

Women in Public Spaces and Social Change: A Criminological Perspective

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Abstract

Women in India are praised to the level that no other society in the world. The outlook of Women in India includes Devine Deity (God), Over 50 % of Society, Champion of Patience, Simply contributing, and Weaker Sex by the common man while for family they deserve designations such as Mother/ Mother in Law, Better Half, Parent- Care Taker, Daughter, and Sibling. Their contribution is immense and inseparable in routine of human life. Every women in their life time pass through several spaces namely personal, private and public. While every man feel safe and secure, our women are not, especially in the public domain. The two major spaces that cannot be avoided by women are private and public. These spaces are filled with opportunities, threat and are vulnerable to crime victimization. The contemporary challenge in securing women in public spaces is a matter of concern in contemporary India. Because, India remain worst place of women safety in the world (Gowen, 2018). This conceptual paper will deliberate on important fronts via, assembling government and crime report for supporting the argument especially the Crimes in India report of National Crimes Record Bureau, second the social change and adaptability. Finally, suggest curative action, strategies and counter measure for mitigating the menace.

“I do not wish [women] to have power over men; but over themselves”

~Mary Wollstonecraft

Introduction

Everything under the sun is occupied by human, animals, spices, vegetation's, hills and etc. While human is capable of classifying the space according to the nature of life in the earth. The living space controlled by human that fall less than 3 major heads namely public, private and personal space. These spaces are equally available to all the genders. The spaces are generally connoted with genders even in this century. For stance some spaces are not enjoyed by third gender. While most of the spaces are accessed by both men and women (Munshi, 2014), what so ever opportunity to enjoy the full benefits is limited to women. A public space is a place that is generally open and accessible to people of all genders (UNESCO, n.d.) for example roads (including the pavement), public squares, parks, books stores, bars, parlors, public transport and beaches are typically considered as public space. Every space is built on the principles of good planning and universal design or modified according to local needs, but not with sufficient emphasis or resonance, if committed it can help to create places that are well-loved and well used by people of all

walks of life, of a mix of ages, genders, religions, socio-economic classes and ethnicities (Kneeshaw, 2019).

It took several centuries for women to freely access the public space and facilities. Which includes secure space for women, the right to vote, right to- education, work, practice profession of their choice and several other rights that enable them to come out of their homes? While women's claim for equal citizenship was put forth 2 centuries ago, but not successful in public life. For instance, India is ranked as the most dangerous country in the world for women has reignited the country's ongoing debate over women's safety (Gowen, 2018). However, we have not addressed the question 'who legitimately owns the public domain', and the gender-based segregation of spaces as public (masculine) and private (feminine) has not been challenged (Basu, n.d.).

Women in Public Space

A woman in a public space is considered immediately an object of consumption by the perpetrator(s). It is not only about the risk of sexual harassment also beyond. The very fact that there are more men than women in the average public space makes women an object of intrigue when they step out (Ghosh, 2016). In a research Valentine (1990) found that social relations within a space and the group(s); whoever control the space socially have a greater influence on how safe women feel than does the design of the space.

Urban Public Space and Women

These spaces are modernized and most of the people living are busy with their pre-occupied schedules. Women in urban are freer to move and feel secure while in rural it is vice-versa. The above statement is true in some cases but not in all cases. According to Wiczorkowska, and Burnstei (2004) the women in urban space can utilize these space as per their requirement but fear of crime and vulnerability is high. As well it is important to mention these women are bold enough to report any odd events. To Pacheco (2017) urban public areas shape community ties in neighborhoods. They are places of encounter and can facilitate political mobilization, stimulate actions and help prevent crime. They create environments for interaction and exchange of ideas that impact the quality of the urban environment. In India, urban spaces are dominated by men than women. In such conditions action research is needed to investigate how men dominate space and how this dominance can be broken (Valentine, 1990)

Rural Public Space and Women

The rural space in India, are well dominated by men, it is remains non-contemporary society, they have limited public sphere especially during the evening and night. To be particular women are not found in rural space during the late hours. However, the relationships, village parties, get together and temple meetings continue in niche group. There is explicit restriction of women in certain space even during day as matter of precaution. This space is rejuvenating with social media and information communication and technology (ICT). In India, anything and everything have a classified space based on the requirement.

Women in Private Space

A private space is a self-governing or a place that is exclusively used by one or more individuals for a private gathering or other personal purpose. It is some place to which the public does not have free access for examples office, home, tuition centre, hotel, resorts and etc. Urban or Rural Public space both remain the same as far as private space.

Social Change and Mobility

Social change is universal which cannot be controlled by any society. The emerging forms of social change are uncountable with development of nuclear families and urbanization in India. It is sustained by those members who participate in social relationships. Social change by means is represented by change in social structure. Change in social values, institutions, property relations, economic pursuits, personnel and role distribution may be cited as examples of social change in modern society (Mondal, n.d.). Concept of Social Change: Broadly speaking, there are two types of processes:

(1) Which sustain the social system; and

The first processes may be termed as conformity, status quo and continuity. This is the greatest problem of Indian societies, with no claim or less formal control. The child rearing is weak; over ICT development parents of nuclear have lost control over their wards. This is genius of deviant society, where men do not treat women as equal. The societies are creating ICT enriched children with less or no control. Ultimate the social and family bond continue to weaken.

(2) Which bring about change in the system and change of the system?

The latter may be called as processes of cultural and structural change. India is basically a hierarchy society, therefore any change is unaccepted by upper class which is evident with increasing Khap Panchayat. The society pattern and factors may vary from time to time and from place to place mostly culture based. Change can be seen in terms of the elements of time and history in relation to a given society or social phenomena (Mondal, n.d.). This per se reflects in social mobility. Social mobility refers to the ability to change positions within a social stratification system. For instance son/ daughter earning more than his father or mother. When people improve or diminish their economic status in a way that affects social class, they experience social mobility. This scenario is good in economic scale but weak in social scale. Still, upward mobility is not only about becoming rich and famous, also creating a happy living space. The surprise raise of women in social sphere over two decade has invited the women participation in social life. However, women fear crime and avoid vulnerable situations. Still crimes against women are increasing. Why it is increasing? In order to understand the increasing crime against women, social change, mobility and its impact we shall take crime statistics of 3 major crimes against women and appreciate why women participation in public spaces.

What do Crime Statistics convey us?

The only source of crime data in India is the report of **Crimes in India** published annual by National Crimes Record Bureau, Ministry of Home Affairs, Government of India. Other sources such as NGO report, data from researches and private reports including media organised study remains secondary source of information as far as reported crime in India. Among all the crimes attempted or committed against women there are 3 predominant forms namely rape, molestation and sexual harassment. These crimes are committed against women both in private and public space, mostly in public space. In order to understand the issue in depth author has taken 10 years of data on all 3 crimes. By appreciating the data available the reader will endorse the changing social scenario and adaptability.

Indian Scenario

The Indian scenario is different from rest of the world; here any criminal case is dealt as that of other crimes. To understand conditions in India the below data of Crimes in India on 3 specific crime are presented.

**Table 1 Incidence of all crime against women (IPC + SLL)
Sexual offences for the period 2008–2017**

S. No.	Year	Crime against Women (IPC +SLL)	Sexual Victimization of Women							
			Rape	% Share	Molestation	% Share	Sexual Harassment	% Share	Total No. of Sexual Offences	% Share
1.	2008	1,95,856	21,467	10.9	40,413	20.6	12,214	6.2	74,094	37.8
2.	2009	2,03,804	21,397	10.4	38,711	18.9	11,009	5.4	71,117	34.8
3.	2010	2,13,585	22,172	10.3	40,613	19.0	9,961	4.6	72,746	34.0
4.	2011	2,28,649	24,206	10.5	42,968	18.7	8,570	3.7	75,744	33.1
5.	2012	2,44,270	24,923	10.2	45,351	18.5	9,173	3.7	79,447	32.5
6.	2013	3,09,546	33,707	10.7	70,739	22.8	12,589	4.1	1,17,035	37.8
7.	2014	3,39,457	36,735	10.8	82,235	24.2	9,735	2.8	1,28,705	37.9
8.	2015	3,29,243	34,651	10.5	82,422	25.0	8,685	2.6	1,25,758	38.1

9.	2016	3,38,954	38,947	11.4	84,746	25.0	7,305	2.1	1,30,998	38.6
10.	2017	3,59,849	32,559	9.04	86,001	23.9	7,451	2.07	1,26,011	35.01

Source: Crimes in India- 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 & 2018

The above crimes are held with either Indian Penal Code, Special Laws (list presented in later part of this paper), or local laws. From the above table, we can infer that in all 3 forms of crime; there is a simultaneous increase and decrease. In this data, an interesting fact is hidden that these are only reported crimes, while actual crime figure shall increase but never decrease. What is the response of Criminal Justice System (CJS)?, here it is worth noting that CJS should introspect the effectiveness, efficacy and its efficiency at this point of time in discharging their duties. Enormous public funds are pumped in to CJS, while its effectiveness is under a threat in the world largest democracy. In India, justice dispensation is always delayed to the extent citizens show less to no interest in trail or cases. Beyond reported crime there is another important link in chain which is end of these case, either be convicted or acquitted, which comes late in India. For instance, Nirbhaya case in Delhi (2012)- verdict delivered after several years after the occurrence, While under consideration- Unnao Case at Uttar Pradesh in 2017, Kathau Case at Kashmir in 2018, in both later cases, the accused have walked out free under bail now the case are hanging the courts after which accused will be given due time to appeal thereafter a punishment may be awarded which criminologist call as Delayed Justice but the fact is “**Delayed Justice in Denied Justice**”. This perception has created a mist or cloud over the image of judiciary. That is why; India leads Afghanistan, Syria & Saudi Arabia in rape & violence against women (Gowen, 2018).

International Scenario of Rape Case

Let us look in to the international scenario, where modern societies with multi-cultural, linguistic, ethnic and race live together and our neighboring country. The most modern country such as England, Wales, USA and Australia has several folds rape cases reported every year. It is worth to notice that these countries are more than modern societies are rights front. Also, as social scientist I should mention that these countries are right based and reporting behaviour are high. The cases of rape are dealt seriously in these countries with heavy punishment for these offences which is severe, certain and prompt which was insisted by Cesare Beccaria in 17th century, which is the basis of their criminal law. As per statutory law of their country they execute the punishment for the criminals proved beyond any reasonable doubt.

Table 2 Incidence of Rape in England and Wales, USA, Australia and Sri Lanka

S. No.	Year	England & Wales	United States of America		Australia	Sri Lanka
			UCR	NCVS		

1.	2008	12,673	90,750	2,03,830	19,992	1,582
2.	2009	13,096	89,241	1,25,910	18,807	1,624
3.	2010	15,074	85,593	2,68,570	18,862	1,854
4.	2011	15,892	84,175	2,44,190	18,616	1,870
5.	2012	16,038	85,141	3,46,830	19,448	460
6.	2013	16,374	82,109	3,00,170	20,025	2,181
7.	2014	20,751	84,864	2,84,350	20,741	2,008
8.	2015	29,385	91,261	4,31,840	21,948	2,033
9.	2016	36,829	96,970	29,8410	23,040	2,036
10.	2017	45,100	99,708	39,3980	25,837	1,732

Sources: Office for National Statistics, Crime Survey for England and Wales (2008–2017), United States Bureau of Justice Statistics, Uniform Crime Report and National Crime Victimization Survey, United States (2008–2017), Australian Bureau of Justice, Recorded Crime-Victims, Australia (2009–2017), Sri Lanka Police, Grave Crime Abstract for the years 2008–2017.

All four countries have controversial trends in increase in reported cases. These countries are modern and have empowered their citizens with human rights and confident judicial system. It is interesting to note that in USA, two statistics are given one Uniform Crime Report- reported crimes and National Crime Victimization Survey, United States (2008-2017) are unreported but through a national survey these figures are identified every year to check the actual figure that would be twice or thrice the reported cases. When we compare our data with our neighboring country Sri Lanka which is an island nation, where people have high ethical values, the cases of rape are moderate and showing a decline trend of reported cases of rape (see table above).

Table 3 Incidence, rate and conviction rate of rape in India (2008 – 2017)

S. No.	Years	Incidence of Rape (All India)	Rate of Rape	Conviction Rate
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1.	2008	21,467	1.9	26.6
2.	2009	21,397	1.8	26.9
3.	2010	22,172	1.9	26.6
4.	2011	24,206	2.0	26.4
5.	2012	24,923	4.3	24.0
6.	2013	33,707	5.7	27.1
7.	2014	37,413	6.1	28.0
8.	2015	34,651	5.7	29.4
9.	2016	38,947	6.3	25.5
10.	2017	32,559	5.2	32.2

Source: Crimes in India- 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 & 2018

Every crime in India is dealt with a specific law mostly statutory criminal law i.e. Indian Penal Code while, laws dealing with sexual crimes in India are very minimal as follows.

i) Indian Penal Code (1860 Amended 2013)

ii) Special Laws

- Immoral Traffic (Prevention) Act, 1956
- Child Labor (Prohibition and Regulation) Act, 1986
- Prevention of Domestic Violence Act, 2005
- Prohibition of Child Marriage Act, 2006
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Juvenile Justice (Care and Protection of Children) Act, 2015

A special law, which is in force to deal exclusively with the crimes against children is as follows.

iii) POCSO Act and Special Courts

a) The Act (Section 28) stipulates that each district designate a Court of Session to serve as a special court.

iv) Constitution of India

Constitution of India is the supreme law of the nation which is beyond any laws. To customize the law and practice in crimes against women, an exclusive court is dedicated and empowered to deal such case.

v) Mahila court

An exclusive court is set by the judiciary to deal with the crimes relating to women, this unknown to majority of citizens. The reporting behaviour should be entertained with positive reinforcements.

What makes Women Unsafe in Public Space?

India is basically a patriarchal society, it seems men alone contribute and participate in socio, economic and politics, while a major half of remains clam and silent or their contributions remain undisclosed. Developed societies have involved women in socio, economic and politics spheres (Forni, 1980). Gender discrimination is common in Indian community via religious practice. Women in public space have several challenges and hurdles to face, the most important among them is preventing crime without compromising their dignity. According to Bandiera, Buehren, Burgess, Goldstein, Gulesci, Rasul, and Sulaimany (Sep, 2018) the most serious crimes that are encountered by women in public space are outraging the modesty of the women, hazing, molestation, dowry and bride burning, disparity in education, inadequate nutrition, sexual harassment; the most researcher would attribute is absence of ambition for the achievement Lack of Education in Social status; While women in private space are also not safe. Every woman at some point of their career or life should have been exposed to misogyny, sexism, workplace bullying or even harassment by male superiors (Hossain, 2017). Eg. Recent me too reports of abuse...from cine industry is a typical example.

Conclusion

Longtime Indian women are barred from education and employment. After a late start they have entered all the spaces in shortest time than men. Why then public space is still vulnerable and remain unsafe? Whom to be the blamed the INDIAN EDUCATIONAL SYSTEM which is busy preparing students for commercial market, increasing NUCLEAR FAMILY SYSTEM- that weaken social and family bonds, LACK OF SOCIAL SENSE among the upcoming- the social system is still unable to answer why boys do not mind girls with due respect, how and when are they going to mind it, opportunities technology create for anonymous behaviour of the human- no men is left untouched by the IMPACT OF TECHNOLOGY IN COMMUNICATIONS; is it an opportunity or curse?, FAILURE OF CRIMINAL JUSTICE AGENCIES in protection- in recent times police SP or IPS cadre was harassed by her senior male officer of IPS cadre in Tamil Nadu is evident of failure of CJS in attending to the issues seriously.

The women liberty is the price of **social commitment** (each of are liable for this conditions). Unless it is given a serious insight the prevailing situation will continue with less or no change. Many women choose the convenient and comfortable path of compromising and fret a lot about consequences whereas very few who feel that their self-respect is a non-negotiable entity stand up against it. The very essence of women

empowerment will be beaten if the women are not protected in the society. The women development and participation should be warranted towards **HAPPINESS and SOCIAL WELLBEING** of the society at large, changing the sphere of women participation in main stream society

Observations/ suggestions/ Points to Ponder

- Sensitize the students, government functionaries and our family on importance of reporting behaviour until we achieve...
- Appreciate girls in school and prepare them smarter
- Support a woman in business/ startup
- Entertain Entrepreneurship among the women
- Checkout crimes against women and report the odd events.
- Develop mechanism to monitor the growth of odd elements through research
- Personality orientation for changing the social attitude and develop management, administration, leaders, and social players should be mandate for students.
- The lacunae in justice dispensation, in crime against women one case- one verdict should be implemented in Mahila Courts or courts of India.
- Strengthen the deterrence effect of legal punishment especially for crimes against women and children.

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