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Temporal and Spatial Fluctuation of Rapes **in India**

Kshitiz¹ and Chehak Sanon²

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¹ *B.A. Hons. Geography, Dyal Singh College, University of Delhi, India*

² *B.A. Hons. Economics, Ramjas College, University of Delhi, India*

Abstract

Gender-based harassments are universal be it rape, sexual assault, murder, etc. In every society now, women's demands for rights are getting into light under the umbrella of democracy. This paper aims to analyze the trends of women rape in India from 2008-2017 concerning roles of basic socio-economic factors e.g., literacy rate, poverty. The last decade has seen increased numbers of NGOs in the country, how the NGOs can play a key role in society has also been covered with relation to sexual assault on women. It does give a glimpse of the increasing trend of men's rape around the world. The findings show that in India there are no specific laws for incest rape, marital rape, men rape, and right after the Nirbhaya gang-rape case there was a hike in the registered rape cases around the country due to the enhanced women encouragement and hope, still, due to lack of awareness about the rights among women, girls and society, most of the cases disappear without reporting.

Keywords: *Women, sexual assault, rape, state-nation, non-government organizations (NGOs)*

1.0 Introduction

From the ancient Greek-Roman period, women were not included under citizenship, which made them be excluded from certain rights. They were not part of a political community and couldn't demand political rights. But as the involvement of women started to be noted in the socio-economic-political spectrum in the modern society under democracy, the concerns and respect for the rights of the women started to come into the light, which led to the making of laws for the protection of dignity and rights of the women in the 19th and 20th century. United Nation defines violence against women 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 private life" (Violence against Women, n.d.). A study by Bachman and Saltzman (1995) shows that three of four lone-offenders violence against women was committed by the known to the women. As under the democracy, in almost all the countries to protect the dignity and their rights, some laws are being enforced in the society which criminalizes the violence against women. Although women might be victims of any kind of offence, one that involves or specifically happens with women are generally known as crimes against women.

The crime of rape has been identified as an offence under the Sec 376 Indian Penal Code. Rape can be categorized in different ways: for example, by reference to the situation in which it occurs, by the identity or characteristics of the victim, and by the identity or characteristics of the perpetrator. These categories are referred to as types of rape. The types of rape mentioned below are not mutually exclusive: a given rape can fit into multiple categories, e.g., by being both a prison rape and gang rape, or both a custodial rape and the rape of a child (Wikipedia contributors, 2021). E.g., gang, spousal, serial, playback, war, rape by deception, corrective, incest, and other rape.

2.0 Rape, sexual assault against women around the globe

Rape is an unlawful activity around the globe. It is estimated that around 35% of women worldwide experience some type of sexual harassment in their lifetime. And less than 10% of rape victims in the world seek assistance from law enforcement. UN Women report says that 137 women are killed every day by one of their family members and in 2018 estimated one in seven women have experienced sexual violence, assault in the last 12 months by their partner or husband. “Women ages 16-19 are four times more likely to be victims of rape or sexual assault, and female college students ages 18-24 are three times more likely to experience sexual assault. Transgender people and those with disabilities are twice as likely to be victims of sexual assault or rape. In the United States, 70% of rape is committed by someone the victim knows” (Rape Statistics by Country 2021, 2021). South Africa has the highest rate of rape in the world wherein one survey conducted by the South African Medical Research Council revealed that one man out of four admitted to committing rape, there are 132.4 rape cases per 100,000 people. Liechtenstein is the only country having that had no rape cases in 2020, followed by Egypt that recorded a 0.10 rate of rape cases per 100,000 people. South Africa has had the highest rate of rape since 2004 and all the top three countries in rape rate are Sub-Saharan. Sweden is on sixth from the top in the list having 63.50 cases per 100,000 people whereas India is on the ninety-seventh spot recording just 1.8 cases per 100,000 people, though that doesn't mean cases in India are fewer, it is because of the population, where Sweden has a population of about 10 million, India is home of around 139 million people.

3.0 Literature review

A survey by Thomas Reuters Foundation in 2018 ranked India as a dangerous country for women. 2019 National Crime Reports Bureau (NCRB) report saw a surge in the cases against women with 4 lakh recorded cases in the year alone and reported 32,033 rape cases, which was just 10% of the total crime against women. Rajasthan alone reported 5,997 rape cases followed by Uttar Pradesh with 3,065 rape cases. However the conviction rate was very less, in 2018 the conviction rate was 27.2 wherein in 2019 it was just 27.8. Although many incidents in the country shocked the whole country and became the popular discourse of those days e.g., Nirbhaya rape case (2012), Unnao rape case (2017), Kathua rape cases (2018), etc. (Times of India, 2020)

Dipu Rai's article on India today expressed that 10 states reported more than two-third of rape cases in the country. These 10 states include Rajasthan, Uttar Pradesh, Madhya Pradesh, Maharashtra, Kerala, Assam, Haryana, Jharkhand, Odisha, and Delhi. On average the rape cases hiked by almost fourfolds in the decade from 2009-2019. Rajasthan was the worst state for women with a staggering 295 per cent rise in the reported rape cases in the last decade, followed by Kerala that experienced a 256% rise in the rape cases in the state. In general, the rape cases in the above-mentioned states have increased after the Nirbhaya gang-rape case in Delhi(2012). (Rai, 2020)

According to Mint's dated 24th April 2018 report, analysis on the data provided by National Family Health Survey (NFHS, 2015-16) and National Crime Records Bureau show that about 99.1% of sexual violence cases were not reported and on average Indian woman were 17 times more likely to face sexual violence from her husband than others. However, the NFHS survey included/surveyed only the women aged between 15-49. The report suggested that states having less female literacy tend to have fewer reported cases, in states like Uttar Pradesh, Bihar, Jharkhand less than 0.5% of cases were reported. Where on average just 3.5% of victims report seeking the help of police. Although when the data was compared with NFHS 2005-06 data, it revealed that India had become a relatively safer country as the actual number of sexual violence had decreased over the decade. (Bhattacharya, 2018)

A report published on The Diplomat on 17th August 2020 showed that according to exception 2 to Section 375 "sexual intercourse by a man with his wife, the wife not being under fifteen years of age, is not rape." where section 375 of IPC defined rape as a criminal

offence, while in a statement by former CJI Dipak Misra said “I do not think that marital rape should be regarded as an offence in India, because it will create absolute anarchy in families and our country is sustaining itself because of the family platform which upholds family values,” and the government itself was in the favour of the opinion by stating that criminalizing the marital rape can destabilize the institution of marriage. According to an estimate, less than 1% of marital rape cases were registered. (Kamdar, 2020)

As this study is confined to statistics and trend of women rape cases in India, which is a criminal offence under IPC Sec 376, furthermore, rape causes not only physical harm to the woman’s body but leaves out a mental, psychological and emotional trauma which she has to suffer within every moment in her life.

4.0 Research methodology

The present study is descriptive, analytical-empirical. The research methodology includes a blend of an extensive review of the literature and inductive reasoning applied to observe data on factors presumed to be linked with rape/sexual assault. On the analysis front, the secondary data has been used from various resources e.g., National Crime Records Bureau (NCRB) India, The Rape Abuse & Incest National Network (RAINN) US, World Population Review 2021, National Sample Survey Organization 2011. To analyze these raw data, we have chosen Cartographic techniques (Thematic) such as Bar graph, line graph, etc.

5.0 Region-wise breakdown of reported cases of rape during 2008 to 2017

All the states have been divided into 6 major regions for study. In the analysis, we found that over 10 years period, the maximum number of rape cases were reported in the central region in the states of Madhya Pradesh and Uttar Pradesh. While northeast region showed the least number of reported rape cases which is evident from the graph given below (This regionalization is done by the author, where North region include Haryana, Himachal, Jammu & Kashmir, Punjab, and Rajasthan, however Goa, Gujarat, and Maharashtra are part of the western region, North-East region includes the seven sisters and Sikkim as well, East region include Bihar, Jharkhand, Odisha, and West-Bengal, Central region includes Chattisgarh, Madhya Pradesh, Uttar Pradesh, and Utrkhand and the South region includes Karnataka, Kerala, Tamilnadu, Andhra-Pradesh and Telangana).

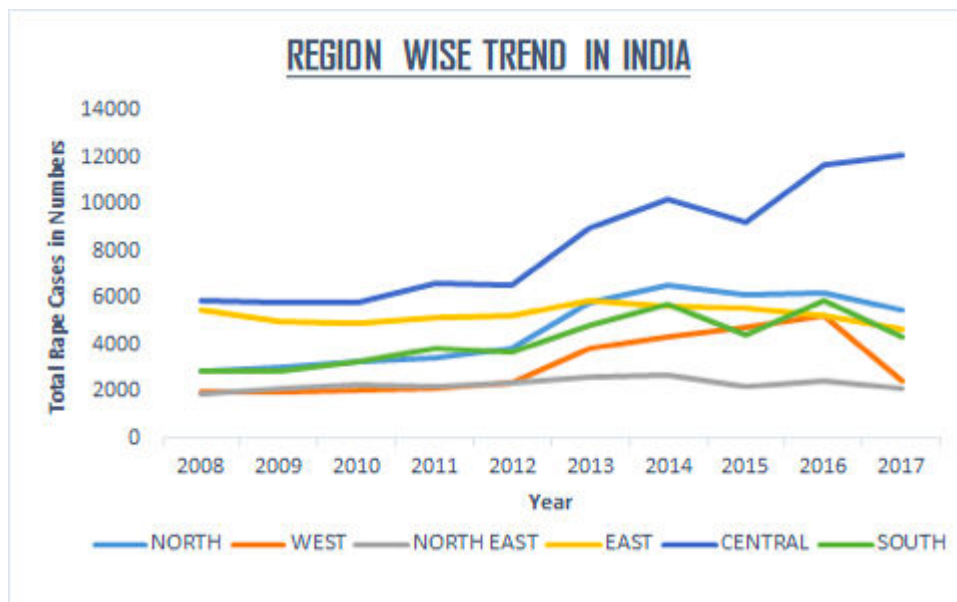


Figure 1.0

Source: Crime against women, 2008-2017, National Crime Records Bureau

The graph shows the region-wise average of the total number of reported rape cases for 10 years period. The central region had experienced the most growth rate in rape cases compared to any other region right after 2012 from 5,873 cases in 2008 to 12,090 cases in 2017. The reported rape cases from 2008 to 2017 were stagnant with more or less fluctuation having 2324 average cases annually. Nonetheless, every region showed negative growth in 2017 except the central region but the East region over a decade had declined the number of cases.

The trend of total rape cases in India has consistently increased during the study period 2008-17. Reported rape cases have seen a massive jump in the last few years starting from 2012, majorly owing to the outrage and awareness created out of the unfortunate Nirbhaya case. Total rape cases remarkably increased in 2016 as compared to other selected years. However, there is a decline after 2016 by almost 15%.

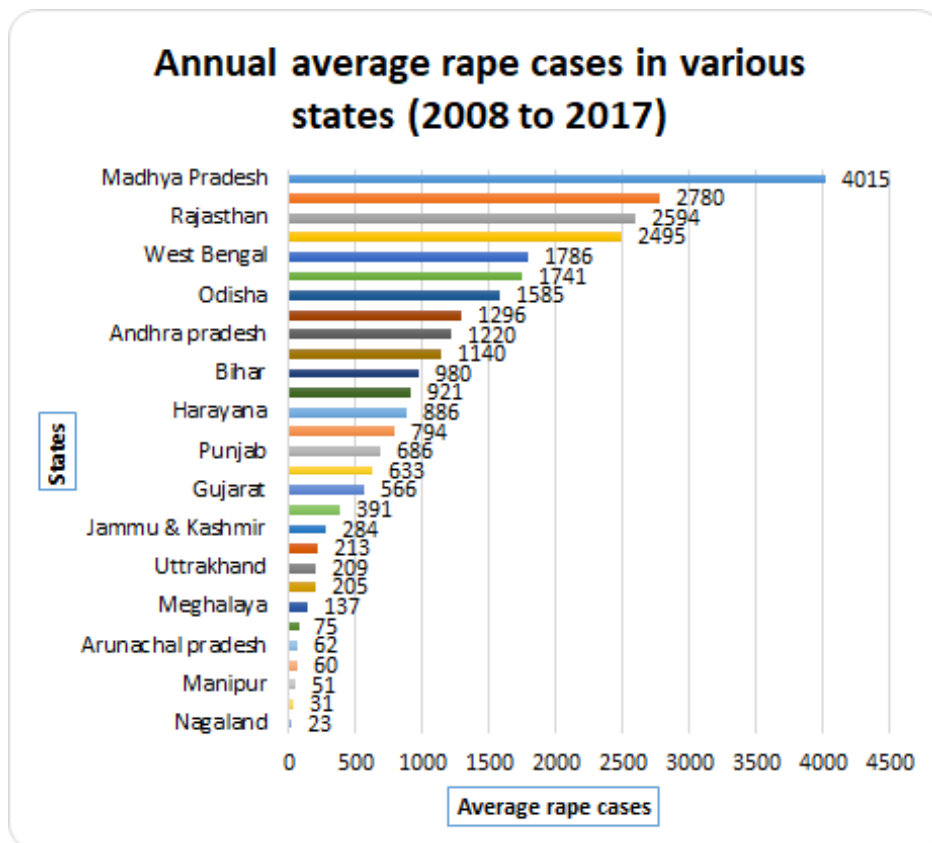


Figure 2.0

Source: Crime against women, 2008-2017, National Crime Records Bureau

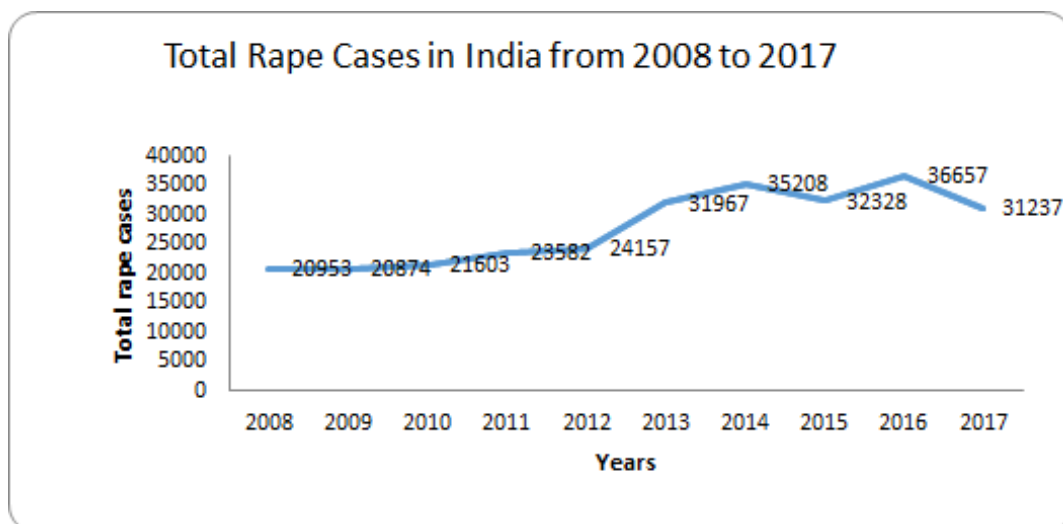


Figure 3.0

Source: Crime against women, 2008-2017, National Crime Records Bureau

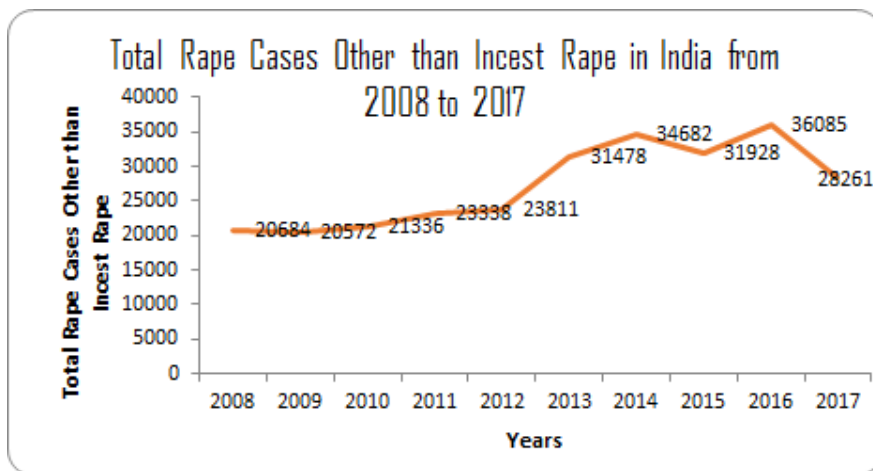


Figure 4.0

Source: Crime against women, 2008-2017, National Crime Records Bureau

The figure shows the trend of total rape cases other than incest rape in India during the last decade (2008-17). The cases took a jump from the year 2012 followed by a slight decline in the year 2015 and a sharp decline in the year 2017.

6.0 Incest rape cases

Many people in India are under the delusion that this crime has not affected Indian society due to strong kinship and family bonds. However, in reality, the cases of incestuous rapes are increasing rampantly.

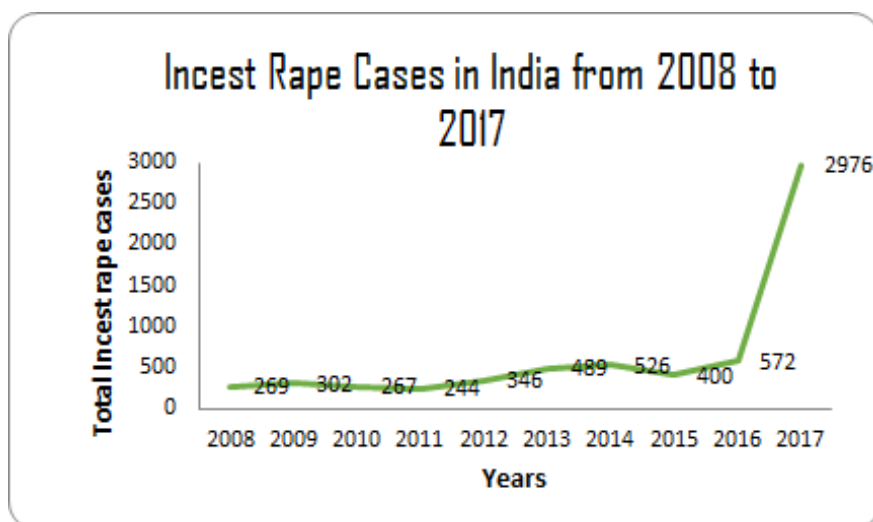


Figure 5.0

Source: Crime against women, 2008-2017, National Crime Records Bureau

The NCRB data of incestuous rape cases reveals that incest rape cases increased uniformly during 2008-2011 followed by a significant increase in the number of cases during 2011-2016. Furthermore, there was a big jump in several incest rape cases in the year 2017 (because the 2017 NCRB data expanded its criteria of incest rape and included the close family members along with blood relation.) The Incest rape cases are massively characterized by under-reporting since The National Family Health Survey only asks few questions about violence experienced by women so the data thus collected is not as extensive as the NCRB data. In NCRB too, there is no category of the offence called incestuous rape. And The Indian penal codes do not have special laws for incest rape cases, it's defined based on the offender's abuse. It has been seen that on average incest rape cases have a share of 2.3% of the total rape cases.

6.1 Offenders relation and proximity to rape

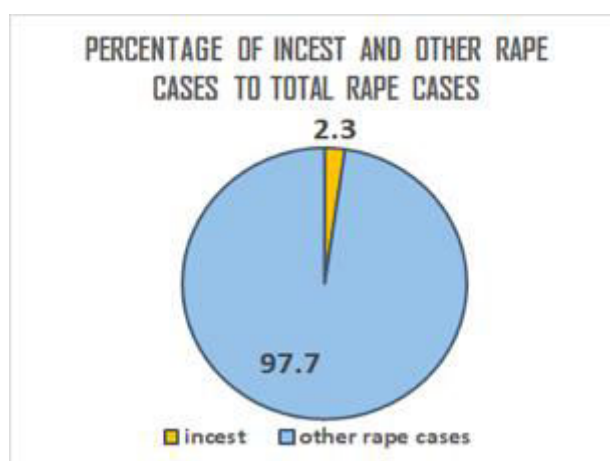


Figure 6.0

Source: Crime against women, 2008-2017, National Crime Records Bureau

The offender's relation has been divided into 4 broad categories:

1. Incest
2. Close family and neighbours (where the close family includes relatives other than blood relation)
3. Other known persons including employees (where other known persons include friends, live-in partners, partners in the pretext of marriage, separated husband, etc)
4. The offender's relation and proximity to the victim were unknown

The graph shows the trend of rape cases has significantly increased over the decade. However, other known persons including employees, colleagues have considerably contributed to increased rape cases followed by a sharp decline in the year 2017. Furthermore, the same trend goes with the neighbours. Trends in rape cases (incest rape) have increased slightly during study time.

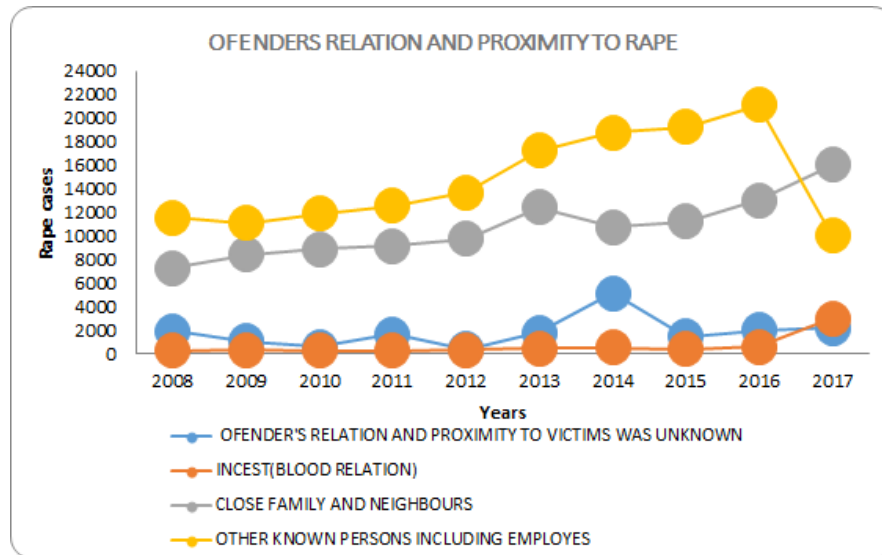


Figure 7.0

Source: Crime against women, 2008-2017, National Crime Records Bureau

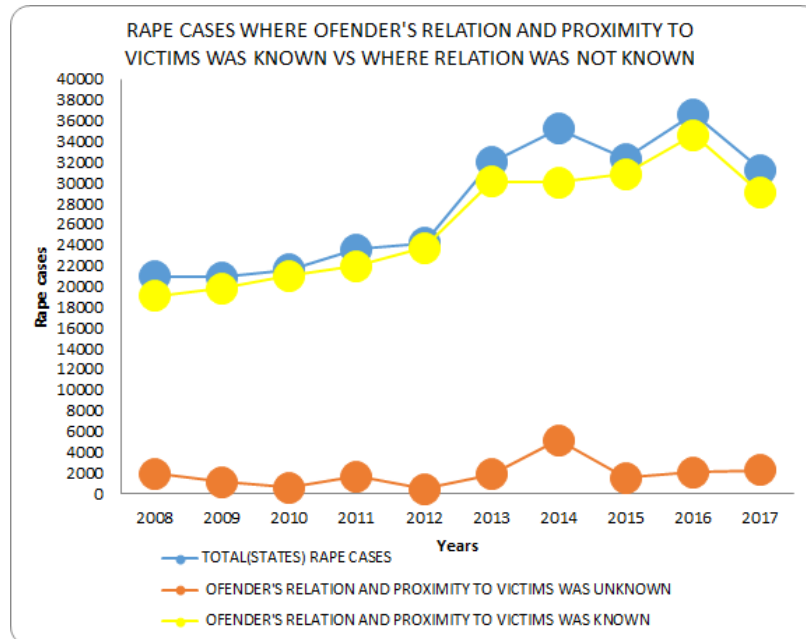


Figure 8.0

Source: Crime against women, 2008-2017, National Crime Records Bureau

One of the biggest misconceptions around rape is the “othering” of both the criminal and the victim that a “certain” type of man rapes (Maitreya, 2020). The above trend clearly shows that thought offenders have majorly contributed to the total number of rape cases. As per the report published by The Hindu “In 90% of the cases the offender is known to the victim”. Therefore, rape most often than not becomes an under-reported crime not only because of the stigma attached to it and a broken justice system but because of the additional barriers that collusion of familial, social power structures, shame, and dependency create (PUBLIC, 2018).

6.2 Consequences of incestuous rape

Most of the victims of such cases are minors and teenagers who are dependent and helpless either to protect themselves or to complain against the abuse. (Sepaha Priya, 2016). Many cases are reported very late and some are even not reported due to ignominy, fear, embarrassment, social stigma, family pressure, family honour, and loyalty. Rape is a symbol of domination that shatters the will of the victim to live. The most disturbing and obnoxious factors related to this offence are that victims suffer a lot of psychological trauma, for instance, shock, depression, hysterical seizures, or loss of their mental balance. Many of them commit suicide due to humiliation. Some become drug addicts, delinquents, precociously seductive, and even prostitutes (Chaterji,2016). However Indian Penal Code does not mention any special category of the offence, incestuous rape, although there are many provisions related to sexual abuse. Section 90 of the IPC that deals with sexual abuse of children below twelve years of age, Section 375 and 376 deals with rape, and Section 377 deals with sodomy and outraging modesty is dealt with under Section 354.

7.0 Social and Economic indicators

7.1 Poverty Rate

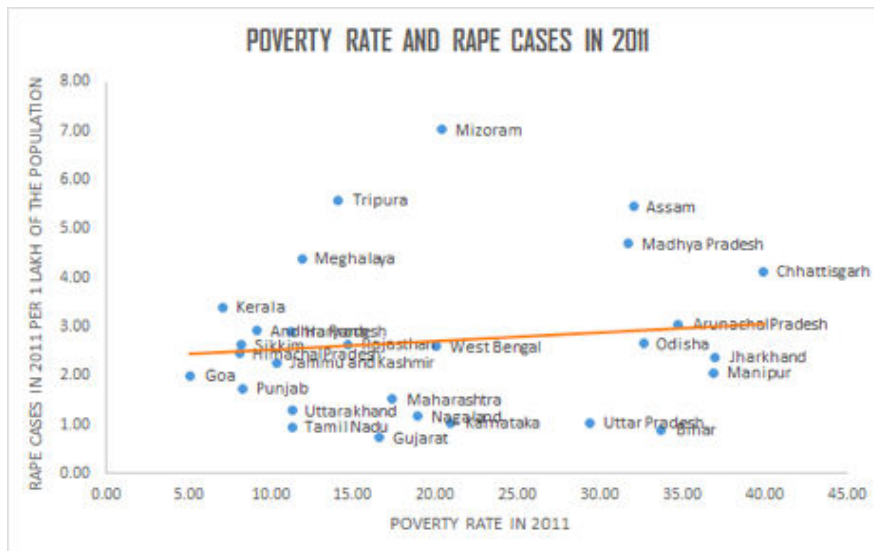


Figure 9.0

Source: Crime against women, 2011, National Crime Records Bureau;
Poverty estimates 2011-12, Press Information Bureau

On analyzing the poverty rate as per the 2011 census and the number of rape cases reported per 100,000 of the population it has been found that there is a positive correlation between the poverty rate and the rape cases, poorest states have experienced a high number of rape cases. States such as Chhattisgarh, Assam, MP, Arunachal Pradesh are among the poorest state with a high number of rape cases.

Women and girls living in poverty are more vulnerable to sexual exploitation. Mizoram despite having a moderate poverty rate has a high number of rape cases. This could be because of widespread insurgency, violence, and also the AFSPA (Armed Forces Special Powers Act) that could have a bearing on the crimes committed.

7.2 Female literacy rate

This paper considered the female literacy rate as per census 2011, and rape cases registered in various states per 100000 of the state population in 2011 for this analysis. A positive correlation has been observed between the female literacy rate and rape cases reported which means a state with a high literacy rate has reported a high number of rape cases. It is due to education that equips with the necessary knowledge and attitude to deal

with the problems that crop up. Thus an educated female is more likely to stand up for her rights when they are denied it because of knowledge of the redress mechanisms of the state. However, states such as Bihar and Uttar Pradesh have a lower number of reported rape cases which can be due to the underreporting of rape cases.

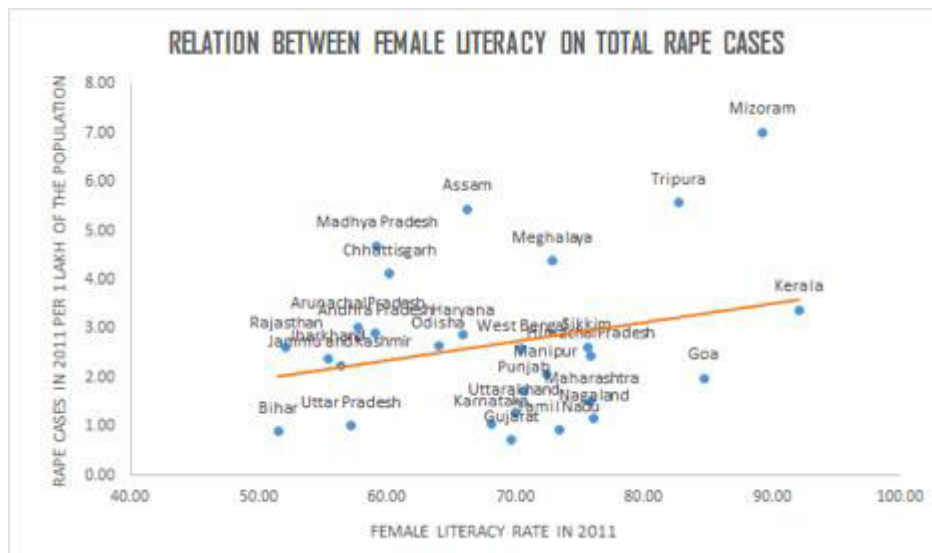


Figure 10.0

Source: Crime against women, 2011, National Crime Records Bureau;
Female literacy rate 2011, Census India

8.0 Rape of men - the other side of the coin

Rape in general is defined as the crime committed by men against women. It has been conceptualized as the sexual victimization of women by male preparators that manifest the rape-supportive patriarchal society. However, it has also been found that there is a significant number of rapes and other sexual violence victims are male too. Rape was thought to be and defined as a crime committed solely against women (Rape of Males, n.d.). It was in 1994 that The UK's Criminal Justice and Public Order Act, 1994 re-defined adult rape to include non-consensual anal as well as vaginal penile penetration, removing the previous term of buggery from statute (Fisher & Pina, 2013). This meant that for the first time male rape was seen through legal sentencing to be of equal status to that of female rape.

Millions of men in the United States have been victims of rape.

- As of 1998, 2.78 million men in the U.S. had been victims of attempted or completed rape.

- About 3% of American men—or 1 in 33—have experienced an attempted or completed rape in their lifetime.
- 1 out of every 10 rape victims is male (Victims of Sexual Violence: Statistics | RAINN, n.d.).

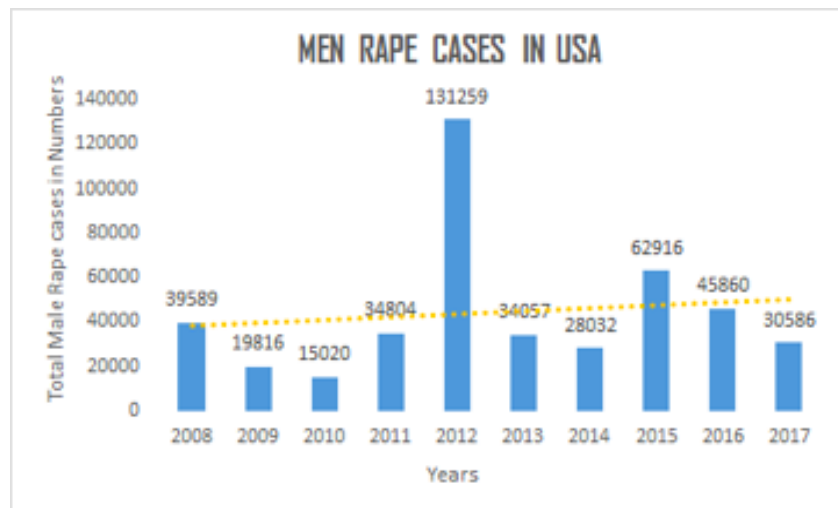


Figure 11.0

Source: Rape in USA, 2020, Statista

The above figure illustrates the trend of men's rape cases in the US during 2008-17. The year 2012 experienced the highest no. of men's rape cases i.e., 131259.

1. Hong Kong

According to research by the University of Hong Kong and UBS Optimus Foundation, sexual assault rates of boys are 2.7% higher than girls (Wikipedia, n.d.).

2. Taiwan

Taiwan registered around 12,066 victims of reported sexual assault in 2012 of that 1,335 victims were men. To control the increasing number of these rapes/sexual assaults, Taiwan's Ministry of Education had released a short film on sexual education. The National Academy of Educational Research Secretary-General Kuo Kung-pin stated that the video intended to make the youth aware that men can be raped, and it has achieved its objective (Wikipedia contributors, 2003).

3. India

The definition of rape given under section 375 of the Indian Penal Code has mainly two problems, that are, it does not take into account the non-consensual sexual acts on

a man by a woman and it always considers woman as victim. It lacks gender neutrality. Thus in India, there is no particular law for a male victim of rape. If India can have the provision for the rape of a male child, it definitely should have the provision for the rape of adult men. But the conservative idea that only men use power to exploit women, has left the males vulnerable. With all such provisions of law for sexual assault and offences against women and children, a sense of equality guaranteed under Article 14 of the Indian Constitution also seems to be missing (Mishra, 2020).

A south Indian blogger Vinodhan was gang-raped twelve years ago when he was 18, and the men who committed this crime even recorded it (Menon, 2013). He could not raise his voice against the injustice done to him because of the absence of any provision for the male victims of rape in the Indian legislature. A very few male victims gather the courage to come out in public even though a bucket full of men have undergone this heinous crime because of the stereotypical mindset that runs in our society which states that men are strong, can fightback and are always in a position of power over others and all these features account for one of the most important characters “masculinity”.

9.0 Role of NGOs against increasing number of rape cases

Non-Government Organizations now play a key role as the filler in the society by implementing the policies in a much effective way on the ground. There are thousands of NGOs working for women's safety in specified fields such as sexual violence, marital rape, incest rape, etc. Many organizations are working against misogyny and trying to portray the right narrative around the victim against what society has projected onto them. Many of the NGOs are providing women with the training to fight, defend themselves physically etc. e.g., Red Brigade trains the girls in martial arts and makes them aware of the rights that the Indian constitution has provided them against every possible violence and assault. This organization was started in 2011 in Lucknow and within the first 6 years, they have already trained more than 47,000 girls and counting, not just teaching them how to fight physically but also encouraging them to study further. A journal published in *Global Journal of Human Social Science: C Sociology & Culture* showed a comparative study of intervention of NGOs and Non-NGOs in areas of Barguna district, Bangladesh (Khanam & Meem, 2019).

For the same purpose the result is in the below-given table:

Summary of 2010 to 2015 police cases in both NGO and Non-NGO intervention areas

Year	Number of Cases	
	NGO Intervention area	Non-NGO Intervention area
2010	22	7
2011	34	14
2012	41	12
2013	61	37
2014	45	38
2015	17 (up to June)	20 (up to June)
Total	218	128

In the above-given table, in the summary of cases, the cases include the cases of rape, dowry, kidnapping, sexual harassment, eve-teasing, acid-throw, murder, trafficking. The table shows that in the areas where NGOs intervened, an increase in the reporting cases was observed as compared to the areas where NGOs didn't intervene. In the year 2012, the difference between NGO intervention and Non-NGO intervention in the reporting of cases was about 341.6% and in total, the difference was about 170%. In simple terms, the areas with NGOs' intervention showed about 170% increase in the reporting of cases against the areas with no interventions from NGOs.

10.0 Government policies and recommendations

Although there are laws enforced by the system, India still lacks when it comes to sexual assault or rapes. Indian Penal Court specifically addresses the crime against women through 7 (and other) laws:

1. Rape (Sec. 376 IPC)

2. Kidnapping and Abduction (Sec. 363-373 IPC)
3. Kidnapping and Abduction (Sec. 363-373 IPC)
4. Kidnapping and Abduction (Sec. 363-373 IPC)

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5. Molestation (Sec 354 IPC)
6. Sexual harassment (Sec. 509IPC)
7. Importation of girls (Sec.366-B)

Other crimes against women are addressed through the following laws :

1. The employees state insurance Act, 1948
2. The plantation labour Act, 1951
3. The family courts, act, 1954
4. Immoral Traffic (Prevention) Act, 1956
5. The medical termination of pregnancy Act, 1971
6. Domestic Violence Act, 2005.
7. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, etc.

United Nation Children's Emergency Fund's (UNICEF) 2011 report "Economic and social statistics on the countries and territories of the world, with particular reference to children's well-being," found that 57% of Indian boys and 53% of Indian girls think that beating a wife is justifiable. Such a mindset can prove to be detrimental in the fight of reducing crimes against women. Nowadays, there is a specific ministry for women development in almost all the states, many schemes are running from "one-stop centre scheme" (which provides legal counselling, police assistance, medical help, psycho-social counselling under one roof across India) to "Emergency Response Support System" (which provides a pan-India, single, internationally recognized number (112) based system for all emergencies) to "Safe City Projects" but there is no law specifically addressing the marital rapes, incest rapes, men rapes, LGBTQIA+ rapes. Moreover, India still lacks in the basic infrastructure of the judiciary system as the conviction rate was found to be even less than 30%, courts have hundreds of thousands of cases pending, cases take years to be solved. Although the only system can't be upheld liable because it has been observed that citizens aren't vigilant and enthusiastic about programs like educating children about sex education.

In almost all the cases survivors or victims were questioned, no one questioned the perpetrators which must be revolutionized.

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11.0 Conclusion

Crime against women in India is not a new social phenomenon, rather it is now increasing. Although the conviction rate in the country is very less still the lack of awareness leads to the under-reporting of cases. The trend of rape cases in India is increasing, right after 2012 specifically which can be related to the Nirbhaya gang-rape case and there was an increase in incest rapes right after 2016 because the NCRB broadened the criteria and started taking the close relatives too. Areas, where the literacy rate was higher, tend to have higher reporting of cases while the increase in poverty leads to higher rape cases. Although now there is an increasing trend of men's rape too, still there is no particular law to address the same and the same goes with marital and incest rape.

Rape and crime against women are social phenomena that can be solved like other social issues if the people take action against it in a more humanistic way through education and inclusiveness. Compulsory educational and awareness programs by NGOs at the local level can play a great role in combating the issue.

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