

# **Report of the Committee on Crime Statistics**

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## Foreword

The crime statistics are important and essential inputs for assessing the quality of life and human rights situation in a society. In India, crime statistics are generated on the basis of crime records maintained by different law enforcement agencies like the police and the judiciary, at different levels of administrative/legal jurisdictions under the federal system of the country. Thus, as an administrative by-product, the system of generation of crime statistics has a long history. However, this system has not been reviewed over time from the viewpoint of coverage, accuracy, timeliness and relevance.

The Committee on Crime Statistics has reviewed the system of collection, compilation and dissemination of crime statistics in the country and as a result of this exercise, come out with a set of recommendations to improve the existing system of record- crime reporting and also suggested ways to complement this system.

While reviewing the crime statistics system in the country, the Committee has also referred to the documents and reports of some of the UN bodies working in the areas of crime, women and children – United Nations Office on Drugs and Crime (UNODC), UN Women and the UNICEF – apart from the documents and reports of the related national bodies and used excerpts in the report of the Committee.

My thanks are due to all the members of the Committee for their utmost commitment to the work of the Committee and their contribution in framing the final recommendations of the Committee.

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## **1. Background**

1.1 With a view to striving continuously for the improvement of the statistical system in the country, a mechanism called the 'Conference of Central and State Statistical Organisations' (COCSSO) was created by the Ministry of Statistics & Programme Implementation. COCSSO aims to strengthen the coordination of statistical activities among the Ministry of Statistics and Programme Implementation, other Central Ministries and State Statistical Organisations. It provides a platform for discussion on the statistical issues of common interest to the Central and the State Statistical Organisations. It also provides an overall perspective to the development of statistical system and makes recommendations/ suggestions on issues having bearing on the development of the statistical system in the country.

1.2 The 16<sup>th</sup> COCSSO held in Shimla on 4<sup>th</sup> & 5<sup>th</sup> December 2008 recommended that the Central Statistics Office (CSO) – the nodal Central agency responsible for the coordinated development of the statistical system in the country – may review the system of crime statistics in general and data flow in regard to violence against women in particular so that the data quality on crime statistics could be improved.

1.3 Accordingly, a Committee on Crime Statistics was constituted by the Ministry of Statistics & Programme Implementation on 21<sup>st</sup> October 2010 under the chairpersonship of Director General, Central Statistics Office with members drawn from National Crime Records Bureau (NCRB), Bureau of Police Research & Development (BPR&D), Delhi Commission for Protection of Child Rights (DCPCR), National Sample Survey Office (NSSO), Department of Border Management, Ministry of Women & Child Development, International Institute of Population Sciences (IIPS), Institute for Human Development (IHD) and the National Institute of Social Defence (NISD). The Terms of Reference (TOR) of the Committee were to (i) review the existing system of reporting and recording of crime/ offences at various levels of administration with particular reference to violence against women, (ii) review of adequacy and reliability of crime statistics and identification of areas for improvement in scope, coverage and quality, and (iii) recommend methods for improving crime statistics in scope, coverage and quality. Copy of the office order constituting the Committee is at the Annex. The Committee held three meetings and submitted its report to the COCSSO mechanism on 29<sup>th</sup> June 2011.

## 2. Introduction

2.1 Statistics on crime and criminal justice help Governments to assess and monitor the conditions, circumstances and trends of well-being of the society and the social impact of public expenditures and policies. The collection of reliable and comprehensive criminal justice statistics in countries is of immense importance to everyone involved with criminal justice, especially to the criminal justice administrator. Each component of the criminal justice system inevitably creates large quantities of records, but it is only when such raw information is transformed through purposeful collection and organization into statistical form that these records provide information valuable for criminal justice decision-making.

2.2 Broadly, the uses of criminal justice statistics can be divided into three interdependent areas: administration, planning, and policy research & analysis. Each of these areas is reviewed below.

### *Administration*

2.3 Any organization or agency should be capable of monitoring its own activities. In general terms, management can be characterized as a process of organizing a set of resources to accomplish established goals and objectives. Effective management requires information to determine whether the goals and objectives are being accomplished in a timely and orderly fashion, and whether the resources are being used efficiently and effectively. The more complex the organization, the greater will be the need for statistical information, particularly on resources and resource allocation and on cases and caseloads.

2.4 For example, a police administrator is called upon to meet objectives regarding public safety, citizens' calls for assistance, apprehension of offenders and the like. He or she must allocate a variety of resources, including personnel, money, operating procedures, and facilities and equipment, to accomplish these objectives. Regular statistical reports integrating information on the allocation of resources as well as on such concerns as the incidence of calls for service, types of crime and identification of suspects are crucial if the administrator is to understand the agency's current problems and formulate possible solutions. Similarly, administrators of parole and probation agencies can use routine statistical information on caseload size to determine, for

example, whether the current workload is consistent with agency policy and, if not, what changes are needed.

2.5 Statistics, then, provide a measure of whether personnel are meeting minimal expectations and of how well an agency is accomplishing its stated goals and objectives. Such information is crucial for personnel and budget decisions and can indicate to other units and agencies whether objectives are being accomplished in compliance with established procedures and policies. In some countries information on effectiveness and efficiency is increasingly demanded by overall controlling agencies, the public and representatives of the public interest, particularly the media and special interest groups. Annual statistical reports and special statistical studies can contribute significantly towards meeting these demands.

### *Planning*

2.6 Planning involves identifying alternative procedures for attaining some future goal. For example, for the court administrator planning may involve identifying ways of reducing case processing time or developing a more efficient way to produce trial transcripts. For the prison administrator, it may involve the development of a better classification system so that resources can be allocated to identified needs and objectives. The planning process involves the following steps:

- (a) Understanding the current situation;
- (b) Formulating a clear statement of the goal to be achieved;
- (c) Identifying alternative approaches for achieving the goal and the advantages and disadvantages of each approach;
- (d) Establishing criteria by which to select the best approach;
- (e) Implementing the planned approach for achieving the goal;
- (f) Installing a system to provide information on whether the plan is accomplishing its objectives in an efficient manner. Each step in the planning process typically requires information, including statistics.

2.7 Consider the example of a criminal justice administrator who knows that prison facilities are currently operating at 95 per cent capacity. Historical trends in admissions and releases indicate that within two years the prison will be operating at 102 per cent capacity. However, conventional wisdom suggests that the prison should never be over 95 per cent capacity. In order to allow some degree of freedom in classifying and administratively segregating

inmates, as well as in improving prison facilities through building renovation or extensions, some knowledge of the projected prison population is required. Based on such information, the administration can examine a range of options, such as changing classification standards; increasing releases through reprieves and other methods; expanding existing facilities; and building new facilities. In other words, statistics help the administrator to recognize the problem, identify the consequences, identify possible courses of action in response and recognize the advantages and disadvantages of each. Statistical information is useful for discriminating between options and monitoring the implementation of the selected course of action.

2.8 Every administrator must anticipate possibilities and put in motion plans based on such forecasts. Forecasting techniques vary from qualitative procedures based on experience and practical expertise to sophisticated statistical techniques. Without some systematic approach to forecasting, justice administrators must take the future as it comes, adopting a reactive management style that in the worst case may turn into crisis management. Regardless of the technique, all forecasting methods assume that the future is somehow related to the past and present. Thus, at a minimum, forecasts on crime and various aspects of the administration of justice require the use of statistical data.

### *Policy research & analysis*

2.9 Policy analysis refers to attempts to determine the effects of changes in policy, law or procedure or in the environment and to develop strategies in the light of these anticipated effects. For example, a policy analyst may want to determine the effects of demographic shifts, such as a decline in the median age of the population or a continual migration of unskilled labourers, on the crime rate or the effects of crime-rate shifts on the workloads of police, courts and prisons. The analyst might also be interested in the effect of policy or procedural changes on the criminal justice process, such as the level of increase in judicial capacity that would be effected by a change in case-filing procedures reducing the average case-to-case period by five per cent.

2.10 Policy analysis can take two forms: internal analysis, to determine the effects of self-initiated policy or procedural changes on an agency's operation; and external analysis, to determine the effect on an agency of changes in another agency's policies and procedures or of changes in the environment. Either type of analysis can take place prior to the change, when it is often

referred to as policy simulation, and after the change, as evaluation or impact analysis. Such analyses require statistical data.

2.11 Policy research and analysis are generally based on the view that crime is relational; that to understand crime, the link between changes in crime and changes in the social conditions that generate, maintain, decrease or increase its rate and shape its form and nature must also be understood. This implies that criminal justice statistics give only a partial picture of crime and its context. Furthermore, given that crime is said to be a process that often accompanies “development”, the relationship between crime and development can only be understood and specified through an informed analysis of the relationship between various crimes and various developmental processes at different levels of development. Thus, just as other social statistics are necessary for an understanding of crime, criminal justice can play an important part in the evaluation of social change and the formulation of social policy.

2.12 In this context, criminal justice statistics can be viewed as part of a larger body of social statistics and indicators consisting of generalized or aggregated data on the central features of society. To understand the relationship between crime and social development—that is, to understand social change—the construction and evaluation of criminal justice statistics should be viewed in relation to other areas of statistics, such as:

- (a) Knowledge (education, innovation, other types of knowledge);
- (b) Population shifts;
- (c) Organization of society;
- (d) Culture and cultural changes;
- (e) Technology;
- (f) Changes in political and legal structures;
- (g) Various forms of social differentiation.

### **Primary Requirements of a System of Criminal Justice Statistics**

2.13 The very idea of a statistics system or programme is ambitious; it implies an enormous amount of planning and coordination. Like any other statistical system, a system of criminal justice statistics must meet certain basic user and management requirements, including the following:

(a) It must be user-oriented. Statistics must not be viewed as ends in themselves but rather as means to other ends such as decision-making, research and general enlightenment. Statistics must serve the user, or ideally many users, in a variety of ways;

(b) Statistics are most useful in context and when related to other statistics. This has two implications. First, time series are typically more useful and instructive than a single discrete observation. Second, a given body of statistics is most meaningful when linked to other statistics both within and outside the subject matter, as this emphasizes the importance of coordination and harmonization of concepts, definitions, classifications, methods and procedures;

(c) To be useful, statistical information must be timely. It must be collected, processed and released with due consideration to the requirements of decision makers;

(d) A statistical programme must be credible. First, to maintain the good will of the suppliers of data and information, consideration must be given to their concerns, especially that of the confidentiality of individually identifiable data and records. Second, to ensure the support of the users, the programme must be impartial, objective and technically and substantively sound;

(e) Just as a criminal justice system must be effectively planned and managed, so too must a criminal justice statistics system. The production of good quality statistics is complex and potentially costly, and thus requires effective management of human and fiscal resources.

2.14 In addition to these basic user and management requirements, several other essential factors contribute to the successful functioning and sustainability of a system of criminal justice statistics. They include:

(a) Obtaining and maintaining the commitment of stakeholders;

(b) Fostering the evolution of the statistical programme;

(c) Maintaining political neutrality and objectivity;

(d) Using analytical and technical resources effectively;

(e) Articulating of the scope and content clearly;

(f) Using an integrated approach;

(g) Maintaining a high public profile.

### *Obtaining and maintaining the commitment of stakeholders*

2.15 The development of a national system of criminal justice statistics is a complex process. It requires the participation and cooperation of many components of the system, including the police, prosecutors, courts, and corrections. Experience shows that information programmes will not develop without the commitment of senior criminal justice managers. Core data for the ongoing production of national statistical information in the criminal justice area are extracted from administrative records that are kept by the various components involved, including police, prosecutors, courts and correctional personnel. This activity by itself is resource-intensive, but it is further complicated by the need to have national standards, common data definitions and other desirable attributes expected of a credible and usable statistical series. In practice, those who keep records for operational purposes pay only rudimentary attention to the nonoperational uses of those records. Without the commitment of senior managers, conversion of official records into usable statistical data becomes a difficult proposition.

2.16 A wide variety of initiatives could be employed to sustain commitment of the major stakeholders. The most effective among them is a commitment based on the value of justice statistics for achieving the fundamental goals of the criminal justice system. The least effective, on the other hand, would be a situation in which legislation is used as the sole mechanism to force administrators of justice programmes to participate in a national justice statistics enterprise. However, a proper legislative framework is often necessary to establish the legal authority of the system and the legal responsibilities of the administrators.

### *Fostering the evolution of the statistical programme*

2.17 Once a basic statistical programme has been established, the greatest substantive challenge of a criminal justice statistics system is to foster the evolution of its outputs in response to the most pressing needs of data users. The key operational needs in this area are a capacity for effective interactions with a wide range of client groups, a planning system that can translate these needs into specific projects, and the resources to achieve the desired outputs.

### *Maintaining political neutrality and objectivity*

2.18 One essential obligation of a national criminal justice statistics programme is public accountability. This obligation cannot be effectively fulfilled if the national justice statistics programme is viewed as one subscribing to a political ideology or subject to interference by the Government in power. The programme must be, and must be seen to be, impartial and objective.

2.19 Given that in most cases criminal justice statistics programmes have been developed by Governments for the purposes of planning and monitoring the criminal justice system, establishing political impartiality may prove to be quite challenging. Making the statistical system independent of the criminal justice system may be beneficial in terms of increasing impartiality. For example, establishing a criminal justice statistics agency independent of any other criminal justice agency (police, prosecutors, courts and corrections) increases its autonomy, independence and, ultimately, its impartiality.

### *Using analytical and technical resources effectively*

2.20 The knowledge and experience of subject matter specialists are invaluable in any statistical programme, and the field of criminal justice statistics is no exception. Experts in crime and victimization, criminal justice policy and programme administration must play a key role in designing the statistical series; in developing the concepts and definitions to be employed; in planning and conducting the analysis; and in preparing the outputs. Much of the raw data for the statistics programme is generated within the operational justice system (i.e., police agencies, courts, prisons) and therefore tends to reflect the policies and processes needed for the day-to-day administration of the system rather than a depiction of the substantive phenomena. The knowledge and experience of subject-matter specialists are essential to ensure that the data are competently analyzed and placed in a proper context.

2.21 Data processing and analysis require an infrastructure of computer technology. Recent technological advances, if properly mobilized and used, will immensely facilitate all aspects of information production. Working with computers, however, raises many issues that must be addressed in a proactive way. These issues range from organizational concerns to security and access, from procurement and maintenance to training and development.

### *Articulating the scope and content clearly*

2.22 A comprehensive programme of criminal justice statistics should describe the scope and structure of crime in society in the context of demographic, social and economic realities. It should also reflect the response to the problem of crime on the part of the criminal justice system including costs of administrative interventions.

2.23 These broad objectives may mean different things to different people. However, a national system of criminal justice statistics cannot be all things to all users. It follows then that a decision has to be made, through a priority-setting exercise, as to what information packages are to be sought. The outcome of this exercise will depend on the amount of resources available, the commitment and willingness of data suppliers to provide the data required and the hierarchy of information requirements of the major stakeholders. Experience suggests that the following four broad categories of information should be given the highest priority in the determination of the content of a national criminal justice statistics programme:

(a) Crime data that indicate the incidence of victimization in society by type of victimization; crimes reported and not reported to the authorities and reasons for not reporting; and the level of fear of crime;

(b) Caseload data, which indicate the number and types of cases handled by the different components of the criminal justice system (police, courts, corrections); and the characteristics of persons processed through the system, such as age, sex, education, language and marital status;

(c) Resource data regarding the numbers of persons employed in the criminal justice services; expenditures; and the distribution of services;

(d) Qualitative descriptions of the justice services, outlining organizational structures, responsibilities and jurisdictions, and programmes operated.

2.24 The importance of collecting crime data is self-evident. Caseload statistics enable justice administrators to compare the volume and composition of their workloads and the disposition of cases. Resource data, when combined with caseload data, can provide performance indicators and outline the level of services provided by the municipal, regional and central Governments.

Accurate descriptions of justice services provide a framework within which statistics can be meaningfully interpreted.

### *Using an integrated approach*

2.25 Countries differ greatly in their level of statistical development in the field of criminal justice. The kinds of programme goals set by each will depend on the current state of national criminal statistics, but the ultimate goal is to achieve a fully integrated system of criminal justice statistics, a goal that few, if any, have achieved.

2.26 An important step towards an integrated system of criminal justice statistics is the development and use of common concepts and classifications, both within and across components of the criminal justice system and, as much as possible, between criminal justice and outside agencies. Uniform classifications allow the linking of data from different components of the criminal justice system and between the criminal justice system and other agencies.

### *Maintaining a high public profile*

2.27 A high public profile for the justice statistics system is advantageous from many points of view: it contributes to a higher level of awareness of statistical information and hence to its wider utilization; it helps to achieve higher response rates and hence better quality data; it contributes to the effectiveness of feedback mechanisms with data users; and, very importantly, it enhances protection of the system from political interference.

### **Need for Complementary Information**

2.28 A criminal justice system can generate and maintain vast amounts of data in the form of records of events, victims, offenders, circumstances, processes, dispositions and decisions. Such data are the raw material for ongoing decisions on individual cases and are typically more or less organized in some type of operational filing/record system to serve administrative purposes. These operational systems represent the primary source of core or baseline criminal justice statistics.

2.29 Most operational systems are designed primarily to monitor the day-to-day operation of various components of the criminal justice system. Hence,

they do not always contain the kinds of information necessary to support good decisions about policy, programmes and services. While the development of criminal justice statistics must inevitably start from these records, several alternative data sources and approaches to data collection that should be considered as complementary to those data are available from the administrative records contained in the various justice operational systems.

2.30 Since the establishment of modern information gathering on crime, it has been recognized that a sizable portion of criminal events are never reported to the police and are therefore not included in police or any other statistics. This unknown number, often referred to as the “dark figure” of crime, has prompted researchers to look beyond the instruments of traditional criminal justice statistics for ways of assessing it. Because they capture this “dark figure”, crime victimization surveys have evolved as a valuable complementary data source to police statistics. Other data sources for crime statistics include self-report surveys and general population censuses and surveys. Public and private agencies not thought of as criminal justice organizations may also provide information on specific crimes, offenders and victims.

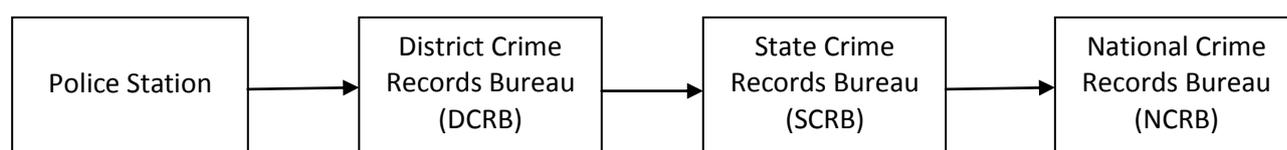
### 3. Crime Statistics in India

3.1 The National Crime Records Bureau (NCRB) in the Ministry of Home Affairs is the nodal agency at the Centre to collect, compile and disseminate the information pertaining to crimes and related social safety conditions in the country. The main statistical publications on crime brought out by the NCRB are:

- Crime in India
- Accidental Deaths and Suicides in India
- Prison Statistics in India

#### Data Flow

3.2. The information is collected in 22 standardized formats from all the 35 States/UTs and from 35 mega cities. A police station is the first reporting stage. Information is sent by a police station to the District Crime Records Bureau which compiles information from all the police stations in the District and passes it to the State Crime Records Bureau. The State Crime Records Bureau compiles information for all the Districts in the State and passes it to the National Crime Records Bureau. The National Crime Records Bureau compiles information from all the States/UTs and disseminates in the form of a publication.



#### Scope and Coverage

3.3 The first schedule of the Criminal Procedure Code (CrPC) gives the classification of the offences of the 'Indian Penal Code (IPC)' into cognizable and non-cognizable. Cognizable crimes are broadly categorized as those falling either under the IPC or under the 'Special and Local Laws (SLL)'. Cases under SLL represent preventive policing, i.e., reported crime indicate better policing efforts. The Central Acts are enactments on special subjects which are applicable in the whole country while Local Acts are applicable to a particular part of India.

3.4 Non-cognizable crimes are generally left to be pursued by the affected parties themselves in the Courts. Police do not initiate investigation in non-cognizable crimes except with magisterial permission.

### **3.5 Broad Classification of Crimes under the Indian Penal Code (IPC)**

i. **Crimes against Body:** Murder, attempt to murder, culpable homicide not amounting to murder, kidnapping and abduction, hurt, causing death due to negligence.

ii. **Crimes against Property:** Dacoity, preparation and assembly for dacoity, robbery, burglary, theft.

iii. **Crimes against Public Order:** Riots, arson.

iv. **Economic Crimes:** Criminal breach of trust, cheating, counterfeiting.

v. **Crimes against Women:** Rape, kidnapping and abduction for specified purposes, dowry death, cruelty by husband and relatives, molestation, sexual harassment and importation of girls.

vi. **Crimes against Children:** Child rape, kidnapping and abduction of children, procurement of minor girls, selling/buying of girls for prostitution, abetment of suicide, exposure and abandonment, infanticide, feticide.

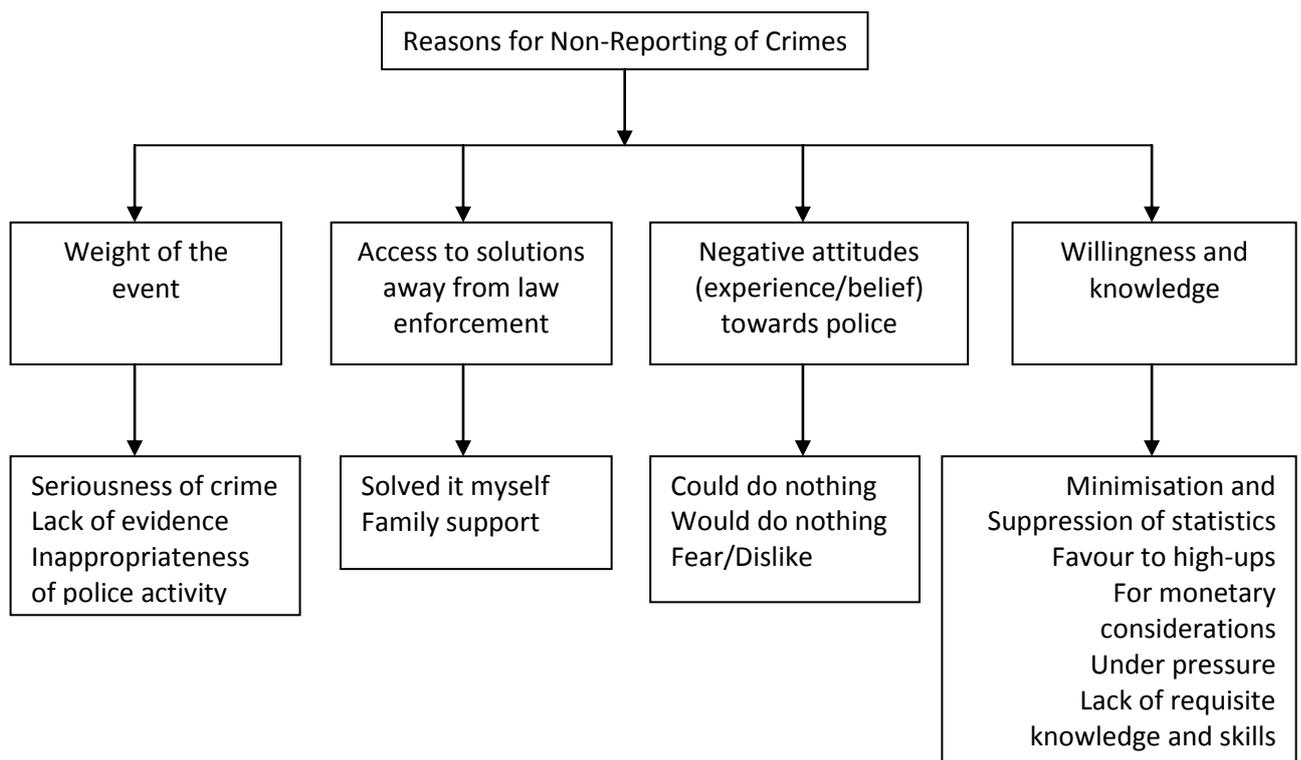
vii. Other IPC Crimes.

### **3.6 Crimes under the Special and Local Laws (SLL)**

- i. Arms Act
- ii. Narcotic Drugs & Psychotropic Substances Act
- iii. Gambling Act
- iv. Excise Act
- v. Prohibition Act
- vi. Explosives and Explosive Substances Act
- vii. Immoral Traffic (Prevention) Act
- viii. Indian Railways Act
- ix. Registration of Foreigners Act
- x. Protection of Civil Rights Act

- xi. Indian Passport Act
- xii. Essential Commodities Act
- xiii. Terrorists and Disruptive Activities Act
- xiv. Antiquity and Art Treasure Act
- xv. Dowry Prohibition Act
- xvi. Juvenile Justice (Care and Protection of Children) Act, 2000
- xvii. Indecent Representation of Women (Prevention) Act
- xviii. Copyright Act
- xix. Sati Prevention Act
- xx. SC/ST (Prevention of Atrocities) Act
- xxi. Forest Act
- xxii. Prohibition of Child Marriage Act, 2006
- xxiii. Other crimes (not specified above) under Special and Local Laws including Cyber Laws under Information Technology Act (IT), 2000.

### 3.7 Reasons for Non-reporting of Crimes



- Crimes are mostly not reported because they are deemed 'not serious enough'.
- 'Police could do nothing' indicates a belief that the police are helpless in their efforts to recover property, find the offender or do something else

which would be beneficial for the victim. It is an attitude of resignation on the part of citizens.

- ‘Police won’t do anything’ is frequently related to property crimes – personal thefts, thefts of car and like. It implicitly contains a criticism of the police’s deliberate reluctance to do something that could be beneficial and which should be normal part of the police’s role and expectations related to it.
- ‘Fear/Dislike of Police’ indicates negative attitude towards the Police, either because the involvement of the Police might have unpleasant consequences for the victim (the particular relationship between the victim and the offender) or because there is a general disapproval of the Police. ‘Fear/Dislike of Police’ is, as expected, indicated in connection with violent crimes and sexual incidents.

## **Major Challenges**

3.8 ‘Minimisation and Suppression of Statistics’ – In perception of the Police officers, the Department, the Government, the media and hence the Public, all judge Police work by the statistics. So they cannot allow the registration to go beyond certain level.

3.9 ‘Favour to High-ups’ – Crime is just not registered against the higher sections of the society as far as possible, particularly if it is reported from the lower sections. It is considered as insult, harassment of the so called powerful at the hands of the lower sections. This happens for all the cases but more so in the cases where economic crime, socio-political justice, etc. is involved.

3.10 ‘Monetary Considerations’ – In many instances, straight registration is avoided in order to extort some money from the complainant or the victim. Non-registration pays in another way, if the process is to be encashed as the accused would offer to pay heavily for purchasing such a favour. There could be some exaggeration but the fact of corruption in registration remains not only relevant but quite powerful.

3.11 ‘Under Pressure’ – The registration may be avoided under pressure from goons, gangs, mafias or other influential sections whose personal interest are involved in the case.

The policeman feels that he is overburdened and he cannot cope-up with the work if free registration is resorted to. With the limited staff availability, he registers only the cases he can manage with the available staff.

3.12 'Lack of Requisite Knowledge & Skills' – An average police investigator in the States lacks knowledge or skills to investigate economic crimes which require extensive examination of papers, knowledge of rules and procedures of various departments and organizations, etc. Since it is beyond his capacity to investigate, he tries not to register and finishes it at the root level itself. Lack of knowledge/awareness on the part of the victims also contributes significantly to low reporting to the Police.

3.13 There is not only non-registration of crimes, there is minimization of crimes as well. Registration of dacoity as theft is one such example.

### **Impact on the victim**

3.14 The severity of the psychological trauma of the victim is dependent on multiple factors including personality of the victim, level of emotional stress at the time of crime, support available to the victim, social stigma, psychological dominance of the accused over the victim, victim's relationship with the offender, age and sex of the victim. The social stigma associated with reporting and fear of getting ire of the society about victimization or act of crime creates inhibition in the minds of the victim to approach the enforcing authority.

### **Issues in Focus**

3.15 Following are the main issues:

- i. Large extent of non-reporting/ recording of crime/ offences at different levels of administration, particularly with reference to non-cognizable offences having social implications.
- ii. Inadequate coverage of crime heads – under-coverage due to non-reporting for identified reasons.
- iii. Reliability – systemic biases, errors due to overlaps between different sections of IPC, outreach to vulnerable (women, children and backward communities).
- iv. Timeliness – rationalization of data flow.
- v. Identification of new types of crime/ offences for collection of statistics thereon.

## **4. Crime against Women**

### **The World View**

4.1 Crime against women and girls is one of the most widespread violations of human rights. It can include physical, sexual, psychological and economic abuse, and it cuts across boundaries of age, race, culture, wealth and geography. It takes place in the home, on the streets, in schools, the workplace, in farm fields, refugee camps, during conflicts and crises. It has many manifestations — from the most universally prevalent forms of domestic and sexual violence, to harmful practices, abuse during pregnancy, so-called honour killings and other types of femicide.

4.2 Globally, up to six out of every ten women experience physical and/or sexual violence in their lifetime. A World Health Organization study of 24,000 women in 10 countries found that the prevalence of physical and/or sexual violence by a partner varied from 15 percent in urban Japan to 71 percent in rural Ethiopia, with most areas being in the 30–60 percent range.

4.3 Violence against women and girls has far-reaching consequences, harming families and communities. Gender-based violence not only violates human rights, but also hampers productivity, reduces human capital and undermines economic growth. A 2003 report from the US Centers for Disease Control and Prevention estimates that the costs of intimate partner violence in the United States alone exceeds US\$5.8 billion per year: US\$4.1 billion are for direct medical and health care services, while productivity losses account for nearly US\$1.8 billion due to absenteeism.

### **Domestic and Intimate Partner Violence**

4.4 Domestic and intimate partner violence includes physical and sexual attacks against women in the home, within the family or within an intimate relationship. Women are more at risk of experiencing violence in intimate relationships than anywhere else. Limited availability of services, stigma and fear prevent women from seeking assistance and redress.

### **Sexual Violence**

4.5 Although women are more at risk of violence from their intimate partners than from other persons, sexual violence by non-partners is also

common in many settings. According to the 2006 In-Depth Study of the Secretary-General: “Sexual violence by non-partners refers to violence by a relative, friend, acquaintance, neighbour, work colleague or stranger. Estimates of the prevalence of sexual violence by non-partners are difficult to establish, because in many societies, sexual violence remains an issue of deep shame for women and often for their families. Statistics on rape extracted from police records, for example, are notoriously unreliable because of significant underreporting”.

4.6 In many societies, the legal system and community attitudes add to the trauma that rape survivors experience. Women are often held responsible for the violence against them, and in many places laws contain loopholes which allow the perpetrators to act with impunity. In a number of countries, a rapist can go free under the Penal Code if he proposes to marry the victim

### **Harmful Traditional Practices**

4.7 Harmful traditional practices are forms of violence that have been committed against women in certain communities and societies for so long that they are considered part of accepted cultural practice. These violations include dowry murder, so-called “honour killings,” and early marriage. They lead to death, disability, physical and psychological harm for millions of women annually.

### **Trafficking in Women and Girls**

4.8 Trafficking involves the recruitment and transportation of persons, using deception, coercion and threats in order to place and keep them in a situation of forced labour, slavery or servitude. Persons are trafficked into a variety of sectors of the informal economy, including prostitution, domestic work, agriculture, the garment industry or street begging.

### **Situation in India**

4.9 The NCRB publication “Crime in India” contains a separate chapter on crime against women in view of the vulnerability of women to crime. The data on crime against women is presently being collected under the following crime heads:

- i. Rape (Sec. 376 IPC)
- ii. Kidnapping and Abduction for Specified Purposes (Sec. 363-373 IPC)
- iii. Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/204-B IPC)
- iv. Torture – both mental and physical (Sec. 498-A IPC)
- iv. Molestation (Sec. 354 IPC)
- v. Sexual Harassment (Sec. 509 IPC)
- vii. Importation of Girls (upto 21 years of age) (Sec. 366-B IPC)
- viii. Immoral Traffic (Prevention ) Act, 1956
- ix. Dowry Prohibition Act, 1961
- x. Indecent Representation of Women (Prohibition) Act, 1986
- xi. Commission of Sati (Prevention) Act, 1987

**Table: Crime against Women**

Crime Head	2002	2006	2007	2009
Rape	16373	19348	20737	21397
Kidnapping and Abduction	14506	17414	20416	25741
Dowry Deaths	6822	7618	8093	8383
Torture	49237	63128	75930	89546
Molestation	33943	36617	38734	38711
Sexual Harassment	10155	9966	10950	11009
Importation of Girls	76	67	61	48
Sati Prevention Act	0	0	0	0
Immoral Traffic (Prevention) Act	6598	4541	3568	2474
Indecent Rep. of Women (Prevention) Act	2508	1562	1200	845
Dowry Prohibition Act	2816	4504	5623	5650
<b>Total</b>	<b>143034</b>	<b>164765</b>	<b>185312</b>	<b>203804</b>

4.10 Data on violence against women have been collected by the National Family Health Survey-3, 2005-06 (NFHS-3) under different heads, i.e., (a) physical violence, (b) lifetime sexual violence, (c) physical or sexual violence. Break-up of State level data and age of women is also provided. However, the total sample size for the data is only 83,000. Though there are different points of view in different quarters about the survey methodology and quality of data related to NFHS-3 on violence against women, these are the only available parallel data sets for any assessment of under-reporting in the administrative system of crime recording.

4.11 The NFHS-3, 2005-06 data shows that 35.4% of the women aged 15-49 years in India have experienced physical or sexual violence. In certain States like Bihar, Rajasthan, Madhya Pradesh and Tripura, the percentages are around 45% and more. Considering these rates, the total number of women aged 15-49 years who have experienced physical or sexual violence comes to be 99.83 millions. Thus, it seems that the NCRB captures even less than 0.16% of the total crimes against women, so reported by NFHS-3.

4.12 NFHS-3, 2005-06 also provides data on 'Help seeking by Women' who are victims of violence. It seems that only 2.1% in a total sample of 7,000 women take the assistance from institutional sources such as police. It is possible that only these cases get registered with the NCRB.

**Table: Percentage of Women aged 15-49 who experienced violence and sought help from identified sources**

Source	Only physical	Only sexual	Both physical & sexual
Own family	71.7	57.7	70.2
Husband & his family	28.4	7.3	32.4
Neighbours	12.3	4.9	20.1
Friends	8.4	38.3	10.7
Police	1.5	0.6	3.8
No. of Women	4884	118	2047

## 5. Crime against Children

5.1 Violence against children includes physical and mental abuse and injury, neglect or negligent treatment, exploitation and sexual abuse. Violence may take place in homes, schools, orphanages, residential care facilities, on the streets, in the workplace, in prisons and in places of detention. It can affect children's physical and mental health, impair their ability to learn and socialize, and undermine their development as functional adults and good parents later in life. In the most severe cases, violence against children leads to death. Research suggests that 20 per cent of women and 5 per cent to 10 per cent of men suffered sexual abuse as children worldwide. In Asia, it is estimated that 60 million girls are 'missing' due to prenatal sex selection, infanticide or neglect.

5.2 The term 'child protection' is used in different ways by different organizations in different situations. In the present context, the term will mean protection from violence, abuse and exploitation. In its simplest form, child protection addresses every child's right not to be subjected to harm. It complements other rights that, inter alia, ensure that children receive that which they need in order to survive, develop and thrive.

5.3 Child protection covers a wide range of important, diverse and urgent issues. Many, such as child prostitution, are very closely linked to economic factors. Others, such as violence in the home or in schools, may relate more closely to poverty, social values, norms and traditions. Often criminality is involved, for example, with regard to child trafficking. Even technological advance has its protection aspects, as has been seen with the growth in child pornography.

5.4 Back home in India, the National Commission for Protection of Child Rights (NCPCR) emphasises the principle of universality and inviolability of child rights and recognises the tone of urgency in all the child related policies of the country. Lack of accurate data on different aspects of child protection is a major impediment in formulation and monitoring of the relevant policies. Records maintained by different law enforcement agencies do not give the statistics related to the crimes in which children are either perpetrators or are victims. The NCRB publication "Crime in India" brings out some statistics on the issue of juvenile in conflict with law. However, a large data gap exists under the laws related with children - Immoral Traffic (Prevention) Act 1956, Child Labour (Prohibition and Regulation) Act 1986, Juvenile Justice (Care and Protection of

Children) Act 2000, Protection of Child Rights Act 2005 and Prohibition of Child Marriage Act 2006.

5.5 As per Juvenile Justice (Care and Protection of Children) Act, 2000; a juvenile or a child is a person who has not completed eighteenth year of age. However, with respect to special legislations like Child Labour (Prohibition and Regulation) Act 1986, the age upto 14 years is taken into consideration. As such, wherever the term child & juvenile occurs, information needs to be collected upto the age 18 years.

5.6 Juvenile Justice (Care and Protection of Children) Act, 2000 is an Umbrella Act relating to Child Rights. The Act provides for certain statutory bodies and institutions for dealing with the problems of children and also provides for institutional care to the children. Juvenile Justice Board(JJB) and Child Welfare Committee (CWC) are such bodies/competent authorities and juvenile home, observation home, children's home and shelter home cum drop-in-centres are such institutions. Section 63 of the Juvenile Justice (Care and Protection of Children) Act, 2000 also provides for a Special Juvenile Police Unit (SJPU). SJPU is an important organ for enforcement of the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000. The Act provides for that at least one Officer with aptitude and appropriate training and orientation may be designated as the 'Juvenile / Child Welfare Officer', in every police station, who will handle the juvenile and the child in coordination with police.

5.7 For the purposes of effective reporting of the legal contacts of the child/juvenile and for crime against children, the children have to be segregated in the following five heads;

- i. Juveniles in Conflict with Law
- ii. Children in Need of Care and Protection
- iii. Children Victims and Witnesses of Crimes
- iv. Children before Commissions and Statutory bodies etc. including 'Childline' which has since been granted the status of a legal body under the provisions of the Juvenile Justice (Care & Protection of Children) Act, 2000 & Integrated Child Protection Scheme (ICPS)
- v. Missing and Found Children

5.8 In case of Juveniles in Conflict with Law, under the provisions of Rule 11(viii), it is provided that where apprehension of juvenile apparently seems to be in the interest of the juvenile, the police or juvenile or the Child Welfare Officer from the nearest police station, shall rather treat the juvenile as a child in need of care and protection and produce him before the Juvenile Justice Board, clearly explaining the juvenile's need for care and protection in its report and seek appropriate orders from the Board under Rule 13 (1) (b) of the Model Rules. Keeping in view the aforesaid provisions, it is the Special Juvenile Police Unit (SJPU) which can produce authentic data regarding Juvenile in Conflict with Law and child in need of care and protection. This has been taken care of in the format developed by NCRB.

5.9 Some studies have been carried out in India to demonstrate the intensity and spread of child abuse. The most important of them is the one carried out at the instance of the Ministry of Women and Child Development. The statistical evidences of child abuse given in the report were strongly criticised on statistical ground and the Ministry of Statistics and Programme Implementation had expressed strong reservations about the findings. However, the exercise established the fact that similar studies based on sound statistical methodology may serve as effective vehicles for tracking the traits and locational intensity of this crime which can in turn help the welfare organisations take appropriate measures in reaching out for protection of the victims and action against the perpetrators.

## **6. Deliberations of the Committee**

6.1 The Committee on Crime Statistics met thrice and deliberated upon the entire gamut of crime statistics in the country. The main points brought forth by the members during these meetings are given below.

6.2 The statistical community, particularly the national statistical offices all over the world are under growing pressure from the international organizations and the global community to respond to the needs of evidence-based-statistics and rights-based-approach to production of statistics. The existing national system of crime statistics needs to be looked into, to effectively respond to such demands both from within and outside the country.

6.3 The crime statistics in India are generated on the basis of crime records maintained by law enforcement agencies like police and judiciary. This system has a long history. However, it has not been reviewed over time from the viewpoint of coverage, accuracy, timeliness and relevance. The National Crime Records Bureau (NCRB) in the Ministry of Home Affairs is the nodal agency at the Centre to collect, compile and disseminate the information pertaining to crimes and related social safety conditions in the country. The main statistical publications on crime are brought out by the NCRB. These publications are based on the cognizable crimes reported to the Police. There is a large percentage of crimes that goes unregistered due to various reasons. The statistics on non-cognizable crimes are neither collected nor disseminated by NCRB or any other organization in the Government. Statistics on crime against women are brought out in the publication 'Crime in India'. However, this also does not reveal the correct levels and pervasiveness of crime against women in the country.

6.4 The records maintained by different law enforcement agencies do not give the statistics related to the crimes in which children are either involved or are victims.

6.5 What are getting reported through NCRB publications are only cognizable offences and that too only to the extent of what have been reported. No statistics are available for the entire gamut of non-cognizable offences which are very important for knowing the crime situation in the society in its entirety and having desired interventions in place. There is a need

to institute a household based nation-wide survey to have reliable estimates of different cognizable and non-cognizable crimes in the country.

6.6 The domain of crime statistics is very heterogeneous with some incidents being rare and others very frequent. In a diverse country like India, perception of an incident as a crime varies from society to society. Thus, perception-based assessment of crime or any situation conducive to criminal acts should not be the approach to any such survey. Crime should only be recorded as an 'event' when the act is committed. Due to the domain of crime statistics being very wide, entire gamut of crime may not be covered in a single survey, and the question arises as to how to set the survey tools from the viewpoint of data collection in a particular domain. Different methods and survey techniques are required in different domains of crime and no single method/ technique is appropriate for all types.

6.7 Apart from the survey, attempts should be made to tap other channels also for having crime statistics at regular intervals. There are different statutory bodies created to deal with specific subject areas like women and children and as administrative institutions, all these bodies possess a lot of statistics relevant for crimes and violation of rights. An organization like the NCRB may act as the nodal agency to collect, compile and disseminate in a proper format, all the types of crime related data that are accumulated at the statutory bodies and other justice boards/ commissions having designated areas of rights to protect.

6.8 The NCRB has recently revised the format of collection of crime statistics and many suggestions pertaining to collection, compilation and dissemination of cognizable crimes reported to the Police have already been taken care of in the revised format. In the internal review of the format of data collection, the NCRB has introduced the following major data item for reporting:

(a) IPC Crimes

- i. Attempt to commit culpable homicide not amounting to murder
- ii. Custodial rape – gang rape and other rape
- iii. Rape other than custodial – gang rape and other rape
- iv. Kidnapping and abduction of women and girls – from India to outside, from outside to India, within the country
- v. Riots – communal, industrial, political, caste conflict, etc.
- vi. Hurt – acid attack, others

- vii. Molestation – at office premises, other places related to work, places other than these
- viii. Sexual harassment (eve-teasing) - at office premises, other places related to work, places other than these

(b) SLL Crimes

- i. Prohibition of Child Marriage Act, 2006
- ii. Protection of Women from Domestic Violence Act, 2005
- iii. Information Technology Act, 2000
- iv. Child Labour (Prohibition & Regulation) Act, 1986
- v. Juvenile Justice (Care & Protection of Children) Act, 2000

(c) Crime committed against SCs

(d) Crime committed against children

(e) Crime committed against women

## **7. Attempts by NCRB for Improving the Crime Reporting Mechanism**

### **Crime and Criminal Tracking Network & System (CCTNS)**

7.1 Crime and Criminal Tracking Network & Systems (CCTNS) is a plan scheme conceived in the light of experience of a non-plan scheme namely - Common Integrated Police Application (CIPA). CCTNS is a Mission Mode Project under the National e-Governance plan of Government of India. CCTNS aims at creating a comprehensive and integrated system for enhancing the efficiency and effectiveness of policing through the adoption of principle of e-Governance and creation of a nationwide networking infrastructure for evolution of IT-enabled state-of-the-art tracking system around 'Investigation of crime and detection of criminals'. An allocation of Rs. 2000 crore has been made by Planning Commission for CCTNS Project. Cabinet Committee on Economic Affairs (CCEA) has approved the project on 19.06.2009. This project is to be implemented within the 11th five year plan (2007-2012).

#### **Objectives of 'CCTNS'**

1. Provide the Investigating Officers of the Civil Police with tools, technology and information to facilitate investigation of crime and detection of criminals.
2. Improve Police functioning in various other areas such as Law & Order, Traffic Management etc.
3. Facilitate Interaction and sharing of Information among Police Stations, Districts, State/UT headquarters and other Police Agencies.
4. Keep track of the progress of Cases, including in Courts.
5. Make the Police functioning citizen friendly and more transparent by automating the functioning of Police Stations.
6. Improve delivery of citizen-centric services through effective usage of ICT.

7.2 Under the CCTNS Project, approximately 14,000 Police Stations throughout the country have been proposed to be automated beside 6000 higher offices in police hierarchy, e.g., Circles, Sub-Divisions, Districts, Range, Zones, Police Headquarters, SCRBs including scientific and technical organizations having databases required for providing assistance and information for investigation and other purposes, e.g., Finger Print Bureaus, Forensic Labs etc. in a networked environment by 2012.

## **8. Recommendations**

Having deliberated upon the entire gamut of the existing system of collection, compilation and dissemination of crime statistics in the country, the Committee on Crime Statistics has come out with the following recommendations:

1. The Crime and Criminal Tracking Network & Systems (CCTNS) is an ambitious e-governance project of the Government and with its country-wide operationalisation, the existing issues – inadequate coverage of crime heads, large extent of non-reporting/ recording of crime/ offences at different levels of administration, timeliness and reliability – under the cognizable crimes are likely to be adequately addressed. The Committee on Crime Statistics is of the view that as far as the cognizable crimes are concerned, CCTNS will have a significant impact on the collection, compilation and dissemination of crime statistics through administrative records. Further, the Committee is of the view that creation of an institutional mechanism by NCRB comprising Ministry of Statistics & Programme Implementation, social sector Central Ministries and other stakeholders as potential users of the CCTNS system, would contribute towards improvement of this system.
2. The Committee strongly felt that the criminal tracking and crime recording system would be benefitted if the focus and sensitivity of operations of the information networking is oriented towards women and children, who deserve the central place in the whole fabric of criminal acts.
3. As regards the statistics pertaining to non-cognisable crimes, there is a need to complement and supplement the existing administrative record based system with the periodic household and institutional surveys. The Committee is of the view that the specific areas of violence against women and crime against children to be covered under surveys and the methodologies for conducting these surveys may evolve through a process of consultation(s) among the survey organization, Ministry of Statistics & Programme Implementation, National Crime Records Bureau, Bureau of Police Research & Development, National Commission for Women, National Commission for Protection of Child Rights, Ministry of Women and Child Development and other social

sector Ministries and it needs to be approved by the National Statistical Commission.

4. Regarding administrative records data on crime against children, the Committee is of the view that the NCRB may collect relevant data from Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs), Children's Court and National/State Commissions for Protection of Child Rights, which are all statutory/judicial/quasi-judicial bodies. Juvenile or the Child Welfare Officers in police stations, and disseminate them through their existing publications. NCRB may like to have periodic consultations with the stakeholder Ministries, social organisations and statutory bodies about the scope, coverage and modalities of data collection and dissemination. The Committee is also of the view that once operationalised, the CCTNS would be able to provide data on all offences punishable under sections 23, 24, 25, 26 - which are cognizable offences - under section 27 of the Juvenile Justice (Care and Protection of Children) Act, 2000.
5. The NCRB may take into account the following suggestions to improve its existing publications on crime statistics:
  - i. Statistics pertaining to cognizable offences under different sections of Juvenile Justice (Care and Protection of Children) Act 2000 like 'Punishment for cruelty to juvenile child (Section 23), Employment of juvenile or child for begging (Section 24), Penalty for giving intoxicating liquor or narcotic drugs of psychotropic substances to juvenile or child (Section 25) and Exploitation of juvenile or child employee (Section 26)' may be collected and disseminated.
  - ii. Crimes related to corporal punishment to children, child labour, girl child prostitution, use of children in MMS & blue films, sexual abuse of child and other such crime may be covered under Sections 23 and 26 of Juvenile Justice (Care and Protection of Children) Act 2000 and accordingly reported upon.
  - iii. Data related to children as victims of crime should be disseminated in the same way as being done by NCRB on the issue of 'juvenile in conflict with Law'.

iv. Statistics on all cases reported under Immoral Traffic (Prevention) Act 1956 may be provided under the categories – child, minor and major – as defined in the Act itself.

v. All cases under the caption ‘crime against women’ may be bifurcated as ‘crime against girl child below 18 years of age’ and ‘crime against woman above 18 years of age’.

vi. There is need to have reliable statistics on missing children and corresponding geographical areas for tackling this menace effectively. This information may also be obtained from the Childline (1098) and different Regional Centres of Childline.

vi. All the data collection formats of NCRB should include columns for the ‘age of the victim’ and ‘age of the accused’ and the data should be reported under the categories ‘below 18 years of age’ and ‘above 18 years of age’.

6. The Committee is of the view that there is need to sensitize the lower level police personnel about the importance of evidence based reporting system and that the organisation like the Bureau of Police Research and Development may take a lead on this aspect.

7. The Committee felt that there is an urgent need to engage very systematically with the exercises for investigation and analysis of the extent to which information/recommendations of all statutory/judicial/quasi-judicial bodies such as JJBs, CWCs, NCWs, etc. dealing with protection of children and women are leading to FIRs or offence records of the police at different levels of disaggregation. BPR&D may take up such exercise periodically and provide estimates for the gaps in official records, if any.

8. Disaggregated police station level information about various types of crime may be made available on the public portal after taking appropriate measures against misuse of data and for confidentiality of identification particulars.

## **References**

1. Manual on Development of Criminal Justice Statistics, UNODC
2. Child Protection Information Sheet, UNICEF
3. NCPCR Report on Child Labour submitted to the Planning Commission
4. NCRB Publications