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## **An Overview of Recent Trend of Crime in the Nature of 'Cruelty by Husband or his Relatives' in our Country**

Mithun Das

Assistant Professor,  
Bagnan College, Bagnan, Howrah

### **Abstract**

Crime against women is a gross violence of their human rights and hampers their overall welfare, but unfortunately crime is committed against women throughout the centuries without any social, cultural and national barrier. Women of our country are also not free from this tradition. They are also the poor victims of several forms of crimes throughout the centuries. It is a shameful fact that women are victimised not only outside their home but also in their own home and by their near and dear ones. Physical, sexual and psychological violence strikes women in every part of our country. It has crossed the boundary of every society, economy, religion, race and culture. The statistics published by 'National Crime Records Bureau', an Indian Government agency and part of the Ministry of Home Affairs, indicates the share of crime against women under the head 'Cruelty by Husband or his relatives' u/s 498A IPC is the maximum among all crimes against women in recent past in our country. An attempt has been made through this paper to view the recent trend of this crime in different States and Union Territories and actions taken by police administration and judicial system to give justice to the victims of this crime.

**Key words:** crime against women, 'National Crime Records Bureau', 'Cruelty by Husband or his Relatives', section 498A IPC, police administration and judicial system

### **Introduction**

Indian Nobel laureate Prof. Amartya Sen opined that "development means less income poverty or better access to justice; it should also mean fewer gaps in well-being between males and females". No prosperity can be achieved if around 50% of the population i.e. women are not prospered. But unfortunately, even in this 21st century, there is no country in the world that treats its women the same as its men. According to World Development report, 2012, 'Things have changed for the better, but not for all women and not in all domains of gender equality. Progress has been slow and limited for some women in very poor countries, for those who are poor, even amid greater wealth, and for those who face other forms of exclusion because of their caste, disability, location, ethnicity, or sexual orientation. Whether comparisons between men and women in the same country, or absolute comparisons of women across countries, the progress in some domains is tempered by the sobering realities that many women face in others.' This anti-female biasness originates before the birth of a girl child, resulting sex-specific absorption and this attitude of the society to a female member continues to her life. According to a report of World Health Organisation, 2013, it is estimated that 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner (not including sexual harassment) at some point in their lives. However, some national studies show that up to 70 per cent of women have experienced physical and/or sexual violence from an intimate partner in their lifetime. According to 'Global Study on Homicide', 2019, it is estimated that of the 87,000 women who were intentionally killed in 2017 globally, more than half (50,000- 58 per cent) were killed by intimate partners or family members, meaning that 137 women across the world are killed by a member of their own family every day. More than a third (30,000) of the women intentionally killed in 2017 were killed by their current or former intimate partner.

Our motherland India is also not free from this gender biasness, and crime against women is a serious matter of consideration here. According to National Crime Records Bureau (NCRB) report- 2018, there were 5074634 cognizable crimes comprising 3132954 IPC crimes and 1941680 SLL crimes registered in 2018 and the rate of crime per lakh population were 383.5. Out of these, total crime against women under IPC were 323345 (more than 10% of the total IPC crimes) and under SLL were

54932 (nearly 3% of the total SLL crimes) were registered. The crime rate under IPC was 50.3 and under SLL was 8.5 per lakh female population in 2018.

It is a shameful fact that women are not safe in our country. Physical, sexual and psychological violence strikes women all over the nation. It crosses the boundary of every society, economy, religion, race and culture. Crime against women is a gross violation of their human rights and it hampers their physical, mental, social and economic welfare. The gender discrimination leads to declining in sex ratio, health status, literacy rate, political participation and work participation rate among the female folk on one hand and on the other hand, it leads to spread a number of social evils like murder with rape/ gang rape, dowry deaths, cruelty by husband or his relatives, acid attack, kidnapping and abduction of women, female trafficking, assault on women with intent to outrage her modesty, etc.

The government statistics reveals that women are victimised in her home mostly. According to NCRB report 2018, total crime against women under IPC in 2018 were 323345 out of which number of cases under 'cruelty by husband or his relatives' (498 A IPC) were 103272 which is 31.94% of the total crime under IPC against women, the highest among all crimes against women.

### **Some Theoretical Insights**

*Cognizable case-* A case in which a police officer may arrest the accused without an arrest warrant.

*Section 498A:* Husband or relative of husband of a woman subjecting her to cruelty- whoever, being the husband or relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

*Explanation-* for the purpose of this situation, 'cruelty' means-

- a) Any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or damage to life, limb or health (whether mental or physical) of the woman; or
- b) Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

*The offence u/s 498A IPC-* it is cognizable if the information relating to the commission of the offence is given to an officer-in-charge of a police station by the person aggrieved by the offence or by any person related to her by blood, by marriage or adoption or if there is no such relative, by any public servant belonging to such class or category as may be notified by the state government in this behalf. It is a non-bailable offence also.

### **Objectives of the Study**

The objective of the present paper to observe-

- a) The trend of number of cases registered under the head 'cruelty by husband or his relatives' and the rate of crime during the study period in all States and Union Territories of India.
- b) Police and court disposal of crime under the head 'cruelty by husband or his relatives'.
- c) Any significant change in number as well as rate of crime.

### **Research Methodology**

The present study is done purely on the basis of secondary data. It is done mainly on the basis of annual statistical data published by National Crime Records Bureau (NCRB) during the period 2014 to 2018. The NCRB publishes data relating to all crimes taken place in India. In this paper, data relating to the cases which has been registered u/s 498A IPC under the head 'Cruelty by Husband or his relatives', has been taken into consideration. Each individual year indicates the calendar year i.e. from January to December.

### Data Analysis

The Table 1 represents total number of cases registered as crime against women during the study period and also the rate of crime. It should be noted that the rate of crime indicates crime took place per one lakh female population in the relevant year. The above table indicates that total number as well as rate of crimes has been reduced during the study period. This reduction has been observed both in case of States and Union Territories. It is also to be noted that rate of crime is much higher in Union territories than the States. The rate of crime has been decreased in the States continuously throughout the study period, but the same is not observed in the Union Territories.

The Table 2 represents the total number of cases registered as 'Cruelty by Husband or his relatives' under 498A IPC and its ratio on total crime against women. From the table it is found that the ratio of crime under the head 'Cruelty by Husband or his relatives' on total crime against women is quite high in all over India during the study period. It is also revealed that this ratio is higher in the states compared to the Union territories. From the table it is found that the number of cases registered in the states as well as in all over India has been reduced gradually throughout the study period. The same trend is observed in case of its ratio on total crime against women also. But there is an overall increase both in number of cases registered under the head 'cruelty by husband or his relatives' as well as its ratio on total crimes against women under IPC in the Union Territories during the same period.

The Table 3 represents the number of cases registered under the head 'Cruelty by Husband or his relatives' u/s 498A IPC in different States and Union Territories and the crime rate in the study period. The table depicts that West Bengal, Rajasthan, Uttar Pradesh, Assam, Maharashtra and Telangana are the states where the crime under the head 'Cruelty by Husband or his relatives' u/s 498A IPC has been committed mostly among the states in the study period and West Bengal led the states in the same period. On the other hand, Nagaland, Mizoram, Sikkim, Manipur and Meghalaya are the states where least number of such crime has been committed in the study period. Again, lion's share of crime under the same head has been committed Delhi among the Union Territories. The total number of crimes committed under the same head in the other Union Territories are very few.

Again, if the crime rate is considered, the top states where high crime rate is observed in the study period are Assam, West Bengal, Rajasthan, Telangana, Haryana and Andhra Pradesh. The highest crime rate is observed in Assam throughout the study period among these states. Initially, there were high crime rate in Tripura and Kerala, but it has been reduced to a great extent over the study period. It can be noticed that crime rate has been decreased significantly in case of West Bengal, Tripura, Rajasthan, Kerala and Gujarat during the study period. The crime rate was quite high in these states at the beginning of the study period. But it has been almost same in Telangana, Uttar Pradesh, Maharashtra and Andhra Pradesh among the states and in Delhi among the Union Territories. Another interesting point is to be noted that though the number of crimes is quite high in Uttar Pradesh and in Maharashtra, the rate of crime is relatively lower.

It is also to be noted from the table that number as well as rate of crime is very low in all Union Territories except Chandigarh and Delhi UT and these have increased the overall crime rate of Union Territories. The overall crime rate is quite higher than overall crime rate of the states as well as all over India.

The Table 4 represents statistics relating to police disposal of crime under the head 'Cruelty by Husband or his relatives' u/s 498A IPC during the current study period. 'Total cases of investigation' mentioned in the table represents the total of 'pending cases of the previous year', 'cases reported during the year' and 'cases reopened for investigation'. The charge-sheeting rate has been computed by dividing 'total cases charge-sheeted' with 'total cases disposed of by the police'. Again, pendency percentage has been calculated by dividing 'pending cases investigation at the end of the year' with 'total cases for investigation'. The above table represents that number of pending cases at the end of the year is about fifty thousand throughout the study period which is about 30% of total of investigation. Charge-sheeting rate is more than 80% throughout the study period which indicates that major portion of investigations were completed by the police for the cases registered during the study period.

The table 5 represents statistics relating to Court disposal of crime under the head 'Cruelty by Husband or his relatives' u/s 498A IPC during the current study period. 'Total cases for trial' represent the combined figure of 'cases pending trial from the previous year' and 'cases sent for trial during the year. Conviction rate has been determined by dividing 'cases convicted' with 'cases in which trials were completed'. Again, pendency percentage has been determined by dividing 'cases pending trial at the end of the year' with 'total cases for trial during the year'. The table represents that the conviction rate is very low and pendency percentage is very high throughout the study period.

### **Major Findings**

Crime against women is a major issue all over the world and our country is not an exception of that. Again, crime under the head 'cruelty by husband or his relatives' shares major portion of crimes against women in our country. It is the most unfortunate fact that women are victimised mostly in their own home and by their most beloved persons. The statistics reveals that more than 30% of crime against women taken place under the head 'cruelty by husband or his relatives' throughout the study period. It is clear from the statistics that this evil problem exists in every part and every society of our country, but is exquisite in states like West Bengal, Uttar Pradesh, Telangana, Rajasthan, Maharashtra, Assam, Haryana and Andhra Pradesh and in Delhi Union Territory. The number of cases registered as well rate of crime of these states and Union Territory is quite higher than the other states and union territories during the same period.

### **Conclusion**

Though the crime under the head 'cruelty by husband or his relatives' is a burning issue for a long time in our country and is a major crime against women, there is a little ray of hope of improvement in recent past. It is revealed from the statistics that the total number of cases registered under the head 'cruelty by husband or his relatives' has been reduced significantly during the study period. There is more than 15% reduction in total number of cases registered under this head during the period in all over India and ratio of crime under this head over all crimes against women have also been reduced during the same period. It is definitely a good and positive sign. But it should also to be kept in mind that the total number of cases registered under this head was 103272 in 2018 all over India which was the lowest in the study period, indicates nearly 12 crimes committed per hour or one crime in every 5 minutes under this head.

There are several reasons behind this unpleasant situation like gender discrimination, social injustice to women, misconception etc. But our police administration and judicial system is also liable to a great extent for this unexpected situation. The statistics revealed that more than 30% cases remained pending each year throughout the study period by the police authority i.e. the investigation work has not been completed for these cases.

The situation is more alarming in case of judicial system. The study reveals that in less than 15% cases in which trials were completed, conviction has been sentenced by the court throughout the study period. At the same time, about 90% of the cases which appear for trial in the court remained pending.

It is a fact that the statistics do not reveal the true picture and situation of crime in the nature of 'cruelty by husband or his relatives' because a number of such incidents do not come under the supervision of our police administration and judicial system as they are not reported at all. A number of studies reveals that the victims do not share their bitter experience even with their parents or close relatives. Insecurity, prejudice, lack of legal knowledge and slow pace of judicial process restricts the victims to knock the door of law.

In order to abolish this type of crime, there should be change of mind of the mass people. There should not be any gender biasness. There should be camaraderie, courtesy and modesty among the spouse and the family members. In case of trouble or tension, the family members should solve the matter through interlocution and mutual understanding. There should also be provision of stern punishment in the court of law for such type of crime. The victims should get justice as quick as possible. This will lead a true decrease of such type of crime.

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## Tables

**Table 1:**

*Total Number of IPC Crimes against Women and Rate of Crime*

	2014		2015		2016		2017		2018	
	Cases	Crime Rate	Cases	Crime Rate	Cases	Crime Rate	Cases	Crime Rate	Cases	Crime Rate
Total States	321993	54.7	309549	52.0	309713	51.4	303136	49.8	310824	49.1
Total UTs	15929	144.3	17845	157.4	15939	136.9	12099	101.1	12521	130.1
Grand Total	337922	56.3	327394	53.9	325652	53.0	315215	50.7	323345	50.3

(Data source: NCRB Annual Reports)

**Table 2:**

*Total Number of cases under the head 'Cruelty by Husband or his relatives' u/s 498A IPC and its ratio on Total Crime against Women:*

	2014		2015		2016		2017		2018	
	Cases	Ratio	Cases	Ratio	Cases	Ratio	Cases	Ratio	Cases	Ratio
Total States	119538	37.12	109731	35.45	106341	34.34	101675	33.54	99745	32.09
Total UTs	3339	20.96	3672	20.58	4037	25.33	2876	23.77	3527	28.17
Grand Total	122877	36.36	113403	34.64	110378	33.89	104551	33.17	103272	31.94

(Data source: NCRB Annual Reports)

**Table 3: Number of Cases and Crime Rate under the head 'Cruelty by Husband or his relatives' u/s 498A IPC***in different States and Union Territories*

States	2014		2015		2016		2017		2018	
	Cases	Rate	Cases	Rate	Cases	Rate	Cases	Rate	Cases	Rate
Andhra Pradesh	6362	25.1	6121	23.9	6461	25.1	7156	27.5	6831	26.3
Arunachal Pradesh	42	6.9	66	10.7	50	7.9	56	8.9	60	8.3
Assam	9626	62.1	11225	71.5	9321	58.7	9782	60.9	11136	66.7
Bihar	4672	9.5	3792	7.6	3794	7.5	3776	7.4	2539	4.5
Chhattisgarh	964	7.6	620	4.9	622	4.8	582	4.4	503	3.5
Goa	35	3.9	19	2.1	23	2.5	21	2.3	9	1.2
Gujarat	5991	20.6	4133	14.0	3732	12.5	3223	10.7	2923	9.1
Haryana	3478	28.3	3525	28.3	3313	26.2	3326	26.0	4154	31.2
Himachal Pradesh	325	9.5	226	6.6	214	6.2	191	5.5	183	5.1
Jammu & Kashmir	467	8	400	6.8	342	5.7	377	6.3	325	5.1
Jharkhand	1462	9.1	1654	10.2	1002	6.1	998	6.0	1032	5.7
Karnataka	3025	10	2732	8.9	2556	8.3	2332	7.5	2053	6.4
Kerala	4919	27.2	3668	20.2	3455	18.9	2856	15.6	2046	11.2
Madhya Pradesh	6451	17.8	5281	14.3	6264	16.8	6099	16.1	4159	10.6
Maharashtra	7696	13.3	7640	13.5	7215	12.6	6584	11.3	6862	11.8
Manipur	41	3.2	39	3.1	29	2.2	19	1.5	14	0.9
Meghalaya	42	3.1	44	3.2	26	1.9	20	1.4	18	1.1
Mizoram	8	1.6	9	1.8	19	3.7	20	3.8	6	1
Nagaland	3	0.3	4	0.4	3	0.3	3	0.3	3	0.3
Orisha	3114	15	3605	17.2	2781	13.2	2525	11.9	1984	8.9
Punjab	1681	12.7	1583	11.9	1568	11.7	1199	8.9	1470	10.4
Rajasthan	15905	46.7	14383	41.6	13811	39.4	11508	32.4	12250	33
Sikkim	5	1.7	2	0.7	2	0.7	5	1.6	1	0.3
Tamil Nadu	2103	6.1	1900	5.5	1256	3.6	984	2.8	789	2.1
Telangana	6369	35.3	7329	40.3	7202	39.2	7838	42.4	6286	34.2
Tripura	702	38.3	501	27	430	22.9	348	18.3	303	15.6
Uttar Pradesh	10471	10.4	8660	8.5	11156	10.8	12653	12	14233	13.3
Uttarakhand	301	5.9	407	7.9	392	7.5	394	7.5	622	11.5
West Bengal	23278	51.9	20163	44.6	19302	42.3	16800	36.5	16951	35.9
<b>Total States</b>	<b>119538</b>	<b>20.3</b>	<b>109731</b>	<b>18.4</b>	<b>106341</b>	<b>17.6</b>	<b>101675</b>	<b>16.7</b>	<b>99745</b>	<b>15.8</b>
<b>Union Territories</b>										
Andaman & Nicobar	14	5.4	14	5.3	7	2.6	4	1.4	4	2.2
Chandigarh	141	20.3	126	17.6	122	16.7	121	16	93	17.4
Dadra & Nagar Haveli	6	3.2	2	1	6	3	4	2	1	0.5
Daman & Diu	1	1	3	2.8	8	7.3	5	4.4	4	3.2
Delhi UT	3173	35.2	3521	37.9	3877	40.6	2735	27.9	3416	37.4
Lakshadweep	0	0	2	4.9	2	5	2	4.7	1	3
Puducherry	4	0.6	4	0.5	15	2	5	0.7	8	1
<b>Total Union Territories</b>	<b>3339</b>	<b>30.3</b>	<b>3672</b>	<b>32.4</b>	<b>4037</b>	<b>34.7</b>	<b>2876</b>	<b>24.0</b>	<b>3527</b>	<b>32.1</b>
<b>All India</b>	<b>122877</b>	<b>20.5</b>	<b>113403</b>	<b>18.7</b>	<b>110378</b>	<b>18</b>	<b>104551</b>	<b>16.8</b>	<b>103272</b>	<b>16.1</b>

*(Data source: NCRB Annual Reports)*

**Table 4:***Police disposal of crime under the head 'Cruelty by Husband or his relatives' u/s 498A IPC*

	2014	2015	2016	2017	2018
Cases Reported during the year	122877	113403	110378	104551	103272
Total cases for investigation	168760	163912	162185	154938	150571
Total cases charge-sheeted	97081	90971	91810	91048	82837
Total cases disposed of by the police	117822	112107	110240	107384	100841
Pending cases investigation at the end of the year	50937	51805	51931	47277	49375
Charge sheeting Rate (%)	82.4	81.1	83.3	84.8	82.1
Pendency Percentage	30.1	31.5	32.0	30.5	32.8

*(Data source: NCRB Annual Reports)***Table 5:***Court disposal of crime under the head 'Cruelty by Husband or his relatives' u/s 498A IPC*

	2014	2015	2016	2017	2018
Total cases for trial during the year	499642	534431	569685	562146	589389
Cases in which trials were completed	46853	46127	44681	42695	38259
Cases pending trial at the end of the year	443878	477986	515904	506553	539193
Cases convicted	6425	6559	5433	6777	4982
Conviction rate (%)	13.7	14.2	12.2	15.9	13.0
Pendency Percentage	88.8	89.4	90.6	90.1	91.5

*(Data source: NCRB Annual Reports)*