

**Violence Against Women in India: A Closer Look at the Social and Legal System Interactions,
Problems, and Solutions.**

Aditi Saxena

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School of Interdisciplinary Health Sciences
Faculty of Health Sciences
University of Ottawa

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Abstract

Violence against women (VAW) in India reflects encouraged patriarchal notions, societal despotism, and cultural subjugations. The Indian government is continuously striving to bring legal reforms that can deter perpetrators from inflicting violence on women. However, these changes are occurring only on the surface when in fact the issues are deep-seated. Therefore, this thesis addresses two main research questions: 1) What factors contribute to the increase in cases of VAW in India and how the legal system addresses these factors, and 2) What policies and schemes are employed to empower women and provide support services to women victims of violence, and what are the effects of these policies/schemes. To explore each of these questions, the thesis was divided into two parts. In part 1, a legal case analysis strategy was adopted to qualitatively analyze 26 High Court cases from Uttar Pradesh, India. Seven major themes emerged from the thematic analysis of these cases that highlight the reasons for the perpetration of violence, victim-blaming, barriers to report the crime, and legal systemic barriers. In part 2, a policy analysis framework was applied to review and analyze six major schemes and policies focused on VAW. All the schemes and policies were assessed, compared, and prioritized against different criteria which were constructed based on the research findings from part 1. Major results of this study suggest that the schemes and policies focused on VAW are structurally flawed and lack proper monitoring. In conclusion, efforts must be made to deter the act of perpetrating violence on women by implementing suitable community and family interventions, recognizing and eliminating factors that lead to revictimization, providing detailed guidelines to enhance services through local schemes and policies, and acknowledging patterns of patriarchal and cultural norms surrounding VAW.

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List of Acronyms and Abbreviations

GBV: Gender-Based Violence

VAW: Violence Against Women

WHO: World Health Organization

UNDP: United Nations Development Program

UNESCO: United Nations Educational, Scientific and Cultural Organization

IPC: Indian Penal Code

NCRB: National Crime Record Bureau

NPWE: National Policy for Women Empowerment

NEP: National Education Policy

UP: Uttar Pradesh

SC: Supreme Court

HC: High Court

POCSO: Protection of Children from Sexual Offences

CDC: Centers for Disease Control and Prevention

NCW: National Commission for Women

MCWD: Ministry for Child and Women Development

CEDAW: Convention on Elimination of All Forms Discrimination Against Women

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Chapter 1: Introduction

Universally, societies have condoned men's behavior of inflicting violence on women, a customary habitude that has originated from countless religious and social wars, political conflicts, and simple romanticizing of patriarchal notions such as differences in biological capabilities and unequal power relations (Barclay, 2012; Gentry & Sjoberg, 2015; Helliwell, 2000; Imperatori-Lee, 2015; Lerner, 1986). Throughout history, numerous incidents of violence against women (VAW) have been documented. From the writings of ancient Greeks to the bible to the letters of early explorers, VAW has been a brutal part of human history (History, 2018). Evident from well-established studies, intimate partner violence and sexual violence by other men continue to be the predominant forms of gender-based violence (GBV) against women (García-Moreno et al., 2013; UN Trust Fund, 2016; WHO, 2017). Global estimates show that 35% of women have experienced physical and/or sexual intimate partner violence, or sexual violence by a non-partner (UN Women, 2018). Alison Brysk (2018) described the pervasiveness of VAW across space and time –

women worldwide face special risks from beginning to the end of their life-cycle: from female feticide to female genital mutilation/ circumcision (FGM/C) in infancy, from child abuse to honor violence and forced marriage at puberty, from sexual assault to femicide in adolescence and youth, forced labor and battering in adulthood, and targeted killings of witches and widows in old age. (p. 3)

In its 2017 report titled 'A Global Rape Epidemic,' the Equality Now Foundation presented nine major key findings, two of which are particularly shocking- rape of a woman or a girl by her husband is expressly legal in 10 out of 82 jurisdictions (all developing/ underdeveloped countries) and judicial discretion to reduce charges or define evidence is not

uncommon and allows judges to be influenced by stereotypes around the survivor's behavior (The Global Rape Epidemic, 2017). The report's findings suggested that governments still have a long way to go to redefine and reform laws and policies surrounding VAW.

Violence Against Women in India: Setting the Context

India is the world's second-most populous country with a growing population of 1.3 billion people (United Nations, 2019). As a culturally diverse country, 80% of the Indian population are Hindu, 13.4% are Muslim, 4% are Christian or Sikh and 1.2% are Buddhist or Jain (Census of India: Religion, 2001). According to the world economy index, India was ranked the 129th freest economy in the world with a freedom score of 55.2 (Indian Economy, 2019). However, the country has notably failed to provide freedom of movement for women and empowering women's socio-economic development (Human Rights Watch, 2018). Still, women's status in society is affected by their familial relationship, class ranking, and the ideology of the social group they belong to (Kasturi, 1995).

The World Health Organization defines sexual violence as any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. This definition includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body parts, or object (WHO, 2017). As of June 2018, the Thomson Reuters Foundation released a global survey that listed the world's ten most dangerous countries in terms of women's safety. India topped the list, with levels of VAW still running very high based on three major issues: risks of sexual assault and harassment, cultural and traditional practices, and sex trafficking (Thomson Reuters Foundation, 2018). VAW in India continues to represent an

endemic, with culture-specific variations in which women suffer indefinitely due to systemic gender bias (Mehta, 2004).

Cultural Influence on Women's Lives

India has one of the oldest and most varied cultures in the world. The Southern, Northern, North-eastern, and Western regions have their own distinctive cultures (Cultural India, n.d.). These cultural differences have resulted in the division of India's peoples into innumerable sects and have built incompatibility among people belonging to various ethnic backgrounds (Cultural India, n.d.). The caste system in India has become the world's longest surviving social hierarchy (Human Rights Watch, n.d.). A person is considered a member of a caste in which he or she is born into and remains within that caste until death (Human Rights Watch, n.d.). Manusmriti, one of the most authoritative books on Hindu law, dating back at least 1000 years, recognized five major castes in the Hindu system: Brahmins, Kshatriya, Vaishyas, Shudras, and Dalits (Human Rights Watch, n.d.). The Dalits, being the lowest caste holders, were regarded as the 'untouchables' and were not allowed into temples or religious ceremonies. Dalit women were regarded as characterless, their bodies were often seen as available for exploitation, and they were greatly exploited for sex (Saldanha, 2016). Furthermore, minority groups in India including Muslims, have experienced greater discrimination compared to Hindu people. In 2016, more than 86 people, including women, were killed in religiously based communal violence between Hindus and Muslims (Minority Rights Group/Centre for Study of Society and Secularism, 2017). That event intensified the marginalization of those affected, especially women, who faced high levels of insecurity alongside inadequate justice and atonement (MRG/CSSS, 2017).

At present, the Hindu system in India is divided into 3000 castes and 25000 sub-castes, each based on specific occupations (BBC News, 2019). Although the Indian constitution has

banned discrimination based on castes, in an attempt to provide equal opportunities to disadvantaged groups, the government has introduced reservation quotas into the constitution for education and employment purposes (BBC News, 2019). Caste identities remain strong despite these changes, and the last names almost always indicate a person's caste (BBC News, 2019). Even today, significant economic and educational disparities exist between lower and higher caste communities in India and lower caste communities plagued by low literacy levels and limited access to education and healthcare facilities (Human Rights Watch, n.d.).

Patriarchy and Gender-Based Discrimination

The inception of patriarchal politics in India has restricted women to the confines of their homes (Adhikari, 2014). The great decline in the status of women seemed to have occurred in 1000 BC when copper was found for the first time during the reign of the Aryans in the east and south of India (Tharakan & Tharakan, 1975). Since then, agricultural activity and the division of labor between men and women became advantageous for the man as it was in his sphere that such significant developments took place; he became the owner of the plow, farm, and the surplus of field production (Tharakan & Tharakan, 1975). Women had no control over the wealth produced but relied on men for a share of agricultural outputs (Tharakan & Tharakan, 1975). The Aryans established supremacy over non-Aryan tribes and created a caste system that separated Aryans (superior ones) from non-Aryans (inferior ones) and brought about a master-slave relationship. As a result of the Aryan reign, rights to marriage or education afforded to girls and women, slowly vanished by the time the caste system came into full force (Tharakan & Tharakan, 1975). Moreover, polygamic tendencies arose during Aryan rule when Aryans brought women into their households as slaves, concubines, or even as their wives (Tharakan & Tharakan, 1975).

Gender oppression is another major issue that discriminates between men and women in several aspects. As said by a great Indian author ‘while it is mostly the husbands who are the breadwinners, the women generally take care of the household activities, besides bearing and rearing children’ (Hays, 2015; M.D. & Nayar, 2004). In the Human Development Report of 2015, it was reported that women across the world undertake most of the unpaid housework or caregiving community work. Due to the disproportionate workload of caregiving duties, women are unable to find time or opportunities for education and paid employment (Poverties Organization, 2017; UNDP, 2015). India has 37% of the world’s population of illiterate adults and the poorest of India will not be able to receive universal education until around 2080 (Patel, 2014; UNESCO, 2014). The lack of proper, well-informed education in India has led to a dramatic increase in VAW. It has become important to not only focus on women’s education but also the education that boys receive and the ways they utilize this education in treating girls and women with respect and honor when they grow up (Hindustan Times, 2012).

Victim-Blaming, Victims’ Self-Blame, and Self-Doubts

‘A girl is far more responsible for rape than a boy,’ said Mukesh Singh (one of the accused in the Delhi Rape Case) in an interview with BBC (BBC News, 2015). To his explanation, he further stated, ‘women and girls are expected to respect the Indian culture and invest themselves in housekeeping activities and not roam at night alone or with men’ (BBC News, 2015). Victim-blaming is an abominable practice, yet it continues to be a widespread phenomenon across many Indian communities (Gilbertson & Pandit, 2019). Evidence that victim-blaming is a societal issue and has little connection to education is supported by the Haryana and Punjab high court ruling in a 2017 Jindal Global Law School case of three male students gang-raping a fellow female student in which the judges awarded bail to the perpetrators

amid trial, based on allegations that ‘victim had immoral character’ (Emmanuel, 2017). Rape is ‘tolerated’ in India and the perpetual practice of tolerating rape in India comes from blaming the victim for the assault (Swampillai & Mazar, 2017). Victims are commonly blamed for the choice of their clothes or roaming alone or with male partners at night. Victim-blaming is both external and internal. Externally, it is characterized by negative reactions from families, neighbors, and legal and support service professionals holding the victim responsible for the crime. And, internally by building guilt and shame in the mind of victims (Swampillai & Mazar, (2017).

In a cross-sectional study by Kamdar et al. (2017), 33% of participants reported that rape is provoked by the female victim’s clothes. Regarding victim-blaming behavior, most men ($n = 95$; 75%) and women ($n = 154$; 75%) agreed that women should be responsible for preventing their rape (Kamdar et al., 2017). The victim-blaming mentality of people in India seems to be rooted in the lack of societal awareness of sexuality and sexual violence (Nieder et al., 2019). As a result, constant victim-blaming brings mental harm to victims. The mental trauma associated with rape or sexual assault further stems from a strong element of self-blame, the individualized and deeply personal nature of the incident, social support or social acceptance factors, and the high probability of experiencing isolation (Regehr et al., 2013). Victims are, therefore, filled with self-doubts and often choose not to report the crime.

Legal Provisions For Victims of Violence

Laws against sexual offenses were not integrated into the Indian legal system until the 1860s. Rape was the first form of sexual violence to be criminalized in Indian law under section 375 of the Indian Penal Code (IPC), 1860. The initial definition in the law provided that ‘a man is said to commit rape when he penetrates his penis to any extent in a woman’s vagina without her consent, by coercion, misrepresentation or fraud, or at a time when she has been intoxicated,

or duped, or is of unsound mental health and in any case if she is under 16 years of age' (IPC, 1860, Section 375). There was no separate section for criminalizing rape and IPC Section 377 defined the punishment of rape as 'seven years of imprisonment if rape is proved (in case of an adult) and up to ten years of prison if raped a minor' (IPC 1860, Section 377).

On December 16, 2012, the Delhi rape case shook the world. It was a heinous crime where six men raped and beat a girl using an iron bar on a moving bus (Chamberlain & Bhabani, 2017). The unfortunate event was broadcast on national and international media platforms and fueled extreme outrage. Thereafter, the Indian government recognized the dire need to amend laws protecting women and employ stricter punishments for rapists and perpetrators involved in sexual offenses. In 2013, the Lok Sabha (the lower house of India's bicameral Parliament) made significant amendments to the IPC (thereafter known as IPC under The Criminal Law, 2013).

The revised IPC section 375 (The Criminal Law [Amendment] Bill, 2013) states that,

a man is said to commit rape if he – (a) penetrates his penis into the vagina, mouth, urethra, or the anus of a woman, or makes her do with him, or any other person (b) inserts any object other than his penis into the vagina of the woman or makes her do it with him or any other person (c) manipulates the woman to cause penetration of a woman's mouth, vagina, anus, or urethra, or makes her do it with any other person (d) applies his mouth to the vagina, anus or urethra of a woman, or makes her do such with him or any other person, without her consent, or against her will, or with her consent obtained by the fear of causing death to a dear one, or in case of misbelief of being a future husband, or if the woman is intoxicated, or if she is under the age of sixteen, or unable to communicate consent.

It was anticipated that such amendments to the criminal law would bring fear and discouragement among potential perpetrators in Indian society, ultimately ending VAW. Regardless of continuous efforts by the government to curb incidents of crimes against women, the figures have worsened. In 2018, India reported 33,356 incidents of rape, including 9,433 victims below 18 years of age and 24,544 victims above the age of 18 years, totaling 33,977 victims (National Crime Records Bureau, 2018).

Laws and Policies Protecting Women

VAW can take many forms. The Amendment Act 2013 under the IPC introduced new offenses criminalized under law, in addition to existing criminal laws, under sections 326 and 354 (Suresh, 2013). The legal definitions of these offenses are in Table 1.

Table 1. Changes made in the Act in comparison with the Ordinance defining VAW

Type of Crimes Against Women	Definition by law
Acid attack Section 326 A	Whoever causes permanent or partial damage or deformity to or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention or the knowledge that he is likely to cause such injury or hurt
Attempt to acid attack Section 326 B	Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person
Sexual harassment Section 354 A	A man committing any act of physical contact and advances involving unwelcome and explicit sexual overtures; or demand a request for sexual offers, or showing pornography against the will of a woman, or making sexually colored remarks
Assault or use of criminal force to woman with intent to disrobe Section 354 B	Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked,

Voyeurism Section 354 C	Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually expect not being observed either by the perpetrator or any other person at the behest of the perpetrator or disseminates such an image
Stalking Section 354 D	Any man who follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman, or, monitors the use by a woman of the internet, email, or any other form of electronic information Exceptions: include such act being in course of preventing or detecting a crime authorized by the state or in compliance with certain law or was reasonable and justified.
Rape Section 375	A man commits rape if he penetrates his penis, to any extent, into the vagina, mouth, urethra, or anus of a woman or makes her do so with him or any other person; or, (b) inserts any object other than his penis into the vagina of the woman or makes her do it with him or any other person (c) manipulates the woman to cause penetration of a woman's mouth, vagina, anus, or urethra, or makes her do it with any other person (d) applies his mouth to the vagina, anus or urethra of a woman, or makes her do such with him or any other person, without her consent, or against her will, or with her consent obtained by the fear of causing death to a dear one, or in case of misbelief of being a future husband, or if the woman is intoxicated, or if she is under the age of sixteen, or unable to communicate consent Includes: Gang rape, rape by husband after separation, rape by any family member, rape by police, rape by public servants, rape by jail staff/management, rape by authority figures, rape by a relative
Source: (The Criminal Law [Amendment] Act, 2013)	

In addition to these provisions, the Criminal Law Act provides the IPC a mechanism to punish several other offenses targeted against women. The offense of trafficking and exploitation of trafficked persons is punishable under Sections 370 and 371, respectively. The offense of kidnapping a person, a minor, for ransom or murder, grievous hurt, or slavery is punishable under IPC Sections 359 to 369. Hurt and Grievous Hurt are registered offenses punishable under IPC under Sections 319 to 325, including Section 326 belonging to the same category and its sub-parts described above. Under IPC Section 509, whoever intending to insult the modesty of any woman through words, objects, gestures, sounds, or noise will be punished with simple imprisonment for three years and a fine.

Policies. Mahendravada (2018) remarkably describes the change in social policies in India for the welfare of all women:

Social policy towards gender equality in India has witnessed a paradigm shift from the welfare approach to empowerment approach from the sixth plan (1980-85) onwards... recognizing women as participants of development and not merely as objects of welfare... The seventh plan (1985-90) was to inculcate confidence among women and bring about an awareness of their potential development... The eighth plan adopted the strategy to ensure that the benefits of development from different sectors do not bypass women... The vision of the XII Five Year Plan (2012-17) was to improve the position and condition of women by addressing structural and institutional barriers as well as strengthening gender mainstreaming. (p. 4)

Between the adoption of these welfare plans, India has inaugurated a myriad of social policies, programs, and development schemes in support of women on many platforms. Every state in India currently participates in one or more major schemes, policies, programs, or yojanas aiming to empower women in areas of employment, education, or healthcare. In rural India, smaller programs such as district-level schemes or sub-schemes under a national level policy work efficiently due to its capacity to reach the most vulnerable women in need. However, monitoring the effectiveness of such programs is often compromised by the lack of proper training of staff personnel and engagement from the community. Therefore, the goal of empowering women in ‘all spheres of life’ remains unaccomplished. Below is a list of significant policies and schemes implemented throughout various states in India (Table 2).

Table 2. List of policies and schemes focusing on women empowerment in India

Name of the policy	Date of establishment/ Latest Amendment	Objective	Policy Achievements	Policy Drawbacks
National Policy for Women	2016 (draft)	• Women empowerment with a rights-based approach • Focus on specific needs of vulnerable & marginalized women (comprehensive social protection) • Increased participation for women in the workforce and politics	The policy is still inviting recommendations before it can be brought into force	• Behavioral changes necessary by involving men and boys in family programs • Gender-sensitivity training should be included in the policy for judiciary & prosecutors
Support to Training & Employment Programme for Women (STEP)	1986-87	• Mobilizing women in small groups through training and credit in rural India • Providing training for skill-up gradation • Providing access to healthcare, legal literacy & other education	242 Projects are sanctioned throughout the country and covered 24,000 beneficiaries for the implementation	• Identification of marginalized & asset less rural women • Wider coverage of program by recognizing various credible organizations
Ujjawala Scheme	2016	• Prevent trafficking of women & children through social mobilization & involvement of local communities & awareness programs • Reintegration of victims in society & into their families after their rescue	134 Ujjawala homes are built and 5291 beneficiaries achieved, & 254 projects running under the scheme	• Comparatively fewer funds allotted for the scheme to fit the aims of the scheme • Security and risk concerns need to be better addressed

Mahila Shakti Kendras	2017	• Providing for all women access to healthcare, education, guidance, employment, etc. • Facilitating these opportunities at block & district level	The scheme is leveraging sources for implementation in 640 districts	Working on this scheme at the national, state, district, & block level requires tremendous trained staff & budget
Adapted from: (Byjus, n.d.; Ministry of Women & Child Development, n.d.)				

Research Objectives and Research Questions

The objective of this research was to recognize how VAW is understood in the legal context. For this purpose, it was important to examine how VAW is portrayed in the legal settings with the High Court of Allahabad and Lucknow Bench as a case exemplar. This ultimately provided me with enough knowledge of the contributing factors responsible for the increase in cases of VAW in India, despite changes to the legal system. To further understand the loop of repeated legal failures to prevent VAW, state, and national policy levers were assessed. The objective for assessing policies in my thesis was directly bridged with the need of recommending potential policy options to stakeholders aiming to reduce the incidence of VAW. Hence, my thesis is divided into two main parts:

Part 1. Legal Case Analysis: This part of my study will address the research question:

What factors influence the legal system in preventing VAW in India?

Part 2. Policy Analysis: This part of my study will focus on major policy reforms that have taken place to address VAW. There are two subparts of this study component:

Subpart a. What are the effects (deterrent or unintended) of these policies toward the successful elimination of VAW in India?

Subpart b. Are the policies adequate concerning the cultural, social, and political constructs? If not, what possible policy recommendations can be recognized to curb the issue?

Rationale

Legal changes brought to a system that governs a population of 1.3 billion people is expected to be tolerably slower. But, given the rise in the incidence of VAW in India in the last two decades, the legal changes, however slow, are expected to be highly deterrent. Upon amendments to the Criminal Law Act and IPC, 2013, G. Ananthapadmanabhan, Amnesty International Chief Executive, stated that the law still fails to address GBV against women and girls. He mentioned four weaknesses of the law: the lack of clarity of the law (on the definition of modesty of women); the law is biased against other genders; the limited scope of the law to address other forms of violence; and, its inconsistency with international instruments (Aboh, 2018; Amnesty International, 2013). All-inclusive, the issue of VAW is extensively talked about on all professional and public platforms. Although many answers leading to the research question exploring the cause of the acts of violence are known, there is still a large portion of legal information that is yet to be researched. There is ample evidence that legal literacy in India is extremely limited, especially to those who cannot afford to pay for schools, this includes the rural population and slum populations living in cities. Therefore, illuminating the legal case proceedings by using qualitative research methods, my study informs the general public and potential stakeholders of the factors responsible for the increase in VAW from a legal perspective. This thesis is grounded in the idea that while the legal system and societal norms are placed at the spike of the issue, the answers may also lie in the legal data available to us.

My thesis focuses only on the offenses that were added after the IPC Amendment 2013. This is because there is a possibility of finding crucial information on these cases, for instance, the cases analyzed in my study might have received their judgments within the timeframe I have selected, however, these cases were registered at least even six to seven years before the 2013 IPC amendments. Therefore, it was of great importance to choose cases that were adjudicated after these amendments to investigate the changes brought to the legal system and if the system truly adheres to those changes. Further, since a significant amount of literature present in the Indian context (with substantial statistical evidence) focuses on violence against the female population, my study will also target the cases of VAW. Throughout my study, I acknowledge, recognize, and use the word ‘woman/women’ based on the biological sex of the person as identified by ‘herself’ and the medical reports presented in the court records reviewed . Additionally, I will also use the word ‘victim’ instead of ‘survivor’. While both the words are commonly used in speech and writing, the use of the word ‘victim’ in my study draws from an introspective thought that while, in context, the word survivor is motivationally replacing the word victim with the idea that the latter represents a sense of power in recovery (Augustine, 2019). However, being truly oblivious to the actual experiences and feelings of the women whose cases I am analyzing here, I am choosing to acknowledge and respect their feelings by using the word ‘victim’.

Positionality and Epistemological stance

This section of my thesis serves the purpose of reflecting on my knowledge and understanding of VAW in a culturally diverse country, and how that influences my position as a researcher. To find meaning in action, researchers are required to interpret what individuals are doing in a social setting (James & Busher, 2020). In the previous sections, I have established that

VAW is pervasive in Indian society and women endure violence throughout their lives. My perspective on VAW is founded on my position as an ‘insider’ researcher who shares the same language, ethnicity, and national heritage as the victims of VAW whose cases were analyzed, and has familiarity with the culture of the research setting (Irvine et al., 2008). For instance, I was born in a small town in Uttar Pradesh, India, and lived there for 13 years of my life. I belong to an upper-caste Hindu family of *Kayastha* and still occasionally practice Hindu religious traditions. As part of my family upbringing, I have experienced the Northern culture half of my life and have gained a deeper sense of community dynamics. Communities in India are religiously and culturally diverse (Jacobsen, 2015). Therefore, Hindus, Muslims, Sikhs, Christians, and many other groups tend to live in neighboring communities and their children also attend the same schooling (Joshee, 2003). I attended a Christian Convent school for eight years of my life where I had the opportunity to study in a culturally diverse environment that consisted of many students of Christian, Muslim, Sikh, and other religious philosophies. Therefore, I developed a greater appreciation for all cultures and religious beliefs of people in India. I deeply respect the traditional habitudes and customary dispositions of all women and their families and realize that culture plays an important role in shaping societies in India.

Merriam observes that methodological concerns in qualitative research have been called ‘traditional underpinnings,’ ‘traditional standpoints,’ or ‘worldviews’ (Pernecky, 2016). These underpinnings list several typologies and approaches that can be quite overwhelming in qualitative research (Pernecky, 2016). Thus, suggesting that qualitative research is an umbrella term capable of accommodating a wide range of philosophical and epistemological stances (Pernecky, 2016). My epistemological stance is grounded in the critical paradigm (transactional/subjectivism) and is further substantiated in structural culture studies such as class,

gender, race, etc. (Crotty, 1998; Pernecky, 2016). Between outsider and insider researchers, the latter can immerse themselves in the data and provide useful insights to research (Irvine et al., 2008). However, interpretation and presentation of narratives of marginalized and vulnerable participants in research pose bigger risks than a researcher can anticipate.

Munck and O'Hearn (1999) promote an engagement 'that does not presume to speak for others authoritatively' (p. 204). Therefore, by discussing the task of presenting and disseminating qualitative materials collected, recognizing the influence of researchers' perspectives, and not losing the value of etic (researcher's) insights, one can successfully address their findings without hampering the subjective interpretations by participants (Cook, 1995; Munck & O'Hearn, 1999; Phillips, 2016). Therefore, significant attention is paid to framing the findings of this research to avoid any misinterpretations or further marginalization of participants in the research.

Outline of the Thesis

This is a 'thesis by articles' and is divided into five chapters. The first chapter introduces the problem of VAW in India and provides an overview of laws criminalizing various acts of violence as well as policies focused on supporting women victims of violence. The next section expands on the research objectives and the research questions of the study. This description is then followed by the rationale of the thesis. Chapter 2 describes the methods employed to conduct this study. Chapter 2 is divided into two components. Part 1 is comprised of legal case analysis and includes a research approach, design, case selection, and data analysis. Part 2 is the policy analysis component that involves an introduction of the policy analysis framework and a research design section.

The third and fourth chapters are comprised of two articles. Chapter 3 is titled ‘Analysis of Violence Against Women Cases of the Uttar Pradesh High Court: 2012-2018’ and is formatted for submission to the ‘*Indian Journal of Gender Studies*,’ a peer-reviewed journal. That article explores the factors responsible for the increase in VAW in India. Chapter 4 constitutes the second article, ‘An Analysis of India’s Policy Landscape : How Far Do Reforms Go to Protect Women From Violence?’ and describes the effects of these policies in curbing the issue of VAW. That article elaborates on social, cultural, and economic constructs necessary to rehabilitate victims of violence into society and also provides major recommendations to improve existing and future policies/schemes. That article is formatted for submission to the ‘*Journal of Social Change*’ and adheres to its standards as a peer-reviewed journal. A reference list for each article is included with the article and a comprehensive reference is at the end of the thesis. Finally, the fifth chapter provides an integrated discussion and conclusion to the thesis and situate the findings of the thesis within the current literature.

Chapter 2: Methodology

‘The study of law and society rests on the belief that legal rules and decisions must be understood in context. Law is not autonomous, standing outside of the social world, but is deeply embedded within society’ (Mather, 2011, ¶ 1). Many sociolegal researchers over the years have critically addressed the issue of societal influence on the law. Some researchers consider that ‘law is a part of society,’ because even if a legal system acts as a differentiated part of the society, the society does not pass its regulatory power to law entirely – societal values set certain limits to the functioning of law (Amstutz, 2009). While others state that it should be ‘Law in Society’ rather than ‘Law and Society’ since the law is not seen as residing in a formal, separate sphere, apart from society (Mather, 2011; Nader, 1969). The relationship between law and society is propounded by Max Travers (2009) in two of his main viewpoints: a) Law in Society: where he mentions that everything is held together, governed, and even constituted by law and b) Society is greater than Law: meaning that there is inevitably more to any society than law, and one can recognize the expected behaviors of people in a society without seeing them as a part of the legal system. Hence, a correlation between the two is formally established in literature by scholars and experts. However, it is important to understand that certain issues prevailing in a society (such as gender-based violence against women) are expected to be handled by the legal system alone where society often acts as a commentator in the background, pushing legal limits and challenging legal capacities.

The issue addressed in this research study is VAW. As discussed by Himabindu et al. (2015), while it is essential to develop comprehensive laws to address this issue, laws alone are not the solution. The effectiveness of these laws depends on women’s awareness of them, adequate funds and infrastructure to teach society about gender equality, and the need for trained

government personnel to advocate policies and laws to the general public (Himabindu et al., 2015). Equally indispensable is the participation of men in empowering women and understanding the need for gender equity within the society and law.

To explore and understand this interconnection between law and society and how social norms affect legal perspectives and vice-versa, my research study was divided into two parts: Part one was a legal analysis of court cases using qualitative research methodology (Parent study): This part of my research study involved rigorous reviewing of criminal court cases from Allahabad High Court or Lucknow Bench between the years 2012 and 2018. The legal court cases widely differed in case types: Criminal revision, Criminal appeal, Writ petitions, Bail application, Criminal Bail Cancellation, Sessions Trial, Special Case Number, and Criminal Miscellaneous cases. After the first/initial screening of these cases, a *priori* or initial codebook was developed that included major codes. The method of Axial coding was applied to code the text line-by-line. Upon a thorough review of the selected cases, additional codes were added into the existing codebook as they emerged, and a thematic map was constructed based on the final themes.

Part two was a policy analysis based on results from part one of this study (parent study): the policy analysis component of this research was carried out in two steps, occurring simultaneously. Framework development – the US Centers for Disease Control and Prevention provides different frameworks for different studies and research purposes that can be adopted by academic researchers, institutions, experts, and organizations according to their needs. In this study, I have adopted two CDC frameworks: a policy analytical framework and a socio-ecological framework (adapted from WHO, Krug et al., 2002). The policy analytical framework suggests the process in which a policy can be assessed or evaluated based on important policy

framing questions and policy comparison criteria. This framework was utilized to guide and support the findings of my study and any further adaptation of this particular modified framework is not suggested. Whereas, the socio-ecological model helps to understand the range of factors that put people at risk for violence, either by experiencing it or perpetuating it (Centers for Disease Control and Prevention, n.d.). This model presents a complex interplay between individuals, relationships, communities, and society. Upon adopting these two successful frameworks, I realized that there are some areas of these frameworks that cannot be utilized at this stage of my study and as a graduate student. Therefore, both the CDC frameworks were adapted to fit within the constraints of my study as an initial research endeavor by a novice researcher.

Criteria construction – the major sub-themes that emerged from the data analysis of part one of my research formed the ‘criteria’ for policy comparison in part two of my thesis study. After, I identified national policies and major state-level schemes that best fit the selected sub-themes (criteria). The policies and schemes were compared across all the criteria and were evaluated on a 3-point scale: High, Medium, Low or More Favorable, Favorable, Less Favorable. Policies or schemes that scored high among all criteria were further discussed in detail to point out the strength of the policy/scheme and to recommend ways to improve existing and future policies/schemes. Let us now discuss parts one and two of this research in detail.

Part 1: Legal Case study component

Research approach

Scholars have now identified different types of legal researches: analytical legal research, applied and pure legal research, comparative legal research, quantitative and qualitative legal research, and conceptual legal research (Singh, n.d.). This study is mainly grounded in

qualitative legal research methodology, involving an in-depth evaluation of legal data, that is, criminal cases from Allahabad High Court/Lucknow Bench, Uttar Pradesh, India, registered under IPC (Amendment 2013) for the offense of rape, acid attack, and outrage to the modesty of a woman. Analysis of this legal data was carried out using a thematic analysis approach. The qualitative legal research approach has been used by many socio-legal research scholars. However, the approach taken in this study is not a named or previously identified research approach. This research study was designed to contribute to the growing field of qualitative legal research by bridging the gap between social science and legal research approaches.

For a long time, social scientists have been searching for a way to include legal research into social science research methodologies. The same is true for many legal research scholars who wish to explore social issues from a legal perspective. But there have been many methodological and technical gaps between the two fields of study (Dawson, n.d.; Leeuw, 2015). In particular, quantitative research methodologies are used extensively in legal fields such as criminal law and criminology, corporate law, and family law, while qualitative approaches are still widely debated (Dobinson & Johns, 2007; King & Wincup, 2000). Thus, there is a further need to research and redefine how legal data can be studied qualitatively to explain social phenomena. Some scholars, for example, Dobinson and Johns (2007) have described two types of qualitative legal research that can be undertaken: Doctrinal and Non-doctrinal. Doctrinal legal research is very specific, in that, it requires the identification of relevant legislation, cases, and secondary materials in law that can be seen as analogous to social science literature review (Dobinson & Johns, 2007). ‘The main genesis of doctrinal research is to study judgments or legal provisions or only concentrate upon the existing principle or particular case study’ (Chakraborty, 2015, ¶ 9). On the other hand, all other (non-doctrinal) legal research is grouped into three

categories: problem, policy, and law-reform based research (Dobinson & Johns, 2007). This form of research often ‘includes a consideration of the social factors involved and/or the social impact of current law and practice’ (Dobinson & Johns, 2007, p. 20). Qualitative research under this methodology can be of two types: descriptive or evaluative, depending on the objectives of the research study (Dobinson & Johns, 2007). While the doctrinal research could be seen as nonempirical, the assessment of the problem, evaluation of the policy, and the need for law reform would require an empirical approach (Dobinson & Johns, 2007). Further, non-doctrinal research lays less emphasis on doctrines and is more concerned with exploring the relationship between legal provisions and its impact on society (Chakraborty, 2015). This is a methodological approach where a researcher tries to collect information from a first-hand study or primary data on a topic and after analysis and interpretation, draws out the conclusion of the work (Chakraborty, 2015).

As reported by the editors of *The Oxford Handbook on Empirical Legal Research*, qualitative empirical legal research (ELR) involves systematic collection of information (data) and its analysis according to some generally accepted method (Leeuw, 2015; Webley, 2010). There are various strategies to carry out qualitative ELR, which include but are not restricted to historical analysis, in-depth interviews, direct observations, case studies, and qualitative document analysis or a combination of these methods (Webley, 2010). Legal scholars have explored various other methods as well to conduct ELR, for example, Hall and Wright (2008) proposed a well-known social sciences technique of ‘content analysis’ as a possible method of ELR. They collected 122 examples of studies that adopted the method of content analysis and coded them for pertinent features (Hall & Wright, 2008). On the other hand, Grover (2010), conducted a Hermeneutic/ phenomenological qualitative legal research using text

analysis to understand the meaning constructed by the various case parties based on their phenomenological perspectives or experiences that led to the rise of the legal complaint. However, not one specific qualitative empirical methodology is yet described that can effectively bind legal research with social sciences research approaches (Leeuw, 2015). Therefore, depending on the research questions, data sources and the type of research design, the platform for conducting qualitative legal research can be further explored.

Resonating with part ‘a’ of my research question, I undertook a qualitative analytical research approach involving thematic analysis of data to examine the factors responsible for the increase in VAW in India, answering subpart A of the research question: What potential issues are contributing towards an increase in VAW in India? This methodological approach has two specific aims: a) to provide a newer lens to conducting qualitative legal research that can also be applied empirically, and b) to present a possibility of utilizing pure legal data in social sciences research and other interdisciplinary fields.

Research design

To establish a clear agenda, one must understand that the interaction between law and society is very different and complex for each country. In a country like India, the law is not simple – law and society equally influence and shape each other, and searching for law in legislatures, in workings of high courts, in legal proceedings or tribunals, or among police officers is not enough (Moog, 2008). Therefore, this research approach hopes to discover nonuniformities between India’s legal response to and societal understanding of VAW among the Indian population.

As discussed above, there is a need for developing a method that can link social phenomena with legal research. Therefore, in this study, I undertook a distinctive method of

qualitative research using primary legal sources, criminal law cases (Global Library, 2015; Tufts University, n.d.) from Uttar Pradesh High Court and carried out a thematic analysis.

The purpose of choosing legal court cases depended on the probability of finding crucial information that may otherwise be left in the blind spot. Legal cases are a great source of finding information that can come from the victim(s), defense parties, and witnesses such as relatives, neighbors, coworkers, etc. (Legal Line, n.d.). This information is obtained through interviews and interrogations and provides an individual's account of the facts and events that have occurred during an incident (Legal Line, n.d.). In most legal researches, court cases are studied to interpret the law, understand litigations, and apply the law in future case studies. However, in my thesis, I take the opportunity to study publicly available legal cases through a qualitative approach lens and apply my findings in the social sciences and healthcare fields.

This section of my thesis includes an in-depth analysis of 26 legal cases that received their final judgment at Allahabad High Court or Lucknow Bench. All the cases were randomly selected from an accredited legal professional online website 'Indian Kanoon' (the Hindi word 'Kanoon' means Law). Indian Kanoon is a free search engine for Indian Law, providing access to more than 1.4 million central laws, and judgments from the Supreme Court of India, High Courts, and tribunals. Indian Kanoon's genesis dates to the year 2008 when a computer science doctoral student from the University of Michigan started pondering how much legal data is available for people to access through online sources in India. Provided, the population of India numbers in the billions now, there is a dire need to make people aware of the workings of the legal system. Today, Indian Kanoon is helping lawyers, law students, and research scholars with their academic demands by providing them with free access to legal knowledge on an online platform. For the general public who do not possess legal training to use interfaces such as the

‘Supreme Court of India’ website to search judgments by case number, petitioner, respondent, etc. Indian Kanoon is a feasible and user-friendly option (Cornell University Law School, n.d.). Indian Kanoon serves more than one million people every month. It has become one of the most used free online law search engines in India and is also utilized by many international scholars and research students. The Indian Kanoon search engine is available at <https://indiankanoon.org/search/?formInput=case%20laws>.

My thesis purposively involved reviewing criminal cases that received judgments from the High Court because the overall aim of this study was to evaluate the VAW prevention measures that require significant state-level responses to function within the complex population distribution of India. Also, often the Supreme Court of India hears those cases that garner the most public attention or are the most extraordinary appellate cases (Introduction to the Supreme Court of India, n.d.). However, considering the monthly police reports and excess case flow in lower courts in India, it is safe to assume that not every case fits the criteria for an appeal to the superior courts. Consequently, there are chances to find a considerable amount of criminal case data from High Courts. This is why choosing High Court cases was a feasible option for my thesis and to find the data I was aiming towards. Adding to the advantage of this study, High Courts have jurisdiction over district courts and lower courts in India, and, in some cases, the jurisdiction also lies over the Union Territories. Hence, it is interesting to see the mechanism when a case tried at a District Court may become appellate to a superior court and more information is unfolded in such courts, given the power of these courts and the need for strong corroboration to prove a case. Therefore, in my research, I reviewed High Court cases from Uttar Pradesh, India.

Case selection

All 26 legal cases chosen in this study fall within a span of seven years – 2012 to 2018. This particular timeframe was chosen because the Criminal Law Act of India was amended after 8 years – Criminal Law (Amendment) Act 2005 to Criminal Law (Amendment) Act 2013 (major changes to IPC), and the latest being the Criminal Law (Amendment) Act 2018. Therefore, to capture the legal insufficiencies ‘before and after the IPC Amendment 2013’, this timeframe seemed suitable. At least one case from each year (2012 to 2018) was identified and selected. Seven cases were selected under the offense categories of rape and acid attack. The number of cases selected under the offense category Outrage to Modesty was total(t): $n*4 = 12$, that is, three cases for each of the following offenses were selected: stalking, voyeurism, intent to disrobe, and sexual harassment because outrage to modesty is a broader category. For each offense category, all cases were randomly selected to avoid ambiguity and sampling bias. The main criterion for the random selection of cases was – *It should be the first case that appears on the Indian Kanoon Website for the selected year:*

This criterion was important because it limited case overload as under each offense hundreds of cases are tried every year and it was not feasible to scan through each case within the time limit of this study. Under this criterion, three other sub-criteria helped in the selection of cases:

- a) Age of victim must be 18 years of age or older: since the focus of this study is on a cohort of females who are above 18 years of age, selecting this criterion filters out all cases that may include victims who are below the set age range.
- b) The case must be registered under one of the sections of IPC (Amendment 2013): sporadically, some cases may be registered under a different section of IPC except for sections 326A (Acid attack), 326 B (Attempt to acid attack), 354A (sexual harassment),

354B (Intent to disrobe), 354C (Voyeurism), 354D (Stalking), and 375 (Rape). Therefore, even if the free-text search provided the results, for example, of rape, the cases fit my research if it were registered under Section 375 or 376 (Punishment for rape) among other IPC (Amendment 2013) sections.

- c) The judgments must be from Allahabad High Court or Lucknow Bench: the State of Uttar Pradesh (U.P.) is selected for this study based on significant statistical data derived from the National Crime Records Bureau of India (NCRB). To analyze cases at state-level jurisdiction, it was important to focus on cases tried and judged at the High Court of U.P. Since the U.P. High Court has an extended branch of legal administration called the Lucknow Bench, the legal cases selected in this study came from either source.

To obtain cases from the Indian Kanoon website, several filters were used according to the criteria mentioned above. First, a ‘free text terms/natural language terms’ technique was used to extract cases that contained the desired information. These free-text terms included acronyms, laymen’s terms, abbreviations, narrow word searches, related terms, etc. In addition to the free-text terms, wildcard searches such as truncation (*), phrase search (“ ”), advanced search using ‘+’ sign to explode the subject heading, and Boolean operators (OR, AND, NOT) were used. Searches were further restricted using the Indian Kanoon website’s filter tools such as: by Document type (doctype), by Date (from date: and to date:), and by Title and Citation (“title”, “cite: 2000 AIR”). To further assist my legal case search, I used Allahabad High Court’s website to find those cases which were harder to access through Indian Kanoon. This was not often the case; however, I felt the need to triangulate my searches with a government-based website. The Allahabad High Court website is more complex to search and includes a large amount of data to choose from. This website allows the user to search cases by the judge’s name, case number,

title, counsel name, judgment date, text search, and advanced search option. Upon selecting the mentioned filters, the complexity of the search increases with more 'required' options, such as the petitioner's name, date, main seat/branch, etc. While using this website, the 'phrase search' technique was used in all searches, given the pre-established detailed filter tool of the website. The cases obtained from this website were not analyzed separately since the search results from both the websites, as expected, were extremely similar. Moreover, the cases derived from the Indian Kanoon website could be traced on Allahabad High Court's website using case numbers and other details. This suggests the robustness of search results. The Allahabad High Court website can be accessed at <http://www.allahabadhighcourt.in/jo.htm>

In this study, I have not engaged in recruiting and interviewing subjects or contacted any key informants. Additionally, the legal case documents obtained through the Internet are a part of publicly available information, which is why after careful consultation with my supervisor and expert committee members, it was confirmed that my study does not require the University of Ottawa Research Ethics Board's permission to conduct this research. That being said, to conduct an ethically accepted research, whether it is a systematic review or case analysis, that hints towards indirect disclosure of personal information about a group of people, I was vigilant in communicating such intelligence throughout the report of my research study. Therefore, given that the legal cases I have analyzed include demographic information of the parties concerned, I refrained from including any direct or indirect personal information about the victim(s), the perpetrator(s), or the family members involved. For this purpose, any real names, aliases, or pseudonyms were replaced by the word 'victim' and 'perpetrator' for both the prosecution and defendant parties. In addition to this, the names of family members were also concealed in this

study. However, the type of relationship shared between the victim and the perpetrator is not masked in this research due to its significance in suggesting how violence pervades societies.

Further, researchers, analysts, etc. are confronted with ethical issues every day. Hence, in the entire course of study, I was ethically aware of the principles, ideas, beliefs of the population in focus and continuously reflected on my thoughts by the process of memoing and kept a journal record. I followed the ethical code of qualitative literature research and respected the guidelines for professional conduct. Additionally, I had weekly meetings with my thesis supervisor, Dr. J. Craig. Phillips, to discuss the progress of my research, including any personal biases that may have been reflected in my study. Because this research deals with a sensitive topic that may contain trauma-triggering information, I have kept my emotions in check by journaling them and also sharing them with my supervisor, as I advanced. Dr. J. Craig. Phillips, Ph.D., LL.M, RN, ACRN, FAAN, is a full professor at the University of Ottawa and co-director of the International Nursing Network for HIV Research. He holds a Master of Laws degree in intercultural human rights law.

Data analysis

As previously mentioned, the purpose of my research aimed at exploring the issues surrounding VAW that can be curbed from joint efforts from both law and society. Therefore, in an attempt to provide a new perspective to understanding this issue, combining qualitative research methods with the legal analysis approach emerges as a distinctive research technique among already established research methodologies.

In this study, I employed a well-known qualitative research approach to thematic analysis to analyze my data. Thematic analysis is a poorly defined, yet widely accepted method of qualitative data analysis (Braun & Clarke, 2006). Many authors have maintained that thematic

analysis is not a separate, ‘named’ method but is a process that is used by qualitative methods (Braun & Clarke, 2006; Nowell et al., 2017). However, Nowell et al. (2017) argued that this method can be used across a range of epistemologies and research questions. It is a method of identifying, analyzing, organizing, describing, and reporting patterns or themes within data (Braun & Clarke, 2006; Nowell et al., 2017). These emerging themes capture the important aspects (essence) of the data concerning the research questions and represent a *patterned* response within the data set (Braun & Clarke, 2006). To carry out a rigorous thematic analysis in my research, I followed a critical paradigm and sought to theorize the socio-cultural, structural, and legal accounts surrounding the issue of VAW.

For the analysis part of my research, I engaged in coding all data manually – printing out hard copies of all the court cases from the final list and coding data using different colored pens. High Court cases generally include a considerable amount of citations within each case. This is because higher courts tend to rely on judgments passed from other courts for legal justification purposes. Thus, there is a lot of information that does not come from the original case itself and data must be filtered throughout. Hence, using qualitative data analysis software (automated coding) did not seem appropriate in this study while carrying out data analysis (however, it could be used in similar researches in the future).

This research study involved looking at legal criminal cases/documents from legal websites in India. Therefore, familiarizing myself with such data required a careful literature review that strongly articulated the issue at large and a deep understanding of the research questions. Following the final screening of the court cases, I engaged myself in re-reading my data several times before moving onto the next steps. Later, an elemental coding process was initiated. Most research studies may use a hybrid approach of deductive and inductive coding

techniques depending on their research objectives. I, initially, began by developing a *priori* or a preliminary codebook based on the literature review for the background of my research study. This codebook presented a rough structure of my data. Although deductive coding technique is feasible when a researcher knows their data well, an inductive coding approach is beneficial when the data is unknown, or if a theory is being developed (Yi, 2018). Since a considerable amount of legal data was unfamiliar to me, I utilized the inductive coding technique for most of my data analysis. A line-by-line coding process helped to materialize important aspects of my data, especially uncustomary legal terms. As the data analysis progressed, inductive codes were added to this existing codebook and then finalized upon completion.

In the next step, codes that shared a resemblance were collated together to form sub-themes. Similar sub-themes were further sorted and grouped to form overarching themes. This was usually a time-consuming process, but strict attention was paid to capture the most relevant themes in the data. Unlike Content Analysis, where codes are grouped under categories depending on the frequency of their occurrence in the data, thematic analysis allows a researcher to summarize each theme based on its meaning and its relevance to the data. Afterward, when all the codes had developed into themes, a thematic map was constructed, providing a virtual representation of the data (**Figure 1**). A thematic map helped me synthesize my preliminary themes into developed themes and then finally into main themes (results).

Part 2: Policy Analysis using Policy Analytical Framework

Policy analysis is not grounded in a fixed, discipline-based research methodology because no specific discipline is appropriate for reviewing, researching, and analyzing complex policy problems (Gill & Saunders, 1992; Lindblom, 1959). Policy analysis was considered a decision-making tool, and that the decisions, not actions, were its organizing units (Cates, 1979;

Gill & Saunders, 1992). Fincher (1985), considers policy analysis as the most effective means available for clarifying policy issues. He highlighted that ‘the importance of a policy analysis method is in separating complex problems and breaking them into smaller, more manageable pieces for interpreting, analyzing and developing implementation strategies’ (Fincher, 1985; Gill & Saunders, 1992, p. 6). Policy analysis can be of three types (Patton & Sawicki, 2013):

- a. Descriptive or retrospective: involving analysis of past or existing policies. It focuses on the evaluation of policies that have already been implemented and its effects are studied.
- b. Prospective or anticipatory: it focuses on the possible outcomes of proposed (future) policies. It consists of two categories: Predictive, meaning ‘what will happen’ and Prescriptive, meaning ‘what should happen’.
- c. Integrated: This is a multidisciplinary approach to policy analysis that involves both descriptive and prospective policy analysis frameworks. An obvious advantage of this approach is that one can evaluate past policies as well as provide highly reliable information that can be used to produce better policy recommendations.

Research design

The main objectives of the CDC’s policy analytical framework are to: a. provide a guide for recognizing, analyzing, and prioritizing policies that can improve health and, b. to improve the strategic approach to identify and adopt possible policy options. This framework is easier to understand and outlines a general structure that may be adapted to fit the goals of many interdisciplinary studies. The CDC framework expands on five domains: *Problem Identification*; *Policy Analysis*; *Strategy and Policy Development*; *Policy Enactment*; *Policy Implementation*. In this study, I did not expand on the last two domains, policy enactment, and policy

implementation due to the time restraints and the limited scope of this study. Nevertheless, the gradual process of integrating these last two domains in similar policy-based researches is advocated in the integrated discussion part of my thesis.

Conducting a policy analysis ensures that a systematic process has been carried out to choose the right policy option for successful implementation. The key steps adopted from CDC's framework to conduct policy analysis are (**Table 4**):

1. Identifying the problem or issue (Domain 1): This step involved identifying:
 - i. the affected population – women at the forefront, their families, their interpersonal relationships (relatives, neighbors, friends, etc.), potential stakeholders who work for the well-being of women victims of violence (NGO staff, community workers, policy advocates, lawmakers, etc.).
 - ii. the frequency of the occurrence of the issue – one in every four victims is a girl child, while 75% of the total victims are women over the age of 18 years. One rape case is reported every fifteen minutes in India, according to the Thomson Reuters Foundation (India Today, 2020)
 - iii. how serious the problem is – India topped the list (1st rank) for most dangerous countries in the world for women (Goldsmith & Beresford, 2018). Government data shows reported cases of crime rose by 83% between 2007 and 2016 (Goldsmith & Beresford, 2018).
2. Identifying an appropriate policy solution (Domain 2): This process required an exhaustive literature review, conduction of an environmental scan, and surveying best practices to understand how communities are playing their roles. As seen in part one (parent study) of my methodology section, I reviewed, assessed, and analyzed, in-depth, the legal court case data. The

results of my data provided me with a greater sense of how the incidents of VAW are perpetrated in a society, how legal and social trends affect the decision to report the crime, and by what degree does violence harm, women, at different levels. Based on the results of part one of my data analysis, I carefully chose six major policies and schemes that aim to empower women, rehabilitate or assist women who are victims of violence, and promote the welfare of women by addressing gender equality. (**Table 5**)

3. Identifying and describing policy options (Domain 2):

- a) Assessing policy options: included various key questions: a. What is the policy lever—is it legislative, administrative, regulatory, or other; b. What level of government or institution will implement; c. How does the policy work/operate (e.g., is it mandatory); d. Who is responsible for administering the policy and is it funded; e. what are the objectives of the policy? (**Table 6**)
- b) Prioritizing policy options: Now that all policies/schemes were thoroughly assessed, they were prioritized based on which policy fits best to the requirement of my study. All policies and schemes were measured on a 3-point scale- low, medium, and high based on how adequately they match the three criteria. The policies or schemes were reviewed again, and important features of those policies/schemes were described in detail to provide future recommendations (**Table 7**)

4. Strategy development for future policy adoption (Domain 3): This step involved three important stages: a. clarifying operational issues, b. sharing information, and c. conducting additional background work (developing an agenda). These three steps became part of my recommendations section after the end of the policy analysis.

The socio-ecological framework to prevent violence (Figure 4)

This framework is the social-ecological model of violence prevention by the CDC (Center for Disease Control and Prevention, 2019), adapted from WHO (Krug et al., 2002). This framework is preferred because my research is principally based on social and public policy analysis. VAW encompasses major health implications, however, in this research I addressed degrading mental and physical health as a concomitant to VAW.

Each component/level in this framework helped in guiding my research. Starting with the outermost component/level – the Societal level encapsulates and affects all other levels. Here, societal influence is comparatively greater than other forms of socio-ecological constructs. This level of interaction necessitates all social issues, for instance, gender norms, cultural and social norms, economic status, discrimination in society, availability or lack of social support (may include support from own families), stereotypical beliefs, etc. Part one of my legal data analysis was tailored to fit the elements of the Societal level in this framework. Moving further inwards is the Institutional level that includes institutional powers – federal and legislative government, policymakers, stakeholders. The policies and schemes evaluated in Part two of my data analysis in the thesis (aiming at empowering women, protecting their rights, providing justice to victims of sexual offenses) conformed to all the elements of the Societal and Institutional constructs of this framework, especially those instated for social welfare.

The innermost level, the individual level of this framework, can also be understood as the personal level of interaction of women and girls with other economic, cultural, and institutional levels. It focuses on women's attitude towards and knowledge and awareness of the law and victim-support services, leading to self-empowerment, feeling of self-efficacy, and self-sufficiency. This level of the framework is closely associated with the interpersonal level of

interaction. This association is more contextual to India as families in India tend to stay together – in-laws staying with their children after marriage, joint families, relatives living as next-door neighbors, etc. Therefore, most decisions of women in India are affected by their families (especially by husbands) and there exists less to no autonomy for many women. These two highly interactive levels of the framework, in combination with Domain 3 of the policy analytical framework (Figures 3 and 4), informed the integrated discussion and future recommendations part of my research study.

Furthermore, the interactions between the levels may be negative or positive depending on the behavior of each level according to the demands in society. Therefore, it is important to assess law and policies that can become obligatory to each level of this framework to successfully design implementation techniques to curb the issue of VAW.

Chapter 3: Article # 1.

Analysis of Violence Against Women Cases of the Uttar Pradesh High Court: 2012-2018

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Aditi Saxena, MSc. Health Sciences

University of Ottawa, School of Interdisciplinary Health Sciences

Ishha Patni, B.Com, LLB, PG.D

Kayser and Co., Mumbai, India

Dr. Karen Phillips, Ph.D.

University of Ottawa, School of Interdisciplinary Health Sciences

Dr. Shannon Bainbridge-Whiteside, Ph.D., BSc.H.

University of Ottawa, School of Interdisciplinary Health Sciences

Dr. J. Craig. Phillips, LLM, Ph.D., RN, ACRN, FAAN

University of Ottawa, School of Nursing

Abstract

Years after the Indian Criminal Law (Amendment Act) 2013, the rate of incidence of violence against women (VAW) in Uttar Pradesh (U.P.) have continued to rise. The state invariably reports heinous crimes committed by men against women each year despite sustained legal efforts to deter such violent acts. In this paper, we combine a legal research method with qualitative research methodology to document the factors contributing to increased cases of VAW in U.P. Specifically, we explore how the said factors influence the Indian legal system in preventing criminal acts of VAW. We qualitatively analyzed 26 legal cases from U.P. High Court/Lucknow Bench that received judgements between the years 2012 to 2018. The cases were registered under separate offence categories of acid attack, rape, and outrage to modesty of a woman. Seven major themes emerged from the thematic analysis of the data, highlighting the structural causes of violence rooted in societal beliefs, feelings of revenge, victim-blaming, low legal literacy, systemic legal bias, and enticement to commit the crime. Our results suggest that there is a need for a systematic national inquiry to address the increasing rate of VAW cases with a major focus on unreported/underreported cases. Additionally, consistent educational opportunities should be provided to all women and men.

Keywords: Criminal Law (Amendment) Act, acid attack, rape, outrage to modesty, victim-blaming, legal bias

Analysis of Violence Against Women Cases of the Uttar Pradesh High Court: 2012-2018

The establishment of gender-specific roles in India has greatly discriminated against women on social, cultural, political, and economic grounds. The paradox of the Indian customary belief system is that women are regarded as bringers of growth and prosperity, yet many women experience a long tradition of patriarchy where men normalize the culture of beating, insulting, and sexually assaulting women (UN Women, 2019). Women are stalked, harassed, abused, raped, and openly shamed. When crimes against women are reported, a considerable amount of blame is shared between the victim—who must dress appropriately to avoid provoking men and stay home late at night, and the legal system—whose laws protecting women are inadequate (Bhalla, 2013). Patriarchal notions viewing women as homemakers and sexual objects to please men are changing, and women are accepting more independent roles in society (Bharucha Jehangir & Khatri, 2018). However, women in rigid Indian society are still expected to play only supportive roles to men (Bharucha Jehangir & Khatri, 2018).

The cases of VAW reported in India each year is disconcerting. Women are often at the brink of being victimized by violence inflicted by men, making it essential to include more men in the process of empowering women. The pervasiveness of VAW in India is evident in the statistics presented by the National Crime Records Bureau of India (NCRB). Most crimes against women are registered under the Indian Penal Code (IPC) category ‘cruelty by husband/relative’ (31.9 per cent), followed by crimes under the category ‘assault on women with intent to outrage her modesty’ (27.6 per cent; National Crime Records Bureau, 2018). The interplay between the law and society in India is highly inconsistent due to the independent structure of its judicial system designed for the needs of its large and culturally, linguistically, and philosophically complex population (Sankaran et al., 2008). This has led to significant gaps in the implementation of laws

and policies between different levels of governance aiming to prevent VAW under their jurisdiction. The goal of the Indian legal system to become a paragon of justice for victims of violence faces a long, challenging road ahead. Hence, there is a sustained need for comprehensive research into the issue of VAW and to advocate for change as global societies continue to evolve and influence legal systems.

In this article, new emphasis is placed on the issue of VAW by presenting qualitative research findings abstracted from legal data (criminal court cases). The rationale of this article is twofold. First, although the information from criminal court cases has been extensively utilized in legal research to interpret the law, the use of such publicly available legal data to study the issue of VAW qualitatively is extremely limited in the literature. Social scientists have been searching for a way to include pure legal data into social science research methodologies. The same is true for many legal research scholars who wish to explore social issues from a legal perspective. Therefore, we take the opportunity to analyze primary legal data entailing substantial information on the issue of VAW and bring about thematic inferences. Second, while legal scholars can swiftly guide their way to understanding the legal outcome of a case, legal literacy among people in India does not share the same standards. The main purpose of laws is to safeguard, protect, and preserve the life of all citizens, and guarantee their rights. However, ignorance and lack of awareness of existing laws and available remedies in the legal system is impeding progress in India (Rajesh, 2015). Therefore, we hope this article will be useful to non-legal academic professionals and the general public in understanding the causes of VAW as corroborated during a case proceeding and the specific laws associated with punishing the crime.

Laws surrounding violence against women in India: Setting the context

To uphold and implement the constitutional mandate, the government has enacted various laws and regulations to ensure equal rights to all women and curb the issues of gender discrimination and VAW (Kode, 2019). Over a few decades, India has experienced various landmark cases of heinous crimes against women and girls, for instance, the *Mathura Rape Case*, *Unnao Rape Case*, *Vishaka v. Rajasthan*, *Laxmi v. Union of India*, and *Delhi Rape Case*. These incidents not only led to mass social movements across India (Bakshi, 2017; Sakhrani, 2016) but also forced the Indian government to immediately amend existing laws on VAW. Following the *Delhi Rape Case*, the government introduced an ordinance, the Criminal Law (Amendment) Act 2013 that provides major amendments to the Indian Penal Code. Six new offence categories have been added to the IPC (The Criminal Law [Amendment] Act, 2013): acid attack (Section 326A), attempt to acid attack (Section 326B), sexual harassment (Section 354A), act with the intent to disrobe (Section 354B), voyeurism (Section 354C) and stalking (Section 354D). Most importantly, a crucial change was made in the IPC regarding the definition of rape. The offence category of rape has been extended to broadly include rape by penetration of the penis into the vagina, urethra, anus, or mouth; or any object or any part of the body to any extent into the vagina, urethra, anus, or mouth of the woman; to apply mouth or touching private parts constitute sexual assault; lack of physical resistance is immaterial for constituting the offence (The Criminal Law [Amendment] Act, 2013). Additionally, the punishment of committing rape (Section 376) has been revised to fall between seven to ten years or life-imprisonment on a case-to-case basis, and the death penalty as a *sine-quo-non* if the victim is below 12 years of age. However, the death penalty in case of a victim above 12 years of age will only be granted if the case is *rarest of rare*. Despite these changes, social and legal debates about whether these amendments are deterrent enough or not

persist. Many academic experts have argued that punishing the perpetrator with the death penalty or life imprisonment will only lead to the underreporting of the crime (Gupta, 2018). This is because most perpetrators are known to the victims (e.g., their family members, friends; NCRB, n.d.) and the increased threat of the death penalty will only coerce family members to discourage victims from reporting the crime (Gupta, 2018). Another major criticism focuses on police reforms. While IPC amendments include new legislative measures to address various forms of violence, improvements to police forces have been completely left out (Viswanathan, 2013). Exhaustive research on police accountability in India identified that police officers are often overburdened and poorly paid in the sector (Chaturvedi, 2017), evincing acceptance of bribery and deliberate neglect of cases of VAW all over India (Viswanathan, 2013).

In this study, we analyzed court case judgments from Allahabad High Court/Lucknow Bench in Uttar Pradesh (U.P.), India. U.P. has continuously seen poor development in terms of many regional disparities (e.g., socio-economic backwardness, poor income, low literacy, poor human development; Kumari, 2016). With a disappointing score of 41 in the Gender Equality Index, U.P. continues to hold its place among the aspiring states of India (Niti Ayog, 2019). The state also has one of the lowest female literacy rates in India: 57.18 for females to 77.28 for males (Census India, 2011). Further, the index score of women between 15-49 years of age who have experienced spousal violence is 38.3 (Niti Ayog, 2019). U.P. also stands at the bottom of the list with a score of 28.6 in the Health Index Report (Niti Ayog, 2019). The state continues to demand improved policy decisions, stricter law enforcement, and above all, enhanced legal services.

Research Methodology

This article expands the knowledge base on how the interconnection between law and society directly contributes to VAW. The novel methodology applied in this study is conceptually

grounded in qualitative legal research and although not a named or established method in the literature, the study offers an approach to review, analyze and synthesize qualitative data from criminal court cases. With this approach, we present the possibility of utilizing pure legal data in future social sciences and interdisciplinary research.

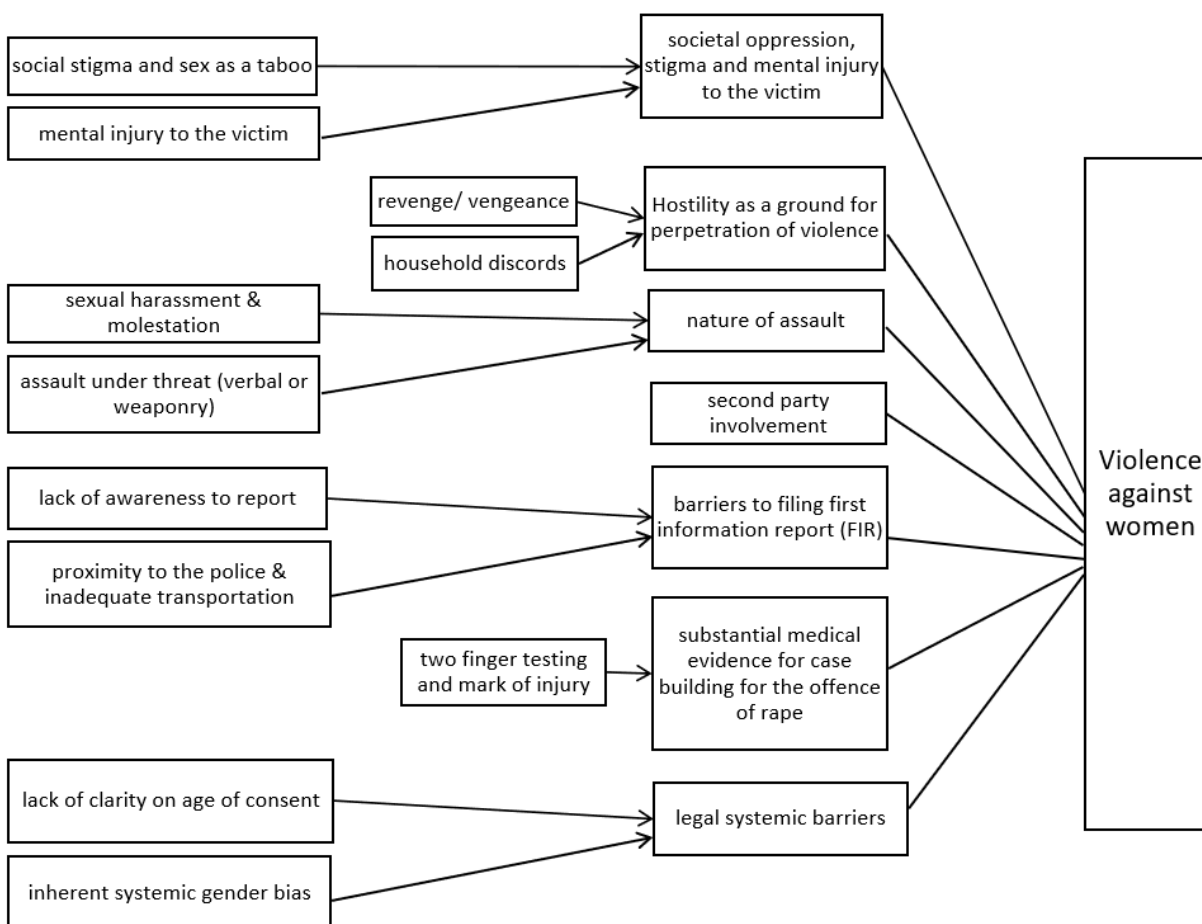
Case Identification and Sample Strategy

A sample of criminal court cases ($n = 26$) adjudicated by the Allahabad High Court between 2012 and 2018 were reviewed. This period was selected to capture substantive legal changes reflected in the court case judgments after the IPC Amendment 2013 was passed. All reviewed cases were obtained from the Indian Kanoon website, a free online legal search engine in India. To minimize data overload, every case selected for a particular year was the first case that appeared on the website that met the following necessary inclusion criteria: the victim was 18 years or older at the time of case registration; the case must be registered under one of the targeted new offence categories in the 2013 Amendment; and the judgment must be passed only by Allahabad High Court or Lucknow Bench, India. Our goal was to include at least one case from each year. These cases differed in their case-type to provide a holistic view of the offences under scrutiny. A total of 26 cases were reviewed for the following offences: acid attack ($n = 7$), rape ($n = 7$), and outrage to modesty ($n = 12$). A larger number of outrage to modesty cases were reviewed because it is a broader offence category. To make this process more rigorous, the results from our data collection were successfully corroborated with a government website (Allahabad High Court.in) to resolve any discrepancies in information reported in the cases.

Data Analysis. Data analysis started with each case adjudication report being coded manually by AS. This entailed printing out hard copies of all the court cases from the final list and coding data using different coloured pens. An initial codebook (piori) was developed after the

first screening of the court cases. Inductive codes were added to this codebook as we proceeded towards the final review of the cases. A line-by-line coding helped us capture all crucial information related to each case and locate sub-themes within the data. These sub-themes were later combined to form over-arching themes from the data. Because court cases include large amounts of information given as part of testimony or as part of the investigations for court proceedings, any identifying information has been removed from the data and only roles (e.g., judge, plaintiff, defendant) or relationships (e.g., brother, mother, neighbour, co-worker) are included in the dataset and reports from it, including this article.

Figure 1. Themes emerged from data analysis. (Appendix A-1)



Societal Oppression, Stigma and Mental Injury to the Victim

Indifference towards victims of violence is a major underpinning of an oppressed society. Women victims of violence not only suffer during the act of violence, but their suffrage typically takes a far degrading shape when society starts treating the victims otherwise. For example,

it is an irony that while we are celebrating women's rights in all spheres, we show little or no concern for her honour. It is a sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes. (Pradeep v. State of U.P., 2016)

In this irreparable transformative cycle, victims feel feared and stigmatized during most times of their lives. It becomes a forced responsibility of the victim or victim's family to face the societal jeers and learn to live with the incident. For example, in a case of sexual harassment, where the perpetrator was the father of the victim, much attention was paid in the case on the sanctity of the relationship between a father and daughter, and the cultural hook that is attached to such pious relationships. The mother of the victim was also openly discredited because she did 'not mobilize enough to put any successful resistance or protest against the aforesaid sexual inroads...' (Ram Prakash Sunar v. State of U.P., 2014).

Another case illustrates that the victims of violence feel further discouraged in their lives and are expected to accept the misfortune that has occurred, 'fear of being ostracized, the awe of being nicknamed, and the apprehension of being exposed to the countless social jeers impel the victims of such outrages to cringe and shrivel, and tamely submit to their misfortune and learn to get reconciled. (Ram Prakash Sunar v. State of U.P., 2014).

There is also an added cultural disadvantage for women who are often dominated by men in society. It is expected of a woman in Indian culture to feel obliged to a man (especially to her husband). Often, Indian women seek the approval of a man in the house (e.g., father, elder brother, husband) to make important decisions such as pursuing higher education, engaging in social activities, seeking employment, or even reporting a crime to the police. In most cases reviewed, if the victim was a married woman, she had to first report the incident to her husband before the police. In the *Lakhan v. State of U.P.* (2012) case, the first information report (FIR) of rape could not be filed on the same day because ‘the husband of the victim was not present at the house, therefore, the family members considered it proper to wait for him...’. The necessity of a man to report a crime on behalf of a woman has often prevented victims from reporting anything at all, or to report the crime days after the incident had occurred. This sometimes leads to the loss of important physical evidence being obtained from various parts of a victim’s body needed to build her case.

Social Stigma and Sex as a Taboo

‘Victims of violence are reluctant to go to the police because of society’s attitude towards such women. It casts doubt and shame upon her rather than comfort and sympathy’ (*Lakhan v. State of U.P.*, 2012). Many statements from various cases highlight that victimization is extremely high in the country. Reporting a crime takes a huge toll on a woman’s character. A woman in Indian society is traditionally expected to be an extremely injured victim and her story must be compelling enough to fit the punishment. The most common social stigma suggesting the degree of victimization was informed by the court itself:

an Indian woman traditionally will not concoct an untruthful story and bring charges of rape for the purpose of blackmail, hatred, spite, or revenge... If she is

found to be false, she would be looked [on] by the society with contempt throughout her life. (Lakhan v. State of U.P., 2012)

In cases of rape and acid attack, due to the seriousness of the crimes, social stigma is normally associated with the victim's re-adjustment in society including reclaiming honour, braving the world, and enduring ridicule. 'Because of being burnt by the acid, her [victim] face has become ugly... [and she] has to live with [her] physical and mental injury all her life for no fault of hers' (Lallan @ Gaya Ratan Yadav & Anr. v. State, 2018). The stigma is also associated with the (im)possibility of marrying to an honourable suitor. The importance of marriage in India is extensively recorded in the literature. Marriage dictates a woman's renowned status in conservative Indian society. When a woman marries, it is a great honour for her family, and it ascertains her a respectable position in the in-laws' household. However, for a victim of violence, the meaning of marriage is perceived as inane by the entire society. 'If the victim is unmarried, it would be difficult to secure an alliance with a suitable match from a respectable or an acceptable family' (Sandeep @ Kothari Upadhyay v. State of U.P., 2014).

Another important finding under this theme is the concept of virginity. Sex is not openly discussed in most parts of India. The taboo is such that sex is a highly intimate act that is performed only after marriage, as a part of a sacred ritual that binds a woman and man together for life. The definition of virginity is also understood differently in India. A woman is expected to be a 'virgin' before marriage and should bleed on the first intercourse with her husband. Similarly, courts also rely on medical corroboration provided by the virginity of a woman to deduce the case. This form of stigma is rarely discussed in the literature. In one rape case, medical corroboration was directly related to the virginity of the victim:

normally when an unmarried girl of aged about 17 or 18 years is forcibly abducted or kidnapped and raped by two persons against her will for the first time, it would not be possible that her [victim's] clothes may not have a single stain of blood or semen or any injury on her person or private part. (Sandeep @ Kothari Upadhayay v. State of U.P., 2014)

Mental Injury to the victim

Physical scars may heal with time, but mental scars will remain throughout her life. Victims may experience feelings of disgust, self-disdain, humiliation, embarrassment, and self-blame. In one case, mental suffering was directly associated with shame, 'when a woman is ravished, what is inflicted is not merely physical injury but the deep sense of some deathless shame' (Mani Raj Singh v. State of U.P., 2012). In another case, mental trauma arose from hurt to a woman's honour: 'a rapist... indelibly leaves a scar on the most cherished possession of a woman i.e. her dignity, honour, reputation and not the least her chastity' (Ram Singh v. State of U.P., 2017).

Recovery from violence requires tremendous rehabilitation efforts. Gradually, the victims recuperate physically. However, emotional recovery demands encouragement and self-confidence. Societal neglect and continuous ostracization by cultural groups in India impede the victim's rehabilitation process. One case suggested that women must empower themselves to find their respectable place back in society,

[rape] destroys the entire psychology of a woman [victim] and pushes her into a deep emotional crisis. It is only by her sheer will power that she rehabilitates herself in the society which, on coming to know of the rape, looks down upon her in derision and contempt. (Chheda Lal v. State of U.P., 2018)

Hostility as a Ground for Perpetration of Violence

Violent acts are often perceived as a ‘normal’ way of expressing anger or frustration, or protesting an action, either verbal or physical. Some men engage in violent acts because that seems to be acceptable. More often it is acceptable in Indian society if a woman is beaten by her husband (Dasgupta, 2019). Women possess little to no autonomy in India and are often treated as pawns in sexual, cultural, and political games of men. The quick acceptance of men indulging in VAW promotes such behaviour in Indian society. Our findings suggest that hostile behaviour towards women arises from anger, revenge, vengeance, retribution to adultery, and as a punishment for family discord (e.g., disobeying husband, disobeying in-laws).

Revenge/ Vengeance

In stalking and murder cases, the act of violence arose from feelings of revenge against the victim’s family, after the perpetrator was either punished or beaten by the family of the victim for stalking her. ‘The applicant [perpetrator; defendant] had been stalking the deceased [name of the victim]; he was told not to do so, as a result, he bore enmity, therefore, on the date of the incident, he poured kerosene over the deceased and set her on fire’ (Waseem v. State of U.P., 2016). In acid attack cases, hostile behaviour or revenge surfaced to humiliate and disgrace women who may have rejected the perpetrator earlier: ‘you think yourself to be beautiful, today, I will kill both of you’ (Manoj Kumar v. State of U.P., 2017).

Also, if enmity occurs between the families of lower-caste and upper-caste communities, women face the vengeance: ‘sali chamarin chillaogi to jaan se maar dalenge [you Chamar, if you raise alarm we will kill you]... due to old enmity, [accused] threw the acid on the face of [victim]’ (Lallan @ Gaya Ratan Yadav & Anr. v. State, 2018). Chamar is a lower Hindu caste in India

(chamarin for females), and formerly Chamar people were considered as untouchables in India (Britannica, 2011).

Household discord

Household discords such as matrimonial issues between a husband and wife (where the wife does not comply with her husband's wishes) contribute to VAW. In *Pradeep Kumar Soni v. State of U.P.* (2012), the husband and brother-in-law of the woman poured acid on her because she was not ready to go back with her husband.

there were matrimonial differences between [victim] and co-accused [husband of victim] ... On account of the differences [victim] started living separately with her parents along with her children. [Husband of victim; co-accused in this case] wanted to take [victim] to the matrimonial home, however, [victim] did not go there... [husband of victim] along with the applicant [main accused & brother-in-law of the victim] and one other person came...and poured acid on her.

Using violence as a tool to express disagreement with a woman or punishing women for matrimonial discords is highly problematic in India. Unfortunately, some men perceive that outraging the modesty of a woman is the only 'right' way to teach a lesson to her or her family members.

Nature of the Assault

VAW can take many forms. In 2018, the NCRB reported that a woman was raped every 15 minutes (Varadhan, 2020). Women are being followed by strangers, they are regularly eve-teased, stared at, commented at, and occasionally receive uninvited touching. From many statements of defendant parties, state counsel (state and prosecution), it was clear that most assaults

were an agglomeration of former sexual advances such as stalking, cybercrime and blackmailing, bad-eyeing, and verbal threats. In one case, the perpetrator recorded a video of the victim while she engaged in an intimate activity with him on the pretext of marriage. When she realized it was a false promise, she married someone else. The perpetrator then started blackmailing her using the video. ‘The accused prepared some obscene video clips of the informant... he made physical relations with her by threatening her... he also uploaded these photographs and video clips on the internet (Pradeep v. State of U.P., 2016).

Sexual Harassment and Molestation

The concept of safety is immaterial to women in India. Women face sexual advances at their workplace, at home, on streets, in educational settings, and everywhere else. Facts from the FIR of a case registered against a Clinical Psychology professor under all IPC sections 354A, 354B, 354C and 354D, illustrated that the victim was a college student. The victim, in her statement, said that,

he [supervisor] often use to make comments and remarks about her looks, clothes, etc. when she has protested then the revisionist [accused threatened] that he would not give required completion certificate and create impediment and hurdle in completing her degree... (Dr. Anand Pratap Singh v. State of U.P., 2018)

Whereas, common defences of learned counsels for the accused would either be the denial of offence commission or victim-blaming. In Ram Prakash Sunar v. State of U.P. (2014), the perpetrator molested his daughter by stripping her naked, fondled her vulnerable body parts, and attempted to rape her. The applicant’s (accused’s) counsel in this case argued that ‘the allegations

made against the applicant are false and frivolous and he is the father of the victim-girl and had performed all his obligations towards his daughter well.’

Coaxing, intimidating, intentionally seeking touch by getting close, and asking unwarranted personal questions are some indirect ways of advancing sexual harassment and molestation by potential perpetrators. Thus, it is of paramount importance that potential safety measures are implemented in workplaces, educational facilities, and at home to successfully recognize and eliminate such advances before they mature into possible sexual crimes.

Assault Under Threat (Verbal or Weaponry)

Verbal threats of harm targeted at the victim or her family are meant to discourage victims from disclosing the crime. Women, naturally, seek affiliation with others to deal with stress and emotional crisis (Taylor et al., 2000). They are expected to confide in their mother or a friend if any stress-provoking incident occurs. During and after the crime, a victim can experience threats, including death threats if they disclose the crime. Threats may be verbal or by use of a weapon. Perpetrators persuade victims to ‘get-along’ with their act of violence by using a weapon as a threat. Violent crimes against women occur within all castes, but there are a higher number of crimes reported by lower-caste women whose perpetrator is an upper-caste man. Customarily, firearm ownership is among people with a high political position, usually belonging to an upper-caste community (Arun @ Bheem v. State of U.P., 2015). Firearms in lower-caste communities of India has been extremely limited since the Aryan period (Dusadh, 2016).

Criminal intimidation involving death threats to the victim or her family, or throwing acid on the victim, or other gruesome acts is a punishable offence under IPC Section 503 and 506. However, the law is loosely monitored and not very well understood by the general population.

Often, criminal intimidation was not registered during the FIR or even brought up till later in the case. In the case of *Imtayaz v. State of U.P.* (2012), the victim had a petition pending against the accused (her husband) under Section 125 Cr. P.C. (Criminal Procedure Code, Order to maintain wife and children). Her husband threatened that ‘if she would not compromise in the petition... he would not spare her...he would throw acid on her.’ After the verbal threats, he committed the crime of throwing acid on her and their daughter. The case was neither registered under IPC Section 503 nor 506.

Second Party Involvement

The knowledge and courage of committing a crime may also be inspired by others. In most cases reviewed, the main accused was either supported or enticed by a second party. This second party included co-conspirators or co-involved in the crime and were often a friend, brother, family member, or the neighbour of the perpetrator (*State of U.P. v. Raja Ram and Others*, 2016). For instance, in *Pradeep Kumar Soni v. State of U.P.* (2012), the intention of the main accused of throwing acid on his wife was reinforced by two other people, including the brother of the accused.

The findings suggest that there may be a lack of morality among the community that prevents the reduction of the incidence of such crimes. People may struggle to differentiate right from wrong. This can be addressed by prevention programs that provide potential co-defendants with alternative approaches if a potential perpetrator is planning to engage in VAW.

Barriers to Filing First Information Report (FIR)

Filing the FIR initiates inquiry into cases of VAW. However, this crucial process can be strenuous for victims due to many personal, socio-economic, and convenience-related reasons. One might ‘take some appreciable time to regain a certain level of the tranquillity of mind or

seductiveness of temper of moving to the police station for the purpose of furnishing the requisite information’ (Ram Singh v. State of U.P., 2017). Nevertheless, the defence counsel for the accused use ‘delay in lodging the FIR’ as the argumentum-ad-nauseum for winning the case in the court (Lakhan v. State of U.P., 2012; Sandeep @ Kothari Upadhayay v. State of U.P., 2014). As a result, a culture of apprehension has been established that prevents the victim to report the crime altogether, even if the delay in filing the FIR is only a couple of days. Thus causing hindrance for victims in obtaining justice and critical support services (Human Rights Watch, 2017).

Lack of Awareness to Report

Willingness to report a crime that pushes society to repudiate and alienate the victim requires extreme support and encouragement from family members, friends, and acquaintances to whom the victim chooses to disclose. Yet, victims are regularly demoralized and asked to remain silent to avoid disclosing the crime to the police because there is a constant danger of being looked down on by society. Fear of societal rejection normally stems from a lack of awareness to report the crime and a desire for the protection of family honour. Incidents of rape, ‘more so when the perpetrator... happens to be the member of the family ... involve the honour of the family and therefore, there is a reluctance on the part of the family of the victim to report the matter to the police and carry the same to the court. (Lakhan v. State of U.P., 2013)

Further, neglectful ideologies and the ignorant nature of neighbours and relatives arising from limited legal knowledge is another significant factor for not reporting the crime. ‘They [people] may... not be aware of their right to report the matter to the police and seek legal action’ (Doctor Alias Vinod v. State of U.P., 2016). In some cases of rape in rural areas of U.P., the village people would refuse to help the victim’s family in reporting the crime due to the fear of inviting questions and being dragged into the investigation (Ram Singh v. State of U.P., 2017). This

conveys that there is more fear of being judged by society than realizing the obligation to report the crime among the population.

Proximity to the Police Station and Inadequate Transport Facilities

Crimes against women in cities are aggravating, however, rural women are more vulnerable to becoming a victim of such crimes (Dang & Kulkarni, 2016). Accessibility to legal services is important in aiding victims to report the crime to police authorities. Proximity to the police station is directly related to the ease of filing FIR after an incident of VAW was reported in rural U.P. In addition, if the incident occurred during the middle of the night, the journey to the police station became even more unsuitable for the victim's families. Distances to police station can be 10 to 18 km or more (Chheda Lal v. State of U.P., 2018; Manoj Kumar v. State of U.P., 2017), making it difficult to go to the police station at 4:00 a.m. to report the crime immediately (Manoj Kumar v. State of U.P., 2017).

Inadequate transport facilities also contribute to delayed reporting. There are few police stations in rural U.P., which restricts access to police services. Despite U.P. government's plans to provide proper lit streets and transport facilities in rural areas (Pradhan Mantri Gram Sadak Yojana, 2000), public transport facilities to rural people such as pulled rickshaws, autorickshaws, jeeps, and buses are still limited (Rasul & Sharma, 2014). Weather conditions in winters make it painful for rural people to travel across the village to report crimes, especially during night time. In Ram Singh v. State (2017), the father of the victim wanted to report her rape immediately after its occurrence, but he could not because 'it was winter ... after sun-set, the village persons are scared to move in the night...in the morning he proceeded "on foot" at about 8:00 a.m. and reached the police station at 3:30 p.m.'

Substantial Medical Evidence for Case Building for the Offence of Rape

‘It is trite law that a woman, who is a victim of sexual assault, is not an accomplice to the crime but is a victim of another person’s lust’ (Mani Raj Singh v. State of U.P., 2012). Thus, the courts take into consideration the rules of natural justice that imply a duty to act fairly by assessing the facts and circumstances of the case, the nature of the inquiry, and the subject-matter to be dealt with (Dr. Virendra Singh v. Banaras Hindu University, 2015). In Koppula Venkat Rao v. State of A.P. (1874), the court observed that the sine qua non in the offence of rape is penetration and not ejaculation. Further, in Ram Singh v. State of U.P. (2017), the court communicated that discovery of spermatozoa in the private part of the victim is not a must to establish penetration. However, pathology reports corroborating the presence of spermatozoa (on clothes or private parts of the victims) have been repeatedly considered important for building a victim’s case in most rape cases analyzed by us. The following texts from select cases suggest how evidence of the presence of semen is considered crucial in case building:

Evidence type	Description from cases
Pathological report	no marks of semen or hair on her private parts or her body was found
	no spermatozoa were found in the slide of smear taken from her vagina
	vaginal smear was taken which was sent for pathological examination of detection of spermatozoa... on the basis of pathological report, vaginal smear was found negative for presence of spermatozoa

The absence of seminal evidence on private parts of the victim renders the court to analyze the victim’s statements with scrutiny.

Two-Finger Testing and Mark of Injury on Victims

On April 09, 2013, during a case ruling, *Lillu @ Rajesh & Anr v. State of Haryana*, the Supreme Court (SC) ruled that the two-finger test and its interpretation violates the right of rape victims to privacy, physical and mental integrity, and dignity. Further, in 2014, the SC issued fresh guidelines that finger-testing has no bearing on the case of sexual violence (Srivastava, 2018). However, the practice of conducting two-finger testing has persisted over the years and is currently in use. Medical practitioners continue to include this ‘virginity test’ in the victim’s pathology report by labelling the test as substantial medical evidence that may help build the case. Despite the SC ruling, in most cases, courts accepted and appreciated medical reports from hospitals that described whether an examiner’s two fingers were easily admitted into the vagina of the victim. Courts believe the victim’s story if she presents strong medical evidence of her rape. Otherwise, the case invites other questions during interrogation that harms the victim’s dignity and mocks her courage to report such a crime. Upon examining the pathological report of the victim, the:

hymen was found to be old and torn and two fingers may be inserted easily in the vagina ... if it is a case of gang rape ...and if she was recovered after an hour, it is not possible that her clothes should not have any stain either of blood or semen. (Sandeep @ Kothari v. State of U.P., 2014)

In another case, the examiner opined,

there were no marks of violence on her private parts, no oedema, and swelling, no scratches, no marks of semen or hair on her private parts or her body was found. The vagina was admitting two fingers easily. Thus, it would be difficult to believe that rape was committed on the victim. (Doctor Alias Vinod v. State of U.P., 2016)

In both these cases, the ruling of the court was against the victim. The learned counsel for State stated, ‘this small girl, who states her age to be 16 years, left no stone unturned to try to mislead the court’ (Doctor Alias Vinod v. State of U.P., 2016). In a country where sex before marriage is often considered unholy, if a woman becomes a victim of rape and medical corroboration suggests that she is habitual to sex, not only this private information is revealed in front of the whole court, including her family members, but also shames the victim before the details are even disclosed to the whole society, thereafter she faces further shame.

Pathological reports about physical injuries on various body parts, including the genitalia of the victim, are accepted by courts. In Arun v. State of U.P. (2015):

the statement of [name of doctor] PW-4 corroborates the oral evidence, inasmuch as, this witness has specifically stated that there was a slight laceration in the vagina and there was a tear at 6 O’clock position which was bleeding on being touched... thus, the oral and medical evidence are corroborating each other and the trial court has rightly held that ... the prosecution has been able to prove the case beyond all reasonable doubts against the accused.

Legal Systemic Barriers

U.P. continues to face systemic legal barriers in protecting against VAW. The issue almost represents a crisis, requiring major policy and law-based reforms. Approaching police ought to be the first resort for every person to seek shelter from any form of violence. However, police services in U.P. often lack a sense of accountability and understanding of systemic violence. Sometimes the police are crushed under the weight of a greater force (local political influence); often forcing them to act impulsively in times of need and impeding their judgement in protecting people

(Jauregui, 2016). In a non-cognizable offence (no bail; immediate arrest) case of an acid attack (Lallan @ Gaya Ratan Yadav & Anr. v. State, 2018), the victim of violence was a lower caste girl and her perpetrator belonged to an upper caste with a criminal background. The father of the victim stated that five days after the FIR was lodged, the police made no arrest and he had to file the report to a higher authority:

on [date] in Police Station- Sareni, District- Raebareli. Thereafter, on the arrest of accused not being made and report of the incident not being lodged properly by the Police, on [date], an application, Exhibit 3 Ka, was given to the Inspector General of Police, Lucknow Zone by the husband of the complainant. (Lallan @ Gaya Ratan Yadav & Anr. v. State, 2018)

There was evidence of an investigating officer's ignorance of their obligation to collect substantial evidence to corroborate a victim's case,

practically all the I.Os. [investigating officers] in this case have added insult to injury by the manner in which they have conducted the investigation...PW-6 [station officer] has admitted ... that he did not bother to investigate on the point as to from which cybercafe the obscene videos were uploaded...he did not think it was his duty to find out ... because it was recovered by the previous I.O. (Pradeep v. State of U.P., 2016)

Our findings illustrate that some police officers and investigation teams not only feel less obligated to investigate the cause of crime, but also disregard their obligation because it seems like someone else's responsibility.

Lack of Clarity on Age of Consent

According to the IPC and the Protection of Children from Sexual Offences (POCSO) Act 2012, the age of consent for both boys and girls was changed to 18 years (Protection of Children from Sexual Offences, 2012). However, the cases that were registered before 2012 and received judgment after 2013 were still tried under the old IPC Amendment. In one case, the age of consent was confused to be 16 years of age even though the case was tried and received judgement in 2014. The case was ruled against the victim and one of the conclusions of the court held that '[victim] is admittedly above 16 years of age on the date of the alleged incident which is valid age for giving consent by a woman for sexual intercourse' (Sandeep @ Kothari Upadhyay v. State of U.P., 2014, ¶ 58). Whereas, in the same case, in paragraph 36, the case cites Radu v. State of Madhya Pradesh (2007), 'even if there is consent, the act will still be "rape", if the girl is under 16 years of age' (¶ 6).

In many cases, the victim's 'said age' was 16 years old in the FIR and the court, however, after radiological test reports, the medical age (accepted age in courts) was found to be above 18 years (Sandeep @ Kothari Upadhyay v. State of U.P., 2014; Arun @ Bheem v. State of U.P., 2015). We could not determine why the age was changed, but the said age suggested that victims and their families might have declared a false age to avoid inviting further questions on the topic of consent. This is extremely problematic because it possesses a possibility that the victim will be disbelieved in court and there seems to be a fear associated with disclosing the age of the victim due to legal consequences as described above. Regardless, our findings suggest that the age of 15 to 18 years falls in a legal grey area for securing consent.

Inherent Systemic Gender Biases

There is a need for gender-sensitized legal staff in India. Gender equality and equity play an important role in assigning an equal position to men and women in society. ‘Only after a proper realization and recognition of [inherent systemic] gender biases, will the society be able to respect victims of violence and ascertain that such crimes are reduced and never repeated.’ (Rajendra Baitha v. Appellate Authority/Director & 2 Ors., 2018; ¶ 26].

Limitations and Strengths

Our study had three major limitations. We purposively chose only high court cases from the Indian Kanoon website for the state of U.P., and so, the generalizability of our study is limited. We could only locate high court cases and there was no other direct source or link that could provide us with the original case judgement from the district court, and the process for obtaining those judgements was not feasible given the time constraints for completing the study. Although, we have assured that all the cases found from Indian Kanoon are also cited on the Allahabad High Court website and the data contains all important aspects of a case including a brief account of the original judgment. Due to the time constraints of this project we were unable to determine whether any of these cases were appealed to the Supreme Court.

To our knowledge, this is the first study to qualitatively analyze VAW court case data from India. A strength of this study is that it provided the perspectives of a victim, her family, the defence of the accused, and the state counsel, simultaneously and allowed for the evaluation of multiple factors contributing to the rise in VAW.

Conclusion

It is expected of a legal system to implement laws that reduce any biased, discriminative, or prejudicial practices against women (Wojkowska, 2006). However, due to hurried implementation efforts and quick legal fixes, the Indian legal system fails to adequately address such practices in reducing VAW (Sharma & Bazilli, 2014). Indian women who experience violence continue to be victimized, marginalized, and stigmatized on an interpersonal level (involving family and friends), societal level (neighbours, community, city/village), and institutional level (courts, legal staff offices, police stations). If systematized efforts, including a diligent national inquiry, are not enforced, the existence of the embellished phrase ‘safety of women in India’ will dematerialize in the coming years and ultimately become mythical.

The cause for VAW can be entrenched in unapparent factors that indirectly contribute to the occurrence of these crimes. Therefore, merely criminalizing an act of violence may not discourage perpetrators. For instance, throwing acid is a violent act and is punishable under IPC Section 326A. However, this has little to do with deterring the ‘act of purchasing acid.’ Despite the Supreme Court’s ruling on the over-the-counter acid sale ban, such vitriolic substances are openly sold in Indian markets (Singh et al., 2018). What procedures might be suitable here can include revoking licenses of retailers/sellers that sell or buy these items both over-the-counter and in black-markets, recognizing the safety concerns of the population while buying cheap household acid cleaners, and regulating the amount of sales-per-consumer.

Barriers to reporting FIR such as discouraging victims, kin’s participation in the crime and family honour, and structural barriers like stigma and need for medical evidence were frequently reported in the cases analyzed in this study. These barriers need to be addressed to help identify violence prevention strategies and enhance legal responses. Further, strong family ties in India are

cultural and generational. As much as they reflect a genuine camaraderie, they often disregard the concepts of equality and non-discrimination towards women. Women, therefore, need empowerment not only in the workforce and education but also at their homes. While deleterious patriarchal establishments are difficult to eradicate, newer generations of men and boys can benefit from consistent educational opportunities.

In India, people approach law only to formalize the solution to their otherwise inconceivable problems. The grim reality is that there is no concrete faith in the Indian legal system (Kumar, 2017). Women victims of violence face stigma in courts that is least discussed within and outside the legal surroundings. The satirical interpretations of a victim's story by judges, lawyers, and state/ defendant counsels, affirms that India's legal system is deprived of gender-sensitized staff and stigma-free case judgments. Acknowledging victims of violence based on their helplessness during and after the crime, harm infliction on their chastity, losing face in society, and the possibility of not finding suitors is in itself a stigma that must be openly addressed.

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Appendix A

Appendix A-2: Table 1. Gender-based violence against women in Uttar Pradesh, India 2014-2018 (National Crime Records Bureau of India).

Year		2014			2015			2016			2017			2018		
Population		10.04 crore ^a			10.21 crore			10.37			10.53 crore			10.66		
Offence		I	V	R	I	V	R	I	V	R	I	V	R	I	V	R
Rape		3467	3468	3.5	3025	3029	3.0	4816	4817	4.6	4246	4669	4.0	3946	4322	3.7
Age groups	Below 18 years ^b	--	--	--	--	--	--	--	--	--	1504	1560	0.4	1353	1411	1.3
	Above 18 years ^b	--	--	--	--	--	--	--	--	--	2742	3109	2.6	2593	2911	2.4
Non-custodial rape		2705	2705	2.7	2476	2479	2.4	4129	4129	4.0	109	-- ^c	-- ^c	121	-- ^c	-- ^c
Subtype	By relative/ guardian/other ^b	--	--	--	--	--	--	--	--	--	91	--	--	48	--	--
	On pregnant women ^b	--	--	--	--	--	--	--	--	--	0	--	--	1	--	--
	Below 16 years ^b	--	--	--	--	--	--	--	--	--	18	--	--	72	--	--
	On women incapable of giving consent ^b	--	--	--	--	--	--	--	--	--	0	--	--	0	--	--
	By persons in control over women ^b	--	--	--	--	--	--	--	--	--	0	--	--	0	--	--
	On women with disability ^b	--	--	--	--	--	--	--	--	--	0	--	--	0	--	--
	Endanger life of women ^b	--	--	--	--	--	--	--	--	--	0	--	--	0	--	--
	Repeat rape on same women ^b	--	--	--	--	--	--	--	--	--	0	--	--	0	--	--
	Other ^b	--	--	--	--	--	--	--	--	--	0	--	--	0	--	--
	Non-custodial gang rape	573	574	0.6	458	459	0.4	682 ^d	682 ^d	0.7 ^d	676	--	--	492	--	--
Custodial gang rape		5	5	0	4	4	0	--	--	--	--	--	--	--	--	--
Custodial rape		184	184	0.2	87	87	0.1	5	6	0	34	--	--	11	--	--
Subtype	By police personnel ^b	--	--	--	--	--	--	--	--	--	4	--	--	0	--	--
	By public servant ^b	--	--	--	--	--	--	--	--	--	5	--	--	8	--	--
	By member of Armed Forces ^b	--	--	--	--	--	--	--	--	--	0	--	--	0	--	--
	By staff of jail/ management/ Remand Home OR Place of Custody ^b	--	--	--	--	--	--	--	--	--	19	--	--	0	--	--
	By staff or management of hospital ^b	--	--	--	--	--	--	--	--	--	6	--	--	3	--	--
By person in authority^b		--	--	--	--	--	--	--	--	--	4	--	--	1	--	--
By separated husband^b		--	--	--	--	--	--	--	--	--	3	--	--	0	--	--
Punishment for rape^b		--	--	--	--	--	--	--	--	--	3414	--	--	3277	--	--
Punishment for causing death^b		--	--	--	--	--	--	--	--	--	1	--	--	4	--	--
Punishment for repeat offenders^b		--	--	--	--	--	--	--	--	--	5	--	--	0	--	--
Rape/gang rape of girl below 16 years (Imprisonment for life till death)^b		--	--	--	--	--	--	--	--	--	--	--	--	33	--	--
Rape/gang rape of girl below 16 (Imprisonment for life till death)^b		--	--	--	--	--	--	--	--	--	--	--	--	7	--	--
Attempt to commit rape		324	324	0.3	422	422	0.4	1958	1958	1.9	601	601	0.6	661	662	0.6
Subtype	Below 18 years ^b	--	--	--	--	--	--	--	--	--	--	--	--	144	144	0.1
	Above 18 years ^b	--	--	--	--	--	--	--	--	--	--	--	--	517	518	0.5
Of hurt		55	56	0	66	72	0	57 ^e	61 ^e	0 ^e	65	69	0	33	35	0
Subtype	Acid attack	42	43	0	55	61	0	--	--	--	56	60	0	32	32	0
	Attempt to acid attack	13	13	0	11	11	0	--	--	--	9	9	0	1	3	0
Of force and assault		8605	8615	8.6	7885	7885	7.7	11335	11338	10.9	12607	13139	12.0	12555	12977	11.8
Intent to disrobe		1066	1066	0	1093	1093	1.1	1262	1262	1.2	1600	1621	1.5	1796	1837	1.7
Sexual harassment		4435	4445	4.4	5925	5925	5.8	9422	9425	9.1	5830	6151	5.5	5696	5916	5.3
Stalking		835	835	0.8	519	519	0.5	483	483	0.5	745	757	0.7	727	728	0.7
Voyeurism		75	75	0.1	61	61	0.1	92	92	0.1	119	122	0.1	122	122	0.1
Others		2194	2194	2.2	287	287	0.3	76	76	0.1	4313	4488	4.1	4214	4374	4.0

Note. I = Incidence (number of cases registered); V = number of victims; R = Incidence rate; ^a1 crore = 10 million in the Indian numbering system (Pande, 2014); ^b data given only for the year 2017 and 2018 by NCRB; ^c data not given by NCRB for victims (V) and crime rate (R); ^d data not differentiated between non-custodial gang rape and custodial gang rape; ^e data not differentiated between acid attack and attempt to acid attack;

Appendix A-3: Table 2: Cognizable and Non-Cognizable Crimes Against Women

Criminal Code of Procedure				
Name of Offence	Cognizable	non-cognizable	non-bailable	Bailable
Rape	y	n	y	n
Gang rape	y	n	y	n
Acid attack	y	n	y	n
Attempt to acid attack	y	n	y	n
Intent to disrobe	y	n	y	n
Voyuerism	y	n	y (if done 2nd time)	y (1st time done)
Stalking	y	n	y (if done 2nd time)	y (1st time done)
Sexual harassment	y	n	n	y

Appendix A-4: Table 3: Chart of Offences (IPC Amendments 2005 and 2013)

OFFENCE	YEAR, IPC AMENDMENTS & DEFINITIONS	
Rape	Criminal Law Amendment 2005 Under IPC Section 375. Rape—A man is said to commit “rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions: — <u>(First)</u> — Against her will. <u>(Secondly)</u> — Without her consent. <u>(Thirdly)</u> — With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt. <u>(Fourthly)</u> — With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. <u>(Fifthly)</u> — With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent. <u>(Sixthly)</u> — With or without her consent, when she is under sixteen years of age. Explanation—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape. <u>(Exception)</u>—Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.] STATE AMENDMENT <u>(Manipur)</u> —(a) in clause sixthly, for the word “sixteen” substitute the word “fourteen”; and	Criminal Law Amendment 2013 Under IPC Section 375. A man is said to commit "rape" if he— (a) penetrates his penis, to any extent, into the vagina, mouth urethra or anus of a woman or makes her to do so with him or any other person; or (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person, under the circumstances falling under any of the following seven descriptions: — First—Against her will. Secondly—Without her consent. Thirdly—With her consent when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt. Fourthly—With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. Fifthly—With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

	(b) in the Exception, for the word “fifteen” substitute the word “thirteen”. [Vide Act 30 of 1950, sec. 3 (w.e.f. 16-4-1950) (made earlier than Act 43 of 1983)]. COMMENTS Absence of injury on male organ of accused Where a prosecutrix is a minor girl suffering from pain due to ruptured hymen and bleeding vagina depicts same, minor contradictions in her statements they are not of much value, also absence of any injury on male organ of accused is no valid ground for innocence of accused, conviction under section 375 I.P.C. proper (Indian Kanoon) https://indiankanoon.org/doc/623254/	Sixthly—With or without her consent, when she is under sixteen years of age. Seventhly—When she is unable to communicate consent. Explanation 1—For the purposes of this section, "vagina" shall also include labia majora. Explanation 2—Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act: Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity. Exception 1—A medical procedure or intervention shall not constitute rape. Exception 2—Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.
Attempt to Rape	IPC 1860, Section 511 Whoever attempts to commit an offence punishable by this Code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.	Not a separate offence under IPC till date But, Section 376 R/w 511 IPC: Offence of Attempt to Rape Can Be Attracted Even If Accused Had Not Undressed Himself: SC [Read Judgment] (See Section 511 from IPC) https://www.livelaw.in/news-updates/section-376-rw-511-ipc-offence-of-attempt-to-rape-can-be-attracted-even-if-accused-had-not-undressed-himself-sc-read-judgment-149990
Acid Attack	Not a separate crime under IPC 1860 until Criminal Law Amendment 2013 Under Indian Penal Code, before the Criminal Law Amendment Act, 2013, the	Criminal Law Amendment Act 2013 Under IPC Section 326 A: Whoever causes permanent or partial damage or deformity to or burns or maims

	crime of acid attacks was punished under the Criminal law relating to grievous hurts in Sections 320, 322, 325 and 326 of the Indian Penal Code (IPC). Hurt: whoever causes bodily pain, disease or infirmity to any person is said to cause hurt. Grievous Hurt: The following kinds of hurt only are designated as grievous: - First: Emasculation. Secondly: Permanent privation of the sight of either eye. Thirdly: Permanent privation of the hearing of either ear, Fourthly: Privation of any member or joint. Fifthly: Destruction or permanent impairing of the powers of any member or joint Sixthly: Permanent disfiguration of the head or face. Seventhly: Fracture or dislocation of a bone or tooth. Eighthly: Any hurt which endangers life, or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits. Voluntarily causing Hurt: Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said —voluntarily to cause hurt Voluntarily causing grievous hurt: It reads as follows: —Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is saidl voluntarily to cause grievous hurt. <u>Explanation:</u> A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and	or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention or the knowledge that he is likely to cause such injury or hurt. It has been proposed that two sections — 326A (hurt by acid attack) and 326B (attempt to throw or administer acid) — be added to the IPC. This is a non-bailable offence. The proposed law states that the attacker could get a jail term of 10 years to life for causing hurt by acid. He or she could be sent to jail for up to seven years for attempting to do so. (Patel, 2014; IPC, 2013).
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	intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he causes grievous hurt of another kind. Illustration A, intending or knowing himself to be likely permanently to disfigures face, gives a blow which does not permanently disfigures face, but which causes to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt. Punishment for voluntarily causing hurt: Whosoever, except in the case provided for by Section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. Voluntarily causing hurt by dangerous weapons or means: Whoever, except in the case provided for by Section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. Punishment for voluntarily causing grievous hurt: Whosoever, except in the case provided for by Section 335, voluntarily causes grievous hurt shall be punished with imprisonment of either	
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	description for a term which may extend to seven years and shall also be liable to fine. Voluntarily causing grievous hurt by dangerous weapons or means: Whoever, except in the case provided for by Section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine. (Shodhganga, chapter 12, https://shodhganga.inflibnet.ac.in/bitstream/10603/241784/12/12_chapter%204.pdf)	
Attempt to Acid Attack	Was Considered under Section 307 of IPC 1860: Attempt to Murder SECTION 307 -Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, 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 if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is herein before mentioned. (Bajpai & Singh, 2015, https://www.galgotiasuniversity.edu.in/pdfs/Acid-Attack-A-Burning-Issue-in-	Criminal Law Amendment 2013 Under IPC Section 326 B: Attempt to acid attack Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person. [Inspired by Preeti Rathi Case and Laxmi Aggrawal Case] (IPC, 2013)

	India_Meghna-Bajpai-Sugandha-Singh.pdf ; Das & Banik, 2019, https://papers.ssrn.com/abstract=3367773)	
Stalking	No recognized act/law under IPC or Criminal Law on Stalking before IPC Amendment 2013 Cyberstalking: The Information Technology Act, 2000 was the next step to check offences in the cyberspace. Chapter IX of the Act deals with the offences including identity theft, impersonation, sending obscene material etc. However, cyber stalking as a standalone concept was not directly addressed under this Act. What the IT Act sought to do was to address the consequences of online stalking. For example, in a scenario, where multiple accounts are created to stalk a person online, the IT Act tackles this provision and terms it to be an offence of Impersonation under Section 66D. Here a person is assuming a fake identity with an intention to deceive another or cheats by using a computer or a communication device. In another scenario where a person is stalking a person online and sexually harasses someone by sending obscene pictures, like in the case of Utsav Chakraborty, then, it becomes an offence under Section 67, for transmitting material which is obscene in nature and in a scenario where the content is sexually explicit material then it is an offence under Section 67 A for transmitting material containing sexually explicit acts. ((Rajkumar & Ghosh, 2018, at: https://www.barandbench.com/columns/me-too-law-protects-you-stalking)	Criminal Law Amendment 2013 Under IPC Section 354D Any man who follows who follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman, or, monitors the use by a woman of the internet, email or any other form electronic information Exceptions: include such act being in course of preventing or detecting a crime authorized by the state or in compliance of certain law or was reasonable and justified. (IPC, 2013)

Voyeurism	No recognized act/law under IPC or Criminal Law on Voyeurism before IPC Amendment 2013 However, under Information Technology Act, 2000 both men and women were protected and punishment for the act was up to 3 years and/or fine up to Rs. 2 lakh.	Criminal Law Amendment 2013 Under IPC Section 354C Any man who watches or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or any other person at the behest of the perpetrator or disseminates such image. In case of first conviction, imprisonment is not to be less than one year, but may extend to three years, and shall also be liable to fine, and on a second or subsequent conviction, punishment with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine
Sexual Harassment	1997 “Vishaka Guidelines” adopted by Supreme Court (<i>Vishaka vs. State of Rajasthan</i>) (JT 1997 (7) SC 384) regarding sexual harassment at workplace. The court stated that these guidelines were to be implemented until legislation is passed to deal with the issue. In 1997, the Supreme Court of India in a Public Interest Litigation, defined sexual harassment at workplace, preventive measures and redress mechanism. The judgment is popularly known as Vishaka Judgment. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Almost 16 years after the Supreme Court's landmark guidelines on prevention of sexual harassment in the workplace (known as the "Vishaka Guidelines") Definition: For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as: a) Physical contact and advances;	Criminal Law Amendment 2013 Sexual harassment added as a separate criminal offence (Section 354A) to existing Section 354 (outrage to modesty) under IPC: Assault or criminal force to woman with intent to outrage her modesty.—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 may extend to two years, or with fine, or with both. Section 354 A: 1. A man committing any act of (i) physical contact and advances involving unwelcome and explicit sexual overtures; or (ii) demand a request for sexual offers; or (iii) showing pornography against the will of a woman; or (iv) making sexually colored remarks. 2. Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

	b) A demand or request for sexual favours; c) Sexually coloured remarks; d) Showing pornography; e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature. (kanchi, 2015, at: https://www.lawctopus.com/academike/criminal-law-amendment/)	3. Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. (IPC, 2013) Also see: Section 509, IPC Amend.2013
Intent to disrobe	No recognized act/law under IPC or Criminal Law on Intent to Disrobe before IPC Amendment 2013 The act was dealt under Section 354. Outraging a woman's modesty was punishable with imprisonment for maximum 2 years and fine under IPC.	Criminal Law Amendment 2013 Under IPC Section 354B Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

Chapter 4: Article # 2.

An Analysis of India's Policy Landscape: How Far Do the Reforms Go in Protecting Women from Violence?

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Aditi Saxena, MSc. Health Sciences

University of Ottawa, School of Interdisciplinary Health Sciences

Dr. Shannon Bainbridge-Whiteside, Ph.D., BSc.H.

University of Ottawa, School of Interdisciplinary Health Sciences

Dr. Karen Phillips, Ph.D.

University of Ottawa, School of Interdisciplinary Health Sciences

Dr. J. Craig. Phillips, LLM, Ph.D., RN, ACRN, FAAN

University of Ottawa, School of Nursing

Abstract

The State Policy directives contained in Part IV of the Indian Constitution regard India as a welfare state. India enthusiastically invests in social welfare schemes and policies to preserve the fundamental rights of all citizens and bring equitable social change. However, the magnitude of discrimination and violence faced by Indian women and the persisting gender inequalities, suggests that women's rights are not fully guaranteed or fairly promoted in India. In this paper, we adopted and modified a US Centre for Disease Control and Prevention (CDC) policy analytical framework to analyze six major schemes and policies focused on empowering women by addressing the issue of violence against women (VAW) and advancing support services to the victims. A set of criteria was established from an environmental scan involving a rigorous research study on VAW. The schemes and policies were assessed against each criterion and potential issues were recognized, such as lack of resources for monitoring of schemes and policies, limited involvement of communities and families in intervention programs, and poor or incomplete victim rehabilitation services provided to women in disadvantaged areas. The effect of budgetary impact on support services' provisions remains indeterminate. The results conclude with our core recommendations focusing on the need for establishing a shared responsibility paradigm between men and women, reducing social stigma, and increasing legal literacy and gender sensitization.

Keywords: Indian Constitution, gender inequalities, women's rights, rehabilitation services, social stigma, legal literacy

An Analysis of India's Policy Landscape: How Far Do the Reforms Go in Protecting Women from Violence?

The persistent increase in gender-based violence (GBV) in India has propelled social and legal systems towards an unavoidable crisis, demanding strict exigency plans. Due to the normalization and acceptance of the marginalized status of women in India, GBV is rampant, and justice is either delayed or not dispensed (Kethineni et al., 2016). Each year, the Indian judicial system is overwhelmed with the influx of cases of crimes against women.

Gender-based discrimination has been a direct impetus to GBV in India. The cause for the lack of women's representation at the leadership level, despite many progressive policies by the Indian government, is buried in the complex labyrinth of India's social, cultural, and economic systems, in which women remain confined by the gendered quagmire of family roles that relegates them to a caregiver's position (Chaudhuri et al., 2018). According to Kunja (2018), the idealized male superiority rooted in the Indian psyche, the socialization of the girl child, and the strong patrilineal family structure have been such that even today irrespective of educational achievements and high-end jobs, women still face double standards in all spheres of life.

Accelerated responses in the form of national, state, and local-level policies and schemes have been initialized by the Indian government over the past two decades to grapple with the issue of GBV. While policies govern a set of rules implemented to ensure rational outcomes in society, the Indian government periodically announces centrally or state-sponsored welfare schemes for a cross-section of society to regulate and resolve socio-economic problems that may run for a short-term or long-term, depending on the need (National Portal of India, n.d.-b).

This article is a part of a larger research study (Author, under review). The purpose of this article is to expound on the effects (deterrent or unintended) of the schemes and policies to prevent violence against women (VAW) in India. We begin with a brief historical account of the Indian governmental advisory bodies that have pledged to optimize the response to lower the incidence of VAW (a structural form of GBV). Further in this article, we examine those schemes and policies that focus exclusively on the issue of VAW. By situating their origins and objectives of these policies and schemes, we highlight their limitations in curbing the VAW epidemic. In doing so, the article expands on the gender constructs of these schemes and policies, whether they fall behind the unremitting demand for protection of women across India.

Further, we critique the new National Education Policy (NEP, 2020) from a VAW perspective. Education is crucial in shaping a person's behaviour. In India, about 20 million youth and adults are illiterates or partial literates (UNESCO, 2018), and lack of education contributes significantly to VAW (Bohra et al., 2015; Himabindu et al., 2015). The pervasiveness of VAW, while debated, is often acknowledged based on erroneous information sources that may include gender-insensitive language (Phillips et al., 2015). Hence, we argue that the perfunctory definition of violence mentioned in textbooks or symposium-based curriculums without proper understanding and recognition of its forms or the ways of its perpetration in society is trivial. Finally, our article draws on the principles of the international human rights instrument, the Convention on the Elimination of All Forms of Discrimination Against Women. Thereby, we reinstate India's obligation under the convention to protect women from all forms of discrimination and promote their human rights in all spheres of life. We conclude with recommendations for improving existing or future schemes and policies.

Advisory Bodies, Schemes, and Policies Dedicated to Women's Development in India

There is visible growth for women across India in the educational and healthcare sectors, including significant structural reforms in rural areas (Everett, 2009). However, the massive discourse on VAW recorded in literature continues to suggest that elementary understanding of the treatment of women as equals and refraining from inflicting violence upon them remains rudimentary. Before gender equality or women's rights were subjects of discussion in India, constitutional provisions such as article 14 chiefly determined the rights of women. Article 14 affirms that: 'the state shall not deny to any person equality before the law or the equal protection of laws within the territory of India' (National Portal of India, Article 14). However, the status of women continued to degrade due to discrimination and violence in post-independence India (Sharma et al., 2015). In 1992, the National Commission for Women (NCW) was set up as a statutory body under Act no. 20 of 1990 of the Government of India (National Commission for Women, 1992). Its continuing objective of the NCW is to review constitutional and legal safeguards for women, recommend remedial legislative measures, and advise the government on all policy matters affecting women. In the first years of its promulgation, the commission received a large number of complaints and acted as suo-moto in several cases for speedy justice (NCW, 1992). But, this demand on the NCW was inordinate.

More than a decade later, the Ministry of Women and Child Development (MWCD) was established to promote women's rights by enabling cross-cutting policies and programmes to eliminate violence against women and girls (VAWG) and mainstream gender concerns (Ministry of Women & Child Development, n.d.-a). Over time, the ministry recruited local non-governmental organizations (NGOs) for the successful implementation of women's welfare programmes and schemes across various states, especially the rural regions. Currently, the MWCD

and NCW hold regular review meetings to discuss issues hindering effective implementation of the programmes and schemes to expedite successful fund utilization and beneficiary coverage, in addition to regional consultations (Mena Report, 2018).

Disillusioned by the yearly increase in the number of cases of VAW in India, the government introduced numerous avant-garde schemes and policies with the promise that support services will be provided to violence-affected women to empower them and ascertain them a respectable place in society. A myriad of welfare schemes for victims of violence have been implemented throughout India, such as One Stop Centre (OSC) for victims of all forms of violence, Swadhar Greh for women in difficult circumstances, National Legal Service Authority (NALSA) victim compensation scheme for survivors of sexual assault and other forms of violence, and Mahila Shakti Kendras to empower women by forming social groups (Ministry of Women & Child Development, n.d.-b). Various other schemes with broader scopes were also introduced, for instance, the Ujjawala scheme for prevention of trafficking and sexual exploitation, rescuing and rehabilitating trafficked women and children, Working Women Hostel (WWH) to provide safe and convenient accommodation for women who are working in urban, semi-urban, or rural areas, with day-care facilities for their children, and Support to Training and Employment Programme for Women (STEP) scheme intended to benefit women who are 16 years or older to provide a skill that will give them employability and enabling them to become entrepreneurs (Ministry of Women & Child Development, n.d.-b).

A week after the 2012 Delhi Rape Case incident, the Justice Verma Committee headed by the former chief justice of Supreme Court, Delhi, was constituted to recommend quicker trial and enhanced punishment for VAW (PRS India, 2013). In its 2013 final report, the committee recommended significant changes to the Indian Penal Code (IPC, 1860) regarding laws on rape,

sexual harassment, trafficking, child abuse, medical examinations, police, electoral, and educational reforms (PRS India, 2013). Some key recommendations by the committee are: sexual gratification should be punishable under IPC; verbal sexual assault such as the use of words, acts gestures that create an unwelcome threat of sexual nature should be termed as sexual assault in IPC; outrage to modesty should be properly defined in IPC and suitable punishment should align with their offence; definition of rape should not be limited to penetration in the vagina, mouth or anus and it should include all non-consensual penetrations of a sexual nature; offence of acid attack must be a separate category with 10 years of punishment and victims of acid attack must be compensated for their injuries; discontinuation of two-finger testing in rape cases (PRS India, 2013). Only the last three recommendations have been considered by the government and changes have been made to IPC accordingly. In addition to these recommendations, the Verma committee also recommended that the sexual harassment 2012 bill should be redefined to include sexual harassment against domestic workers and employment tribunals must be formed in every workplace environment instead of an internal complaints committee to tackle such form of violence. The committee also recommends the use of CCTV cameras in all police stations, the establishment of rape crisis cells, and educational reforms in schools such as sex education must be provided to children.

Methods

We modified the policy analysis framework provided by the Centre for Disease and Control (CDC) to fit the needs of our study (Center for Disease Control and Prevention, 2019). This framework is easier to understand and outlines a general structure that may be adapted to fit the goals of many interdisciplinary studies. Conducting a policy analysis ensures that a systematic process has been carried out to choose the right policy option for successful

implementation. We adopted four key steps from CDC's framework to conduct our policy analysis (Table 4, Figure 2).

These steps expand within five domains: problem identification (step 1; Table 5); policy analysis (step 2 and 3; Table 6); strategy and policy development (step 4; Table 7); policy enactment; policy implementation. In this study, we are not expanding on the last two domains, policy enactment, and policy implementation, due to the time restraints and the limited scope of this study. In Step 2 of the policy analysis, we utilize the findings from our parent study (Author, Under Review), and establish assessment criteria (Table 5) against which all six schemes and policies were compared. Each criterion is carefully modified based on the issue it addresses, the consequences of that issue, and the need for potential reforms. For instance, social stigma reduction (criterion 1) is adapted from societal oppression against violence-affected victims (Article 1).

Functionalities of Schemes and Policies: Increased Efforts Needed

We recognized that the six major schemes and policies aiming to empower women, especially victims of violence, do so by reducing social stigma, delivering gender sensitization training, involving families and communities, planning interventions, and providing support services such as legal and financial aid, shelter in extreme violence cases, employment and rehabilitation services to the victims of VAW.

Women, Violence, and Welfare

Every woman who endures violence experiences it differently and has different rehabilitation needs based on her socio-economic, cultural, and caste-based conditions. Many victims of violence belong to marginalized groups, such as Dalit women, women of lower caste: Scheduled Caste (SC) and Schedules Tribe (ST), and Muslim Women (Haritas, 2008; Jose et al., 2013). These groups of women are known to face additional challenges in seeking support services

compared to elevated groups of women such as upper-caste Hindu women (Navsarjan Trust & Dalit Vikas Parishad, n.d.). Nevertheless, women, in general, face enormous discrimination simply because they are women. While state-level schemes and policies have shown tremendous promise in delivering services to victims of violence, the evidence suggests that there are sizeable gaps in their implementation strategies. The most common gaps emerged from our findings were: equivocal scheme/policy objectives, incomplete implementation measures, underutilization of scheme/policy monitoring staff, and low emphasis on family and community involvement.

NALSA Victim Compensation Scheme and Fast-track Special Courts

Among all the schemes/ policy described in this paper, two major schemes, the NALSA victim compensation scheme (NALSA VCS, 2018) and the Fast-Track Special Courts (FTSCS, 2019) schemes are directly related to providing legal and financial aids to the victims of violence and are least focused on generating a social impact or implement gender-sensitive programmes to reduce VAW. However, both of these schemes are important because of their legal impact. The NALSA VCS is an extension of the Victim Compensation Scheme adopted by the Delhi Legal Service Authority (DLSLA) and is currently supervised by the National Legal Service Authority (NALSA) and assisted by the learned Solicitor General and the learned Amicus of the Supreme Court (NALSA, 2018). The FTSCS is governed by the Department of Justice, India (FTCS & POCSO, 2019).

Both the schemes guarantee an immediate and quick response to the incidences of VAW. The NALSA VCS is dedicated to the immediate provision of financial assistance to victims of sexual assault, acid attack, and other crimes¹. A victim of violence and her dependent can access compensation if they meet the eligibility criteria provided in the scheme. In 2017, more than half of the victims who filed FIRs received compensation from DLSLA (Rathi, 2018). This extended

scheme aims to provide compensation to victims all across India. However, the FTSCS is falling short of its goals. The target of expeditiously disposing of 1,66,882² cases of rape of women and children over two financial years (2020-21) is waning. Also, this scheme is not permanent despite the crucial need for fast-track courts in India as cases of VAW keeps rising. We suggest that the government must realize the need to invest in the scheme's infrastructure for its continuity. It is expected that the scheme is extended beyond the year 2021.

National Policy for Women Empowerment

The National Policy for Women 2016 drafted by the MWCD exemplifies India's progressive stance on empowering women in socio-economic and political spheres of life (National Policy for Women Draft, 2016). The policy envisions empowerment as a socio-political ideal constructed within the women's rights framework. Thus, it guarantees a platform for equal participation of women in the workforce, mainstreaming gender in all developmental actions, delivering universal and quality education, transforming discriminatory mindsets through the engagement of men and boys, and the eliminating all forms of VAW (NPEW | MCWD, 2016). Although the policy adopted three commendable measures such as recognizing the need for the gender-sensitive judicial system, focus on improving the lives of marginalized women, and monitoring, evaluating, and auditing data to bridge gender gaps, the remaining nine policy objectives strikingly mirror those laid out in the previous policy document of 2001 (Economic & Political Weekly, 2016). Therefore, it impugns the new policy's capacity to effectuate transitional changes to bring about women's development in India.

Strengths. First, this policy identifies the need to improve education facilities for all women and girls, focusing largely on rural and underachieved regions. Measures include the promotion of skill development through vocational training and life skills in secondary school

education, technical knowledge in higher education schools, and adult literacy programs. Second, the policy ensured mainstreaming women into the economy by increasing their participation in the workforce, delegating more responsibilities to them, and enhancing their calibre with equal opportunities as men (p.7). Third, the policy affirms that societal institutions like family and community will be gender sensitized to break patriarchal moorings (§ 7.4. [ii]). Gender-based discrimination in all media sources will also be attenuated through advocacy efforts. Private media networks will be sensitized and encouraged to portray empowering images of women with self-regulatory mechanisms (p.17). Most importantly, a combination of laws, programs, and services will be implemented to identify and combat VAW. Also, regular surveys will be conducted on VAW to track its prevalence. Data on VAW will also be streamlined using several data sources (Census, NCRB, NFHS) to develop a comprehensible database to maximize the government's response to VAW.

Limitations: The NPWE envisions the empowerment of women with the wider framework of women's rights. There is repeated mention of women's right to equality, to life, and to be free from violence and socio-economic discrimination. However, the policy does not describe how the women's rights framework will be implemented at district and block levels. Since this is a national policy, rhetorically highlighting the need to ensure women's rights may not solve any issues at the lower levels of policy implementation. Further, there is no clarity on the robustness of the surveys that will be conducted to record the prevalence of VAW. Regular surveys, including annual reports, are already established by NCRB. But there is a need for gathering correct and precise data on VAW, especially by encouraging and promoting crime-reporting practices. Moreover, the policy states that qualitative data on the attitudes of men and boys towards VAW will be collected and studied. However, there is a need for including gender-sensitized men and boys in lowering

the incidence of VAW. Oxfam India (2017) recommended that an adequate budget should be allocated and utilized to address VAW and every Ministry and department should also converge together to eliminate the issue. Lastly, One Stop Centres and hotlines are not enough to respond to the increasing number of VAW cases in India. The policy must identify additional measures to provide support services to victims or allocate funds for more than a single One Stop Centres in each district.

Swadhar Greh Scheme

The Swadhar Greh scheme recognized the need to prevent women from exploitation and to support their survival and rehabilitation. This scheme is implemented in support of the *Short Stay Homes* scheme for women and girls (1969). The scheme was launched by the Ministry of Women and Child Development (MWCD) in 2001-02 to provide temporary accommodation, maintenance, and rehabilitative services to women and girls rendered homeless due to family discord, crime, violence, mental stress, social ostracism, or are being forced into prostitution and are in danger (Swadhar Greh | MCWD, 2001). The scheme caters to the primary needs of shelter, food, clothing, health, nutrition, and medical treatment to women in distress and women without economic support. Under the scheme, a Swadhar Greh will be set up in every district with a capacity of 30 women (district-level implementation). To achieve these objectives the scheme adopted five important strategies: temporary residential accommodation, vocational skills and training for economic rehabilitation of women, counselling and awareness generation and behavioural training, legal aid and guidance, and telephonic counselling (Swadhar Greh, 2001).

The beneficiaries of the scheme are women above the age of 18 years who are deserted, are survivors of natural disasters and rendered homeless, are prisoners released from jail without any social or economic support, are victims of domestic violence, family tension or discord, are

made to leave home, and are trafficked women/girls rescued from brothels or other places and are affected by HIV/AIDS who do not have economic support. The financial assistance given to each resident in Swadhar Greh will amount to Rupees 1,56,000 (~2,883 CAD) for a year. The scheme ensures a respectable and dignified standard of living for all residents. The residential stay will be monitored by the administration and management staff of the Greh. The superintendent of the home will be a woman. While this is a highly appreciable measure taken by the MWCD, it poses a concern of increased social stigma among people belonging to different backgrounds. Research has established that trafficked women/girls who are rescued or runaways often face social stigma and discrimination in society (Jani & Felke, 2017). Jayasree (2004), described that most anti-trafficking interventions, including rescue and rehabilitation services, either criminalize or victimize sex workers. The temporary settlements of rescued women/girls in Swadhar Greh will require social stigma reduction training for staff as well as fellow women residents. For successful diminution of the stigma attached to accommodating trafficking/sex exploitation rescues, these stigma reduction training must be included in the guidelines of the scheme.

Further, the scheme entails that women belonging to categories other than domestic violence can access shelter at Swadhar Greh up to a maximum of five years. However, only a one-year shelter period is extended to victims of domestic violence. This bias in service delivery is confounding and not explained in the scheme. However, many interpretations can be set out. For instance, women victims of domestic violence are presumed to 'go back' to their maternal homes or with their husbands once the dispute is resolved (Ahmed-Ghosh, 2004; Bhandari & Hughes, 2017; Snell-Rood, 2015). This is a reduction in rehabilitation service and is prejudicial.

One Stop Centre (OSC)

The 12th Working Plan on Women's Agency and Empowerment recommended setting up a One Stop Crisis Centre, on a pilot basis, to provide shelter, police, legal, medical, and counselling services integrated with a 24-hour helpline. OSCs are intended to support women affected by violence, in private and public spaces, within the family, community, and the workplace. 'Women facing physical, sexual, emotional, psychological, and economic abuse, irrespective of age, class, caste, education, marital status, race and cultures will be facilitated with support and redressal' (OSC | MCWD, 2015, ¶ 1). OSCs serve women who are facing any kind of violence: sexual harassment, sexual assault, domestic violence, trafficking, honour-related crimes, acid attacks or witch-hunting, who have been referred to the OSC or have reached out on their own, or is accompanied by any person including family, friend, relative, neighbour, NGO worker, frontline worker, or public servant (IPC, 1860, Section 21).

There are many positive aspects of this scheme. First, the geographic location of the OSCs is advantageous. OSCs are ideally located within 132 sqm. of a hospital/medical facility that is prominently visible and easily accessible to women for emergency medical care. Second, the OSCs facilitate seven major services: emergency response and rescue services (police van), medical assistance through referral, first information report (FIR) filing assistance, psycho-social counselling (on-call), legal aid and counselling, temporary shelter, and video conferencing facility to self-record statements. Additionally, if the location of a building (with the potential to become an OSC) is not near to a hospital facility, the schemes will allocate sufficient funds to construct a new OSC building on a suitable land identified by the government.

Any woman can access the temporary shelter service at the OSC if needed³. However, the availability of temporary shelter at the OSC is only five days and is limited to only five women at

a time. The women requiring long-term stays may then have to move to a shelter home such as a Swadhar Greh. Upon witnessing the number of OSCs approved by mid-2018 (only 98) compared to the total number of districts identified to be OSCs (718), the OSC shelter service appears to be extremely inadequate. For instance, a woman with children, who has recently escaped a situation of intimate-partner violence, comes to the OSC to seek temporary shelter, may not find five days of restitution enough to quickly retrace her life. The process of reporting the crime followed immediately after the incident, which includes preparing oneself mentally, FIR filing, hiring a lawyer, and adjusting to life may become immensely difficult (Author, Under Review). During this period, transferring between shelter homes (if available) poses an additional hurdle for women who have just recollected their thoughts and decided to fight for justice. At least two weeks of the stay must be allowed at OSCs. The OSCs must also extend their services by accommodating at least 10 women at a time.

Mahila Shakti Kendra (MSK)

MSK scheme was implemented in 2017-18 under the umbrella scheme Pradhan Mantri Shashaktikaran Yojana (PMSSY). This scheme provides one-stop convergent support services for empowering rural women with opportunities for skill development, employment, social security, digital literacy, and health & safety (MSK | MCWD, 2017). The National Mission for Empowerment of Women (NMEW) was merged with the MSK scheme to successfully implement MSK at the block level (Gram Panchayat level). Although this scheme is enforced at the block level, its framework includes national and state-level infrastructure. At the national level, the scheme will receive domain-based knowledge (information technology tools) and at the state level, the Kendras provide support services required from the State Resource Centre.

The scheme envisions community involvement through 3,16,000 (Lakh) student volunteers. The activities for each student volunteer will be 200 hours spread over a maximum of six months. This is one of the biggest strengths of the scheme. The participation of adolescents and youths in women empowerment programs has been a long-term goal for India. However, the scheme's emphasis on the preference of female students is problematic. While there is a continuous dialogue involving boys and men in empowering women (Flood, 2011; Hearn, 1999), it is worrisome to see only women-for-women roles in India.

Further, it is commendable that the scheme envisages covering 640 districts across India within 3 years period (2017-20), however by the year 2019, a news report said that only 24 districts had functional MSK centres (Basu et al., 2019). Hence, there is limited evidence exploring the current workings and achievements of the Mahila Shakti Kendras scheme. This scheme is built upon leveraging resources from Anganwadi centres, women self-help groups (SHGs), Mahila Police Volunteers (MPV), common service centres, etc. This provides structural stability to the scheme and enhances the possibility of its successful implementation. However, there is a lack of clarity on whether the objectives laid down at the national level will be effectuated at the block level. The question is—will women at the block level have the opportunity to avail of these services through the MSK?

A Critic of the National Education Policy 2020: Gender, Violence, and Health

The newly established National Education Policy replaces the 34-year old National Policy on Education, 1986 (modified 1992) and brings India a step closer to achieving sustainable development goal 4 (SDG4 2030) agenda for global education by ensuring inclusive and equitable education for all (Ministry of Human Resource Development, 2020). The policy necessitates the provision of quality education to all students, irrespective of their residence, with a particular focus

on historically marginalized, disadvantaged, and underrepresented groups (Ministry of Human Resource Development, 2020). Under this policy, the aim of education will not only be cognitive development but also character-building and holistic growth of individuals equipped with key 21st-century skills.

The policy expands on improved measures at all three levels: early childhood care and education (ECCE), secondary education, and higher education, with a pedagogical structure of 5+3+3+4 instead of the old (preschool+)10+2 structure. There are various positive aspects of the policy. First, the policy reaffirms that social category gaps in access, participation, and learning outcomes, and gender gaps in school will be bridged by including socio-economically disadvantaged groups (SEDGs) such as female and transgender individuals, SC and ST, and Other Backward Class (OBC). Second, optimal learning environments will be promoted using high-quality pedagogy, student wellness programs, and vocational training experience delivered by professionals. Third, the policy recognizes the importance of creating opportunities and enabling mechanisms to provide for children with special needs. Lastly, allocation of sufficient funds to ensure students' nutritional needs, dealing with matters on student safety and well-being, and facilitating an adequate number of teachers and staff. The policy unequivocally endorses a substantial increase in public investment in education by the government to achieve the economic, social, political, and cultural growth of the country (§ 26.3).

The lack of response in literacy preserves the sense that stories of violence are unspeakable and has an impact on anyone with stories to tell (Horsman, 2013). Education is not limited to textbook definitions of a phenomenon; it is the means to gain awareness and knowledge on events that continue to occur around us (Wobbekind, 2012). A vast amount of literature has confirmed that lack of education is a contributory factor in the perpetration of VAW in global societies (Flood,

2011; Hearn, 1999; Himabindu et al., 2015; Horsman, 2013). Therefore, it has become imperative to start a conversation on VAW in educational curriculums. The current policy on education mentions the term ‘violence’ under the ‘doing what’s right’ regime (¶ 4.28). While the term allows for a broad interpretation of the definition of violence, due to its polysemous characteristic, there is considerable ambiguity in its representation and understanding (Mougin et al., 2009), unless clearly stated. For instance, it is highly commendable of the government to affirm that careful attention will be paid to the safety and rights of the children—especially girls—and various other issues faced by adolescents such as substance abuse and forms of discrimination and harassment including violence, with a precise, safe, and effective reporting mechanism (¶ 8.11). However, this statement is misleading, and the reason is twofold. First, harassment is a form of violence and violence is not a part of harassment, and hence it should be properly defined. Second, if ‘forms of discrimination’ are addressed in the policy, they should be elaborated, and proper safety measures should be categorically listed in the policy. Communicating insufficient information can cripple a promising policy. Therefore, unspecified and loosely defined terms such as non-violence (¶ 6.2) can lead to misinterpretations. Perhaps this term can be loosely translated as no physical violence, no verbal violence, no violence at all, or no violent actions, and the measures taken to mitigate this issue may not be related to VAW or violence in any other form.

Further, the emphasis has been placed on the incorporation of gender sensitivity in education, which was completely ignored in the old policy, suggesting a neoteric stance on changing mindsets on gender roles in India. In paragraph 4.23, the policy states that in addition to enhanced language proficiencies, the students will also gain knowledge on the subject of gender sensitivity. In paragraph 4.28, gender sensitivity is understood as a constitutional value necessary in teaching students the importance of ‘doing what’s right’. Further in paragraph 6.13, gender

sensitization is said to be included in teacher education programmes. However, the policy does not elaborate on the definition of gender sensitivity or steps to be taken to address it. Although the policy mentions that there will be programmes for students as well teachers to sensitize them towards gender-specific roles of men and women, it does not expand on the types of programmes, special training, workshops or seminars, and theories that will be included in their education. The need for gender-sensitive education is recognized in India, however, no plans have been deduced to carry out such an education. To enhance gender-sensitive education, a special focus must be put on higher education syllabi and continuing education for adults in rural India. Aptitude tests can include topics on gender equality, equity, and gender sensitivity to increase student's knowledge.

Although the sincere efforts put into defining gender identities in education are praiseworthy, the policy perplexes the reader by the vagueness in the use of the term 'gender identity' under various sections. The policy recognizes two particular gender identities: females and transgender individuals under the SEDGs (§ 6.2). The focus on other gender identities such as lesbian, gay, bisexual, and other (LGB+) people is not addressed. At the same time, the policy proclaims that its focus is to eliminate any disparity in access to education for children of 'any gender' (§ 6.8). Such a vague term can lead to wider misinterpretations, meaning construction, and speculations, rather it should be specific and explicitly designate information about people's gender identities (American Psychological Association, n.d.). This is because 'gender is hierarchal and produces inequalities when intersected with other social and economic inequalities' (World Health Organization, n.d.).

In India sex is taboo and individuals, especially students, are shy about sharing their sexual experiences with their parents, counsellors, and to a certain extent, their friends (Jejeebhoy & Santhya, 2015). Hence, there is a significant amount of misinformation circulating between peers

during in-person conversations and within social groups on several media platforms (Phillips et.al., 2015). As a result, many adolescents, youths, and even adults indulge in wrongful habits, unsafe sexual practices, forced intimacies encouraged by sexual coercion, physical and verbal threats, and unsafe use of contraception (Daruwalla et al., 2018). There are significant social, mental, and health-related risks associated with these practices. Despite the increase in such risks, the policy fails to address the need to educate students on matters of sexual and reproductive health. There is no inclusion of sexual and reproductive health topics at any stage of an individual's education. The governments, although realizing the importance of such an education, choose to comply with the social and cultural aspects confining mentalities on sex education whilst hailing about the nations' growth in the 21st century. The policy briefly mentions the insertion of book chapters on 'holistic health' (¶ 4.24) and providing basic health-specific training on preventive health, mental health, good nutrition, personal and public hygiene, disaster response and first-aid (¶ 4.28). There is no further distinction on what is 'preventive health.' Taking into consideration, India's social and cultural beliefs and acknowledging its traditional values, we propose that monthly sexual and reproductive health workshops can be delivered in schools for girls and boys separately by designated female and male counsellors, teachers, and subject matter experts.

Reinstating India's Obligations Under CEDAW

The United Nations General Assembly adopted the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979. To date, 190 countries have ratified the convention which is also celebrated as the 'International Bill of Rights for Women' (UN Women, n.d.). The convention, comprised of 14 agendas, is an international human rights instrument that obligates State parties to promote equality for women in all spheres of life. India ratified the convention in 1993, ensuring its compliance with the treaty to guarantee equal

enjoyment of fundamental human rights by all women, promote women's rights, and achieve gender equality by eliminating all forms of discrimination against women (UN Women, n.d.). India ratified this treaty with declarations to two articles, Article 5, which aims to eliminate social and cultural practices that are discriminatory, and Article 16, concerning equality in marriage and family life (Holmes, 2019). Similar to 38 other nation-states, India also holds a reservation to an additional article, Article 29 on 'arbitration upon no negotiation with other State Parties in case of non-compliance with CEDAW' of the convention (Holmes, 2019).

The prevalence of GBV in India is mainly due to the social and cultural underpinnings that allow for viewing women as secondary to men (Kalra & Bhugra, 2013). However, acknowledging the fact that India has over six million religions (Census India | Religion, 2001) with pronounced personal and religious laws, such reservations to these articles are expected. Reservations to CEDAW arise from 'the refusal of State parties to support an international legal principle that blatantly asks them to interfere in the religious practices that cause GBV precisely because of the principle conflicts with the right to freedom of religion' (Sullivan, 1991; Vasudevan, 2018, p. 226). The promulgation of the due diligence principle under the Optional Protocol of CEDAW states that traditional, cultural attitudes emanating from religious practices that cause GBV cannot be condoned (UN General Assembly, 1999). This standard of due diligence is based on conflicts within the human rights framework, between the right to freedom of religion and the right against GBV (Vasudevan, 2018). The due diligence obligation is not yet codified into a formal principle of public international law because of nation-states' opposition to its normative touchstones (McQuigg, 2018). Hence, many states, including India, have advanced reservations against CEDAW norms, causing impediments to its full compliance (Vasudevan, 2018).

The General Recommendation (GR) 19 under CEDAW adopted a rights-based approach in which all women are entitled to be free of violence and that all State parties should ensure this right (Freeman et al., 2012). Under this recommendation, CEDAW affirms that ‘state parties should take appropriate measures to overcome all forms of GBV, whether by public or by private acts... states should promote respect for women... to provide effective protection to women against GBV’ (GR 19, Specific recommendation 24). The General comment 7(a) under GR 19 enshrines the ‘right to life’ to all women under article 1 of CEDAW and article 6 of the International Covenant on Civil and Political Rights (ICCPR, ratified by India in 1979), however, India fails to comply with its international obligation in protecting women because cases of honour killings continue to emerge in Indian traditional society (Gandi Doddabasappa @ Gandhi Basavaraj v. the State of Karnataka, 2017). The immoral practice of honour killing is the external enforcement of power by a man over a woman’s sexuality, her decision of loving and marrying a person of her choice, and her freedom to live her life (Kaushal, 2020). The National Crime Records Bureau reported 251 cases of honour killings in 2015 (Press Information Bureau, 2018). However, it is difficult to estimate the exact incidences of honour killings in India because many cases go unreported, especially in small, rural regions (Kaushal, 2020). Despite India’s reservation to socio-cultural obligations in the CEDAW treaty, honour killing, regarded as a ‘cultural practice’ in many communities in India directly violates India’s obligation to GR 19.

Further, CEDAW provides that states should take appropriate legislative and other measures to ensure full development and advancement of women on a basis of equality with men. While India is actively establishing policies to empower women in social, economic, and political fields, the cultural advancement of women remains expectedly low (Kalra & Bhugra, 2013). Under GR 35, the duty to exercise due diligence is highly recommended by CEDAW to all state actors

to prevent GBV. Nevertheless, the reservation to modify social practices to curb GBV in India remains intact. The concluding observations by the CEDAW committee on the combined fourth and fifth periodic reports of India greatly emphasized the need for immediate enforcement of legislative measures on VAW and establishment of special courts, complaints procedure, and support services (CEDAW Concluding Report, 2007). The committee also recommended India to adopt standard procedures for the police in each state on gender-sensitive investigations and treatment of victims and of witnesses and to ensure that police fulfil their duty to protect women and girls from violence and are held accountable for their actions or inactions.

Recommendations

1. GBV is not instilled only in patriarchal beliefs. It is a generational, familial, societal, and communal issue. Therefore, we recommend the initiation of schemes and policies focused on family and community interventions. The objectives of these interventions must include:
 - a. Understanding family and community gender stereotypes by surveying their responses on women's advancement, male-violence infliction, and roles of women and men in society;
 - b. planning strategies to overcome these gender stereotypes;
 - c. consulting the common public, experts, and stakeholders to recommend possible solutions to reduce such stereotypes.
2. Building on the crucial need for legal literacy in India, we recommend the inclusion of basic legal knowledge during the last two years of the higher education system at the 5+3+3+4 level. This audit-based (non-exam) elementary legal education must include Part III of the Constitution, the Fundamental Rights of a person. In addition to this, laws on crimes against women must also be included in the curriculum.

3. We recommend that all schemes and policies implemented to support or rehabilitate victims of VAW must include ‘social stigma reduction’ training as a part of their frameworks. This training should aim to reduce social ostracization, victim-blaming, and naming, victimizing, and social isolation.
4. We recommend that there should be strict monitoring of the functioning of welfare schemes and policies across India. In most schemes we reviewed, the monitoring team would be the scheme administration agency itself, supervising at the state-level. This leads to irregular surveillance of the scheme, especially if the implementation is at the block level. As a result, there are delays in reporting back to the NGOs/Aganwadi/implementation body if there are any financial or other hindrances. Therefore, we recommend that the government ministries should coalition with local institutions such as colleges/universities at the undergraduate level and recruit student volunteers to form a monitoring committee as a part of their field-work. Quarterly reports can be submitted to the ministry upon completion.
5. Including more men as a part of the solution to end VAW is accepted and appreciated globally. Therefore, we recommend that schemes engaging women and men together in the prevention of violence must be implemented at all four levels: national, state, district, and block levels. Although, studies have shown concern that men participate in violence prevention programmes with an idea that men are entitled to participate (Flood, 2014, 2015; Macomber, 2012). Therefore, a ‘Shared Responsibility’ perspective should be adopted to teach women and men about the changing gender roles in India.
6. We also recommend that conscious/unconscious biases must be recognized during gender-sensitization training. These biases can be recognized through group-discussions, situation-based open dialogues, and informal conversations during the training/workshops.

Conclusion

Although the Indian government's proclivities for ensuring women's empowerment in areas of education and employment is highly praiseworthy, women are still unable to procure their rightful place within the social strata. Overall, our findings suggest that policy reforms alone are not enough. Tremendous efforts in the implementation of social welfare schemes and policies are required to properly address the issues of VAW, gender inequality, and social stigma among many others. Efforts must include gender-sensitivity training in the education system for students and teachers, in police services for officers, and the judicial system for judges and legal authorities; inclusion of men and boys in violence prevention programs; and promoting literacy on laws and policies.

The modified policy analysis framework used in this study (adapted from CDC), highlighted that assessment of any policy or scheme should not only be based on its strengths and limitations. A policy/scheme must be analyzed based on a) the magnitude of the issue, and b) the populations that can benefit from the policy. One must recognize what may be other useful policy alternatives to address the targeted issue (this can be done by comparing policy alternatives across suitable criteria) and then finally adopt the best possible outcome.

Notes

1. NALSA victim compensation scheme eligibility: (<https://nalsa.gov.in/acts-rules/guidelines/nalsa-s-compensation-scheme-for-women-victims-survivors-of-sexual-assault-other-crimes---2018>).
2. The number provided here is based on the Indian numeral system. 1,66,882 is the number in an Indian number system is one lakh sixty-six thousand eight hundred and eighty-two.

Other numbers provided throughout the study are also based on the Indian number system whether it is the currency or amount of cases, or population.

3. One Stop Centre eligibility: (<https://wcd.nic.in/sites/default/files/OSC-Allocation-All718-Districts-16July2018.pdf>)

List of Abbreviations

GBV: Gender-Based Violence

VAW: Violence Against Women

CDC: Centres for Disease Control and Prevention

OSC: One Stop Centres

NALSA: National Legal Service Authority

NPWE: National Policy for Women Empowerment

NEP: National Education Policy

NCW: National Commission for Women

NGO: Non-Governmental Organizations

IPC: Indian Penal Code

FTSC: Fast-Track Special Courts

MSK: Mahila Shakti Kendra

SDG: Sustainable Development Goal

ST: Scheduled Tribe

SC: Scheduled Caste

CEDAW: Convention on Elimination of All Forms of Discrimination Against Women

NCRB: National Crime Records Bureau

Declaration of Conflict of Interests

The authors declare that there is no conflict of interest concerning the findings of this research.

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Appendix B (B-1)

Table 4. Policy Analysis Process (Centre for Disease Control and Prevention, 2019)	
Step 1: The affected population (Table 5)	Women at the forefront, their families, their interpersonal relationships (relatives, neighbours, friends, etc.), potential stakeholders who work for the well-being of women victims of violence (NGO staff, community workers, policy advocates, lawmakers, etc.).
Frequency of occurrence	One in every four victims is a girl child, while 75% of the victims are women over the age of 18 years. One rape case is reported every fifteen minutes in India, according to the Thomson Reuters Foundation (India Today, 2020)
Severity of the problem	India topped the list (1st rank) for most dangerous countries in the world for women (Goldsmith & Beresford, 2018). Government data shows reported cases of crime rose by 83% between 2007 and 2016 (Goldsmith & Beresford, 2018).
Step 2: Conducting a study review or an environmental scan, or surveying best practices	We reviewed, assessed, and analyzed, in-depth, the legal court case data in our parent study (Author, under review). The results of our data have provided us with a greater sense of how the incidents of violence against women are perpetrated in a society, how legal and social trends affect the decision to report the crime, and by what degree does violence harm, women, at different levels. (Table 6)
Step 3: Assessing policy/scheme solutions (Table 7)	a. What is the policy/scheme lever?
	b. What level of government/institution is responsible for implementation?
	c. How does the policy work/operate?
	d. Who is the funding body?
Prioritizing policy/scheme options	All policies and schemes are measured on a 3-point scale- low, medium, and high, or more favourable, favourable and less favourable based on how adequately they match the criteria (Table 8). The top three scheme or policies that scored higher among others is reviewed again and important features of this policy are described in detail to provide future recommendations.
Step 4: Future recommendations	Providing recommendations in three important stages:
	a. Clarifying implementation issues
	b. Sharing correct information
	c. Conducting additional background work (developing an agenda)

Appendix B-2: Table 5: Policy Comparison Criteria

	Scheme/Policy focusing on VAW					
	One Stop Centre	Swadhar Greh	Mahila Shakti Kendras	NALSA Victim Compensation Scheme	National Policy for Women Empowerment	Fast-track Courts
Reducing social stigma	✗	✓	✗	✗	✓	✗
Gender sensitization: training, programs	✓	✓	✗	✗	✓	✗
Education: Vocational training, skill development, digital literacy, legal literacy	✗	✓	✓	✗	✓	✓
Empowering women on social, economic, political & cultural platforms	✓	✓	✓	✓	✓	✓
Community involvement & interventions	✗	✗	✓	✗	✓	✗
Family involvement & interventions	✗	✗	✗	✗	✓	✗
Rehabilitation of women victims of violence	✓	✓	✗	✓	✓	✗
Support services: legal aid, financial assistance, social security, shelter, etc.	✓	✓	✓	✓	✓	✓

Table 6. Comparison Criteria for Schemes and Policies Designed Based on Results of Parent Study (Author, Under Review). Symbols: '✓' means scheme/policy addresses this issue and '✗' means that scheme/policy does not address the issue.

Appendix B-3: Table 6: Policy Assessment (Modified)

NAME OF THE POLICY/SCHEME	YEAR OF POLICY	POLICY LEVER	ADMINISTRATION BODY	OBJECTIVES OF THE POLICY/SCHEME	FUNDING	HISTORICAL CONTEXT	OUTCOME TYPE	CONSEQUENCES	Implementation
Swadhar Greh	2015	Social Welfare	Participating organizations- NGOs or other government organizations can participate	caters primary needs of women in difficult circumstances: shelter, food, clothing, legal aid, medical treatment, rehabilitation	100 crore annually	Short Stay Home for women & girls was introduced in 1969 with similar objectives to Swadhar Greh	direct and positive	Positive: meeting immediate needs Negative: requires trained staff and medical resources	Centrally Sponsored- by Dept.of Women & Child Development
Mahila Shakti Kendra	2017-18	Social Welfare	Gram Panchayat Level	education an effective tool for women career and vocational guidance digital literacy & social security empowerment of vulnerable & marginalized groups of women	500 crore	Merged with National Mission for Empowerment of Women (NMEW)	direct and positive	Positive: empowering rural women & helping them avail government services Negative: Scheme monitoring is weak & slow	Block level- implemented by Ministry of Women and Child Development (MWCD)
NALSA's Compensation Scheme	2018	Legislative Regulatory	State Legal Services Authority or District Legal Services Authority	Compensation Scheme for women Victims/ Survivors of Sexual Assault/other Crimes	~100 crore annually	Sub-scheme within the Central Victim Compensation Fund Scheme (CVCF)	direct and positive	Positive: who have suffered as a result of an offence and who require rehabilitation Negative: limited time period to avail funds	Centrally Sponsored by Supreme Court of India
One Stop Centre Scheme	2017	Social Welfare Awareness rising	stakeholders/agencies who are involved in implementing the scheme, as well as State, district and grassroot level functionaries.	intended to support women affected by violence, in private and public spaces, within the family, community and at the workplace	338 crore for 186 centres over a period of 3 years	A sub - scheme of Umbrella Scheme for National Mission for Empowerment of women under the online dashboard - Sakhi	direct and positive	Positive: emergency response & rescue services to women affected by violence Negative: limited no. of funded centres	Centrally Sponsored- by Dept.of Women & Child Development (MWCD)
National Policy for Empowerment for Women	2016	Legislative Regulatory Social welfare	Various stakeholders across the country, primarily governed by district and state level authority	help women attain their full potential and are able to participate as equal partners in all spheres of life and influences the process of social change	N/d	Based on the socio-economy, political and scientific changes in past few decades in India, this policy is a revision of the existing National Women Empowerment Policy '01	direct and positive	Positive: women's rights-based approach Focus on poor & marginalized women Downs: lack of family based interventions & education. Lack of focus on workforce sectors for women	Central and State Government (Constitutional Mandate) Ministry of Women and Child Development
Fast-track Special Court Scheme	2019	Legislative	Joint Secretary and the Secretary Department of Justice, Ministry of Law and Justice	targeted disposal of pending rape and POCSO Act cases by setting up Fast Track Special Courts across the country	1023 courts 60:40 ratio 60% by Central gov 40% by State gov.	Not based on existing scheme or policy but is specially designed to lower the number of cases pending under POCSO Act and other Rape cases	direct and positive	Positive: fast disposal of cases, no lengthy trial Negatives: temporary scheme and courts are not established permanently	Department of Justice, Ministry of Law and Justice Centrally sponsored

Appendix B-4: Table 7: Policy Prioritizing Criteria (modified)

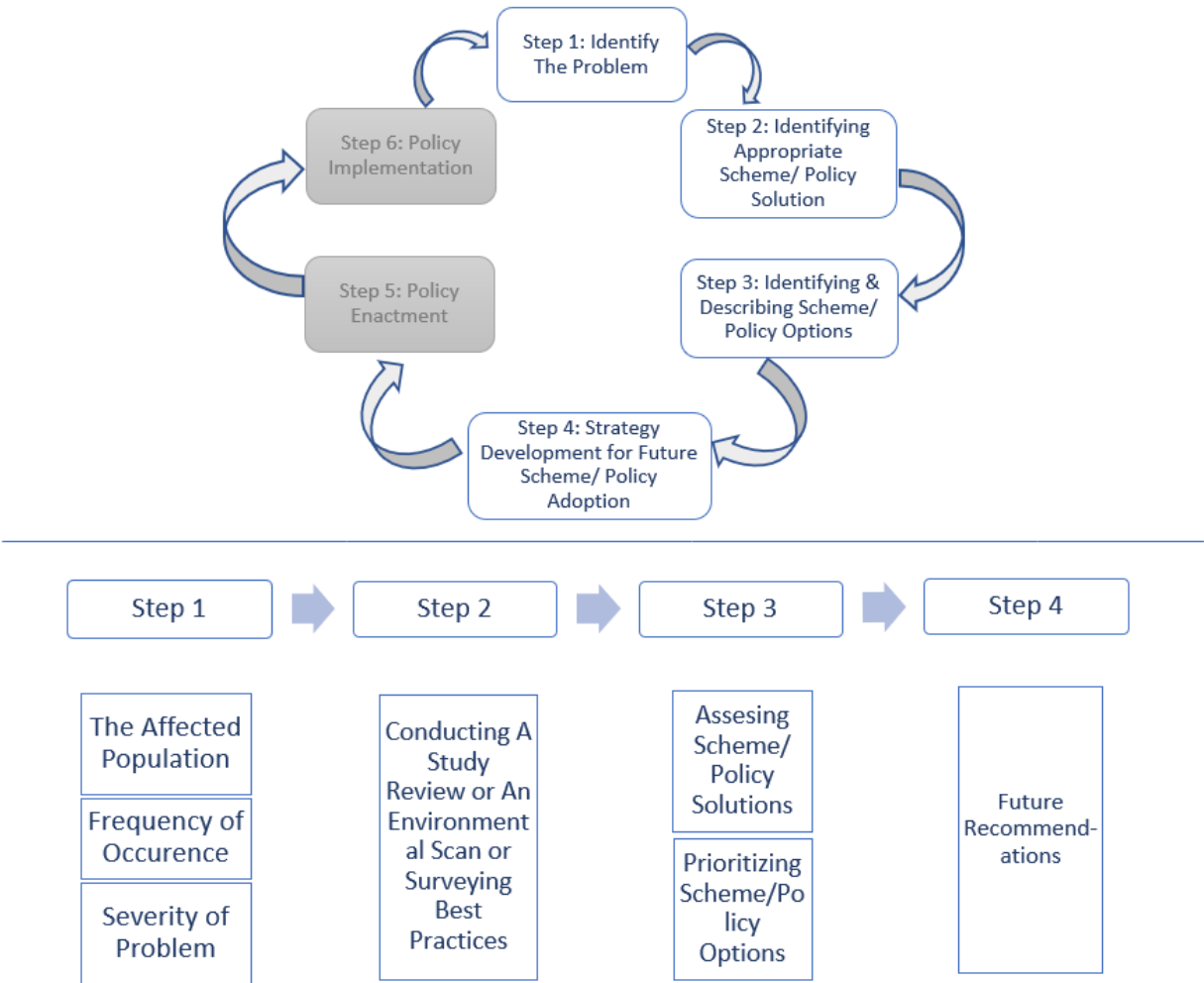
POLICY NAME	Criteria for policy evaluation				
	Social Impact <u>Impact on societal beliefs and perceptions</u> <i>High: increased positive impact</i> <i>Medium: positive impact, requires more effort</i> <i>Low: less impact, needs reconsideration</i>	Provisions for Women <u>Facilities and support services</u> <i>High: increased support available</i> <i>Medium: support available in key areas</i> <i>Low: support services need expansion</i>	Feasibility <u>Likelihood of enactment</u> <i>High: can be enacted easily</i> <i>Medium: moderate likelihood</i> <i>Low: difficulty in enactment</i>	Budgetary Impact <u>Cost of implementation</u> <i>More favorable: low cost</i> <i>Favorable: moderate cost</i> <i>Less favorable: high cost</i>	Capacity to accommodate women <u>Admitting women based on their needs</u> <i>High: capacity to accommodate more women</i> <i>Medium: capacity to accommodate less women</i> <i>Low: capacity to accommodate few women</i>
National Policy for Women Empowerment	High	High	Medium	More Favorable	High
Swadhar Greh	High	High	Medium	More favorable	Medium
Mahila Shakti Kendras	High	Medium	High	More Favorable	Medium
One Stop Centre	Medium	High	High	More Favorable	Low
NALSA- Victim Compensation Scheme	Medium	Medium	High	More Favorable	Medium
Fast-track Special Courts	Medium	Medium	Medium	Less Favorable	High

Table 7: Prioritizing policies according to their impact factor, support services, feasibility, budget (Author, Under Review); High/More Favorable=2, Medium/Favorable=1, Low/Less Favorable=0

Appendix B-5: Table 8: Policy Prioritizing Criteria by CDC (original framework)

CRITERIA	PUBLIC HEALTH IMPACT	FEASIBILITY	ECONOMIC AND BUDGETARY IMPACT	
Scoring Definitions	Low: small reach, effect size, and impact on disparate populations Medium: small reach with large effect size or large reach with small effect size High: large reach, effect size, and impact on disparate populations	Low: No/small likelihood of being enacted Medium: Moderate likelihood of being enacted High: High likelihood of being enacted	Less favorable: High costs to implement Favorable: Moderate costs to implement More favorable: Low costs to implement	Less favorable: costs are high relative to benefits Favorable: costs are moderate relative to benefits (benefits justify costs) More favorable: costs are low relative to benefits
			BUDGET	ECONOMIC
Policy 1	☐ Low ☐ Medium ☐ High Concerns about the amount or quality of data? (Yes / No)	☐ Low ☐ Medium ☐ High Concerns about the amount or quality of data? (Yes / No)	☐ Less favorable ☐ Favorable ☐ More favorable Concerns about the amount or quality of data? (Yes / No)	☐ Less favorable ☐ Favorable ☐ More favorable Concerns about the amount or quality of data? (Yes / No)
Policy 2	☐ Low ☐ Medium ☐ High Concerns about the amount or quality of data? (Yes / No)	☐ Low ☐ Medium ☐ High Concerns about the amount or quality of data? (Yes / No)	☐ Less favorable ☐ Favorable ☐ More favorable Concerns about the amount or quality of data? (Yes / No)	☐ Less favorable ☐ Favorable ☐ More favorable Concerns about the amount or quality of data? (Yes / No)
Policy 3	☐ Low ☐ Medium ☐ High Concerns about the amount or quality of data? (Yes / No)	☐ Low ☐ Medium ☐ High Concerns about the amount or quality of data? (Yes / No)	☐ Less favorable ☐ Favorable ☐ More favorable Concerns about the amount or quality of data? (Yes / No)	☐ Less favorable ☐ Favorable ☐ More favorable Concerns about the amount or quality of data? (Yes / No)

Appendix B-6: Figure 2: Policy Analysis Framework (modified)



Chapter 5: Integrated Discussion and Conclusion

This thesis was conducted with a motive to understand the structural causes of violence against women in India and what policy-related steps have been taken to curb this grave issue. I reviewed high court criminal cases and assessed schemes and policies that focused on punishing the perpetrators of such crimes and providing support services to the victims of violence, respectively. These two very dissimilar processes involved critically assessing the judgments of the court cases and scrutinizing schemes/policies guidelines to determine how VAW can be addressed by recognizing direct and indirect causes of violence. Findings from the legal case analysis established that gender-specific roles in India are ingrained in the culture, society, and legal system where women are considered helpless and dependent for most part of their lives.

This chapter is an integrated discussion of thesis findings on problems and potential solutions surrounding VAW. I first summarize the findings of both the articles. Then, I explore VAW through a women's rights framework. Next, I integrate the major findings from chapter 3 (legal analysis) and chapter 4 (policy analysis). Then, I discuss the future implications of potential schemes/policies in addressing VAW by drawing on conclusions and recommendations provided in chapters 3 and 4. Finally, this chapter includes sections on reflexivity, limitations of the overall thesis research, and the significance of the study. I end the chapter with concluding remarks.

Summary of Legal Case Analysis and Policy Analysis

The purpose of analyzing legal case data was to gain an understanding of the factors responsible for the increase in VAW in India as cases continue to surge and desperate amendments are necessitated in Indian laws. Our initial case searches produced a plenitude of results on different forms of VAW across India; therefore, searches were restricted to one

geographic state with the highest number of VAW cases (U.P.). The search was further confined to include only those cases registered under the newly added offense categories and modified category of rape under IPC amendment 2013. A total of 26 high court cases were included in the study. In some cases of rape, the age of the victim was deceitfully reported to be 16 years of age, but radiological examination evinced the age of the victims to be above 18 years of age. Our findings suggested that prosecution parties constructed such falsities to avoid the question of consent upon rape because it complicated the case for the victim with the reason of being disbelieved.

A huge number of cases suggested that societal oppression was one of the biggest factors responsible for impeding the rehabilitation process for victims, delaying FIR reporting, and encouraging patriarchal ideologies. Seven important themes emerged from the analysis of the findings: 1) societal oppression, stigma, and mental injury, 2) hostility as grounds for the perpetration of violence, 3) nature of the assault, 4) second party involvement, 5) barriers to filing FIR, 6) substantial medical evidence for case building in rape cases, and 7) legal systemic barriers.

In the policy analysis component of this research, six major schemes and policies were assessed and prioritized against several criteria that were adapted from the results of article 1 (legal case analysis). Social welfare and empowerment policies in India play an important role in reducing and preventing the incidence of VAW. Such schemes and policies also provide support services and future opportunities for women victims who have faced one or more forms of violence. Our analysis of these schemes/policies found that these directives have limited capacities to accommodate greater numbers of women at a time, are biased against a certain class

of women, do not identify the need for including men and boys in empowering women, and enforce benefits to women without identifying them as independent beings.

The integration of findings of the two articles suggests that causes of VAW are not properly reflected in schemes/policies preventing or reducing the incidence of VAW. The need for including more men and boys in educational settings, recognizing inadequate crime reporting mechanisms and their role in the production of inconsistent national survey reports, and enforcing gender sensitization of men in all spheres are high-priority solutions that can help reduce the issue of VAW.

VAW and the Women's Rights Framework

Women's rights are human rights, yet they are easily ignored by large populations in global societies. There is an obvious need to situate VAW in the women's rights framework. The findings from the policy analysis study suggest that despite India's adoption of the Beijing Platform for Action and ratification of international instruments such as CEDAW, the obligations are not reflected in national policies or state and district level schemes. VAW in India is normalizing and the gap in legal literacy in rural India is undeviating (Sankaran & Singh, 2008; Varman et al., 2018). Our findings also showed that although women's rights are promoted through local schemes and policies, there are insufficient implementation strategies to carefully address what these rights mean when VAW is in question.

CEDAW asserts that State parties must exercise due diligence (CEDAW, 2007). Under the obligation of due diligence, State parties must *promote* women's rights, *prevent* them from all forms of discrimination, and take *effective measures* to reduce discrimination and violence. India notably fails to comply with all three obligations. First, evident from findings in chapter 3,

women face ridicule and shame if they are raped, sexually assaulted, or molested with no fault of theirs. Further, there are questions of remarrying the victim and rehabilitating her back in society which seems like a problematic process. Additionally, a victim's decision to report a crime and to access counseling, educational, or rehabilitation services is affected by her family, particularly her husband. In cases of sexual harassment, victims find it difficult to earn back their respectable position in the workforce and society. Therefore, these victims are deprived of their fundamental right to equality (Article 15 and 16) and freedom (Article 21) enshrined in the Indian constitution and obligated under CEDAW. These rights are hardly conformed in schemes and policies assessed in chapter 4. For instance, in NPEW, the policy ensures equal participation of women in the workforce and mandates improved monitoring of the Sexual Harassment of Women at Workplace Act. However, there are no provisions in the policy to ensure employment opportunities for victims of violence who wish to return to work or who are trying to find work. Similarly, NEP does not call for any action on advancing education to women victims of violence through any programs or special schemes.

There appears to be limited evidence that the need for the prevention of VAW is acknowledged in India. Due to cultural and patriarchal beliefs and practices, women are forced to endure violence and there is no mechanism to regulate this. Our results from the legal analysis study showed that most women experienced violence within or close to their homes, and the perpetrators were known to the victims (Avdija, 2019). This violates India's obligation to protect women under Article 2(c) of CEDAW. Schemes like OSC and Swadhar Greh pledge to provide many support services to women in need. However, these schemes have nothing to do with acknowledging cultural practices or patriarchal notions that affect women's response to rehabilitate back into society. The guidelines of these schemes are typically mainstream and

focus on empowering women without any realization of women's ideologies on VAW and how it should be prevented.

Women, Girls, Men, and Boys in Educational Settings

Male domination plays an important role in addressing GBV, VAW, and other forms of discrimination against women. In our findings, we noticed the role of males in India: male dominance, male chauvinism, male infliction of violence, the importance of a male in a married Indian woman's life, and the overall male figure archetype. Most cases of grievous violence suggested that the reason for causing harm to the victim originated from the feelings of revenge/avenge or hostility due to marital and family discord. Watt and Scrandis (2013) propounded that childhood trauma and family issues are strong contributory factors in male perpetration of intimate partner violence. Moreover, wife-beating is justified by many people in India, including women (Jejeebhoy & Cook, 1997). However, the extent of violence perpetration on a woman is not restricted to only physical abuse. Perpetrators also use weapons and chemicals to hurt women, for instance, in a case of an acid attack, the husband threw acid on his wife (Pradeep Kumar Soni v. State of U.P., 2012).

Low literacy rates in India have been largely associated with the violence inflicted on women (Jejeebhoy & Santhya, 2018). Therefore, our study recommended that schemes/policies must focus on involving more men and boys in educational settings and teaching them about VAW. However, Styles-Lightowlers (2019) has noted that 'VAW education modules attract more women than men' (p. 434). Styles-Lightowlers is a woman professor who was teaching and moderating a women-led discussion on VAW in a co-ed classroom when two men stood up and left because they 'hadn't signed up for this' (p. 434). She and her female students sensed that those men were not willing to 'listen to the voices and stories of women' (p. 435). Drawing on

Styles' perspective, we understood that inclusion of men and boys in VAW educational settings may be challenging. Therefore, our recommendation no. 6 in chapter 4, suggests the implementation of a shared responsibility paradigm that allows women and men to understand the repercussions of VAW and learn about equal gender roles as an alternative to male hegemony. Hearn (1999) suggests that 'the most obvious place to begin educating men about VAW is men's relationships with women' (p. 140).

Responsibility of Reporting the Crime

The decision to not report a crime against a woman has numerous ramifications. For instance, justice delivery is hampered, and the victim may find it exceedingly difficult to readjust to the fact that her perpetrator is not penalized and is still 'out there' scot-free. Moreover, the availability of, accessibility to, and approachability to (AAA) support services such as counseling services, empowerment groups, and health-related services are further curtailed. Additionally, as our findings indicate, mental suffering is aggravated, and victims find it difficult to muddle through their life.

Reporting an incident of crime against a woman must not be a choice. It should be the responsibility of the victim, her family, a friend(s), relative(s), or other persons. Encouragement to report can be mutually assisted and supported by these individuals. The court statements from victims and families have suggested that rural areas face bigger challenges in reporting crimes against women. Major barriers to reporting included far-situated police stations (Manoj Kumar v. State of U.P.) and limited transport facilities (Ram Singh v. State of U.P.). Therefore, there is a need to enforce laws and policies on crime reporting in rural areas of India. Schemes focused on providing support services to the victims such as Swadhar Greh and OSCs assist in reporting crimes against women through referrals. However, these schemes are loosely monitored, lack

trained staff, and can only accommodate a certain number of women at a time. Also, the co-location of Swadhar Grehis and OSCs near a hospital further restricts rural women's access to these services, since many hospitals are located in urban/semi-urban areas and require transport facilities to travel from across the villages.

Tracking VAW Across India

Throughout this project, we have relied on NCRB statistics to track the incidence of VAW in U.P., India, between 2012 and 2018. Although this is the most reliable source of reference for our study, Himabindu et.al, (2015) ascertains that 'NCRB statistics take only the principal offense of the formal complaint (FIR) into account...the true scale of gender violence thus remain undercounted' (§ 4). Many victims confide in their mothers, their close female friends, or relatives to disclose an incident of violence. However, this may not necessarily result in reporting the crime. Thus, underreporting remains high in the country.

The NPEW ensures that regular surveys will be conducted to address VAW and its health-related consequences. Although, our findings suggest that regular surveys will not communicate the exact, correct information on the incidence of VAW. We realize that socio-cultural constructs surrounding the issue of VAW impede the truth-telling and crime reporting process, however, it is important to enforce measures to include underreported crimes. One such measure, as suggested by findings of case analysis, can be the recognition of medical records in Anganwadi centers, hospitals, and local healthcare centers that include information hinting towards violence inflicted upon a woman. Further, statistical reports from National Family Health Surveys, Census India, NGO reports, MWCD reports can be combined with NCRB's annual reports to track the cases of VAW across India. Moreover, schemes such as One-Stop Center provides legal aid to victims of violence which includes registering the FIR, hiring a

lawyer, and facing the trial. Additional services such as Nari Adalats are also set up by the government to expedite cases of VAW without having to face the long queues at district courts. Even then, tracking the increasing incidence of VAW and presenting factual statistics is desirable but may not be fully achievable.

Victimization and Gender Sensitization

Victimization of women is immanent in social as well as institutional structures. While society victimizes women suffering from violence or who have suffered violence by the accused/perpetrators using jeers, mockeries, and social exclusion, the legal system of India further victimizes women by using insinuating remarks about their chastity, honor, and reputation. There is no set sequence of victimization, however, it does occur fashionably. At first, the woman, herself, must accept the unfortunate event and find the strength to disclose the incident to her family. On which, the family may or may not encourage the victim to report the crime to the police. Factors such as disgracing the family and protecting the honor of the family may further victimize women. Moreover, women are often confined to their homes to face their mental anguish and sufferings on their own or with only limited support. Court statements of victims and families reported that after the occurrence of an incident of violence, the choices for victim's socio-economic development became narrower. This was especially true in cases of rape where the victim was considered to be helpless and pitiable. Other forms of victimization observed in our findings included: blackmailing victims to not report, verbal and physical abuse and threats, derision and disbelieving victims, restrictions on employment and education, and two-finger testing during medical examinations after a sexual assault or rape. Elaborating on the 'two-finger test' requirement to corroborate a victim's case, our findings recorded that in 2018, India's Supreme Court had ruled out the test conduction. However, this practice continues across

India. Therefore, lawmakers/advocates must implement strategies to strictly monitor the use of such invasive tests. Since these tests are administered with a formal registration in a hospital, tracking the use of such tests is comparatively feasible.

Furthermore, the acceptance of male superiority over women, ingrained in a patriarchal Indian society, creates additional hurdles for women in socio-economic and political spheres of life. We recorded that in cases of sexual harassment, the victim is generally left with difficult choices that may put her in a position where she may lose her job or get transferred to another place only to avoid her perpetrator, especially if her perpetrator is her superior or her boss. For instance, in the case of *Rajendra Baitha v. State of U.P.* (2018), the victim was offered three alternatives: to ignore and seek a transfer, to complain and seek a transfer, and to complain and face the consequences. Thus, it is evident that women continue to face discrimination and violence in the workplace that exacerbates the sequelae of their experiences with violence. This gender-based discrimination and harassment occur in educational settings and at home as well. Therefore, to address these issues, gender sensitivity training is mandated by NPWE which will be implemented in IT sectors, educational settings such as schools and colleges/universities, in stakeholders' meetings with people who are involved in law enforcement and the judiciary, in healthcare settings such as hospitals and community health centers, in media enterprises, and all private/public sectors. The NEP has already mandated the inclusion of gender sensitivity topics in educational curriculums of higher education. However, we argued that gender-sensitivity training should also be enforced in unpaid sectors such as households for women and rural developmental areas for illiterate or unemployed men.

Future Implications of Schemes and Policies on VAW

An interesting finding of this study was the involvement of a second party (co-accused, conspirator) in the perpetration of violence (rape and acid attack). This co-accused would either be a friend, a relative, or a neighbor of the main accused/perpetrator. While previous literature has established that rape can be committed by an individual or in a gang (Ullman, 2007), there is very limited literature that establishes the involvement of a second person in cases of acid attack. Legal systems criminalize the involvement of a co-accused in a crime. Under the IPC, co-accused may or may not be charged with the same degree of offense as the main accused, but their punishment is indisputable. However, our findings reported that the second party's involvement exceeds this requisite to be charged with an offense. These 'second party' individuals or conspirators 'enticed' the perpetrator to commit the act but did not involve themselves in the action. Such a person or conspirator may never be charged with an offense because there may not be any physical evidence or a witness to prove their involvement unless they have confessed.

Our findings also suggest that there is a lack of moral responsibility in community people to help reduce the incidence of VAW. Therefore, drawing on recommendation no. 1 from chapter 4, I emphasize the implementation of community-based and family-based interventions across India. These interventions should include both men and women as part of the 'empowerment of women' agenda. Furthermore, gender equality and gender sensitization must be addressed together. Jeejeebhoy and Santhya (2018), recognized that 'communities accorded limited priority to addressing VAW' (p. 102). They also noticed that despite interventions provided to a group of participants in Bihar (a State in India, joined with U.P.) under their '*two steps towards equality*' program, attitudes remained inequalitarian in some (Jeejeebhoy & Santhya,

2018). Their study also reported that local institutions did not prioritize gender issues and violence prevention in the community (Jejeebhoy & Santhya, 2018). Consistent with the findings of Jejeebhoy and Santhya, this study highlights the gaps in policies and schemes on how to provide support services to women who have been exposed to violence. For instance, Mahila Shakti Kendra (MSK) was implemented in 2018 to empower rural women by providing employment opportunities, digital literacy, and health and safety. However, at the block level (village level) the scheme only provisions digital services to the women and there are no guidelines on improving the health and safety of women through this scheme at the block level. The scheme employs many student volunteers to help rural women understand and learn technical skills to become competent in the workforce. However, as evident from our findings, the scheme seems to have lost a clear sight in considering the fact that health and safety would be an equally important concern for rural women.

Policies and schemes can drive change in India. However, these schemes/policies require separate monitoring committees, a sense of accountability of institutions administering these schemes, all staff must be gender sensitized, social stigma reduction training must be employed to better help victims of violence, and cultural biases must be addressed. The Indian government is attempting to reduce the incidence of VAW; however, it can only be achieved if the normalcy of male dominance over women is reduced. Recognizing the patterns of cultural and patriarchal norms are just as essential as recognizing structural and institutional stigma in Indian society.

Significance and Future Plans

Women in India are incessantly seeking services that can protect them from violence, rehabilitate them after an experience with violence, and prevent future incidences of violence. Each of these services is either not readily available or accessible. This study was designed to

provide a narrower perspective on the issue of VAW in India. By interlocking the causes of VAW with current remedial schemes and policies, this study addresses major gaps in the existing literature by focusing on the social responsibilities and legal obligations of India. This study also contributes to the methodological developments as it is the first study to include criminal court cases in qualitative research to infer thematic results.

Since VAW is ubiquitous, it is hoped that the findings from this thesis are informative for stakeholders not only in India but also globally. The findings of this study will benefit policy and lawmakers/advocates, community and social workers, and health service delivery workers about the potentiality of structural and institutional changes that can curb the issue of VAW. Another goal of this thesis is knowledge sharing and dissemination to reach targeted audiences such as the general public in India and other stakeholders (NGOs, NPOs) through journal publications and seminar/workshop conduction.

Conclusion

Women in India are fettered due to discouragement from families and relatives, by frequent societal ostracizations, domination by husbands and other significant male figures, and inaccessibility to legal support services. Women experience violence both within and outside their homes. It is evident from the findings of this thesis that VAW is perpetrated by men to fulfill their sexual desire as a part of rape culture, to secure revenge due to many reasons, to teach a lesson to a woman, to disrespect her family, caste, or community, and to exert power over women. Victims of violence do realize that they have a right to report the crime, however, they face physical and geographic barriers to report as well as psychosocial barriers that include being buried under the harsh realities of disgracing family honor, bringing shame to themselves and their families, inability to marry again, and facing their mental traumas. Furthermore,

victims feel socially isolated and mentally drained. Rehabilitation of victims is a long process, but our results suggest that this somehow becomes the responsibility of the victim to recollect her strength and find her place back in society.

Schemes and Policies in India are struggling to bring positive change for all women and successfully reduce the incidence of VAW. However, poor monitoring and lack of implementation of these directives continue to hinder victims' access to the services provided under these schemes/policies. These schemes/policies are also not effective because the issue of VAW is deeply entrenched in Indian culture and will require a tremendous unearthing process by future policy research and structural redesign.

Reflexivity

In qualitative research, the goal of reflexivity is to keep the research ethical (Berger, 2015) by evaluating 'the extent to which an author identifies and explicates their involvement and its potential or actual effects on its findings' (Horsburgh, 2003, p. 309). Cutcliffe (2003) posited that reflexivity can enhance 'the credibility of the findings by accounting for researcher values, belief, knowledge, and biases' (p. 137). Reflexivity can address hidden biases that may affect the interpretations of meanings and ideas stated by other individuals. In my study, I kept a journal record to acknowledge my thoughts, feelings, and beliefs.

Dealing with a sensitive issue such as VAW can be overwhelming. At times, one may experience anger, disgust, sadness, or fear upon interaction with participants or simply by reviewing a piece of literature on the topic. Therefore, to reflect on my personal, professional, and cultural biases I recorded frequent memos in my journal. I was mindful of my position as a

researcher, an upper-caste Hindu woman, and as an Indian citizen in interpreting the legal statements of victims, prosecution, and defendant parties in the court.

Limitations

This study had four major limitations. As this was a newly developed, small-scale study for a Masters' thesis, only high court cases from the Indian Kanoon website for the state of U.P. were chosen, and so, the generalizability of our study is limited. We are confident that the themes that emerged from our data are meaningful and thorough, but these findings do not represent wider patterns or trends.

Second, we could only locate high court cases and there was no other direct source or link that could provide us with the original case judgment from the district court, and the process for obtaining those judgments was not feasible given the time constraints for completing the study. Although, we have assured that all the cases found from Indian Kanoon are also cited on the Allahabad High Court website and the data contains all important aspects of a case including a brief account of the original judgment. Third, due to the time constraints of this project, we were unable to determine whether any of these cases were appealed to the Supreme Court.

Fourth, in the policy analysis component of this research, cost-benefit analysis, and implementation analysis were not carried out due to time and resource constraints. Therefore, the economic impact of the schemes/policies and analysis of their implementation is not included in this study.

Statement of Contribution

This thesis was completed by the principal investigator (AS) in partial fulfillment of the requirements for the Master of Science degree in Interdisciplinary Health Sciences. As the PI of

this study, I selected the cases and schemes/policies, collected the data for both the components of this thesis, analyzed the cases and assessed the policies, and led the development of two manuscripts.

This thesis was supervised by Dr. J. Craig. Phillips. He worked with me in designing the overall framework for both part 1 and part 2 of this research study. Under his guidance, I was able to create the thesis proposal, search the legal data, develop the methodology, draw a comprehensive legal framework, recognize the conceptual framework for policy analysis, and analyze the data.

Drs. Karen Phillips and Shannon Bainbridge-Whiteside served as thesis committee members and provided insights and expertise into the development of the study protocol. They reviewed the iterations of the themes that emerged during thematic analysis. They reviewed and provided feedback on drafts of the manuscripts and the overall thesis.

Ishha Patni, a law student in India, helped us in finding criminal court cases for part 1 of this project. She contributed to this thesis as my mentor and enhanced my legal knowledge about the laws and policies surrounding the topic of VAW in India. Her extensive knowledge in social sciences further helped me understand important socio-legal theories. She also helped in finding legal case references used in chapter 3.

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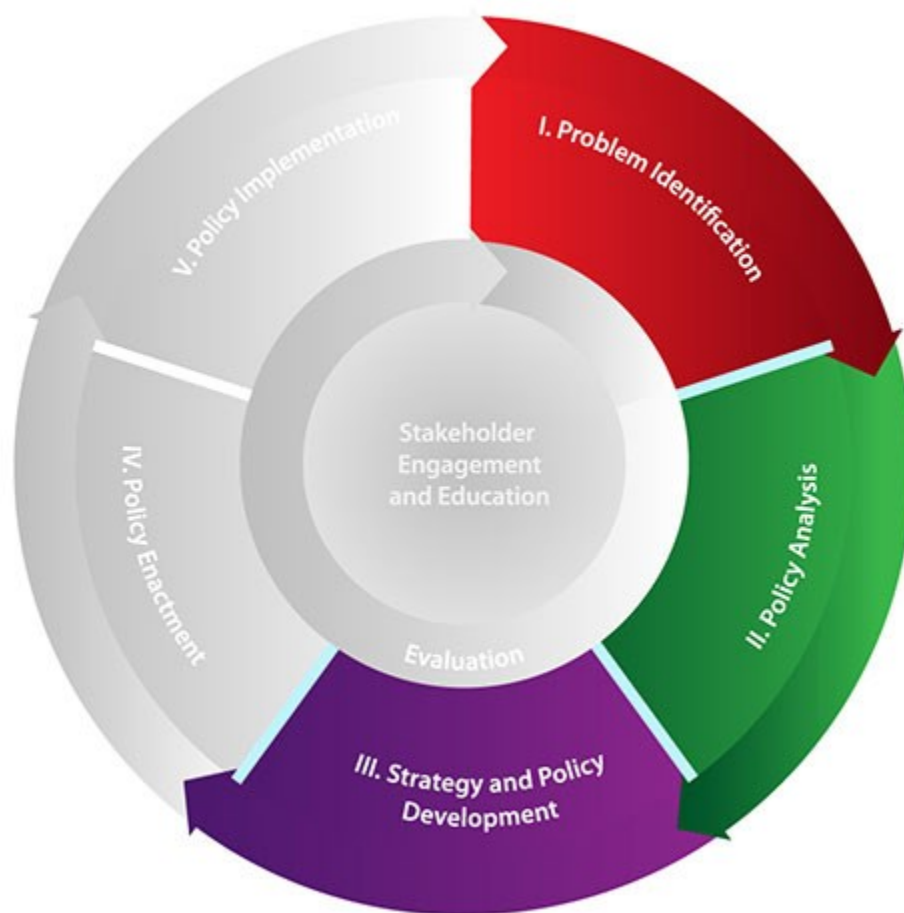
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Appendix C

Conceptual Framework 1: Centres for Disease Control and Prevention (CDC) Policy

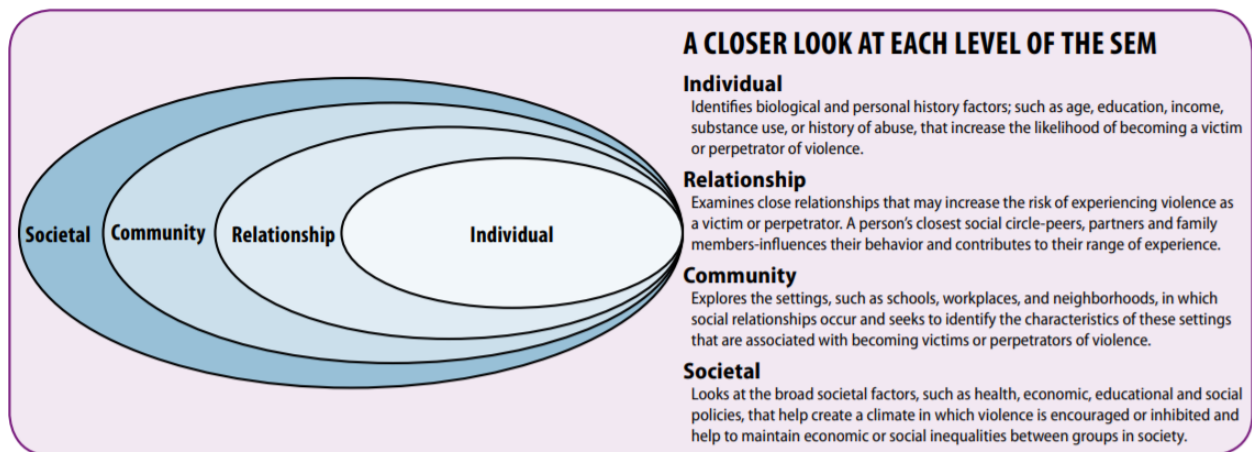
Analysis Framework



Conceptual Framework 2: Socio-Ecological Framework for Violence Prevention by CDC

(adapted from WHO report on violence and health, Reprinted from: The world report on violence and health, The Lancet, 360(9339), Krug, E. G., Mercy, J. A., Dahlberg, L. L., & Zwi, A. B. (Eds.). Violence – a global public health problem, 1083–1088, (2002).

Retrieved from: [https://doi.org/10.1016/S0140-6736\(02\)11133-0](https://doi.org/10.1016/S0140-6736(02)11133-0), accessed on: 3/25/2021)



Appendix D

Manuscript Guidelines for: Indian Journal of Gender Studies

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