



## Mapping the Trend of Rapes in Punjab and Haryana

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### ABSTRACT

Incidences of the heinous crime of rape are reported in the media every day. Such news keep pouring in from different parts of India while the current regime of globalization is hailed by many as heralding the age of expansion of freedom and higher rate of economic growth. But the issue is whether with rising economic growth women's freedom is getting enhanced. There are many studies on rapes in India. But there are fewer studies which provide analysis of trends of rapes at the state and city levels. In view of this, the present paper gives a snapshot of the recent trend of rapes in the two relatively prosperous states, viz. Punjab and Haryana, against the backdrop of the national scenario of incidents of rapes. Analysis in the paper is divided into three parts. First, it briefly touches upon the definition of rape. Secondly, it provides an analysis of the trends of incidences and rate of rapes in Punjab and Haryana in the period 2001-2010 with a comparison with some selected states and the national average rate of rapes. The analysis of rapes is done at two levels, i.e. the state and city levels. Finally, it makes a few concluding observations.

### KEYWORDS

Rape, Punjab, Haryana, India

### Introduction

Incidences of the heinous crime of rape keep pouring in from different parts of the country as reported in both electronic and print media. It appears that such incidences have been increasing very rapidly in the recent years. It is noticed to be more common in some states than others in India. The current regime of globalization is viewed by many as heralding the age of enhancement of freedom and higher rate of economic growth. But is it the case that with rising growth and prosperity women's freedom is getting enhanced. An analysis of the trends of rapes would show whether growing prosperity under globalization leads to expansion of women's freedom and security which would reflect in the trend of crime against women, viz. the most inhuman case being rape of women. Also an understanding of the exact trend of rapes would facilitate appropriate interventions to tackle the horrendous crime of rape.

There are studies on rapes in India. But there are fewer studies which provide analysis of trends of rapes at the state and city levels in the country. Keeping this in view, the present paper gives a snapshot of the recent trend of rapes in the two relatively prosperous states of India, viz. Punjab and Haryana against the backdrop of the national scenario. For the purpose of analysis, the paper is divided into three sections: First, it briefly touches upon the definition of rape in general and the legal definition of rape in India in particular. Secondly, it provides an analysis of the trends of incidences of rapes and rate of rapes in Punjab and Haryana in the period 2001-2010 along with their comparison with some other selected states and the national average rate of rapes. The analysis of rapes is done at two levels, i.e. the State and City levels. Finally, the paper makes certain concluding observations. The data used in the paper is drawn from the compilations of the National Crime Records Bureau (NCRB) of India. For the purpose of analysis, the rate of rape is categorized here as very high, high, medium and low.

### What is Rape?

In this context, let us first understand - what is the concept of rape? It is observed that there is no unanimity on conceptualization of rape. In fact, the definition of rape is highly contested /debated in the literature on rape. Women's assumptions and individual interpretations of rape and sexual assault vary (Chasteen 2001). Reviews of several studies show

that meaning of rape is generally attached to acts of coercive sex (Brownmiller 1975; Donat and D'Emilio 1992; Tomaselli 1986; Zeitlin 1986). Feminists like Brownmiller (1975) and Buchawald et al. (1993) affirm that rape is a crime of violence, not sex that results from male dominance and aggression. As against this the common patriarchal views perceive sexual assault as nothing more than 'a lie' or a "woman's attempt to get back a man" (Pineau, 1989). Legal definitions of rape include physical force as well as verbal coercion. Further, the notion of power is also embedded within this discourse, which plays out in constructing rape as an act of sexual violence that men commit against women. According to Mackinnon (1991), "Rape is an act of dominance over women that works systematically to maintain a gender-stratified society in which women occupy a disadvantaged status as the appropriate victims and targets of sexual aggression" (cited in Sivakumaran 2005:1281). In feminist theories, rape is seen as a continuation of the exercise of power and control in patriarchal society and rape-supportive culture (Burt 1980; Donat & D'Emilio 1992). Brownmiller (1975) affirms that rape "is nothing more than a conscious process of intimidation by which all men keep all women in a state of fear" (cited in Shalhoub-Kevorkian 1999:158). This patriarchal pressure tends to deteriorate women's self-worth and social success and empowers traditional gender roles that are translated into social policy and law. Michel Foucault suggests that legal approaches to rape define it as merely an act of violence, not of sexuality and therefore not distinct from other types of assaults (cited in Cahill 2000).

Further, it may be noted that the legal definition of rape was changed recently in India with the Criminal Law Amendment Act 2013 which was done after the brutal assault and gang rape of a paramedical student in Delhi on 16th December 2012. But prior to this Amendment Act 2013, the legal definition of rape in Indian legal system follows the definition of rape given in Section 375 of the Indian Penal Code (IPC), 1860 under which, "A man is said to commit 'rape' who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:

—'First-Against her will. Secondly - Without her consent. Thirdly - With her consent, when her consent has been obtained by pulling her or any person in whom she is interested in fear of

death or of hurt. Fourthly - With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. Fifthly - With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent. Sixthly - With or without her consent, when she is under sixteen years of age."

In Explanation, Section 375 adds, "Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape." It also makes an Exception, i.e. "Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape." Further, as per State-level Amendment in case of Manipur, (a) in clause Six [above], the word 'sixteen' is substituted with the word 'fourteen', and (b) in the Exception, the word 'fifteen' is substituted with the word 'thirteen' .

So, in India prior to 2013, according to Section 375 of IPC 1860, rape is a penetrative intentional sexual intercourse (sufficient penetration to constitute rape) under sixteen years of age (including one's wife if under sixteen) without her consent or even with her consent under threat/intoxication/ unsoundness of mind or with a woman other than one's wife. Hence, the legal definition of rape in Indian legal system revolves around peno-vaginal model of theorization. Here, two aspects of the conceptualization of rape may be noted: i) the concept of *consent (permission)*, and ii) the concept of *penetration*. Now, in the recent Criminal Law Amendment Act 2013, the conceptualization of rape in India is broadened wherein *penetration* by any object into the vagina, mouth, anus etc is considered rape. But in this paper, the data and analysis of rape covers the period 2001-11, i.e. prior to the 2013 amendment and the data of NCRB on rape used here is as per the definition given in Section 375 of IPC, i.e. prior to the 2013 amendment, wherein rape is viewed as peno-vaginal penetration only. Here, it needs to be mentioned that the data on rapes compiled by the National Crime Record Bureau (NCRB) of India follows the definition of rape given in Section 375 of Indian Penal Code (IPC), 1860 as elaborated already.

Trends of Rape in Punjab and Haryana

In this study, analysis of data on rape, drawn from NCRB, is done at two levels: (i) incidences and trends of rate of rapes in the states of Punjab and Haryana and also their comparison with those states which have either lower or higher rate of rapes, and (ii) trends of rate of rapes in selected cities of

Punjab and Haryana. The period of analysis of incidences and trends of rates of rapes covered in this paper is 2000-2010 as indicated earlier. It may be mentioned here that NCRB provides the details of rape incidences in different states/UTs and selected cities in India on an annual basis. Hence, the analysis of trends of rapes can be done on annual basis. But analysis of data is done here on a periodic (5-year) basis i.e. 2001, 2005, and 2010 to find the overall main trends of rate of rapes at the state and city levels.

In this connection it may be noted that rate of rapes (which is calculated as number of incidents per lac population) is more important to understand the trend of rapes. The reason behind this is that number of incidents cannot be valid for comparison between different states and cities because population of different states and cities varies. So, comparison in terms of rate of rapes is valid, scientific and justifiable. For the purpose of analysis, rate of rapes in India is categorized as VERY HIGH, HIGH, MEDIUM and LOW on the basis of rate of rapes as given below –

Table1: Categorization on the basis of rate of rapes in India

Sr. no.	Category of Rate of Rapes	Range of Rate of Rapes (per lac population)
1.	Very High rate	6 and above
1.	High rate	4-6
2.	Medium rate	2-4
3.	Low rate	0-2

Table 2 provides state-level details of incidences and rate of rapes in India during the period 2001 to 2010. It includes Punjab and Haryana, eight other selected states showing highest and lowest rate of rapes, all-states' average rate of rapes and total incidences of rapes in the country. It is evident from the Table that both Punjab and Haryana show lower rate of rapes than the all states' average rate of rapes in 2001 and 2005, but higher rate of rapes than the all states' average rate in 2010. There is observed consistent increase in the rate of rapes in both the states during the period 2001-2010, whereas some states show fluctuations in the rate over the years (UP, Bihar, Nagaland). Rate of rapes has been consistently higher in Haryana than in Punjab. Punjab and Haryana are broadly in the middle rank among the states in terms of rate of rapes, but the rank of Haryana is higher than Punjab (in 2010 – Haryana is placed 9<sup>th</sup> and Punjab at 15<sup>th</sup> rank). On the whole, both the incidents and rates of rapes are rising in the two states in which Haryana is worse than Punjab.

Table 2: Incidents & Rate of Reported Rapes in Selected States (2001, 2005, 2010)

States	Total Rape Reported						Rank among States as per rate of rape		
	No. of Incidents			Rate (Per Lac Population)					
	2001	2005	2010	2001	2005	2010	2001	2005	2010
Punjab	298	398	546	1.2	1.5	2.0	14	13	15
Haryana	398	461	720	1.9	2.0	2.9	10	10	9
Tamil Nadu	423	571	686	0.7	0.9	1.0	19	18	22
Uttar Pradesh	1958	1217	1563	1.2	0.7	0.8	15	20	22
Bihar	888	1147	795	1.1	1.3	0.8	16	15	22
Gujarat	286	324	408	0.6	0.6	0.7	20	21	23
Nagaland	17	17	16	0.9	0.8	0.7	16	19	23
Madhya Pradesh	2851	2921	3135	4.7	4.4	4.3	2	2	5
Mizoram	52	37	92	5.8	3.9	9.1	1	4	1
Tripura	102	162	238	3.2	4.8	6.6	4	1	2
Total (All-India)	15658	17651	21603	1.5*	1.6*	1.9*			

Source: National Crime Record Bureau.      Note: \*All-States' average rate of rapes.

Further, some observations can also be made about states in general in India. Table 2 shows that in general and in 2010 in particular Mizoram (rate of rape 9.1) shows the highest rate

of rapes among the states (over 4-times the all-states' average rate of 1.9 in 2010), followed by Tripura having rate of rape 6.6 in 2010 (both states are in the North-East region).

Among other states Madhya Pradesh (rate of rape - over 4) shows high rate of rapes, i.e. second highest in 2001 and 2005, but the situation slightly improving in 2010. It is found that in 2010, Gujarat and Nagaland reported the lowest rate of rapes, both having 23<sup>rd</sup> rank among states. In 2010, Uttar Pradesh, Bihar and Tamil Nadu show low rate of rapes (much lower than all-states' average rate) having 22<sup>nd</sup> rank among states. So, the general trend is that some states show a consistent rise in the rate of rapes, but some other states show fluctuations in terms of rate of rapes during the period 2001-2010.

### Trend of Rate of Rapes in Selected cities of Punjab and Haryana

Table 3 provides the details of incidences and rate of rapes in selected cities of Punjab and Haryana about which NCRB compiles data on annual basis. In case of Punjab, the Table shows that rate of rape has been consistently on the rise in Ludhiana (increased from 2.4 in 2001 to 3.7 in 2010), but it reflects fluctuations in case of Amritsar. There is found consistently lower rate of rape in Amritsar than in Ludhiana (rate of rape in 2010 being 2.4 in Amritsar is but 3.7 in Ludhiana. Further, Faridabad city in Haryana reported lower rate of rape than Ludhiana in 2001 and 2005 but much higher rate in 2010 (rate

being 4.8). In Faridabad, rate of rape is consistently on the rise but the rate increased fast in 2010. Faridabad reported the highest rate among the three cities (viz. Ludhiana, Amritsar and Faridabad) in 2010. Amritsar consistently shows the lowest rate of rape among the three cities.

It is observed from Table 3 that Ludhiana always shows higher rate of rape than all-cities average rate of rape in India. Amritsar and Faridabad reported lower rate of rape than all-cities average in 2001 and 2005 but Ludhiana showed higher rate. In 2010, all three cities of Punjab and Haryana (viz. Ludhiana, Amritsar and Faridabad) reported higher rate of rapes than all-cities average in India. So, there is a reversal of trend for bad in case of two cities (i.e. Amritsar and Faridabad) in comparison with all-cities average rate (earlier they reported lower than all cities average rate). Coming to the Union Territory of Chandigarh, it is found to show consistently higher rate of rapes, like Ludhiana, than the all-cities average rate during 2001-2010, though it reflects a fluctuating rate of rapes during this period. Chandigarh is found to have higher rate of rape than other three cities in 2005, but lower rate than Ludhiana and Faridabad in 2010. On the whole, its rate is closer to Ludhiana. Faridabad shows the highest rate of rape in 2010 compared with the other three cities.

**Table 3: Trends of Rate of Rapes in Selected cities of Punjab and Haryana**

State	Total Rape Reported			Rate (Per Lac Population)			Rank among cities as per rate of rape		
	No. of Incidents								
	2001	2005	2010	2001	2005	2010	2001	2005	2010
Amritsar (Punjab)	7	4	24	0.7	0.4	2.4	15	19	12
Ludhiana (Punjab)	34	39	52	2.4	2.8	3.7	6	5	6
Faridabad (Haryana)	11	18	51	1.0	1.7	4.8	12	11	3
Chandigarh (UT)	18	33	31	2.0	3.3	2.8	7	4	8
Jabalpur	64	49	81	5.7	4.4	7.3	1	1	1
Kolkata	19	13	32	0.1	0.1	0.2	20	21	23
Varanasi	17	6	2	1.4	0.5	0.2	10	18	23
Total (50 cities)	1261	1693	1803	1.2*	1.6*	1.7*	--	--	--

**Source: National Crime Record Bureau.**

Notes: (i) Total number of cities covered in data compiled by NCRB = 50 cities.

### (ii) \*Average rate of rapes of all 50 cities covered in data compiled by NCRB.

Further, there is observed certain general trends of rate of rapes in selected 50 cities in India (Table 3). In general, the rate of rape has been consistently increasing during the period 2001-10 (50 cities average rate of rapes increased from 1.2 in 2001 to 1.6 in 2005 to 1.7 in 2010). The city reporting highest rate of rape in 2010 was Jabalpur i.e. having rank -1 with rate of rape being 7.3 (i.e. over 4-times higher than 50 cities average rate). Two cities which reported lowest rate of rape in 2010 were Kolkata and Varanasi having the last rank 23 with their rate of rape being just 0.2 (i.e. quite low compared with 50 cities average rate).

### Concluding Remarks

It may be observed that the rate of rapes in India, more so in Punjab and Haryana, seems to be lower compared with the developed countries. For instance, approximately 14% women in the United States have been raped in their lifetimes (Kilpatrick, Edmunds & Seymour 1992; Tjaden & Thoennes 2000). But the lower rate of rapes in India is considered to be because of high degree of under-reporting of rapes due to the given traditional socio-cultural factors. Even in case of the United States it is observed that rapes are not fully reported.

The preceding analysis shows that the rate of rapes has been consistently on the rise in India as a whole during the period 2001-2010 which increased from 1.5 per lac population in 2001 to 1.6 in 2005 to 1.9 in 2010. However, coming to the states, it is found that some states show fluctuations in rate of rapes but others consistent increase during this period.

On the whole, rate of rapes have increased significantly in

both Punjab and Haryana during 2001-2010. The rate almost doubled in Punjab, and increased by one-and-half times in Haryana during this period of one decade. The situation in Haryana is worse than Punjab. Both states reported lower rate of rapes than the national average in 2001 and 2005; but they reported higher rate than the national average in 2010 which marks a reversal in the trend for bad. The rate of increase in the rate of rapes in these two states is higher than the national average.

Among the four (selected) cities of Punjab and Haryana, in 2010 Faridabad of Haryana shows 'high rate' of rape (4.8) and other three show 'medium rate' (Ludhiana 3.7, Chandigarh 2.8, Amritsar 2.4); but all four show much higher rate of rape than the all-cities' average rate of 1.7. (In 2001 two cities Amritsar and Faridabad showed lower rate than the all-cities' average and in 2005 Amritsar showed lower rate than all cities average rate of rape). The rising rate of rapes in Haryana and Punjab in the recent years, as in the rest of the country, is not just a story for media but a matter of grave concern.

It is found that states like Uttar Pradesh and Bihar report much lower rate of rapes than Punjab and Haryana though the former have much lower per capita income. Hence, economy may not be the determining factor in case of incidents of rapes at state level. It may not be like higher per capita income leading to lower rate of rapes.

Finally, it can be held that given the substantially increasing rate of rapes in both Punjab and Haryana, there is a need to take consistent and systematic steps to stop the rising incidents and rate of rapes in both the states, yes with more intense efforts in case of Haryana. Further, there is observed

significant variation in the rate of rapes between Punjab and Haryana and also between cities in the two states as is the trend across other states and cities in India. This would imply that the intervention strategy and measures adopted for mitigation and elimination of rapes need to be differentially targeted by the government agencies, private sector and other concerned organizations and stakeholders working in this area.

Moreover, there is a need to systematically study – why the rate of rapes varies so widely across states and cities in India. Research may be focused on finding out the impact of social, cultural, economic and administrative factors on incidents and rate of rapes so that appropriate policies and programmes may be formulated to mitigate and eliminate the heinous crime of rape in India.

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