

Reporting and incidence of violence against women in India

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Using data from the National Crime Records Bureau and the National Family Health Surveys, this article estimates, conservatively, the under-reporting of violence against women in India. I calculate under-reporting of sexual and physical violence, both for violence committed by “men other than survivor’s husband” and violence committed by husbands. In 2005, only about six of every hundred incidents of sexual violence committed by “men other than the survivor’s husband” are estimated to be reported to the police. Most incidents of sexual violence, however, were committed by husbands of the survivors: the number of women who experienced sexual violence by husbands was forty times the number of women who experienced sexual violence by non-intimate perpetrators. Less than 1% of the incidents of sexual violence by husbands were reported to the police. Similarly, only about 1% of the incidents of physical violence by other men, and 2% of the incidents of physical violence by husbands were reported. These striking findings shed further light on the presence of endemic violence against women in India, and reveal the extent of the obstacles confronted by women in reporting violence.

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1 Violence against women in India

Constitutionally, every crime should be reported, and every person whose rights have been violated should get justice. Yet marginalised groups in India, including the poor, women, Muslims, *Dalits*, *Adivasis*, or residents of certain areas, face overwhelming obstacles in obtaining justice. These obstacles include inaccessibility or hostility of the police and the criminal justice system; social sanction or the threat of retribution; harassment by insensitive law enforcement agencies; lack of resources to report crimes and pursue cases; poverty; and excessive control in the hands of armed and paramilitary forces in conflict-affected areas.² Patriarchy, as well as notions of shame and “honour” associated with women’s sexuality, combine to make the pursuit of justice even more difficult in incidents of violence against women.³ As a result, a large proportion of such incidents are never reported to the police.⁴

This article provides estimates of the extent of under-reporting of crimes involving violence against women for India and its states. These estimates are generated for both physical and sexual violence – both by men other than the survivor’s husband and by husbands.⁵

I use data from two waves of the National Family Health Survey (NFHS – 2 conducted in 1998-99 and NFHS – 3 conducted in 2005-06), which asked questions on violence against women, to estimate the incidence of violence against women. This is done this at the national and the state level. I compare the incidence of violence to the reporting of violence in the year 1998 and the year 2005. To calculate reporting, I use crime data from publicly available data from the National Crime Records Bureau (NCRB various years). The difference between the incidence of

² On obstacles faced by marginalized groups in pursuing justice, see Indian Express (2012), Rode (2014), Baxi et al (1979), Manorama (2008), Kannabiran and Menon (2007), Sharma (2003), Sharma (2014), Rege (2008) and Hameed et al. (2002). In discussing the history of campaigns against violence against women, Murthy and Dasgupta report that “women like Mathura and Rameeza Bi faced violence as well as judicial prejudices not only because of their gender, but also because they belonged to particular religion and caste, and because they were poor. The use of rape as a tool to force submission is rife in areas where struggles for self-determination are ongoing. It is also used to subdue those who have dared to challenge their suppression, be it Dalits, Adivasis, or the poor” (Murthy and Dasgupta 2011: 35-36. Mathura, an *adivasi* girl, and Rameeza Bi, a muslim woman, were victims of “custodial rape”). By residents of certain areas, I mean areas such as the Kashmir Valley, India’s north-eastern states, conflict areas in central India including areas of poor-governance, such as Jharkhand and South-Chhattisgarh. On violence in conflict areas, see Citizen’s Council for Justice (2012), Harris (2014), among others.

³ On this, see Chowdhry (2012).

⁴ For a discussion of the reasons for under-reporting in the international context, see Johnson, Ollus and Nevala (2008), chapter 4 and Garcia-Moreno et. al. (2005), chapter 9. In the Indian context, see Jagori and UN Women 2011, Ray et al. (2012), Sakhi Women’s Resource Centre et al (2011).

⁵ Malvika Karlekar argues that “Violence is an act of aggression, usually in interpersonal interactions or relations” and goes on to include a wide variety of violations, such as child-abuse, exploitative gender relations, economic exploitation at the workplace, etc. (Karlekar 2008: 241-242). While aware of this broad definition of violence, this paper restricts itself to physical and sexual violence faced by women.

violence against women (estimated from survey data from NFHS), and the reporting of violence, (estimated from the NCRB), gives us estimates of under-reporting of violence against women in India.

The analysis reveals that most cases of sexual and physical violence against women, whether by their husbands or other men, went unreported. For the year 2005, only about 5.8% of the incidents of sexual violence against women which were committed by men other than the survivors' husbands ("others") were reported to the police. Reporting of incidents of sexual violence by husbands is even lower: 1% of the incidents were reported to the police. Similarly, around 1% of the incidents of physical violence by "others" and 2% of the incidents of physical violence by husbands are estimated to be reported to the police. Consequently, violence against women is estimated to be more widespread than what reported crime statistics depict. Violence by husbands, particularly sexual violence, is found to be much more prevalent than violence by "others". Most incidents of sexual violence were committed by husbands of the survivors. The number of women who experienced sexual violence by husbands was forty times the number of women who experienced sexual violence by non-intimate perpetrators

To my knowledge, this is the first paper which matches crime data on violence against women from the NCRB with survey reported violence against women. The remaining parts of section 1 discuss the incidence and the reporting of violence. Section 2 presents the methodology, while section 3 presents the main findings. The last section summarises and concludes.

1.1 Incidence of violence

Available data on the incidence of violence against women show that violence against women in India is common and high, while not the highest in the world (UN Women 2011). In interviews in the NFHS -3, every third Indian woman aged between 15 and 49 years said that she had experienced sexual or physical violence in her lifetime. These statistics reveal the extent of female disadvantage in Indian society, especially when seen with other gender related indicators for India, such as sex-ratio or female labour force participation rate.⁶

Table 1 shows the proportion of women who have experienced (a) sexual violence by their intimate partner, (b) physical violence by their intimate partner, and (c) sexual and/or physical violence by anyone (which includes intimate partners) during women's *lifetime* for selected countries in the world. The data was collected by UN Women (2011) from different surveys of

⁶ For detailed country-wise statistics on violence against women and data sources, see UN Women (2011). For a recent comparative assessment of gender indicators in India and other countries, see Drèze and Sen (2013).

violence around the world and may suffer from issues of comparability and survey under-reporting. However, it does suggest that violence against women is common in rich as well as poor countries.

Table 1: Violence against women in a comparative perspective

| Country | Proportion of women (%) who have experienced, within their lifetime, | | |
|----------------|--|---------------------------------------|---|
| | Sexual violence by intimate partner | Physical violence by intimate partner | Sexual and/or physical violence by anyone |
| Australia | 8.0 | 25.0 | 57.0 |
| Bangladesh | 17.8 | 48.7 | n/a |
| China | n/a | 15.4 | n/a |
| Denmark | 6.0 | 20.0 | 50.0 |
| Egypt | 21.7 | 33.2 | n/a |
| Finland | 4.3 | 17.6 | 43.5 |
| Germany | 7.0 | 23.0 | 40.0 |
| India | 10.0 | 35.1 | 35.4 |
| Kenya | 17.2 | 37.0 | 45.1 |
| Poland | 5.0 | 15.0 | 17.0 |
| South Africa | 4.4 | 12.5 | n/a |
| United Kingdom | 3.8 | 18.9 | n/a |
| United States | 7.7 | 22.1 | 55.0 |
| Vietnam | 9.9 | 32.0 | 38.5 |

Source: UN Women 2011

In India, one in every ten women reported facing sexual violence by their husbands during their lifetime. 35.1% of the sample women reported to surveyors of the third round of the NFHS in 2005-06 (on which the UN Women 2011 figures for India are based) that they have experienced physical violence by their intimate partners in their lifetime. 35.4% of the women had experienced sexual or physical violence, or both, during their lifetime by anyone.⁷

The India Human Development Survey 2004-5, according to Desai et. al. (2010: 154), “did not directly ask about women’s experience of domestic violence. But to get their sense of general prevalence of domestic violence in their community, the IHDS asked whether, under a series of conditions, women in their communities are usually likely to be beaten by their husbands.” In the survey, “nearly 30–40 per cent of the respondents said that women are usually beaten up for going out without asking permission, not bringing the expected dowry, neglecting the house or children, and not cooking properly.” (*ibid.*)

⁷ For analysis on incidence of violence in India using NFHS data, see, Weitzman (2014).

Feminists and women's organisations in India have been fighting against sexual and physical violence against women for a long time. They have been agitating for both legal and social changes, with some successes (Agnes 1992, Mukhopadhyay 1998, Jaising 2009, Naqvi 2010). In recent times, these battles have intensified. There has been increased media attention and commentary on the topic, while agitations and protests against such violence have drawn support from wider sections of society. Even so, violence against women remains endemic. Abuse of women's freedoms and rights is pervasive. Violence against women from marginalised sections of Indian society, such as *dalit* or *adivasi* women, or by armed forces in the north-eastern parts of India and in Kashmir, has received insufficient attention.⁸

1.2 Reporting of violence

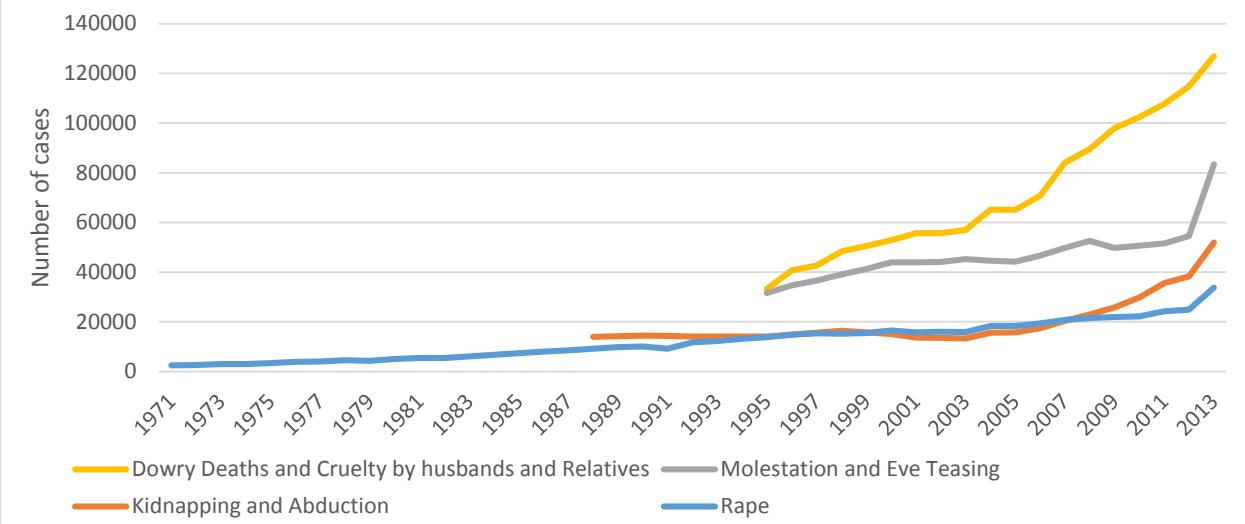
A part of the commentary on violence against women has been the concern that violence against women might be increasing in Indian society. Seeing available data from the NCRB would certainly lead to this conclusion⁹. Between 1971 and 2013, reported rapes grew at the rate of 5.6% per year. Between 1988 and 2013, cases of kidnapping and abduction of women grew by 3.8% per year. Between 1995 and 2013, cases of cruelty by husbands and relatives and dowry deaths increased at the rate of 6.8% per year. Cases of molestation and eve-teasing increased at the rate of 3.2% per year during the same period between 1995 and 2013 (Figure 1).¹⁰

⁸ On this see Irudayam, Mangubhai and Lee (2011), Khote (2013), All India Dalit Mahila Adhikar March (2013), Harris (2014).

⁹ For analysis on reported violence against women based on NCRB data, see Mukherjee, Rustagi and Krishnaji (2011).

¹⁰ Growth rates calculated using semi-log regression from NCRB data (NCRB Various years).

Figure 1: Reported violence against women



Source: National Crime Records Bureau (Various years)

These rates of increase in reported violence against women are higher than the rate of growth of population in India, which was about 2 per cent per year between 1971 and 2011. However, one cannot use this data to make inferences about change in incidence of violence against women. Actual incidence of violence against women could have gone down, increased, or remained more or less the same in this period. In an interesting article, Bhattacharya (2013) reports that “till the mid-90s, most districts of Bihar did not report any crime against women at all” and since then, reported rapes in Bihar have increased, probably because of an improvement in the “law enforcement machinery” of the state.

2 Data and methodology: Comparing reporting and incidence

I compare reporting of violence with incidence to estimate under-reporting of violence against women. Reporting of violence is calculated using crime statistics released by the NCRB in its annual publication “Crime in India” (NCRB Various Years). I estimate incidence of violence using survey responses to questions on violence asked of women aged 15-49 years in the NFHS. In other countries, information on crimes and violence is often estimated with the help of victimisation-surveys¹¹. While a representative victimisation study is not available in India, the

¹¹ For the United States of America, see Bureau of Justice Statistics (2014). For England and Wales, see Office for National Statistics (2014).

NFHS asked women in confidential interviews whether they have experienced any sexual or physical violence.¹²

2.1 Comparison of NFHS questions and NCRB statutes

The crime statistics published by the NCRB are categorised on the basis of statutes. For the purpose of this article, I have used the reporting of crimes under the following statutes from the NCRB:

1. Rape (Section 376 IPC)¹³
2. Kidnapping and Abduction (Section 363 – 369, Section 371 – 373 IPC)¹⁴

¹² The methodology used in this paper is a simple comparison of data from two different sources that has been used in the past to calculate leakages in government programmes (Imbert and Papp 2011; Khera 2011). In these studies that estimate leakages in government programmes, researchers often compare administrative data on government spending with survey-reported representative data from beneficiaries of government programmes.

¹³ *Section 376 (1), IPC*: Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.

¹⁴ *Section 363, IPC*: Whoever kidnaps any person from India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 364, IPC: Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Section 365, IPC: Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 366, IPC: Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; [and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable as aforesaid].

Section 371, IPC: Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with [imprisonment for life], or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Section 372, IPC: Whoever sells, lets to hire, or otherwise disposes of any [person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be] employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine.

Section 373, IPC: Whoever buys, hires or otherwise obtains possession of any [person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, of knowing it to be likely that such person

3. Dowry Death (Section 304-B IPC)¹⁵
4. Cruelty by Husbands and Relatives (Section 498-A)¹⁶
5. Molestation (Section 354 IPC)¹⁷
6. Sexual Harassment (Eve-teasing) (Section 509 IPC)¹⁸
7. Immoral Traffic Prevention Act 1956¹⁹
8. Dowry Prohibition Act 1961²⁰

Table 2 shows the four types of violence for which I estimate under-reporting, and the sources of data for calculating the incidence and the reporting of violence in the year 2005. This analysis includes reported crime statistics under all related crimes for these four types of violence. On the other hand, the analysis has been very selective with the “variables” used to calculate incidence of violence in a given category. I have used all available reported crime categories that could possibly be counted in the relevant type of violence, while using very specific categories of incidence of violence.

Thus, in the comparison of reported violence with incidence of violence, I have followed a conservative approach. This means that this analysis over-estimates the reporting of violence, under-estimates the incidence of violence. Hence, the estimates of under-reporting and

will at any age be] employed or used for any purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

¹⁵ *Section 304-B, IPC:* (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death. (2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.]

¹⁶ *Section 498-A, IPC:* Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation.--For the purpose of this section, "cruelty" means-- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.]

¹⁷ *Section 354, IPC:* Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, [shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.]

¹⁸ *Section 509, IPC:* Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, [shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.]

¹⁹ See National Commission for Women (2014).

²⁰ See Ministry of Women and Child Development (2014).

incidence of violence should be seen as a lower-bound estimates (see section 2.3 for more information section).

For instance, in calculating reported physical violence by husbands, I have used the reported violence under Section 498 – A IPC (Cruelty by Husbands and Relatives), which includes physical violence by husbands as well as relatives. To these cases, I have added cases of dowry deaths and cases of dowry to estimate physical violence by husbands. This is despite the fact that all cases of dowry may not have involved physical violence by husbands. The estimate of total reported physical violence by husbands in 2005 is the three year average of the total number of cases of cruelty by husbands and relatives, cases of dowry, and cases of dowry deaths in the years 2004, 2005 and 2006. This estimate of physical violence by husbands in the year 2005 is higher than the actual reporting of physical violence by husbands, but I have used this estimate to pursue a conservative approach. The idea is not to miss any reported case of physical violence by husbands and estimating the incidence of physical violence by husbands very precisely.

The comparison with incidence of physical violence by husbands is done only using questions in the NFHS on severe violence by husbands, such as burning, choking, or attacking with a knife or gun²¹. This is *despite* the availability of other questions of less severe violence by husbands, such as those asking about slapping, punching, or pulling hair. I have not included the responses of these questions about less-severe violence in estimating the incidence of physical violence by husbands because less-severe violence is unlikely to be reported.²² To calculate reporting of rape, the analysis restricts itself to comparison with reported rape statistics to calculate reported sexual violence by men other than survivor's husbands.²³

²¹ Bhate-Deosthali, Ravindran and Vindhya (2012: 68) report "Most often women experiencing violence decide to seek legal action only after the violence has escalated but they have no documentary evidence to prove it. Health providers fail to document the woman's history of victimisation as well as recent episodes of violence, which are critical in divorce and criminal cases to seek compensation. When women victims of violence present themselves at the emergency room or other departments of hospitals, they are usually treated for their physical symptoms and no further probing is done."

²² Even though punching and pulling hair should be reported to the police and constitutes physical violence, in the Indian context, they are unlikely to be reported. In line with my conservative approach, I am comparing the survey questions asking about more gruesome forms of violence with the reporting data on various crimes which are likely to have involved physical violence, but do not necessarily do so.

²³ It has recently been clarified by the NCRB that they use a "principal offence" approach (Rukmini S 2013) whereby the charge with the maximum penalty is the head under which a case gets classified by the NCRB – a rape and murder would get classified as a murder case by the NCRB and will not be counted in rape statistics. Since this paper combines many laws together, this issue does not affect the methodology of this paper. Further, murder is one of the few crimes that attracts a higher punishment than the crimes used for this analysis. This analysis is valid for cases of violence against women that do not involve murder, since the NFHS does not estimate cases of murder

Sexual violence by husbands is still not recognised as a crime in India. Even so, it may have been that a sexually violated woman may have filed a case against her husband under existing cruelty (section 498-A, IPC) or rape laws, especially in cases where women experienced both sexual and physical violence at the hands of their husbands. Consequently, I use these two laws to calculate reporting of sexual violence by husbands.

Table 2: Comparison of sources of reporting and incidence of violence, 2005

| Type of violence | Reporting of violence (NCRB crime categories used) | Incidence of violence (NFHS questions and variables) |
|--|---|---|
| Sexual violence by men other than survivor's husband | Rape (1) | "In the last 12 months has anyone forced you to have sexual intercourse or perform any other sexual acts against your will?" (variables d124, d125) |
| Sexual violence by husband | Rape (1), cruelty (4) | "(Does/did) your (last) husband ever do any of the following things to you: physically force you to have sexual intercourse with him even when you did not want to?" (variable d105h) |
| Physical violence by men other than survivor's husband | Kidnapping and abduction (2), molestation (5), sexual harassment (6), immoral traffic (7) | "In the last 12 months, how often have you been hit, slapped, kicked, or physically hurt by this/these person(s): often, only sometimes, or not at all?" (variable d117a) |
| Physical violence by husband | Dowry Death (3), cruelty (4) dowry (8) | "How often did this happen during the last 12 months: often, only sometimes, or not at all? [Did] your husband a) Try to choke you or burn you on purpose? b) Threaten or attack you with a knife, gun, or any other weapon?" (variable d105e, d105f) |

Note: Variables used for estimating incidence of violence in brackets in column 3. The variables are from the “individual recode dataset” of NFHS-3.

For violence in the year 1998, only estimates of “physical violence by husbands and in-laws” are available from the NFHS – 2. I have compared this violence with the reporting of crimes under “Cruelty by Husbands and Relatives” (Section 498-A, IPC) for the year 1998, using three year

(it asks live respondents about violence they have faced themselves) and the NCRB uses a “principle offence” approach.

averages from the NCRB for the years 1997, 1998 and 1999. The results of this analysis are presented in Appendix – A. Note that the 1998 survey uses a different methodology and questions than the 2005 survey, and hence, the two estimates from them are not comparable.

2.2 Estimating reported violence

To estimate reported violence for the four categories of violence mentioned in Table 2, I add the various crime categories for that specific kind of violence. I take three year averages for these crime categories, using NCRB reports for the year 2004, 2005 and 2006. The decision to take three-year averages was made for two reasons. First, crimes involving violence against women are often reported after a delay. This delay can be because of the insensitivity of the police, and it is often that pressure from civil society leads to the registration of a First Information Report (FIR). Second, the NFHS-3 was conducted in the period 2005-06, from November 2005 to August 2006 and asked questions about sexual violence for the last one year (which I use) and for lifetime. The NCRB reports crime data annually, for the calendar year. I have matched these two datasets using the three year average of crimes from NCRB and sexual violence from the NFHS for the last one year.

The NCRB records crimes against women in absolute numbers (for instance, see NCRB 2005). To compare NCRB reported crimes to the incidence of violence against women from the NFHS, one needs to estimate the reporting of crimes against women *per 100,000 women*. This requires that one has total number of women for all the states in India, so as to be able to conduct a state-wise analysis. For this, I use the NFHS survey weights (women's weights from the "individual recode"), and generate estimates of the number of women in the age group 15-49. The NCRB statistics for reported violence are for all women and are not restricted to the age group 15-49. I use the number of women in the age group 15-49 to calculate reporting per 100,000 women because of easy availability and reliability of NFHS data (for estimates of population of women in the age group 15-49), and its ability to generate estimates for all Indian states.²⁴

2.3 Estimating incidence of violence

²⁴ I also generated estimates of the number of women in each state in the year 1998 and 2005 using the Census projections of populations and the Sample Registration System (SRS) studies. Both these approaches resulted in very similar estimates as the ones I have used from the NFHS – 2 and NFHS – 3. I have used the estimates from the NFHS because they can be easily calculated, are more transparent and easily understood than the census projections, and unlike the SRS estimates, are available for all the comparison states (see National Commission on Population 2006 and Registrar General 2005).

I use responses collected by the NFHS on sexual and physical violence to generate national and state-wise estimates of the incidence of violence against women. NFHS – 3 (2005-06), solicited responses on both physical and sexual violence, both within the family and outside it. The NFHS – 3 followed the World Health Organisation's safety and ethical recommendations for research on gender-based violence (World Health Organisation 2001) to collect valid, reliable and ethical data on violence against women. It has built-in protections for the respondent, such as informed consent, mandatory privacy, random selection of only one woman per household for the interview, and assistance for women in distress (if women respondents sought help). Field staff were specially trained to implement the violence module. If the interview could not be done in privacy, they were instructed to stop the interview.

From the NFHS – 3, I generate (a) national estimates of sexual violence by men other than survivors' husbands, (b) national and state-wise estimates of sexual violence by husbands, (c) national and state-wise physical violence by men other than the survivors' husband, and (d) national and state-wise estimates of physical violence by husbands.²⁵ These estimates from the NFHS are for women between the ages of 15 and 49. Both the NFHS – 2 and the NFHS – 3 have responses on lifetime violence and violence in the last one year. For this analysis, I only use violence in the last one year.

2.3 Conservative estimates

The estimates of under-reporting of violence in this paper are conservative estimates, for a variety of reasons. Firstly, purely by the choice of my denominator to calculate the reporting of violence per 100,000 women, estimates for reporting of violence per 100,000 women are higher. The denominator is the number of women in the age group 15-49 years, for India or for states, and the numerator is reported violence for *all* women²⁶.

²⁵The estimates for sexual violence by others are not reliable at the state-level because of a small sample, and have not been used in this analysis.

²⁶In this paper, proportion of incidents which are reported are calculated using the following formula:

$$\begin{aligned} & \text{1. proportion of cases which are reported} \\ & = \frac{\text{reporting of violence per 100,000 women}}{\text{incidence of violence per 100,000 women}} \times 100 \end{aligned}$$

Reporting of violence is calculated using the formula

$$2. \text{ reporting of violence per 100,000 women} = \frac{\text{total number of reported cases}}{\text{total number of women}} \times 100,000$$

Since I do not have estimates for total number of women, I have used women in the age group 15-49. Thus, the formula becomes

$$3. \text{ reporting of violence per 100,000 women} = \frac{\text{total number of reported cases}}{\text{number of women aged 15-49}} \times 100,000$$

Secondly, even survey-reported violence against women is likely to be an under-estimate of actual violence. One can imagine women in India not disclosing their experience if violence, but it is difficult to imagine a scenario in which they will report violence without experiencing it. According to the International Institute of Population Sciences (2007: 495), because of social norms, “the possibility of under-reporting of violence, particularly of sexual violence, cannot be entirely ruled out in any survey”. Additionally, recent violence, such as violence in the last twelve months, estimates of which are used in this paper, is less likely to be reported than past violence in a survey, (International Institute of Population Sciences 2000: 74)²⁷, primarily because reporting recent violence is likely to have larger legal implications than violence in the distant past.

Finally, as discussed, I have been liberal in the inclusion of crime categories to calculate reported violence, while being selective in the inclusion of NFHS variables to calculate incidence of violence. Thus, the actual estimates of incidence of violence are likely to be higher, and the findings of this paper can be interpreted as the “lower-bound” of under-reporting of violence against women.

2.4 Survey-based estimate of under-reporting

The NFHS in 2005-06 also asked respondents who experienced sexual and physical violence if they reported the violence to the police. Apart from providing us one more estimate of under-reporting of violence on women, this estimate of under-reporting of violence on women helps us check the robustness of the analysis and methodology of this paper.

3 Main findings

Table 3 reports the main findings from this exercise. The incidence of violence is estimated using the NFHS (for variables used in the estimation of incidence of violence, see Table 2). Reported violence is calculated per 100,000 women as described in section 2 using data from

Since number of women in the age group 15-49 is lesser than total number of women, estimates of reporting of violence per 100,000 are over-estimated. As a result, proportion of cases which are reported are over-estimated too.

Additionally, the formula for incidence of violence is (calculated for women aged 15-49 years):

$$\text{incidence of violence per 100,000 women} = \frac{\text{number of women who faced violence}}{\text{total number of women}} \times 100,000$$

²⁷ In a personal communication with two NFHS – 3 women surveyors, it was revealed that there were many respondents who became silent or uncomfortable in answering questions about sexual violence. Some even ended up crying, but still did not say that they had been violated physically or sexually. The surveyors said that they felt that respondents were both uncomfortable about questions on sexual matters and unwilling to report violence.

the NCRB. Estimates for reporting of violence using the “NFHS response method” are from International Institute of Population Sciences (2006: 524).

As one might expect, most incidents of sexual or physical violence are not reported to the police. In the year 2005, about 5.8%, or one in 17 cases of sexual violence by men other than a survivor’s husband are estimated to be reported to the police. Only about 0.6%, or one in 167 incidents of sexual violence by husbands are reported. It can be seen that the prevalence of sexual violence by husbands is much higher than the prevalence of sexual violence by men other than survivors’ husbands.

The reporting of physical violence is similarly low: 0.9%, or one in 111 incidents of physical violence by men other than the survivor’s husband, and 2.2%, or about one in 45 incidents of physical violence by husbands are estimated to be reported to the police. These estimates of under-reporting, based on a conservative methodology, reveal the over-whelming obstacles faced by women in reporting violence to the police.

Table 3: Reporting and incidence of violence in India, 2005

| Type of violence | Incidence of violence (per 100,000 women) | Reported violence (per 100,000 women) | Proportion (%) of cases which are reported |
|-----------------------------|--|--|---|
| NCRB v. NFHS method | | | |
| <i>Sexual violence By</i> | | | |
| Others | 157 | 9.1 | 5.8 |
| Husbands | 6590 | 37.2 | 0.6 |
| <i>Physical violence by</i> | | | |
| Others | 3380 | 31.4 | 0.9 |
| Husbands | 1520 | 33.3 | 2.2 |
| NFHS response method | | | |
| <i>Sexual violence by</i> | | | |
| Anyone (lifetime) | n/a | n/a | 0.6 |
| <i>Physical violence by</i> | | | |
| Anyone (lifetime) | n/a | n/a | 1.5 |

Source: Author's calculations from NCRB and NFHS data for "NCRB v. NFHS method".

International Institute of Population Sciences (2006: 524) for "NFHS response method".

Note: "Others" refers to "men other than survivor's husbands."

While sexual violence by men other than husbands, or "rape" is often the topic of popular media discussions and social outrage, this analysis clearly shows that sexual violence by husbands, or "marital rape" is much more common and less reported. The number of women who experienced sexual violence by their husbands was forty times the number of women who experienced sexual violence by other men. Moreover, women who experienced sexual violence by others had legal provisions available to them to pursue justice. Indeed, sexual violence by husbands is not even covered under criminal law in India. There is some reporting of sexual violence by husbands in the analysis only because the methodology includes reported crimes under rape and cruelty by husbands and in-laws to calculate reporting of sexual violence by husbands. It is plausible that at least some reported crimes under Section 498-A of "Cruelty by husbands and in-laws" would have involved marital rape, and hence, I have included all these cases to estimate reporting of physical violence by husbands.

Other methods of estimating also confirm the findings in this paper. Survey respondents in the NFHS – 3 who experienced physical or sexual violence were also asked if they reported the violence to the police. Only 0.6% of the respondents who experienced sexual violence (by anyone) said that they reported the violation of their bodily rights to the police, while about

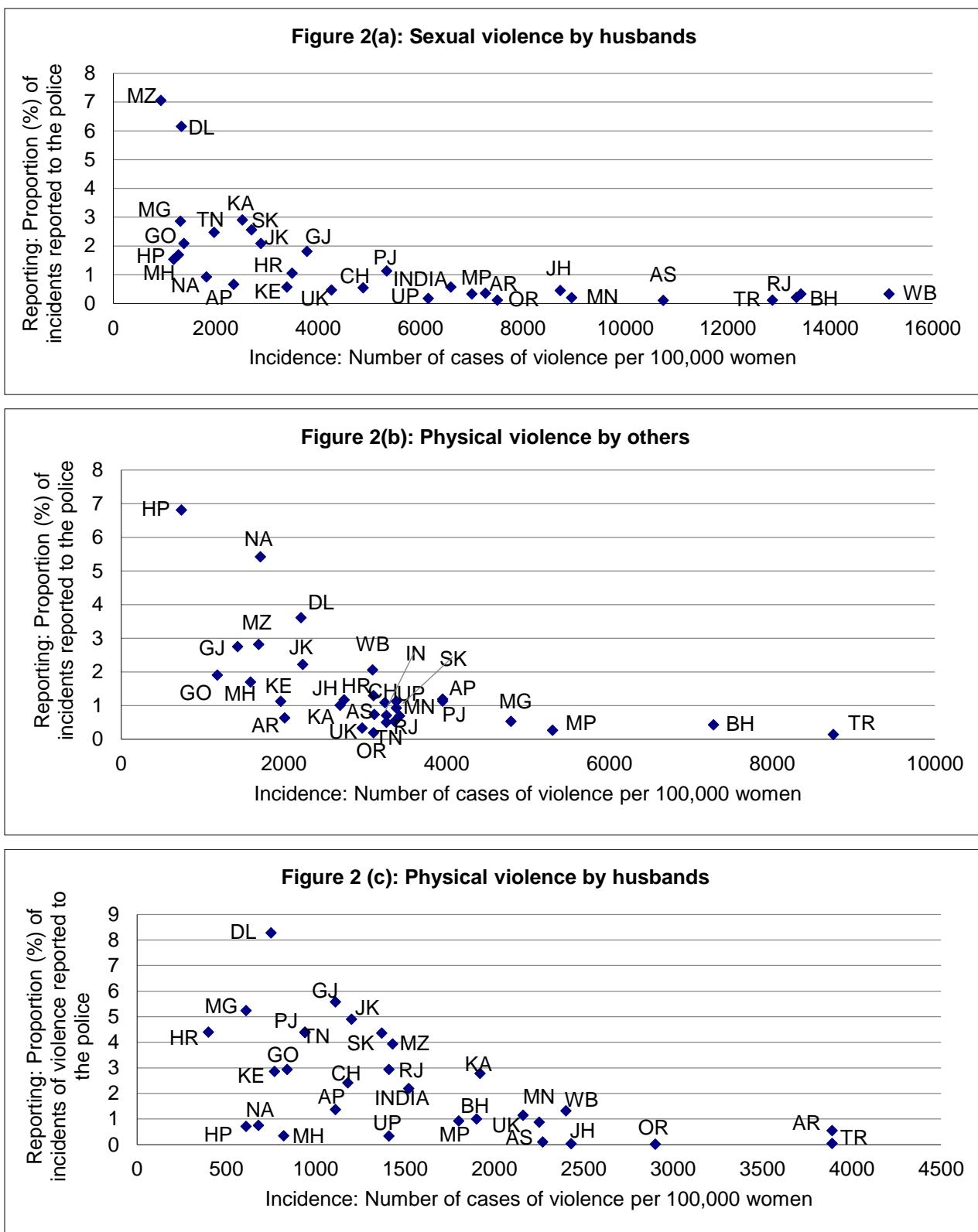
1.5% of the respondents who had experienced physical violence said that they reported the violence to the police.

These estimates confirm the disturbing findings of this analysis. Two methodologies support the claim that violence against women in India is much more common than estimated by reported crime data, and that for the year 2005, most of this violence went un-reported.²⁸

Figure 2 shows state-wise estimates of reporting and incidence of violence against women for (a) sexual violence by husbands, (b) physical violence by others and (c) physical violence by husbands. While there are variations between states, these figures reveal that for all kinds of violence, reporting of violence is extremely low, even for the states that have better gender indicators than others. Indeed, reporting is never higher than 9%, for any kind of violence, in any state.

²⁸It is important to note that the extent of under-reporting is higher in the analysis based just on NFHS responses than in the analysis based on comparison of “NFHS versus NCRB method”. This supports the claim that the estimates based on the “NFHS versus NCRB method” are conservative. Another reason for the difference is that the two estimates are not strictly comparable. The estimates based on the method of comparing the NCRB with the NFHS is for violence in the last year, while the estimates based on the survey question on reporting to the police are for violence over the lifetime of women.

Figure 2: State-wise reporting and incidence of violence against women, 2005



Source: Author's calculations from NCRB data for 2004, 2005 and 2006 and NFHS – 3 data.

The general pattern is that states which perform better on gender indicators do have better reporting. It seems that there are, with exceptions, three kinds of states: a) states with high incidence of violence and low reporting b) states with comparatively lower incidence of violence and low reporting of violence and c) states with comparatively lower incidence of violence and higher reporting of violence. There seem to be no states in the fourth category, with comparatively high violence and high reporting.

Delhi, for example, has consistently higher reporting and lower incidence of violence than other states for all three types of violence for which state-wise estimates are available, while Bihar has low reporting rates and high incidence for all the three types of violence²⁹. Delhi is not exactly comparable to Bihar, since Delhi is primarily a city with much higher income and literacy levels than Bihar, but since Delhi is frequently in the news for sexual violence, this is a useful comparison. Himachal Pradesh, a state with better gender indicators than other states³⁰, has comparatively lower incidence of violence for every kind of violence, and comparatively higher reporting for physical violence by others and sexual violence by husbands, but low reporting for physical violence by husbands. Kerala, which often has better gender indicators, falls somewhere in the middle of other states for both reporting and incidence of violence³¹ (for detailed state-wise statistics, see Appendix). The neighbouring state of Tamil Nadu seems similar to Kerala. Low reporting of sexual violence, despite regional differences, remains a problem in all Indian states.

Violence in the north-Indian states of the Hindi-heartland is higher than other states of India.³² This is true for under-reporting as well. Surprisingly, violence against women, especially spousal violence is very high in the state of West Bengal, and reporting is low as well. Existing research

²⁹ In a survey in the city of Delhi in 2010, it was found that 3.8% of the women respondents had faced sexual assault or rape, 45.4% had been stalked, and 80.8% had faced verbal harassment. 0.8% of these incidents were reported to the police (Jagori and UN Women 2011: 18-34).

³⁰ For state-wise gender indicators for Indian states, see Drèze and Sen 2013, particularly Table A3 Part 6 and 7.

³¹ In a similar survey in the city of Thiruvananthapuram in 2009-2011, 1% women says that they had faced sexual assault or rape in the last year, 37% said that they had been “stalked”, and 90% had faced “verbal abuse” (Sakhi Women’s Resource Centre et al 2011: 92-94). Only 5.4% of the women who had been sexually assaulted or harassed reported the incident to the police (*ibid.*)

³² Jeejeebhoy (1998: 860) found from a survey of two districts each in Rural Uttar Pradesh and Tamil Nadu that while 44.7% of the women had been beaten by their husbands in Uttar Pradesh and 58.9% had been intimidated, for Tamil Nadu, the numbers were 37.2% for beating by husband and 36.2% for intimidation by husbands.

supports this claim, but the reasons why West Bengal is worse than Uttar Pradesh or Bihar on some indicators aren't clear.³³

4 Conclusion

This paper, which would come across as obvious to most feminists in India, provides evidence to claims of under-reporting of violence against women, and points out that societal and legal changes need to be pursued aggressively. While under-reporting is a global phenomenon, it seems to be particularly high in India.³⁴

The prevalence of violence against women and the extent of its under-reporting is neither well-understood nor sufficiently challenged. Indeed, violence against women is often tolerated and justified, by men as well as women.³⁵ Two NFHS women surveyors, while discussing their experience in administering the violence module, told me that one of the common responses to a question which asked about the situations in which beating a wife is justified³⁶ was "If a husband doesn't hit a wife, then who will?" Indeed, NFHS data reveal that "More than half of women in India (54 percent) believe that it is justifiable for a husband to beat his wife" (International Institute of Population Sciences 2007: 46). The proportion of men in the same age group who think that hitting their wife is justified is, in fact, lower than the proportion of women who think so!³⁷

³³ In research in the Siliguri district of West Bengal, Ray et. al. (2012) find that "out of 284 women 52.1% had ever faced physical violence. The most common form of violence was slapping, kicking, choking, and punching followed by 'insisted on knowing where she was at all times' (48.9%). Among of 222 abused, 54.5% suffered from mental problem followed by 39.2% were experienced to physical injury. Only 4.9% consulted physician and 3.6% have reported to police."

³⁴ In the UK, 21% of the cases of rape were estimated to be reported, which is much higher than India (Information is Beautiful 2014). Johnson, Ollus and Nevala (2008) report that the reporting rate for current partner in Poland is 28% One-quarter of victims of stranger violence in Australia and one-fifth of those in Mozambique reported to the police. Garcia-Moreno et. al. (2005) find that "in Brazil city, Namibia city, Peru, and the United Republic of Tanzania city ... more than 15% of women report seeking help from the police". Rand and Catalano (2007) found that more than 40% of the cases of rape/sexual assault were reported to the police.

³⁵ In reporting the findings of a study on domestic violence in Rural Haryana, Chowdhry (2012: 44) says, "Culturally, beating of women is very much a part of Haryanvi rural culture, accepted as a matter of course both by males and females. To understand this, the ideology summed up in a very popular proverb is useful: *joru khasam ki larai keya* (a quarrel between a married couple is of no consequence)".

³⁶ The question in the NFHS was: "Sometimes a husband is annoyed or angered by things that his wife does. In your opinion, is a husband justified in hitting or beating his wife in the following situations: a. If she goes out without telling him? b. If she neglects the house or the children? c. If she argues with him? d. If she refuses to have sex with him? e. If she doesn't cook food properly? f. If he suspects her of being unfaithful? g. If she shows disrespect for in-laws.

³⁷ The study also shows the usefulness of surveys like the NFHS, which help us understand violence against women as well as the acceptance of patriarchal norms. If anything, more such surveys should be conducted at regular and

Social relationships in India, particularly marriage, involve subjugation of women.³⁸ Acceptance of patriarchal norms by men and women is, however, not the only reason why under-reporting in India is high. The social acceptability of violence by men other than husbands is much lower than that of violence by husbands, and the analysis reveals that even for the incidents involving violence by non-intimate perpetrators, under-reporting is extremely high. Feminist movements in India continue to struggle against violence and patriarchy in India. More research, legal changes (including the criminalisation of marital rape) and action are urgently needed. I hope that this paper contributes to the process.

To summarise, I compare the incidence of violence against women to the reporting of violence against women, and find pervasive under-reporting of violence. The estimates for reporting of violence are based on crime data released by the NCRB. The estimates for incidence of violence are based on the survey data from the NFHS. Sexual violence by husbands is found to be much more common than sexual violence by men other than the survivor's husband. Most cases of violence against women are not reported to the police, and reported cases are only a tip of the iceberg of violence against women in Indian society. States with better gender indicators have lower incidence of violence and higher reporting. Rates of violence and under-reporting are still unacceptably high in all states. This exercise is unable to comment on the extent and the role of the various factors responsible for under-reporting of violence against women.

short intervals. It could be argued that these questions on acceptability of violence for men and women involve substantial social desirability bias, but the proportion of women (or men) who believe that violence is acceptable would still be very high.

³⁸ Periyar wrote way back in 1930, that “the married life of men and women in our country is very bad; in no other country is it so bad. The marriage principle, briefly, involves the enslavement of a woman by her husband and it is nothing else. We conceal this enslavement under cover of marriage rites and we deceive the women concerned by giving the wedding the meaninglessly false name of a divine function” (Guha 2010: 260).

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Appendix A: Under-reporting of Violence against women in 1998

I use responses collected by the NFHS on sexual and physical violence to generate national and state-wise estimates of the incidence of violence against women. The National Family Health Survey – 2 (1998-99) “in order to assess the prevalence of domestic violence asked women if they had been beaten or mistreated physically since age 15” (International Institute of Population Sciences 2000: 74). For violence in the year 1998, estimates of just “physical violence by husbands and in-laws” are available from the NFHS – 2. Women who reported being beaten or physically mistreated were asked who beat or physically mistreated them. Interviewers recorded all the persons mentioned by the respondent. From NFHS – 2 (1998-99), only this data on domestic physical violence is available. Thus, from NFHS – 2, I generate reliable state-wise and national estimates of incidence of physical violence by husbands.

I have compared this violence with the reporting of crimes under “Cruelty by Husbands and Relatives” (Section 498-A, IPC) for the year 1998, using three year averages from the NCRB for the years 1997, 1998 and 1999. For the year 1998, only about 0.15% of the incidents of physical violence by husbands and in-laws, or one in 667 incidents, are estimated to have been reported to the police. Unfortunately, these are the only indicators of violence against women that are available from the NFHS – 2, and they are not comparable to the indicators from NFHS – 3, so one cannot say if incidence of violence against women increased in this period or not.

Table A.1: Physical Violence by Husbands and In-laws for 1998

| State | Reported violence (per 100,000 women) | Incidence of violence (per 100,000 women) | Estimated Reporting (% of incidents) |
|-------------------|--|--|---|
| Andhra Pradesh | 34.3 | 22000 | 0.16 |
| Arunachal Pradesh | 3.5 | 20900 | 0.02 |
| Assam | 23 | 14300 | 0.16 |
| Bihar | 9.3 | 28700 | 0.03 |
| Goa | 7.9 | 15500 | 0.05 |
| Gujarat | 52.1 | 9000 | 0.58 |
| Haryana | 36.2 | 12700 | 0.29 |
| Himachal Pradesh | 29 | 3800 | 0.76 |
| Jammu | 1.9 | 16100 | 0.01 |
| Karnataka | 20 | 18600 | 0.11 |
| Kerala | 42.9 | 2200 | 1.95 |
| Madhya Pradesh | 25.5 | 20300 | 0.13 |
| Maharashtra | 56.6 | 16600 | 0.34 |
| Manipur | 0.4 | 10500 | 0.00 |
| Meghalaya | 0.4 | 4000 | 0.01 |
| Mizoram | 0.3 | 11900 | 0.00 |
| Nagaland | 0.2 | 15800 | 0.00 |
| New Delhi | 5.8 | 12400 | 0.05 |
| Orissa | 20.7 | 22300 | 0.09 |
| Punjab | 13.3 | 12500 | 0.11 |
| Rajasthan | 66.9 | 10800 | 0.62 |
| Sikkim | 1.7 | 6700 | 0.03 |
| Tamil Nadu | 5.2 | 32000 | 0.02 |
| Tripura | 24.5 | 11500 | 0.21 |
| Uttar Pradesh | 21.1 | 22500 | 0.09 |
| West Bengal | 31.6 | 15900 | 0.20 |
| All-India | 29.1 | 19500 | 0.15 |

Source: Author's calculations from NCRB data for 1997, 1998 and 1999, and NFHS – 2 data.

Appendix B.1: Sexual Violence by Husbands for 2005

| State | Reported violence (per 100,000 women) | Incidence of violence (per 100,000 women) | Estimated Reporting (% of incidents) |
|-------------------|--|--|---|
| Andhra Pradesh | 15.64 | 2350 | 0.67 |
| Arunachal Pradesh | 25.72 | 7270 | 0.35 |
| Assam | 10.94 | 10740 | 0.10 |
| Bihar | 27.12 | 13340 | 0.20 |
| Chhattisgarh | 26.40 | 4880 | 0.54 |
| Delhi | 81.84 | 1330 | 6.15 |
| Goa | 28.79 | 1380 | 2.09 |
| Gujarat | 68.14 | 3780 | 1.80 |
| Haryana | 36.67 | 3490 | 1.05 |
| Himachal Pradesh | 21.45 | 1270 | 1.69 |
| Jammu and Kashmir | 59.97 | 2880 | 2.08 |
| Jharkhand | 39.22 | 8730 | 0.45 |
| Karnataka | 73.08 | 2520 | 2.90 |
| Kerala | 19.13 | 3390 | 0.56 |
| Madhya Pradesh | 22.68 | 7000 | 0.32 |
| Maharashtra | 18.10 | 1180 | 1.53 |
| Manipur | 17.86 | 8950 | 0.20 |
| Meghalaya | 37.39 | 1310 | 2.85 |
| Mizoram | 65.58 | 930 | 7.05 |
| Nagaland | 16.68 | 1820 | 0.92 |
| Orissa | 8.62 | 7500 | 0.11 |
| Punjab | 60.26 | 5340 | 1.13 |
| Rajasthan | 44.31 | 13430 | 0.33 |
| Sikkim | 68.89 | 2700 | 2.55 |
| Tamil Nadu | 48.57 | 1970 | 2.47 |
| Tripura | 14.80 | 12870 | 0.12 |
| Uttar Pradesh | 10.72 | 6150 | 0.17 |
| Uttaranchal | 19.77 | 4260 | 0.46 |
| West Bengal | 48.88 | 15150 | 0.32 |
| All-India | 37.24 | 6590 | 0.57 |

Source: Author's calculation from NCRB data for 2004, 2005, and 2006, and NFHS – 3 data

Appendix B.2: Physical Violence by Others for 2005

| State | Reported violence (per 100,000 women) | Incidence of violence (per 100,000 women) | Proportion (%) of cases which are reported |
|-------------------|--|--|---|
| Andhra Pradesh | 46.95 | 3950 | 1.19 |
| Arunachal Pradesh | 12.72 | 2010 | 0.63 |
| Assam | 22.82 | 3110 | 0.73 |
| Bihar | 31.17 | 7280 | 0.43 |
| Chhattisgarh | 35.29 | 3240 | 1.09 |
| Delhi | 79.77 | 2210 | 3.61 |
| Goa | 22.47 | 1180 | 1.90 |
| Gujarat | 39.37 | 1430 | 2.75 |
| Haryana | 40.24 | 3100 | 1.30 |
| Himachal Pradesh | 50.36 | 740 | 6.81 |
| Jammu and Kashmir | 49.52 | 2230 | 2.22 |
| Jharkhand | 31.99 | 2740 | 1.17 |
| Karnataka | 27.19 | 2690 | 1.01 |
| Kerala | 21.99 | 1960 | 1.12 |
| Madhya Pradesh | 13.89 | 5300 | 0.26 |
| Maharashtra | 27.02 | 1590 | 1.70 |
| Manipur | 23.61 | 3420 | 0.69 |
| Meghalaya | 25.51 | 4790 | 0.53 |
| Mizoram | 47.63 | 1690 | 2.82 |
| Nagaland | 92.65 | 1710 | 5.42 |
| Orissa | 5.87 | 3100 | 0.19 |
| Punjab | 44.75 | 3950 | 1.13 |
| Rajasthan | 17.74 | 3360 | 0.53 |
| Sikkim | 37.95 | 3380 | 1.12 |
| Tamil Nadu | 16.28 | 3260 | 0.50 |
| Tripura | 12.12 | 8750 | 0.14 |
| Uttar Pradesh | 22.96 | 3260 | 0.70 |
| Uttaranchal | 9.93 | 2960 | 0.34 |
| West Bengal | 63.61 | 3090 | 2.06 |
| All-India | 31.39 | 3380 | 0.93 |

Source: Author's calculation from NCRB data for 2004, 2005, and 2006, and NFHS – 3 data

Appendix B.3: Physical Violence by Husbands for 2005

| State | Reported violence (per 100,000 women) | Incidence of violence (per 100,000 women) | Estimated Reporting (% of incidents) |
|-------------------|--|--|---|
| Andhra Pradesh | 15.16 | 1110 | 1.37 |
| Arunachal Pradesh | 21.31 | 3890 | 0.55 |
| Assam | 2.30 | 2270 | 0.10 |
| Bihar | 19.12 | 1900 | 1.01 |
| Chhattisgarh | 28.53 | 1180 | 2.42 |
| Delhi | 62.07 | 750 | 8.28 |
| Goa | 24.67 | 840 | 2.94 |
| Gujarat | 61.92 | 1110 | 5.58 |
| Haryana | 17.61 | 400 | 4.40 |
| Himachal Pradesh | 4.35 | 610 | 0.71 |
| Jammu and Kashmir | 58.84 | 1200 | 4.90 |
| Jharkhand | 0.90 | 2430 | 0.04 |
| Karnataka | 53.44 | 1920 | 2.78 |
| Kerala | 22.03 | 770 | 2.86 |
| Madhya Pradesh | 16.70 | 1800 | 0.93 |
| Maharashtra | 2.80 | 820 | 0.34 |
| Manipur | 19.79 | 2250 | 0.88 |
| Meghalaya | 31.95 | 610 | 5.24 |
| Mizoram | 56.22 | 1430 | 3.93 |
| Nagaland | 5.13 | 680 | 0.75 |
| Orissa | 0.36 | 2900 | 0.01 |
| Punjab | 41.17 | 940 | 4.38 |
| Rajasthan | 41.47 | 1410 | 2.94 |
| Sikkim | 59.74 | 1370 | 4.36 |
| Tamil Nadu | 41.39 | 940 | 4.40 |
| Tripura | 1.83 | 3890 | 0.05 |
| Uttar Pradesh | 4.69 | 1410 | 0.33 |
| Uttaranchal | 24.81 | 2160 | 1.15 |
| West Bengal | 31.77 | 2400 | 1.32 |
| All-India | 33.27 | 1520 | 2.19 |

Source: Author's calculation from NCRB data for 2004, 2005, and 2006, and NFHS – 3 data