

# Issue Brief



Number 5 ■ October 2015

## Unheard and Uncounted

### Violence against Women in India

#### Introduction

Violence against women and the reluctance of public authorities to deal with it are longstanding themes of public debate in India. They have been part of India's public policy agenda since the landmark rape case in 1972 of a teenage girl known only as Mathura (Basu, 2013). Forty years later, the group rape and murder committed in New Delhi in 2012 (also known as the Nirbhaya case)<sup>1</sup> generated mass protest, making the issue central to debates on how the country is tackling issues of

violence against women (Shen, 2013). This and subsequent group rapes and incidents of rape and murder have captured national and international attention (Shen, 2013). They leave no doubt that violence against women is a serious challenge to Indian society, law enforcement, and judicial affairs.

These highly publicized incidents focus attention on the widespread but poorly understood problem of violence against women. The Indian public has voiced their demands for action, yet knowledge of the scale of the problem

and effective responses remain elusive. While domestic violence and public intimidation are familiar to women across India, statistics remain scarce and unreliable.

This Issue Brief reviews the state of violence against women in India and the state of research to date. Key findings include the following:

- A series of highly publicized violent crimes against women have transformed public awareness of the problem and elevated demands for action in India.



Dalit women demonstrating for women's rights, fair wages, and the rights of their community, in Karnataka, Bangalore, May 2009. Source: Forster/ullstein bild/Getty Images

- Underreporting appears to affect virtually all forms of violence against women in India, including rape.
- In 2013, the number of rapes formally reported in India was 33,707 for a national rate of 5.7 per 100,000 female residents. While it is a significant increase over previous officially reported rates, it is still one of the lower rates reported worldwide.
- Estimates of the proportion of rapes in India reported to police range from 1 in 10 to 1 in 200. Such estimates suggest as many as several million rapes are unreported annually.
- A range of violent social practices, including selective abortion and foeticide, regional cultures of violence, and armed conflict, elevate the danger of violence in India, specifically against women.
- Improved monitoring and measurement of trends in violence against women are essential to better policy-making and interventions for victims. Independent, large-sample surveys are an especially promising way to begin.
- Comprehensive police reform—including more police who are dedicated to serving victims and are free of corruption—is essential for responding to violence against women.
- In addition to institutional reforms, social change is a key part of the solution to problems of violence against women in India, from changing attitudes towards women in general to assumptions about domestic relations.

Violence against women and rape in particular are probably the most underreported of all major crimes globally (UN Department of Public Information, 2011). Chronic doubt, regarding reporting and the scale of the crime, is greatly exacerbated by a lack of standardized legal definitions across India (see Box 1). Because systematic underreporting renders official statistics incomplete, estimates are essential to any efforts to assess the scope of the problem. An estimate of

rape in the United Kingdom, for example, states that 75 to 95 per cent of cases in that country go unreported (HMIC, 2007, p. 8). In the United States, survey research shows that approximately 65 per cent of rapes go unreported (Rennison, 2002, p. 2). Social science research on rape is improving in these countries and elsewhere as data gradually becomes more complete and reliable (Taylor, 2006). For countries such as India, however, systematic research is limited and statistics on rape—including those cited in this Issue Brief—should be referred to with caution. When possible, independent estimates and other survey data have been sourced in this research.

Poor reporting may explain the lack of public attention to the victimization of women in the past. Provoked by the public outcry against highly publicized brutal crimes—starting with the 2012 Delhi group rape and murder—the Central Government appears to be taking swifter action (Shen, 2013). A prominent indication of this paradigm shift was the 2013 report of the Justice Verma Committee, a judicial review conducted in response to the assault carried out by the Delhi gang. The Verma Committee concluded that ‘violence or assault, sexual or otherwise, on women is a violation of the fundamental right to live with dignity’ (Verma, Seth, and Subramanium, 2013, p. 65). The Committee framed violence against women as a violation of the Indian constitution’s commitment to equality and autonomy, as a result of entrenched social prejudices, and as a failure of government institutions.

The clash between traditional mores and social transformation worsens the problem. There is a common belief that men who are unemployed, uneducated, marginalized, or of low social status may be more prone to violence against girls and women (Desai, 2014). Research conducted in the country reveals the family to be the predominant site in which violence against women occurs, notably in the form of dowry-related torture, homicide, and suicide (Saravanan, 2000). According to official statistics, almost 95 per cent of rapes against

## Box 1 What is violence against women?

Effective interventions require clear definitions. The labels *gender-based violence* and *violence against women* are often used interchangeably. When used loosely, however, such terms may lead to confusion about related law, policy, problems, and goals (Dziewanski, LeBrun, and Racovita, 2014, pp. 10, 29; UN Women, 2013, p. 2).

*Gender-based violence* refers to violence directed against a person due to expectations of their role in society or culture based on their gender (UN Women, 2013, p. 2). According to the 1993 United Nations Declaration on the Elimination of Violence against Women, *violence against women* refers to ‘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 occurring in public or in private life’ (UNGA, 1993, art. 1).

This Issue Brief focuses on the narrower topic of physical and sexual violence against women.

women (31,807 out of 33,707 reported rape cases in 2013) involve a family member or husband, a neighbour, or someone from the community known to the victim (NCRB, 2014, pp. 397, 399; see Figure 6).

Violence against women is a reflection of the larger society in which it occurs. Selective abortion and foeticide—responses to multi-layered cultural and religious oppression—undermine a woman’s prospects in India from before her birth. Vulnerabilities are further compounded by domestic factors of caste, ethnicity, and poverty. As emphasized in this Issue Brief, most social pathologies, including regional cultures of violence and armed conflict, also elevate the danger of violence against women (Joseph, 2010, p. 19). The most effective responses are to be found in immediate interventions to prevent individual crimes, and broader social engagement to reduce their likelihood throughout society, over time.

The Issue Brief begins by situating India in the wider, global context of violence against women. It then examines diverse estimates for rape in India to highlight the widespread underreporting of all acts of violence against women. The limitations relating to recording rape include the ongoing ambiguity around defining the term, within the Indian legal system.

Underreporting is also a gendered problem in the country, along with women's unequal access to the judicial system. An analysis of these issues is followed by a breakdown of the major categories of violence experienced by women in India. The Issue Brief considers the particular vulnerability of women from lower caste and tribal backgrounds and those living in areas of armed conflict. To conclude, the study focuses on India's need for combined legal, social, and cultural reforms to significantly reduce the levels of violent acts committed against women.

## **Violence against women in India and the global context**

Internationally, violence against women is recognized as 'one of the most systematic and widespread human rights violations' (UN Women, 2013, p. 2; UNFPA, UNIFEM, and OSAGI, 2005). This is because such violence is rooted in gendered social structures rather than in individual or random acts; and 'cuts across age, socio-economic, educational and geographic boundaries; affects all societies; and is a major obstacle to ending gender inequality and discrimination globally' (UN Women, 2013, p. 2).

In international rankings, India's overall rate of reported lethal violence is low to mid level, far below societies such as Brazil, the Russian Federation, or South Africa (Acharya and Karp, 2011, p. 2). India's low rate of national violence, however, conceals its large absolute scale, with an annual average of 35,848 violent deaths of men and women between 2007 and 2012 (Geneva Declaration Secretariat, n.d.). From a gender perspective, these crime rate statistics provide merely a glimpse of violence against women.

Given that a great deal of violence against women worldwide goes unreported (see UN Women, 2013, p. 65), official data fails to reflect the true magnitude of the problem. A 2011 poll of global gender policy experts identified the countries where women and girls are most at risk of gendered violence to

be Afghanistan, Democratic Republic of the Congo, India, Pakistan, and Somalia (Anderson, 2011). To find India listed among countries burdened by civil war, large-scale terrorism, and failed states might be unexpected, but increasingly gender-sensitive assessments have reaffirmed this finding.

In some respects women are not the group most affected by lethal violence in India. As in other countries, the victims of armed violence tend to be male (Oosterveld, 2014, p. 107). In India's official national crime statistics for 2013, female victims accounted for 27 per cent of all reported homicides (NCRB, 2014, p. 333).

A global assessment of official statistics on female victims of homicide also shows India to have a low rate, averaging 1.5 per 100,000 for 2007–2012 (Geneva Declaration Secretariat, n.d.). Much of the danger to women arises in non-lethal forms of violence that are rarely or poorly reported.

Official statistics on rape are imperfect in all countries, yet they generally represent a proxy indicator—albeit an inadequate one—for violence against women. This is because, although rape is generally underreported, its reporting is more regular than that of other forms of gender related violence against

women and girls. Statistics on rapes reported to the police collected by UNODC indicate very low levels of rape in India, with less than two cases reported annually per 100,000 residents. In India, with approximately only one rape reported for every woman or girl reported killed, the ratio between the rate of rapes reported to the police and the rate of female violent deaths is the lowest among a selection of countries with low or medium levels of female violence deaths (see Table 1).

## **Estimating the scale of rape in India**

In estimating the scale and regional distribution of violence against women, obstacles arise from controversies over rape-related data. In 2013, a total of 33,707 penetrative sexual attacks (rapes) were formally reported in India (NCRB, 2014, p. 387). Actual incidents of rape against women in the country are believed to be much higher.

A commonly cited estimate of rape in India holds that only one in ten cases is reported to police (Basu, 2013)—implying that a further nine may go unreported. While this estimate is widely referred to, little statistical evidence

**Table 1 Ratio of reported rapes per female violent deaths, selected countries, 2007–12**

Country	Rate of rape	Rate of female violent deaths	Ratio of rapes per female violent deaths
England and Wales	26.8	0.2	134.0
Sweden	58.1	0.6	96.8
Germany	9.1	0.5	18.2
Chile	19.2	1.2	16.0
Peru	24.7	1.6	15.4
United States	28.3	1.9	14.9
Sri Lanka	8.6	1.6	5.4
Hong Kong	1.6	0.5	3.2
Thailand	7.2	2.7	2.7
Slovakia	2.6	1.0	2.6
Japan	1.1	0.5	2.2
India	1.9	1.5	1.3

**Sources:** UNODC (n.d.); Geneva Declaration Secretariat (n.d.)

supports it. Estimates of 30, 50, and even 200 actual rapes for each incident reported can also be found (*Hindu*, 2013; Vieira, 2013). At these estimates, the approximate total number of actual rapes would be approximately 340,000; 1,000,000; 1,700,000; or even 6,500,000 annually, for a population of 1.2 billion in 2011. Such estimates would indicate national rape rates of up to 184 per 100,000 total residents, and would rank India among the countries most affected.

Despite the great uncertainty regarding higher estimates, they are supported by widespread anecdotal reporting and survey research. A survey of 109,041 households in India found that of women aged 15 to 49, more than one-third (34 per cent) had experienced physical violence and nine per cent reported that they had endured sexual violence at some point during these years of their lives (NFHS, 2007, pp. 14, 497, 500).

Rates of physical or sexual violence uncovered by this survey varied greatly across the country. Lowest was the state of Himachal Pradesh, where 4.1 per cent of women said they had been physically attacked, and Goa and Kerala, where 12.5 and 12.6 per cent reported having been attacked, respectively. Highest rates were recorded in Madhya Pradesh and Bihar, where 37.6 and 38.9 per cent of female respondents respectively said they had been attacked physically (NFHS, 2007, p. 504).

A different survey of sexual violence among Indian women aged 15 to 49 found that 8.5 per cent had experienced sexual violence annually—amounting to about 27.5 million female victims in this age group for 2013. This estimate includes marital rape, which to date is not a crime in India (Raj and McDougal, 2014, p. 865). By contrast, the National Crime Records Bureau (NCRB) reported a total of just 309,546 crimes against women in 2013 for a population of about 587 million women and girls (CSO, 2013; NCRB, 2013). Missing from the NCRB tabulations are many serious, violent crimes not delineated by gender, such as attempted

homicide, assault, and battery (NCRB, 2014, p. 81). Meanwhile, a 2005–06 survey concluded that the total number of Indian women aged 15 to 49 who had ever experienced physical or sexual violence was just under 100 million (CCS, 2011, para. 4.11).

## Recording and reporting of violent crimes against women

The key figures for violent crimes against women in India are the annual statistics released by the NCRB. As a police agency operating under the Ministry of Home Affairs, the NCRB is responsible for all official, national crime statistics, relying on data submitted by state and city law enforcement agencies (Shrinivasan, 2013; Acharya and Karp, 2011, p. 2). In 1989, it introduced a separate section on ‘Crimes against Women’ to its annual report. In this section, acts of violence against women are recorded under two separate categories: the Indian Penal Code (IPC), and crimes recorded under specific gender laws, called the Special and Local Laws (NCRB, 2014, p. 79).

As the only systematic data source on violent crime in India, NCRB annual reports are an invaluable resource. However, their weaknesses are well known: their figures on the occurrence of violence against women appear to

be *reliable* (the violent incidents it lists definitely occurred) but not *comprehensive* (many crimes go unreported). NCRB reporting also involves judgments by police about the causes of a crime—a problem most evident in certain categories, such as motives for sexual affairs or killings due to allegations of witchcraft (NCRB, 2014, pp. 55–56)—which raises questions about misreporting. And all reporting on rape in India is limited by a legal exception which rules out the possibility of most marital rape (see Box 2).

Underreporting tends to occur because people are hesitant to approach the police, feel inhibited by social mores, or fear demands for bribes or abusive treatment. Police may be uninterested or unwilling to investigate allegations and are often under pressure to suppress the reported crime rates of their districts. The resulting under-reporting has been widely acknowledged, including by an official of the NCRB (Shrinivasan, 2013).

## Gendered underreporting

Underreporting by law enforcement agencies of violent crime against women is a global concern (Dziewanski, LeBrun, and Racovita, 2014, p. 11). By effectively concealing the true scale of the problem, underreporting diverts public and political attention,

### Box 2 Defining rape in India: unresolved legal ambiguity and denial

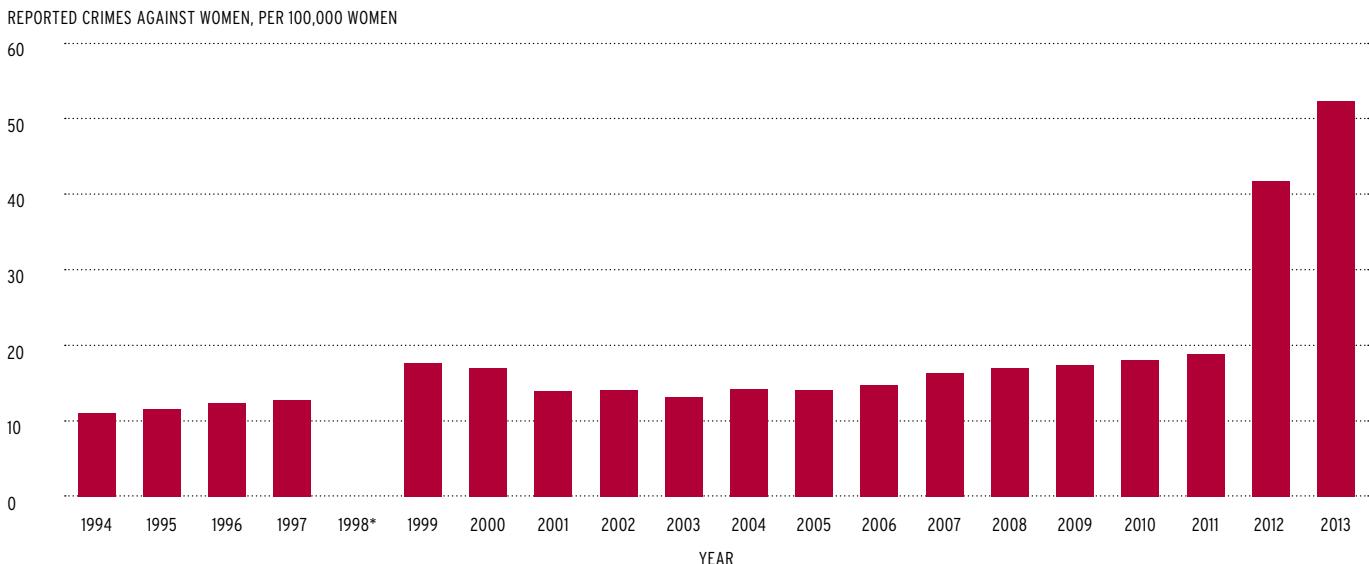
India's legal definition of rape comes from the Indian Penal Code (IPC), a legal code first approved in 1860 (IPC, 1860, art. 375), which is still praised for coherence and efficacy (*New Indian Express*, 2011). The IPC is also criticized, however, for being increasingly out of touch with changing social mores, including in its definition of rape. Among Indian jurists, a major criticism concerns the vagueness of the law regarding the physical means of penetration—a nuance that makes prosecution difficult (Metha, 2013).

Another set of concerns surrounds the basic legal approach to rape, defined under the IPC and the Criminal Law (Amendment) Act of 2013 as the penetration by a male of a woman's body with any part of his body or an object, without her consent (*Gazette of India*, 2013, pp. 5–8).

The IPC emphasizes the establishing of consent and the fact that minors cannot provide consent. It fails to recognize, however, that wives are legally unable to deny consent due to their marriage vows (unless they are younger than 18, in which case they have some limited rights to refuse sexual relations). This aspect of the IPC has been criticized for being archaic and failing to acknowledge the possibility of marital rape (Rath, 2007).

After the Delhi group rape and murder of 2012 and the subsequent Verma Committee recommendations, the IPC was heavily amended. IPC section 375 was modified and doubled in length to include more specific definitions of rape, reducing ambiguity about the means and places of penetration. Section 376 was also amended to add stronger punishments (*Gazette of India*, 2013, pp. 5–8; Zeldin, 2013). Much else in the IPC remained the same, however, including the failure to acknowledge marital rape. This crystallized the attention of reform advocates; they maintain that further legal reform is necessary to rectify legal paralysis in the vast majority of domestic cases (Garg, 2014).

**Figure 1 Crimes against women reported to the NCRB, 1994–2013**



**Note:** \* NCRB data was not available for 1998.

**Source:** Annual crime reports, NCRB (1994–2013)

thereby inhibiting potentially effective responses.

Evidence of massive underreporting in India comes from a study in 2010 that found that approximately 66 per cent of New Delhi's women had been sexually harassed during the previous year, on average two to five times (Jagori and UN Women, 2011, pp. 20–21). With a total of 16.8 million residents in the Delhi region (7.8 million of them female), this suggests that roughly five million girls and women are routinely subjected to sexual harassment.<sup>2</sup> But little—if any—of this harassment is captured in official crime data.

The weakness of Indian crime data, especially poor reporting and lack of comprehensiveness, limits insights into all aspects of Indian violence. Perhaps no matter is more obscure than the vastly underreported incidents of foeticide and infanticide (see 'Sex-selective foeticide and female infanticide' below). In 2013, for example, the NCRB reported just 82 cases of infanticide nationwide—a remarkably low figure for such a large country (NCRB, 2014, p. 96). A clearer sense of the problem emerges from a study of India's population imbalance (one of the most noted worldwide), in which males significantly outnumber females. This imbalance is caused by the country's 'missing women', a phenomenon

that has transformed its gender ratios and society.

The concept of missing women in Asia explains much about the gendered underreporting of violent crimes against women in this region. Writing 25 years ago, Amartya Sen showed that India and other countries in Asia were missing millions of women due to selective abortion, infanticide, and unequal treatment of female children, including the denial of food and health care (Lyn, 2011; Sen, 1990). Sen's research calculates the cumulative impact of gender bias on mortality to estimate the additional number of females who would be alive today if equal treatment of the sexes prevailed.

In India, notions of shame, modesty, and honour remain the dominant concepts in public discourse for justifying sexual assaults on women (Verma, Seth, and Subramanium, 2013, p. 14). There is a pronounced institutional bias against women, whose complaints may not be taken seriously by the police (Verma, Seth, and Subramanium, 2013, p. 48). One such example is yet another notorious incident from 2012 that culminated in the suicide of a Dalit girl in Punjab. The police took two weeks to register the case and summoned the girl repeatedly to the police station to narrate her account. The alleged perpetrators, named by the girl in a suicide

note, were from an influential Hindu family who had harassed and intimidated not only the victim, but her relatives, too (*Hindu*, 2012). Such incidents highlight frustrations and indignities suffered routinely by women who attempt to lodge formal complaints.

Reporting of crime against women has, however, risen dramatically in recent years. The sudden increase is almost threefold, from fewer than 19 reported crimes against women per 100,000 residents in 2011 to more than 52 in 2013 (see Figure 1). Because there is no evidence of procedural or methodological changes that might influence crime reporting to this extent, this increase may be due to newfound public awareness and greater willingness to report crimes.

The NCRB acknowledges that these figures are lacking; it estimates that an average of one in 69 rapes, for example, are reported (Shukla, 2011). This would suggest a total of roughly 2.3 million actual rape cases occur in one year, at a rate of 254 per 100,000 women and girls. In contrast, the reported total is 33,707 cases per year, or only 5.7 per 100,000 women and girls (NCRB, 2014, p. 387). As discussed above, other estimates for rape vary enormously from 10 to 200 actual rapes for every incident reported. According to advocates who represent victims and to



Vimla Mehra, then head of the Crime Women Cell, a special police branch which set up a mobile intervention unit and centres in a few district in Delhi, May 2005. Source: Thierry Falise/LightRocket/Getty Images

critics of Indian law enforcement, barriers to reporting remain formidable. Victims are often afraid to take the required initiative, and police who are hesitant to cooperate may protect suspected perpetrators and punish the victims instead (Boga, 2012; *Hindu*, 2013). Such advocates maintain that 'if you're a woman in distress, the last thing you want to do is go to the police' (Harris, 2013b). Opening the criminal justice system to women—making the police and courts more welcoming—is crucial.

### Women's access to justice

In a gendered hierarchy of victimization, women are denied equal access to judicial processes and services. Dismissive attitudes to female victimization persist, and legal responses are rarely implemented. Although city and village life can be very different in India, they share an entrenched culture of impunity, which leads to a systemic failure to provide justice and relief for female survivors of violence.

In urban areas, female assault and rape survivors fear that the primary response of police will not be to protect them so much as to cast doubt on their character and bring shame on their families, effectively justifying the attack (Maier, 2008).

In a prominent case of 2012, questions about the moral character of a woman raped in Kolkata were used by

police to delay registering the case and arresting the accused. The Chief Minister of West Bengal, Mamata Banerjee, claimed the case was fabricated in order to malign her government. In another instance, the Chair of the National Commission of Women—a body established to protect and promote women's rights—responded to the sexual assault of a 20-year-old woman by a mob in Guwahati, Assam, by saying that women should be 'careful about the way they dress because such incidents are a result of blindly aping the West' and that such women are 'eroding Indian culture and causing such crimes to happen' (Ghosh, 2012).

In rural areas, lower-caste women are even more vulnerable. Often less educated, less aware of their legal options, and more controlled by social constraints, the pressure to remain silent can be overwhelming. With fewer police in rural areas and limited access to judicial institutions, the reporting, investigation, and prosecution of a violent act against a woman may not be feasible. Even where police are available, they may be uncooperative (Navsarjan Trust, FEDO, and IDS, 2013). For example, the Director General of Police of the state of Andhra Pradesh said: 'Fashionable dresses worn by women, even in rural areas, are among the factors leading to an increase in rape cases. The police have no control over this matter' (Roy, 2012).

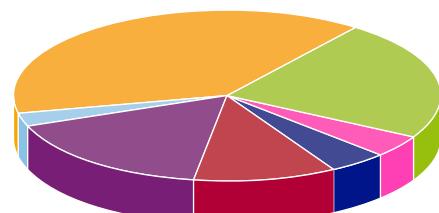
Critics state that a culture of impunity feeds the systemic failure to provide justice and relief for female survivors of violence nationwide. In an open letter and petition to the prime minister in July 2012, a women's advocacy group asserted that:

*[t]his impunity manifests itself routinely in cases of sexual harassment, molestation, rape of women in urban and rural areas, the targeting of women's bodies during communal and caste conflicts or the sexual assault of women by men in uniform engaged in counter insurgency operations, in the North East, Kashmir and Central India. The common feature in all these instances of sexual violence is the absence of accountability and failure of the legal system to punish the guilty (SACW, 2012).*

### Major categories of violence against women

The most widely recognized categories of violence against women for which official data is available are summarized in Figure 2. The categories reflect not only the combination of violence and female victims, but a range of systemic problems, including a lack of comprehensive data, the contributing role of social attitudes, the inaccessibility of policing and criminal justice, and the paucity of support for survivors. Other

Figure 2. Types of crime against women reported to the NCRB, 2013



#### Legend:

- Rape (33,707)
- Kidnapping and abduction (51,881)
- Dowry-related death (8,083)
- Cruelty by husband and his relatives (118,866)
- Assault with intent to outrage modesty (70,739)
- Insult to modesty (12,589)
- Other crimes (13,681)

Source: NCRB (2014, p. 81)

gender-based crimes or forms of violence, such as trafficking in girls and women, are no less serious, but they lie beyond the scope of this Issue Brief.

## Sex-selective foeticide and female infanticide

Gender-based discrimination begins early in a human life in India. A family with a clear preference for having a son, rather than a daughter, can use prenatal testing (usually ultrasound) to determine the sex of a foetus and arrange a sex-selective abortion to avoid birth of a girl (UNICEF, 2006, p. 4). In 1996, India enacted a law to prevent prenatal scanning for the purposes of ascertaining the sex of a foetus. Such a law is extremely difficult to enforce, because an extensive yet poorly regulated private medical system exists (Lyn, 2011).

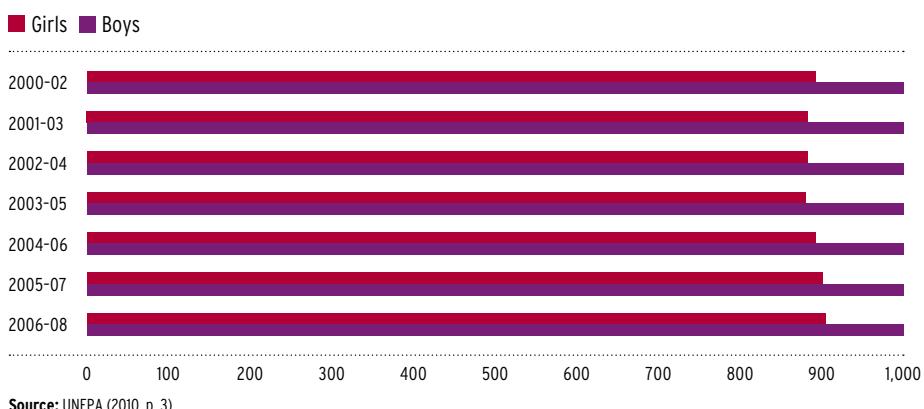
**Table 2 Total reported cases of foeticide and infanticide in India per year, 1994–2013**

Year	Foeticide	Infanticide
1994	45	131
1995	38	139
1996	39	113
1997	57	107
1998	-	-
1999	61	87
2000	91	104
2001	55	133
2002	84	115
2003	57	103
2004	86	102
2005	86	108
2006	125	126
2007	96	134
2008	73	140
2009	123	63
2010	111	100
2011	132	63
2012	210	81
2013	221	82

**Note:** NCRB data was not available for 1998.

**Source:** Annual crime reports, NCRB (1994–2013)

**Figure 3 Ratio of girls reported born per 1,000 boys born in India, 2000–08**



The shortcomings of official reporting on female foeticide and infanticide are illustrated by NCRB data, which appear implausibly low for a country of more than 1.2 billion. The trends may be more meaningful than the individual figures—as they indicate a steady rise in reported foeticide cases—but the national total in 2013 was still only 221 reports, which is not enough to register statistically in overall crimes against women. Meanwhile, reported infanticide cases have declined (see Table 2).

These numbers only hint at the inadequacy of official crime figures. Studies suggest that, in reality, 4 to 12 million foetuses—virtually all female—may have been aborted in India over the past three decades (Lyn, 2011; Ram et al., 2013, p. e224). This estimate excludes post-birth infanticide or death due to wilful neglect.

The data on missing women refers not just to the systematic prevention of the birth of females through sex-selected foeticide but also to the widespread killing of female infants and young girls, typically under the age of six. The methods of female infanticide vary, with many traditions. One researcher observed the methods of inducing pneumonia and diarrhoea:

*The infant was wrapped in a wet towel or dipped in cold water as soon as it was born or when it came back home from hospital. If, after a couple of hours, it was still alive, it was taken to a doctor who would diagnose pneumonia and prescribe*

*medicine, which the parents promptly threw away. When the child finally died, the parents had a medical certificate to prove pneumonia. Sometimes the infant was given a drop of alcohol to create diarrhoea, another ‘certifiable disease’ (Aravamudan, 2007, pp. 20–22).*

A major study shows skewed survival rates for girls of one month to five years of age, who are 25 to 50 per cent more likely to die of pneumonia and diarrhoea than boys of the same age (Ram et al., 2013, pp. e224–e25). Girls also die at an abnormally high rate because of domestic violence (Silverman et al., 2011, pp. 5–6).

The reported ratio of girls born for every 1,000 boys born has increased since 2000 (see Figure 3). In that year, only 892 girls were reported born for every 1,000 boys, suggesting a notable rate of foeticide and infanticide. By 2008, 904 girls were reported born for every 1,000 boys (UNFPA, 2010). This increase in births of girls is offset, however, by a steady decline in girls to boys under the age of six—a decrease from 927 girls for every 1,000 boys in 2001, to 914 girls in 2011 (NFHS, 2007, p. xxx; GoI, 2012, p. 6).

## Domestic violence

Girls and women are frequently subjected to physical and sexual violence, both inside the home and outside. Although definitive surveys and estimates are lacking, domestic violence appears to be the most common form of violence perpetrated against women

(Smith et al., 2003, p. 13). That said, it seems to go virtually unreported to police—except for some of its worst manifestations (NCRB, 2014, p. 387). This makes domestic violence the most critical category of violence against women for which systematic data is lacking. In lieu of criminal reporting, survey research on domestic violence is the strongest indicative measure of its significance. Survey findings suggest that approximately 40 per cent of women in India who have ever been married have been subjected to spousal violence. The same survey shows an estimated one per cent of married women have acted violently towards their husbands (NFHS, 2007, pp. 508, 521).

A survey by the Population Reference Bureau found that 30 per cent of women and 26 per cent of men in India agree that wife-beating is acceptable (PRB, 2011, p. 2). Other research indicates that women who marry young—usually meaning before 18 in India—are more likely than women who marry later to believe this and to experience domestic violence (Jejeebhoy, 1998, p. 859).

Domestic violence means violence between spouses and violence perpetrated by other family members. It is widely presumed to include physical intimidation and violence towards daughters-in-law, typically carried out by members of extended families who live in the same household. In 2013,

police records capturing ‘Cruelty by Husband and Relatives’ against women—the principal category for the most serious of such incidents—accounted for 38 per cent of all IPC crimes (NCRB, 2014, pp. 387, 391).

The key state response to domestic violence is the Protection of Women from Domestic Violence Act 2005 (Ghosh and Choudhuri, 2011, p. 321), which extends to the whole of the country, except for the states of Jammu and Kashmir (*Gazette of India*, 2005, art. 1(2)). While the Act contains no new punitive features, it focuses on protecting the basic civil rights and humanitarian needs of women, such as a woman’s right to reside violence-free in her matrimonial or parental home.

### Dowry-related violence

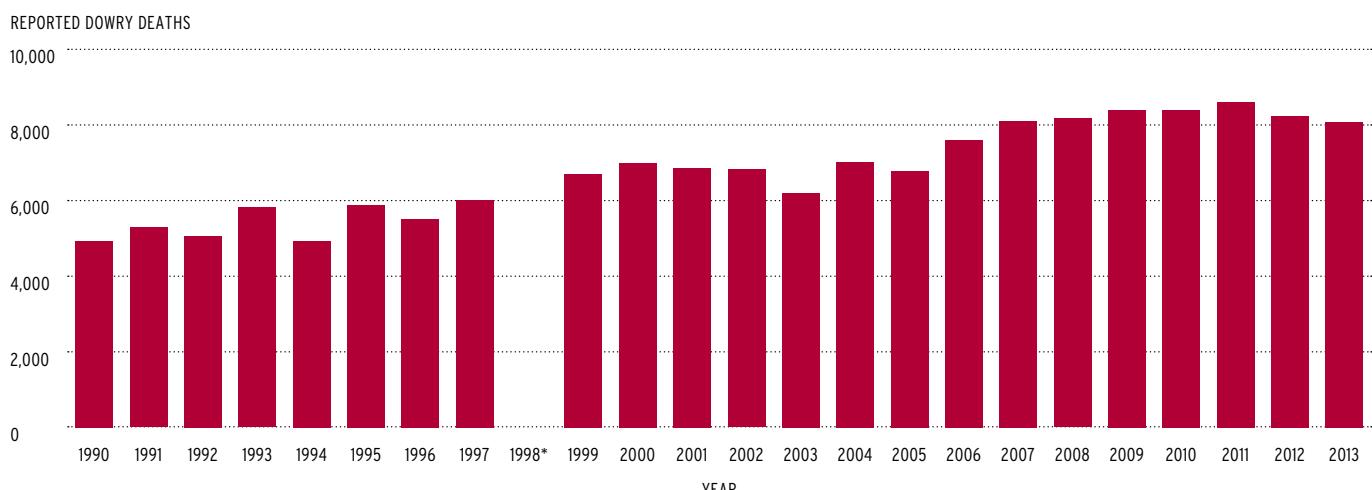
Under the country’s Dowry Prohibition Act 1961, dowries—in India almost always paid by families of the bride—were declared illegal; yet they are still commonplace in the culture of marriage in India. Research confirms that the practice continues unchecked and dowry-based violence has become more common, despite official efforts to suppress it (Banerjee, 2014). A study conducted by the UN on the culture of dowry and domestic violence in India found that the crimes associated with dowries tend to relate to financial demands made by the families of bridegrooms and the tensions caused

by changing social traditions and emerging opportunities for women (Kishwar, 2005, pp. 16–17).

Dowry expectations can amount to several times the annual wealth of a poor family. When the bride’s family cannot afford the dowry requested, conflict may result, sometimes culminating in lethal attacks committed by the family of the groom (Anderson, 2007, pp. 154, 170; Rao, 1993). A new bride might be abused by her husband’s family until her parents pay certain debts or provide gifts requested. Similarly dowries have grown to encompass other ritual occasions, such as gifts to mark the birth of a child or other significant events. The social and financial burden of such expectations can influence a family’s decision to selectively abort a female foetus or kill a baby girl, as she in turn will incur considerable dowry costs when she reaches marriageable age (Anderson, 2007, p. 170). Another extreme example of dowry-related violence is burning to death a bride—which can be dismissed as a kitchen accident or suicide (Belur et al., 2014, p. 4).

Reports of dowry-related violence in India have been growing. NCRB figures show an increase from 4,836 dowry deaths reported in 1990 to 8,083 in 2013—a rise of more than 67 per cent (see Figure 4). As with other forms of violence against women, this figure is widely regarded as incomplete (see

**Figure 4 Reported dowry deaths in India, 1990–2013**



Note: \* NCRB data was not available for 1998.

Source: Annual crime statistics, NCRB (1991–2014)

### Box 3 Number of dowry-related murders

According to official data, 8,083 women died as a result of dowry-related assaults in India in 2013 (NCRB, 2014, p. 387). Estimates circulated by women's rights activists place the actual total at 25,000 deaths annually, a figure that has been in widespread use since the late 1990s (Buncombe, 2011; Thakur, 1999). The total domestic killings in India, of all kinds, has been estimated at 100,000 annually (Thakur, 1999). A further 125,000 women reportedly die each year from injuries sustained in violent attacks, overwhelmingly of a domestic nature (Harris, 2013a).

Because such crimes are usually witnessed only by the victim and perpetrators, activists believe most of them are successfully concealed as accidental deaths or suicides (Harris, 2013a). A counter-critique has emerged from accused families, claiming that allegations of dowry-related and domestic violence are made unfairly by 'disgruntled wives' to punish their in-laws. This argument has been accepted on occasion by the Indian Supreme Court (Lakshmi, 2014).

It is unclear whether the true extent of dowry-related violence can be revealed through public surveys—the most important tool available for estimating crime, reported and unreported. Until more effective surveys or alternative methods of data collection are developed, the true number of dowry crimes will remain unknown.

Box 3). The states where most dowry violence occurs are concentrated in the north of the country (see Table 3): certain states report no dowry-related deaths at all (NCRB, 2014, p. 387). Some of these nil reports may point to more favourable regional social environments, while others suggest poor reporting practices.

### 'Honour' violence and killing

'Honour' killings are among the most severe manifestations of violence against women and girls worldwide (HRC, 2012, para. 43). Such killings, carried out in the name of tradition, are usually executed by male family members to assert authority over women's choices of an intimate partner or freedom of movement (HRC, 2012, para. 47). Killing in the name of honour may take many forms. A girl or woman may be stoned, forced to commit suicide after being denounced in public, or burned and disfigured with acid, which in turn can result in death or suicide (HRC, 2012, para. 45).

Table 3 Five Indian states with the highest reported dowry-related deaths, 2013

State	Dowry-related deaths (incidences)	Dowry-related deaths (rate per 100,000 residents)
Uttar Pradesh	2,335	2.36
Bihar	1,182	2.43
Madhya Pradesh	776	2.17
Andhra Pradesh	492	1.14
West Bengal	481	1.08

Source: NCRB (2014, p. 387)

In India, extrajudicial arbitration decrees issued by religious and traditional patriarchal structures, such as local *panchayat* and *jirga* (community courts), have condemned women to death. Couples who try to elope or transgress the community's honour code, such as marrying within the *gotra* (common ancestral line) or crossing caste barriers, may be killed in the name of family honour (Oraa, 2011, pp. 33–34). Such practices are particularly prevalent in the state of Haryana, some parts of Rajasthan, and western Uttar Pradesh, where *khap* or *katta* (caste-based) panchayats are powerful (Oraa, 2011, p. 34).<sup>3</sup>

With family attitudes and community customs often in collusion, and local police and political leaders often unsympathetic, honour crimes have proved difficult to prevent or prosecute (Oraa, 2011, p. 33). It is important to note that such crimes are not limited to the poorly educated. The first woman president of the Shiromani Gurdawara Prabhandak Committee—a Sikh religious body—and former minister in the Punjab government was jailed for five years for complicity in killing her pregnant daughter, who had married a *mona* (shaven Sikh), from a different caste (Angre, 2012; Chowdhry, n.d., p. 9).



An NGO, Action India, provides women legal guidance on preparing their cases for court, in Delhi, May 2005.  
Source: Thierry Falise/LightRocket/Getty Image

Globally, honour killings are believed to be severely underreported (HRC, 2012, para. 44). In India, the NCRB data lacks a separate category for such killings. Instead, reports emerge almost entirely through the media and NGOs. UN bodies have also expressed concern that honour-related crimes and killings are under-documented, rarely investigated by police, and usually go unpunished (HRC, 2012, paras. 43–44).

## Violence against women in public spaces

As women and girls step out from the private sphere of home and family and into public spaces for higher education, paid employment, and social engagement, they confront additional risks of sexual aggression inherent to a culture that often condones or overlooks sexual harassment on the street (Jagori and UN Women, 2011, p. 43).

In an attempt to understand violence against women in urban public spaces, some international organizations and NGOs have conducted independent surveys. In 2010, a survey supported by UN Women regarding the barriers to making New Delhi safer for women and girls found that the ‘fear of being harassed’ in public spaces was as serious a problem as the ‘experience of being harassed’. More than 85 per cent

### Box 4 Response to the 2012 Delhi group rape and murder

The most transformative incident of violence against women in India to date occurred in New Delhi on 16 December 2012 when Jyoti Singh Pandey, a 23-year-old physiotherapy student, who was travelling by bus with a male companion, was assaulted and raped by six men and left with injuries that led to her death. The incident catalysed an unprecedented public outcry. The media nicknamed the victim Nirbhaya ('fearless one'), which gave a public identity to a criminal phenomenon previously treated as a private matter. This triggered a mass response to something that had historically been suppressed. The crime became a framing event for widespread anger about rape, everyday violence against women, flawed gender relations, public insecurity, and discontent with the police.

Among the responses to the tragedy was the Justice Verma Committee, set up by the Indian Central Government. The panel submitted a 630-page report that recommended systematic changes in India regarding protection and justice for women (Verma, Seth, and Subramanian, 2013). Among the report's key findings were the following:

- Political interference with the police and failure of governance resulted in institutions playing a strong role in perpetuating a culture that allows sexual assault on women with impunity.
- There is a need to revisit and revise the Armed Forces (Special Powers) Act in order to end military impunity and to ensure that sexual violence committed by members of the paramilitary forces is tried under criminal law.
- Special commissioners should be appointed in conflict areas to monitor and take action for prosecution of sexual offences (Verma, Seth, and Subramanian, 2013, pp. 150–51).

The momentum led directly to the Criminal Law (Amendment) Act 2013, which addresses violence against women through a broader definition of rape. It used the phrase ‘sexual assault’ to encompass specific acts, including disrobing (indecent exposure), conducting acid attacks, stalking, and voyeurism towards women.<sup>4</sup> Jail terms were increased in most cases, and the death sentence was made applicable for repeated offences of rape, or rape that results in the victim being left in a permanent coma.

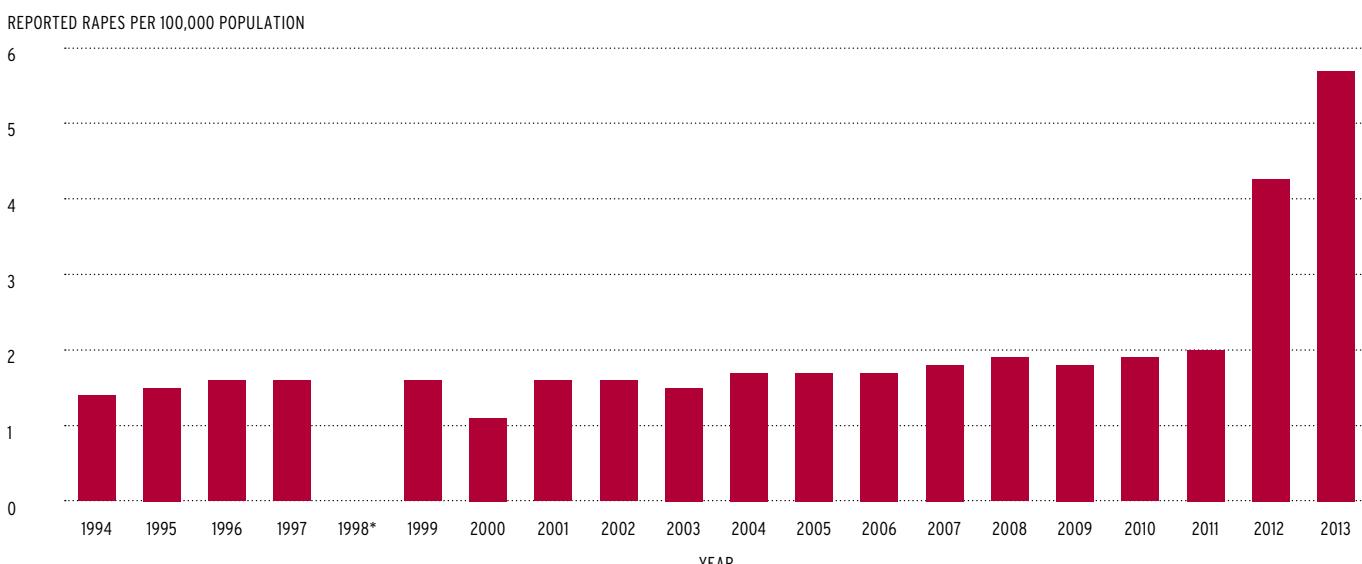
To address underreporting of crimes against women, the 2013 law included provisions for punishing police who fail to record a complaint. Information about crimes against women is to be recorded by a female officer. To accelerate India's lethargic judicial process, fast-tracked courts were introduced to process rape trials (OHCHR, 2013a).

The reforms were received as steps in the right direction, but also as highly insufficient (OHCHR, 2013b). In response, the UN Special Rapporteur on violence against women reported:

*[T]he opportunity to establish a substantive and specific equality and non-discrimination rights legislative framework for women, to address de facto inequality and discrimination, and to protect and prevent against all forms of violence against women, was lost (OHCHR, 2013b).*

Subsequent attacks which garnered significant media attention—such as the group rape of a 22-year-old female photo journalist on 22 August 2013 in Mumbai, and several other such rapes and murders in rural areas—suggest that India's reform process has only just begun and its impact is yet to be seen (BBC, 2013).

Figure 5 Reported rapes in India, 1994–2013, per 100,000 population



Note: \* NCRB data was not available for 1998.

Source: Annual crime reports, NCRB (1994–2013)

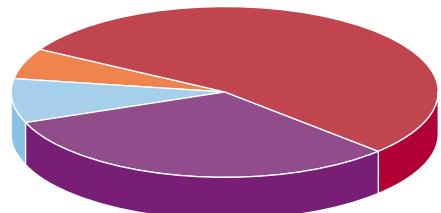
of women surveyed reported fears of sexual harassment in public (p. 15). Almost two-thirds reported having faced incidents of sexual harassment—from obscene comments to being groped, stalked, or sexually assaulted—between two and five times in the previous year. Not surprisingly, large proportions of women said that they avoided public places, especially at night (pp. xii, 15, 29). The extraordinary magnitude of their experiences may explain the intensity of the public reaction to the group rape and murder of 2012 in Delhi (see Box 4).

### Rape and sexual assault

Thus far in this Issue Brief, rape in India has largely been examined in terms of the inadequacy of available data and approximations of its actual occurrence. While reporting appears low, the number of reported incidents has risen sharply in recent years, from 24,206 in 2011 to 33,707 in 2013—a 39 per cent increase in two years (NCRB, 2014, p. 81) (see Figure 5).

This increase in reporting comes after decades of stable and very low reporting. Existing NCRB data does not reveal whether the increase is due to a new willingness among victims and families to report the crime, to a change in the willingness of police to record such crimes, or to a rise in the rape cases themselves.

**Figure 6 Relationship of reported rape victims and perpetrators, 2013**



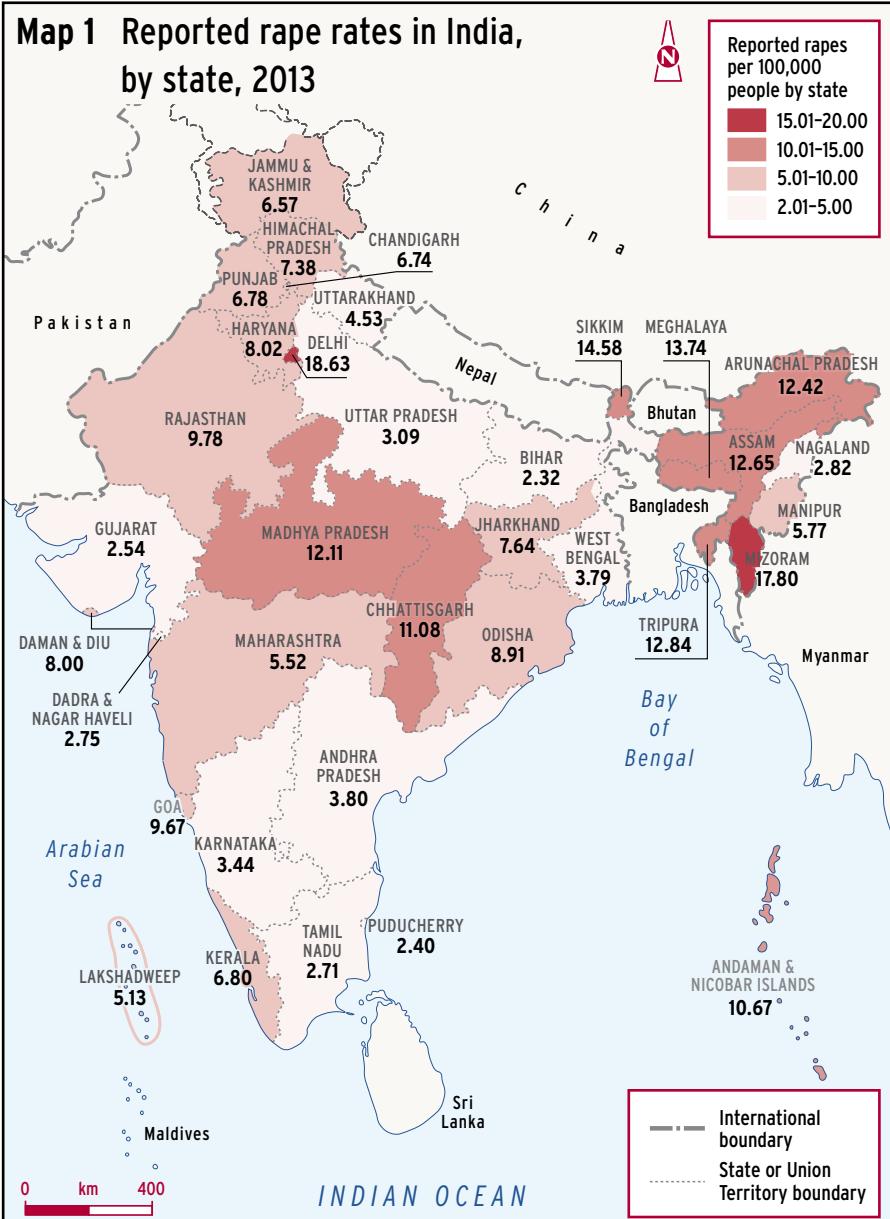
#### Legend:

- Offenders were other known persons (18,171)
- Offenders were neighbours (10,782)
- Offenders were parents, close family, and relatives (2,854)
- Offenders were unknown (1,900)

**Note:** The total number of rapes reports for which the perpetrators were known to the victims was 31,807.

**Source:** NCRB (2014, p. 399)

**Map 1 Reported rape rates in India, by state, 2013**



**Source:** NCRB (2014, p. 387)

According to NCRB data, 93 women are raped in India daily (Philip, 2014). The states of Madhya Pradesh and Rajasthan recorded the highest *number* of cases in 2013 with 4,335 and 3,285 respectively. The highest *rates* of reported rape were in the Delhi national capital territory and the north-eastern state of Mizoram (NCRB, 2014, p. 387; see Map 1). Whether these states stand out because of higher actual instances or more comprehensive reporting is uncertain.

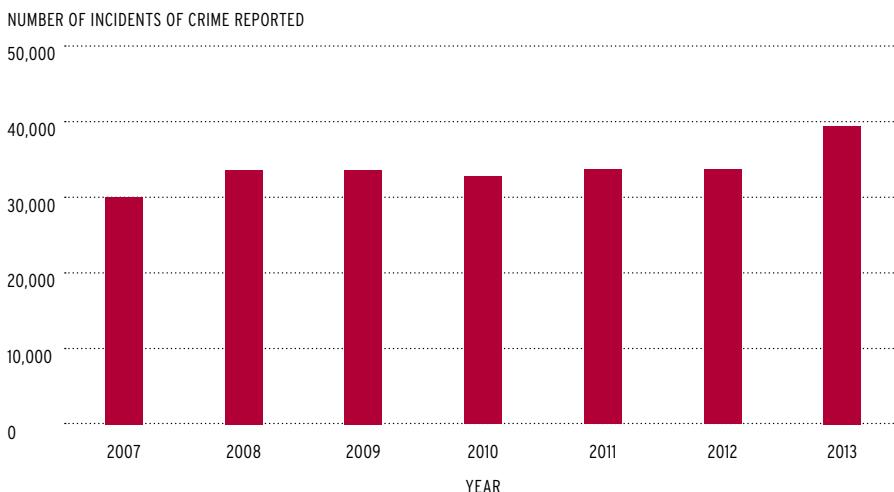
A major issue in rape cases is the identity of attackers. Of the 33,707 rapes formally recorded in 2013, the victim reportedly knew her attacker in 31,807 cases (see Figure 6); only 1,900

reported rapes (less than six per cent of all cases) were stranger rapes (NCRB, 2014, p. 399). These figures indicate that for many women, their home and immediate neighbourhood are the most dangerous places for them, with risks of violence from partners, relatives, or neighbours far surpassing the risks of sexual assault by a stranger.

### Vulnerable communities: scheduled caste and tribal communities

National averages tend to conceal the degree to which violence is concentrated against ostracized social groups.

**Figure 7 Reported crime against Scheduled Castes, 2007-13**



Source: Annual crime reports, NCRB (2007-2013)

Reported crimes against historically marginalized people, known as Scheduled Castes and Scheduled Tribes (SC/ST), increased by 31 per cent from 2007 to 2013 (see Figure 7). Scheduled castes and tribes make up 16.2 and 8.2 per cent of India's population respectively (Census of India, 2001). Members of scheduled castes and tribes are especially at risk of violence inflicted by upper-caste communities. Women in these communities are particularly vulnerable.

Of fundamental concern are *Dalits* ('oppressed' in Hindi and Marathi, previously referred to as 'untouchables'), at the bottom of India's caste hierarchy. Dalits appear much more likely to be victimized, and much less likely to see their allegations taken seriously by the judicial system. A prominent study of violence against Dalit women found them to be as much at risk from violent attacks within their community as from non-Dalits (Navsarjan Trust, 2011, p. 6). Family discord is often a cause of the violent death of a woman among Dalits. The social dimensions of violence against Dalit women were exposed by a study that found that some may perceive rape as 'ordained' due to their double disadvantage of being Dalit and female (Sengupta, 2009).

Justice is routinely denied to Dalits, despite legal reforms such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, intended to empower authorities to deal with violent crimes against these

communities. Police can be reluctant to deal with caste-related violence, register cases, or respond to requests for assistance. An investigation of violent crimes committed by non-Dalits against Dalit women revealed systematic delays or an outright failure to accept reports of alleged crimes, to investigate, or to prosecute perpetrators (Navsarjan Trust, 2011, p. 13).

Tribal women have been targeted in the same way as lower-caste women, most visibly in sexual assaults. This was illustrated by an incident in 2007 in the Assam capital of Guwahati. A girl from the *Adivasi* indigenous group participating in a demonstration was stripped on the street by male rioters as they tried to disrupt the event. Despite a police presence, local groups attacked Adivasi participants, men, women, and children, leaving 300 injured and a 12-year-old boy dead (*Telegraph*, 2007).

## Conflict situations

Research situates violence against women along a continuum, from traumas experienced in daily life to the heightened violence of armed conflict. Gendered inequality is exacerbated during armed conflict. Women become the direct victims of physical violence, sexual assault, mutilation, abductions, and displacement, and the indirect victims of traumatic loss and impoverishment (Lindsey, 2001). As the principal combatants, men and boys are greatly

affected in conflict too, but generally more as a result of their direct combat roles and displacement (Lindsey, 2001, pp. 36-37).

In armed conflicts, all sides are typically accused of atrocities, including violent attacks on women. Allegations against state forces stand out because they are ostensibly responsible for protecting non-combatants and civilians. In India, a culture of impunity rooted in the Armed Forces (Special Powers) Act protects security personnel from most prosecution.<sup>5</sup>

India has no mechanism for systematically gathering gender-specific data on violence against women resulting from conflict. Human rights organizations have documented reports of rape and gender-specific violence during times of conflict in Jammu and Kashmir (Asia Watch and Physicians for Human Rights, n.d., p. 3; Pal, 2013), the North-east (C-NES, 2004), and regions affected by Maoist rebellion or Naxalism (CAVOW, 2006).<sup>6</sup>

In the conflict-stricken areas of North-east India, allegations of routine rape and sexual harassment committed by security forces seized national attention in 2004. In protest, the Meira Paibis (a group of local Manipuri women) stripped naked before a banner that read 'Indian Army rape us', at a cantonment of the Assam Rifles in Imphal (Sen, 2014, p. 337). In Kashmir, at the peak of the Indian army's anti-militancy campaign there, NGOs reported that there was 'no doubt that the use of rape is common and routinely goes unpunished' (Asia Watch and Physicians for Human Rights, n.d., p. 3). Support of this can be found in a survey of border districts of Kashmir, in which 11.6 per cent of the female respondents reported they had endured sexual abuse (Rehman Siddiqui, 2006).

In Naxal (Maoist) affected states (especially those in the so-called Red Belt), reports are widespread that government security forces and Salwa Judum (government-supported militia members) raped local villagers during their operations (CAVOW, 2006, pp. 18-19). Yet crimes committed by security forces are not recorded in NCRB data.

The Annual Report of the UN Secretary General on children and armed conflict for 2013 also mentioned the risk of sexual violence against girls and women living within Naxalite ranks (*IBNLive*, 2014). This risk of sexual attack, from all sides in armed conflict, makes women living in contested regions particularly vulnerable.

## Towards change: beyond the law alone

There is no panacea for violence against women in India. The multiple forms of violence and their many causes reviewed in this Issue Brief show the need for a multi-faceted approach directed at all aspects of the problem. Ultimately, it may be necessary to redefine notions of masculinity and femininity in contemporary India in order to challenge traditional practices and norms of female subjugation, to confront misogyny, and to promote gender equality. While current responses may be promising, they need to be reinforced by forceful public policy, reforms to policing and the judiciary (including female staff throughout), and greater diligence by the state. Above all, a consolidated approach that treats the many issues of violence against women systematically is required to make significant progress (see GoI, 2012).

Legal reform, such as policy change and protective laws, has grown in recent decades, including the following parliamentary acts:

- Dowry Prohibition Act, 1961;
- Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994;
- Protection of Women from Domestic Violence Act, 2005; and
- Prohibition of Child Marriage Act, 2006.

Catalysed by the 2012 Nirbhaya case, other reforms are under consideration, including changes to the IPC. Legal reform alone, however, is of limited value without broader social reform—a key finding of the Justice Verma Committee (Verma, Seth, and Subramanian, 2013, pp. ii–iv).

Discussion of violence against women in India invariably turns on particularly high-profile cases, such as the Delhi case. Such incidents elevate these issues from obscurity and build up public pressure for action. Simultaneously women are acting individually, taking new measures to help protect their personal safety. One significant example is the changing dynamics of female gun ownership in India (see Box 5). While global trends and domestic activism are influential in bringing about change, the pace of reform will continue to be affected by framing incidents.

### Box 5 India's nascent female gun culture

India's gun culture has traditionally been male dominated. The emerging female gun culture remains much smaller, poorly studied and underreported. For the purposes of this analysis it is useful to distinguish between rural and urban environments in assessing the motives for female gun ownership, and how they have changed in recent years.

In the rural context, feudal traditions prevail in gun ownership: typically land owners possess firearms that are passed onto their heirs, whether male or female (Singh, 2012). Women who inherit guns can usually acquire licences to keep them in the family. That said, many applications from women may really be proxies for men trying to evade the law (Pathak, 2012). A case in point is the state of Punjab, where a weapon in the home is often a feudal tradition (Singh, 2012). Since systematic licensing was initiated, presumably after the 1959 Arms Act, the Punjab police have issued a cumulative total of 31,300 arms licences to women (Singh, 2012). These are primarily for inherited guns (Burke, 2012) but could also be proxies for male ownership. Alternatively, the figures could indicate a burgeoning trend of gun ownership among women in rural areas.

Women's insecurity in urban areas is associated with their growing visibility in public spaces, which has triggered a kind of backlash. The Delhi group rape case was followed by a spike in numbers of women applying for firearms licences. Before this crime, 20–22 per cent of applicants for licences in Delhi were women. Immediately after, the percentage rose to around 35 per cent (Ghosh, 2013). Whether similar increases were seen elsewhere in India or sustained since is not known.

As concerns regarding the safety of women grow, applications for firearm licences in urban environments are likely to increase. Indian Ordnance Factories—the country's only legal firearms manufacturer—has been quick to adapt to the market, in offering a lightweight revolver designed for women (Pandey, 2014).

## Conclusion

This review of research on violent crimes against women in India stresses the lack of comprehensive official data available to inform policy-making and interventions. In lieu of better official reporting, large-sample surveys are the most promising tool for establishing the outlines and nuances of the problem. Although surveys are time-consuming and expensive, they can serve as a baseline to guide planning, to assess the effectiveness of interventions, to provide insights into perceptions and attitudes, and to guide in the allocation of resources and design of interventions.

The National Family Health Survey (NFHS), a report published by the Ministry of Health and Family Welfare of the Indian government, exemplifies the power of large-sample, detailed surveys (IIPS and Macro International, 2007). The following edition, NFHS-4, for 2014–15, offers an opportunity to gain better insights into violence against women since public demand for action was galvanized by the various high-profile rape cases.

Surveys can guide policy; they are not a solution to individual crimes. A reliable response to crimes against individuals includes policing and on-the-ground services to help individual victims. So long as women and girls are afraid or unable to report these crimes, effective action will be sporadic and inadequate. Comprehensive police reform—bringing in more police who are free of corruption and dedicated to serving survivors—is essential to suppressing violence against women.

The incomplete data, anecdotal reporting, and survey research highlighted here demonstrate the important role NGOs play in drawing public attention to violence against women, in sustaining concern, and in promoting policy responses. In lieu of stronger leadership from the central or state governments, NGOs appear to be the most effective at responding to the needs of survivors, but their reach is limited in both the cities and the countryside.

The research reviewed here shows that the ultimate solution to violence against women in India must incorporate social change. Attacks on women need to be understood in the context of a culture that condones violence and links the vulnerability of women directly to their undervalued status. Enhancing equality and empowering women will be crucial to reducing their victimization for the long term. ■

## Notes

- 1 Group rape, the term used throughout this Issue Brief, is an informal term for multiple-perpetrator rape, which can be defined as 'coerced sex where two or more men sexually penetrate' (Jewkes et al., 2012, p. 11). It is also referred to as gang rape. In the Delhi case of 2012, the victim was referred to as Nirbhaya, meaning 'fearless'. Her real name was not disclosed initially, as the press in India are not allowed to publish the name of a rape victim (see Box 4).
- 2 This total of five million girls and women is calculated from the Delhi total population (CensusInfo India, 2011).
- 3 Khap or katta (caste-based) panchayats can convene when relationships or marriages outside the caste or religion, which are deemed a grave offence, are discovered. Such assemblies of village caste elders assume the authority to rule and enforce responses relating to relationships or marriages they find objectionable or immoral. Undeterred by legal formalities, they may prefer to act on their own (Law Commission of India, n.d.).
- 4 Voyeurism can be understood as follows: 'Any man who watches, or captures the image of a woman engaging in a private act ... [A] private act includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy, and where the victim's genitals, buttocks or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the person is doing a sexual act that is not of a kind ordinarily done in public' (*Gazette of India*, 2013, p. 3).
- 5 The Armed Forces (Special Powers) Act (AFSPA) was promulgated in 1958 to address the insurgency in the Naga Hills, Nagaland. Since then it has been extended to large areas of the North-east, including Manipur in 1980 and Kashmir in 1990. Article 4 of AFSPA gives the armed forces blanket power to shoot on suspicion and to search and arrest without a warrant in any area declared 'disturbed', where aid of civil power by the armed forces has

been declared necessary (Republic of India, 1958, art. 3). It grants legal immunity from prosecution for actions of the armed forces (Republic of India, 1958, art. 6) and is regarded as a key symbol of state repression and arbitrary use of power with impunity.

- 6 Naxalism or the Naxalite movement refers to the Maoist insurgency that began as a peasant uprising in 1967 in the village of Naxalbari, West Bengal. Over the years, it has developed into a protracted conflict and violent agitation mostly by the poor (made up of agricultural labourers, peasants, and tribal peoples) against wealthier social classes and the government. Maoist violence seems to be increasing in India in terms of both the number and deadliness of attacks. The government has described the movement as the country's gravest internal security threat (Acharya and Karp, 2011, p. 6).

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## About the India Armed Violence Assessment

The India Armed Violence Assessment (IAVA) ran from 2010 to 2015, striving to promote research and to support India's social science communities dedicated to studying the causes and consequences of armed violence. Developed in coordination with Indian partners, the IAVA has explored wide-ranging issues related to the instruments, actors, and enabling institutions that shape security. It served to catalyse evidence-based debate in India and to facilitate Indian contributions to global policy and programming on related issues. The project has been supported by the Small Arms Survey.

IAVA Issue Briefs review the state of knowledge on key themes associated with armed violence. Commissioned by the Small Arms Survey, Issue Briefs summarize major findings and insight into issues related to conflict and crime-related violence, perpetrators and victims, prevention and reduction, and strategies to contain violence. They stress data-based research findings on the scale, forms, and severity of armed conflict, contributing forces, and the impact of policy responses.

IAVA Issue Briefs can be downloaded at:

<http://www.smallarmssurvey.org/focus-projects/india-armed-violence-assessment.html>

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