

Violence against Women: A Comparative Analysis of Southern States in India

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ABSTRACT

Woman constitutes nearly half of the global human population. Biologically, though, she is different from man, she has every right to lead a decent life on par with her male counterparts. Nevertheless, from time immemorial, she has been subjected to domination and exploitation in the hands of man either due to economic necessity or social compulsions. Though discrimination against woman is a universal phenomenon, the problem is very serious particularly in India. The discrimination and violence against woman, that start from womb penetrate into many walks of her life such as health, education, employment, wages, income, property, social laws and customs and ends with fatal threat to her self esteem and life itself. Recognizing this eventuality, the founding fathers of the Indian Constitution granted equality to woman on par with man, prohibited discrimination against women based on difference in sex and incorporated several affirmative provisions for neutralizing the cumulative socio-economic, educational and political disadvantage suffered by them. To enforce these constitutional provisions, the successive governments at the Centre and States also enacted several laws including the amendments to criminal law of 1983 that provide for a punishment of 7 years in ordinary cases of rape and 10 years for custodial rape cases. In spite of these constitutional and legal provisions, the discrimination and violence against women continues unabated in India. The National Crime Records Bureau under the Ministry of Home Affairs collects and publishes the data on Crimes in India including those against the women and girls every year. Based on the data provided in successive years, an attempt is made in this paper to analyse the trends in crimes against women and girls particularly those relating to rape in India's four Southern states viz., Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, and Telangana. The findings of the study indicated that among the five states, the largest number of crimes seemed to have been committed in Telengana and Andhra Pradesh both in absolute and relative terms in the year 2015. Though, the incidents of custodial rapes were very few, Andhra Pradesh was the only Southern state where a custodial rape was reported in the year 2015. But the incidents of non-custodial rapes seemed to have occurred in large numbers in all the Southern states particularly in Kerala, Telengana and Andhra Pradesh. The number of non-custodial individual rape cases reported in the other two Southern states particularly in Tamil Nadu and Karnataka were less and they were below the national average. The results of the ANOVA technique employed to analyse the significance of the differences in the crime rates among the five Southern states revealed that there were statistically significant differences in the number of crimes committed against women in these states. Measures such as economic and political empowerment of women, creation of awareness among the public particularly among the women about the penal laws, speedy disposal of the crime cases, vigorous punishments for crimes against women etc., will go a long way in controlling the crimes against women and achieving just and equal society free from violence against women.

Key words: violence.

The Indian Celluloid of the yesteryears portrayed the typical Indian woman as the eternal tear-jerking image. The 'Gruhini' provides indefatigable services to the every member of the family, husband, father in law, mother in law, brother in law, sister in law, son, daughter, grandson granddaughter and sometimes even to their friends and well wishers. In fact, her 'pathi' is the real God on the earth to her. He could be wayward; he could be dipsomania; he could be half Witter; he could be moron;¹ yet she submits herself even to his unjust demands as in mythological stories where 'Anusua' carrying her

husband on her head to a prostitute house. This hackneyed image is obviously a reflection of womanhood in Indian society. Nevertheless, for centuries she has been subjected to eternal exploitation and cruelty by men folk. The Women and the girls are not seen as the partners of life but as sex objects by most of the males and are dominated by the men folk. The male domination against women that has been perpetuated either by economic necessity or social compulsions, has taken a heavy toll on the half of the global Homo sapiens.² The problem is not, of course, unique to India, but it is particularly serious in this country,

and certainly deserves public attention as a matter of major priority.³ Apart from domination, the women are subjected to several types of atrocities and violence in the hands of men and even women in spite of existence of several types of legal safeguards.

Violence against Women

Violence against women and girls (VAWG) is among the most universal and pervasive form of human rights violations, affecting at least a billion women across the globe. Recent estimates suggest that approximately 35 percent of women worldwide have experienced physical and/or sexual violence from their partners, or non-partner sexual violence. VAWG takes many forms, including physical and emotional abuse, forced and unwanted sex, early and forced marriage, female genital cutting, trafficking and deprivation of resources and rights. Women and girls face violence at home, in school, on the street, at work, on public transportation and online. They experience violence in times of peace and times of conflict or war. VAWG incurs very high costs for individual women, their families and whole communities, stymieing progress to achieving development goals. The National Crime Records Bureau under the Ministry of Home Affairs collects and publishes the data on Crimes in India including those against the Women and girls every year. Based on the data provided in successive years, an attempt is made in this paper to analyse the trends in crimes against women and girls particularly those relating to rape in India's four Southern states viz., Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, and Telangana. Before, the findings are presented an attempt is made to present the various constitutional and legal safeguards available to women and girls in India.

Constitutional and Legislative Provisions Relating to Women

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, educational, political disadvantage faced by them. To be more precise, Article 14 confers on men and women equal rights and opportunities in the political, economic and social spheres. Article 15 prohibits discrimination against any citizen on the grounds of religion, race, caste and sex. Article 15(3) makes a special provision enabling the state to make affirmative discrimination in favour of women. Article 16

provides for equality of opportunities in matter of public appointments for all citizens irrespective of sex. Besides the above Fundamental Rights, the Constitution also enshrines the following Directive Principles of State Policy, which are though non-enforceable by court of law, provide guidelines for framing government policies. Article 39(a) mentions that the state shall direct its policy towards securing all citizens, men and women equally the right to means of livelihood, while Article 39(c) ensures equal pay for equal work for both men and women. Article 42 directs the state to make provision for ensuring just and humane conditions of work and maternity relief for women. Above all the Constitution imposes a fundamental duty on every citizen through Article 15(a) and (e) to renounce the practices derogatory to the dignity of women.

Legal Provisions available for Women

In addition to these constitutional provisions special legislations have been enacted to make the de jure equality into de facto one. The state has enacted the following women specific and women related legislations to protect women against social discrimination, violence, atrocities and also to prevent social evils like child marriage, dowry, rape, practice of sati etc. The Child Marriage Restraint Act of 1976 rises the age for marriage of a girl from 15 years to 18 years and makes offences under this Act cognizable. An amendment brought in 1984 to the Dowry Prohibitions Act of 1961 made subjection of women to cruelty a cognizable offence. The second amendment brought in 1986 makes the husband or in-laws punishable if a woman commits suicide within 7 years of her marriage. Also a new criminal offence of dowry death has been incorporated in the Indian Penal Code. The Medical Termination of Pregnancy Act of 1971 legalises abortion by qualified professionals on humanitarian or medical grounds. A new enactment of Indecent Representation of Women (Prohibition) Act of 1986 and the Commission of Sati (Prevention) Act 1987 have also been passed to protect the dignity of women and prevent violence against them as well as their exploitation. The Immoral Traffic (Prevention) Act of 1956 as amended and renamed in 1986 makes the sexual exploitation of male or female a cognizable offence. Hindu Succession Act 1956 enables Hindu Women to inherit or bequeath the property of their fathers along with their brothers.⁴ The Factories Act 1948 (Amended up to 1976) provides for establishment of crèche where 30

women are employed (including casual and contract labourers). The Maternity Benefit Act 1961 makes the extension of maternity benefits mandatory on the part of factories. The Equal Remuneration of Act of 1976 provides for equal pay for equal work for both men and women. Amendments to criminal law of 1983 provide for a punishment of 7 years in ordinary cases of rape and 10 years for custodial rape cases. The maximum punishment may go up to life imprisonment.

The above legal provisions are broadly classified under two categories viz., (I) The crimes under the Indian Penal Code (IPC) and (II).The crimes under the Special & Local Laws (SLL).

(I) The crimes under the Indian Penal Code (IPC)

- ❖ Rape (Sec. 376 IPC)
- ❖ Attempt to commit rape (Sec 376/511 IPC)
- ❖ Kidnapping & abduction of women (Section 363,364,364A, 366 IPC) in order to murder, for ransom, to compel her for marriage and for other purposes.
- ❖ Dowry deaths (Section 304B IPC)
- ❖ Assault on woman with intent to outrage her modesty (Sec. 354 IPC) including Sexual harassment (Sec.354A IPC), with intent to outrage her modesty (Sec. 354C IPC), Voyeurism (Sec. 354D IPC) and others.
- ❖ Insult to the modesty of women (Sec. 509 IPC), at office premises, at places related to work, in public transport and in other places.
- ❖ Cruelty by husband or his relatives, (Sec. 498A IPC)
- ❖ Importation of girl from foreign country (up to 21 years of age) (Sec. 366 B IPC)
- ❖ Abetment of suicide of women (Sec. 306 IPC)*

(II) The crimes under the Special & 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. The gender specific laws for which crime statistics are recorded throughout the country are – (i) The Dowry Prohibition Act, 1961.

- (i) The Indecent Representation of Women (Prohibition) Act, 1986
- (ii) The Commission of Sati Prevention Act, 1987
- (iii) The Protection of women from domestic Violence Act, 2005*

(iv) The Immoral Traffic (Prevention) Act, 1956#

Methodology of the Study

The Ministry of Home Affairs, Government of India brings out a report every year on Crimes in India in which some chapters are exclusively devoted for crimes against women and children. 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 characterized as ‘crimes against women’ in the Report. Various new legislations have been brought and amendments have been made in the existing laws with a view to handle these crimes effectively. Based on the data furnished in the Report, an attempt is made to analyse the crimes against women in recent years as well as in the year 2015.

Crimes in Southern States

India’s Southern states are considered to be relatively less prone to law and order problem as compared to the states in the North. Table – 1 furnishes the total number of crimes reported against women in the five Southern states viz., Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telengana. As could be observed from the table the highest number of 15, 931 cases have been reported in Andhra Pradesh constituting about 4.9 per cent of the total number of cases reported against women in India. Next to Andhra Pradesh, the highest number of 15,135 cases was reported in Telengana constituting about 3.9 per cent of the total number of cases reported in India during the year 2015. However, the rate of cognizable crimes defined as the number crimes committed against women as a proportion of estimated 1,00,000 women population in that year, Telengana tops among the Southern states. As could be observed from the table, the incidence of crimes against women is very high at 83.1 per one lakh women population, where as it was only 62.3 per one lakh women population in Andhra Pradesh. A similar picture emerges when comparing the crimes in Kerala and Karnataka. As could be observed from the table, in absolute terms, an estimated 12,705 cases were reported against women in Karnataka in contrast to only 9,708 cases in Kerala. However, analysis of the crimes against women as a proportion of total women population reveals that Kerala was ahead of Karnataka in the incidence of crimes with 53.4 per cent as against only 41.6 per cent in Karnataka. It should be noted that Kerala is the only state in India where the sex ratio, defined as the number of females to per 1000 males is

greater than 1000. It is interesting to note that the incidence of crimes against women is very low in Tamil Nadu both in absolute and relative terms. Only 5,847 cases were reported against women

which were only 17 per one lakh women population in the state as against 83 in Telangana and 62 in Andhra Pradesh.

Table 1
Cases Reported & Rate of Crime Committed Against Women During 2015

State	Cases Reported	Total Percentage Contribution to all India	Mid-year Projected Female Population (in Lakhs)	Rate of total Cognizable Crimes
Andhra Pradesh	15931	4.9	255.6	62.3
Karnataka	12705	3.9	305.7	41.6
Kerala	9708	3.0	181.7	53.4
Tamil Nadu	5847	1.8	344.8	17.0
Telangana	15135	4.6	182.1	83.1
All India	327394	100.00	6070.8	53.9

Source: National Crime Record Bureau (2016), Crimes in India 2015 Statistics, New Delhi, Ministry of Home Affairs, p. 149.

An analysis of the incidence of crime in the Southern states as compared to All India indicates that the incidence of crime is very high in Telangana (83.1) and Andhra Pradesh (62.3) as compared to All India (53.9) but that in Kerala (53.4) it was very close to All India average. On the other hand, the incidence of crimes against women in Tamil Nadu (17.0) and Karnataka (41.6) was much lower than not only in comparison with Andhra Pradesh and Telengana

but also in comparison with All India. Thus among the Southern states, Tamil Nadu and Karnataka were able to control atrocities against women through their effective policies. It should be noted that Tamil Nadu was headed by the lady chief minister late Ms. Jayalalitha. Figure-1 provides the number of cases reported against women in the five Southern states in terms of Pie diagram.

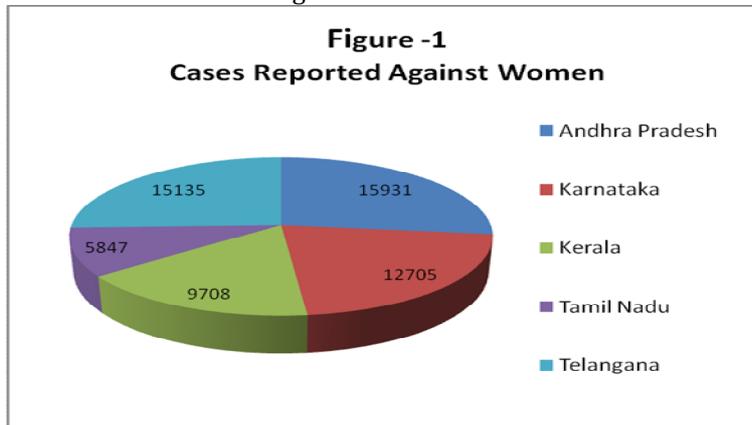
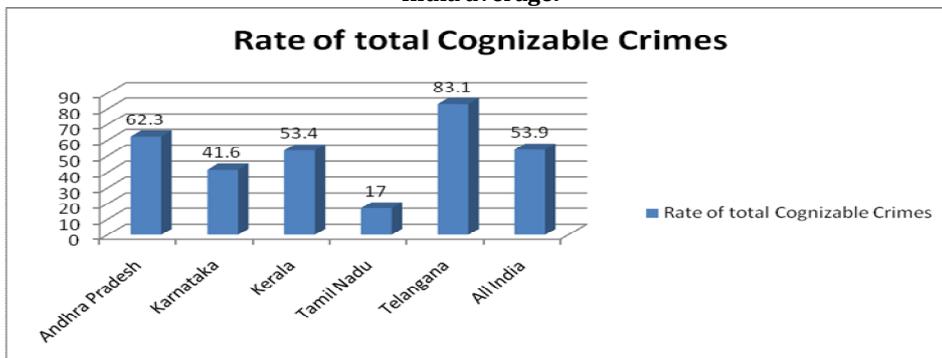


Figure - 2 displays the incidence of crimes reported against women as a proportion of estimated total number of one lakh women in that year in terms of Bar diagram in the five Southern states along with the All India average.



Rape Cases Committed against Women

One of the important crimes that affect the modesty of women is Rape. An estimated 34,651 cases of rape are stated to have been committed against women in India in the year 2015. Rape cases are categorized in to two types, viz., Custodial Rape and other than Custodial rape. Custodial rape is the worst type of crime where the persons responsible for safeguarding the law and order and protect the modesty of women themselves commit the crime. Fortunately only less number of 95 custodial rape cases was reported at the All India level. They constituted 5.7 per cent of total number of rape cases reported at All India level. It is gratifying to note that except in Andhra Pradesh where only one custodial rape was reported, in no other Southern

state, custodial rape cases were reported. As could be observed from Table – 2, among the 95 Custodial rape cases committed at All India level, only 4 cases were gang rape cases and other were individual custodial rape case. It is horrifying to note that out of 95 custodial rape cases reported in India in the year 2015, one custodial rape case was believed to have been committed in Andhra Pradesh. Moreover, Andhra Pradesh was the only state among the five Southern states where custodial rape was reported. The solacing fact is that it was not a gang custodial rape but individual custodial rape. Nevertheless, the fact that Andhra Pradesh was the only Southern state where custodial rape was reported is a matter of concern to all.

Table 2
Custodial Rape Cases Reported & Rate of Custodial Rape Committed Against Women During 2015

State	Rape (Section 376 IPC)			
	Total Rape	Custodial Rape		
		Total Custodial Rapes	Gang Rape	Other Rape
Andhra Pradesh	1027(4.0)	1(0.0)	0(0.0)	1(0.0)
Karnataka	589(1.9)	0(0.0)	0(0.0)	0(0.0)
Kerala	1256(6.9)	0(0.0)	0(0.0)	0(0.0)
Tamil Nadu	421(1.2)	0(0.0)	0(0.0)	0(0.0)
Telangana	1105(6.1)	0(0.0)	0(0.0)	0(0.0)
All India	34651(5.72)	95(0.0)	4(0.0)	91(0.0)

Note: Figures in Parentheses represents Crime rates against women.

Source: National Crime Record Bureau (2016), Crimes in India 2015 Statistics, New Delhi, Ministry of Home Affairs, p. 150-151.

Table-3 reports the data on the number of rape cases other than Custodial rape in the five Southern states as well as at All India level. It could be observed from the table that a whopping 34,556 non-custodial rape cases were reported at All India level in the year 2015. Out of them, 2,113 cases were non-custodial gang rape cases committed against women. The accounted for 0.3 per cent of total crime cases against women committed in the year 2015. On the other hand non-custodial non-gang (individual) rape cases turned out to be high at 32, 443. They constituted 5.3 per cent of the total number of onslaughts carried out against women in the year 2015. Thus in spite of enabling constitutional provisions and strict laws against onerous activities, the assault against women continues in India. The situation is no less serious in the five Southern states particularly in Andhra Pradesh, Telangana and Kerala. More than a thousand cases were reported in each of these three states in the year 2015, the highest number of cases being 26 non-custodial gang rapes and 1079 non-custodial non-gang (individual) rapes in Telangana. Next to Telangana, the highest number of Andhra Pradesh at 1026.

Table 3 Cases of other Rapes Reported & Rate of Crime Committed Against Women During 2015

State	Rape (Section 376 IPC)		
	Rape Other than Custodial (Non-Custodial)		
	Non- Custodial (NC) Rape	NC Gang Rape	N-C Other Rape
Andhra Pradesh	1026(4.0)	24(0.1)	1002(3.9)
Karnataka	589(1.9)	21(0.1)	568(1.9)
Kerala	1256(6.9)	12(0.1)	1244(6.8)
Tamil Nadu	421(1.2)	4(0.0)	417(1.2)
Telangana	1105(6.1)	26(0.1)	1079(5.9)

All India	34556(5.7)	2113(0.3)	32443(5.3)
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Note: Figures in Parentheses represents Crime rates against women

Source: National Crime Record Bureau (2016), Crimes in India 2015 Statistics, New Delhi, Ministry of Home Affairs, p. 150-151.

More than 10 cases of non-custodial gang rapes and more than 1000 cases of non-custodial non-gang rapes were reported in each of these three states in the year 2015, the highest number of cases being 26 non-custodial gang rapes and 1079 non-custodial non-gang (individual) rapes in Telengana. Next to Telengana, the highest number of 24 non-custodial gang rapes and 1002 non-custodial non-gang (individual rape) cases were reported in Andhra Pradesh in the year 2015. A cursory glance at the data presented in Table 3 brings home the startling conclusion that Kerala tops in the number of non-custodial

individual rape cases with a record level of 1244 cases registering a crime burden of 6.8 per one lakh women. In other words, every 7th women per one lakh women population is put this onerous cruelty in Kerala. Next, to Telengana and Andhra Pradesh, non-custodial gang rapes were very high in Karnataka with 21 cases reported in 2015 and with a crime burden of 0.1. As compared to all other Southern states, Tamil Nadu is considered to be less prone to cruelty against women with only 4 cases of gang rape and 417 cases of individual rape cases recorded in the year 2015.

Statistical Analysis of the Crime Rates

In order to analyse the significance of the differences in the crime rates among the five Southern rates statistically, One Way ANOVA was carried out and the same is furnished in Table - 4.

Table - 4 Results of the ANOVA Single Factor for Table-1

<i>Groups</i>	<i>Count</i>	<i>Sum</i>	<i>Average</i>	<i>Variance</i>
Cases Reported	4	43395	10848.75	16045472
Rate of total Cognizable Crimes	4	195.1	48.775	753.5758
ANOVA				
<i>Source of Variation</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>
Between Groups	2.33E+08	1	2.33E+08	29.07586
Within Groups	48138677	6	8023113	
Total	2.81E+08	7		

Source: Computed for the data presented in Table -1.

A glance at the results of the ANOVA clearly reveals that the computed F-test value of 29.076 was far higher than the critical or table or theoretical F-value of 5.987 indicating that the differences found among the five Southern states in the crime rates against women were statistically significant at 5 per cent probability level. It is also clear from the closeness of p-value to zero.

Similarly, in order to analyse the significance of differences in the non-custodial rapes in the five Southern states one way ANOVA

was carried out and the results are furnished in Table-5. It could be observed from the table that the computed F-test value of 28.68 was far higher than the table or critical or theoretical F test value of 5.32 again reiterating the earlier conclusion that the observed differences in the reported cases of gang and individual rape cases were statistically significant at five per cent probability level. In other words, the performance of some states particularly Tamil Nadu and Karnataka and to some extent Kerala was extremely good and should be emulated by other states in the region.

Table - 5 Results of the ANOVA Single Factor for Table-3				
SUMMARY				
<i>Groups</i>	<i>Count</i>	<i>Sum</i>	<i>Average</i>	<i>Variance</i>
NC Gang Rape	5	87	17.4	84.8
N-C Other Rape	5	4310	862	124268.5

ANOVA				
<i>Source of Variation</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>
Between Groups	1783373	1	1783373	28.68236
Within Groups	497413.2	8	62176.65	
Total	2280786	9		

Concluding Observations:

Women who constitute nearly 50 per cent of the total population are subjected to various crimes in the hands of men and sometimes even in the hands of fellow women. Ministry of Home, Government of India publishes data on crimes in India in its Annual Crime Records Report. Though, women may be victims of general crimes such as 'murder', 'robbery', 'cheating', etc., the Report takes into account only the crimes which are directed specifically against women and they are characterised as 'crimes against women'. Apart from various enabling Constitutional provisions in favour of women, numerous new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes effectively. In this paper, based on the data published in the Annual Report of the Ministry of Home Affairs, an attempt has been made to analyse crimes against women focusing special attention on the rape cases in the five Southern states, viz., Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telengana. The findings of the study indicated that among the five states, the largest number of crimes seemed to have taken place in Telengana and Andhra Pradesh both in absolute terms as well as in relation to total women population in the respective states in the year 2015. Though, the incidents of custodial rapes were very few, Andhra Pradesh was the only Southern state where one custodial rape was reported in the year 2015. But the incidents of non-custodial rapes seemed to have occurred in large numbers in all

the Southern states particularly in Kerala, Telengana and Andhra Pradesh. The number of non-custodial individual rape cases reported in the other two Southern states particularly in Tamil Nadu and Karnataka were less and they were below the national average. The results of the ANOVA technique employed to analyse the significance of the differences in the crime rates among the five Southern states revealed that there were statistically significant differences in the number of crimes against women in these states. Measures such as economic and political empowerment of women, creation of awareness among the public particularly among the women about the penal laws, speedy disposal of the crime cases, vigorous punishments for crimes against women etc., will go a long way in controlling the crimes against women and achieving just and equal society.

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