

CHAPTER VII

CONCLUSION

Conduct of individuals is regulated by the laws as well as by the customs of the society. Laws are enacted and enforced by the state and values and customs are adhered by the society. Peace is maintained by the enforcement of the laws. Offences are those acts of human beings which are contrary to the laws. Violation of such laws is punishable. Such punishable acts and conduct are said to be offences or crimes.

Crimes are as old as human civilization and **Crimes Against Women** have been in existence since then. Crimes Against Women are ubiquitous. Nature of Crimes Against Women, its types, dimensions and rate of change vary from country to country and time to time. Even within a country it varies from region to region. Even within a region it varies from stratum to stratum based on its socio-economic background. However, a country's level of development, cultural maturity and the level of enforcement of law and order are factors that affect the quantum and nature of crimes committed against women.

In politically well developed and culturally matured societies, Crimes Against Women are generally and relatively less than in politically less developed countries, whose social and cultural values are at cross roads. Further, approaches to the cognizance of Crimes Against Women, except heinous crimes, varies from a soft approach to a strict approach.

Changing trends in Crimes Against Women are also found to be varying. Its variations depends upon many factors like the nature of the culture, type of the political system, level of literacy including female literacy, level of development including economic development, socialisation, social control of

human beings, etc. Population explosion is another factor which also increases Crimes Against Women including variation in the nature of the crimes.

In the present study, changing trends in Crimes Against Women in India have been analysed. Here, crimes refer to only those crimes which are prescribed in criminal laws that have been taken up for analysis. Some of the special laws related to Crimes Against Women have been analysed in addition to the general offences enumerated under IPC.

This study covers a period of two decades from 1994 – 2013. It has focussed on analysing the trends of Crimes Against Women after the advent of the era of **Liberalisation, Privatisation and Globalisation**. This global ideology and its practices initiated several changes in the attitude of human beings. This global movement also had an effect on the political systems at the global level leading to changes in their principles and policies. Whatever changes happened, they have a corresponding effect on the criminal jurisprudence and consequently on Crimes Against Women. India also witnessed such tumultuous changes in its political and socio-economic spheres. Change is the only unchanging phenomenon, but its nature and dimensions do change. Some changes may be progressive, others may be regressive; some are cyclical, others are linear; some changes are substantial, while others are cultural. All these changes find their reflection in crimes in general and so correspondingly have an impact on Crimes Against Women in particular. The study centres around **three main hypotheses and 128 sub-hypotheses**. Trends and variations studied for India are compared with that of Tamil Nadu also. These mentioned hypotheses were tested and the findings have been presented.

The first main hypothesis framed was that there are significant changing trends in the **quantum of crimes** committed against women in India. Quantum of crimes committed against women here refers to the quantity of incidences of total CAW, various types of CAW, various types of victims of rape and various types of offenders of rape, which are various aspects of crimes, listed out in

criminal laws of India. Such changing trends of **22 aspects** of Crimes Against Women were analysed in two ways viz., relative changes and absolute changes. The dimensions of these relative and absolute changes are found in four ways viz., (i) high decrease, (ii) moderate decrease, (iii) moderate increase and (iv) high increase. Based on these 22 aspects, the main hypothesis was divided into 66 sub-hypotheses. They were tested and the results are summed up as given below. All the 22 aspects of Crimes Against Women studied have exhibited changing trends. While 15 aspects show overall increasing trends, 7 aspects show decreasing trends. In relative changes, high decreases are noted in 3 aspects, moderate decreases in 8 aspects, moderate increases in 6 aspects and high increases in 5 aspects. Likewise, in absolute changes moderate decreases in 6 aspects, moderate increases in 13 aspects and high increases in 3 aspects are found. While comparing the overall crimes that occurred in India during the study period, it is found that the total CAW has increased, whereas overall crimes have decreased. Among 10 types of Crimes Against Women studied, it is heartening to note that the overall trend is decreasing in sexual harassment, importation of girls, immoral trafficking and indecent representation of women. It is also worth mentioning that rapes committed by close family members of the victims and those rapes inflicted by unknown persons of the victims of rape are also showing decreasing trends. The terrible crimes like rape, dowry death and cruelty by her husband and his relatives are in increasing trend. Out of them high increase is noted both in relative as well as absolute changes in the domestic crime, viz., cruelty by her husband and his relatives. In all the 6 types of victims of rape increasing trends are noticed.

The second main hypothesis, i.e., there are significant shifting trends in the **nature of crimes** perpetrated on women in India, was tested. This main hypothesis is divided into 12 sub-hypotheses. The shifting trends were studied also based on relative as well as absolute changes. Intensity of both these changes is expressed in four ways as discussed earlier. It is observed that except incest rape cases and unknown offenders to the victims of rape, other natures of

various aspects of CAW are in overall increasing trend. In relative changes high decrease, moderate decrease, moderate increase and high increases are found in 2 aspects each, out of 8 aspects. Likewise, in absolute changes moderate decreases are noted in 2 aspects, moderate increases are noted in 5 aspects and high increase is noticed in one aspect. Adolescent victims of rape are having high increase both in relative as well as in absolute changes. On studying the shifting trends from person related to property oriented, the shift is apparent, whereas the shift from non-incest to incest is absent. The shift from young to adolescent victims of rape is found. Lastly the shifting from unknown to known lacks evidence. Hence, it is established that the main hypothesis is accepted as far as the two natures of crimes are concerned viz., person related to property oriented and young to adolescent victims of rape, whereas the main hypothesis is rejected in the categories of non-incest to incest rapes and unknown to known offenders of rape are concerned.

India is a land of diversity. People of different ethnic cultures and races are living in this country. There are wide regional variations in terms of the attitudes towards women. **Spatial variations** in 10 factors of crimes are studied based on geographical location, rural and urban divide, total population, female literates and female workers. A special study is made using the technique of Choropleth Mapping. The third hypothesis, i.e. there are variations in the commission of certain factors of crimes inflicted upon women with respect to spatial variation in India was tested. This main hypothesis was subdivided into 50 sub hypotheses and all are found to be accepted.

The study on spatial variations based on **geographical location** reveals that in 5 out of 10 factors viz., total CAW, kidnapping and abduction, dowry deaths, dowry harassment and property oriented crimes, ratios are highest in east and northeast region. Ratios in 3 factors viz., rape, adolescent victims of rape and known offenders of rape are highest in central and west region. It is important to note that these 3 factors are related to the heinous crime of rapes.

Cruelty by her husband and his relatives and molestation are highest in south. On the contrary, total CAW, dowry deaths, cruelty by her husband and his relatives and property oriented crimes are lowest in north. Rape, kidnapping and abduction and known offenders of rape are least in south and two other factors viz., molestation and dowry harassment are minimal in central and west region. On studying spatial variations of total CAW, rape, property oriented crimes, adolescent victims of rape and known offenders of rape, using **Choropleth Mapping**, their ratios increased between the years 2012 and 2013, in 19%, 25%, 6%, 18% and 25% of the state and union territories, out of 35 states and union territories in India respectively.

In spatial variations based on **rural and urban divide**, 9 out of 10 factors are found highest in the urban areas except dowry deaths, which is highest in rural areas of India. From spatial variations studied based on **total population**, it is inferred that total CAW, kidnapping and abduction, molestation and known offenders of rape are highest in R2 region, in which the constituent states are having their total population of above 1.4 millions but below 25 millions. Rape, cruelty by her husband and his relatives, dowry harassment and property oriented crimes are highest in R3 region, in which the component states are having their total population above 25 millions but below 65 millions. Adolescent victims of rape is highest is R1 region and dowry deaths is highest in R4 region, in which the constituent states are having their total population up to 1.4 million and above 65 millions respectively. Contrary to this total CAW, dowry deaths, cruelty by her husband and his relatives and property oriented crimes are least in R1 region. Rape, kidnapping and abduction, molestation and known offenders are minimal in R4 region. Dowry harassment is least in R2, whereas adolescent victims of rape are lowest in R3 region. Population increase does not have any substantial effect on the increasing ratios of nine factors of crime, except the dowry deaths.

Variations based on **female literates** reveals that total CAW, kidnapping and abduction, molestation and known offenders of victims of rape are highest in R2 region, in which the constituent states are having their female literates above 5 lakhs but below 6 millions. Rape, cruelty by her husband and his relatives, dowry deaths and property oriented crimes are highest in R3 region, in which the component states are having their female literates above 6 millions but below 17.65 millions. Adolescent victims of rape are highest in R1 and dowry deaths are highest in R4 in which the constituent states are having their female literates' upto 5 lakhs and above 17.65 millions respectively. Contrary to this rape, kidnapping and abduction, molestation, adolescent victims of rape, known offenders of rape are lowest in R4. Total CAW, dowry deaths, cruelty by her husband and his relatives and property oriented crimes are minimum in R1 and the dowry harassment is least in R2. While the ratios of the dowry deaths are found to be highest in highly literate states, the ratios of adolescent victims of rapes are highest in least literate states. This shows that female literacy and dowry deaths are positively associated and the same with the adolescent victims of rape is negatively associated.

On studying variations based on **female workers**, 4 factors viz., rape, kidnapping and abduction, molestation and known offenders of victims of rape are highest in R2 region, in which the constituent states are having their numbers of female workers above 2 lakhs but below 18 lakhs. Other 4 factors viz., total CAW, cruelty by her husband and his relatives, dowry harassment and property oriented crimes are highest in R3 region, in which the component states are having female workers above 18 lakhs but below 9 millions. Adolescent victims of rape are highest in R1 region and dowry deaths are highest in R4 region, in which the constituent states are having their female workers up to 2 lakhs and 9 millions respectively. Contrary to this, total CAW, kidnapping and abduction, dowry deaths, cruelty by her husband and his relatives, molestation, and property oriented crimes are least in R1 region. Rape and known offenders of victims of rape is minimal in R4. Dowry harassment and adolescent victims of rape are

found least in R2 and R3 respectively. It is also found that number of dowry deaths is more among the states having higher female workers. Adolescent victims of rapes are found high in states having lesser female workers.

A **comparative study** besides a case study was made on the changing trends and variations of Crimes Against Women in Tamil Nadu with that of India. All the trends and variations studied for the Indian context are also studied for the data pertaining to Tamil Nadu to find out their similarities and dissimilarities. Out of 22 aspects of Crimes Against Women studied and compared on **quantum of crimes**, except the aspects related to victims of age from 19 to 30 years and the offenders, who are the relatives of the victims, in all other 20 aspects, similar trends are found. While the category of victims of age group from 19 to 30 years has an increasing trend in India, the same is in decreasing trend in Tamil Nadu. The trend in incidences of rape cases, in which relatives of the victims of rapes are involved, is in increasing trend in India, while it is showing a decreasing trend in Tamil Nadu.

On studying shifting trends in the **nature of crimes** in Tamil Nadu, it is found that except in person related to property oriented crimes, in all the other 3 natures of crimes, similar trends are noticed between India and Tamil Nadu. While there is a shifting trend from person related to property oriented crimes in India, it is the other way in Tamil Nadu.

Spatial variations based on rural and urban divide show that urbanisation is having a tremendous effect on Crimes Against Women in India compared to the state of Tamil Nadu as 9 out of 10 factors are highest in urban India, whereas quite contrarily, 8 out of 10 factors are highest in rural Tamil Nadu. Spatial variations based on geographical location of Tamil Nadu show that in all 10 factors of crimes studied, it is highest in the districts of south police zone. On studying spatial variations of total CAW, rape, property oriented crimes, adolescent victims of rape and known offenders of rape, using Choropleth

Mapping, their ratios increased between the years 2012 and 2013, in 19%, 59%, 13%, 38% and 41% of districts respectively, out of 32 districts of Tamil Nadu. 6 out of 10 factors are highest in R3 region, in which the constituent districts are having their total population, above 2 millions, but below 3.5 millions. Rape and adolescent victims of rape are highest in R4, in which the constituent districts are having their total population above 3.5 millions. Whereas total CAW is highest in R4 region, in which the constituent districts are having their total population above 1.5 millions but below 2 millions. 6 out of 10 factors of crime are highest in R1 region, in which the constituent districts are having their female literates up to 5 lakhs, when spatial variations are studied based on female literates. Female literacy has minimized Crimes Against Women in Tamil Nadu. 5 out of 10 factors are highest in R2 region, in which the constituent districts are having female workers above 2.2 lakhs but below 7.3 lakhs when the spatial variations are studied based on female workers in Tamil Nadu. The special study on the shifting trend from **conventional to modern crimes** reveals that in Tamil Nadu, it is true with reference to Crimes Against Women.

The **observations** made on 20 cases in Tamil Nadu on various types of Crimes Against Women reveal the following:

- (i) The group psychology of offenders prevails on them while committing rape and murder, though none of them committed the same type of offence earlier;
- (ii) The atrocious crime of rape is being committed on women irrespective of their age, which ranges from 18 years to 70 years, by unknown offenders to the victims, despite their backgrounds;
- (iii) Social and psychological pressure of getting marriage is one of the prime factors prevailing in the society and thereby making young women fall into the vicious traps of the offenders;
- (iv) Economic status of women does not act as a bar on domestic violence which results in murders and dowry deaths;

- (v) Mothers, at times, become the perpetrators of crime against their own children;
- (vi) In dowry death cases, at times, the enforcement agencies are not meticulously adopting the legal tenets of the criminal laws;
- (vii) It is easy to push young girl children into the vice of prostitution, if they are motherless and their fathers are drunkards;
- (viii) Proper rehabilitation of the victims of prostitution prevents them from going back to the same social menace;
- (ix) Domestic violence cases are not adequately taken cognizance of, even by the women enforcement authorities; and
- (x) Reporting of crime by sensitized women victims will lead to reduction in crimes.

The **possible causes** for the changing trends and variations in Crimes against Women are as follows. The general tendency of reporting behaviour of crimes has changed drastically in the entire study period. Earlier women were found to be submissive and ignorant of laws, which are there to protect them and punish the offenders. Educating women was not encouraged and accessibility was limited. But now the process of empowerment of women in socio, political and cultural spheres has increased their confidence level and encourages them to access the developments in legal sphere. Hence the reporting of crimes in general and Crimes Against Women in particular is increasing. At the same time, it is sad to note that men are still dominating women and are using their muscle power to put down women whenever they raise their voice, which leads to clashes and consequently the reporting rate has increased. On the whole, the total Crimes Against Women with respect to overall crimes is increasing in relative as well as in absolute changes.

Earlier, the enforcement agencies especially the police department was dominated by men. After the induction of women into the police force from 1981 and after taking their strength to nearly one third of the total police force, the department has some sort of sensitivity towards women victims, who are approaching the police stations. Previously, when a complainant reached the police station with a complaint of wife beating, even a woman police personnel employed at police station used to console and compromise and express the prevalent social view that the husband is having all rights to beat his wife. Now the situation has changed and the police personnel have been sensitized to treat both the sexes equally and to empathise with women victims. Consequently, the registration of crimes on domestic violence is increasing.

Increasing trend in the heinous crimes of rape and molestation is the outcome of the mindset of perpetrators in India. Offence of rape is not only being committed to fulfil the sexual desire of a male person in India, but it is being utilized as a tool for seeking vengeance over women and to subjugate them.

Domestic violence such as dowry deaths, dowry harassment and cruelty by her husband and his relatives are on the rise in the study period and among them cruelty by her husband and his relatives shows a very high rise. Domestic violence hitherto not reported, are now being reported. The above said empowerment of women and wide spread awareness being created by the women's organizations on the evils of domestic violence might be the reasons for the increase in reporting.

In this era of Liberalisation, Privatisation and Globalisation, information sharing becomes very easy through information technology. Of course the advanced gadgets available in markets are having side effects on the psychology of youngsters and thereby they commit sexual offences. Even in their adolescent age, they have their infatuations and inclinations which lead to many kidnapping and abduction cases.

Among the victims the most affected are female children, adolescent girls and old women. As stated earlier, the advent of modern technologies and uncontrolled and unrestricted approach to all these technological gadgets including web browsing leads to a perverted mindset, which results in sexual offences. As the children, adolescent and aged are soft targets than young and middle aged women, they are affected more by the heinous crimes of rape.

Except the offence of rape committed by the close family members of the victims, increase in other types of offenders committing such offences over the study period may be due to a change in the family structure. Earlier, when the joint family system was in vogue, the sexual abuse and violence by the close family members such as the siblings, cousins and in-laws were not taken on record and they were protected and cared by the inmates of joint family. The concept of nuclear family has gradually become popular after 1991, the year in which Liberalisation, Privatisation and Globalisation was introduced in India. Earning money became the sole motive of life and consequently the children are neglected by their working parents. So they started getting close to the neighbours, relatives and other known persons. Female children and adolescent girls fall prey to the designs of the above said offenders and hence the incidences are increasing. Sexual offences, particularly rape is very minimal in the hands of unknown persons of the victim.

Men in the patriarchal society have many vices like extra marital relationships, excessive drinking habit and other related expenses on the one hand and loss of human days of employment on the other, adding to the existing economic and other problems between the couple. Such attitude is again the outcome of patriarchy for which women often fall as victims and are forced to demand money from their parents which is nothing but dowry harassment.

Importation of girls has been reported to have declined which might be due to the access and availability of girls within India, particularly from North East where women fall victims due to their poor economic status. Moreover

importation from other countries like Thailand is a costly affair. Fertility decline and declining sex ratio might also be the causes for the decline in importation.

Cognizance on immoral trafficking and indecent representation of women are mostly taken by the enforcement agencies on the basis of their detection of these crimes and not based on the reporting by the victims. Lack on the part of the enforcement machinery is one of the reasons for the decrease in the above crimes. Moreover, rulings of the higher judiciary to treat the women, who are not the organizers of prostitutions as victims has a tremendous effect and nowadays registration of the crimes under section 8(b) of Immoral Traffic (Prevention) Act, 1956 is being prevented. This is yet another reason for the decrease in the crime of immoral trafficking.

As stated earlier, the increase in domestic violence such as dowry deaths, dowry harassment, cruelty by her husband and his relatives resulted in the shifting trend from the person related to property oriented crimes. As already suggested, the advent of nuclear family system has lessened the care and protection given to the adolescent children by the parents, which resulted in the shifting trend from the young to the adolescent victims of rape. Though the incidences of incest rape cases do not show an increasing trend and also not a shifting trend from non-incest to incest, it is also because of the non-reporting of such crimes as the Indian society is still traditional and attempts to preserve the family prestige. Known offenders of rape continue to be more because of the mobility of the people and familiarity with the neighbours. Socio, economic and educational backwardness are the reasons for the high ratios of Crimes Against Women in east and northeast region. Orthodox views and continuance of patriarchal system is one of the factors for the high ratios of the crime of rape and its related aspects in central and west region. Urbanization and its attendant pitfalls is the reason for higher ratios of factors of crimes in urban regions rather than in rural regions.

Based on the findings and observation of the study, the following **suggestions** are made:

- (1) Women are to be further educated and empowered to know their rights and powers by including legal literacy as a part of the curriculum in schools as well as in colleges. They should be encouraged to report the crimes without any inhibition to the enforcement agencies;
- (2) Enforcement agencies should be further sensitized on treating women victims with empathy. Periodical sensitization programmes are to be conducted for them. The personnel in enforcement agencies are to be encouraged to go in for free registration of crimes by ignoring the importance given to statistical data;
- (3) Prosecution including police, medical officers and prosecutors are to be reoriented based on the recent developments in laws related to Crimes Against Women. In this reorientation process, even senior officers are required to involve and participate actively;
- (4) There are sufficient laws to protect women against crimes. Such laws are to be strictly and effectively implemented. The role of the stakeholders of the Criminal Justice System assumes significance, as they must understand the plight of women victims. They should do their duties diligently by extending their wholehearted support to secure justice to victims, since gender justice is a part of social justice. It is also the primary objective of the Constitution as enunciated in its Preamble; and
- (5) The media has a vital role in ensuring the protection of the rights of the women victims of Crimes Against Women while venturing to bring it to the public without affecting the personal liberty and privacy.

This research was undertaken to bring out the panoramic view on the changing trends and variations on Crimes Against Women. The findings are wide and varying. In the process of research in this area, the following grey areas are found which can be taken up for **further research**:

- (1) This research is based on the official statistics on various aspects of Crimes Against Women. It is not based on the actual happenings in the society. It is felt that there may be a gap between the reported crimes and unreported incidences which amount to crimes. This non-reporting behaviour of the victims is an area of further research;
- (2) Impact of empowerment of women, particularly the effect of Women Self Help Groups on their reporting behaviour of Crimes Against Women can be taken up for further study;
- (3) Research on each type of Crimes Against Women with its various aspects may be taken up for further empirical research based on field survey;
- (4) A study can be undertaken to find out the variance in the conviction rate of reported cases of Crimes Against Women; and
- (5) A comparative study on human rights of offenders of Crimes Against Women and victims of Crimes Against Women can be taken up.

The wellbeing and development of a society depends on women's wellbeing in that society. This is possible only when their rights are protected and Crimes Against Women are prevented. It is the duty of the state and the society to protect women and thereby allow the nation to develop holistically.