

# An Overview of the Prevalent Types of Criminal Activities in India and South Africa

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**ABSTRACT** As India's and South Africa's importance in their particular regional and geographical areas increase, so too are their levels of cooperation between each other as well as in the global arena with other countries such as Brazil, China and Russia. As ex-British colonies, both countries have been victims of similar historical patterns of exploitation, and inheritors of similar political and economic structures. With their respective improvements in economic performances, there appears to be concomitant patterns in the increases in various types of crime in both countries. This paper attempts to compare and contrast the contemporary patterns of crime that are on the increase and suggests ways in which possibilities of learning and cooperation can take place between both countries.

## INTRODUCTION

India and South Africa are closely linked by virtue of them being ex-British colonies. India was under foreign rule from the early 1800s until the demise of the British Raj in 1947. India, the world's largest democracy and the second most populous country, emerged as a major power in the 1990s. Until 1994 South Africa was ruled by a minority White government which came to power in 1948. It took activists most of the last century before they succeeded in their fight to get rid of apartheid and extend democracy to the rest of the South African population. As ex-British colonies, both countries have been victims of similar historical patterns of exploitation, and inheritors of similar political and economic structures. The bilateral relations between India and South Africa have grown strong since the end of apartheid. Both nations have since developed close strategic, cultural and economic ties. As India's and South Africa's importance in their respective regional and geographical areas increase, so too are their levels of cooperation between each other as well as in the global arena with other countries such as Brazil, China and Russia (BRICS). South Africa is, along with these countries and India, a member of the BRICS club of emerging world economic powerhouses.

However, India like South Africa is still tackling huge social, economic and environmental problems. With their respective improvements in economic performances, there appears to be

concomitant patterns in the increases in various types of crime in both countries. Both countries have relative strong economies within the sub-continent that they are part of and also have a distinct rising middle class society who have increased purchasing power and surplus income to engage in antisocial spending patterns. In many ways two extremes are largely, though not solely, responsible for acts of aggressive behaviour and economic crimes respectively, that is the paradoxical opposites of unemployment and poverty, and rising affluence. Individuals are affected through the erosion of the extended and joint family systems as institutions of social security and familial support groups.

This paper attempts to compare and contrast the contemporary patterns of crime namely violent crimes; crimes against women and children; and suggests ways in which possibilities of learning and collaboration can take place between both countries in trying to control the prevalence of these crimes. Data on crimes in India presented by the National Crime Records Bureau and compiled into the crime compendium of 2011 (latest available) is utilised. In South Africa the South African Police Services crime records for 2011 is assessed. Comparisons on the increase /decrease of the crimes mentioned above are analysed over a five year period, that is, 2007-2011. These two publications form the principle reference documents for this research paper.

### CONTEXTUALIZATION OF CRIMES IN INDIA AND SOUTH AFRICA

Crime is a phenomenon that has existed throughout time and is prevalent all over the world. India and South Africa are no exception to this endemic. Different countries define specific crimes in different ways thus accurate comparison is made difficult and less reliable. If one examines certain crime, for example murder, globally everyone's definition is basically the same. South Africa has a unique history and the accurate comparison of crime with other countries is complex. The murder rate in South Africa is very high and does not compare well with other countries for which statistics exist. South Africa has a murder rate of about 40 victims per 100 000 of the people, whereas the murder rate in India is about 5 victims per 100 000 of the people. In fact South Africa compares badly where all violent crimes are concerned (South African Police Services (SAPS) 2010-2011).

Crimes in South Africa are acts forbidden and punished by law. They may threaten the well-being of society or injure any of its members either directly or indirectly and is classified according to their seriousness. The increase in levels of crime peaked in 1990, the year in which the political transition began. Recorded levels of almost all crime showed absolute increases between 1990-94. In South Africa crime has escalated to such an extent that today the country is regarded as one of the most violent in the world. Inevitably, newspaper headlines, police reports and the experiences of citizens have placed the issue of crime on the public agenda. Although recent statistics reveal a reduction of some crimes in South Africa, violent crime remains a problem. There has been an increase in the number of sexual crimes, indecent assault, drug-related offences, drunken driving, truck hijacking, cash in transit robberies and bank robbery.

In India the Criminal Procedure Code classifies all the crimes into two categories (i) Cognizable and (ii) Non-cognizable. A cognizable offence or case is defined as the one which an officer in-charge of a police station may investigate without the order of a magistrate and affect arrest without warrant. The police have a direct responsibility to take immediate action on the receipt of a complaint or of credible information in such crimes, visit the scene of the crime, investigate the facts, apprehend the offender and

arraign him before a court of law having jurisdiction over the matter. Cognizable crimes are broadly categorised as those falling either under the 'Indian Penal Code (IPC)', for example, crimes against body or property, or under the 'Special and Local Laws (SLL)', for example, narcotics drugs and substance abuse. Non-cognizable crimes are defined as those which cannot be investigated by police without the order of a competent magistrate. Police does not initiate investigation in non-cognizable crimes except with magisterial permission (National Crime Records Bureau 2011). The crime rate for a five year period 2007-2011 will be discussed.

### CRIME STATISTICS: THE INDIAN VERACITY

The total number of complaints received by police whether oral, written, distress call or the ones initiated suo-moto by police A total of 2 27 59 714 complaints were received by police in the country during the year 2011 as compared to 1 06 56 112 complaints received during the year 2010 representing an increase of 113.6% over 2010. 14.8% of these were written complaints, 5.6% were oral complaints, 15.5% complaints were initiated by Police and 64.1% were distress calls reported over phones to the telephone number 100. Nearly, 27.5% of these complaints were registered as cognizable offences (62 52 729 out of 2 27 59 714) (National Crime Records Bureau 2011).

The total incidence of recorded crime for the year 2011 in India, including both IPC and SLL crimes, was 62 52 729. This gives a depiction of the crime situation in the country or the State. Comparative figures over a period of time indicate an increase or decrease of the incidence of crime, requiring appropriate crime control efforts by the State police. The IPC crimes (in 2011) reported a higher growth of 31.4% as compared to the fast pace of population growth of 17.3% in the decade. Population is one of the important factors influencing incidence of crime. A number of socio-economic factors, besides population, could influence the crime situation at a particular place. The present analysis of crime rate is restricted to the influence of population only. Therefore, the analysis of crime rate of a particular State/UT shouldn't be construed as the sole indicator of crime position of that particular State/UT in relation to others.

The 'crime rate' defined as the 'number of crimes' per 100 000 population is universally taken as a realistic indicator since it balances the effect of growth in population. The rate of total cognizable crimes in the country rose to 504.5 in 2007, 515.0 in 2008, and 570.8 in 2009 and it decreased to 569.3 in 2010 and 516.7 in 2011, which is less by 9.2% as compared to 2010. The sudden drop in crime rate from 555.3 in the year 2004 to 455.8 in the year 2005 may be attributed to the exclusion of certain non-cognizable crimes by Kolkata Police in 2005 data, which were being included inadvertently under the crime-head 'Other SLL crimes' prior to the year 2005. The crime rate in respect of IPC crimes has increased by 2.5% from 187.6 in the year 2010 to 192.2 in the year 2011 whereas for SLL crimes it has decreased by 15.0% from 381.7 in the year 2010 to 324.5 in the year 2011 (National Crime Records Bureau 2011).

**Table 1: Cognizable crimes registered in India during 2007-2011**

Year	Number of offences		
	IPC	SLL	Total
2007	19 89 673	37 43 734	57 33 407
2008	20 93 379	38 44 725	59 38 104
2009	21 21 345	45 53 872	66 75 217
2010	22 24 831	45 25 917	67 50 748
2011	23 25 575	39 27 154	62 52 729

Table 1 represents the incidence and rate of IPC crimes between 2007 -2011. A total of 23 25 575 IPC crimes were reported in the country during the year 2011 against 22 24 831 in the year 2010 recording an increase of 4.5% in the year 2011. The share of IPC crimes to total cognizable crimes in percentage terms, increased from 34.7% in the year 2007 to 35.3% in the year 2008. It declined to 31.8% in the year 2009 and further increased to 33.0% in the year 2010 and 37.2% in the year 2011, thus showing a mixed trend during the five-year period 2007 – 2011.

**Table 2: Violent crimes reported 2007-2011**

Crimes	2007	%	2008	%	2009	%	2010	%	2011	%
Total violent crimes	215 613	[10.8]	228 663	[10.9]	241 986	[10.9]	241 986	[10.9]	256 329	[11.0]
Affecting life	99017	(45.9)	103 660	(45.3)	107 580	(46.7)	113 369	(46.8)	122 679	(47.9)
Affecting property	26 920	(12.5)	28 269	(12.4)	29 845	(12.9)	30 366	(12.5)	31 880	(12.4)
Affecting public safety	68 939	(32.0)	75 267	(32.0)	71 678	(31.1)	76 079	(31.4)	77 554	(30.3)
Affecting women	20 737	(9.6)	21 467	(9.4)	21 397	(9.3)	22 172	(9.2)	24 205	(9.4)

[ ] Bracketed figures represent the percentage share of crimes to total IPC crimes

( ) Bracketed figures represent the percentage share of crimes to total violent crimes

The IPC crime rate has increased by 11.5% during the decade 2001-2011 from 172.3 in the year 2001 to 192.2 in the year 2011. It has increased by 7.7% during the year 2011 as compared with quinquennial average (during the period 2007-2011) rate of 174.2.

### Violent Crimes in India

Violent crimes affect the life and safety of the people. Such crimes induce a sense of insecurity and fear in the community. The frequency and the magnitude of such crimes also affect the public peace. The following IPC crimes reported to the Police authorities have been grouped as 'Violent Crimes' for the purpose of crime analysis in the crime compendium. Violent crimes in India are categorized as those affecting life (Murder, Attempt to Commit Murder, Culpable Homicide not amounting to Murder, Dowry Deaths and Kidnapping and Abduction); affecting property (Dacoity, Preparation and Assembly for Dacoity and Robbery); affecting women (Rape) and affecting public safety (Riots and Arson). The percentage share of violent crimes reported in the country during the year 2011 was 11.0% of the total IPC crimes. The share of violent crimes in total IPC crimes has increased slightly from 10.9% in 2010 to 11.0% in 2011. Out of the total 2 56 329 violent crimes reported in the country during the year 2011, 47.9% (1 22 679 cases) crimes were violent crimes affecting life; 12.4% (31 880 cases) affecting property; 9.4% (24 206 cases) affecting women; and 30.3% (77 564 cases) affecting public safety (Table 2).

### Trend of Violent Crimes (2007– 2011)

The quantum of total violent crimes continuously increased from 2007 to 2011 (though the share of violent crimes in total IPC crimes has remained almost static over this period 2007 -

2011). The share of violent crimes affecting life showed a rising trend during 2008-2011. The share of violent crimes affecting women has decreased continually from 9.6 in 2007 to 9.2 in 2010 and increased slightly to 9.4 in 2011. Share of violent crimes affecting public safety has showed a mixed trend during the period 2007 – 2011. Share of crimes affecting property has also shown a mixed trend. This is a clear indication of change in the pattern of violent crimes over the years.

A total of 2 56 329 incidents of violent crimes were reported in the country during the year 2011 over 2010 (2 41 986) recording an increase of 5.9%. The share of violent crimes to the total IPC crimes during the year 2011 was 11.0%. The crime rate (21.2) of total violent crimes in the country has shown an increase of 3.9% during the year 2011 over the year 2010. The crime rates recorded for various categories of violent crimes for the years 2007 – 2011. The rate of total violent crimes has increased from 2007 to 2008 and declined marginally in 2009 and went up again in 2010 and 2011. The highest crime rate of violent crimes was reported in the states of Kerala (44.0) followed by Delhi (37.0), Assam (36.6) and Manipur (32.4).

### Crime against Women in India

Although women may be victims of any of the general crimes such as ‘Murder’, ‘Robbery’, ‘Cheating’, etc. only the crimes which are directed specifically against women are characterised as ‘Crimes Against Women’. Various new legislations have been brought and amendments have been made in existing laws with a view to handle these crimes effectively. These are broadly classified under two categories: i) Crimes under the Indian Penal Code (IPC) which include Rape; Kidnapping and Abduction for specified purposes; Homicide for Dowry, Dowry Deaths or their attempts; Torture - both mental and physical; Molestation; Sexual Harassment (Eve Teasing) and Importation of girls (up to 21 years of age); ii) Crimes under the Special and Local Laws (SLL). Although all laws are not gender specific, the provisions of law affecting women have been reviewed periodically and amendments carried out to keep pace with the emerging requirements.

A total of 2 28 650 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2011 as compared

to 2 13 585 incidences in the year 2010 recording an increase of 7.1% during the year 2011. These crimes have continuously increased during 2007 – 2011 (Table 3).

**Table 3: Crimes against women 2007-2011**

Year	Cases
2007	1,85,312
2008	1,95,856
2009	2,03,804
2010	2,13,585
2011	2,28,650

The crime against women during the year 2011 has increased by 7.1% over the year 2010 and by 23.4% over the year 2007. The IPC component of crimes against women has accounted for 95.8% of total crimes and the rest 4.2% were SLL crimes against women.

Media reports state that crimes of “serious” nature against women have increased in the last few years and appropriate measures need to be adopted for salutary punishment to those who commit them, Home Minister Sushilkumar Shinde said (Business Standard 2012). He also asked the country’s police brass to take stern steps to check child trafficking. “Serious crimes against women have continuously increased during the period 2009-11. *We need to adopt appropriate measures for swift and salutary punishment to the persons found guilty of violence against women,*” he said addressing police Director Generals and Inspector General’s from across the country during an annual conference in India. Referring to crime against children, he said, “*In 2011 alone, nearly 60 000 children were reported to be missing in the country. This is such a large number that it merits some attention from the police at all levels.*”

### Crimes against Children in India

There is no separate classification of offences against children. Generally, the offences committed against children or the crimes in which children are the victims are considered as Crime against Children. Indian penal code and the various protective and preventive ‘Special and Local Laws’ specifically mention the offences wherein children are victims. The age of child varies as per the definition given in the concerned Acts and Sections but age of child has been defined to be below 18 years as per Juve-

nile Justice Act, 2000. Such offences are construed as *Crimes against Children* for the purpose of analysis in the crime compendium. It is also to be borne in mind that the offences that are analysed do not form an exclusive block of offences that are reported in the country. They are included in the IPC/SLL cases. The cases in which the children are victimised and abused can be categorised under, Crimes committed against Children which are punishable under Indian Penal Code (IPC) which include crimes such as: Murder; Foeticides (Crime against a foetus); Infanticides (Crime against newborn child); Abetment to Suicide; Exposure and Abandonment (Crime against children by parents or others to expose or to leave them with the intention of abandonment); Kidnapping and Abduction; Procurement of minor girls (for inducement to force or seduce to illicit intercourse); Selling or buying of girls for prostitution and rape.

Crimes Committed against Children which are Punishable under Special and Local Laws (SLL) are: Immoral Traffic Prevention (where minors are abused in prostitution) and Child Labour. A total of 33 098 cases of crimes against Children were reported in the country during 2011 as compared to 26 694 cases during 2010, suggesting an increase of 24.0%. Among IPC crimes, number of cases under Procurement of Minor Girls increased from 679 in 2010 to 862 in 2011, registering an increase of 27.0% over 2010. Cases of Kidnapping and Abduction increased by 34.2% during the year (from 10,670 in 2010 to 15,284 in 2011). The crime rate has marginally increased from 2.3 in 2010 to 2.7 in 2011 (National Crime Records Bureau 2011).

#### CRIME STATISTICS: THE SOUTHAFRICAN VERACITY

During 2010/2011 a total of 2 071 487 (approximately 2.1 million) serious crime cases were registered in the RSA. Of the approximately 2.1 million cases, almost a third (30.8% or 638 468 cases) were contact crimes; about a quarter (25.8% or 534 866 cases) were other serious crimes; another quarter (25.8% or 534 451 cases) were property-related crimes; 11.2% (231 842 cases) were crimes detected as a result of police action; and 6.4% (131 860 cases) were contact related crimes (South African Police Services 2011-2012).

Contact crime involves physical contact between the perpetrators and victims. Such contact may last anything from a second or two (for example, where a perpetrator grabs the handbag from a victim's hand and runs off with it) to an ordeal of several days (for example, where a perpetrator kidnaps a victim during a carjacking, rapes her repeatedly and eventually kills her). Physical contact between victims and perpetrators will always have a more serious psychological impact than cases in which property is stolen from the victims in the latter's absence (for example, during a housebreaking when the victim is away from home or otherwise unaware of the crime's occurrence at the time it is committed). Contact crime derives from violence against the person, irrespective of the nature of such violence. This type of crime includes the following categories of offences (Table 4).

**Table 4: Categories of crime classified as contact crime: Crime category proportion of all contact crime%**

<i>Crime</i>	<i>%</i>
Murder	2.5
Attempted murder	2.6
Assault GBH	30.3
Common assault	29.2
Sexual offences	10.1
Aggravated robbery	16.8
Common robbery	8.5

Contact or violent crime poses a more pernicious threat to South Africa than crime in general. A distinction is made between social contact crime and robbery, although these two broad categories are not mutually exclusive.

#### Social Contact Crime in South Africa

Social contact crimes, which comprise all contact crime except aggravated robbery and common robbery, are mainly crimes occurring between people who know one another (family, friends, acquaintances, colleagues, neighbours, etc.). It frequently results from arguments about money or property, sex, work-related issues and matters of a religious or ideological nature which manifest in physical violence (assault GBH or common assault). The latter could easily escalate to murder, attempted murder or culpable homicide. In a majority of cases such violence is caused by impaired judgement linked to alcohol and drug abuse.

All research conducted by the Crime Information Analysis Centre (CIAC) - now known as the Crime Research and Statistics component of Crime Intelligence - over the past decade has confirmed that approximately 70.0% - 80.0% of murders, 60.0% of attempted murders, 75.0% of rapes and 90.0% of all assaults (whether GBH, common or indecent assault) involve victims and perpetrators who know one another (whether as family members, friends, acquaintances or colleagues). Alcohol and to a lesser extent drug abuse frequently play a role in these crimes. This is why the five crimes in question are referred to as social contact crimes. Strictly speaking, these should have been referred to as dominantly social contact crime. The latest research indicates that roughly 65.0% of murders are associated with social behaviour and 16.0% are a consequence of other crimes (mainly robbery), while 12.0% and 7.0% respectively are committed in self-defense, 2 as a result of law enforcement, in the line of duty and in retaliation; or as a result of group behaviour such as vigilantism, gang wars and taxi-related violence (SAPS 2011-2012).

### The Rate of Murder in South Africa

**Table 5: The changing incidence of murder: 2004/2005 to 2010/2011**

2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011
3.6%	-3.7%	-1.8%	-7.2%	-5.3%

The -6.5% decrease in the murder ratio between 2009/2010 and 2010/2011 represents a decrease of 894 murders, from 16 834 to 15 940 cases (Table 5). This is significant for the following reasons: For the first time in the history of the SAPS (which came into being during 1995), the murder figure fell below the 16 000 mark. In 1995/1996 a total of 26 887 murders were recorded, while in 2010/2011 the figure decreased to 15 940 murders. That represents a 40.7% decrease (which translates into a ratio decrease of 53.2%), while South Africa's population increased by at least 28.0% (excluding the massive influx of undocumented immigrants). This means that murder decreased by 50, 0% in the face of rapid population growth and massive urbanization, both also stimulated by the additional influx of undocumented immigrants. Rapid population growth and urbanization are universally associ-

ated with unemployment, poverty and the growth of squatter areas, with accompanying challenges posed by social crime and difficulties to implement effective policing. Crime experts would have expected an increase in murder cases under such social circumstances, particularly in view of the fact that murder is internationally considered the most reliable crime trend. Murder, being the one crime trend which should virtually not be influenced by over or under-reporting and/or the non-registration of cases, is consequently believed to be the most consistent indicator of increases and decreases in crime.

The following might be relevant to this development: Extremely high levels of police visibility were maintained since the first quarter of the 2009/2010 financial year (April – June 2009) as a result of events such as the 2009 general elections, the inauguration of President Zuma and the international cricket and Confederation Cup Football tournaments. These were then sustained by the (at that stage new) management of the Department between the Confederation Cup and the subsequent World Cup soccer tournament of June/July 2010 - and even beyond the World Cup, particularly in provinces such as Gauteng and KwaZulu-Natal which account for a major share of the country's crime. These high levels of visibility may not have had any noticeable effect on social contact crime, but it would have reduced the number of robberies (and thus also murders and attempted murders committed by robbers and deaths and injuries inflicted by their victims acting in self-defense), as well as murders committed during intergroup violence.

### Crimes against Women and Children in South Africa

In South Africa the number of social contact or violent crimes committed against adult women and children of both genders under the age of 18 are illustrated in Tables 6 and 7. With the exception of the murder of adult women which increased by 5.6% and sexual offences against children (younger than 18 years) which increased by 2.6%, all the other social contact crimes against women and children decreased by margins of between -29.4% and -0.8%. This is in quite sharp contrast to 2009/2010, when in most cases significant increases in social contact crimes against women and children were record-

ed. The current decreases confirm the technical factors noted in the 2009/2010 report as partial explanation for the increases recorded in that financial year. The following should also be emphasized in view of various previous analyses pertaining to crimes against children (SAPS 2011-2012):

- (a) Among the dominantly social contact crimes committed against children, 51.9% were sexual offences, while only 18.7% of the social contact crimes committed against adult women were sexual offences. The dominant social contact crime committed against adult women is common assault (46.9% of cases).
- (b) Most of the victims of crimes committed against children are between 15 – 17 years old (see for example, the *2008/2009 SAPS Annual Report: 13 – 14*) (see Table 7). The analyses indicated that 54.9% of murders, 59.6% of attempted murders, 70.8% of assaults GBH, 63.1% of common assaults and 39.5% of sexual offences committed against children affected those in the age group of 15 – 17 years. However, it is disturbing to notice that in the case of the most

prevalent crime against children, namely the 20 141 cases of sexual offences recorded during 2008/2009 in this regard, 60.5% were committed against children below the age of 15 years. It is even more disturbing to note that 29.4% of these sexual offences involved children aged 0 – 10 years.

The statistics available paint a gloomy picture and speak volumes about how many victims do not receive the help they need before it is too late. According to People Opposing Women Abuse (POWA), one in every six women who die in Gauteng is killed by an intimate partner. A survey conducted during 1999 revealed that 42.5% of women had experienced all forms of abuse and 60% of all cases of abuse were committed by partners, lovers or spouses (Di Siena and Laurencik 2010).

Violence against women is prevalent in every country, cutting across boundaries of culture, class, education, income, ethnicity and age. Although most societies forbid violence against women, the reality is that violations against women are often sanctioned under the pretext of cultural practices and norms, or through misunderstanding of religious systems of belief. Moreover, when the violence takes place within

**Table 6: Crimes against women of 18 years and older 2006/2007-2010/2011**

<i>Crime category</i>	<i>2006/ 2007</i>	<i>2007/ 2008</i>	<i>2008/ 2009</i>	<i>2009/ 2010</i>	<i>2010/ 2011</i>	<i>Difference 2010/2011 -2009/2010</i>	<i>% Increase/ Decrease</i>
Murder	2602	2544	2436	2457	2594	137	5.6
Attempted murder	3362	3016	2966	3008	2842	-166	-5.55
All sexual offences	34816	31328	30124	36093	35820	-273	-0.8
Common assault	100390	94286	91390	94176	89956	-4220	-4.5
Assault GBH	69132	64084	61509	62143	60630	-1513	-2.4
Total	210 302	195 258	188 425	197 877	191 842	-6035	-3.0

**Table 7: Crimes against children younger than 18 years and older 2006/2007-2010/2011**

<i>Crime category</i>	<i>2006/ 2007</i>	<i>2007/ 2008</i>	<i>2008/ 2009</i>	<i>2009/ 2010</i>	<i>2010/ 2011</i>	<i>Difference 2010/2011 -2009/2010</i>	<i>% Increase/ Decrease</i>
Murder	972	1015	843	965	906	-59	-6.1
Attempted murder	889	852	782	1113	786	-327	-29.4
All Sexual offences	25428	22124	20141	27417	28128	711	2.6
Common assault	16871	16091	14544	14982	13387	-1595	-10.6
Assault GBH	13947	13625	12422	12062	11018	-1044	-8.7
Total	58 107	53 707	48 732	56 539	54 225	-2 314	-4.1

the home, as is very often the case, the abuse is effectively condoned by the unspoken silence and the passivity displayed by the abused. The family is often equated with sanctuary – a place where individuals seek love, safety, security, and shelter. But the evidence shows that it is also a place that imperils lives, and breeds some of the most drastic forms of violence perpetrated against women and girls. Violence in the domestic sphere is usually perpetrated by males who are, or who have been, in positions of trust, intimacy and power – husbands, boyfriends, fathers, fathers-in-law, stepfathers, brothers, uncles, sons, or other relatives. Domestic violence is in most cases violence perpetrated by men against women. Women can also be violent, but their actions account for a small percentage of domestic violence (United Nations Children’s Fund (UNICEF) 2000).

Di Siena and Laurencik (2010) state that the Domestic Violence Act, 116 of 1998 (the Act) recognizes that domestic violence is a serious social evil, with a regrettably high incidence in South Africa, and that victims of domestic violence are among the most vulnerable members of our society. Since domestic violence manifests in many forms, acts thereof may be committed in a wide range of domestic relationships. Such relationships, in this sense, broadly encompass individuals who are or were in a romantic relationship, whether married or not, family members and persons residing or who have recently resided together in a common household. The Act speaks of a “complainant”, being the individual in a domestic relationship who is suffering the harm, and a perpetrator who has allegedly committed an act of domestic violence is referred to as the “respondent”. The acts of abuse or domestic violence can be any one or all of the following: physical abuse; sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; entry into the complainant’s residence without consent, where the parties do not share the same residence; and any other controlling or abusive behaviour towards a complainant in such instances, where such conduct harms, or may cause imminent harm to the safety, health or well-being of the complainant.

The United Nations Declaration on the Elimination of Violence Against Women defines violence against women (VAW) as: “Any act of

gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women – including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or in private life” (Soul City 1999). It is difficult to get reliable statistics on violence against women in South Africa. Although the number of reported cases is very high, many cases go unreported. The incidence of battery or domestic violence is particularly hard to measure because the police do not keep separate statistics on assault cases perpetrated by husbands or boyfriends. The Department of Justice estimates that one out of every four South African women is a survivor of domestic violence. Many women are still unaware of their rights when reporting abuse, and even informed women traumatized by an assault are unlikely to be assertive and insist on their rights. Many women are afraid of further violence from the perpetrator if they attempt legal action (Women in Action 2010).

In South Africa, as well as in many other countries, the physical and sexual abuse of women, children and the elderly has an extremely low investigative, prosecution and conviction rate as compared to other criminal offences. Statistics generally underestimate the extent of domestic violence. Women may not reveal being abused for fear of further abuse, or as a result of social taboos which prohibit speaking about domestic violence. Some women’s fear of other people’s reactions to them, should they disclose being abused, may also keep women silent (Soul City 1999).

### **Factors that Contribute to Crime**

The causes of crime are multi-factorial and have been widely debated in the public arena for centuries. Over the last few years most of the countries of the world has experienced a remarkable increase in crime rate. International experience has shown that there tends to be an increase in certain forms of crime during times of economic hardship. During the past six years the whole world experienced an economic recession (some experts even refer to an economic meltdown or depression) and many countries reportedly experienced a dramatic increase in some property-related and commercial crime (specifically shoplifting, theft and fraud), as well as in social or domestic violent crime. People



will find it difficult to change their lifestyle if their living conditions are grim. A person living in appalling conditions with low levels of education, little prospects of employment and no positive recreational activity may abuse alcohol or drugs. This will occur in social conditions already tense because of damaged self-esteem and an intense competition for extremely scarce resources (Annual Report SAPS 2010).

In South Africa, there is a tendency to solve personal, economic and social problems through violence. Most often the problem is blamed on a "culture of violence" which has resulted from years of apartheid brutality, the breakdown of the family unit, lack of respect for others and the subordinate position of women. Compounding the problem is the general breakdown of the criminal justice system and inadequate policing. Other contributing factors are the significant level of unemployment and the inherent social and economic inequalities in society. Another important factor is that the system of apartheid was maintained through a complex system of laws and their enforcement. It is hardly surprising then that most South Africans continue to have what was once a healthy disrespect for rules and for those who enforce them. The impact of crime on South Africa is not uniform, and increases in crime appear to affect different parts of this society in different ways. What this simply means is that when one attempts to look into the state of crime in South Africa, the picture that emerges usually depends to upon the person that one speaks to. For example, a garbage collector from Kwa Mashu in Durban, South Africa will have a very different perspective on crime to a socialite from Durban North. This implies that since not all South Africans are exposed to equal dangers, different strategies should be used in different areas to curb crime. Thus, while crime in general has increased over the past decade, this does not necessarily apply to all crime, nor do all areas of the country suffer equally. Although the survey's findings of crime trends over the past five years "are certainly cause for optimism" the public perceptions about crime are much less positive. Although the crime rate has dropped fractionally over the past few years, 60% of those surveyed in a research conducted in 2011 (Singh 2011) believe that crime has increased in the past few years. These are particularly prevalent among people

in metropolitan and urban areas, and among Indian and White South Africans.

The rising crime in India may be attributed to widening inequality, poverty, improper urban planning, ever-increasing burden on urban infrastructure, proliferation of slums and poor neighbourhoods, cultural factors, different family systems, political influences and the not-so-perfect judiciary and legal system of the country. Available statistics on crimes in India depict an extremely disturbing picture of the law and order situation of the country. The problem of gender-based violence is getting worse. National Crime Record Bureau statistics show crimes against women increased by 7.1 percent nationwide since 2010. There has been a rise in the number of incidents of rape recorded too. In 2011, 24 206 incidents were recorded, a rise of 9 percent from the previous year. More than half of the victims are between 18 and 30 years of age (Ministry of Home Affairs 2011).

## CONCLUSION

This paper has briefly described the prevalent types of crimes both in India and South Africa. The discussions pertained predominantly to violent crimes and crimes against women and children in both continents. Although crime statistics are often better indicators of prevalence of law enforcement and a willingness to report crime than actual prevalence, it is clearly evident that there has been an increase in these crimes in the two countries which share very similar political histories.

Although South Africa is 19 years into the transition from apartheid to democracy, this change has not brought with it a system of criminal justice, which is immediately capable of responding to these challenges. Crime hogs newspaper headlines and the country's reputation as a crime capital stretches far and wide. The institutions of criminal justice remain weighed down by public beliefs that they are tools for enforcing the rule of a minority over the majority, rather than for protecting all. Thus, if one has to take cognizance of what appears in the media then there is a perception that crime is out of control. However this perception is created by the abundance of publicity given to crime and criminality in the media. Whilst on the other hand, the publicity given to the successful prevention of criminal activities or convictions of criminals is not

as pronounced. Overall, it seems that criminal violence is itself a manifestation of South Africa's historical traumas as well as contemporary social ills. Many of the contemporary problems deserve to be addressed in their own right. But South African society will also benefit if measures targeted specifically at the problem of violence are brought more directly and explicitly on to the priority of public and the criminal justice system agenda.

In India media headlines on the brutal rape of women in 2013 has shocked the world. Criminals are more organized and due to better communication facilities, are adopting innovative techniques and modus operandi and developing networks that go beyond the national boundaries. This poses an unrelenting challenge for all stakeholders; that is, law enforcement agencies, policy makers and the criminal justice system.

Policies, programmes and initiatives at various levels in society should be strengthened in such a way as to better promote social cohesion and inclusion, to motivate poorer and marginalised constituencies to feel that they have a greater stake in society, to bring about among these constituencies a greater sense of their worth and importance to society, irrespective of their social status and circumstances, thereby promoting awareness of personal worth. The law enforcement components, that is, the police as well as other functionaries of the criminal justice system, should be sensitized towards crime against children by way of well-structured training programmes. Such training programmes should include violations of human rights.

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