CHAPTER – 2

REVIEW OF LITERATURE:GENDER AND CRIME IN INDIA

Despite the consistent improvements in growth rates in economic terms and significant steps in the form of legislative interventions, social policy innovations have been lowest in India amongst its BRICS counterparts with Brazil at 79, Russia 65, China at 91 and South Africa at 118 in Human Development Index (UNDP, 2014). Gender inequality in India, in particular, remains epitomized by its ranking of 135 on the United Nations Development Fund's Gender-Related Development Index, a composite index measuring women's status based on female to male ratio; life-expectancy at birth for males and females; mean years of schooling, participation in workforce and representation in parliament (UNDP, 2014). Similarly, India slipped 13 spots from its ranking of 101on World Economic Forum's the Global Gender Gap Index (2013) to a ranking of 114 in 2014, out of 142 counties. India is part of the 20 worst performing countries on the labor force participation, estimated earned income, literacy rate and sex ratio at birth indicators. But India is among the top 20 best performing counties on the political empowerment sub index (Indian Express, 2014). The index was first introduced by the World Economic Forum in 2006 as a framework for capturing the magnitude of gender-based disparities and tracking their progress. The index benchmarks national gender gaps on economic, political, education and health criteria.

It is estimated that India's Gross Domestic Product would improve by 8 percent if the female/male ratio of work went up by 10 percent (Department for International Development, 2010). Yet, the International Labour Organization estimated that India's labor force participation rate for women fell from 37 percent in 2004-05 to 29 percent in 2009-10. Based on this data, India is 11th from the bottom in the female labor force participation (International Labour Organization, 2013). The National Sample Survey 2013 estimated that 21.2 percent of working men (aged 15-59) have a regular salaried job (2012), while only 13.4 per cent of women have such employment. Several cultural biases such as undervaluing of women's income to households well-being, limitations to

women's mobility, fear of crime and violence and expectations of submissive feminine behaviour do impede women's work participation (Olsen and Mehta, 2006). India does also not perform too well in terms of its health indicators. The World Health Organization estimates that out of 5, 36,000 maternal deaths globally each year 1, 17,000 (22 percent) occur in India. Two-thirds of the under-five deaths in Southern Asia occur in India, which has the highest number of under five deaths in the world (1.3 million in 2013) (UNICEF, 2014).

The third round of the National Family and Health Survey (NFHS) conducted in 2005-2006 showed that 44.9 percent of Indian children below the age of five were stunted, 43 percent were underweight and 20 percent were wasted (Alessandro, 2012). Studies have noted a clear gender bias as females are exposed to higher mortality than males. Females have a 36 percent higher mortality than males in the post-neonatal period and a 61 percent higher mortality than males at age 1-4 years (International Institute for Population Sciences, 2007: 183). Forty-five percent males against forty-two percent girls are likely to be fully vaccinated (International Institute for Population Sciences, 2007: 230). Among children under five years, girls are three percent more likely to be underweight than boys (ibid: 270).

Amongst South Asian countries India is the only country where the sex ratio has further worsened. There has been a negligible reduction in excess female IMR in India between 1990 and 2012 reflecting various social biases such as discriminatory care at home, discriminatory health-care seeking and selective termination of female fetuses (El Arifeen, 2014; Khera et.al. 2013). The effects of legislative measures such as Pre-Natal Diagnostic Test Act seems to be nominal; only 342 cases have been registered under the Act as a whole (The Planning Commission , 2011). Overall the crime rates of cognizable crimes against women increased from 14.1 percent to 18 percent (UNDP, 2011).

Child marriage is a persisting harmful traditional practice, rampant in many parts of the country and the incidence of it is highest in the States of Rajasthan, Bihar, Uttar Pradesh, Chhattisgarh and Madhya Pradesh. According to the 1991 Census, the

percentage of married females in the total number of females in the age group 10 to 14 was 13.2 in Rajasthan, the highest in the country. In second place was Madhya Pradesh at 8.5 percent, followed by Uttar Pradesh at 7.1. For the country, the percentage of married women under the age of 18 stood at 53.3 per cent. The situation did not change substantially in the following decade. The 2001 Census reports that there are nearly 300,000 girls under 15 who have given birth to at least one child (Ministry of Women and Child Development, Government of India, 2012).The issue of child marriage remains a matter of concern in the country. According to the civil society reports, India continues to account for the most child marriages worldwide as a result of gaps in the law and poor implementation. Girls are exposed to multiple forms of discrimination and abuse due to child marriage. Rural poor, uneducated girls are at greater risk of child marriages. Recently, the Human Rights Council passed a Resolution on Early and Child marriages(United Nations General Assembly, 2013).

2.1   GLOBAL ADVANCES IN LEGISLATION ON GENDER AND CRIME

International human rights law establishes the obligation of States to ensure the exercise of women's economic and social rights under conditions of equality and freedom from discrimination. The Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Economic, Social and Cultural Rights are the key human rights instruments guaranteeing these rights. The Articles 2 and 3 of the Convention establish a comprehensive obligation to eliminate discrimination in all its forms.

The Convention on Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly in 1979 (Division for the Advancement of Women, Department of Economic and Social Affairs, 1979). It is described as the international bill of rights for women and recognized the need for State Parties to eliminate discrimination against women in public life and also recognized a wide range of rights including the right to protection of health and to safety whilst in employment; and the right to choose a spouse and enter into marriage through free and

full consent. India has signed and ratified CEDAW. The World Conference on Human Rights held in 1993 in Vienna also recognized that gender-based violence and all forms of sexual harassment should be eliminated by legal measures and through national action and international cooperation (Office of the United Nations High Commissioner for Human Rights, 1993).

The International Conference on Population Development, Cairo (United Nations, 1994), in their fourth guiding principle, recognized the importance of 'gender equality and equity and the empowerment of women and elimination of all kinds of violence against women and ensuring women's ability to control their own fertility as a cornerstone for development'. It also encouraged national policies to prioritize population and development strategies and budget programs to improve access to information, and high quality health. The Beijing Platform for Action of 1995 has been ratified by 189 states and complements the CEDAW. It recognized that financial and human resources have been insufficient for the advancement of women, and that the key to increased budgetary allocations is rooted in the political commitment of national governments (Beijing Declaration, Ch. IV, para. 345; UN Women, 1995). It also strongly recommended research, data collection and statistical analysis related to the prevalence of different forms of violence against women and also analysis of the causes, nature, seriousness and consequences of violence against women, and the effectiveness of measures implemented to prevent and redress it. The absence of data specifically victimization surveys and standardized data – is a hindrance to institutional change and evaluation of policy effects (Day, et.al. 2005). The Millennium Development Goals agreed by all members of the UN emphasized the need to address violence against women as being central to women's empowerment and equality (Garcia-Moreno and Watts, 2011). Heise et.al. (1994) made one of the most important advances in the understanding of the health burdens associated with gender-based violence. They developed the life-cycle approach to include the various practices manifested in communities: female feticide and infanticide, female genital mutilation (FGM), forced marriages, honor killings, payment of dowry and related harassment, forced pregnancies and abortions, physical beatings and emotional abuse in natal and affinal homes, rape,

sexual abuse, prostitution, exclusion from education, employment and property, harassment at the workplace, trafficking and slavery for domestic labor and sex work. In spite of the diversity of contexts and practices in which gender-based violence occurs, one overarching explanation for gender based violence is rooted in the patriarchal organization of societies.

TABLE - 2.1

**GENDER VIOLENCE THROUGHOUT THE LIFE CYCLE PHASE:
TYPE OF VIOLENCE PRESENT**

Pre-birth Sex-selective abortion; battering during pregnancy (emotional and physical effects of the women; effects on birth outcomes); coerced pregnancy (for example, mass rapes in war).
Infancy Female infanticide; emotional and physical abuse; differential access to food and medical care for girl infants
Girlhood Child marriage; genital mutilation; sexual abuse by family members and strangers; differential access to food and medical care; child prostitution
Adolescence Dating and courtship violence (for example, acid throwing in Bangladesh, date rape in the United States); economically coerced sex; sexual abuse in the work place; rape; sexual harassment; forced prostitution, trafficking in women
Reproductive age Abuse of women by intimate male partners; marital rape; dowry abuse and murders; pattern homicide; psychological abuse; sexual abuse in the workplace; sexual harassment; rape; abuse of women with disabilities
Elderly Abuse of widows, elder abuse (in the United States, the only country where data is currently available, elder abuse affects mostly women).

Source: Heiseet al. 1994

Several developments in the international arena have emphasized Gender Based Violence (GBV) as a public health concern and the need for dedicated resources to address this problem and its manifold consequences. The WHO's Multi- Country Study on Women's Health and Domestic Violence against Women (2005) highlighted that a public health approach to GBV has a potential to make an impact on women. However, currently few doctors, nurses or other health professionals have the awareness and training to identify violence as an underlying cause of women's health problems and provide assistance in accessing relevant services in absence of care and protection services (Garcia-Moreno et.al. 2005).

The WHO (2005) recommended a threefold prevention strategy:

(i)   *Primary prevention*: This includes improving public awareness to change attitudes and beliefs that promote social acceptance of violence, and combating sexual abuse of girls and boys through well-coordinated public health programs, along with reforms in the judiciary, education and social services. It also includes improvements in the physical safety of women and girls by increased lighting and vigilance; involving the education sector and utilizing the reproductive health services as an entry point to identify and support women who are being victimized and provide referral services; it also includes provision of mental health services.

(ii)   *Secondary prevention:* This includes immediate responses to violence such as pre-hospital care, emergency services, or treatment of sexually transmitted infections following rape or sexual assault.

(iii)   *Tertiary prevention:* This includes long-term care for victims of violence in terms of provision of rehabilitation and reintegration into the society.

The above approach emphasizes primary prevention in preventing the occurrence of gender-based violence, rather than focusing on dealing with the consequences (Bhate-Deosthali and Duggal 2013). Against the backdrop of these advances in the international policy arena, 115 countries have adopted or revised legislations on violence against women which include laws, legal codes or legal reforms in the constitution, and Spain (2004), the United States (2005), Brazil (2006), Venezuela (2006) and Mexico (2007) have drawn up laws that include sectors of health, education, social services, legal, police, media and also women's groups (Vives-Cases *et al.* 2010). Although the European Union (EU) has not included domestic violence legislation as a formal criterion for its member states to join, it has recognized it as a part of formation of a collective identity (Krizsan and Popa, 2010)). In India, the Domestic Violence Act known as the Protection of Women from Domestic Violence Act came into effect in 2005, recognizing physical, sexual, verbal, emotional or economic abuse as domestic violence (Babu and

Kar 2009). Several amendments have been made in Criminal Procedure Code in India for dealing with crime against women including Criminal Amendment Act (2013). Several impediments have been identified in the effective implementation of these laws which include limited governmental expenditure, or lack of understanding of the social contexts of violence; strategies such as provision of legal advice or health services and protection remain a problem (Vives-Cases, *et.al.* , 2010; Patel, 2009). In Latin America, most campaigns focused on the content of the law have overlooked the details of implementation that includes estimated resources required to implement the laws, which is primarily due to the lack of budget advocacy skills on the part of non-governmental organizations (Luciano et.al. 2005; Patel 2013; Bhate-Deosthali and Duggal 2013). The reduction in government expenditures and democratic backwardness to address gender inequalities are explicitly recognized as factors related to deaths due to GBV (Palma-Solis, et.al. 2008; The World Health Organization, 2005, 2009a). The weak enforcement of laws has been identified as major concern in preventing and combating crime against women in India.

2.2 MANY COSTS OF GENDER BASED VIOLENCE

Gender Based Violence is explicitly linked with adverse relationship between gender based violence and public health outcomes such as high levels of morbidity and mortality amongst women and has long lasting impacts on their physical, reproductive and mental health such as physical bruises and disfigurement, gastrointestinal disorders, traumatic brain injury and human immunodeficiency virus/ acquired immune deficiency syndrome (HIV/AIDS) and other sexually transmitted infections, maternal and infant mortality, fear, anxiety, depression, post-traumatic stress disorders, substance abuse and addiction and suicides (World Health Organisation 2005, 2009). In many developing economies much of the interventions for gender based violence have focused on legislation with limited or no social policy interventions. This approach has had a limited impact on the spiraling levels of violence.

At an individual level, women with a history of violence are more likely to have higher healthcare utilization and costs (Ling Chan and Cho, 2010). One of the notable studies documenting economic costs was undertaken by Walby (2004) in the United Kingdom; she concluded that domestic violence costs the criminal justice system £1 billion and the National Health Service £1.2 billion in a single year. There are variations in the methodologies or data sources used for the estimation of economic costs. Generally, the economic costs could include direct and indirect costs, and tangible and intangible costs, for example, costs of financing shelters, or lower earning, or estimating opportunity costs rather than actual expenditures (Day et al., 2005; Rivara, et.al 2007). The public health approach is also emphasized:

(i)   Due to the vantage point of the health care professionals in identifying victims of violence and referring them to social and legal interventions.

(ii)   Public health professionals play a vital role in documenting injuries that form the evidence base for legal interventions.

(iii)   It is an important means of addressing institutional biases deeply embedded within judiciary and legislature.

(iv)   It systematically draws out the adverse outcomes related to gender based violence are not experienced by individuals alone but by the society in terms of negative health and development outcomes.

2.3   UNDERSTANDING CRIME STATISTICS

The definitions of crime in any society are in consonance with the state's efforts to establish its control and regulate the behavior of the citizens. Crime, after all, is contingent on a state's ability to clearly define, ratify and execute the law (Rock, 2007). Historically, crime was perceived as an individual's moral failures; however the last few decades have witnessed a paradigm shift wherein greater focus is on delineating the societal conditions that give rise to crime. Therefore, subjects such as criminology have

crime into prominence. The understanding of crime commensurate with greater rationalization of law in the society, that is, a sophisticated criminal justice system emerges to define and administer crime and punishment based on rules and regulations and not on the status of the person is linked to greater democratization of the society.

The common sense assumption about crime statistics is that "the facts speak for themselves". In reality, human conduct that becomes crime statistics passes through an elaborate process of selection, negotiation and decision making. The construction of a "crime rate" reflects decisions on the part of those people like police and coronial officials, who define, clarify and record certain behaviors as "crimes" (Watts et.al. 2008). There are two distinct views on crime statistics: "realist perspective" by Emile Durkheim that views the official record as an indicator of the state of crime in society and "constructionist perspective" by Aaron Cicourel which contends that crime statistics should be understood in the context of the agencies that collect this information (Watts et.al. 2008).

Recording of crimes by statutory criminal justice agencies is amenable to several pitfalls such as (i) poor reporting of crime by citizens (ii) poor recording of crime by police (iii) institutional biases in criminal justice systems. In many countries, crime statistics are often complemented with self-report surveys amongst offenders and victimization surveys that provide insights into the victim's perceptions of crime and experiences in criminal justice system.

Crime recording is also influenced by legislative change and formal recording rules, that is, legislation creates new criminal offences and redefines others which can cause considerable problems for the measurement offences. The actual recording of the crime by the police is largely discretionary as they might not report or record the observed crimes. This discretion is greatly linked to the institutional factors and existing power relationships in the society. The other factor that influences crime statistics is the reporting behavior of the public and it is influenced by a wide range of factors such as concerns over repercussions on one's personal safety or responsiveness of the police or

19

considerations such as insurance claims. These factors do change with greater transparency and accountability of the professionals in the criminal justice system. In addition, performance appraisal has increasingly set in the police forces which requires them to demonstrate that they have met the departmental targets and which might further influence statistics.

2.4 THEORETICAL AND EMPIRICAL ADVANCES IN CRIMINOLOGY AND CRIME STATISTICS

In the Indian context, it is necessary to critically evaluate these international theoretical advances and their implications for understanding crime. Varied theoretical approaches have tried to explain the incidence of crime in society. The "Chicago School" sociologists plotted the incidence of social problems on to census maps of the city and it was the zone in transition that was found repeatedly to house the largest proportions of the poor; the illegitimate, illiterate and the mentally ill. Radical criminology contended that crime control was said to be an oppressive and mystifying process that worked through legislation, law-enforcement and ideological stereotyping to preserve unequal class relations and functionalist criminology that focused on a theory of social systems or wholes and "labeling theory" and cultural and sub cultural analyses of crime as meaningful behavior.

2.4.1 International and National Perspectives on Crime Statistics

Increasing levels of globalization and transnational nature of crime related to cyber-space necessitates deeper understanding crime in other countries. The International Police Agency (Interpol) established in 1923 has collected statistics 1950 onwards. The Agency draws caution on the issue of comparing data between countries as crime recording and reporting vary across countries (Mosher, *et.al.*2011). The United Nations Crime Survey by the United Nations Office on Drugs and Crime provides insights into crime at the international levels. In India, the National Crime Records Bureau (NCRB) is mandated to collect and analyze data that is defined as crime by the

20

Indian Penal Code (IPC). The data is compiled from police stations all across the country based on reported and registered crime. One of the key challenges of this data is underreporting (Mukherjee et.al. 2001). Universally, the common difficulties have been identified in recording domestic violence, child abuse or corporate crime.

2.5 ADVANCES IN MEASURING CRIME IN THE SOCIETY

Increasing skepticism on crime statistics across the world has necessitated the need to readdress the theoretical paradigms and empirical approaches underpinning crime statistics (Maruna, 2011). Along with official accounts of criminal behavior authorities need to take into account alternative sources of data to formulate public policies especially social security policies to address the needs of the marginalized. These alternative sources include qualitative research, but also victim surveys, offender self-report studies and data from agencies other than the police. In India, it is necessary to collect data on hidden areas of 'deviant' and/or 'criminal' activity, such as drug taking, workplace 'fiddles', corporate crime, domestic violence, and sexual violence against women (Maguire, 2002).

2.5.1 Global Crime Statistics

The Global Study on Homicide (2013) by UN asserts that while the vast majority of global homicide victims are men, it is overwhelmingly women (two thirds of victims) who die at the hand of their intimate partners or family members. It further states that intimate partner /family related homicide affects every region and country across the globe, accounting for one in seven of all homicides in 2012. The main findings of the study in reference to women victims of homicides are:

"It is estimated that of all the women killed in 2012 (93,000 women), 43,600 (47 per cent) were killed by their family members or intimate partners, whereas 20,000 of all male homicide victims (6 percent) were killed by such perpetrators. Thus, at the global level, more than twice as many women as men are killed by their intimate partners or family members. In absolute terms, the highest numbers of such killings of women take

place in Asia and Africa, but their relative share in the total number of female homicides in each region tells a slightly different story. Ofparticular note is the fact that most (over 50 per cent) female victims of homicide in Asia, Europe and Oceania are killed by their intimate partners or family members. As such, the killing of women in those regions is effectively a function of intimate partner/family related violence and, in some countries in those regions, the elimination of intimate partner/family member homicides would substantially reduce the total number of female homicides. A clearer picture of the burden of lethal violence borne by women can be drawn when sex-disaggregated homicide data are available that can distinguish homicides committed by intimate partners from those perpetrated by other family members. In 18 countries largely in Europe almost equal shares of victims are killed by intimate partners (53 per cent) and by other family members (47 percent). There is, however, far greater disparity in the sex distribution of victims killed by these perpetrators with 79 per cent of victims killed by their intimate partners being women. The study further says that   available data show that even in countries with very low homicide rates, a significant share of women have experienced physical and/or sexual violence and as cited by the UN Women 2011 report as an example which says that at some point in their lifetime, roughly a quarter to a third of women in the Czech Republic,Denmark, Germany, New Zealand, Norway and the United Kingdom have experienced physicaland/or sexual violence at the hands of their intimate partner".

UN Women (2013) has put up recent data details on violence against women on their website some of which are cited below:

(i)   According to the 2013 Global review of available data by World Health Organization, 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. However, some national violence studies show that up to 70 per cent of women have experienced physical and/or sexual violence in their lifetime from an intimate partner.

(ii)   More often than not, cases of violence against women go unreported. For instance, a study based on interviews with 42,000 women across the 28 Member States of the European Union revealed that only 14 per cent of women reported their most serious incident of intimate partner violence to the police, and 13 per cent reported their most serious incident of non-partner violence to the police.

(iii)   Around 120 million girls worldwide (slightly more than 1 in 10) have experienced forced intercourse or other forced sexual acts at some point in their lives.

(iv)   Trafficking ensnares millions of women and girls in modern-day slavery. Women and girls represent 55 per cent of the estimated 20.9 million victims of forced labor worldwide, and 98 per cent of the estimated 4.5 million forced into sexual exploitation.

(v)   Between 40 and 50 per cent of women in European Union countries experience unwanted sexual advances, physical contact or other forms of sexual harassment at work.

(vi)   In the United States, 83 per cent of girls in grades 8 through 11 (aged 12 to 16)have experienced some form of sexual harassment in public school.

2.6   RETHINKING CRIME MEASUREMENT IN INDIA: SPECIAL EMPHASIS ON GENDER BASED VIOLENCE AND CHILD ABUSE

In India like in other parts of the world, much of the focus of gender based violence has been on the criminal justice system and legislative advancements which have yielded little results as the criminal justice systems are embedded in institutional biases against women, children, ethnic minorities, lower classes, disabled, and castes (Agnes, 1992; Worden, 2012; Agnes, 2013; Mandal, 2013). Legal intervention, therefore, must be seen as part of multiple strategies within the Indian women's movement which seek to challenge, redefine and reshape patriarchal conceptualizations of women's sexuality in law and society (Gangoli and Rew 2013).

The estimation of gender based violence and child abuse remain the most hidden forms of crime in the public domain. This has much to do with normative social and cultural structures in the society that foster a "culture of silence" and deem gender based violence and child abuse as acceptable features of masculine and feminine sexuality. Improvements in the societal conceptualizations of women's and children's citizenship have inadvertently resulted in such behavior becoming more unacceptable. This also necessitates improvements in the criminal justice system to be more responsive to the victims and also establish the various risk factors that are related to women and child sexual abuse.

The World Bank study on violence against women in South Asian countries observes that Governments across the region need to work with researchers, donors, and civil society organizations to improve data collection on all forms of violence against women. In general, data collection on crimes against women can be improved through surveys, such as the Demographic and Health Survey (DHS) and others that measure prevalence, and in crime records system that track incidents of legally criminalized forms of violence..

Currently, most countries rely on handwritten First Information Reports (FIR) that do not give an accurate picture of reported crime trends. India's National Crime records bureau (NCRB) is the most comprehensive system for collecting data on violence study says. The Hindu criticized the NCRB methodology in collecting data through FIRs which is usually an account of reported crime which in turn results in underreporting of crime. The NCRB responded that it is erroneous assumption that crime is grossly underreported as the basic unit of crime statistics is the criminal case lodged with the police under different sections of the IPC. For statistical purposes a case recorded under different sections of the law is counted as a single case under principle offense rule. In addition, different countries have different procedures for recording crime. For Instance: Eighteen European countries apply the principal offence rule and twenty- one do not follow these rules (Rajasekaran, 2013).

The NCRB had no other means to adopt other than the principal offence rule primarily due to the manual system of data collection in India. States and Union Territories (UTs) have to collect crime data from all police stations manually at the end of every year, compile the data and send it to the NCRB. India records more than 60 lakh cases every year and the combination of all forms of offences recorded in these FIRs may run in to the millions. It would be very difficult to verify the correctness and validate such a huge volume of data by adopting manual methods. The NCRB is a national repository of crime data and has the primary responsibility to ensure that the data supplied by police stations are validated properly as the manual system of collection may lead to many inconsistencies. The principal offence rule helps us to validate our crime data (Rajasekaran, 2013).

Till such time we have technology intervention in collection of data, NCRB is to continue publishing crime data using the conventional method and improved pro forma to serve the requirements of all the stakeholders. On this clarification Hindu reporter commented that: The NCRB does not dispute the facts of our story. It argues that the "principal offence" system that India follows is one of many systems, is a result of manual data collection, and expected to improve in the future, all facts that the article made note of.

In India, only other survey supplementing NCRB data are NFHS surveys but their frequency is less and last survey was conducted in 2005-2006. National Family and Health Survey-III, conducted in 2005-2006 found that over 40% of Indian women have experienced domestic violence at some point in their married lives. Over 47% of women who reported domestic violence had no education. With regard to attitude to violence, NFSH found that 41% of women thought that husbands were justified in slapping their wives if the latter showed disrespect to their in-laws. Meanwhile, a substantial 35 percent of women thought that they deserved beating by their spouse if they neglected the household chores or looking after their children. These attitudes show widespread social acceptability of gender based physical and emotional violence by the partner. NFHS also

asked women who experienced violence if they reported it to the police. Just 0.6% said they reported it to the police.
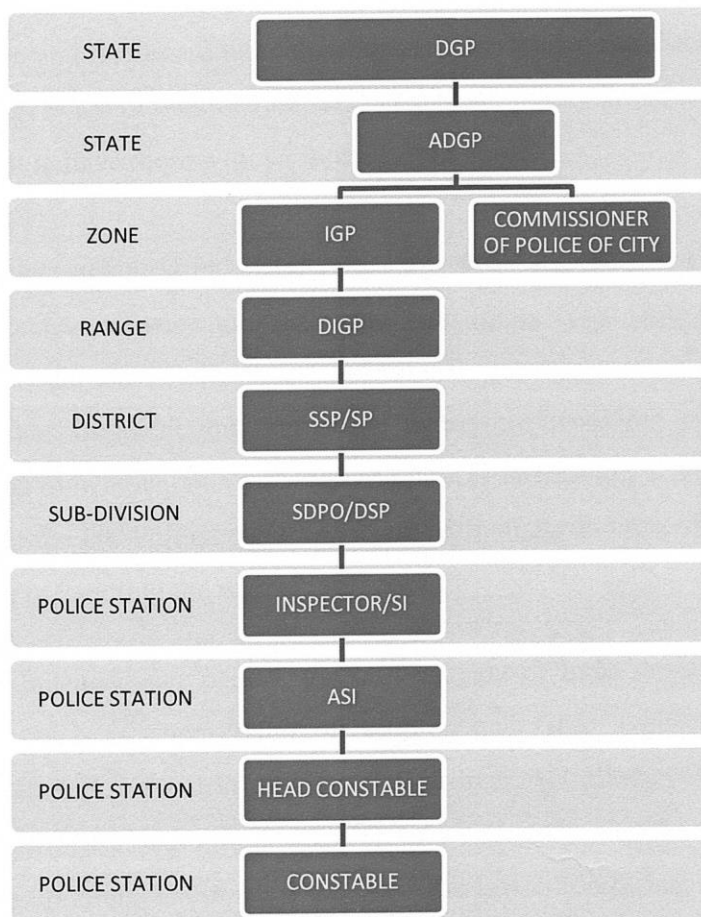
2.7   WOMEN IN POLICE IN INDIA

Each state and union territory of India has its own separate police force. Article 246 of the Constitution of India read with entry 2 of List II of the 7th Schedule of the Constitution designates police as a *state subject*, which means that the state governments frame the rules and regulations that govern each police force. These rules and regulations are contained in the police manuals of each state force. The head of the police force in each state is the Director General of Police (DGP), who is responsible to the state government for the administration of the police force in each state, and for advising the government on police matters. The DGP represents the highest rung in the police hierarchy. The hierarchical structure of the police in India follows a vertical alignment consisting of senior officers drawn, by and large, from The Indian Police Service (IPS) who do the supervisory work, the "upper subordinates" (Inspectors, Sub-Inspectors, and Asst. Sub-Inspectors) who work generally at the police station level, and the police constabulary who are delegated the patrolling, surveillance, guard duties, and law and order work. The constabulary accounts for almost 88% of total police strength. The field establishment for civil police is given below:

'Each state and union territory of India has its own separate police force. Article 246 of the Constitution of India read with entry 2 of List II of the 7th Schedule of the Constitution designates police as a *state subject*, which means that the state governments frame the rules and regulations that govern each police force. These rules and regulations are contained in the police manuals of each state force. The head of the police force in each state is the Director General of Police (DGP), who is responsible to the state government for the administration of the police force in each state, and for advising the government on police matters. The DGP represents the highest rung in the police hierarchy. The hierarchical structure of the police in India follows a vertical alignment consisting of senior officers

drawn, by and large, from The Indian Police Service (IPS) who do the supervisory work, the "upper subordinates" (Inspectors, Sub-Inspectors, and Asst. Sub-Inspectors) who work generally at the police station level, and the police constabulary who are delegated the patrolling, surveillance, guard duties, and law and order work. The constabulary accounts for almost 88% of total police strength. The field establishment for civil police is given below.

FIGURE - 2.1

FIELD ESTABLISHMENT FOR CIVIL POLICE

STATE	DGP
STATE	ADGP
ZONE	IGP / COMMISSIONER OF POLICE OF CITY
RANGE	DIGP
DISTRICT	SSP/SP
SUB-DIVISION	SDPO/DSP
POLICE STATION	INSPECTOR/SI
POLICE STATION	ASI
POLICE STATION	HEAD CONSTABLE
POLICE STATION	CONSTABLE

Source: Report of Ministry of Home Affairs, 2013

2.7.1   Genesis of Women Police in India

Before independence, the first Women Police Unit was established in erstwhile old Travancore state of Kerala in 1938.   This unit was placed under Police Training School. Subsequently, it was transferred under Trivandrum Police Commissioner in 1966. Formal recruitment of women in Police force in India started on a regular basis only after Independence. The need for women in the police force was prompted by the following factors:

(i)   Partition of the country resulted in a large scale influx of refugees from Pakistan to India who suffered heavily due to the communal riots. There was a rush of grief-stricken and distressed women who were constantly approaching the higher officials to take care of their difficulties. Therefore, purely for security reasons the need was felt to have more women in the police force.

(ii)   After the newly acquired Independence, large scale movements of population in search of shelter and work and the rapidly changing socio-economic conditions created a new dimension of policing in India. In several states political agitations, *bandhs*, strikes, linguistic and communal riots were becoming a regular feature. Participation of women in these agitations was increasing which created new problems for the law enforcement agencies, particularly in view of the delicacy of the problem in handling the women agitators.

(iii)   In the post-Independence period, the Government of India enacted a number of social laws such as Suppression of Women and Girls Trafficking Act 1956, Juvenile Justice (Care and Protection of Children) Act 2000, and had also taken various other measures for the protection of weaker sections of society, including women and children. These steps exposed the law enforcement agencies to new types of roles for which they were not prepared. To meet the challenges of new situations, particularly to deal with women and children, there was a growing realization amongst the police administrators of the necessity to have women in the force.

28

(iv) The process of industrialization and urbanization in India resulted in increased social crimes due to the competition among migrant labor force which crowded the cities from various parts of the country. This also led to greater political consciousness among women resulting in greater participation by women in political demonstrations and agitations. This made the Government feel the need to recruit more women into the Police force.

(v) The requirement of women police has been found indispensable in many areas of policing. The increasing crimes against women which are becoming heinous and brutal have further necessitated the need for augmenting the strength of women in police force. The role of women police in promoting gender sensitivity, dealing with causes related to women and promoting friendly behavioral sub-culture in police are considered crucial.

2.7.2 Growth of Women Police in India

After Independence, some lady constables were recruited in Punjab for management of refugee camps in 1949. One ASI and two head constables were recruited in Delhi Police initially.

FIGURE - 2.2

OVERVIEW OF INDUCTION OF POLICE WOMEN IN INDIA

INDUCTION OF WOMEN IN POLICE IN INDIA	
Travancore (Kerala)	1939
Greater Bombay	1939
Punjab	1948
Delhi-	1948
Gujarat-	1948
Kolkata Police (WB)	1949
Andhra Pradesh	1950
UP	1950
Bihar	1952

FIGURE - 2.3

GLOBAL OVERVIEW OF INDUCTION OF POLICE WOMEN

USA	1845
Canada	1896
Australia	1915
PolandIndia	1925
Japan	1939
Singapore	1946
Indonesia	1949
Nigeria	1951
Sweden	1955
Israel	1957
Malaysia	1960
	1960

Source: *"Women in Policing" Ghosh, S. K. Former IGP Orissa*

After Independence, some lady constables were recruited in Punjab for management of refugee camps in 1949. One ASI and two head constables were recruited in Delhi Police for control of immoral trafficking in 1948. In Uttar Pradesh, a women police wing was approved in 1948 and recruitment of women took place in 1950. They were posted in Lucknow in 1951

Similarly, some women police constables were recruited in Ahmedabad in 1948. In Andhra Pradesh sixteen women constables were recruited in 1950 in the crime branch. In Rajasthan, women were recruited in police in the rank of ASI, two head constables and twelve constables, in 1955. Their role was to check women trafficking and search of women criminals. In Odisha one post of Woman ASI was created and the first lady ASI was posted in 1964 at Sambalpur. For the first time, a women officer, Ms. KiranBedi, was inducted into the IPS in 1972.