VIOLENCE AGAINST WOMEN IN INDIA: A STUDY WITH SPECIAL REFERENCE TO UTTAR PRADESH

Dr. Chitwan Varma,
Associate Professor
Department of English
Shri J.N.P.G. College, Lucknow.

INTRODUCTION

Every girl and woman should be able to live safely and free of violence. Violence against women and girls is a gross human rights violation that fractures families and communities and hampers development. It has enormous social, economic and productivity costs for individuals, families, communities and societies. It is widespread, with seven in ten women globally estimated to be beaten, raped, abused, or mutilated in their lifetimes – and most of this violence takes place in intimate relationships. A 2013 WHO global study states that 35 per cent of women worldwide have experienced either physical and/or sexual violence. This section examines the situation in Uttar Pradesh.

Violence against women (in short as VAW) is defined by the United Nations as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Violence against women is a manifestation of historically unequal power relations between men and women. VAW is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

This review examines VAW under the following two categories
(i) Intimate partner violence and
(ii) Sexual Violence. Intimate partner violence refers to behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours. Sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. This includes rape, sexual harassment, outraging modesty, molestation, kidnapping and abduction.

CRIMES AGAINST WOMEN

The National Crime Record Bureau (NCRB), India reported a total of 2,44,270 incidents of crime against women during the year 2012, an increase of 6.4% from 2011. The overall trend shows an increase in reporting of crimes against women. Over a 10-years period since 2001, the reported crime against women rose by 59 percent. The proportion of IPC crimes committed against women towards total IPC crimes also increased from 8.8% (2007) to 9.4% (2011). Cruelty by husband and relatives occupied the largest share of reported crimes at 43%. (Figure 1.1; Source # 1).
The NCRB statistics indicate that an Indian woman is most unsafe in her marital home with 43.6% of all crimes against women being "cruelty" inflicted by her husband and relatives. These numbers do not include incidences of marital rape, as India does not recognize marital rape as an offence. Of the 24,923 rape incidences in India in 2012, 98% of the offenders were known to the victim, which is higher than the global average of approximately 90%. This may also mean that children – boys and girls – in India grow up in a situation where they see violence against women as the norm.

A total of 23569 incidents of crime against women were recorded in Uttar Pradesh in the year 2012. Whereas the rate of crime against women (number of crimes per 1 lakh population of women) all over India in 2012 is 47.74, it is 24.25 in Uttar Pradesh. The crime rate as well as annual growth in crime rate (2001-2011) is also highest from West Bengal of 16% as compared to the national rate of 4.7%. With a comparatively lower rate of reporting of crimes against women in UP is not in the top 10 states in India (Table 1.2)
According to NCRB statistics, amongst the 53 cities reporting the high incidents of crimes against women, Vijaywada was highest with 256.34 incidents for every lakh women. From UP, Meerut ranked as the most unsafe city in the state with 71.3 incidents at 13th with Agra 14th and Lucknow 20th most unsafe city in India. (Source # 5)

Though more crimes against women are being reported than ever below and cases are rising every year (see Table 1.3), a large percentage of violence against women goes unreported. There are several reasons why under-reporting is high. First, the perpetrators are often friends and family. Of the 24,923 rape incidences in India in 2012, 98% of the offenders were known to the victim, which is higher than the global average of approximately 90%. General economic dependence on their families and fear of social ostracization act as significant disincentives for a woman to report any kind of sexual violence or abuse. This may also mean that children – boys and girls – in India grow up in a situation where they see violence against women as the norm. Second, reporting of crime has historically been low because of perverse policing incentives, and they tend to be even lower for gender crimes. Policemen tend to be far more reluctant to register crimes such as sexual harassment and domestic violence as compared to other crimes such as break-ins. Low conviction rates act as a further disincentive.

A recent Lucknow University study on 3000 women in 10 districts of UP (Source #4) documents that women of all ages report being victims of violence in their lifetime. Slapping was the most common form of physical violence reported by all respondents while 34% of married women were slapped by their husbands and in 15% their hair had been pulled and arms twisted. 2 in 5 women who experience physical/sexual violence reported injuries. However, again there was reluctance to report. The national family health survey data reports similar findings on physical violence among married women.

Table 1.3 Category-wise incidents of Crimes against women during 2008-2012, India (Source# 3)
INTIMATE PARTNER VIOLENCE  
(CRUELTY BY HUSBAND/ RELATIVES)

**Domestic Violence/Torture (498A):**

Domestic violence includes violence perpetrated by intimate partners and other family members and manifested through physical, sexual, psychological and economic abuse. Cases of domestic violence/torture in India increased by 5.4% in 2012 (over the previous year from 94,041 cases). 19.9% of these were reported from West Bengal (19,772 cases). Uttar Pradesh recorded a slight increase in 2012 (7661cases) in comparison to 2011(7121 cases). The overall trend in decadal record for UP shows an increase in reported cases in 2008 (8312cases) and 2009 (8566). See Figure 1.4. Division-wise/ city data for domestic violence in UP is not available.
Figure 1.4 Reported cases of cruelty by husband and relatives in UP and India

Figure 1.5 Reported cases of Dowry related deaths in UP

DOWRY DEATH AND BRIDE BURNING (SECTION 302/304-B INDIAN PENAL CODE)

The Dowry Prohibition Act of 1961, prohibits the request, payment or acceptance of a dowry, "as consideration for the marriage". Dowry here is defined as a gift demanded or given as a pre-condition for a marriage. However, one woman dies every hour due to dowry related reasons on an average in the country, which has seen a steady rise in such cases between 2007 and 2011. National Crime Records Bureau (NCRB) figures state that 8,233 dowry deaths were reported in 2012 from various states. The statistics work out to one death per hour. However, a slight decline in dowry deaths, from 8,618 in 2011 to 8,233 in 2012 is noted.

Uttar Pradesh reported the highest number of dowry deaths with 2244 cases, followed by Bihar with 1275. As per the UP State Crime Bureau Records the number of dowry deaths has been increasing since the last decade to peak in the year 2011 and then decreased to some extent in 2012. Lucknow Division recorded maximum number of cases of dowry deaths followed by Agra in the last decade. The least number of cases were recorded in Basti Division.
In 2011 the reported dowry deaths nationally were 8,618. However, the overall conviction rate was 35.8 per cent. In 2012 the conviction rate was further less at 32 per cent. There is need for quick conviction. Improper investigations by the police at the initial stage of the case slow down the process of judicial proceedings. The existing law has certain loopholes, despite the amendments made to the Dowry Act in 1983. This problem is not only limited to the lower or middle class. Higher socio-economic strata is equally involved in the practice of dowry.

**HONOR KILLING**

“Honor killings” often take place when couples marry outside their caste or gotra (clan) in breach of longstanding tradition. These killings are usually ordered or approved by family members or khap panchayat elders. Other reasons can be inter caste/religion marriage or widow remarriage. Honor killings are about controlling women’s sexuality and restricting her freedom to take decision about her own life. Even though there is considerable media coverage of honor killing cases yet they are not recorded or reported under this category as the cause has to be proven in the court of law. Thus honor killings are not a classified crime now, and no separate data of such cases are available with the National Crime Records Bureau. However, data from independent resource centres indicates an incidence of more than 1000 honor killings in India. Haryana, Punjab and UP account for about 900 cases of honor killing.

**WITCH LYNCHING**

There are instances reported of witch-hunting in Uttar Pradesh villages even today. Most of them happen due to property disputes (widows asserting their right to husbands property). Most of these cases go unreported due to limited awareness of the victim. Statistics from the crime report indicate that murders of suspected witchcraft practitioners dropped by half from 240 in 2011 to 119 in 2012. Women accused of witchcraft are often humiliated before they are lynched by parading them naked in public. As late as in 2010, cases of women in Sonebhadra district being victimized for witch hunting through chopping of the tongue and being paraded naked in public are reported.

The frequency of such assaults and the dismal conviction rate, despite the existence of the Prevention of Witch Practices Act, has terrified victims into a silent acceptance of the cruelty. Some of the most common concerns in relation to witch hunting are that in very few cases have the authorities actually responded to the complaints, and witch hunting is severely under reported, poorly investigated and prosecuted with negligible rates of conviction. The police often do not register FIRs.

**SEXUAL VIOLENCE**

**Rape (Section 376 Indian Penal Code)**

As per the NCRB data of 2012 in a female population of 971.76 lakh women the total number of incidents of rape cases in Uttar Pradesh in 2012 was 1963, which forms 2.02% rate of crime and 7.88 percentage share of the crime in Uttar Pradesh. Though reported incidents of rape per 100,000 people are much below national level, there is an increasing trend is seen in reporting in UP since 2002 with 2500 cases reported in 2011 (Fig 1.6.).
Meerut division accounted for maximum reported rape cases (18%) followed by Lucknow division (12%) in 2013. A total of 1,576 cases of rape of women belonging to Scheduled castes were reported in the country during the year 2012. Of these 18% (285 cases) were from UP. The incidence of reported rape of minors in the country has been on the rise from 5,045 (2007) such to 8541 (2012). In 2008, Uttar Pradesh reported the highest number of 900 cases and 1040 minors were raped in the State in 2012. vi Another significant data is that rural India reported the majority of the 24,923 incidents in 2012, and just 3,035 were in major cities. vii

Trends in conviction rate for rape in India show Delhi’s conviction rate is estimated at 41.5 percent, Maharashtra at 20.3 per cent and Uttar Pradesh at 56.4 percent. viii It may be noted that though the reported rape cases have increased over the years the conviction rate of 44.3% in 1973 has nearly remained the same at national level. While UP’s rate is above the national figure there is certainly scope for improvement.

**Sexual Harassment of Women (Sec. 509 IPC)**

This was the largest category of reported crimes against women in UP at 9129 cases in 2013. Reported harassment was the highest in Meerut division with 1473 cases in 2013 followed closely by Lucknow with 1451 cases (Fig. 1.7). These two divisions account for 32% of the cases. An increasing trend in reporting of sexual harassment is seen from 2510 cases in 2003 to 9129 cases recorded in 2013. Devipatan division reported the least number of sexual harassment cases.

**Molestation (Sec. 354 IPC)**

Of the total 1511 cases of molestation reported in UP in 2013, the highest 18% were reported from Meerut division, followed closely by Moradabad with 11% of the total. Lowest number of cases were reported from Basti division(Figure 1.8) There has been a decrease in trend of molestation cases with
4769 cases recorded in 2003 coming down to 1511 cases of molestation recorded in 2013.

**Outraging Modesty (Sec. 354. IPC)**

With 1077 cases recorded in 2003, The decadal trend in the category of outraging modesty has showed an increase from 1077 (in 2003) to 3421 (in 2011) and slowly decreasing to 3143 (2012) and decreasing further to 1510, almost by 50% in 2013. The maximum number of cases recorded under “outraging modesty” were from Meerut division with 18%, followed by Moradabad and Jhansi with 11% in 2013. From Mirzapur division only 6 complaints were recorded in 2013 (Fig 1.9)

**Kidnapping & Abduction (Sec. 363-373 IPC)**

*(Incidence- 38,262  Rate- 6.5)*. These cases have reported an increase of 7.6% during the year 2012 as compared to previous year (35,565 cases). Uttar Pradesh with 7,910 cases has accounted for 22.2% of the total cases at the national level. Delhi UT has reported the highest crime rate at 25.3 as compared to the national average of 6.5.

![Graph showing % for Outraging Modesty in UP](image)

**Table 1.10: Uttar Pradesh Reported Crimes Against Women in 2013 (NCBR)**

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<tr>
<th>UP Divisions</th>
<th>Rape cases</th>
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<th>Harassment</th>
<th>Molestation</th>
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<td><strong>2083</strong></td>
<td><strong>9129</strong></td>
<td><strong>1511</strong></td>
<td><strong>1510</strong></td>
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AT A GLANCE

- Reporting of crimes against women increased by 59% over the last 10 years. However, still a large percentage of violence against women goes unreported. A UP survey shows one in three married women suffered physical abuse (slapping).

- The rate of crime reported against women (number per 1 lakh population of women) all over India in 2012 was 47.74, whereas in Uttar Pradesh it was 24.25.

- Rape and violence against women are among the most under-reported crimes because of the social stigma attached to the nature of the crime.

- Meerut ranked as the most unsafe city in UP and 13th in India with 71.3 incidents, followed by Agra and then Lucknow as the 20th most unsafe city in India.

- The NCRB statistics indicate that an Indian woman is most unsafe in her marital home with 43.6% of all crimes against women being "cruelty" inflicted by her husband and relatives. In 2012, 7661 cases of domestic violence perpetrated by intimate partners and other family members were reported in UP.

- Sexual harassment was the largest category of reported crimes against women in UP at 9129 cases in 2013.

- Uttar Pradesh reported the highest number of dowry deaths with 2244 cases, followed by Bihar with 1275. The conviction rate for dowry deaths was only 32 per cent nationally in 2012.

- Reported incidents of rape per 100,000 population in UP were below national level of 2.0 (2011). However, an increasing trend is seen in reporting in UP since 2002.

- Rural India reported the majority of the 24,923 rape incidents and just 3,035 were in major cities (2012).

- Conviction rate for rape is estimated at 41.5 percent for Delhi, Maharashtra at 20.3 per cent and Uttar Pradesh at 56.4 percent.

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