

BEYOND THE STATISTICS: WHY INDIA'S LEGAL REFORMS FAIL TO END VIOLENCE AGAINST WOMEN

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Abstract

Despite a decade of sweeping legal reforms following the 2012 Delhi gang-rape-including the Criminal Law (Amendment) Act, 2013, the Protection of Children from Sexual Offences (POCSO) Act's strengthening in 2018, the establishment of Fast Track Special Courts (FTSCs), and the introduction of the Bharatiya Nyaya Sanhita (BNS), 2023-violence against women (VAW) in India remains pervasive. Official statistics show rising reported crimes against women and stubbornly high pendency in courts, alongside massive service uptake at One Stop Centres (OSCs) and helplines. This paper interrogates the persistent gap between law on the books and safety in women's lives. Using National Crime Records Bureau (NCRB) data, National Family Health Survey (NFHS-5) indicators, and administrative data from the Ministry of Women & Child Development (MWCD), the Department of Justice (DoJ), and the National Commission for Women (NCW), the paper argues that the principal barriers lie in (i) under-reporting and attrition within the criminal justice pipeline; (ii) weak, uneven implementation capacity across states; (iii) systemic incentive problems that limit accountability for police, health systems, and courts; and (iv) structural patriarchy, economic precarity, and social norms that legal change alone cannot dislodge. The paper concludes with a multi-layered reform agenda that sequences legal, institutional, and social change and proposes an implementation scorecard to monitor progress.

Keywords: Violence against women; NCRB; NFHS-5; Bharatiya Nyaya Sanhita; POCSO; Fast Track Special Courts; Nirbhaya Fund; One Stop Centres; criminal justice; gender norms.

Abbreviations

- BNS: Bharatiya Nyaya Sanhita, 2023
- CLA 2013: Criminal Law (Amendment) Act, 2013
- DoJ: Department of Justice
- FTSC: Fast Track Special Court
- IPC: Indian Penal Code (repealed, replaced by BNS)
- MWCD: Ministry of Women & Child Development
- NCW: National Commission for Women
- NCRB: National Crime Records Bureau
- NFHS-5: National Family Health Survey (2019-21)
- OSCs: One Stop Centres
- POCSO: Protection of Children from Sexual Offences Act, 2012

1. Introduction

The last decade has witnessed an unprecedented wave of legal and institutional reforms to counter violence against women (VAW) in India. The 2013 reforms recalibrated sexual offences, expanded definitions, and stiffened penalties. Subsequent measures

institutionalised survivor services (OSCs, women's helplines), created FTSCs for rape and POCSO cases, and invested under the Nirbhaya Fund in safe city projects, forensic capacity, and emergency response systems (112). Yet, crime statistics and health surveys continue to show persistent and often rising levels of reported violence-and a prevalence of domestic and intimate partner violence that far exceeds reported crime.

This paper examines why these reforms have not translated into sustained reductions in VAW. It combines trends from NCRB (police-recorded crime), prevalence estimates from NFHS-5 (population-based survey), and administrative metrics from MWCD, DoJ, and NCW to map the full pathway from violence to justice and safety. It then diagnoses failure points-reporting, investigation, prosecution, adjudication, and survivor support-and proposes a policy portfolio that is (i) evidence-led, (ii) implementation-focused, and (iii) sensitive to state-level heterogeneity.

2. Data and Methods

2.1 Data sources

1. NCRB Crime in India: Annual police-recorded data on crimes against women (CAW), including rates per 100,000 female population and categories such as cruelty by husband/relatives, assault with intent to outrage modesty, kidnapping/abduction, rape, and cyber offences.
2. NFHS-5 (2019-21): Population-based estimates of lifetime and recent experiences of spousal violence (emotional, physical, sexual), help-seeking behaviours, and attitudes justifying wife-beating.
3. MWCD Administrative Data: Utilisation of OSCs, Women Helpline (181), and other schemes under the National Mission for Safety of Women; annual reports and year-end reviews.
4. DoJ FTSC Data: Number of functional FTSCs/e-POCSO courts, cases instituted/disposed, and scheme outlay.
5. NCW: Complaints received and thematic initiatives.
6. Parliamentary Replies / Data.gov.in: Utilisation of Nirbhaya Fund, scheme performance, and state-wise implementation.

2.2 Analytical approach

- Triangulation: Police data (incident capture) are triangulated with NFHS-5 (prevalence) to gauge the reporting gap.
- Pipeline analysis: We track cases through registration, charge-sheeting, trial, and disposal to identify attrition points.
- State heterogeneity: Where possible, we contextualise state-level variation in rates and institutional capacity (FTSC coverage, OSC distribution).
- Policy evaluation: We contrast legal design with implementation quality using indicators of timeliness (investigation completion, trial duration), resource adequacy (forensics, prosecutors), and accountability (internal/external oversight).

2.3 Limitations

- NCRB data reflect reported crimes and police recording practices; they understate true prevalence and can be sensitive to enforcement and awareness campaigns.
- NFHS-5 predates the BNS coming into force (July 2024) and cannot capture any immediate impacts of the new codes.

- Administrative statistics may mix ‘cases handled’ with ‘beneficiaries,’ requiring careful interpretation.

3. The Statistical Landscape of Violence Against Women

3.1 Trends in reported crime (NCRB)

Reported crimes against women have risen over the last half-decade, reflecting some combination of increased reporting, population growth, and underlying incidence. Headline indicators include:

- Total cases: Approximately 4.45 lakh CAW cases recorded in 2022, up from ~4.28 lakh in 2021 and ~3.71 lakh in 2020.
- Rate: The national rate rose to around 66 per 100,000 women in 2022 (from ~65 in 2021 and ~59 in 2018), indicating an upward trend after adjusting for female population.
- Composition: The largest share is cruelty by husband or his relatives (around 31-33%); kidnapping/abduction (~19%); assault with intent to outrage modesty (~19%); and rape (~7%).
- State patterns: High-burden states by absolute numbers include Uttar Pradesh, while smaller states/UTs may display higher rates due to population denominators.

Interpretation: Rising reports can signal both deteriorating safety and improved willingness/ability to report. Without supplementary evidence (e.g., NFHS or service uptake), the trend cannot be read as incidence alone.

3.2 Prevalence and the reporting gap (NFHS-5)

NFHS-5 indicates that intimate partner violence (IPV) remains widespread. A substantial share of ever-married women report lifetime physical or sexual violence, and a non-trivial proportion report recent (past 12 months) IPV. Help-seeking remains low, with many survivors never approaching police or formal services. The gap between NFHS-5 prevalence and NCRB incidence underscores that police data capture only the tip of the iceberg, especially for domestic violence and marital sexual violence, where social norms and economic dependence suppress reporting.

3.3 Service demand as proxy indicators

- One Stop Centres (OSCs) have assisted large numbers of women across most districts, offering medical, legal, and psycho-social support;
- Women Helpline (181) reports crores of calls resolved over recent years;
- NCW registers hundreds of thousands of complaints in aggregate, including cyber harassment and domestic violence.

These volumes, alongside rising CAW registrations, reinforce that VAW is both widespread and increasingly surfaced-yet conversion from help-seeking to durable safety and legal remedy remains inconsistent.

4. The Reform Trajectory: From 2013 to the New Codes (2024)

4.1 The 2013 turn

Following nationwide protests in 2012, the Criminal Law (Amendment) Act, 2013 expanded the definition of sexual offences (including stalking, voyeurism, acid attacks), criminalised police refusal to register FIRs for sexual offences, and introduced stricter penalties. It also mandated survivor-friendly procedures, including medical care obligations on hospitals. The intent was to reduce impunity, accelerate justice, and improve survivor experience.

4.2 POCSO strengthening and 2018 amendments

The 2018 amendments increased penalties, including the possibility of death penalty in certain aggravated cases, and accelerated timelines for investigation and trial in sexual offences against children. Specialized procedures were made more explicit, and special courts under POCSO were to deliver child-sensitive justice.

4.3 Institutionalisation: FTSCs, OSCs, ERSS-112, Safe City

- FTSCs were rolled out to dispose of rape/POCSO cases faster; hundreds of courts are now functional with significant case disposals, though pendency remains high in many jurisdictions.
- OSCs and Women Helpline (181) were scaled to provide survivor services-legal aid, counseling, shelter linkage, and police facilitation.
- Safe City and ERSS-112 projects sought to enhance deterrence and rapid response through surveillance, lighting, and integrated control rooms.

4.4 The new criminal codes

The Bharatiya Nyaya Sanhita (BNS) (along with the Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam) replaced the IPC/CrPC/Evidence Act and came into force on 1 July 2024. For women's safety, the codes aim to tighten timelines (e.g., completion of investigations within set periods), formalise forensic requirements for serious crimes, and maintain stringent penalties for rape and gang rape (especially against minors). The codes also re-cluster offences against women and children, signalling policy salience. At the same time, key critiques persist.

5. Diagnosing the Implementation Gap

Legal reform is necessary but not sufficient. The following structural bottlenecks impede translation from statute to safety:

5.1 Reporting and registration

- Social norms and retaliation risks suppress reporting of domestic and sexual violence.
- Police gatekeeping and inconsistent application of mandatory FIR registration continue in practice, especially in rural/remote areas.
- Medical-legal barriers: Survivors fear invasive procedures, confidentiality breaches, or stigma at hospitals; though prohibited, two-finger tests and moralizing questions have not fully disappeared everywhere.

Implication: A large share of IPV and marital sexual violence never enters the criminal justice system. Legal prohibitions cannot overcome socio-economic constraints without supportive services and community buy-in.

5.2 Investigation quality

- Forensic deficits: Limited availability of trained forensic experts, delayed kits, and chain-of-custody lapses weaken cases.
- Digital evidence: In cyber abuse and non-consensual imagery, capacity to preserve and present electronic evidence remains uneven.
- Victim-witness management: Protection and counseling are insufficiently integrated with police work, discouraging survivor cooperation.

5.3 Prosecution and adjudication

- Pendency: Despite FTSCs, case backlogs remain substantial; many POCSO cases await trial for years.

- Quality of prosecution: Overburdened public prosecutors, limited specialization, and high turnover constrain conviction-ready cases.
- Witness protection: Patchy implementation of witness protection schemes exposes survivors to intimidation and attrition.
- Procedural drift: Adjournments, poor coordination between police, prosecutors, and forensics, and insufficient victim interface prolong timelines.

5.4 Survivor support and exits from violence

- OSCs: While widely used, quality varies: availability of counselors, legal aid quality, and safe shelter access are inconsistent.
- Economic dependence: Without income support, survivors often face pressure to reconcile or withdraw.
- Long-term safety: Protection orders and relocation assistance are inadequately monitored; technology (panic apps, 112) helps at point-in-time but not as a durable exit strategy.

5.5 Governance and incentives

- Performance metrics: Police and courts are still judged on disposals and charge-sheeting rates rather than survivor outcomes or quality of investigation.
- Accountability: Internal disciplinary mechanisms for non-registration, delays, or insensitive conduct are under-utilized.
- Fiscal/administrative bottlenecks: Nirbhaya Fund utilisation has been uneven; procurement and inter-agency coordination delay capacity build-out.

6. Evidence from Government Data

6.1 NCRB patterns (illustrative 2022 snapshot)

- Total CAW cases: ~445,000
- Rate: ~66 per 100,000 women
- Shares by category: Cruelty by husband/relatives (~31%), kidnapping/abduction (~19%), assault with intent to outrage modesty (~19%), rape (~7%).
- Rape cases: >31,000 annually with modest year-to-year variation.
- State distribution: Uttar Pradesh leads in counts; rate leaders vary by smaller-population states/UTs.

Takeaway: Domestic violence dominates police-recorded CAW, but sexual offences and abductions are substantive; cyber harassment is rising from a smaller base.

6.2 NFHS-5 prevalence and attitudes

- Spousal violence prevalence: A significant share of ever-married women report lifetime physical or sexual violence, with notable inter-state variation.
- Help-seeking: Many survivors do not seek help, and of those who do, a minority approach police or formal services.
- Norms: Non-trivial percentages of women (and men) agree that wife-beating is justified under certain circumstances, indicating entrenched attitudes that inhibit reporting and exit from violence.

Takeaway: The prevalence-reporting gap is wide; legal reform without norm change and economic empowerment cannot make deep dents in IPV.

6.3 Service utilisation (MWCD/NCW)

- OSCs: Now functional in most districts, collectively assisting over a million women with medical, legal, and psychosocial services.
- Women Helpline (181): Reports tens of millions of calls resolved in aggregate, signaling high demand.
- NCW: Annual complaints cover domestic violence, cyber harassment, dowry harassment, and workplace issues; spikes often follow high-profile cases and media coverage.

Takeaway: Demand for services is large-evidence of both burden and disclosure-but conversion into FIRs, protection orders, and convictions is not assured.

6.4 Courts and pendency (DoJ FTSCs and related)

- Scale-up: Several hundred FTSCs-including exclusive POCSO courts-are functional across states, with hundreds of thousands of cases disposed since inception.
- Continuing backlog: Despite high disposals, pendency remains substantial in many states, especially for POCSO cases; the number of pending cases often outpaces new disposals.
- Timelines in new codes: BNS-related procedural timelines (framing of charges, judgments after arguments) aim to accelerate processing; yet, without staffing, infrastructure, and prosecution support, timelines risk becoming aspirational.

Takeaway: FTSCs help but are not a silver bullet; throughput is limited by upstream investigation quality and downstream prosecutorial capacity.

6.5 Financing and the Nirbhaya Fund

- Allocations under the Nirbhaya Fund have enabled OSCs, FTSCs, ERSS-112, and Safe City projects;
- Utilisation has been uneven across states and schemes, with audit observations highlighting unspent balances, delays, and committed liabilities stuck in the system.

Takeaway: Money is not always the binding constraint; execution capability and inter-agency coordination are.

7. Why Reforms Fail: A Multi-Level Explanation

7.1 Law-society mismatch

Statutes can redefine offences and stiffen penalties, but they cannot by themselves transform norms around family privacy, honour, and gender roles. IPV and marital sexual violence remain largely hidden, with survivors facing social sanctions and economic dependence that make reporting costly. In such contexts, harsher penalties may even deter reporting where survivors fear long, adversarial processes and familial breakdown.

7.2 Capacity overreach and uneven federalism

India's criminal justice system operates near or beyond capacity. Police per capita ratios lag international benchmarks; forensic labs face backlogs; and courts carry persistent vacancies. States differ markedly in ability to recruit, train, and retain specialised staff. National legal changes thus transmit heterogeneously, with leading states implementing more fully and laggards widening disparities.

7.3 Incentive misalignment

When performance is measured by FIR counts, charge-sheet rates, or raw disposals, actors may prioritise quantity over quality. Soft incentives to discourage 'inflating' crime figures or to compromise during investigation can surface. Without robust external

oversight-police complaints authorities, judicial monitoring, public dashboards-reforms drift.

7.4 Fragmented survivor pathways

A survivor navigates police, hospital, OSC, shelter, prosecutor, and court-often without a single case manager. Each handoff is a point of attrition. Without legal aid continuity, psychological support, and economic planning (housing, livelihood), survivors exit the system or reconcile under pressure, eroding deterrence and justice.

7.5 Data blind spots

NCRB categories can mask coercive control, economic abuse, and technology-facilitated violence. NFHS does not capture post-2021 shifts, and administrative data can over-count touchpoints while undercounting outcomes. In short, policy is being steered with partial instruments, impeding course correction.

8. Comparative and International Perspectives (Brief)

- Hotline and multi-agency hubs (e.g., UK's MARACs) reduce repeat victimisation when police, social services, and NGOs share risk data and coordinate safety planning.
- Specialised prosecutors (e.g., US SVU models) and evidence-led prosecutions reduce dependence on survivor testimony alone.
- Integrated forensic pathways (rape kits, fast-track lab protocols) and digital evidence units are crucial where technology-mediated abuse is rising.
- Economic support (cash transfers, housing-first) enables exits from abusive relationships-legal protection orders are effective when backed by realistic alternatives.

Lesson: Successful jurisdictions pair legal detail with implementation stamina-funded, trained, and monitored systems with survivor-centred metrics.

9. Policy Agenda: From Laws to Lives

9.1 Sharpen the legal framework

1. Close gaps: Address the marital rape exception and ensure gender-inclusive protection for sexual assault while retaining focus on women and children's heightened risk.
2. Codify survivor rights: Statutory rights to trauma-informed services, translation, privacy, and accompaniment, with enforceable remedies for breach.
3. Technology-facilitated abuse: Explicit offences and rapid takedown protocols for non-consensual intimate imagery and cyber-stalking, paired with clear intermediary obligations.

9.2 Rewire incentives and accountability

1. Scorecards: Publish district-level dashboards on investigation timeliness, forensic turnaround, prosecutor caseloads, conviction quality (not just rates), and survivor satisfaction.
2. Independent oversight: Activate Police Complaints Authorities; mandate external audits of sexual offence case handling; protect whistle-blowers.
3. Budget-to-basics: Tie Nirbhaya Fund disbursement to milestones-staffing of OSCs, forensic SOPs, and prosecution units-rather than infrastructure alone.

9.3 Invest in capacity where it matters

1. Investigations: Dedicated sexual offences units; mandatory forensic protocols; 24x7 medical-legal response teams; digital evidence labs in every zone.
2. Prosecution: Specialised prosecutors with capped caseloads; pre-trial case conferences; survivor-liaison prosecutors to maintain continuity.
3. Courts: Expand FTSCs selectively with supporting staff (interpreters, social workers), video testimony options, and strict adjournment control; integrate caseload management tools.
4. Witness protection: Funded relocation, anonymity where warranted, and technology-enabled monitoring of restraining orders.

9.4 Make survivor pathways seamless

1. Case managers: Assign a single case manager per survivor to coordinate police, health, shelter, and court interactions.
2. Economic exits: Short-term cash assistance, priority housing, skilling and job placement; tie protection orders to economic measures.
3. Quality assurance in OSCs: Minimum standards for counselor qualifications, legal aid quality, and safe shelter linkages; periodic third-party audits and user feedback loops.

9.5 Shift norms and expand prevention

1. Evidence-based prevention: School curricula on consent and equality; community dialogues; perpetrator programmes with rigorous evaluation.
2. Workplace and campus safety: Strengthen Internal Committees (POSH) with monitoring; campus bystander programmes; safe transport initiatives corroborated by user data.
3. Media and tech engagement: Partnerships with platforms for rapid response to online abuse; public campaigns that centre survivor dignity and bystander responsibility.

11. Conclusion

India's legal reforms after 2013 and the new codes of 2024 represent real shifts in statutory architecture. But laws do not implement themselves. The persistence of violence against women-visible in NCRB trends, NFHS-5 prevalence, and the relentless demand for OSC and helpline services-originates in a complex system where norms, incentives, and capacities conspire to mute legal intent. Reducing VAW at scale requires a pivot from law-centric reform to implementation-centric governance: stable financing tied to outcomes, professionalised investigations and prosecutions, survivor-centred pathways, and relentless public transparency. Only then will legal promises be felt as safety in women's everyday lives.

References (Government and Official Data)

The following are the primary government and quasi-official sources consulted for statistics and programme data used in this paper.

- National Crime Records Bureau, Crime in India, latest available years (including 2022), Ministry of Home Affairs.
- Ministry of Women & Child Development, Annual Reports and Year-End Reviews; data on One Stop Centres, Women Helpline (181), and related schemes.

- Department of Justice, Fast Track Special Courts (FTSC) scheme dashboards and updates; sanction/outlay and state-wise functional courts.
- National Commission for Women, Annual Report 2023-24 and complaints statistics.
- Open Government Data (data.gov.in), Nirbhaya Fund: Allocation and Utilisation (2019-20 to 2023-24).
- Parliamentary replies to starred/unstarred questions on NCRB coverage (latest year available), FTSC status, and Nirbhaya Fund utilisation.
- National Family Health Survey (NFHS-5, 2019-21), Ministry of Health & Family Welfare/IIPS.

Appendix A: Indicative Tables

Table A1. Reported Crimes Against Women (India), Selected Years (NCRB)

Year	Total CAW cases	Rate per 100,000 women	Share: cruelty by husband/relatives	Share: kidnapping/abduction	Share: assault to outrage modesty	Share: rape
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2018	~378,000	~59	~31%	~19%	~20%	~7%
2020	~371,500	~62	~32%	~17%	~20%	~7%
2021	~428,300	~65	~31%	~19%	~19%	~7%
2022	~445,300	~66	~31%	~19%	~19%	~7%

Note: Rounded values for readability; consult NCRB for exact figures.

Table A2. Service Utilisation (Illustrative, cumulative/annual)

Scheme	Coverage/Units	Utilisation snapshot
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One Stop Centres	~800+ districts	>1.0 million women assisted (cumulative)
Women Helpline (181)	National	>19.9 million/1.99 crore calls resolved (cumulative)
Fast Track Special Courts	700-750 functional	>300,000 cases disposed since inception

Table A3. Nirbhaya Fund (Illustrative)

Item	Quantum
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Total allocation sanctioned since inception	>₹7,000 crore
Utilisation (released/used) - indicative	~70% (varies by year)
Observed issues	Unspent balances; committed liabilities; procurement delays

Appendix B: Proposed Legislative/Policy Amendments (Brief)

1. Eliminate marital rape exception and clarify consent standards in intimate relationships; ensure evidentiary rules protect privacy and dignity.
2. Gender inclusivity: Maintain focus on crimes against women while ensuring protection for all survivors (children, men in specific contexts, transgender persons) without diluting women's protections.
3. Cyber VAW: Create swift takedown and preservation orders, safe-harbour conditionalities for platforms, and penalties for doxxing and non-consensual imagery.
4. Victim rights charter: Legal aid continuity, translation, privacy, and trauma-informed processes as enforceable rights with remedies.

Appendix C: Implementation Playbook (90-180 Days)

- Set up district VAW cells linking police, prosecution, OSCs, and forensics; weekly case conferences for high-risk survivors.
- Deploy digital chain-of-custody for forensic kits; mandate video-recorded statements; audit compliance monthly.
- Cap prosecutor caseloads and recruit on fixed-term, performance-linked contracts; create a national training curriculum for sexual offences.
- Publish dashboards: Investigation timelines, forensic turnaround, FTSC age-of-pending cases, and OSC quality metrics.
- Tie funding to milestones under the Nirbhaya Fund; release tranches against verified QA and staffing outcomes.