, an on measures which could contain the depersonalization trauma of the victims.

3. NEED FOR THE STUDY

There is a severe misconception in understanding the problem of violence against women, which has led to take hilarious steps by elected ministers, most sober in society calling for tougher laws that mandate the death penalty for the convicted offender, and moral science listen for women how to dress.

Understanding the reasons for crime against women would provide an illuminated perspective to reduce crime against women in India.

To understand the reasons for crime against women three main perspectives are analysed,

1. Religious perspective of women
2. Society's perspective of women
3. Men's perspective of women

4. RELIGIOUS PERSPECTIVE OF WOMEN

According to Hinduism, a woman is a form of energy (shaktiswarupini) or an aspect of Shakti. She is mata, the Mother Goddess, or devi the auspicious one. As a young child she is kanya, the goddess Durga. As a wife she is patni and saha dharma charini, a partner in her husband's religious duties. As a mother she is worthy of worship.

As a child she is supposed to remain in the custody and care of her parents. Once married, she becomes a property and responsibility of her husband, who is supposed to take care of her needs and expectations and keep her in his custody. As his wife, she performs four roles: 1. as his servant (dasi) in duty, 2. as his minister (mantri) in decision making, 3. as a mother (mata) to his children and 4. as a lover (rambha) in his bed. And when she becomes old, she lives in the house of her son or sons and has to lead a very solitary and forlorn life.

'Rig Veda' says that women should beget sons. The newly married wife is blessed so that she could have 10 sons. So much so, that for begetting a son, 'Vedas' prescribe a special ritual called 'Punsawan sanskar' (a ceremony performed during third month of pregnancy). During the ceremony it is prayed: "Almighty God, you have created this womb. Women may be born somewhere else but sons should be born from this womb" - Atharva Ved 6/11/3

As, the religious versus are considered as dogma of our society, so the crime against the women persist.

5. SOCIETY'S PERSPECTIVE OF WOMEN

Girls by birth are given less rights in the society and boys are given unnecessary rights. Today, even educated people are practising gender inequality. At home, parents are responsible for this. It's demonstrated in various ways like quantity and quality of food for opposite gender siblings or freedom to express etc. anyone could witness this in majority

of the country. Gender inequality in education is extreme. Girls are less likely to access school, to remain in school or to achieve in education. Education helps men and women claim their rights and realise their potential in the economic, political and social arenas. It is also the single most powerful way to lift people out of poverty.

5.1. Wife Battering and the Legal Dimension

Most violent acts toward women take place in the home ‘...and are carried out by perpetrators who are directly related to the victims, making the home one of the most dangerous places for women’ (Faqr, 2001, p.66). For the purpose of this essay, the definition of wife-battering is narrowed to ‘...willfully striking a wife by a husband with or without injury’ (Ahuja, 1987, p.123). ‘Wife battering’ has only recently been named as a form of domestic violence and a violation of human rights (Merry, 2003). Until the 1980s, battering was seen as something ‘beyond justice’ and male batterers walked away without any punishment (Parker, 1985). The wide reforms in criminal justice made this social problem a criminal violation, although the extent to which this form of domestic violence is considered a crime is still debated. As Malos and Hague (2005) point out, although remedies against assault exist in both the criminal and the civil law, they are often not easy to use or not adequately enforced. According to Fagan (1996) there are two particular reasons that victims might not use legal sanctions against their offenders: 1) strong emotional ties between victim and assailant 2) the victim may be financially dependent on the assailant. Thus, victims may perceive that there will be threats for themselves if they invoke legal sanctions and feel unsafe to do so. In reality, victims often do not report assaults to the police, especially if they had no visible injuries. They are ashamed to file a report, think their problems are not serious and feel that no one will believe and help them. It is crucial to emphasise that the ‘visibility’ of injuries play a significant role in determining whether acts of violence are classified as 1) common assault 2) actual body harm or 3) grievous bodily harm (Hester *et al.*, 1996). One should distinguish ‘harm’ from ‘crime’, because the absence of visible injuries makes an act not criminal. ‘Norms’ - cultural, moral and social - play a significant role in identifying any act as criminal. Merry (2003) notes: ‘if [women’s] partners, relatives, friends ... tell battered women that a ‘good wife’ does not take her husband to court and that she provoked him, she may also be deterred ... and thus, her rights will be threatened’ (2003). However, the actions of battered women – when they go to court call the police and tell their stories in public ‘... reshape the way these women think about themselves and the relationship between their intimate social worlds and the law’ (Merry, 2003, p.352).

Despite the fact that almost every country has their Abuse Prevention Act, the extent to which the law is working on the ground is questionable. Battering is not seen as a ‘serious’ crime and some statistics show that arresting people for minor acts of domestic violence only increases the seriousness and frequency of the violence (Hoff, 1990). ‘The high rates of domestic violence make it difficult for police departments to arrest every man who commits a misdemeanour or felony assault against his partner, much less to arrest him every time he does it, without paralyzing their own agencies and the courts’ (Fagan, 1995, p.30). Legislative authorities do not always rely on the law, they are also driven by informal rules, what Schiller and Manikas (1987) call ‘local legal culture’

(p.327). If it is socially acceptable for a man to beat his wife in order for her to 'behave', then judges might be influenced by these stereotypes. Criminal authorities in different jurisdictions classify objectively similar cases differently and, thus, the sanctions in each jurisdiction vary (Fagan, 1996). All these barriers might stop battered women from using their legal rights. In South Asia, for instance, despite the fact that every state is bound by the norm of equality, defined by international human rights instruments, rights within families are determined by 'personal laws' – tradition, religion etc. (Hossan, 1994). In India, the Succession Act of 1965 legalised divorce, but abused women cannot use this Act because divorce is a social taboo (Rudd, 2001). In contrast, Merry (2003) argues that, by criminalising domestic violence, the law has reduced the patriarchal privileges of males within the family. However, acknowledging what was said above, one can conclude that 'privileges' were not reduced essentially, and men are still exercising their powers in spite of the legal system.

The idea of 'good victims' also undermines the significance of crime. 'Good victims' are battered women who do not fight back; who do not drink and do not take drugs (Merry, 2003, p.354). Those considered to be 'bad' women are likely to receive less assistance, not because they are identified differently within the legal systems, but because they are seen by the police and other legislative authorities as 'troublesome and difficult' (Merry, 2003, p.354).

All these obstacles make violence against women 'less of a crime' on the ground and should be considered as signs for every state to reform their legal systems in order to benefit abused women.

5.2 Honour Killings and the Legal Dimension

Honour killings, as one the most extreme forms of gender violence, will now be discussed in order to demonstrate how seriously society shapes whether violence against women is perceived to be a crime.

Honour killings are a type of femicide in defence of a family's honour. According to Faqir (2001), it is the killing of women suspected of deviation from sexual norms which have been imposed by society. This means that a female could be killed by her family if she, as an unmarried daughter, lost her virginity or, as a married woman, commits adultery. Moreover, a female could be killed because of a rumour that questions the family's honour. As Khafagy (2005), in a United Nations' report underlines, about 80% of killings in the name of honour are committed because females are suspected of immoral behavior. Honour-based killings occur, not only in Asian countries, but Western societies as well. For example, cases have occurred in Spain, Portugal, Greece and within migrant communities all over the world (Welchman and Hossain, 2005; Gangoli, 2007).

6. MEN'S PERSPECTIVE OF WOMEN

Today, in every corner of the globe, some women are denied basic human rights, beaten, raped, and killed by men. Their continued persecution is a conundrum for scholars. Why does this inequality and oppression persist? Advocates of women's rights have suggested

that among other factors, the socio-structural parameters of the ideology of patriarchy serve to constrain and control the thoughts, movements, and lives of women. It is arguable that societies that appear to be heavily patriarchal-male-dominated, male-identified, male-cantered-are the ones in which women's lives are the harshest (Johnson, 1997). These harsh conditions often include crimes perpetrated against women by men, including violence and rape. In India, violence against women occurs daily, Patriarchy plays a role in this violence.

Patriarchy is "a set of symbols and ideas that make up a culture embodied by everything from the content of everyday conversation to literature and film" (Johnson, 1997, p. 84). "At the heart of patriarchy is the oppression of women, which takes several forms" (p. 11). Patriarchy colours family, work, law, individual identity, and religion; in fact, there is not a single area that can escape the effects of patriarchy. Patriarchy must be recognized as one of the underlying causes of violence against women in India.

Examples that demonstrate that India is a society governed by a system where males hold the power include feticide, the disproportionate gender ratio, the fact that most women are not allowed to be employed, and the belief that from birth until death a woman's role is to serve men. It is recognized that patriarchy and the control and dominance of women by men have significant roles to play in the violence perpetrated against women. The patriarchal ideal is that a woman's duty is to serve her father, brothers, and husband for the entirety of her life; it is a sentiment lived out in many societies where women are subjected to spousal abuse daily.

7. SUGGESTIONS

In brief, the following measures may be suggested for reducing crime against women

1. Education institutions where extra effort must be made to inculcate in students respect for women
2. Within the family, parent's trained behaviour and civilizing women as an equal gender

8. CONCLUSION

Placing a rope over the neck or castrating the culprits is not going to be the effective deterrent. Neither a dress code for women nor the separate bus and school system is going to make the change, it's only when the revolutionary fabrics – religion, society and men's perspective bend and weave the sari that would empower women. Violence against women is an international problem. Women are friends, partners, lovers, family, and human beings. They have a right to life and to freedom from persecution based on their gender. This paper has elaborated reason for crime against women that cannot be ignored by the global community and continues to occur is because men dominate, control, and oppress women. To combat the problem of violence against women, it is imperative that we work toward changing the socialization of men to be aware of the gender discrimination that exists and work toward changing it. To do this, we cannot simply begin

with the young generation; although raising them to believe in equality is important, we must work toward changing the opinions and ideas of those who are presently in power.

9. REFERENCES

- [1] Ahuja, R. (1987) *Crime against women*. Jaipur: Rawat.
- [2] Ahuja, Ram. (2007). *Crime against Women*. Rawat Publications jaipure.
- [3] Buzawa, E.S., Buzawa, C.G. (2003) *Domestic Violence. The criminal justice response*. 3rd edn. London: Sage Publication Ltd.
- [4] Crime in India. (2007). National Crime Record Bureau.
- [5] Fagan, J. (1996) 'The criminalization of domestic violence: promises and limits', *Conference on criminal justice research and evaluation 'What to do about crime'*. National Institute of Justice, Washington D.C., 10 July. Available at: <http://www.ncjrs.gov/pdffiles/crimdom.pdf> (Accessed: 29 January 2013).
- [6] Faqir, F. (2001) 'Intrafamily femicide in defence of honour: the case of Jordan', *Third World Quarterly*, 22 (1), pp. 65-82, *INGENTACONNECT* [Online]. Available at: <http://www.ingentaconnect.com/content/routledg/ctwq/2001/00000022/00000001/art00006> (Accessed: 29 January 2013).
- [7] Gangoli, G. (2007) *Indian feminism. Law, patriarchies and violence in India*. England: Ashgate Publishing Limited.
- [8] Gill, A. (2009) 'Honor killings and the quest for justice in black and minority ethnic communities in the United Kingdom', *Criminal Justice Policy Review*, 20(4), pp.475-494.
- [9] Hester, M., Kelly, L., Radford, J. (1996) (eds) *Women, violence and male power*. Buckingham: Open University Press.
- [10] Kulwicki, A.D. (2002) 'The practice of honor crimes: a glimpse of domestic violence in the Arab world', *Issues in Mental Health Nursing*, 23 (1), pp. 77-87.
- [11] Malos, E., Hague, G. (2005) *Domestic violence. Action for change*. 3rd edn. *Great Britain: The Cromwell Press*.
- [12] Merry, S.E. (2003) 'Rights talk and the experience of law: implementing women's human rights to protection from violence', *Human rights quarterly*, 25 (2), pp.343-381. [Online] DOI: 10.1353/hrq.2003.0020 (Accessed: 29 January 2013).
- [13] Parker, S. (1985) 'The legal background' in Pahl, J. (ed.) *Private violence and public policy. The needs of battered women and the response of the public services*. London: Routledge & Kegan Paul.
- [14] Rudd, J. (2001) 'Dowry-murder: an example of violence against women', *Women's Studies International Forum*, 24 (5), pp.513-522. [Online] DOI: 10.1016/S0277-5395(01)00196-0 (Accessed: 29 January 2013).

- [15] Schiller, Stephen A., and Peter M. Manikas (1987). "Criminal Courts and Local Legal Culture." Available at: http://heinonline.org/HOL/Page?handle=hein.journals/deplr36&div=22&g_sent=1&collection=journals (Accessed: 29 January 2013).
- [16] Thiara, R.K. and Gill, A.K. (2010) (eds) *Violence against women in South Asian communities. Issues for policy and practice*. London: Jessica Kingsley.

* * *

¹Department of Visual Communication, Women's Christian College, Chennai/ Assistant Professor/Mardras University/archanaau@gmail.com