



How *She* Figures

Crime against women and girls in India
The NCRB data and metadata 1953–2022

Executive Summary

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Executive Summary

WE, THE PEOPLE OF INDIA, having solemnly resolved to ... secure to all its citizens: JUSTICE, social, economic and political.

■ ■ ————— ■ ■ *The Constitution of India, Preamble*

We, the people of India, wake up periodically to incidents that ‘shock the conscience of the nation’, are outraged for a while, and then revert to norm. This outrage is managed by promising more stringent and evermore ridiculous punishments to perpetrators. But hard cases make bad law and worse precedent, as the Supreme Court of India has found.

How she figures is to help tune out the noise and focus on the signal for rational response, effective remedies, and sustainable solutions by drawing on the data from the annual *Crime In India* reports of the National Crime Records Bureau from 1953 to 2022, the relevant legislation, and judgements of the Supreme Court of India. If numbers are your forte or evidence is your priority, this is the book on crime against women and girls that you have been waiting for.

1.1 An overview

This report can be broadly divided into three parts.

Part I outlines the contours of the book and the story behind the data (chapters 1–3).

Part II is an immersive exploration to unveil the present status of the crimes against women and girls as revealed by the recorded data (chapters 4–7).

Part III suggests remedies and the way forward (chapters 8,9).

This data rich report could be heavy reading for some. If you want to skip the data, start at the beginning, saunter leisurely through the context, history, and the story of the data and its inclusion, skip the data chapters (chapters 5–7) and move directly to the remedies. For those in a real hurry, the findings and recommendations are summarised later in this executive summary.

The first two chapters set the context. The next traces the history of crime recording at the India level and the rather chaotic quest for continuous improvement. Chapter 4 explores the metadata (the story behind the data), to understand how India understands violence against women and girls and when a particular aspect of the acknowledged violence was legally recognised as a crime.

Metadata reveals interesting nuggets such as the fact that until this millennium, women and girls were officially classified as property while men and boys were classified as citizens. The data on crime by and against transgenders is available only from 2021. The data regarding persons with disabilities – who we know are disproportionately affected by crime, especially gender and sex-based crime – is still not available, despite several recommendations to the government at the highest levels.

The recorded data tells us two things. The obvious one is the extent of the crime. More importantly though, it reveals the structural bias – intelligence and intent – of the state mechanisms. The interrogation of the available data in chapters 5 and 6 reveals some uncomfortable truths – from the fact that women are discriminated against, suppression and trivialisation of crimes against them (chapter 5), to additional discrimination and humiliation of women and girls from the scheduled communities (chapter 6). By the time we come to the data of crimes against girls from the scheduled tribes, we are left wondering if the law enforcement and the administration of justice is a continuation of the crime itself and left without doubt that, by default, they are ardent enforcers of social prejudice. That this conclusion is drawn from the official records spanning 70 years makes it all the more numbing.

The key findings (chapter 7) are well known and have been spoken about anecdotally but here is evidence in cold official statistics – evidence of suppression, trivialisation, sub-par investigations, indifferent trials, and incompetent officials. Multi-generational delays, different yardsticks for justice, processes designed to wear out the traumatised victim, and systems designed to fail the victim become visible and impossible to unsee when the data is analysed.



The incontrovertible evidence of all pervasive, large-scale intersectional discrimination on the basis of caste, ethnicity, age, and gender – each reinforcing the other – with devastating real-world consequences for the women and girls, provides further food for thought. The evidence of increasing incompetence of the police (15% cases of rape and murder and 7.5% of rape, and 63.5% of cybercrime are disposed as ‘true but no clue’) and the judiciary (decreasing disposals despite exclusive special courts, increasing years to disposals – 13 years for IPC crimes against women, with domestic violence going up to 42 years and international trafficking of girls needing over 100 years for judicial disposal) are known, but still shock when backed by government data. The toxic male (I, insider, innocent) vs female (you, outsider, delinquent) paradigm in law enforcement and administration of justice is proved over and over by the data in chapters 5–7, testimony to the phallogocratic capture of these critical institutions.

The innovative remedies suggested (chapter 8) are a legal compliance auditor on the lines of the CAG, recognising legal/judicial administration as a distinct discipline and career path similar to hospital administration, and an enhanced role for the collegium. Treating the administration of justice as critical infrastructure able to function during emergencies, especially when law and order has broken down, is another important recommendation since the rule of law is the foundation of a constitutional democracy, embedded in the basic structure doctrine.

The rest of the recommendations are nothing radically new, as the repeated references to the recommendations in the Crime In India report of 1953 makes evident. That they were not implemented lends credence to the assertion that the present implementation mechanisms are designed to fail (the victim), promote impunity (of the perpetrator), and reinforce misogyny (in society). More courts, more judges, adequate budget allocations and infrastructure, better quality of recruits in law enforcement (constabulary upwards) and the justice system (lawyers and judges), working together with the community, are all recommended in writing 70 years ago and reiterated several times since then.

Other suggestions are to implement niche remedies system-wide: victim rights and protection, subdivisional vigilance and monitoring committees, inflation-adjusted relief, inflation adjusted rehabilitation (which includes the entire family: pensions, a permanent government job, a house and land in a secure

and protected location, free residential education up to graduation) that are present in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and justice at the doorstep which is already being done for other schemes by the governments of Tamil Nadu and Karnataka and can be extended to justice as well by the creative integration of the lok adalat and the legal services schemes.

By the time we get to the unfinished tasks (chapter 9) the soul killing fact that *rape against a woman is legal in India provided the rapist marries the victim either before or after raping her* sinks in. Judges need to know about the Stockholm syndrome, before letting off the perpetrators of kidnapping and abduction for marriage, because ‘the couple are happily married with children now’ – and recognise these ‘marriages’ for what they are: organised human trafficking resulting in life-long sexual servitude for the women.

In conclusion, the final chapter lists recent developments, many of them a continuation of the same dark pattern, some of them ominous. Though all is not lost and there are some sparks of light listed, there are miles to go before we, the people of India, can sleep – or awake into that heaven of freedom dreamt of, when we gave to ourselves our constitution.

1.2 Findings

1.2.1 Metadata insights

- India tracked cattle theft at the national level right from the first annual Crime In India report in 1953. It took till 1971 to similarly track rape.
- Gendered data on children apprehended for rape was tracked as early as 1958 but children as victims was recorded only since 2017.
- Till 2000, kidnapping of women and girls was considered a crime against property, while kidnapping of men and boys was a crime against life.
- Though there was a law to prohibit dowry since 1961, data is published only since 1988 – after 27 years.
- Crime In India has a separate chapter on ‘Crime Against Women’ only since 1992.



- Disaggregated data on rape in police custody has been omitted since 2016.
- In 2013, in the aftermath of the Nirbhaya case, there was a 35% jump in recorded rape, a pattern that will be repeated for 2024 and 2025 due to the Kolkata shock.
- In India it is legal to rape a woman provided the rapist marries the victim before or after the rape. Rape of girls was conditionally permitted till 11 October 2017.

1.2.2 Data trends

- The population of India increased from 547,949,809 (Census of India, 1971) when the CII report first recorded rape to 1,379,750,000 in 2022, i.e., by 2.5 times. In the same period, recorded rape increased by 13 times.
- Despite recognising more forms of violence against women and girls as crime, the proportion of recorded rape to recorded crime is increasing, indicating severe under-recording.
- The percentage of recorded rape to total crime against women (rape, attempt to commit rape, assault on women with intent to outrage her modesty, and insult to the modesty of women) has seen an upsurge of 50% in just seven years – from 10.52% in 2015 to 15.5% in 2022 – a clear indicator of increasing crime against women and under-recording.
- There are 69,027 recorded rapes in 2022. However, the proportion of recorded attempt to commit rape (available from 2014) to recorded rape has remained stubbornly low at 0.1% from 2014 to 2018 before falling sharply to an implausible 0.05% in 2022.
- There are over 110,000 cases of rape pending in the trial courts for over 5 years.
- In 2021 and 2022, there are more recorded rapes of girls below 18 than of adult women.
- In 2022 alone, 28,847 women and 13,981 girls are recorded to be kidnapped to force them into marriage – a culturally sanctioned trafficking for lifelong sexual servitude.
- Victims are getting younger and older in absolute numbers and in relative terms. The disaggregated data reveals an increase in paedophilia. The 18 to 30

cohort was the most vulnerable from the time records were maintained in 1971 till 2017. Since 2018, the 12 to 18 age group has been the most vulnerable, overtaking the 18 to 30 cohort.

- The recorded rape against children is growing in leaps and bounds, including during the pandemic. The recorded child victims exceeded the adults in 2020 and has remained elevated since then. Though the number of registered cases decreased during the pandemic year 2020, the number of victims increased – only due to the increase in girl child victims.
- The pandemic year saw an increase in women being arrested for rape – up 54% for women aged 18 to 30, over 60% for women aged 30 to 45, over 113% for women aged 45 to 60, and up 40% for women above 60 years of age. Whether this is an aberration, or a manifestation of Madonna Whore Dichotomy (MWD) should be explored.
- The total arrested has shown relative stability at about 1.22 persons arrested for every recorded rape, peaking at 1.31 in 2014 and 1.33 in 2017. The lowest was in 2019 at just 1.13. Since then, it has stayed worryingly below the long-term average. There was a dip below the long-term average of persons arrested for rape from 2007 to 2011, and that did not end well either.
- Only in fire accidents, the recorded number of women (67%) is greater than the number of men (33%), possibly due to ‘stove bursts’.
- *Cyber Stalking/Bullying of Women/Children* – the only crime tracked from recording through the police investigation, trial, and persons convicted – of the 1,155 cases disposed by the police, 241 cases (21%) are ‘true but no clue’, a mindboggling level of incompetence.

1.2.3 Scheduled communities, systemic discrimination

When the intersectional lens is applied, the discrimination against women and girls from the scheduled communities is clinically exposed –

- There has not been even one conviction for inter-community attempt to commit rape of scheduled tribe women or girls since 2019.
- The incidence of recorded inter-community rape, its rate, and the percentage of minor girls is steadily increasing. There is disproportionate inter-community rape against minor girls in some states. As a pattern, it could



reveal specific targeting of girls with rape as an instrument of caste and ethnic war those specific states.

- Rape is the most recorded inter–community crime against women and girls from the scheduled tribes in India. In 2022 it was the most recorded crime in 14 of the 19 states that have recorded at least one case. Attempt to commit rape was rarely recorded, making up just 1% of the recorded rape cases. Of the 19 states and union territories that recorded rape, 13 (68%) had no recorded attempt to commit rape.
- The charge–sheeting rate for crimes against scheduled castes has dropped by a third, declining from 78% in 2017 to just 52% in 2022. Meanwhile, conviction rates remain significantly lower, often less than half of the national average, accounting for only a quarter of the recorded data in 2022 (4.3% vs 19%).
- While the overall pendency in courts for the assault on girls has increased by about 50% in the five years from 2017 to 2022, it has increased by over 370% for girls from the scheduled tribes and over 450% for the scheduled castes.
- At the 2022 rate of disposal, it would take 10 years for the cases of insult to the modesty of women to be cleared with 18.5% chance of conviction, 8 years for women from the scheduled castes with a 4.8% possibility of conviction and 44 years for women from the scheduled tribes with 0% chance of conviction.

1.2.4 Courts throttling justice

- Courts have rarely disposed cases equal to the number charge–sheeted in any year, even in years when the police file fewer cases as is the trend in the recent past.
- Courts are literally waiting for the accused to die before taking up cases of crime against women and girls or letting them off due to advanced age.
- Fast Track Special Courts and exclusive POCSO courts were set up in 2019. They are expected to dispose 165 cases per annum – one every 1.6 working days.
- Conviction rate in 2022 for rape of girls is 30% and of women is 28.5%. In cases of rape–and–murder, it is 67% with a pendency rate of over 95%.

- The number of cases disposed by courts (18,517) in 2022 just about matches the 2016 disposals (18,099), despite 750 Fast Track Special Courts (FTSC) and 408 ePOSCO courts.
- FTSCs prioritise cases of adult women to the detriment of girls despite ePOSCO courts. The disposal of cases of girls is just half of what it was before the FTSCs and ePOSCO courts were set up – 4,683 in 2018, 1,949 in 2020, 2,305 in 2021, and 1,975 in 2022.

At the 2022 rate of disposal of crimes against women, the courts would need:

- 12 years just to clear the backlog of cases charge-sheeted before 1 January 2023, without hearing any subsequently registered case.
- 8 years (the shortest clearance time) for cases registered under sections 4 and 6 the POCSO Act, 2012 (233,445 pending cases). Cases registered under other POCSO sections will take 32 years.
- 8 years – *Insult to the modesty of women* r/w the POA for women from the scheduled castes, but with a conviction rate of just 4.3%.
- 9 years – *Rape* (178,485) but *murder-with-rape* would take 20 years.
- 12 years – *Cruelty by the husband* (786,675), the largest number of pending cases.
- 15 years – *Dowry deaths* (56,859), despite a small pool of suspects.
- 20 years – *Acid attack*.
- 21 years – *Kidnapping and abduction of women* (123,808) for marriage and 23 years for girls (51,646) – and 53 years for *kidnapping and abduction to murder* – well after their grandchildren are born.
- 39 years – *Cybercrimes* against women and girls.
- 49 years – *Protection of Women from Domestic Violence Act* – with a conviction rate of 18% – redefining the meaning of ‘protection’, and virtually guaranteeing demise before justice.
- 100 years – *Importation of girls from foreign country and buying of girls*. Selling girls is slightly more serious and would take only 95 years.
- In the case of *importation of girls from foreign country* just one of ten cases has ended in conviction since 2017, and not one case has been disposed from 2019 to 2022.



The police and judges are equipped for some crimes in the urban areas, not for crimes against women and girls:

- The *Excise Act* (charge–sheeting 99.5%, conviction rate 90.0%).
- *Motor Vehicles Act* (98.5%, 92.7%)
- The *Narcotics Drugs & Psychotropic Substances Act, 1985* (99.9%, 83.1%).

For the legacy crimes it is:

- *Murder* (charge–sheeting 81.5%, conviction rate 43.8%).
- *Rape* (77.9%, 27.4%).
- *Kidnapping and abduction* (36.4%, 33.9%).
- *Hurt* (including *acid attack*) (89.9%, 35.9%).
- *Rioting* (86.6%, 24.9%).
- The conviction rate for rape in metropolitan cities is 17.9%.

1.3 Recommendations

1.3.1 Police

- Reimagine enforcement to encompass degrading, and where possible eliminating, the enabling ecosystem of violence and crime.
- Shift from reactive policing to dismantling criminal ecosystems using intelligence–driven strategies and forensic–based investigations instead of informers and third–degree methods.
- Ensure women make up at least 50% of the force, strictly enforce the 33% quota, and mandate gender sensitisation training across all ranks.
- Upgrade forensic infrastructure, equip police stations with essential investigative tools, and conduct regular refresher courses to improve conviction rates and reduce acquittals.
- Train officers in cyber and AI–related crimes, address the high ‘true but no clue’ rate (63.5%), and redirect resources from political surveillance to protecting vulnerable groups online.
- Establish independent monitoring mechanisms, ensure citizens are informed when they become ‘persons of interest’, and enforce safeguards against custodial violence and police brutality.

- Strengthen rural law enforcement, improve witness protection, restore community policing, and ensure efficient case disposal.
- Reduce case pendency, uphold ‘innocent until proven guilty’, and prevent pretrial incarceration of undertrials through judicial accountability measures.
- Improve recruitment standards, address understaffing, and institutionalise continuous skill development to equip police for both legacy and emerging crimes.
- Collect and disclose information on the disability status of the victim and perpetrator in the annual Crime In India report (Add it to the FIR format and the CII data collection format).

1.3.2 Judiciary

- Reimagine justice so that it encompasses relief and rehabilitation for the victims, swift, sure, and firm correction for the perpetrator, and a healing justice for both families, the community, and society.
- Familiarise all officials administering justice in concepts such as the Stockholm syndrome, Madonna–Whore Dichotomy, and trauma.
- Create a constitutional position of a legal performance auditor (LPAG) on the lines of the CAG to monitor the compliance of the state in implementation of the judgements and the law. The performance auditor would tangentially audit the performance of special courts, exclusive special courts, and judges.
- Recognise legal/judicial administration as a distinct discipline and career path. Create and deploy a judicial administrative service (JAS).
- Treat the administration of justice as critical infrastructure able to function during emergencies, especially when law and order has broken down, since the rule of law is the foundation of a constitutional democracy, embedded in its basic structure.
- More courts, more judges, adequate budget allocations and infrastructure, better quality of recruits in law enforcement (constabulary upwards) and the justice system (lawyers and judges), working together with the community, are all recommended in writing 70 years ago and reiterated several times since then. Implement them.



- The number of courts required can be calculated by dividing the number of pending cases by the number of cases disposed in the current year (or a three-year average) and factoring in the statutory timeframe.

1.3.3 A whole of society approach

- Address toxic societal values through education and engagement, challenging harmful beliefs around self-esteem and respect, particularly among boys, to prevent gender-based violence.
- Combat hypermasculinity, militarism, and entitlement, addressing crimes like acid attacks and abductions, and using data to inform policy and action.
- Foster state-civil society cooperation, making crime data publicly available for predictive policing and collaborative problem-solving to enhance public safety.
- Shift to professional policing, with a mindset open to collaboration with civil society, acknowledging security as a collective responsibility.
- Prioritise justice in resource allocation for law enforcement and judiciary, ensuring the enforcement of legal provisions like the Right to Information and witness protection.
- Protect active citizens working on justice initiatives, ensuring safety from harassment and promoting partnerships with civil society organisations for effective work.
- Support civil society efforts like the India Justice Report, leveraging existing resources to raise awareness and tackle uncomfortable societal truths.

1.4 The way forward

- *Move from inertia to action:* There are sufficient recommendations from within the state, including from the judiciary. Prioritise the implementation of expert recommendations and tackle systemic inertia in addressing gender-based violence.
- *Overcome political and institutional resistance:* Ensure that genuine reform takes precedence over kneejerk cosmetic responses by addressing the resistance from those who benefit from the current system.

- *Leverage data for proactive interventions:* Actively use existing crime data to inform focussed interventions on prevention and early response to VAWG to dismantle the ecosystem that enables crime.
- *Redesign the justice system:* Rebuild the justice system to be more inclusive, victim–centric, and empathetic, ensuring it meets the needs of survivors, corrects the perpetrators, and hold officials accountable.
- Rule of law is the foundational basic structure of constitutional democracy, and personnel and physical infrastructure for the administration of justice should be treated as critical infrastructure, able to function independently in the most trying circumstances.
- *Promote a whole of society approach:* Foster sustained engagement by involving communities, civil society, and institutions in creating an environment where justice, healing, and protection for women and girls thrive.
- *Implement niche remedies system–wide:* Extend proven reforms to all laws affecting women, children, minorities, and to those laws vulnerable to misuse, including preventive and pre–trial detention laws:
 - a) victims’ rights and protection, subdivisional vigilance and monitoring committees, inflation–adjusted relief, and rehabilitation present in the SCs and the STs (Prevention of Atrocities) Act, 1989,
 - b) the creative integration of the lok adalat and the legal services schemes, justice at the doorstep (being done for other schemes by the governments of Tamil Nadu and Karnataka), and
 - c) mandatory social audits (under MGNREGA), to the entire justice delivery system.

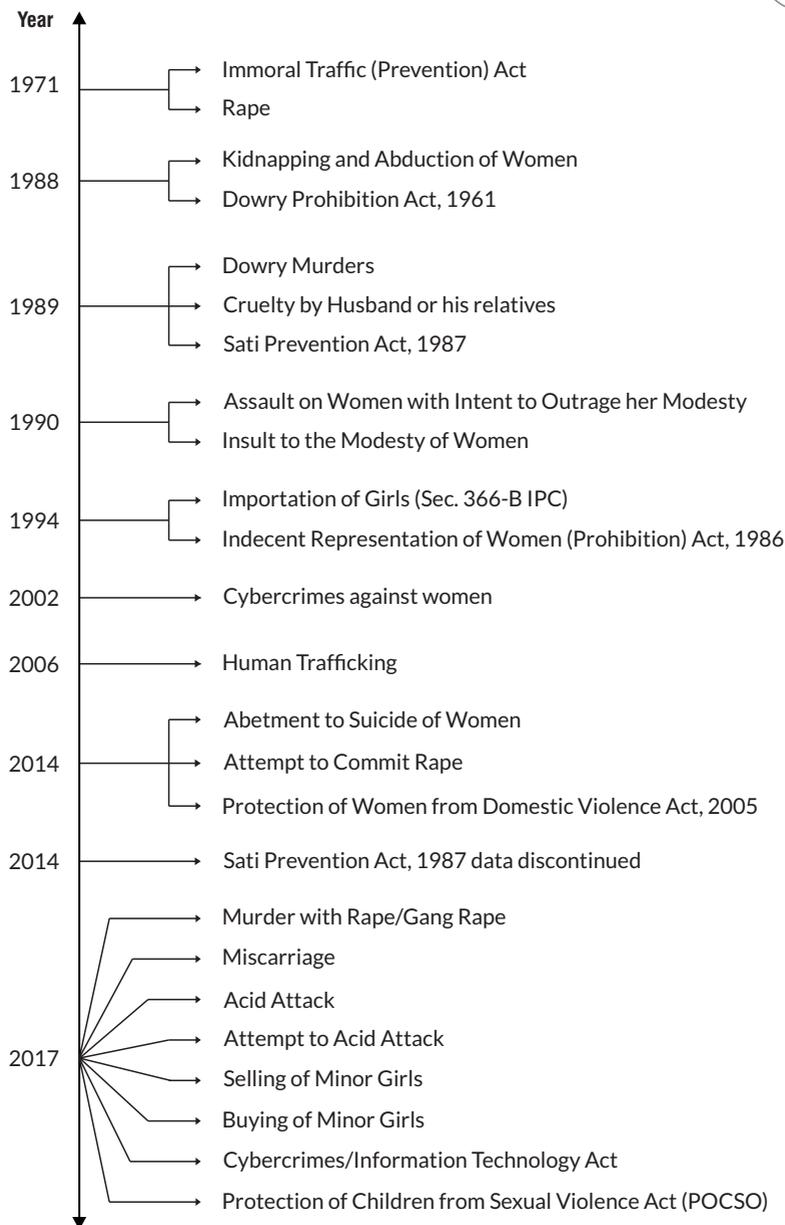


Figure 01 (Table 03): Crime recording: Year first published in CII (1953 to date)

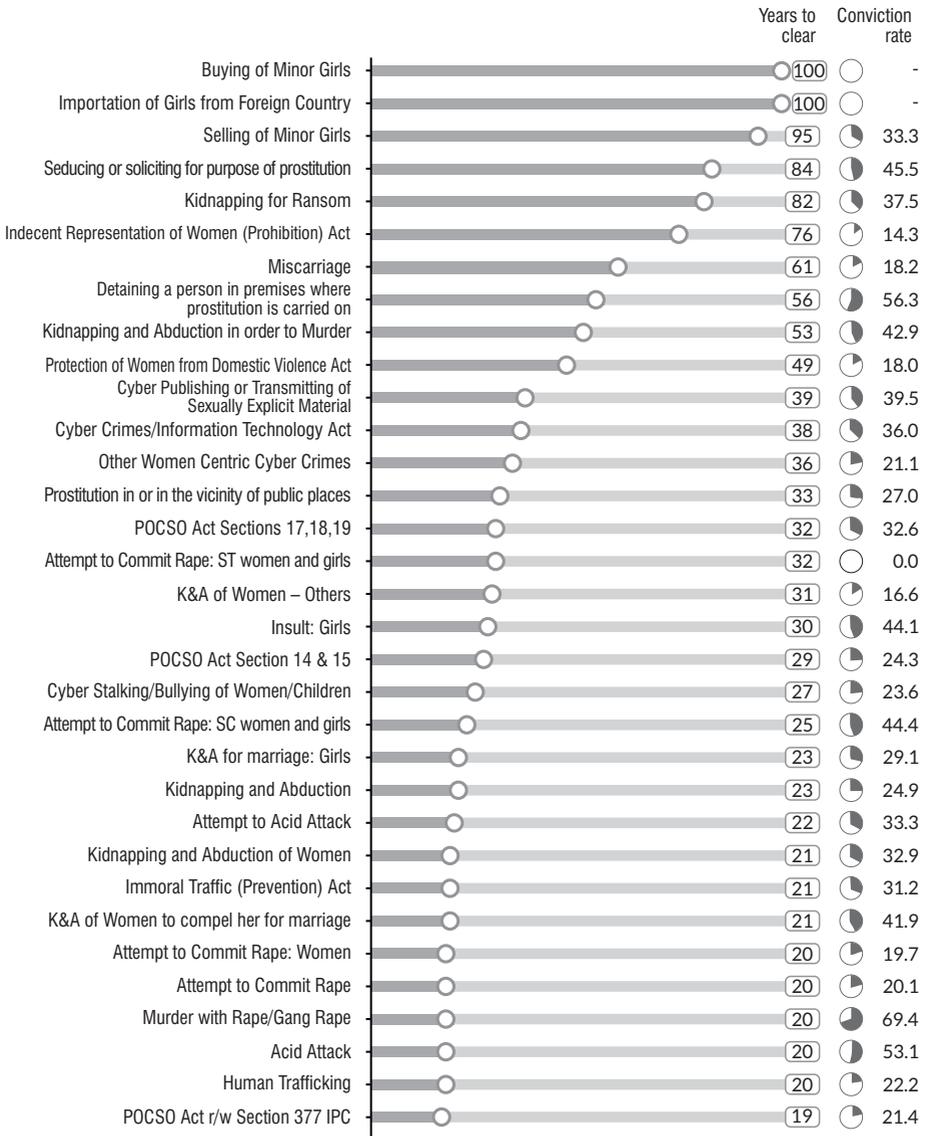


Figure O2 (Table 74): Estimated years to clear charge-sheeted cases pending in court (2022 backlog)

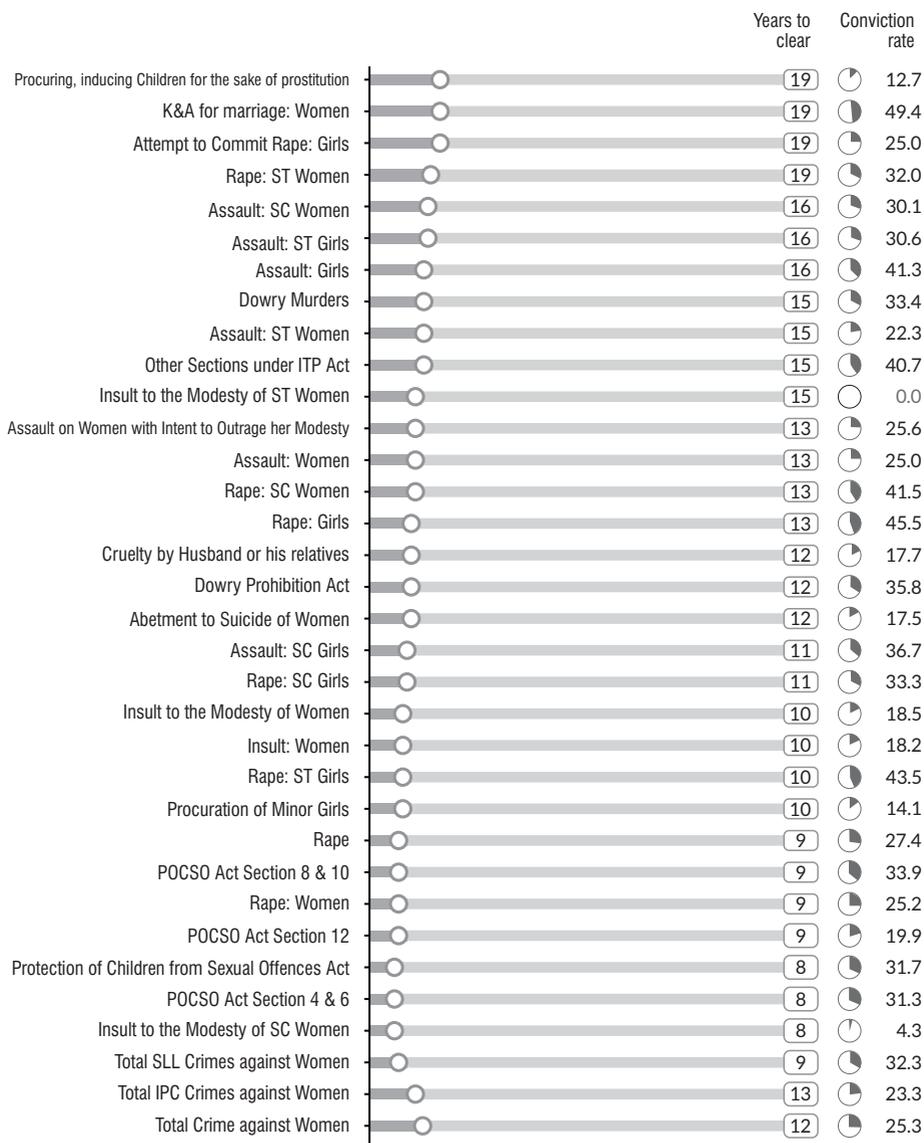


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