

# A CASE STUDY ON THE VIOLENCE AGAINST WOMEN IN INDIA WITH SPECIAL REFERENCE TO MADHYA PRADESH

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## Abstract

Today human beings live in the so-called civilized and democratic society that is based on the principles of equality and freedom for all. It automatically results into the non-acceptance of gender discrimination in principle. Therefore, various International Human Rights norms are in place that insist on the elimination of all forms of discrimination against women and advocate equal rights for women. Women's year, women decade etc. are observed that led to the creation of mass awareness and sensitization of people about rights of women. Many steps are taken by the government in the form of various policies and programmes to promote the status of women and to realize women's rights. But despite all the efforts, the basic issue that threatens and endangers the very existence of women is the issue of domestic violence against women. Contrary to this woman who constitute about half of the world's population are the worst victim of violence and exploitation within home. Rather it has become a place of exploitation, assault and violence, a platform where all the inhuman and barbaric forms of abuses take place. A woman is subject to violence on the streets and the place of her work. But the highly pathetic state is that she suffers from a sense of insecurity even within the four walls of the house. Many reasons can be attributed to this growing violence against women. One of them is the lack of awareness among women about the laws made for their protection. Secondly women usually lack courage to file complaints against the accused ones and go to the court because of the fact that the perpetrators are usually their own relatives or neighbours or persons whom they know well. Besides, lack of socio-economic support also prevents women to take recourse to legal action. Thus, due to all these factors women silently face violence against them within the boundaries of home, since the time immemorial. These factors are assigned for the increase in domestic violence or else in bringing the cases of domestic violence to light. Whatever it be but cannot shut eyes on the gravity of the problem of domestic violence against women. Since it has taken serious under tones threatening the social structure of the family. Thus, the present work is a

humble attempt to highlight the issues of domestic violence against women as a serious problem in Indian society. The present work attempts to study the problem of domestic violence from different points of view and concentrates on socio-legal aspects of the issue under Indian perspectives in an objective manner.

**Keywords:** Indian Constitutions, Domestic Violence, Crime, Women, Society.

## 1. Introduction

Woman is the subject of exploitation in and outside the home; she has no secure place in this universe to live in. Especially countries like India where female sex is considered as a second citizen even though after the enactment of so many laws and codes. The meaning of crime against women "is direct or indirect physical or mental cruelty to women. Crimes which are directed specifically against women and in which only women are victims are characterized as Crime against Women" (Goel, 2004). Women occupy half of the globe. However, their survival has been a question; their existence with honor and dignity has been a problem. The violence against women is a universal phenomenon for which finding the solution is a big question in this modernized, technically advanced era. In ancient time, Indian women were placed in a high place in the society and respected as mentioned in the Vedas and other scriptures. The scriptures which depicts about the status and respect for women in society provides the information about the suppression and exploitation of women, due to various reasons like social, political and economic changes in the society. Many evil customs and traditions stepped in under the word protection, which enslaved the women and dumped into the darkness without education and enlightenment. Violence against women has been clearly defined as a form of discrimination in numerous documents. The World Human Rights Conference in Vienna, first recognized gender-based violence as a human rights violation in 1993. In the same year, United Nations declaration,

1993, defined violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life”. Structural violence according to her is the basis of direct violence, because it influences the socialization which causes individuals to accept or inflict suffering, according to the social function they fulfill. Open or direct violence is exercised through aggression, arms or physical force. (Lorraine & et. al, 1993). Violence is an act carried out with the intention or perceived intention of physically hurting another person (Gelles & et. al, 1979). Gender Violence is defined as “any act involving the use of force or coercion with intent of perpetuating promoting hierarchical gender relations”. (Schuler, 1992).

## 2. Crime and Their Responsible Factors

### Rape

- One of the most horrible acts against women in our culture is rape. In India, it is said to rank as the fourth most typical crime against women.
- Rape occurs when a man engages in sexual activity with a woman, which includes:
  - Inserting his penis, to any degree, into her vagina, mouth, urethra, or anus, or compelling her to do so with him or another person.
  - Inserting any object or part of the body, other than the penis, into her vagina, urethra, or anus, or compelling her to do so with him or another person.
  - Manipulating any part of a woman's body or any part of such a woman's body, or forces her to do so with him or another person.
  - Placing his mouth near a woman's vagina, anus, or urethra, or forces her to do so with him or another person, where the situation fits any of the following seven definitions:
    - ❖ Against her will.
    - ❖ Without her permission.
    - ❖ Having her consent means after winning her approval by making her feel threatened or vulnerable, whether it's herself or someone person she cares about.
    - ❖ By claiming to be her spouse in order to get her permission.
    - ❖ When she is impaired mentally or under the impact

of alcohol and is unable to comprehend the nature and implications of what she has agreed to.

- ❖ While she is younger than the age of eighteen, either with or without her permission.
- ❖ Whenever she has no ability to express permission.

### Responsible Factor

- Rape is a complex and multifaceted issue, and a variety of factors can contribute to it. These components include:
  - Rape typically occurs when one person has more authority or control over another, like in cases of domestic violence, sexual assault, or when somebody is in a vulnerable situation, like a child or someone with a disability.
  - Gender inequality: Rape is usually viewed as a tactic of rule and oppression in patriarchal societies where men have more power and privilege than women.
  - Societies and cultural norms: Some cultures reinforce gender roles, promote violence, or stigmatise victims of sexual assault, which can contribute to a society of isolation around rape.
  - Alcohol and the use of drugs: These substances can make it harder to make correct choices and lower limitations, which makes it more likely that someone will commit rape.

### Sexual Harassment

Unwanted sexual approaches, demands for sexual favours, and other forms of physical or verbal abuse of a sexual character are all considered forms of sexual harassment. It covers a wide variety of behaviours, including as indecent exposure to women against their will, sexual assault or abuse, and light offences. According to Section 354A of the IPC, anybody found guilty of sexual harassment faces a harsh sentence of up to three years in jail and a fine.

### Responsible Factor

Sexual harassment is a complex issue with several underlying reasons, much like rape. Some factors that might result in sexual harassment include the following:

- Power disparities: Sexual harassment commonly occurs when someone has authority over

another, such as when a boss or employer has influence over an employee in the workplace.

- Lack of awareness and education: Many individuals might not know what sexual harassment is or how to spot it. It may be challenging for offenders to comprehend the consequences of their actions and for victims to move forward due to a lack of awareness and education.
- Psychological factors: Sexual harassers may battle with control and authority difficulties, have a track record of abuse or trauma, or lack empathy.

### Domestic Violence

In a relationship, domestic violence occurs when one adult abuses their position of authority to exert control over the other. It is the use of violence, including other types of abuse, to instill dread in a relationship. Threats, sexual assault, and physical abuse are all possible forms of the violence. Sometimes bullying may be deeper, such making someone feel unimportant, refusing them access to money, or forbidding them from leaving the house. Under Section 12 of the Domestic Violence Act of 2005, an application may be submitted before the Magistrate. The Magistrate has the authority to make decisions on residency, protection, financial assistance, and compensation. In addition to the demand for dowry, a complaint under Section 498A for cruelty by the husband or his family may be made. In the case of **SR Batra v. Taruna Batra** (AIR 2007 SC 1088), the Supreme Court described a "shared household" as a home either owned by the husband or rented out to him, or one that belonged to a joint family to which he belonged. It cannot be referred to as joint family property if it is solely the mother-in-law's property. The Delhi Court declared in **Sudha Mishra v. Surya Chandra Mishra** RFA 299/2014 that a woman cannot request or be granted the right to reside at her father-in-law's home under the Domestic Violence Act.

### Responsible Factor

Domestic violence is a complicated problem with several potential causes. The following are some elements that might make domestic violence more likely:

- Substance abuse: Abusing alcohol or drugs might make domestic violence more likely. Abuse of alcohol or other drugs can exacerbate anger, impair judgment, and increase interpersonal conflict.
- Stress and economic factor: Significant amounts of tension and financial pressure might increase

the likelihood of domestic violence. While other types of stress might make people lash out at their relationships, financial stress can result in conflicts about money.

- Previous history of abuse: People who have had violence previously may be more inclined to commit domestic violence or become its victims in the future.

### Female Genital Mutilation

FGM is the term used to describe all non-medical operations that include either the complete or partial elimination of the female external genitalia or any additional damage to the female genital organs. Young girls between the ages of one and fifteen are the most common targets. FGM is a violation of the basic rights of women and girls, including their right to health, security, and dignity, in any way in which it is practised.

### Responsible Factor

- FGM, commonly referred to as female genital cutting or female circumcision, is a damaging cultural practice in which the female genitalia are partially or completely removed.
- **FGM is still practiced today due to a number of circumstances, such as:**
  1. Cultural and societal beliefs: FGM is frequently justified as a necessary practice to preserve the virtue and chastity of girls and women. As well as being a significant cultural ritual, it is seen to be a rite of passage into adulthood.
  2. Poverty and economic issues: FGM is more common in underprivileged and rural regions where there is less access to healthcare and education. By enhancing their daughters' prospects of marriage and financial stability, families may see FGM as a method to ensure a better future for their daughters.
  3. Religious and traditional beliefs: While it is not required by any religion, FGM is frequently associated with traditional and religious beliefs. Some individuals might think that FGM is a necessary part of their cultural background or that it is mandated by their faith.

### Honor Killing

An abominable crime is honour killing or murdering for one's honour. Girls and women are frequently investigated in patriarchal settings because they are

viewed as inferior to men. It is believed that a woman's spouse and father, followed by her siblings, are responsible for keeping her virginity and "sexual purity". Honour killing victims are typically accused of engaging in "sexually immoral" behaviour by tarnishing their family reputation. Additionally, it has been shown that underreporting of such crimes is common.

### Responsible Factor

- Honour murders are acts of violence committed against someone, mainly women, who are thought to have degraded their family's or community's reputation. Honour murders are a complicated problem with many potential causes, such as:
- Patriarchal and traditional beliefs: Honour killings are frequently founded in patriarchal and cultural beliefs that place more importance on the honour and prestige of the family or society than on the individual's rights and autonomy. Some cultures demand women to follow rigid norms of conduct and attire because they view them as possessions or representations of family honour.
- Perceived threats to family or community honor: Sexual activity prior to marriage, adultery, or being married outside of one's faith or social group are just a few examples of perceived dangers to the honour of a household or society that are frequently addressed by honour murders.
- Lack of legal protection and enforcement: Honour murders are not considered crimes or are subject to moderate punishment in various nations and cultures. Honour killing offenders may continue to go unpunished due to this lack of safeguard and enforcement.

### Female Foeticide

Following sex identification tests like an ultrasound scan, female foeticide is an abortion procedure whereby a female baby is taken away from the mother's womb before to birth. Female foeticide and even sex testing are forbidden in India. Parents who are wanting for a son, in addition to medical professionals who conduct abortions particularly for this purpose, feel ashamed about it.

### Responsible Factor

#### Causes of Female Foeticide

- **Patriarchy:**  
There is a significant desire for male offspring in many communities, and females are viewed as a burden. This mindset has its roots in patriarchy, which promotes males to positions of leadership while understating women. In certain cultures, the bride's family is required to give the groom's family a dowry. The bride's family is thus placed under financial strain, and the arrival of a daughter is viewed as a responsibility.
- **Dowry system:**  
Due to the heavy expense of dowry and marriage, having a daughter is sometimes viewed as an economic burden among households with little income.
- **Economic reasons:**  
Due to the heavy expense of dowry, schooling, and marriage, raising a daughter is sometimes viewed as an expenditure among households with little income. Sons, on the other hand, are valued since they can support the family.

### Torture And Harassment

In India, women are mostly limited to the mother, homemaker, and daughter roles that may be successfully performed inside the four walls of the home. Unfortunately, even inside the security of their own homes, the women are not safe. No of their economic standing, religion, caste, or ancestry, housewives endure physical and psychological abuse. Perhaps wife beating is influenced by sexual inequality, cultural norms, family conflict, and stress. The masculine aggressive self-image that has been fostered and internalised by males since infancy is also perceived as being reinforced by husband violence. Consideration should be given to whether a woman experiencing domestic abuse obtains justice that is gender- sensitive.

### Responsible Factor

- Torture and harassment can result from a number of different variables, each of which might change depending on the situation.  
**Some typical elements may be:**
  - **Mental health issues:**  
Some people who abuse or harass others may have underlying issues with mental health that influence their behaviour, such as mental illnesses or a past trauma.
  - **Political instability:**  
In nations undergoing instability in politics, there may be an absence of law and order,

which makes it possible for torture and harassment to occur with legality.

- Lack of accountability: Torture and harassment can become more commonplace and normalised when there is little to no punishment for those who commit these crimes.

### 3. Legal Provisions For Women In India

1. *Factories Act 1948*: Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women, except between 6 A.M. and 7 P.M.
2. *Maternity Benefit Act 1961*: A Woman is entitled 12 weeks maternity leave with full wages.
3. *The Dowry Prohibition Act, 1961*: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.
4. *The Equal Remuneration Act of 1976*: This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.
5. *The Child Marriage Restrain Act of 1976*: This act raises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.
6. *Indian Penal Code*: Section 354 and 509 safeguards the interests of women.
7. *The Medical Termination of Pregnancy Act of 1971*: The Act safeguards women from unnecessary and compulsory abortions.
8. *Amendments to Criminal Law 1983*, which provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases.
9. *73rd and 74th Constitutional Amendment Act* reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.
10. *The National Commission for Women Act, 1990*: The Commission was set up in January 1992 to review the Constitutional and legal safeguards for women.
11. *The Protection of Human Rights Act, 1993*:
12. *Protection of Women from Domestic Violence Act, 2005*: This Act protects women from any act/conduct/omission/commission that harms, injuries or potential harm is to be considered as

domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.

13. *Protection of Women against Sexual Harassment at Workplace Bill, 2010*: on November 4, 2010, the Government introduced protection of Women Against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at work place not only to women employee but also to female clients, customer, students, research scholars in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

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### **5. Domestic Violence Against Women In Madhya Pradesh**

Domestic violence has increased by five times in the last nine years, a shocking 1,217 gang rapes were reported in 1,300 days and maternal mortality is one of the highest in India – women in Madhya Pradesh don't have much to cheer about this International Women's Day Monday. From 7,283 cases of domestic violence against women in 2001, the number went up by five times to 36,215 in 2009, according to police records.

But the most alarming are the number of gang rapes in Madhya Pradesh. In a period of 1,300 days – from Dec 7, 2003 to June 30, 2007 – 1,217 gang rapes were reported, as per the state assembly records. The latest figures are yet to be computed. Also, the victims of these rapes were largely from the disadvantaged sections of society. In the records, 362 victims were from the Scheduled Castes while 310 belonged to the Scheduled Tribes category. Rights activists say one of the reasons for the increasing crime against women from the backward classes is that the upper castes are not comfortable with their gradual development through government schemes. "Gang rape is one of the easiest means for men to attack a woman in villages," said Sachin Jain, state convenor of the Right to Food Campaign. "Women belonging to Scheduled Castes and tribes are also coming forward through the NREGA (National Rural Employment Guarantee Act) and the panchayats (village councils) in the state. The upper classes take revenge by committing gang rape. These people, once referred to as 'untouchables', have attained positions in local governance but they are still among the poorest and most victimised people," he said.

The state's maternal mortality ratio (MMR) – the number of maternal deaths per 100,000 live births – is 379, considered to be one of the worst in India. Around 27-30 women die every day in the state within 42 days of delivery, according to last year's National Family Health Survey-III data. Pregnancy complications and unsafe abortions are cited as the main reasons for the rising MMR.

According to the survey, the state contributes 7,000 maternal mortality cases every year to the figure of 70,000 for the country as a whole. Lack of transport and access to proper medical facilities as well as the absence of planning for delivery are major impediments to safe motherhood coupled with shortage of medicines.

"Though the state has launched schemes like promoting institutional deliveries to arrest maternal mortality, specially among those below the poverty line and those belonging to scheduled castes and tribes, much still needs to be done," said Prashant Kumar Dubey, who's also part of the Right to Food Campaign.

However, institutional deliveries have risen from 27 percent in 2004-2005 to 72 percent in 2008-2009. The Janani Suraksha Yojna for expecting women was implemented in the state in August 2005 and a total of 264,656 women have benefited under the scheme so far. Low awareness about various schemes for pregnant women and lack of planning for delivery are impediments in the scheme, the study says. Also, over 40 percent of women are undernourished, the survey says.

"About 57.9 percent pregnant women between 15-49 years of age are anaemic while only 46.7 percent women participate in household decisions and 45.8 percent have experienced spousal violence."

They also continue to be under male dominance even with regard to their participation in governance though the Constitutional 73rd Amendment has reserved one-third seats for them and enabled their presence in panchayat (village council) bodies.

"Women panchayat members continue to suffer from gender bias," said a worker of the Mahila Chetna Manch, an NGO working towards women's empowerment.

Despite the seats reserved for women, it is men who dominate the proceedings in the panchayat through women members who happen to be wives, mothers or daughters, the worker added.

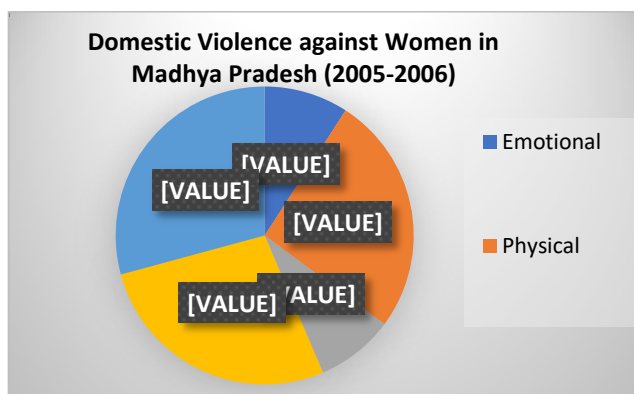


Figure 1: Domestic Violence against Women in Madhya Pradesh (2005-2006)

The above figure describes the percentage of domestic violence suffered by women in the age group of 15-49 years in Madhya Pradesh. As indicated in the National Family and Health Survey III, 18.5%, 52.6%, and 17.1 % of ever-married women fall in the age group of 15- 49 years. They have experienced emotional, physical, and sexual violence from their respective husbands. Moreover, 55.0% of ever-married women in the age group of 15-49 years in Madhya Pradesh experienced physical or sexual violence from their husbands, and 5.1% of ever-married women in the age group of 15-49 years experienced emotional, or physical or sexual violence from their husbands.

Table 1 Crime against Women in Madhya Pradesh (2012-2017)

Crime Head	2012	2013	2014	2015	2016	2017
Rape	3425	4,335	5076	4,391	2,479	5,31
Attempt to commit Rape	0	0	73	73	73	73
Kidnapping and Abduction	2569	2,034	7,833	6,778	6,016	632
Dowry Death	1,389	2,252	1275	1120	2124	1154
Assault on women with intent to outrage her modesty	412	867	94	287	434	152
Insult to modesty of women	11	7	29	41	52	87
Cruelty by husband or his relatives	1827	2322	3125	3987	4281	3369
Importation of girls from foreign countries	6	8	3	5	4	0
Abetment of Suicides of women	0	0	0	0	0	0
Dowry prohibition	813	1197	1298	1783	2154	1519

Act 1961						
Commission of Sati Prevention Act, 1987	0	0	0	0	0	0
Protection of women from Domestic violence Act, 2005	0	0	0	91	90	241
Immoral Traffic prevention Act	45	63	35	62	23	19

On 20<sup>th</sup> April 2006, UNICEF gave a report on child marriage. It highlighted the conditions of women who got married at an early age in Madhya Pradesh. The girls were young to carry the responsibilities of family, marriage, and pregnancy. It further stated that early marriage could cause complications to pregnancy and sometimes results in the death of mother and fetus. New age obstructs the education of girls. Therefore, encouraging a girl's education was one of the important works conducted by UNICEF in Madhya Pradesh. With the efforts of UNICEF, these girls could read now read, write, and learn. The argument still rages whether a woman can be a skilled worker of tomorrow or would only hold the position of a wives and mother (UNICEF, 2006).

## 6. Conclusion

Crime is a social evil for which the cure is still not yet found, but it has the treatment. Education of the girl child is the first step towards a better society with fewer incidents of violence. Campaigns aimed at men and boys to increase awareness and change attitudes about gender inequality are effective tools. As individuals and responsible citizens, we need to spread awareness and report any act of violence against women around us. The many types of violence experienced by women in the Gwalior District are explained in this thesis. The issue of violence is discussed in the current study by using the experiences of the victims. The current study provides examples of the types, causes, and effects of violence. Additionally, it shows the violent offender and channels for disclosure or help-seeking.

Demographic factors such as the respondent's area, age, education, occupation, and income as well as the husband's education, occupation, and income as well as their marital status, types of families, and religion were also examined in the current study to better understand their effects on the condition of women.

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